



## **ACCESSIBILITY:**

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## **Overview of Harassment or Discrimination in the Workplace – Gender, Sex, Sexual or Ethnocultural**

All members of the Waterloo Catholic District School Board (WCDSB) shall work in an environment free from all forms of discrimination and harassment. Discrimination and harassment will not be tolerated in any form as it threatens the dignity, as well as the emotional and physical well being of the person.

Discrimination and harassment create a poisonous, intimidating, hostile or offensive workplace environment. Discrimination and harassment violate the Ontario Human Rights Code and the spirit and principles of equity, freedom and mutual respect and is unethical and unacceptable to the Christian community and other religious traditions.

Any employee or trustee of the WCDSB who feels he/she has been discriminated against or harassed is strongly encouraged to seek assistance, support and resolution through the WCDSB Investigation and Resolution Process.

### **Gender or Sex Based Harassment or Discrimination**

Gender based discrimination happens when a person experiences negative treatment or impact, intentional or not, because of their gender identity or gender expression. It can be direct and obvious or subtle and hidden, but harmful just the same. It can also happen on a bigger systemic level such as organizational rules or policies that look neutral but exclude trans people. The Ontario Human Rights Code notes that harassment and discrimination based on gender is not limited to that of a sexual nature. Discrimination may also include harassing comments or conduct made to a person because of his or her gender.

Subsections 7(1) and (2) of the Ontario Human Rights Code establish a person's right to be free from sexual harassment and inappropriate gender-related comments and conduct in employment.

Section 7(2) states:

“Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee.” Note: In the context of this quotation “sex” refers to gender.

The Ontario Human Rights Commission released the Policy on Discrimination and Harassment Because of Gender Identity on June 21, 2000 and confirmed in it that transgendered people have the right to equal treatment without discrimination. The Policy considers transphobic name-calling, comments ridiculing individuals because of their gender identity, or singling out a person for humiliating or demeaning ‘teasing’ or jokes related to gender identity as forms of harassment.

The prohibitions in the Ontario Human Rights Code are not restricted to persons in authority but apply to all employees and trustees.



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**Gender or sex harassment/discrimination is (but not limited to):**

- Gender-related comments about an individual's physical characteristics or mannerisms
- Gender-related verbal abuse, threats, or taunting
- Patronizing comments or conduct based on gender which a person feels undermines his or her self-respect or position of responsibility
- Comments regarding the sexual anatomy of a person
- Assumed characteristics assigned to gender
- Suggestive or offensive remarks or innuendoes about members of a specific gender, or about an individual in the process of a gender reassignment
- Unequal or unfair consideration for opportunity and/or advancement related to gender
- Leering or inappropriate staring
- Offensive jokes, graffiti or comments that are negative towards a particular gender
- Display of sexually offensive pictures, graffiti, or other materials
- Inappropriate questions or discussions about sexual activities
- Vulgar humour or language related to gender

**Gender or sex discrimination is not (but not limited to):**

- Sincere compliments that are not gender inappropriate
- Mutually acceptable appropriate signs of appreciation between colleagues in the workplace whether the same gender, or different gender
- Welcome signs of caring and friendship between colleagues

**Sexual Harassment**

Sexual harassment is defined as engaging in a course of vexatious comment(s) or conduct that is known or ought reasonably to be known to be unwelcome.

Sexual harassment is any unwanted, uninvited sexual attention. It may involve remarks, gestures, sounds or actions of a sexual nature that make someone feel insecure, unsafe, degraded, demeaned or uncomfortable. Sexual harassment creates a poisonous, intimidating, hostile and offensive workplace environment.

The Ontario Human Rights Code provides that “every person has a right to be free from,

1. a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
2. a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance when the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person.” (Ontario Human Rights Code, S.7(3)(a)(b), 2003)

The prohibitions in the Ontario Human Rights Code are not restricted to persons in authority but apply to all employees and trustees.

**Sexual Harassment Is (but not limited to):**

- Unwanted touching, patting, inappropriate body contact
- Unwanted leering/ogling/inappropriate sexually suggestive staring
- Expressions of a sexual nature through email, or innuendoes about a person or their physical attributes.
- Exploitive/derogatory pictures, sexually explicit cartoons, calendars, pornography, posters or graffiti



- Suggestive remarks of a sexual nature
- Insulting remarks or jokes about sexual orientation
- Insulting remarks regarding a family member of a gay or lesbian person
- Disclosures/disparaging comments regarding an individual's sexual orientation
- Gender related verbal abuse, taunting, gesturing or whistling to indicate sexual overtones
- Sexual stereotypes that exhibit a negative attitude or disparagement
- Sexual advances
- Requests regarding sexual favours
- Threats or reprisals when an individual refuses a sexually oriented request
- Practical jokes of a sexual nature
- Unwanted contact or attention after the end of a consensual relationship
- Questions or inquiries about an individual's sex life or bragging about sexual prowess
- Sexually degrading words used to describe an individual

**Sexual Harassment is not (but not limited to):**

- Sincere compliments
- Welcome, mutually acceptable signs of affection between friends in the workplace
- Asking someone out on a date (and accepting no for an answer)
- A hug between friends

Note: The following are examples of criminal offences and require consultation with the police.

- Sexual or physical assault, stalking, uttering threats or indecent, harassing phone calls
- Sexual solicitation in which there is a threat or promise to confer or refuse advancement.

**Ethnicity and Ethnocultural Harassment or Discrimination**

Race is a highly misleading term because it has been used to give credibility to the notion that there are superior races. This inaccurate concept must be eliminated. There is no genetic or biological basis for such findings that promote superiority or place of privilege of one so-called race over another.

"Human 'racial' differentiation is, indeed, only skin deep. Any use of racial categories must take its justification from some other source than biology. The remarkable feature of human evolution and history has been the very small degree of divergence between geographical populations as compared with the genetic variation among individuals."

Frank Judge<sup>1</sup>

The Ontario Human Rights Code states that "every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability."

It is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and is able to contribute fully to the development and well-being of the community and the Province.

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<sup>1</sup> "Slaying the Dragon", The American Lawyer, Sept. 1987, 84. – as presented on pages 13-14 of Facing History and Ourselves: Holocaust and Human Behavior, Brookline: Facing History and Ourselves National Foundation, Inc., 1994.



The Canadian Charter of Rights and Freedoms states that “every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.” (The 2000 Annotated Canadian Charter of Rights and Freedoms, s. 15(1)).

The prohibitions in the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms are not restricted to persons in authority but apply to all employees and Trustees.

Ethnicity and ethnocultural harassment and discrimination is (but is not limited to) the following behaviours related to religion, culture, ethnicity, dress/clothing, and/or country of origin:

- Name calling/degradation
- Treating someone as inferior and/or with contempt
- Isolating
- Intimidating and bullying
- Ridiculing and mimicking
- Verbal abuse, threats, derogatory language, stereotyped comments
- Racist propaganda e.g., symbols, signs, graffiti
- Incitement of others (‘mobbing’ ) to behave in a manner which discriminates against someone
- Institutional ethnoculturalism e.g., biased policies or biased curriculum

**Ethnicity and ethnocultural harassment and discrimination is not (but not limited to):**

- Sincere, respectfully framed questions about another’s religion and/or culture.
- Sincere, respectfully framed questions about another’s ethnicity, dress/clothing, food and/or country of origin.
- Encouraging and supporting a specific group that has systemically been discriminated against.