

**Citation:** Mummé, Claire, “The Ontario Human Rights Code’s Distributive and Recognitional Functions in the Workplace” (2014) 18:1 CLELJ 145

**Abstract:** In her analysis of the purpose of the Ontario *Human Rights Code*, the author draws on Nancy Fraser’s distinction between the two main strategies that have been used to combat inequality. Strategies of redistribution, which prevailed among equality activists in the twentieth century, see inequality as arising from unequal access to economic resources. Strategies of recognition, which have come into more prominence recently, see inequality as arising from sociocultural prejudices that deny equal recognition to disadvantaged groups. Although the Ontario *Human Rights Code* is often seen as focusing on recognitional issues, the author argues that through the market relationships the *Code* regulates and the remedial powers it grants, it also adopts a redistribution strategy designed to address the economic impact of prohibited discrimination: that is, the *Code* aims to change how resources and opportunities are to be allocated for those with protected identity traits. An understanding of interaction between the *Code*’s recognitional and redistributive functions sheds light on its purpose and method of operation, as well as on its relationship to other equality-seeking legal mechanisms such as collective bargaining and the equality rights provisions of the *Canadian Charter of Rights and Freedoms*. Thus, the need for a range of legal tools to counter inequality in different contexts comes more clearly into focus.