
Human Rights in the Workplace Workshop: A Respectful and Inclusive Workplace

**Construction Owners of Alberta
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Alberta Human Rights Act

- Is administered by the Alberta Human Rights Commission
- Is **primacy** legislation - takes precedence over other provincial laws
- Speaks to the rights and responsibilities of those in Alberta under provincial jurisdiction

Respectful and Inclusive

Employers:

- Continually strive to ensure full participation for all employees
- Value privacy and confidentiality
- Work with employees to accommodate them, when required
- Prevent discrimination and inappropriate conduct

The Act Covers Five Areas

- Publications, Notices and Signs
- Services/Accommodation
- Tenancy
- Employment and Employment Advertising
- Membership in Trade Unions, Employer's Associations

Act Covers 13 Protected Grounds

- Race
- Religious belief
- Colour
- Gender
- Physical Disability
- Mental Disability
- Marital Status
- Age
- Ancestry
- Place of Origin
- Family Status
- Source of Income
- Sexual Orientation

Prohibitions

- Retaliation against anyone who has made a complaint, given evidence or assisted any one else in making a complaint.
- Making a complaint with malicious intent that is frivolous and vexatious.

Employers' Responsibilities

Employers are responsible for:

- providing a safe and healthy work environment.
- preventing and dealing with harassment in the workplace.
- appropriate conduct in the workplace.

Employee Responsibilities

- To treat fellow employees in a manner consistent with the law
- To cooperate with the employer in accommodation requests
- To provide information when requesting an accommodation

Workplace Changes

- Increased immigration
- Increased participation of women
- Increased Aboriginal population
- Aging workforce
- New technologies
- Labour shortage
- Changing societal attitudes

Harassment

- Is unwelcome/uninvited conduct
- Includes verbal or physical contact, attention, demands, jokes or insults
- Interferes with work performance
- Creates an intimidating or hostile work environment

Harassment or Not?

- Sexual jokes are common in the workplace.
- An employee constantly pressures a co-worker for a date even though she has said she is not interested.
- A staff member is often ridiculed about his weight.
- A worker with a limp is often teased and mimicked
- Is bullying harassment?

Harassment

Harassing Activities:

- Displaying offensive images, photographs, cartoons, symbols
- Sending offensive e-mail messages
- Practical jokes and derogatory comments
- Racial slurs, belittling cultural or religious beliefs

Sexual Harassment

- Sexual contact or threat of sexual contact or coercion
- Continued/repeated abuse of a sexual nature
- Threat or insinuation

Source: Aggarwal, Sexual Harassment: A Guide for Understanding and Prevention

Set a Standard for the Workplace

Does the behaviour meet the **BAR** standard?

B = Businesslike (professional)

A = Acceptable in a work setting

R = Respectful of others' boundaries

Conclusion

“Women and men do not need *protection* from each other; they need *respect* for each other”.

Aggarwal, Arjun P. [Sexual Harassment: A Guide for Understanding and Prevention.](#)

Key Concepts in Accommodation

- Grounds of Discrimination
- Undue Hardship
- Bona Fide Occupational Requirements (BFOR)

Duty to accommodate refers to an employer's obligation to take appropriate steps to eliminate discrimination against employees and potential employees.

Accommodation is a way to balance the diverse needs of individuals and groups in our society. It may require a degree of inconvenience, disruption and expense

The Accommodation Discussion

- Includes a decision making process that is a collaborative one in which the employer and employee both have a share

Duty To Accommodate – Pre-Employment

- Interview
- Medical Assessments - must relate to the operation of the workplace and job duties of the employee
- Screening of job candidates

Medical Information

- Expected length of disability and absence
- Whether it is temporary or permanent absence
- Work restrictions to assist with accommodating employee

Requesting Relevant Medical Information

- Must be requested in non threatening manner
- Medical information should only be released to staff who need it for a specific purpose

Trick v. Federated Cooperatives (Alta. Q.B.)

Accommodating Needs of Pregnant Women

- Re-assignment of duties/location
- Flexible work schedule, breaks as necessary
- Alternate work arrangements
- Supportive environment

Accommodation – Religious Needs

Employers should consider:

- Nature of religious observance
- Reason for uniform/dress code, work schedules etc.
- Alternative measures to accommodate
- Potential health/safety hazards

Multani (SCC)

Undue Hardship

Three main considerations are:

- Health of others
- Safety
- Cost

Bona Fide Occupational Requirement (3 Part Test)

1. Does the standard or requirement have a **rational connection** to the performance of the job? (Is it required for the work to be done safely and efficiently?)
2. Is the standard imposed by the employer **in good faith**, believing that it is necessary to the job?
3. Is the standard **reasonably necessary** or is it impossible to accommodate the employee's needs without imposing **undue hardship** on the employer?

Assessing Undue Hardship

Questions to ask or be asked (BFOR):

- Do all employees have to meet one standard?
- Is there another way to do the job that would get around the problem?
- Did you consider these alternatives?
- If there were alternative standards, why were they not chosen?
- Have other employees and/or the union been consulted?

Organizations need to foster a workplace environment where human rights and responsibilities are promoted and respected and where employees are free from concerns related to basic equity issues.

(Bates and Este, Creating Workplace Environments That Reflect Human Rights Values)

For information on workshops

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