

# PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION



“YOUR RIGHTS”  
INFORMATION ON  
GROUNDS OF DISCRIMINATION

The purpose of “Your Rights” is to:

- explain the PEI Human Rights Act
- explain discrimination
- explain the role of the PEI Human Rights Commission

### **What is the PEI Human Rights Act?**

The PEI Human Rights Act states that every person is free and equal in dignity and rights. The Act became law on September 11, 1976. Every Canadian province and territory has similar human rights legislation that promotes this simple principle.

The Act prohibits discrimination in certain situations on the basis of certain personal characteristics or “grounds”. “Discrimination” is unequal, prejudicial treatment of persons.

#### **Discrimination is prohibited in these situations:**

- all aspects of employment
- leasing or selling property
- offering accommodations, services or facilities to the public
- membership in professional, business or trade associations and employee organizations
- volunteering
- publishing, broadcasting and advertising

#### **Discrimination on the basis of any of the following grounds is prohibited:**

- age
- association
- colour or race
- creed or religion
- ethnic or national origin
- criminal conviction
- family status
- marital status
- physical or mental disability
- political belief
- sexual orientation
- source of income
- sex (including pregnancy and sexual harassment)
- discriminating against someone for filing a complaint or giving evidence to the Commission is also prohibited.

## **Examples of Discrimination:**

You may have been discriminated against if you have been:

- dismissed from employment because you are pregnant
- refused an apartment because you have children
- refused employment because of your age
- refused employment because of a physical or mental disability
- refused admission to a club, hotel or guest home because of your sexual orientation
- harassed on the basis of sex or race at work
- refused service at a restaurant because you have an assist animal
- refused employment because of a criminal conviction that is unrelated to the job
- passed over for a promotion because you have a spouse and/or children

## **What Does the Human Rights Commission Do?**

The PEI Human Rights Commission administers and enforces the Human Rights Act. The Commission has the authority to investigate, attempt to settle and make rulings on complaints. Further information on the complaint process is available in our *Guide to the Complaint Process*. Contact the Commission if you believe that you or someone else may have experienced discrimination.

The Commission also develops programs of public information and education about human rights through seminars, publications and responses to general inquiries. You may contact the Commission to obtain publications, to arrange a training seminar, or to simply ask questions about human rights.

## **ADDICTION AND ALCOHOL/DRUG TESTING**

Simon has been coming to work with alcohol on his breath. His job performance has been slipping. Yesterday, his manager had to send him home because he was clearly intoxicated. Today, Simon was dismissed from his employment. The dismissal may be discriminatory.

XYZ Company has introduced an alcohol and drug testing policy that states all employees will be subject to random testing and each employee will be subject to one scheduled yearly test. The consequence of a positive test is immediate dismissal. This policy may be discriminatory.

## **ADDICTION**

Under human rights law, drug or alcohol addiction is considered a disability. See *Your Rights: Physical and Mental Disability* for more information. Employers, property owners and organizations or businesses that are offering accommodations or services to the public must accommodate persons with disabilities to the point of undue hardship.

When an employee has an alcohol or drug addiction that is affecting job performance, accommodation usually includes granting the employee leave to seek treatment and allowing them to return to their position when able. Reasonable accommodation does not include allowing the employee to be at work while under the influence, or continuing to employ an employee who refuses to do anything about his or her addiction.

In the example above, Simon's employer dismissed Simon without inquiring about his situation allowing him to seek treatment. This may be considered discrimination on the basis of the disability of addiction.

## **ALCOHOL AND DRUG TESTING**

This area of human rights law is still developing. The PEI Human Rights Act does not contain specific provisions regarding drug and alcohol testing. Recent human rights legal decisions have held that:

- Random testing for alcohol use is acceptable for employees in safety-sensitive positions ONLY.
- Random testing for drug use is NEVER acceptable. Drugs can be detected in a person's system long after consumption. Therefore, a positive drug test does not necessarily mean that your performance is impaired.
- Alcohol and drug testing is acceptable in situations where there is just cause to believe an employee is under the influence at work or if an incident occurs, such as an accident that may have been a result of alcohol or drug use.

Courts also held that sanctions for a positive test must accommodate the employee. Therefore, automatic dismissal may be discriminatory.

## **AGE**

Joseph is an insurance agent with a local insurance company. The company has a mandatory retirement policy. Joseph has been told that he will no longer be employed after his 65<sup>th</sup> birthday.

Beth and her friends, all age 20, decide to go camping. The campground requires that they submit a \$100 damage deposit for their site. Beth notices that the teller did not require a damage deposit from the older couple who were in front of them. Joseph, Beth and her friends may have experienced discrimination on the basis of age.

## **THE LAW**

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of age in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

**However there are some EXCEPTIONS:**

### **Genuine Occupational Qualification**

There are some jobs where being a certain age is a genuine occupational requirement. For example, a bartender must be of legal drinking age (19 years old on PEI) in order to serve liquor. In a job where safety is an issue, like driving a school bus, it may be necessary to require retirement at a certain age.

### **Pensions and Insurance**

The Act states that the prohibition against age discrimination does not apply to the operation of any genuine retirement or pension plan or any genuine group or employee insurance plan. For example, most pension plans will not begin to provide benefits until the recipient reaches a certain age.

## **Special Programs**

The Commission may approve programs of government, private organizations or individuals designed to promote the welfare of certain age groups, such as, programs designed to promote youth employment or provide housing for seniors.

## **Other Provincial Laws**

Provincial laws that restrict accommodations, services or facilities on the basis of age are not discriminatory. For instance, under the PEI *Highway Safety Act*, one must be age 16 to obtain a driver's license.

## **ASSOCIATION**

Jason, Mark and Robert view an apartment that has been advertised for rent. The landlord seems to react negatively when he learns that Mark and Robert are gay. When the three roommates indicate that they are interested in renting the apartment, the landlord tells them that he thinks it has already been rented. Jason is suspicious. The next day, his friend Mary calls to inquire about the apartment and is told that it is still available.

Mark and Robert may have experienced discrimination on the basis of sexual orientation. However, Jason may have also experienced discrimination on the basis of association. Jason may have been refused the rental of the apartment because of his association with friends who are gay.

## **THE LAW**

Section 13 of the Prince Edward Island Human Rights Act prohibits discrimination against an individual or group because of the age, colour, creed, ethnic or national origin, family status, marital status, disability, political belief, race, religion, sex, sexual orientation or source of income of any person with whom they associate.

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of association in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public

- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

## **COLOUR, RACE, ETHNIC OR NATIONAL ORIGIN**

Tom is a computer programmer at a local company. Tom is aboriginal. His supervisor is always criticizing his work. He often tells Tom that he is a “free-loader” and that “his kind” are useless.

Shireen is originally from Pakistan. At a local restaurant she notices that the waitress is rude to her and provides poor service, but is friendly and efficient with the other customers.

Tom and Shireen may be experiencing discrimination on the basis of colour, race, and/or ethnic or national origin. Colour, race, and ethnic or national origin are related concepts. Race refers to physical characteristics of a group of people. The colour of a persons’ skin can be one of those characteristics. Ethnic or national origin refers to a common ancestry.

### **THE LAW**

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of colour, race, and ethnic or national origin in employment; volunteering; the provision of and access to accommodations, services or facilities; membership in professional, business or trade associations and employee organizations; leasing or selling property; and publishing, broadcasting and advertising.

**However there are some EXCEPTIONS:**

#### **Employment and Volunteering**

The provisions of the Act that prohibit discrimination in employment on the basis of religion, creed, colour, sex, marital status and ethnic or national origin do not apply to ethnic non-profit organizations that are operated primarily to foster the welfare of a particular ethnic group. However, the organization must establish that being of a certain religion, creed, colour, sex, marital status or ethnic or national origin is a reasonable occupational qualification. For example, a non-profit organization that

assists aboriginal persons to find suitable employment or training opportunities may be permitted to hire only aboriginal employees.

Ethnic non-profit organizations may require volunteers to be of a certain ethnic origin.

### **Displays or Publications**

The provisions of the Act that prohibit discrimination in publications and displays do not apply to the publication or display of notices, signs, symbols, emblems or other representations that indicate the purpose or membership qualifications of non-profit ethnic organizations, such as, a sign for the PEI Lebanese Association.

### **Special Programs**

The Commission may approve programs of government, private organizations or individuals designed to promote the welfare of ethnic groups, such as, programs designed to ensure employment opportunities for visible minorities.

## **CREED AND RELIGION**

Paul is a devout Catholic and Sunday is his Sabbath day. Paul's employer is open for business on Sunday. Paul has indicated to his employer that he is unable to work on Sunday due to his religious beliefs. His employer continues to schedule him to work on Sundays.

Amanda belongs to the Pentecostal faith. Pentecostal women are not permitted to wear pants. Amanda has just been hired as a waitress at a restaurant where the uniform includes black pants. Amanda explains her religious beliefs to her manager and asks if she can wear a long black skirt. The manager says she must wear the existing uniform.

Paul and Amanda may be experiencing discrimination on the basis of their creed or religion. Employers must accommodate the religious beliefs of their employees to the point of undue hardship.

## **THE LAW**

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of creed and religion in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

**However, there are some EXCEPTIONS:**

### **Employment and Volunteering**

The provisions of the Act that prohibit discrimination in employment on the basis of religion, creed, colour, sex, marital status and ethnic or national origin do not apply to religious non-profit organizations that are operated primarily to foster the welfare of a particular religious group. However, the organization must establish that being of a certain religion, creed, colour, sex, marital status or ethnic or national origin is a reasonable occupational qualification. For example, a non-profit organization that provides services to members of a certain faith may be permitted to hire only employees of that faith.

Religious non-profit organizations may require volunteers to be of a certain religion.

### **Special Programs**

The Commission may approve programs of government, private organizations or individuals designed to promote the welfare of members of a particular religion, such as, scholarship programs.

## **CRIMINAL CONVICTION**

Angela was once convicted of impaired driving. She recently graduated from the Culinary Institute and applied for a position as a chef at a local restaurant. During the interview, Barbara, the interviewer, asked if she had ever been convicted of a criminal offence. Angela did not think this was relevant but told Barbara about her conviction. Barbara then ended the interview and told her that the restaurant did not employ anyone with a criminal record.

Angela may have experienced discrimination on the basis of criminal conviction.

## **THE LAW**

Section 6(1)(b) of the Prince Edward Island Human Rights Act states that an individual, company or organization cannot dismiss or refuse to employ an individual because he or she has been convicted of a criminal or summary conviction offence, that is unrelated to the position the individual is employed in or is seeking.

In the example above, a conviction for impaired driving is not relevant to Angela's ability to work as a chef. However, if Angela sought employment as a long-haul truck driver, her conviction may be considered related to that position. Therefore, a trucking company may not be discriminating against her if they refuse to hire her because of the conviction.

The PEI Human Rights Act prohibits discrimination on the basis of a criminal conviction **ONLY** in relation to employment. Therefore, if Angela is refused the rental of an apartment or denied a membership at a fitness club because of her criminal conviction, she cannot file a complaint with the PEI Human Rights Commission.

## **DUTY TO ACCOMMODATE**

Claire is a police officer and she is six months pregnant. She requested reassignment to light duties for the last three months of her pregnancy because it is becoming difficult to fulfill the physical requirements of her job. The Chief of Police denied her request and told her that she must take her maternity leave early.

Ian has epilepsy. He controls the seizures with medication but still has seizures occasionally. Ian explained his condition to his new employer and indicated that when he has a seizure he will not be able to work that day. His employer was not very understanding. He told Ian that if he misses more than three days of work during his first six months, he will be dismissed.

Claire is experiencing discrimination on the basis of sex (pregnancy) and Ian is experiencing discrimination on the basis of disability, because their employers are not accommodating their special needs.

## **THE LAW**

Employers, service providers and property owners must accommodate the needs of individuals or groups protected by the Human Rights Act to the point of “undue hardship”. Sometimes it is necessary to adjust policies and procedures or modify physical surroundings to accommodate the special needs of protected individuals or groups.

“Undue hardship” means that accommodating the special needs of protected individuals or groups imposes an unreasonable burden on employers, service providers or property owners. What constitutes undue hardship will vary in each case, as will the factors taken into consideration. The cost of providing accommodation is one of the most common issues raised.

While the duty to accommodate applies to all the situations and grounds covered under the Act, it arises most often regarding the grounds of disability, religion, and sex (pregnancy).

## **FAMILY AND MARITAL STATUS**

Richard and Jennifer have reservations to stay at a bed and breakfast. When they arrive, the proprietor notices that they have different last names. He indicates that he has a policy that unmarried couples cannot share a room in his home.

Audrey has three children. A less experienced, less qualified woman in her company is promoted. She is single with no children. Audrey believes that she was overlooked for the promotion because company officials concluded that she would not be as dedicated to the job because she has children.

Richard and Jennifer may be experiencing discrimination on the basis of marital status. Audrey may be experiencing discrimination on the basis of family status.

## **THE LAW**

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of family and marital status in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

**However, there are some EXCEPTIONS:**

### **Employment**

The provisions of the Act that prohibit discrimination in employment on the basis of marital status do not apply to religious or ethnic non-profit organizations that are operated primarily to foster the welfare of a particular religious or ethnic group. For example, a non-profit religious organization that does not believe in divorce may not wish to employ a divorced individual. However, the organization must establish that being of a certain marital status is a reasonable occupational qualification.

Also, employers may not be discriminating if they refuse to hire a family member of an existing employee where the employee is in a position to influence the hiring or the working relationship would create a conflict of interest.

### **Special Programs**

The Commission may approve programs of government, private organizations or individuals designed to promote the welfare of certain groups, such as, programs to assist families with children.

## **PAY EQUITY**

Michael works on the production line at the local lobster plant. Michael has an intellectual disability, but this does not interfere with his ability to do his work at the plant. Michael recently discovered that he is being paid 50 cents less per hour than his fellow workers.

Jane and Patrick work in a local department store. They were both hired and trained at the same time. Jane is working as a “Sales Associate” in the ladies wear department and Patrick is a “Menswear Consultant”. Both assist customers who are shopping for clothing and accessories. Jane recently discovered that Patrick is being paid \$7.00 per hour while she is earning minimum wage.

Michael may be experiencing discrimination in his rate of pay on the basis of disability. Jane may be experiencing discrimination in her rate of pay on the basis of sex.

## **THE LAW**

Where employees are performing substantially the same work, which requires equal education, skill, experience, effort and responsibility, under substantially the same conditions, employers shall not pay different rates of pay based on discriminatory grounds.

The Prince Edward Island Human Rights Act prohibits discrimination in rates of pay on the basis of age, colour, creed, criminal conviction, ethnic or national origin, family status, marital status, physical or mental disability, political belief, race, religion, sex, sexual orientation, or source of income.

Employers can pay employees different rates of pay if it is in accordance with a:

### **Seniority System**

Employees who have been employed with the employer longer or have more experience may receive higher pay.

### **Merit System**

Employees may be rewarded for their work through a pay raise.

### **Quantity or Quality System**

Wages may be based on the quantity or quality of production or performance.

These are non-discriminatory reasons for differences in rates of pay and therefore do not violate the Human Rights Act.

## **PHYSICAL AND MENTAL DISABILITY**

Peter has been diagnosed with clinical depression. His doctor has recommended that he take a leave of absence for three months for treatment and recovery. His employer said that his job would not be held for him.

Margaret's legs are paralyzed and she uses a wheelchair. When she tried to visit a new store, she could not go in because the entrance had steps with no wheelchair ramp. There are many places on PEI that Margaret cannot enter because they are not accessible to people with disabilities.

## **THE LAW**

A disability may result from an injury, an illness or a birth defect. Examples of physical disabilities include blindness, back injuries, epilepsy and cancer. Examples of mental disabilities include depression and learning disabilities. Alcohol and drug addiction are also considered disabilities under human rights law. See *Your Rights: Alcohol & Drugs - Testing and Addiction*.

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of physical and mental disability in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

Employers, property owners and organizations or businesses that are offering accommodations or services to the public **MUST** accommodate persons with disabilities to the point of undue hardship. See *Your Rights: Duty to Accommodate* for information on the duty to accommodate and undue hardship.

**There are some EXCEPTIONS:**

### **Genuine Occupational Qualification**

There may be some jobs where a physical or mental disability is a reasonable disqualification. For example, a person who must use a wheelchair for mobility may not be able to be employed as a construction labourer.

### **Pensions and Insurance**

The Act states that the prohibition against discrimination on the basis of disability does not apply to the operation of any genuine retirement or pension plan or any genuine group or employee insurance plan. For example, insurers may take a disability into consideration when offering health insurance.

### **Special Programs**

The Commission may approve programs of government, private organizations or individuals designed to promote the welfare of persons with disabilities, such as, programs designed to promote employment or provide housing for persons with disabilities.

## **POLITICAL BELIEF**

Kevin has been employed at a provincial park for five years. Recently, he found out that he is not being offered a position at the park this year. Two months ago there was a provincial election and the governing party changed. Kevin worked for the opposition party during the election campaign. Kevin believes that he is not being called back to work because of his involvement with the opposition party.

## **THE LAW**

The Act defines political belief as a:

*...belief in the tenets of a political party that is at the relevant time registered under section 24 of the Election Act, R.S.P.E.I. 1988, Cap. E-1, as evidenced by*

- (i) membership of or contribution to that party, or*
- (ii) open and active participation in the affairs of the party*

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of political belief in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

**However, there are EXCEPTIONS:**

### **Genuine Occupational Requirement**

There may be some jobs where having certain political beliefs may be a genuine occupational requirement. For example, it may not be discriminatory for a political organization to hire advisors who share the organization's political beliefs.

On the other hand, political belief is not relevant to an employee's ability to work on a highway patching crew.

## **PREGNANCY**

Rose had a baby six months ago and took maternity leave. Rose returned to work last week and was surprised to find that her previous position has been filled permanently. She has been placed in a lower-paying position with less responsibility than she had before.

Patricia is a waitress. She is five months pregnant. The manager has advised her that they will be laying her off shortly because she is getting “too big” to do her job.

Rose and Patricia are experiencing discrimination on the basis of sex (pregnancy).

## **THE LAW**

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of pregnancy in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

Discrimination on the basis of pregnancy is included under the ground of sex, and occurs most often in employment.

Employers cannot fire or refuse to hire a woman because she is pregnant or may become pregnant. If a pregnant woman becomes ill, she is entitled to sick leave and health and/or short-term disability benefits the same as any other employee. Under the PEI Employment Standards Act, women are entitled to take unpaid maternity leave and parental leave. A woman is entitled to return to the same or a comparable employment position to the one she had prior to taking maternity/parental leave.

Employers must accommodate pregnant women to the point of undue hardship. Accommodation may include allowing frequent washroom breaks, modifying duties, or providing a place for the woman to breastfeed upon her return to work. See *Your Rights: Duty to Accommodate* for more information on the duty to accommodate and undue hardship.

## **SEX (GENDER)**

Louise is a firefighter. When she applies for a job with a local fire department, she is told that women are not suited for firefighting because they are not strong enough.

John and Chris are looking for an apartment near U.P.E.I. They see an ad for a two-bedroom flat that sounds perfect, although the ad says “suitable for professional couple”. When they call to inquire, the landlord says that he will not rent to male students because they are noisy and cause damage.

Louise, John and Chris have experienced discrimination on the basis of sex (gender).

## **THE LAW**

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of sex (gender) in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

**However, there are some EXCEPTIONS:**

### **Rental Accommodations**

The Act permits some rental accommodations to be restricted to individuals of the same sex, such as, a university dormitory or a rooming house.

### **Genuine Occupational Qualification**

There may be some employment positions where being of a certain gender is a genuine occupational qualification. For example, a rape and sexual assault crisis centre may require a female counsellor to assist female clients.

### **Religious and Ethnic Non-Profit Organizations**

The provisions of the Act that prohibit discrimination in employment, on the basis of sex, do not apply to religious or ethnic non-profit organizations that are operated primarily to foster the welfare of a particular religious or ethnic group. However, the organization must establish that being of a certain gender is a reasonable occupational qualification. For example, a Roman Catholic religious order may limit its membership to individuals of a particular gender.

### **Special Programs**

The Commission may approve programs of government, private organizations or individuals designed to promote the welfare of any class of individuals, such as, employment equity programs.

## **SEXUAL HARASSMENT**

Ellen is the only female mechanic at her workplace. Her male co-workers are often telling sex-related jokes and there are Playboy pin-ups on the bulletin board in the lunch room. Ellen has told her co-workers that she is offended by their jokes and the pin-ups. They just laugh and tell her not to be so sensitive.

David, Rhonda's manager, has invited Rhonda out to dinner several times, but she has refused. He often tells her how attractive she is and that he wants to get to know her better. The last time Rhonda turned down his dinner invitation, David became angry and told her that she'd better be "nice" to him or she may be looking for a new job.

Ellen and Rhonda are experiencing sexual harassment and are therefore being discriminated against on the basis of sex.

### **THE LAW**

Sexual harassment is included under the ground of sex, and occurs most often in employment. However, the Prince Edward Island Human Rights Act prohibits sexual harassment in all of these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

Sexual harassment is unwelcome conduct of a sexual nature that has a negative impact on where you work, live, or receive services. Sexual harassment can range from unwelcome comments and offensive jokes or pictures, to unwelcome physical contact and sexual assault. Sexual harassment may involve threats of adverse consequences, such as job loss if the victim attempts to end the harassment.

Victims of sexual harassment are usually women, but men may also be harassed. Sexual harassment can occur between persons of the same or opposite sex.

If you experience sexual harassment, it is important to inform the harasser that his/her behaviour is unwelcome. If the harassment occurs at work, report the harassment to a superior. The PEI Employment Standards Act requires every employer to have and post a sexual harassment policy. The policy should include procedures for reporting sexual harassment. If the harassment occurs where you rent accommodations or receive services, report the harassment to the property or business owner. In any case of sexual harassment, you may also file a complaint with the Human Rights Commission.

## **SEXUAL ORIENTATION**

Susan applies for a job at a clothing store. The store owner decides not to hire her because she is a lesbian. He believes that she will not be a good influence on his young customers. This is discrimination on the basis of sexual orientation.

An advocacy group for gay, lesbian and bisexual persons is holding a fundraiser. They want to print flyers advertising the event. A local printing company refuses to print the flyers because the owner objects to homosexuality. This is discrimination on the basis of sexual orientation.

The company Martin works for provides health benefits to the married or common-law spouses of heterosexual employees. Martin and Gary have been in a common-law relationship for five years. However, the company refuses to provide Gary with health benefits. This is discrimination on the basis of sexual orientation.

## **THE LAW**

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of sexual orientation in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

## **SOURCE OF INCOME**

Samantha is receiving social assistance. She applies to rent an apartment but is turned down. The landlord tells her that he only rents to people who are employed.

Albert and Edith are retired. Their income comes from government pension funds and RRSP's. When Albert and Edith purchase a new car, they want to finance it through the car dealer. However, the finance company turns down their application because they are receiving a pension.

Samantha, Albert and Edith have experienced discrimination on the basis of their sources of income. As long as Samantha can pay her rent, and Albert and Edith can make their car payment, where their income comes from is irrelevant.

## **THE LAW**

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of source of income in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

It is important to understand the difference between source of income and amount of income. For example, a credit union can turn down a loan application because the applicant does not have the amount of income necessary to cover the payments. However, a credit union cannot base a lending decision on where the income comes from.

## **EXCEPTIONS**

The Government of Prince Edward Island, Crown agencies, and regional health authorities can require that persons be receiving social assistance benefits in order to qualify for access to certain accommodations, services, programs, or facilities established to assist persons who are receiving social assistance benefits, such as, employment training programs.

**Other Publications Available:**

Know Your Rights: In Prince Edward Island\*

Guide to the Complaint Process

Guide for Advertisers

Guide to Accessibility

Guide for Employers and Employees

The Charter of Rights and Freedoms and Human Rights

PEI Human Rights Commission Policies

\* a plain language/pictorial guide to human rights

## COMMISSION PUBLICATIONS

Information booklets and guides are available by contacting the Commission or accessing our website.

### PEI Human Rights Commission

98 Water Street  
PO Box 2000  
Charlottetown PE C1A 7N8  
(902)368-4180  
Fax: (902)368-4236  
PEI Only: 1-800-237-5031  
[www.gov.pe.ca/humanrights](http://www.gov.pe.ca/humanrights)



*This guide contains an overview of Your Rights regarding discriminatory grounds, as interpreted by the Commission. It does not contain a complete statement about human rights law. If you have any questions or concerns about human rights, please contact the Human Rights Commission.*