

Non Discrimination Policy



1. VALUES

ABC Company recognizes the inherent dignity and worth of all individuals and is committed to providing all job applicants and employees equal opportunities and rights without discrimination, as well as a workplace that is respectful, inclusive, understanding, free of harassment and psychologically healthy.

2. ANTI-DISCRIMINATION VISION STATEMENT

The human rights laws of [province] make it illegal to discriminate against persons. Nevertheless, ABC Company recognizes that discrimination still exists and represents a serious problem for our country and its institutions. It also recognizes that the Company has a role to combat discrimination. Accordingly, ABC Company will strive for equality of results in all aspects of our employment and business practices by implementing policies and measures to prevent discrimination and ensure that all of our job applicants and employees receive equal opportunity and treatment.

In recognition of these principles, ABC Company pledges to:

- Actively identify and challenge individual or systemic acts of discrimination in our workplace and service delivery.
- Ensure that management and all employees are responsible for challenging discrimination in our workplace and service delivery.
- Equip management and all employees with knowledge and skills to recognize and challenge discrimination in our workplace and service delivery.
- Foster respect daily among management and all employees.
- Ensure that any employee's, or client's report of discriminatory treatment will be investigated, and the employee or client will be protected against reprisals.
- Ensure that management staff understand their legal responsibilities as "directing minds" to act immediately to deal with situations of potential harassment or discrimination.
- Continually monitor and assess progress in challenging discrimination in our workplace and service delivery.

3. PURPOSE

The purpose of this Policy is:

- To establish clear ground rules regarding discrimination so that all employees understand what is and is not acceptable; and
- To describe the procedures ABC Company follows to receive, investigate and resolve complaints of discrimination, including imposition of discipline for those found guilty of offences.

4. DEFINITIONS

For purposes of this Policy:

“Discrimination” means any conduct, decision-making, actions or distinctions based on a person’s *[list grounds protected from discrimination in your jurisdiction]* (“protected characteristics”) which, whether intentional or not, has the effect of imposing burdens on an individual or group, not imposed upon others or which withholds or limits access to benefits available to other members of society. Discrimination is banned by both federal and provincial human rights codes and may occur even if the protected characteristic referred to above is only one factor in the conduct or decision. There are different forms of discrimination, including:

- **Prejudice**

Discrimination in its most obvious form is the result of prejudice against particular groups, based on negative stereotypes about or protected classes. It is often manifested in subtle behaviour that may not be recognizable as being discriminatory.

Example: An interviewer assumes that a younger applicant is better qualified than an older applicant for a job requiring heavy labour simply because of his age.

- **Stereotyping**

Stereotyping means attributing the same characteristics to all members of a group, regardless of their individual differences based on misconceptions, incomplete information and/or false generalizations. Even if it’s inadvertent and well intentioned, stereotyping is unacceptable and may result in discrimination on the basis of protected characteristics. **Example:** A company that rejects a 25-year-old female candidate for an executive position because it believes that she’ll get pregnant and have to go on extended leave would be guilty of sex discrimination.

- **Subtle Forms of Discrimination**

Subtle discrimination is a more common and less overt. Often, it can be detected only by indirect or circumstantial evidence considering all of the circumstances indicating that a protected is factoring into a company’s employment decisions or practices. **Example:** Asking a person who speaks English with an accent if they’re qualified to work in Canada without posing that question to those who speak unaccented English.

- **Harassment**

Harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. The comment or conduct becomes discrimination to the extent it’s based on the victim’s protected characteristics.

Examples:

- Calling an Indigenous employee “Chief” or some other derisive ethnic-based

- nickname;
- Sexist or racist cartoons, graffiti, screensavers, etc.;
- Ridiculing individuals because of their disability;
- Trying to force an employee to retire because of her age; and
- Acts or threats of violence, bullying and intimidation based on the victim's protected characteristics.
- **Sexual Harassment**

There are two basic forms of sexual harassment:

Quid pro quo sexual harassment occurs when a manager, supervisor or other person in authority threatens or insinuates, expressly or implicitly, that a subordinate is required to submit to sexual advances or to provide sexual favors as a condition of employment, continued employment, or in exchange for any term, condition, or benefit of employment. Quid pro quo sexual harassment also occurs when a subordinate's refusal to submit to sexual advances, or to provide sexual favors, will adversely affect the subordinate's employment, continued employment, or any term, condition, or benefit of employment.

Hostile work environment sexual harassment occurs when unwelcome sexual conduct has the purpose or effect of interfering unreasonably with another employee's work performance or creates an intimidating, hostile, or offensive work environment. Examples include, but are not limited to:

- Sexual bantering, off-colour language/jokes or verbal conduct of a sexual nature;
- Displaying, circulating, or commenting on sexually suggestive material in the workplace;
- Flirtation, advances, touching, propositions, or requests for dates or sexual favors;
- Sexually-degrading words used to describe an individual;
- Gender-stereotyping comments;
- Comments or inquiries about one's own or another person's sexual or romantic life;
- Verbal commentaries or gestures about an individual's body;
- Use of sexual or degrading gestures or other non-verbal communications;
- Other offensive words or actions of a sexual or gender-related nature. Engaging in such

As with other forms of harassment, sexual harassment can occur in-person or digitally via e-mail, internet (including social media posts) and other electronic communications. Sexual harassment is not limited to conduct by males targeting females but may involve conduct committed by either sex against somebody of either the opposite or same sex or sexual orientation, gender or identity.

5. ROLES & RESPONSIBILITIES

- **Management Duties**

ABC Company management shall:

- Treat all co-workers, seniors, subordinates, colleagues and others with whom they interact with professionalism, dignity and respect;
- Provide satisfactory resources to deal with discrimination complaints;
- Take complaints seriously and respond quickly; and
- Foster a healthy environment where employees feel comfortable about raising

complaints and are kept informed about and involved with actions taken in response.

- **Supervisor Duties**

Supervisors shall:

- Treat all co-workers, seniors, subordinates, colleagues and others with whom they interact with professionalism, dignity and respect;
- Ensure that all employees, including those in positions of responsibility, are made aware of ABC Company anti-discrimination and harassment policies as soon as they are introduced, as well as through training, orientation material and education on human rights issues;
- Continually monitor the work environment to make sure it is free of discrimination.

- **Worker Duties**

Workers shall:

- Treat all co-workers, seniors, subordinates, colleagues and others with whom they interact with professionalism, dignity and respect;
- Immediately notify a supervisor or manager if they experience or witness incidents of discrimination, harassment or other violations of this Policy.

6. NON-DISCRIMINATORY PRACTICES

- **Advertising**

No references to protected characteristics may be used in job advertisements. HR will carefully screen the wording of and images of people appearing in job advertisements to ensure they do not imply any discriminatory preference for or against persons on the basis of protected characteristics.

- **Job Applications & Interviews**

No questions about an applicant's protected characteristics, whether direct or indirect, may be used on job applications or during interviews, except where such questions illicit information that is directly relevant to the applicant's qualifications to perform the bona fide duties of the job and properly phrased.

- **Promotion & Training**

Opportunities for promotion and training will be made known to all staff and made available to everyone on a fair and equal basis. When applying for internal promotion, vacancies and secondments, verbal and written references from managers must be fair and non-discriminatory. All employees will receive appropriate training on ABC Company's non-discrimination and anti-harassment policies and how to implement them.

- **Performance Review**

Managers will review the performance of all employees in accordance with objective, non-discriminatory criteria that are in no way based on an employee's protected characteristics.

7. REPORTING DISCRIMINATION

- **Procedures**

ABC Company wants to ensure all its employees feel safe, comfortable and encouraged to report any incident of discrimination or misconduct they observe or experience. Please file a complaint about any incident to your manager or HR advisor [contact name and info]. If it is not appropriate to file a complaint with these individuals because they are involved in the incident, the employee should report the incident to any other manager of their choice.

Complaints need not be in writing but should include as much detail as possible, including the name(s) of the individual(s) involved and a description of the incident(s), including actions and/or comments made, place(s), date(s) and time(s).

The possibility of informal resolution may be explored and reached with the consent of all parties. If no informal resolution is sufficient, a formal and thorough investigation of the incident and surrounding circumstances will be undertaken, involving interviews with the complainant, the respondent, and any other individuals who may be able to provide information on the situation.

Filing an internal complaint with ABC Company does not limit a job applicant or employee's right to file a complaint in connection with the incident or matter to the [province] Human Rights Tribunal.

Threats, attempts or actual incidents of physical or sexual assault are all criminal offences and can be reported to your local police service.

- **Assurance of Non-Retaliation**

Employees are reminded that ABC Company is committed to providing you a workplace free of discrimination in accordance with human rights and other laws and this Policy. Making you feel free to come forward and report incidents or concerns is an important part of our commitment. Accordingly, we wish to assure you that you won't be fired, demoted, reassigned, disciplined or subject to any other punishment or adverse treatment from ABC Company or its managers, supervisors and other representatives in retaliation for reporting discrimination or misconduct in good faith.

- **Bad Faith Complaints**

To protect the innocent, ABC Company reserves the right to discipline, up to and including termination, any employee who knowingly and in bad faith files a false complaint or makes misrepresentations of discrimination. For purposes of this Policy, a complaint is not considered bad faith merely because the evidence does not ultimately support the allegation. Bad faith requires an investigation finding that the employee who accused another person of discrimination acted maliciously knowing the accusation was false, or recklessly without regard to whether the accusation was true.

8. INVESTIGATION

All reports of violations of this Policy will be taken seriously and responded to immediately. Where it is determined that the report has merit, an internal investigation will be made by staff members not implicated or in any way involved in the complaint following the fair investigation procedures and protocols set out in the ABC Company Disciplinary Policy.

9. DISCIPLINE

Where acts of discrimination are shown to have occurred, they will not be tolerated and will be responded to with appropriate disciplinary action, up to and including termination, based on a thorough investigation of the incident and the surrounding circumstances. Such disciplinary action may include immediate termination, even if the person committing the act has committed no prior offences.

10. MONITORING

ABC Company will engage in proactive, ongoing monitoring to ensure that this Policy is being implemented effectively. Monitoring methods may include, without limitation:

- Collection and analysis of complaints filed, disciplinary actions, interviews, hirings, promotions and other key data, statistics and metrics;
- Surveying and consulting with employees and workplace committees;
- Exit interviewing;
- Systems review and research.

ABC Company will take immediate action to address any problems it identifies and in response to indications that this Policy is not as effective as it needs to be in preventing discrimination.