

BE CODE SMART

The best way to protect yourself from discrimination and from complaints is to know and respect **The Saskatchewan Human Rights Code.**



SASKATCHEWAN
HUMAN RIGHTS
COMMISSION

Human Rights, First Nations People and the *Indian Act*

Section 67 of the *Canadian Human Rights Act* was repealed on June 18, 2011. Until its repeal, section 67 shielded provisions of the *Indian Act* and any decisions made or actions taken under the *Indian Act* from application of the *Canadian Human Rights Act*. As a result of the repeal, First Nations and other Aboriginal people have the same human rights protections as everyone else in Canada.

Bill C-21 repealed section 67 in 2008. The change applied immediately to decisions made by the federal government under the *Indian Act*, but Parliament gave First Nations governments three years to plan for their new human rights obligations. On June 18, 2011 the planning period came to an end.

The result of the repeal means that actions carried out by the federal government, band councils or a related agency, such as a school board, are no longer exempt from application of the *Canadian Human Rights Act* even if the action is done under the *Indian Act*. Band residents can now contact the Canadian Human Rights Commission if they feel their band councils or any other authority making decisions pursuant to the *Indian Act* are discriminating against them in employment, the provision of services or accommodation. The *Canadian Human Rights Act* prohibits discrimination based on religion, age, sex, sexual orientation, marital status, family status, disability, conviction for which a pardon has been granted, and other grounds.

Some matters fall under provincial jurisdiction. In these instances the *Saskatchewan Human Rights Code* applies instead of the *Canadian Hu-*

man Rights Act. Examples include provincially regulated on-reserve enterprises including:

- Gas stations,
- Hotels,
- Child welfare agencies, and
- Some health-care centres.¹

Assessment of jurisdictional issues is complex and determined by the facts of each case. If you think you have been discriminated against based on actions carried out under the *Indian Act* please see the Canadian Human Rights Commission website: <http://www.chrc-ccdp.ca>. If you are an organization that now falls under the *Canadian Human Rights Act*, the Canadian Human Rights Commission's website contains valuable information and sample policies for your use. If you are unsure which Commission you should access, either one can help you determine jurisdictional issues.

¹ This list is demonstrative, not exhaustive.

Saskatchewan Human Rights Commission
Suite 816, Sturdy Stone Building
122 – 3rd Avenue North, Saskatoon SK S7K 2H6
PHONE 306-933-5952
FAX 306-933-7863
TOLL FREE 1-800-667-9249

EMAIL shrc@gov.sk.ca
WEB www.saskatchewanhumanrights.ca