

# Written Submission of the Canadian Human Rights Commission to the Senate Standing Committee on Human Rights, on Bill S-201 on March 1, 2016



Canadian  
human rights  
commission

Commission  
canadienne des  
droits de la personne

The Canadian Human Rights Commission (CHRC) thanks the Committee members for the opportunity to appear before them. In addition to the witness testimony provided on February 24th, 2016, the Canadian Human Rights Commission wishes to provide to the Committee the following brief points for consideration as it proceeds to more detailed and technical clause by clause discussion of Bill S-201 (An Act to prohibit and prevent genetic discrimination).

1. The CHRC wishes to reiterate that it supports the addition of “Genetic Characteristics” as a prohibited ground, to sections 2 and 3 (1) of the *Canadian Human Rights Act* (CHRA).
2. The CHRC wishes to clarify that it does not support the addition of a definition of the prohibited ground in the CHRA, as definitions can limit the interpretation and evolution of a ground and may provide inadequate protection under human rights legislation.
3. The CHRC therefore asks the Committee members to consider removing what is currently paragraph 10 (2) of Bill S-201 (which adds a new Section 3(3) to the CHRA to define the “meaning of discrimination on the ground of Genetic Characteristics”). In Bill S-201, this paragraph currently reads:

*Section 3 of the Act is amended by adding the following after subsection (2):*

*(3) Discrimination on the ground of genetic characteristics is discrimination based on*

*(a) the results of a genetic test; or*

*(b) the refusal of a request to undergo a genetic test or to disclose, or authorize the disclosure of, the results of a genetic test.*

4. If this paragraph is not removed, the CHRC asks the Committee members to consider the following alternate wording to replace paragraph 10(2) so that it reads:

*Section 4 of the Act is amended by adding the following:*

*4.1 A discriminatory practice, as described in section 5-10 and 12-14.1, includes any adverse effect or adverse differentiation based on*

*(a) the results of a genetic test; or*

*(b) the refusal of a request to undergo a genetic test or to disclose, or authorize the disclosure of, the results of a genetic test.*

5. The CHRC submits that this alternate wording—which would amend the CHRA at section 4 (Orders regarding discriminatory practices), rather than section 3 (Prohibited Grounds of Discrimination)—would, for greater certainty, provide information about the practices that are intended to be prohibited through Bill S-201, without defining or limiting the ground itself.