

WORKPLACE HARASSMENT



DISCRIMINATION & HARASSMENT

Is this a Human Rights Violation?

It is illegal for your boss, temp agency or co-workers to discriminate against you because of race, colour, ethnicity, country of origin, age, sex, sexual orientation, disability, marital and family status and religion.

Discrimination and harassment under the Human Rights Code means treating you differently, making you feel uncomfortable, paying you less, firing you, not hiring you or harassing you based on these grounds. You have the right to a workplace free from discrimination and harassment under the Human Rights Code.

Temporary Agency Work and Human Rights

It is legal for the temporary agency to decide who they will send to which assignments or jobs, but it cannot be based on the kinds of discrimination listed under the Human Rights Code. In most workplaces, temporary agency workers will receive less pay and fewer benefits than the permanent employees. This is unfair, but it is legal. The Workers' Action Centre believes there should be equal pay and benefits for equal work.

Application Forms & Human Rights

It is illegal for companies to ask for your SIN number, driver's licence, date of birth, country of origin or other personal information on the application form. However, many companies ask for this information. If this happens to you call us to find out what you can do.

When am I protected?

You are of course protected while you are at work. However, if you are being harassed outside of work by a boss or a co-worker, you are still protected. Also, the Human Rights Code applies when you are on probation or going through the hiring process.

HOW CAN I PROTECT MYSELF?

- Write down everything about the harassment. Details are important.
- Are there any witnesses? Are others being harassed? Talk to people you trust.
- Tell the boss or supervisor. The Human Rights Code requires them to take action on harassment or discrimination. Write down what they did or didn't do. If they don't take action, they may be responsible too.
- If you are facing discrimination or harassment you can make a complaint at the Ontario Human Rights Tribunal. You can ask for changes to the workplace, training for the harasser and possible compensation for the pain you felt.
- Call the Workers' Action Centre for advice on your situation.

HARASSMENT AND BULLYING

When harassment is not a Human Rights issue.

Are you being bullied? Bullying means harassment. This could mean a person is yelling, humiliating or scaring you. It could mean standing close to you or pointing a finger in your face. This could be your boss or a co-worker. Bullying can affect your health. The stress can make you sick. This happens to a lot of workers.

What rights do I have?

Unfortunately, the law doesn't cover workplace bullying. The Human Rights Code prohibits workplace discrimination and harassment based on gender, age, ethnicity and many other reasons. Bullying that is not based on these reasons is not included in the Human Rights Code.

Many workers feel that workplace bullying is a criminal abuse even though it's not recognized under the law this way. In some countries, workplace bullying is illegal. The Workers' Action Centre and other organizations are asking the provincial government to have workplace bullying covered under the Occupational Health and Safety Act as "workplace violence". We believe there needs to be stronger laws to protect us from workplace bullying.

HOW CAN I PROTECT MYSELF?

- Write down everything about the bullying.
- Do not meet alone with the bully. Be safe.
- Talk to someone you trust or any others who are facing bullying. Make a plan together.
- Talk to your boss or supervisor. Write down what happened.
- If you are sick because of the bullying and need time off, get a doctor's note and give it to your boss. Apply for sick benefits if you have enough hours.
- If you feel forced to quit because of the bullying, write down all the details. You may be able to get EI if you have enough hours.
- If your boss did not stop the harassment you may be able to get termination pay for being forced to quit. You must have good documentation of the harassment for EI.
- GET OUT! If you feel threatened or in danger take care of yourself first. Trust your instinct!

GET SUPPORT.

Workers' Action Centre

(416) 531-0778

www.workersactioncentre.org

Call the Human Rights Legal Support Centre. The centre provides assistance to people across Ontario who have experienced discrimination and who want to file a claim.

Toronto: 416-314-6266

Toll free: 1-866-625-5179

www.hrlsc.on.ca



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