



Anti-Discrimination Policy

Purposes:

- The Association strives to create a community free from the bonds of discrimination. This community is built on respect, inclusivity, and diversity for its members, employees, and the public which they serve. We are committed to fairness, equal opportunity, and a deep respect for the rule of law, practiced in an environment of trust and mutual respect in the delivery of professional treatment to the public.
- To clearly establish the Association's stance on when denial of services is allowable, the therapist's rights and responsibilities as they relate to discrimination, a client's right to not be discriminated against as it relates to receiving treatment, a reference guide to the bodies responsible for enforcement of human rights in each Canadian jurisdiction, and a summary of legislated human rights in Canada by jurisdiction.

Definitions:

"Capable Scope" – the sum of knowledge surrounding the treatment or potential treatments for which the therapist has received sufficient training in to allow them to practice the techniques necessary for safe and effective treatment of a physical condition of a client.

"Duty to Accommodate" – the obligation to adjust rules, policies, or practices to enable full participation. It applies to needs that are related to the grounds of discrimination. It means that sometimes it is necessary to treat someone differently in order to prevent or reduce discrimination.

"Human Right" – a legal right, established through law within a specific jurisdiction.

"Sexual Harassment" – any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation.

"Undue Hardship" - occurs if accommodation of a human right would create significantly onerous conditions for an employer or service provider. For example, intolerable financial costs or serious disruption to business would be considered undue hardship. An employer or service provider must make every effort to make a reasonable accommodation of a human right for an employee or client/customer. Some hardship may be necessary in making an accommodation; only when the point of undue hardship is reached in trying to accommodate a human right is the employer's or service provider's duty to accommodate fulfilled.

Policy:

1. The Right to Stop or to Refuse Treatment
 - a. A therapist may stop or refuse to provide treatment to any client where:
 - i. the therapist believes that the condition of the client requires treatment that is beyond the therapist's capable scope; or
 - ii. the safety of the client is perceived to be compromised; or
 - iii. the safety of the therapist is perceived to be compromised; or



- iv. sexual harassment has been perceived to occur before or during a treatment session; or
 - v. the client refuses to follow proper draping procedures; or
 - vi. the client refuses to pay for treatment or for previously missed or cancelled appointments.
 - b. Where treatment has been stopped or refused, the therapist **must** document within the client's treatment chart the date of the refusal of treatment, the reason, or reasons why treatment was stopped or refused in detail.
- 2. The Therapist's Rights and Responsibilities
 - a. A therapist has the right not to be discriminated against on the basis of the human rights legislated for the jurisdiction in which they practice. Where a therapist has reason to believe that they are being or have been discriminated against on the basis of a human right legislated for the jurisdiction in which they practice, they are responsible to make the offender aware and to seek an acceptable accommodation. Further the therapist is encouraged to contact the appropriate government body which oversees human rights complaints within the jurisdiction in which they practice.
 - b. The therapist is responsible to know the human rights of a client within the jurisdiction in which they practice. Lack of knowledge in relation to a client's human rights is not considered to be a reasonable defense in relation to the Complaints and Disciplinary processes of the Association.
 - c. Where there is a conflict between the human rights of the therapist, and the human rights of the client, the therapist has the duty to accommodate a client to the point of undue hardship. Accommodation requires co-operation between the therapist and the client, and the client must make the therapist aware of their need for accommodation. As a service provider, refusing to provide the service of treatment to someone based on one of the client's recognized human rights is discrimination. Where such a conflict exists, the therapist is encouraged to contact the appropriate government body which oversees human rights complaints within the jurisdiction in which they practice. Discrimination is considered by the Association to be professional misconduct and would be subject to the Complaints and Disciplinary processes of the Association by way of a formal complaint being filed with the Association.
- 3. The Client's Rights
 - a. A client has the right not to be discriminated against on the basis of the human rights legislated for the jurisdiction in which they are seeking treatment.
 - b. Where a client has reason to believe that they are being or have been discriminated against on the basis of a human right legislated for the jurisdiction in which they have sought treatment, they are responsible to make the therapist aware and to seek an acceptable accommodation.
- 4. Administration's Role
 - a. If contacted by a member of the public regarding an incident involving a CMMOTA member where discrimination is alleged to have occurred,



administration will explain the formal complaint process to the complainant and provide them with information that would be necessary to file a formal complaint. Further administration would encourage the complainant to contact the appropriate government body which oversees human rights complaints within the jurisdiction in which they sought treatment.

Reference Guide to Government Human Rights Bodies in Canada by Jurisdiction

- Canada (Nationwide) - <https://www.chrc-ccdp.gc.ca/en>
- Alberta - <https://albertahumanrights.ab.ca/>
- British Columbia - <https://bchumanrights.ca/>
- Manitoba - <http://www.manitobahumanrights.ca/index.html>
- New Brunswick - <https://www2.gnb.ca/content/gnb/en/departments/nbhrc.html>
- Newfoundland & Labrador - <https://thinkhumanrights.ca/>
- Northwest Territories - <https://nwthumanrights.ca/>
- Nova Scotia - <https://humanrights.novascotia.ca/>
- Nunavut - <https://nhrt.ca/>
- Ontario - <https://www.ohrc.on.ca/en>
- Prince Edward Island - <https://www.peihumanrights.ca/>
- Quebec - <https://www.cdpcj.qc.ca/en>
- Saskatchewan - <https://saskatchewanhumanrights.ca/>
- Yukon Territory - <https://yukonhumanrights.ca/>

List of Human Rights Recognized in Canada by Jurisdiction

The following is a list of recognized human rights (current as of August 2023) for which an individual is not to be discriminated against because they are identified within any one of these categories (those categories listed below with provinces/territory/federal[CAN] abbreviations listed behind in () indicate the provinces or territories which recognize the category – if there are no brackets, all provinces/territories/federal recognize them as a category of human right):

- aboriginal origin (NS)
- age (age meaning age of provincial/territorial majority or older) (AB, BC, ON, SK)
- age (without limitations unless required by provincial or federal statute) (MB, NB, NL, NT, NS, NU, PEI, QC, YT, CAN)
- ancestry (AB, BC, MB, NB, NT, NU, ON, SK, YT)
- association with other individuals (NL, NS, NU, PEI, YT)
- association with protected groups (NS, PEI, YT)
- breast-feeding (NL, ON)
- citizenship (NU, ON)
- civil status (QC)
- colour
- creed (NT, NS, NU, ON, PEI, SK, YT)
- creed of religion (NB, NL)
- criminal charges (YT)
- criminal conviction (BC, NL)



- criminal record (YT)
- disability (NT, NU, ON, PEI, SK, CAN)
- disfigurement (NL)
- ethnic origin (NL, NT, NS, NU, ON, PEI, QC, CAN)
- family affiliation (NT)
- family status (AB, BC, MB, NB, NL, NT, NS, NU, ON, PEI, SK, YT, CAN)
- gender (AB)
- gender expression (AB, BC, NB, NL, NT, NS, NU, ON, PEI, QC, YT, CAN)
- gender identity
- genetic characteristics (CAN)
- harassment (NS)
- handicap (QC)
- indigenous identity (BC)
- irrational fear of contract an illness or disease (NS)
- lawful source of income (NU)
- language (QC)
- learning disability (NL)
- level of education (NB)
- marital status (AB, BC, MB, NB, NL, NT, NS, NU, ON, PEI, SK, YT)
- mental disability (AB, BC, MB, NB, NL, NS, PEI, YT)
- mental disorder (NL)
- nationality (MB, NL, NT, SK)
- national origin (MB, NB, NS, PEI, QC, YT, CAN)
- pardoned criminal conviction (NT, NU, CAN)
- pay equality (AB, NS)
- place of origin (AB, BC, NB, NT, ON, SK)
- perceived disability (NL)
- perceived race (SK)
- physical disability (AB, BC, MB, NB, NL, NS PEI)
- political activity (NB, NS, YT)
- political affiliation (NS, PEI)
- political association (NT, YT)
- political belief (BC, MB, NB, NT, NS, PEI, YT)
- political convictions (QC)
- political opinion (NL)
- pregnancy (MB, NB, NL, NS, NU, ON, PEI, QC, YT)
- race
- receipt of public assistance (SK)
- record suspension (NT, CAN)
- religion (BC, NL, NT, NS, NU, PEI, QC, SK, YT, CAN)
- religious association (MB)
- religious beliefs (AB, MB)
- retaliation (AB, NB, NL, NT, NS, PEI)
- sex (BC, MB, NB, NL, NT, NS, NU, ON, PEI, QC, SK, YT, CAN)
- sexual harassment (NS, PEI)
- sexual orientation
- social condition (NB, NT, QC)
- social disadvantage (MB)



- source of income (AB, BC, MB, NB, NL, NS, PEI, YT)
- type of occupation (NB)
- use of any means to palliate a handicap (QC)

Original Date of Policy Adoption: May 30, 2024

Date of Last Policy Revision: