

Which Discrimination Traps to Avoid



Discrimination Traps to Avoid

SITUATION

Policy A: Adopted by a company that wants to segregate its facilities by race: "This plant is a whites-only facility; African-Canadians need not apply."

Policy B: Adopted by a company in a rural area where only 20% of the minority population has a high school education: "All personnel must have a high school diploma."

Policy C: Adopted by an accounting firm that wants to project a professional image: "All employees must be clean shaven; beards are strictly prohibited."

Policy D: Adopted by a fire department that only started hiring women a few years ago: "Firefighters must have at least 20 years' experience to be promoted to chief."

QUESTION

Which of the above policies is discriminatory?

- A. Policy A
- B. Policy B
- C. Policy C
- D. Policy D
- E. All of the above

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E. All four of these policies raise problems of discrimination albeit for different reasons.

EXPLANATION

Discrimination can be **either direct or indirect**. Direct discrimination occurs when an employer openly treats a person or group unfavourably on the basis of their race, religion, sex, etc. Policy A above is a clear example of direct discrimination. Indirect discrimination occurs when a policy that appears to be neutral has *the effect of excluding people because of their race, etc.* Such policies pose a bigger

liability threat to employers because they look non-discriminatory.

WHY WRONG ANSWERS ARE WRONG

A is directly discriminatory because it openly excludes African-Canadians and promotes racial segregation is direct discrimination.

B is indirectly discriminatory. Although a high school diploma requirement is neutral on its face, in this community it would have the effect of excluding minorities in disproportional numbers.

C is indirectly discriminatory. A no-beards policy is problematic because it has the effect of excluding people who practice religions like Sikhism requiring men to have facial hair.

D is indirectly discriminatory. A 20-years' experience rule might be fine for many workplaces; but in a fire department where women have only been hired as firefighters for a few years, it has the effect of sex discrimination.

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