

Racial Discrimination & Harassment Policy



1. VALUES

ABC Company is fully committed to providing employees a work environment that is positive, respectful and psychologically safe, and honours the wellbeing and human rights of all our employees. We will not tolerate discrimination or harassment in any form and we are committed to taking all complaints seriously and responding as quickly as possible.

2. ANTI-RACISM VISION STATEMENT

ABC Company and its management endorse the following anti-racism principles:

- We recognize that racism exists in Canadian society and in its institutions, and therefore affects ABC Company itself.
- We recognize our role in combating racism within ABC Company and its workplaces.
- We assert our commitment to implement specific measures to combat racism and to engage in actions to eliminate it.
- We recognize and value the racial diversity of [our province] and of our workplace.
- We strive for equality of results in our employment practices and delivery of services.
- We recognize and respect the unique identities of Aboriginal peoples and the need for a distinct approach to anti-racism measures for Aboriginal peoples.

In recognition of these principles, ABC Company pledges to:

- Actively identify and challenge individual or systemic acts of racial discrimination in our workplace and service delivery.
- Ensure that management and all employees are responsible for challenging racial discrimination in our workplace and service delivery.
- Equip management and all employees with knowledge and skills to recognize and challenge racial discrimination in our workplace and service delivery.
- Foster respect on a daily basis amongst 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 racial discrimination in our workplace and service delivery.

3. PURPOSE

The purpose of this Policy is twofold:

- To establish clear ground rules regarding racial 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 racial discrimination, including imposition of discipline for those found guilty of offences.

4. DEFINITION OF RACE & RACIAL DISCRIMINATION

For the purposes of this Policy:

“Race” is a broad term that refers to not only a person’s race or colour, but also his/her ancestry, ethnic origin, place of origin, language or accent.

“Racial discrimination” means any conduct, decision-making, actions or distinctions based on a person’s race 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. Racial discrimination is banned by both federal and provincial human rights codes and may occur even if race is only factor in the conduct, decision-making, action or distinction. Racial discrimination can take several forms, as described below.

- **Prejudice**

Racial discrimination may be the result of overt prejudice, i.e., an antipathy or negative feelings held by someone about another person or group. Example: A company wants its staff to be all white and refuses to hire any black job candidates.

- **Stereotyping**

Stereotyping means attributing the same characteristics to all members of a group, regardless of their differences based on misconceptions, incomplete information and/or false generalizations. Even if it is inadvertent and well intentioned, stereotyping is unacceptable and may result in racial discrimination. Example: A company rejects a black candidate because it believes that black people don’t work as hard as white people.

- **Subtle Forms of Racial 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 race is factoring into a company’s employment decisions or practices.

Examples (which come from Ontario Human Rights Commission guidelines):

- Exclusion from formal or informal networks;
- Denial of mentoring or developmental opportunities such as secondments and training which were made available to others;

- Differential management practices such as excessive monitoring and documentation or deviation from written policies or standard practices when dealing with a racialized person;
- Disproportionate blame for an incident;
- Assignment to less desirable positions or job duties;
- Treating normal differences of opinion as confrontational or insubordinate when involved with racialized persons;
- Characterizing normal communication from racialized persons as rude or aggressive;

Penalizing a racialized person for failing to get along with someone else, e.g., a co-worker or manager, when one of the reasons for the tension is racially discriminatory attitudes or behaviour of the co-worker or manager.

- **Racial Harassment**

Harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. **Examples:**

- Racial epithets, slurs or jokes;
- Racial name calling or nicknames;
- Racial cartoons, graffiti, screensavers, etc.;
- Comments ridiculing individuals because of race-related characteristics;
- Singling out an individual for teasing or jokes related to race, ancestry, place of origin or ethnic origin;
- Inappropriate references to racist organizations such as the Ku Klux Klan;
- Threats, violence or acts of intimidation, like leaving a noose in a black employee's locker;
- Circulating racially offensive jokes, pictures or cartoons by e-mail.

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 in adherence to this Policy;
- Provide satisfactory resources to deal with discrimination complaints;
- Take complaints seriously and responding 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 in adherence to this Policy;
- Ensure that all employees, including those in positions of responsibility, are made aware of ABC Company's 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 in adherence to this Policy;
- Immediately notify a supervisor or manager if they experience or witness incidents of discrimination, harassment or other violations of this Policy.

6. 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 have observed or experienced. Please file a complaint about any incident to your manager [contact name and info] 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 an employee's right to file a complaint in connection with the incident or matter to the [province] Human Rights Tribunal [contact info] within [time to file human rights complaints, which is one year in most jurisdictions].

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 any employee who knowingly and in bad faith files a false complaint or makes misrepresentations up to and including termination. 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.

7. 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.

8. 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.

9. PRIME CONTRACTORS, CONTRACTORS & SUBCONTRACTORS

To protect employees from risks of discrimination or harassment by third parties they contact at work, ABC Company will ensure that any prime contractors, contractors, and subcontractors hired to perform work at its work sites are notified of and required to ensure their workers comply with the terms of this Policy and are held accountable for any violations they commit.

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.

Questions or Concerns

If you require any clarification or would like to discuss any part of ABC Company's

Sexual Harassment Policy, please contact [contact info].