

Ministry of Government and Consumer Services

DIRECTOR'S ANNUAL REPORT – 2018/2019

Discriminatory Business Practices Act

Background

- The Minister of Government and Consumer Services administers the Discriminatory Business Practices Act (DBPA).
- The purpose and intent of the DBPA is to prevent discrimination in Ontario on the ground of race, creed, colour, nationality, ancestry, place of origin, sex or geographical location of persons employed in or engaging in business (section 2).
- The DBPA prohibits persons from engaging in discriminatory business practices.
- For the purposes of the DBPA, the following are discriminatory business practices:
 - A refusal to engage in business with a second person where the refusal is based on an attribute of the second person, or an attribute of a third person with whom the second person conducts business, **and** the refusal is a condition of the person making the refusal engaging in business with another person;
 - A refusal or failure to employ, appoint or promote a second person or a dismissal or suspension of a second person from employment where this action is based on an attribute of the second person, or an attribute of a third person with whom the second person does business, **and** this action is a condition of the person taking the action engaging in business with another person;
 - Entering into a contract that includes a provision that one of the parties to the contract will refuse to engage in business with a second person, or will refuse or fail to employ or promote or will dismiss or suspend from employment a second person, based on an attribute of the second person or of a third person with whom the second person conducts business.
- Under the DBPA, “‘attribute’, with reference to a person, means the race, creed, colour, nationality, ancestry, place of origin, sex or geographical location of the person, and includes the race, creed, colour, nationality, ancestry, place of origin, sex or geographical location of a person connected with the person or nationals of a country with the government of which the person conducts, has conducted or may conduct business.”
- Under the DBPA, the “Director,” who is the person designated as the Director under the Ministry of Consumer and Business Services Act, must report annually to the Minister on the enforcement of the DBPA and on such other matters related to the DBPA as the Director considers advisable or the Minister may require. Section 17 of the DBPA sets out the mandatory elements of the report. This section also requires

the Minister to table the report in the Legislative Assembly if it is in session or, if not, at the next session.

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Report Elements	Names of Persons or Numbers of Complaints/Requests/Inquiries
Names of persons who entered into assurances of voluntary compliance under the DBPA (s. 17(a))	None
Names of persons against whom orders have been made to cease engaging in discriminatory business practices or other contraventions of s. 5 (s. 17(b))	None
Number of complaints received in respect of discriminatory business practices and other contraventions of s. 5 (s. 17(c))	None
Number of complaints received that were mediated and the results of the mediations (s. 17(c)(i))	None
Number of complaints received that were acted on and the actions taken (s. 17(c)(ii))	None
Number and nature of requests and responses reported to the Director in accordance with s. 5(8), the actions taken and the results of these actions (s. 17(d))	None
Names of persons convicted of offences under the DBPA; description of offences and penalties imposed (s. 17(e))	None
Number of inquiries (inquiries include information requests and general questions about the DBPA)	None

Signature: *Barbara Duckitt*

Date: SEPTEMBER 12, 2019

Barbara Duckitt
Director, Discriminatory Business Practices Act
Ministry of Government and Consumer Services