

The Charter
of Human Rights
and Freedoms

Made
Easy



Commission
des droits de la personne
et des droits de la jeunesse

Québec

www.cdpdj.qc.ca

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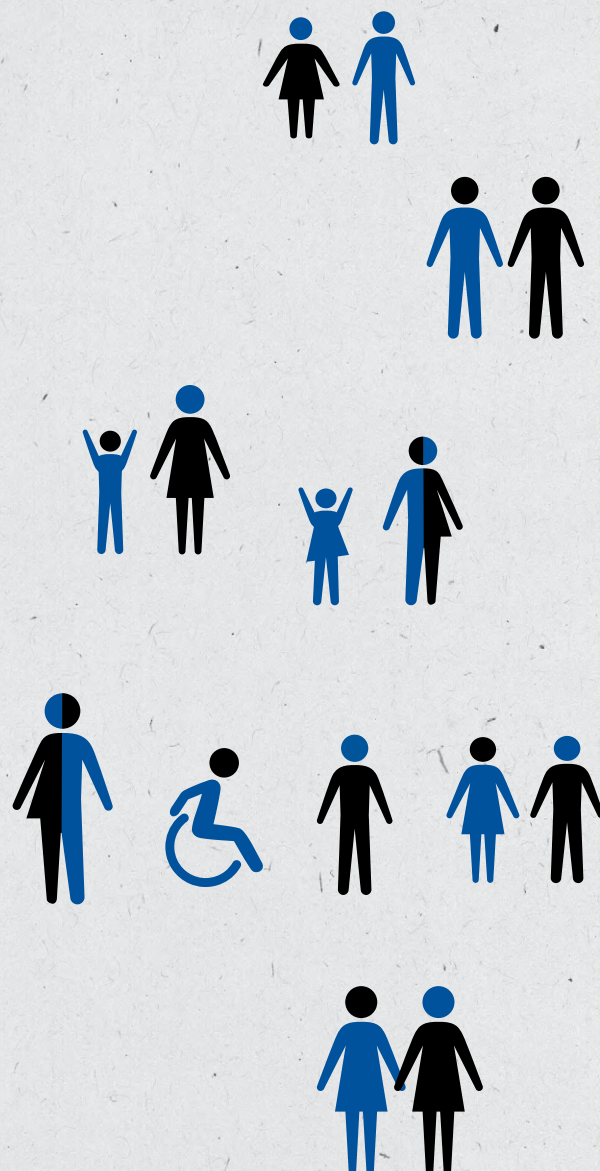
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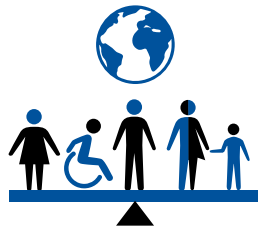
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ISBN 978-2-550-77358-0

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La Commission des droits de la personne et des droits de la jeunesse
wishes to thank Éducaloi for its contribution in writing this document.





The Charter of Human Rights and Freedoms protects your basic rights and freedoms. It is a fundamental law that all other Quebec laws are subject to in most situations.

While the Charter is essential to the well-being of society, it is not an easy law to understand. The Commission des droits de la personne et des droits de la jeunesse has created this simplified version of sections 1 to 48 to help you.

Important! This simplified version of the Charter is for educational purposes only. It is not a legal document. Please refer to the Charter itself before taking any political or legal action.

For any questions, please visit our website www.cdpdj.qc.ca/en/Pages/default.aspx, or call us toll-free at 1 800 361-6477.

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Fundamental
Freedom
and Rights



Chapter 1



1

You have these rights:

- **to life**

- **to personal security**

This right protects you against threats or acts of physical aggression. It also protects your psychological safety. It requires the state to provide police services, first-aid services and a fire department.

- **to inviolability**

This right protects you against acts and situations that affect your physical, psychological or emotional well-being. For example, it lets you accept or refuse health care.

- **to freedom**

Among other things, this right lets you act and make basic decisions for yourself without outside pressure.

You also have what is called **legal personality**.

Comment

You must have **legal personality** to exercise your legal rights and freedoms. Everyone gets legal personality at birth and keeps it until death.

2

You have the right to receive help if your life is in danger.

This right comes with the responsibility to help anyone whose life is in danger. You must help the person immediately, unless this would put you or another person in danger. In this situation, you must call for help.



3 You have these freedoms:

- **freedom of conscience**

You are free to choose what you believe in, your values and the principles you live by.

- **freedom of religion**

You have the right to the religious beliefs of your choice, to practise your religion and to express your beliefs without fear of reprisal. You also have the right to have no religious beliefs and to practise no religion.

The state cannot force people to have or practise a religion or favour one religion over another.

- **freedom of opinion**

You are free to think whatever you like. You are free to agree with the opinions of others or to hold different opinions.

- **freedom of expression**

Freedom of expression is very broad. It includes your right to express your ideas and opinions openly and however you choose: in the arts, in writing, in speech, by picketing when on strike, etc. This right allows you to criticize a religion or a political view.

You also have the right to learn about and listen to the ideas and opinions of others.

- **freedom of association**

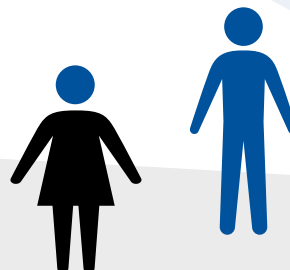
You have the right to join an association, such as a union or a golf club.

You are also free to leave any association.

The right to freedom of association protects a union's right to go on strike.

- **freedom of peaceful assembly**

You are free to take part in a demonstration or gathering if you do it peacefully.



4

You have the right to respect for your dignity, honour and reputation:

- **your dignity**

Dignity is the respect every person deserves as a human being.

- **your honour**
- **your reputation**

Disrespecting your honour and reputation can take different forms. For example, no one can publish false information about you. Doing so is called defamation.

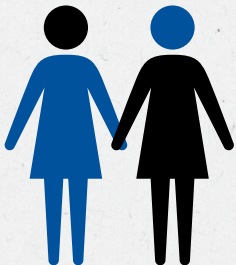
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You have the right to respect for your **private life**.

Comment

This right protects your privacy. Certain information about you cannot be made public or accessible to others, such as your image (e.g., photos of you), your body (e.g., blood samples), your sexual orientation, your state of health, your address or your personal or family life.

You also have a right to make your own decisions about things that concern you.



6

You have the right to use and enjoy your property peacefully. You may lend, rent, sell, give or do whatever you wish with your property within the **limits of the law.**

Examples

Your neighbour may not plant trees in a way that prevents you from seeing outside your windows.

Property owners may not evict their tenants without good reason. They must respect their tenants' rights.

7

People must have your **permission** before entering your **property or your home.** You may insist that anyone who is on your property leave.

Comment

Your permission may be spoken or implied (e.g., you open the door and let the person in).

Example

The police must have your permission or a court order before entering your home or apartment. There are exceptions, such as in an emergency.



8

No one may **go onto someone else's property** without permission. People also need permission to take anything they find on the property.

Comment

This is similar to section 7, but it also refers to places such as businesses, hotels, parks, restaurants, movie theatres and campgrounds.

9

Some people are bound by professional secrecy. They must make sure that any **information you give** them as part of their work remains confidential.

These professionals may not disclose your information without your permission, not even to a court. **But the law makes some exceptions.**

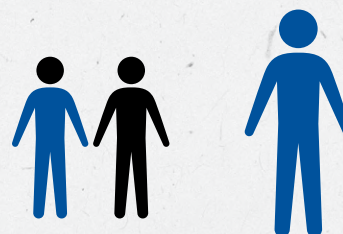
Courts must always protect professional secrecy.

Comment

The law requires some people to keep professional secrecy, including members of professional orders (lawyers, notaries, doctors, psychologists, etc.) and priests and ministers of religions.

Not all the information you give to a member of a professional order or to a religious minister is protected by professional secrecy.

Continued on next page...





Example

Information you share with friends around the dinner table is not protected by professional secrecy even if your friends are doctors. To be protected, the information must be given to them as part of a professional relationship.

Only your personal information is protected. It includes your identity, what you say, what is written in documents, notes in a file and even the fact that you consulted someone bound by professional secrecy.

Sometimes the law requires that your personal information be disclosed, for example, when the information can save someone's life (e.g., a patient's suicidal behaviour).

9.1

In exercising your fundamental freedoms and rights (sections 1 to 9), you must respect democratic values, public order and the general well-being of Quebecers.

The law can **limit** your fundamental freedoms and rights in some cases.

Comment

Your rights end where the rights of others begin. Some situations or a law may limit your rights and freedoms or how you exercise them.

Example

An employer wants to limit the kind of hairstyles employees can wear for reasons of health and safety. Depending on the job, this might be allowed under the Charter even though it limits the employees' freedom of expression.



Right to Equal
Recognition
and Exercise
of Rights and
Freedoms

Chapter 1.1



You have the right to equality. The Charter protects your rights and freedoms no matter who you are. No one may use some of your personal characteristics as a reason to prevent you from fully exercising your rights and freedoms.

The right to equality protects you from **discrimination** based on the following **personal characteristics**, which are called prohibited grounds of discrimination.

- **Race, colour, ethnic or national origin**

Race is a way of classifying people using physical or cultural criteria, without any scientific basis.

Your ethnic or national origin refers to your nationality or cultural characteristics.

- **Sex**

This refers, for example, to the fact of being a woman or a man.

- **Gender identity or expression**

This refers, for example, to being trans.

- **Sexual orientation**

- **Age**

Some laws provide a minimum age for exercising some rights without being discriminatory. For example, a person must be at least 18 to vote or buy alcohol.

- **Political convictions**

These are strong political opinions you have and identify with.

For example, you may support a specific political party, take part in a demonstration or belong to a social activist group.

- **Religion**

Continued on next page...

• Civil status

This refers to your family situation, for example:

- > being single, married, divorced or in a common-law relationship
- > having or not having children (biological or adopted)
- > being a single parent
- > being related to someone by blood or by marriage

• Language

This can be your mother tongue or any other language you speak at home, at work or elsewhere. It can also be your accent.

• Pregnancy

This covers more than being pregnant or giving birth. It also includes everything that pregnancy involves, such as regular health check-ups and to maternity leave.

• Social condition

This includes the kind of work you do, your income (e.g., receiving social welfare), your level of education, or being homeless.

• Disability or using disability aids

Disability includes:

- > physical limitations (e.g., being paraplegic, obese, or having vision or hearing difficulties)
- > intellectual or psychological challenges (e.g., suffering from mental illness or being addicted to drugs or alcohol)
- > difficulties in daily living that prevent a person from fully exercising their rights

Examples of disability aids

Using a wheelchair or having a guide dog. Preventing people with guide dogs from entering a place of business is just as discriminatory as preventing them from entering because they are blind.

Comment

Discrimination means a person is not treated in the same way as others. It usually takes the form of making a distinction between one person and others.

Important!

There can be discrimination even when a person is treated in the same way as others. For example, an employer has a policy preventing all employees from bringing dogs to work. Blind people who need their dogs with them would be excluded from that workplace.

10.1

No one may **harass** you based on **some of your personal characteristics**.

Comment

Harassment is any behaviour that affects a person's dignity or psychological or physical condition.

Harassment can take many forms. It includes words (hurtful comments, threats, insults, etc.) and actions (assault, mockery, graffiti, etc.).

For words or actions to be harassment, they must usually be repetitive. But an isolated incident can also be harassment if it is serious enough.

Some of your personal characteristics

These are the personal characteristics listed in section 10.

11

You may not communicate discriminatory messages using public notices, symbols or signs. Also, you cannot ask someone else to do it for you.

12

No one may use a **prohibited ground of discrimination** to refuse to make a **juridical act** with you for goods or services that are **normally offered to the public**.

Prohibited grounds of discrimination

The personal characteristics listed in section 10.

Normally offered to the public

Goods or services offered to the public include those offered to a specific clientele, such as students.

Examples of juridical acts

Contracts (e.g., apartment lease, insurance policy), wills, collective agreements, pension or employee benefit plans.

13

No one may include a discriminatory clause in a juridical act.

A **discriminatory** clause in a contract has no legal value.
It is treated as though it is not written in the contract.

Discriminatory

A clause is discriminatory if it does not respect a person's right to equality (see section 10).

14

Sections 12 and 13 dealing with discrimination in juridical acts do not apply to a person renting a room if all these conditions are met:

- The room is in the person's home or the home of that person's family.

- The person rents only one room.

- The person does not advertise the room for rent by posting a sign or in any other way.



15

No one may use a **prohibited ground of discrimination** to stop you from being in a public place or using public transportation.

No one may stop you from getting goods or services that are available in a **public place**.

Prohibited grounds of discrimination

The personal characteristics listed in section 10.

Public place

A public place includes businesses, hotels, restaurants, theatres, movie theatres, parks, schools, churches, campgrounds and trailer parks.



16

No one may use a **prohibited ground of discrimination** to treat you differently in these situations:

- hiring and pre-hiring

- deciding your job category

- training and apprenticeship

- your working conditions (probationary period, salary, etc.)

- lay-off, suspension or dismissal

- promotion, relocation or transfer

Prohibited grounds of discrimination

The personal characteristics listed in section 10.

17

No one may use a prohibited ground of **discrimination** to stop you from participating in, or enjoying the benefits of:

- an association of employers
- an association of employees
- an association of people doing the same kind of work
- a professional order

Also, no one may use a **prohibited ground of discrimination** to suspend or expel you from these associations or professional orders.

Prohibited grounds of discrimination
The personal characteristics listed in section 10.

18

Employment agencies may not use a **prohibited ground of discrimination** when receiving and dealing with a job application or when submitting it to a prospective employer.

Prohibited grounds of discrimination
The personal characteristics listed in section 10.

18.1

An employer may not ask questions about **some of your personal characteristics** in a job application or during a job interview.

Some of your personal characteristics

These are the personal characteristics listed in section 10.

You do not have to answer these questions, except in these situations:

- the question relates to a requirement for the job (see section 20)

- the employer is a non-profit organization or an organization devoted to the well-being of an ethnic group, and the question relates to the organization's mission (see section 20)

- the question is necessary for an equal access to employment program

An equal access to employment program is one that favours hiring and promoting people who are often discriminated against (Aboriginal peoples, women, people with disabilities, ethnic or visible minorities). But these people must have the same skills as other candidates.

18.2

You cannot be refused a job, fired or penalized because you were found **guilty** of a **crime** in these cases:

- **The crime is not related to the job.**

To decide whether a crime is related to a job, these elements are considered:

- > the seriousness of the crime
- > the time, place and circumstances of the crime
- > the tasks that are part of the job
- > the nature of the clients
- > the responsibilities of the job

Example

A person found guilty of dangerous driving could be fired if the job involves driving heavy trucks.

- **You got a pardon for the crime.**

A pardon is also called a record suspension.

Important!

Employers may fire people who can't go to work because they are in prison.

Employers may check whether their employees have criminal records.

All employees doing equivalent work at the same location must receive **equal salary**. Employees must also be treated equally.

Comment

This includes benefits and privileges based on seniority, working conditions and the criteria used to determine salaries (e.g., job classifications, evaluation methods).

Employers may not use **some personal characteristics** of their employees as a reason to treat them differently. But employers may treat employees differently based on the following criteria if they are applied in the same way to all employees:

• **experience**

• **seniority**

• **length of service**

• **productivity**

• **quality of work**

• **overtime worked**

Some personal characteristics

These are the personal characteristics listed in section 10.

Also, a salary adjustment or a pay equity program is not discrimination based on gender if it complies with the Pay Equity Act.

There is no discrimination in the following situations even if someone treats you differently based on **some of your personal characteristics**:

- **A job requires specific skills or qualifications.**

Example

An employer may require that you know English if it is required for the job.

- **The charitable, philanthropic, religious, political or educational mission of an institution justifies different treatment.**

It must be a non-profit institution or one devoted exclusively to the well-being of an ethnic group.

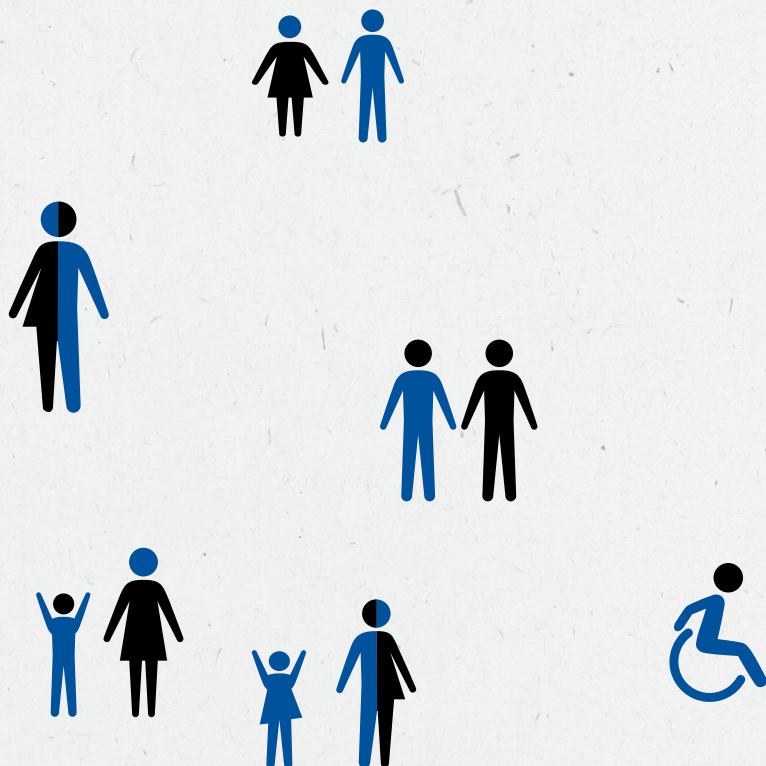
Examples

A women's shelter may hire only women to work directly with women in difficulty.

A non-profit organization that helps immigrants may refuse to help someone who is not an immigrant.

Some of your personal characteristics

These are the personal characteristics listed in section 10.



20.1

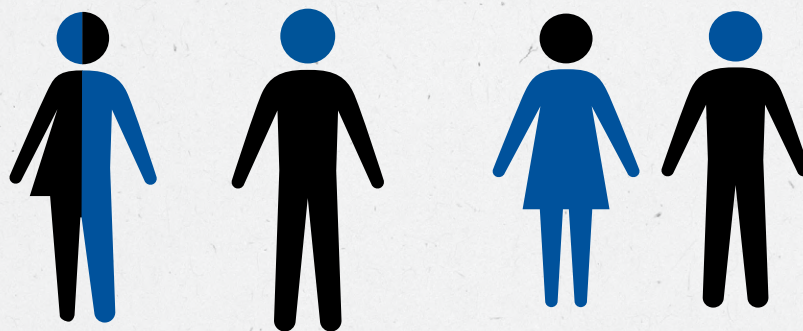
You may be treated differently based on your age, sex, civil status and state of health for these contracts and plans:

- insurance contracts and pension plans

- employee benefit, retirement, pension or insurance plans

- universal pension or insurance plans

Different treatment is acceptable in these situations if it is legitimate to determine the risk you are for the provider of these plans.



Political
Rights

Chapter 2



21

You have a right to file petitions with the National Assembly.

Comment

A petition is used to ask the government to take action on a particular issue. You may file a petition in paper format and give it to a member of the National Assembly. You may also file it electronically on the website of the National Assembly. The petition may be in English or in French.

22

You have the right to vote and to be a candidate in an **election**. But you must meet the **legal requirements**.

Comment

Election includes provincial, municipal and school elections.

Example of legal requirements

To vote in provincial elections, you must be 18 or older, be a Canadian citizen and have lived in Quebec for at least six months.



Judicial
Rights

Chapter 3



You have these rights when a court must decide whether you are guilty of a crime or offense, or what your legal rights or responsibilities are:

- **the right to full and equal treatment, without any distinction**

- **the right to a public hearing**

What happens in court is public. Anyone can attend, including you.

- **the right to a fair hearing by an independent and impartial court**

Right to a hearing

This right lets you defend yourself, present proof and give arguments to support your case.

Impartial

The court must remain neutral and not favour one side over another.

Independent

The court and the person making the decision must not have any personal or professional ties with you or with anyone else involved in the case.

Examples of court

- > a court of law (e.g., the Superior Court or the Court of Quebec)
- > an administrative tribunal, which is a special court (e.g., the Tribunal administratif du travail specializes in workplace cases)
- > a grievance arbitrator, who is a person with authority to decide cases in unionized workplaces

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The **court** may decide **not to hold a public hearing** for reasons of **morality or public order**.

Comment

Hearings that are not public are called *in camera* hearings. Information that can identify the people involved in the case cannot be disclosed.

Example of morality and public order

Divorce trials and child custody hearings are usually not public to protect the family's privacy.

24

No one may take away your freedom or prevent you from exercising your rights, except in some situations allowed by law.

24.1

No one may subject you to an **unreasonable search**. Also, no one may subject you to an **unreasonable seizure** of your property.

Seizure

A seizure is when the authorities take control of a place so they can remove property (e.g., taking documents from a place of business).

Example of unreasonable

The police may not stop you in the street and decide to search your clothes or your backpack without good reason.

25

If you are **arrested or detained**, you must be treated with **dignity and respect**.

Continued on next page...



Detained

This is when you are kept in a detention centre (e.g., prison). Detention can also be preventive. This is when a person is stopped by the authorities and prevented from leaving without being arrested. Preventive detention gives authorities a chance to investigate and decide whether the person should be arrested.

Dignity and respect

Authorities may not use excessive or unnecessary force when arresting or detaining you.

26

People placed in a detention centre have the right to treatment that is appropriate to:



• their age

• their gender



• their mental condition



• their physical condition



27

People waiting for their trials to end may be detained in prison or other detention centre. But they have the right to be separated from people who were already found guilty and are serving their sentences.

28

All people have the right to know why they are being detained or arrested. The authorities must tell them the reason as soon as possible and in a language they understand.



28.1

Anyone accused of a crime has the right to know the details of the crime. The authorities must give the person this information as soon as possible.

29

People who are arrested or detained have these rights:

- to immediately get help from a lawyer

- to immediately tell their next of kin what has happened

The authorities must inform them of these rights as soon as possible.

30

Anyone who is arrested or detained must be brought before the appropriate court as soon as possible or be set free.



31

A person who is arrested or detained has the right to be set free in these situations:

- the person makes a formal promise to appear in court at an appointed time
- the person gives a deposit or surety (if required by authorities)

Authorities may limit this right, but only for a **valid reason**.

Comment

A deposit is an amount of money that people give to make sure they will appear in court at the appointed time. If they don't appear, they lose the money.

A surety is an amount of money that another person gives (e.g., a relative or friend).

Example of a valid reason

People who are a risk to public safety are usually not set free. They are detained until the end of their court cases.

32

People who are **deprived of their freedom** have the right to **ask the court** if their detention is legal. The authorities must set these people free if the court believes the detention is illegal.

Deprived of freedom

This can include people detained in prison as well as those detained in a health centre against their will.

Ask the court

The formal name for this kind of request is a request for a ea c r e e



32.1

A person accused of a crime has the right to a trial within a reasonable time.

33

A person accused of a crime is **innocent until proven guilty**.

Comment

The state must prove that a person is guilty—otherwise, the person must be acquitted (found not guilty).

33.1

A person accused of a crime has the right to remain silent during the trial. The person may not be forced to testify.

34

You have the right to be represented by a **lawyer in court**.

Comment

There is one exception: In small claims court (≤\$15,000 or less), people may not be represented by a lawyer.

Examples of court

- > a court of law (e.g., the Superior Court or the Court of Quebec)
- > an administrative tribunal, which is a specialized court (e.g., the Tribunal administratif du travail specializes in workplace cases)
- > a grievance arbitrator, who is a person with authority to decide cases in unionized workplaces



35

Anyone accused of a crime has the right to a **full and complete defence**. Everyone has the right to examine (question) and cross-examine any witnesses in the case.

Comment

People have the right to know all the proof against them before the trial so they can defend themselves.

36

People accused of crimes have the right to understand what is said during their court hearings. They have the right to an interpreter **free of charge** if they do not understand the language spoken in court or if they are deaf or have hearing loss.

Comment

The right to an interpreter free of charge does not apply to civil cases (divorce, problems with a house you bought or sold, contracts, legal responsibility, etc.). In these situations, people may be assisted by an interpreter but at their own cost.

37

People may be found guilty of a crime only if what they did was a crime at the time they did it.

Comment

A law that creates a new crime or offense applies only for the future. People may not be found guilty if what they did became a crime only after it was done.

37.1

A person may not be tried more than once for the same crime. This means that a person may not be accused of the **same crime** a **second time** after already being found guilty or not guilty of that crime.

Continued on next page...



Second time

Appealing a decision (guilty or not guilty) is not the same thing as being accused a second time. Also, a judge may order that the trial start over from the beginning.

Same crime

People may be accused a second time for what they did if the accusation is for a different crime. People may also be taken before a disciplinary committee or be sued in a civil case (e.g., when a victim wants to be compensated).

37.2

Sometimes the sentence for a crime changes. It might change after a person commits the crime but before the court decides on the sentence. In this situation, the person has the right to the lighter sentence.

38

Sometimes people are **forced to testify** in a court case. What they say in that case may not be used to **incriminate** them in another case.

Reminder

Section 33.1 of the Charter makes one exception. People may not be forced to testify in their own trials.

Comment

People's testimonies may not be used against them in a criminal case. But they may be used against them in a civil case (e.g., the victim wants to be compensated).

A person who lies while testifying may be accused of **perjury**. People who change their stories from one testimony to another may be accused of giving **contradictory evidence**.

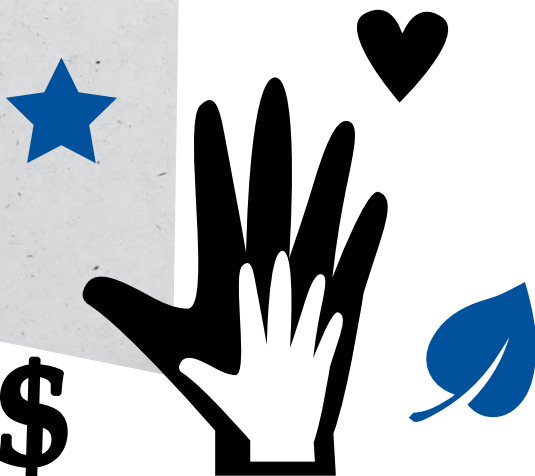
Comment

Perjury and giving contradictory evidence are crimes.



Economic
and Social
Rights

Chapter 4



\$



39

Every child has the right to **parental** protection, safety and care.

Comment

The parents can be the biological, adopted or foster parents. In some situations, it can be a person who takes on the role of a parent without having any legal relationship to the child (e.g., the spouse or partner of one of the child's parents).

40

Everyone has the right to free **public** education. The law may **define and limit this right**.

Public education

Public education consists of preschool and elementary and high schools. In some cases, it also includes collegial studies (CE \square EPs) and vocational and adult education.

Define and limit this right

Public education is free for people up to age 18 or up to 21 for people with disabilities.

There may be school fees for people 18 and older, or 21 and older in the case of people with disabilities. There may also be admission fees and fees for school books, photocopies, etc.

41

Parents have the right to give their children religious or moral education in accordance with their beliefs. But they must respect their children's rights and interests.

Comment

Parents can be the biological or adoptive parents. In some situations, a parent can be a person who takes on the role of a parent without having any legal relationship to the child (e.g., the spouse or partner of one of the child's parents).

42

Parents have the right to enrol their children in a private school. The school must meet the standards set by law.

43

People who are part of an ethnic minority have the right to maintain, develop and **participate in the cultural life** of their group.

Example

People who are part of an ethnic minority have the right to gather together to celebrate traditional holidays.

44

You have the right to **information** within the **limits of the law**.

Comment

You have the right to find out and access this information:

- > documents of public and government organizations
- > personal information that a public or private organization keeps on you (e.g., medical files)
- > public information

Example of limits of the law

Some information in a person's file may be blacked out, such as personal information on another person.

45

You have the **right to social and financial assistance** provided by law when needed. This assistance must ensure that you have an acceptable standard of living.

Comment

This right also protects your family. You have the right to social and financial assistance to ensure your children have an acceptable standard of living.

Example of financial assistance

The solidarity tax credit.

46

You have the right to fair and reasonable work conditions. Your work conditions must comply with the law and be appropriate to your health, safety and physical well-being.

Comment

The law includes the Act Respecting Labour Standards, the Act Respecting Occupational Health and Safety and the Labour Code if you are a member of a union.

46.1

You have the right to live in a **healthful environment** that preserves **biodiversity**. The law can define and limit this right.

Comment

A healthful environment is one that is not harmful to your health. Biodiversity means all living things and their genetic make-up.

47

Married or civil union spouses are equal. They each have the same rights and responsibilities.

Together they make decisions about these matters:

- **the material support and finances of the family**

Examples

Car, house, furniture, groceries, clothing, everyday expenses, family activities, loans, investments, etc.

- **their children's education**

- **the moral guidance of the family**

This includes decisions about these matters:

- > the important values of the family (e.g., religious beliefs)
- > the family's rules of behaviour
- > the children's names
- > consent to medical care for their children
- > the place where the family lives

48

Elderly people and disabled people have the right to be protected from all forms of exploitation.

Their families must also ensure they are protected and safe.

Comment

Exploitation means taking advantage of a person's vulnerability or state of dependence to prevent them from exercising their rights. It includes financial, physical, psychological, moral and social exploitation.

Public institutions must ensure the protection and safety of elderly people and disabled people who do not have families or whose families cannot take care of them.

The Commission des droits de la personne et des droits de la jeunesse upholds and promotes the principles stated in the Quebec Charter of Human Rights and Freedoms.

It also ensures that children's rights are protected and upholds and promotes their rights stated in the Youth Protection Act.

The Commission also monitors the application of the Act respecting equal access to employment in public bodies.

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