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Bill 40

An Act to amend the Human Rights Code with respect to genetic characteristics

Miss C. Mitas

Private Member's Bill

1st Reading October 3, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Human Rights Code* to include genetic characteristics as a prohibited ground of discrimination. The Act currently includes race, marital status and disability, among other things, as prohibited grounds of discrimination.

In addition to other amendments, various sections are amended to provide that every person has a right to equal treatment, without discrimination because of genetic characteristics, with respect to services, goods and facilities, the occupancy of accommodation, the right to contract, and employment and membership in various types of organizations. This includes the right to equal treatment if a person refuses to undergo or disclose the results of a genetic test. Insurance contracts are permitted to differentiate or make a distinction, exclusion or preference on reasonable and *bona fide* grounds because of genetic characteristics.

An Act to amend the Human Rights Code with respect to genetic characteristics

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Section 1 of the *Human Rights Code* is amended by adding “genetic characteristics” after “age”.

2 (1) Subsection 2 (1) of the Act is amended by adding “genetic characteristics” after “age”.

(2) Subsection 2 (2) of the Act is amended by adding “genetic characteristics” after “age”.

3 Section 3 of the Act is amended by adding “genetic characteristics” after “age”.

4 (1) Subsection 5 (1) of the Act is amended by adding “genetic characteristics” after “age”.

(2) Subsection 5 (2) of the Act is amended by adding “genetic characteristics” after “age”.

5 Section 6 of the Act is amended by adding “genetic characteristics” after “age”.

6 (1) Subsection 10 (1) of the Act is amended by adding the following definition:

“genetic characteristics” means genetic traits of an individual, including traits that may cause or increase the risk to develop a disorder or disease; (“caractéristiques génétiques”)

(2) Section 10 of the Act is amended by adding the following subsection:

Refusal to undergo or disclose results of genetic test

(4) The right to equal treatment without discrimination because of genetic characteristics includes the right to equal treatment without discrimination because a person refuses to undergo a genetic test or refuses to disclose, or authorize the disclosure of, the results of a genetic test.

7 The Act is amended by adding the following section:

Restrictions for insurance contracts, etc.

22.1 The right under sections 1 and 3 to equal treatment with respect to services and to contract on equal terms without discrimination because of genetic characteristics is not infringed if a contract of automobile, life, accident or sickness or disability insurance or a contract of group insurance between an insurer and an association or person other than an employer, or a life annuity, differentiates or makes a distinction, exclusion or preference on reasonable and *bona fide* grounds because of genetic characteristics.

8 Clause 24 (1) (a) of the Act is amended by adding “genetic characteristics” after “age”.

Commencement

9 This Act comes into force on the day it receives Royal Assent.

Short title

10 The short title of this Act is the *Human Rights Code Amendment Act (Genetic Characteristics), 2018*.