Introduction to Grounds of Discrimination

The Act protects people from discrimination and harassment based on 16 grounds, with separate sections for sexual harassment and reprisal. A complaint of discrimination may be based on one or more of these grounds. The following are not legal definitions; they are descriptions to help you make your complaint.

For more information, contact us by E-mail: hrc.cdp@gnb.ca or at 1-888-471-2233.

**Race** means belonging to a group of people connected by common heritage. Race could include being African Canadian, Caucasian, etc.

**Colour** refers to the colour of a person’s skin.

**Ancestry** means being related to or born from a certain group of people. Ancestry could include being Anglophone, Francophone, Indigenous, etc.

**Place of origin** means place of birth and is defined as a country or a province/state.

**National origin** means the nation of birth and is defined as a country.

**Creed or religion** means beliefs, practices and affiliation with a particular faith, church or sincerely and deeply held belief system, and includes native spirituality.

**Sex** means gender and also includes pregnancy, the possibility of pregnancy or issues related to pregnancy. It also includes gender identity and gender expression.

**Sexual orientation** includes being gay, lesbian, heterosexual, or bisexual.

**Gender identity or expression** or expression has two components:

- Gender identity is each person’s internal and individual experience of gender. It is a person’s sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person’s gender identity may be the same as or different from their birth-assigned sex.
- Gender expression is how a person publicly expresses or presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person’s chosen name and pronoun are also common ways of expressing gender.

**Age** means any age. However, there are exceptions. For instance, discrimination may be allowed because the person is under 19 years of age and there is an age rule in a law or a regulation. Also, if a termination of employment or refusal to employ is based on the rules of a retirement or pension plan or because of the rules of a group or employee insurance plan, then age may be considered.
**Physical disability** means any disability caused by injury, illness, or birth defect. This includes any disability because of paralysis or from diabetes mellitus, epilepsy, amputation, lack of physical co-ordination, blindness or visual difficulty, deafness or hearing difficulty, muteness or speech difficulty, or the need for a guide dog, a wheelchair, a cane, crutch or other helping aid.

**Mental disability** includes an intellectual or developmental disability, mental illness, depression and any learning disability. It also includes difficulty in understanding the use of symbols or spoken language.

**Marital status** means being married, single, widowed, divorced, separated or living with a person in a common law relationship. It also includes being married to a particular person (for example, your spouse has a criminal conviction) and being a caregiver to a spouse.

**Family status** includes: having (or not having) children or a family; being related to (or in a familial relationship with) a particular person or family (for example, a family member has a criminal conviction); and being a caregiver to a child, and elderly parent or other family member.

**Social condition** discrimination involves a person who belongs to a group that suffers from social or economic disadvantage because of the source of income, occupation or level of education. For example, you are denied housing because you are a student and/or because you get social assistance benefits.

**Political belief or activity** means belonging or working with a political party; being a member of an organized lobby group or association working in public advocacy; participating in or working with a political protest or movement; running for office; working for a political candidate; or because of the political belief of others.

**Sexual harassment** means making harassing comments or conduct of a sexual nature that is known or may be seen to be unwelcome.

**Reprisal** applies to situations where a person is being retaliated and/or discriminated against because they have made a complaint to the Commission or have given evidence or helped in any other way in a complaint filed with the Commission.

**NOTE:** Reprisal complaints are filed on a special *Reprisal Complaint Form*. Please contact us if you feel you have a case of reprisal discrimination.