

Human Rights

This pamphlet will give you some information about the law and what you can do if you feel you have not been treated fairly and where you can get more information.

Here are some of the ways advocacy groups try to change things:

- Public education: information pamphlets or websites, workshops, and seminars
- Lobbying government: letter-writing campaigns, direct talks with decision makers and politicians, or petitions
- Media activity: news conferences, interviews, and publishing articles
- Protests: rallies and demonstrations

You may be able to work or volunteer at an advocacy group. Volunteering is a way for you to learn more about an issue.

Information

Start with LISNS' **online legal information**. You'll find the answers to many legal questions: www.legalinfo.org

Call our **Legal Information Line** at 1-800-665-9779 or 455-3135 to get free legal information.

Need a lawyer? Call our **Lawyer Referral Service** at 1-800-665-9779 or 455-3135 to request a lawyer referral. You can plan a 30-minute meeting with a lawyer for \$20 + HST. This will give you answers to important questions. If you are in police custody or criminal court, you can get free interpretation services.

Just want to listen to a recorded message on a particular legal topic? Call **Dial-a-law** at 420-1888.

The **Nova Scotia Human Rights Commission** can be reached at 424-4111 in Halifax, or free long distance 1-877-269-7699. Website: www.humanrights.gov.ns.ca

The **Canadian Human Rights Commission** has a free long-distance number: 1-888-214-1090. Website: www.chrc-ccdpc.ca

Nova Scotia Office of the Ombudsman

Phone: 902-424-6780
Free long distance in Nova Scotia:
1-800-670-1111
E-mail: ombudsman@gov.ns.ca

Link to **Members of Legislative Assembly of Nova Scotia**: <http://nslegislature.ca/index.php/people/members/> Click "Members of Parliament": www.parl.gc.ca/SenatorsMembers.aspx?Language=E

Basic Facts on the Nova Scotia Labour Standards Code:

for employers
http://gonssal.ca/General-Public/Documents-Resources/documents/Labour_basicFactsER_Oct14B.pdf

for employees
http://gonssal.ca/General-Public/Documents-Resources/documents/Labour_basicFactsEE_Oct14B.pdf

Nova Scotia Occupational Health and Safety:
1-800-952-2687 or 902-424-5400

Nova Scotia Labour Standards Division:
Phone 902-424-4311, or
free long distance 1-888-315-0110.
Email labrstd@gov.ns.ca

Do You Rent? A guide to the **Nova Scotia Residential Tenancies Act**: www.gov.ns.ca/snsnr/forms/pdf/resten/TenancyGuide.pdf

This pamphlet provides general legal information. It does not give legal advice.

Are there other places I can complain if I feel I've been badly treated?

Yes. Where you go for help depends on who and what you are complaining about. You should take your complaint to one of these groups, not all of them.

If you are complaining about your employer not following the Nova Scotia Labour Standards Code, you might be able to file a complaint with the Nova Scotia Labour Standards Division. If the situation fits under the Code, then a Labour Standards officer will look into the complaint. An example is an employer refusing to pay the vacation pay owed to you.

If you are a union member, your union will help protect your rights on the job. Most unions have a steward. This is a co-worker in charge of handling problems and answering questions about the contract and the union. You should be able to call her or him and ask questions.

If you feel you have been treated unfairly by a provincial or municipal government body, or you have a complaint about a Nova Scotia government service, the Nova Scotia Office of the Ombudsman may be able to help you. You should not complain to the Ombudsman if you have already filed a complaint with the Human Rights Commission.

You can also write or phone your provincial Member of the Legislative Assembly (MLA) or your federal Member of Parliament (MP) or your local municipal councillor. Your municipal office can give you contact information for your councillor.

What do advocacy groups do?

Advocacy groups try to change things in government, society or law that their members think are unfair. An advocacy group has a political or social goal. Examples are improving the situation for homeless people, immigrants and refugees, the environment, education, health care or women.

In Canada we believe that everyone has a right to be treated equally and fairly. Human rights provide protection against discrimination.

● What human rights are protected in Nova Scotia?

The Nova Scotia Human Rights Act protects against discrimination. This law says that people should not be treated differently because of:

- Age
- Race
- Colour
- Religion
- Creed or beliefs
- Ethnic, national or Aboriginal origin
- Sex (including pregnancy)
- Sexual orientation
- Physical disability
- Mental disability
- Family status
- Marital status
- Source of income
- Unreasonable fear of contracting an illness or disease
- Association with protected groups or individuals
- Political belief, affiliation or activity

The Act also says that it is against the law to harass someone because of these characteristics. To harass means to physically or sexually hurt someone else. Other types of harassment are covered in the Act. The Nova Scotia Human Rights Commission investigates all harassment cases.

Discrimination is against the law in any of these areas:

- The workplace
- Housing (including apartments and temporary housing)
- Stores and restaurants
- Provincially funded programs
- Buying or selling property
- Volunteer jobs or sites
- Publication, broadcast or advertisement
- Membership in an association or group, such as a union

● Can I be fired from my job if I take time off for a religious reason?

It depends on the circumstances. Your employer should not discriminate against you because of your religion. An employer must do what is reasonable to allow a person to get a job, or keep a job. This is called the employer's "duty to accommodate." Accommodation does not have to be perfect, but it should be reasonable.

What is reasonable depends on different things, including the size of the business and the role of the employee. For example, a larger business with more employees can sometimes be more flexible than a small business.

You are responsible to give your employer enough information about your needs so that he or she can try to meet them.

● Can I take time off work to mourn?

Yes. You can take up to three consecutive working days if your spouse, parent, guardian, or child dies. You are also entitled to one working day after the death of your grandparent or grandchild, and some other relatives. Read the Nova Scotia Labour Standards Code for a detailed list.

Employees must give their employers as much notice as they can that they will take this leave. You will not be paid for the time you take off work to mourn.

● Can I have an interpreter at my workplace?

No. You are entitled to a free health interpreter if you are a patient at any hospital in Nova Scotia though. The hospital should not use your family and friends as interpreters unless you request this.

● What can I do if I feel I am being discriminated against at work?

First, find out if there is a workplace policy that describes what employees should do when they feel they are being discriminated against. A policy might tell you what to do.

You can try to talk to the person who you feel is discriminating against you. The person may not realize how his or her behaviour is affecting you.

You can make a complaint to your supervisor or your boss, if he or she is not the person discriminating against you. You may want someone with you when you do this. You can also ask your supervisor or boss to write down what they plan to do and give you a copy. Here are some tips on how to talk about the problem:

- Describe the problem and talk about how it makes you feel
- Talk about your rights and how they are being affected
- Describe the effect the problem is having on you
- Listen to what your supervisor or boss has to say
- Take time to think about what he or she says
- Explain how you want to solve the problem, and ask him or her how they might solve it
- Write down the name of the person you complained to, the dates and what happened

If you are not happy with how the matter is dealt with, you can contact the Nova Scotia Human Rights Commission and talk with a Human Rights officer about your situation.

● Are my human rights still protected if I am paid in cash?

Yes. Discrimination is against the law in any workplace.

● What can I do if I feel I'm discriminated against by a landlord, or in a store or restaurant?

You can try to talk with the landlord or the manager about your treatment. You can put the complaint in writing and ask them to talk to you about a solution.

You can also contact the Nova Scotia Human Rights Commission if you think you have a human rights complaint. A human rights officer will tell you if your complaint fits under the Nova Scotia Human Rights Act. If it does, the officer will fill in a complaint form with you over the phone or in person.

● What will the Nova Scotia Human Rights Commission do with my human rights complaint?

If your complaint does not fit under the Nova Scotia Human Rights Act, the Human Rights Commission cannot deal with the complaint, but they may suggest other things you can do.

If your complaint fits under the Nova Scotia Human Rights Act, the Human Rights Commission will tell the business, group or person you complained about that you have made a complaint. This is meant to help the business, group or other person understand the problem and think about ways to deal with it. The Commission will try to help the two of you solve the problem if it fits within the Act.

The Commission will first take a Restorative Justice approach. Restorative justice is an informal approach; it happens by meeting around a table, not in a court room. Restorative Justice accepts that discrimination, and the belief you were discriminated against, hurts people and relationships. It can hurt your family members, co-workers, customers, or other tenants. Anyone who got hurt can benefit from taking part in the solution.

● Are there other human rights laws that protect me?

The Canadian Human Rights Act protects Canadian citizens and all residents and visitors from discrimination by federally regulated groups. This includes federal government departments, agencies and Crown corporations, such as the post office; banks; airlines; and internet and cable companies. The Canadian Human Rights Commission deals with complaints of discrimination against federally regulated groups.

The Canadian Charter of Rights and Freedoms states the basic rights and freedoms of Canadian residents and of all Canadian citizens. It is part of the Canadian Constitution.

Read *What Newcomers Need To Know About The Law* for more information on the Canadian Charter of Rights and Freedoms.