



TRIBUNAL DES DROITS DE LA PERSONNE

Common List of Jurisprudence

The present list is in force as of September 1st, 2023.

The jurisprudence that appears in this list is deemed to have been filed in the book of authorities prepared by the parties under section 26 of the Regulation of the Human Rights Tribunal.

Take note that this is not an exhaustive list of all the relevant case law, but rather a selection, and that it does not constitute an opinion in this regard.

| Onglet | Décisions |
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| 1 | <i>Janzen v. Platy Enterprises Ltd.</i>, [1989] 1 SCR 1252. Discrimination – sex – sexual harassment – employment. |
| 2 | <i>Commission scolaire régionale de Chambly v. Bergevin</i>, [1994] 2 SCR 525. Discrimination – religion – employment – accommodation – collective agreement. |
| 3 | <i>Commission des droits de la personne et des droits de la jeunesse (Szoldatits) c. Brzowski</i>, 1994 CanLII 1792 (QC TDP). Exploitation of elderly people (aged people) and people with a disability – section 48 of the Charter. |
| 4 | <i>Beliveau St-Jacques v. Fédération des employées et employés des services publics Inc.</i>, [1996] 2 SCR 345. Employment injury – admissibility of civil liability action based on Charter - interpretation of section 49 of the Charter – application for compensatory damages. |
| 5 | <i>Québec (Public Curator) v. Syndicat national des employés de l'hôpital St-Ferdinand</i>, [1996] 3 SCR 211. Class action – interpretation of personal “inviolability” and of personal “dignity” (sections 1 and 4 of the Charter) – interpretation of “unlawful and intentional interference” (section 49 of the Charter) – evaluating moral prejudice. |
| 6 | <i>Ménard c. Rivet</i>, 1997 CanLII 9973 (QC CA). Jurisdiction of the Tribunal – interpretation of section 84 of the Charter – complainant’s right to personally submit an application to the Tribunal. |

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| 7 | <i>British Columbia (Public Service Employee Relations Commission) v. BCGSEU</i> , [1999] 3 SCR 3 ["Meiorin"]. Discrimination – sex – employment – <i>bona fide</i> occupational requirement. |
| 8 | <i>Québec (Commission des droits de la personne et des droits de la jeunesse) v. Montreal (City)</i> ; <i>Québec (Commission des droits de la personne et des droits de la jeunesse) v. Boisbriand (City)</i> , 2000 SCC 27. Discrimination – interpretation of “handicap” (section 10 of the Charter) – perceived disability. |
| 9 | <i>Therrien (Re)</i> , 2001 SCC 35. Discrimination – criminal record – information relating to employment – interpretation of section 18.2 of the Charter. |
| 10 | <i>Vallée c. Commission des droits de la personne et des droits de la jeunesse</i> , 2005 QCCA 316. Exploitation of elderly people (aged people) and people with a disability – interpretation and application of section 48 of the Charter. |
| 11 | <i>Doucet-Boudreau v. Nova Scotia (Minister of Education)</i> , 2003 SCC 62. Remedy – application for compensatory damages. |
| 12 | <i>Québec (Commission des droits de la personne et des droits de la jeunesse) v. Maksteel Québec inc.</i> , 2003 SCC 68. Discrimination – criminal record – dismissal – interpretation of section 18.2 of the Charter. |
| 13 | <i>Québec (Commission des droits de la personne et des droits de la jeunesse) v. Communauté urbaine de Montréal</i> , 2004 SCC 30 ["Larocque"]. Discriminatory refusal to hire – remedy – application for cessation of interference – interpretation of section 49 of the Charter – declaration of inoperability of a regulatory standard. |
| 14 | <i>Québec (Commission des droits de la personne et des droits de la jeunesse) v. Québec (Attorney General)</i> , 2004 SCC 39 ["Morin"]. Application for declinatory exception – collective agreement – non-exclusive jurisdiction of labour arbitrator. |
| 15 | <i>Commission des droits de la personne et des droits de la jeunesse v. Commission scolaire des Phares</i> , 2004 CanLII 46172 (QC TDP). Discrimination – handicap – accommodation – integration at school – individualized evaluation. |
| 16 | <i>Commission scolaire des Phares c. Commission des droits de la personne et des droits de la jeunesse</i> , 2006 QCCA 82. Appeal - discrimination – handicap – accommodation – integration at school – individualized evaluation. |
| 17 | <i>Commission scolaire des Phares c. Commission des droits de la personne et des droits de la jeunesse</i> , 2012 QCCA 988. Discrimination – handicap – accommodation – integration at school – individualized evaluation – burden of proof. |
| 18 | <i>McGill University Health Centre (Montreal General Hospital) v. Syndicat des employés de l'Hôpital général de Montréal</i> , 2007 SCC 4. |

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| | Discrimination – handicap – employment – duty to accommodate – undue hardship – collective agreement. |
| 19 | <i>Hydro-Québec v. Syndicat des employé-e-s de techniques professionnelles et de bureau d'Hydro-Québec, section locale 2000 (SCFP-FTQ)</i> , 2008 SCC 43. Discrimination – handicap – employment – duty to accommodate – undue hardship. |
| 20 | <i>Montreal (City) v. Québec (Commission des droits de la personne et des droits de la jeunesse)</i> , 2008 SCC 48 ["S.N. "]. Discrimination – criminal record – refusal to hire – pardon – interpretation of sections 18.2 and 20 of the Charter. |
| 21 | <i>Commission des droits de la personne et des droits de la jeunesse v. Gaz métropolitain inc.</i> , 2008 QCTDP 24. Systemic discrimination – sex – refusal to hire – implementation of an affirmative action program. |
| 22 | <i>Gaz métropolitain inc. c. Commission des droits de la personne et des droits de la jeunesse</i> , 2011 QCCA 1201 ["Gaz métro"]. Appeal – systemic discrimination – sex – refusal to hire – remedy. |
| 23 | <i>de Montigny v. Brossard (Succession)</i> , 2010 SCC 51. Remedy – punitive damages – interpretation of “intentional interference” (section 49 of the Charter). |
| 24 | <i>Commission des droits de la personne et des droits de la jeunesse (Rezko) v. Montreal (Service de police de la ville de) (SPVM)</i> , 2012 QCTDP 5. Racial profiling – discriminatory speech – police intervention. |
| 25 | <i>Moore v. British Columbia (Education)</i> , 2012 SCC 61. Discrimination – handicap – accommodation – individualized evaluation – right to adequate special education. |
| 26 | <i>Commission des droits de la personne et des droits de la jeunesse (Ouellet et un autre) c. Commission scolaire de Montréal</i> , 2014 QCTDP 5. Discrimination – handicap – duty to accommodate – right to adequate special education – undue hardship. |
| 27 | <i>Commission des droits de la personne et des droits de la jeunesse (X) c. Commission scolaire de Montréal</i> , 2017 QCCA 286. Appeal – discrimination – civil status – handicap – mean to palliate a child's disability – compensation to the mother. |
| 28 | <i>Loyola High School v. Quebec (Attorney General)</i> , 2015 SCC 12. Freedom of religion – standard of review of discretionary administrative decision – whether proportionately balanced religious freedom with statutory objectives of the program. |
| 29 | <i>Mouvement laïque québécois v. Saguenay (City)</i> , 2015 SCC 16. Discrimination – religion – standard of review of a decision of the Tribunal – status and jurisdiction of the Tribunal – interpretation of section 123 of the Charter. |

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| 30 | <i>Québec (Commission des droits de la personne et des droits de la jeunesse) v. Bombardier inc. (Bombardier Aerospace Training Center)</i> , 2015 SCC 39. Discrimination – ethnic or national origin – test for discrimination – burden of proof – definition of racial profiling. |
| 31 | <i>Commission des droits de la personne et des droits de la jeunesse (Succession Duhaime) c. Satgé</i> , 2016 QCTDP 12. Exploitation of elderly people (aged people) and people with a disability – solidarity – punitive damages. |
| 32 | <i>Québec (Commission des normes, de l'équité, de la santé et de la sécurité au travail) v. Caron</i> , 2018 SCC 3. Application of the Charter – employment injury – interpretation and application of the A.I.A.O.D. – duty to accommodate. |
| 33 | <i>Commission des droits de la personne et des droits de la jeunesse (Jean-Marie) c. Ville de Montréal (SPVM)</i> , 2018 QCCA 1246. Application to dismiss due to delay – application of section 76 of the Charter and of section 586 of the <i>Cities and Towns Act</i> . |
| 34 | <i>Commission des droits de la personne et des droits de la jeunesse (Miller et autres) c. Montréal (Service de police de la ville de Montréal) (SPVM)</i> , 2019 QCTDP 31. Discrimination – handicap – race and/or colour – police intervention – duty to accommodate – unreasonable delay – stay of proceeding. |
| 35 | <i>Commission des droits de la personne et des droits de la jeunesse (DeBellefeuille) c. Ville de Longueuil</i> , 2020 QCTDP 21. Racial profiling – police intervention – unreasonable delay – public interest measures. |
| 36 | <i>Aluminerie de Bécancour inc. c. Commission des droits de la personne et des droits de la jeunesse</i> , 2021 QCCA 989. Discrimination – social condition – student status – disparity in salary or wages – employment – collective agreement – section 19 of the Charter. |
| 37 | <i>Ward v. Quebec (Commission des droits de la personne et des droits de la jeunesse)</i> , 2021 SCC 43. Discriminatory speech – new test for discriminatory speech – interpretation of the right to safeguard of dignity (section 4 of the Charter) – conflict between fundamental rights. |
| 38 | <i>Commission des droits de la personne et des droits de la jeunesse (Samson-Thibault) c. Ville de Québec</i> , 2023 QCTDP 2. Discrimination – handicap – pre-employment medical questionnaire – duty to accommodate – individualized evaluation - <i>bona fide</i> occupational requirement (section 20 of the Charter). |
| 39 | <i>Law Society of Saskatchewan v. Abrametz</i> , 2022 SCC 29. Standard of review – questions of procedural fairness and abuse of process – unreasonable delay – stay of proceeding. |
| 40 | <i>Sherman Estate v. Donovan</i> , 2021 SCC 25. Open court principle – protection of personal information. |

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| 41 | A. B. c. Robillard, 2022 QCCA 959. Open court principle – protection of personal information – <i>Sherman</i> test. |
| 42 | Dis Son Nom c. Marquis, 2022 QCCA 841. Open court principle – protection of personal information – <i>Sherman</i> test. |
| 43 | J. C. c. Douville, 2022 QCCA 958. Open court principle – protection of personal information – <i>Sherman</i> test. |
| 44 | Commission des droits de la personne et des droits de la jeunesse (K.C.) c. Ministère de la Sécurité publique, 2022 QCTDP 24. Open court principle – protection of personal information – <i>Sherman</i> test – section 121 of the Charter. |

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