

Building Workplace Resiliency

Understanding
Canadian Human
Rights resource



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1 Executive summary

Bio-economy companies must create and enforce discrimination policies and harassment policies to ensure an equitable workplace.

Discrimination is the unfair treatment of a person or group on the basis of prejudice. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual based on that person's:

- Race
- Colour
- National origin
- Religion
- Gender
- Sexual orientation
- Gender identity
- Age
- Disability, or
- Any other characteristic protected by law at the federal, provincial or territorial level

The Canadian Centre for Diversity and Inclusion has published a [public resource](#) that provides an overview of human rights protected grounds and legislation in each province and territory.

NOTE: The information in this resource is based on best practices and should be adapted to your own situation. Required or strongly recommended items are noted explicitly.





2 Human rights in the workplace: Key definitions

Bio-economy economies must establish a working atmosphere free from all forms of discriminatory harassment. Fundamental rights and equity rights should be promoted and safeguarded at all times.

- **Discrimination:** Discrimination is the unfair treatment of a person or group on the basis of prejudice. Canadians have the right to be treated fairly in workplaces free from discrimination, and there are laws and programs to protect this right. The Canadian Human Rights Act prohibits discrimination on the basis of gender, race, ethnicity and other grounds.
- **Harassment:** Harassment is any improper behaviour, conduct or communication that is directed at and is offensive to an individual and which the person knew or ought reasonably to have known would be unwelcome. Harassment comprises objectionable conduct, comment or display made on either a one-time or continuous basis that demeans, belittles, or causes personal humiliation or embarrassment to an employee based on a prohibited ground of discrimination.
- **Sexual harassment:** Sexual harassment is any offensive verbal, visual or physical conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to a person and that is known or should reasonably be known to be unwelcome

Harassment may include but is not limited to:

- Unsolicited and unwelcome physical, visual or verbal conduct
- Verbal or practical jokes, insults, threats, personal comments or innuendo
- Touching, stroking, pushing or any unwelcome physical contact
- Sexual acts, comments or propositions
- Posters, pictures or graffiti or other offensive materials displayed in the workplace
- Offensive attitudes, such as a condescending and belittling attitude, or leering



3 Accountability and responsibility

Everyone in a workplace can help promote equality, though accountability and responsibilities will differ depending on a person's position within the organization.

A company's management team or senior leadership is responsible for proactively establishing an equitable working atmosphere. To do so, they can follow these steps:

- Interpret and understand the legislation and provide explanation to employees.
- Change any policies, procedures and practices that discriminate or cause barriers to employment.
- Direct the investigation of claims of harassment and implement ways of rectifying any situations involving harassment.

Employers and hiring managers can also refer to the chart in Appendix A for examples of how to address human rights issues during recruitment.

Employees are expected to:

- Understand their rights under the legislation and bring any situations of discrimination to the attention of the supervisor or senior leadership.
- Report any experienced or observed instances of harassment or discrimination to their manager or senior leadership.

3.1 Sample policy statement

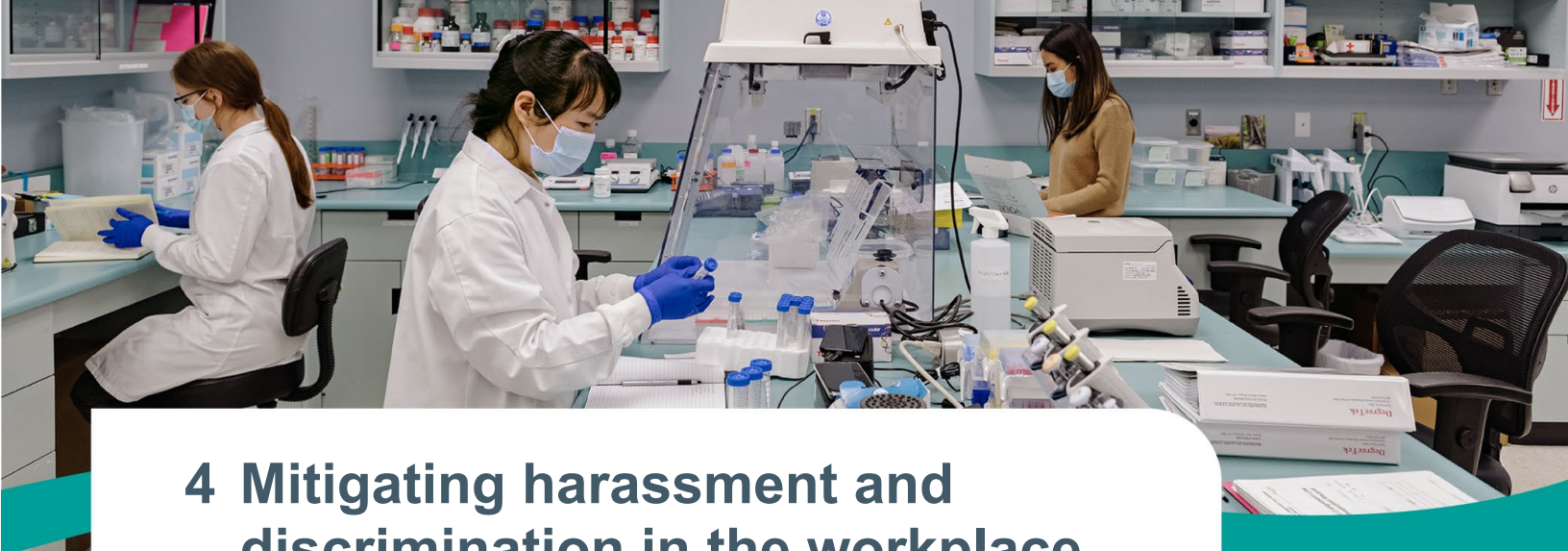
Bio-economy businesses must have policies and practices in place to help prevent discrimination, harassment and retaliation in the workplace. Here is a sample statement you may use and adapt to codify human rights in your company's workplace:

The company will provide a positive and respectful work environment that ensures equal opportunity for all of its employees and is supportive of personal goals, dignity and self-esteem. Every employee has the right to work in an environment free of harassment and discrimination and to be treated with respect, courtesy and tact. The company will not tolerate harassment and discrimination in the workplace.

The company will not tolerate expressions of prejudice and objectionable attitudes. Employees may register complaints about harassment and discrimination in complete confidence with assurance of prompt action and without fear of reprisal. All complaints will be treated seriously.

The number and definition of the prohibited grounds for discrimination included in federal, provincial, territorial and constitutional protection are expanding. At a minimum, they usually include: race, colour, national or ethnic origin, religion, age, sex (pregnancy, childbirth and possibly sexual orientation), gender identity, marital status, family status, pardoned conviction, physical or mental disability.

This policy applies to all persons and all activities on company premises, as well as all work-related organizational meetings, conferences, training and development seminars, work-related travel and office-related social events.



4 Mitigating harassment and discrimination in the workplace

Companies in the bio-economy should recognize that employment legislation for protected grounds begin during the recruitment process and continue after a candidate is hired. An effective way that employers can counteract issues of discrimination and harassment is by providing awareness training on these two topics. Many off-the-shelf training videos are available and do not take more than one hour to view.

Training employees to build and demonstrate respect for a diverse workforce is an essential second step, requiring that employees:

- Let people know their boundaries
- Communicate their expectations for interaction
- Be consistent in their expectations
- Set a model for themselves
- Communicate any discomfort early on
- Seek assistance if the harassing or discriminatory behaviour is persistent or pervasive

Employees can also demonstrate respect for others when they:

- Establish ground rules for communication
- Communicate clearly and concisely

- Agree to disagree
- Work toward consensus
- Focus on the task at hand
- Agree on common goals

4.1 Procedure for incident reporting/response

If an employee feels they are being subjected to harassment, they may make their objection, disapproval and/or unease known to the offending person and request that it stop. The employee should keep a record of the incident(s), including who the allegations are about, when the incident(s) took place, where and any other particulars with respect to the allegations. These records should also include dates and times and the names of any witnesses.

If the employee is not comfortable addressing the offending person directly, he or she may prefer to bring the matter to the attention of his or her supervisor, any member of the human resources team, or any member of management who will attempt to resolve the situation right away.

If the offending person is the employee's supervisor, the employee should seek out a higher level of management or human resources. If the offending person is the CEO of the company, the employee should see his or her supervisor or a member of the management team to report the problem. The supervisor or a member of the management team can then address the problem with the CEO and/or recommend that the complaint be taken to the provincial/territorial or federal human rights commission.

If the situation is not resolved to an employee's satisfaction, he or she may file a formal written complaint with human resources. In case a company does not have a human resource department or filing an internal complaint is not possible, the complainant is encouraged to pursue his or her complaint under the applicable human rights legislation.

In the event that harassment is found to have occurred, and depending upon the severity of the harassment, disciplinary action up to and including immediate termination of employment may result for the offender. For example, the perpetrator may be subject to a written warning, suspension with or without pay, or termination of employment. Any re-occurring offences will be dealt with through increasingly serious disciplinary action.



5 Accommodation process

While companies should remove barriers that cause discrimination in the various aspects of the employment relationship (hiring, designing job requirements, promotions, training and so on), individuals may nevertheless continue to require individual accommodation.

5.1 Employees

Employees who require accommodation are expected to take the initiative to inform the company of the need for accommodation. They may be asked to explain why the accommodation is required, and they should allow for a reasonable time for reply.

Where the employee is not in a position to recommend a possible accommodation but is aware that some accommodation is necessary, it is sufficient to advise the company of the need. The company may require documentation from the employee to verify this need. Information will be limited to the facts relevant to identifying appropriate accommodation alternatives.

5.2 Companies

Companies are required to respond in a timely, confidential and sensitive manner whenever a need for individual workplace accommodation is brought to their attention. Employees who indicate a need for workplace accommodation can expect to be treated with dignity and respect.

It is important to understand that companies are not required to make changes to workplace policies, rules, practices and operations or to provide accommodation that will result in undue hardship. However, they must ensure that all effective options to accommodate, short of undue hardship, are considered. If accommodation is not possible because of undue hardship, employees can expect their company to explain this clearly and demonstrate why this is so.

Additional resources

For more information on a province/territory-specific human rights code and complaint process, please visit your province/territory's human rights commission:

- [Alberta Human Rights and Citizenship Commission](#)
- [British Columbia Human Rights Tribunal](#)
- [Manitoba Human Rights Commission](#)
- [New Brunswick Human Rights Commission](#)
- [Newfoundland and Labrador Human Rights Commission](#)
- [Northwest Territories Human Rights Commission](#)
- [Nova Scotia Human Rights Commission](#)
- [Ontario Human Rights Commission](#)
- [Prince Edward Island Human Rights Commission](#)
- [Québec — Commission des droits de la personne et des droits de la jeunesse](#)
- [Saskatchewan Human Rights Commission](#)
- [Yukon Human Rights Commission](#)

Appendix A: Addressing human rights grounds during the recruitment process

Protected grounds	Questions and comments to avoid	Alternative questions	Comments
Gender identity and sexual orientation	<p>Forms of address (Mr., Mrs., Miss, Ms.)</p> <p>Asking a candidate about their marital status</p> <p>Questions about a spouse such as: "Is your spouse willing to travel if you need to relocate for the job?"</p>	During an interview, introduce yourself using your name and pronoun and invite candidates to do the same if they are comfortable.	Asking for pronouns instead of gender identity avoids accidentally misgendering candidates. Self-identification should be made voluntary for candidates at all stages of the recruitment process.
Creed	<p>Asking if candidate will work on a specific religious holiday</p> <p>Questions about religious affiliation</p>		It is the employer's responsibility to provide accommodations for religious beliefs.

Citizenship or residency status	<p>Questions regarding citizenship or residency status:</p> <p>“Are you a Canadian citizen or permanent resident of Canada?”</p> <p>“Can you tell me when your work permit expires?”</p>	<p>Are you legally entitled to work in Canada for the full duration of your contract?</p> <p>Are you legally entitled to work in Canada for a period of two years?</p>	<p>In certain provinces, it is inappropriate to ask candidates if they are permanent residents during the selection process. Where it is a bona-fide requirement of the role, wait until an offer has been presented to request immigration status.</p>
Disability	<p>Asking whether a candidate has received workers compensation in the past</p> <p>Asking a candidate whether they have ever received psychiatric care or been hospitalized for emotional problems</p> <p>Requesting from a candidate a list of disabilities, limitations or health problems.</p>		<p>Employers should disclose any information or medically related requirements early in the recruitment process.</p> <p>A disability is only relevant to job ability if it threatens the safety or property of others or prevents the applicant from safe and adequate job performance even when reasonable efforts are made to accommodate the disability.</p>

Accommodation		<p>Are you able to work the required hours and possibly overtime?</p> <p>Are you able to travel?</p>	<p>It is illegal to ask questions or discriminate against a candidate/employee based on these grounds unless it is a bona fide occupational requirement.</p> <p>Employers are expected to accommodate the employee and candidate to the point of undue hardship.</p>
Family status	<p>Asking a candidate whether they have children and if yes, how old they are</p> <p>Asking a candidate what type of child-care arrangements they have</p>		<p>Only questions intended to get information about the qualifications and job requirements needed for the hiring decision should be asked during an interview.</p>

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