

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 Indigenous 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 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 their 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.