

Sexual discrimination in the workplace

[Sociology](#), [Social Issues](#)



Canada is composed of people from all walks of life and from every race, color, creed and ethnic background imaginable. Despite our varied lifestyles and beliefs, we are all equal and are entitled to the same treatment before the law and in the workplace. Although we have this diversity, discrimination is something that unfortunately, most people have to deal with it at some point in their lives. Provincial human rights codes try to prevent this unpleasantness, by prohibiting any type of discrimination in service, accommodations and employment.

Zero tolerance grounds are based on Discrimination by: race, gender, ancestry, place of origin, color, citizenship, creed, sexual orientation, age, family status and handicap. Discrimination can also include harassment based on both race, and ethnic origin, as well as sexual harassment. Despite these codes, discrimination is not guaranteed to never occur. In fact, everyday people lose their jobs or promotions because of discrimination, and women are harassed at work or people with disabilities are denied opportunities.

Harassment, whether by a supervisor or co-worker, creates a barrier to equality by demeaning its victims, interfering with their ability to work effectively and, in some instances, even forcing them to resign. Even though there is plenty of publicity surrounding this issue, studies consistently show that women continue to face harassment in the workplace. No organization can afford to lose the talent of its female staff because of outdated attitudes, the imposition of higher standards for women, or a failure to give women the opportunity to acquire relevant experience in key areas of the organization.

There is a need for employers to take a hard look at lingering stereotypes and misconceptions and to ensure that high-potential women benefit equally with men from career-enhancing. Although it is not often spoken of, there are occasional occurrences of sexual discrimination against men. Imagine a day-care center where 12 women and one male work. You are a first time mother and for the first time you are leaving your two year old child in the care of someone else for an entire day. Many women would be likely to ask for their child to remain in the care of strictly some females, due to their loving caring nature and maternal instincts.

If you think about this it is obvious how males could get discriminated against by women, it is just not reported as often because most men do not want all that attention, and feel it would be better to just forget about it. Employers have a responsibility to: i) provide a working environment that is free from harassment and discrimination; and, ii) deal effectively, quickly and fairly with any situations involving claims of harassment or discrimination that come to their attention. Employers could be held liable by a court or tribunal if they or their managers do not act to put an end to discrimination or harassment in their workplaces.

There are several questions that are not allowed to be asked of an employee not only surrounding gender. For example questions about or relating to physical characteristics such as color of eyes, hair, height, weight, or requests for photographs. Questions about speaking English or French fluently, unless to do so is a reasonable and bonafide requirement for the position are also strictly prohibited. Questions about or relating to religious

affiliation, religious institutions attended, religious holidays, customs observed, willingness to work on a specific day which may conflict with requirements of a particular faith (e. . Saturday or Sunday Sabbath days)are also against the law.

The human rights laws however do come in handy as a way for victims to fight back. How a human rights complaint is handled varies from country to country. In Ontario an individual who believes he or she has been the victim of some form of discrimination asserts his or her rights by filing a complaint with the human rights commission. The complaint is then investigated by an officer of the commission who will try to reach a settlement with the parties involved.

If the officers attempts to arrive at a settlement fail and it is concluded that the complaint has merit, a recommendation will be made to the Minister of Labor to appoint a board of inquiry. The board will then conduct a formal hearing, where both parties have the opportunity to present their cases. In Ontario, the board of inquiry has the authority to direct the offending party to do anything necessary to comply with the code, such as ordering restitution for monetary loss and awarding up to \$10 000 for mental anguish.

When a formal complaint to the human rights commission is made, it can get very expensive an time consuming for the company. As a general rule, the commission publishes settlements and awards that are viewed as having a publiceducationvalue, thus damaging the company" s reputation. Aside from both the cost and the damage to the company" s reputation employers

should recognize that promoting an equal opportunity work place can also help motivate employees and improve a company" s performance.

Apart from the adverse publicity, human rights laws have penalties such as a monetary awards, public apologies, reinstatement of employees or orders of financial compensation forlost time, expenses incurred, and damages to professional or personal reputation and fires. Human rights officials can also order companies to make a job offer to a complainant, begin an affirmative action program in the company or sen staff to the discrimination awareness seminars. If a company has a government contract , the board may even seek cancellation of that contract.

To avoid the above consequences there are five steps that can be followed to ensure equal opportunity in any workplace. The first step is to make a clear corporate commitment to human rights. Senior executives should declare their commitment and be accountable at each tier of the management structure. There should be a written policy on discrimination distributed to every member of the company. The second step is to examine recruiting procedures. Employers should look for anything that may offend the aw, such as unusual language or physical requirements, unless it can be proven essential to the job.

Application forms should be reviewed and interviews should avoid any conduct or comments that could be perceived as discriminatory. The third step is to monitor the workplace. Management has an obligation to intervene if there is any evidence of harassment or discriminatory behavior. Consider providing a hotline whereby employees can report to. Harvey" s, which is

operated by CARA limited, has a fairly complex yet easy to follow policy, that other companies could follow.

It is five page typed policy that was last updated in May of 1995. It defines sexual harassment as " deliberate and unsolicited and can be offensive sexual comments, gestures or physical contact that are unwanted or offensive either on a first time basis or as a continuous series of incidents. It may also involve favours, promises of favours, advantages in return for giving in to sexual advances or, the threat of revenge for refusing them. It states that flirtation, or a workplace romance between two consenting persons is not harassment. (Cara Operations limited, 1) Teammates who feel that they are being sexually harassed should immediately SAY NO!!!!

The employee is responsible of immediately making sure that the offender is out of line and that the behaviour is totally inappropriate. 2) The employee is encouraged to approach his or her supervisor and/or a member of the Human Resource Team for guidance. 3) The employee is encouraged to immediately file a complaint with the Human Resource Department. There are also five steps that management guarantees they will take when a complaint of harassment is filed.

First they will ensure than an examination of the complaint will take place immediately. Next they will advise the alleged person that a complaint has been lodged. Then an interview with all persons involved will take place. Interviews will be taken with any witnesses followed by a clearly, accurately filled out document. On the final page of the policy, there is a section

entitled "corrective action". It basically states that if an offender is found guilty he/she will be terminated.

It also states that if it is found that someone has intentionally wrongfully accused someone then he/she will be terminated as well. Other methods of corrective action that are stated are suspension, or loss of responsibilities. As you have seen sexual discrimination and harassment are two acts that go hand and hand, and unfortunately they are both issues that are dealt with much too often. If all workplaces joined together and made similar policies that are strictly enforced, perhaps our world would be a little more equal, and discrimination would be unheard of.