

VIDEO SCRIPT

Discrimination in the workplace

Presenter

We are going to talk about discrimination in the workplace. Discrimination occurs when you treat people differently because of their personal characteristics and it affects them negatively. Personal characteristics are things like age, race, religion or gender.

One place where discrimination often happens is at work. The BC Human Rights Code applies to all businesses and services in BC, except those regulated by the federal government. Human rights laws protect you from discrimination when you are working, looking for a job, or when you are at a work function.

For example, it can be discrimination if someone doesn't hire you because of your accent when your English is good enough to do the job. Or, if you apply for work and an employer offers a job to you, but finds out you are not a white person and then refuses to hire you. In both of these situations, you would be able to file a human rights complaint.

Person 5: What if someone is fired because he is too old to do the job?

Presenter

That is discrimination. Employees cannot be treated differently because of age – unless they are under 19, in which case different standards apply.

Remember, the *BC Human Rights Code* does not permit employers to discriminate against employees based on personal characteristics – like age, race, religion or gender and other personal characteristics.

So, for example:

- Employers cannot refuse to hire you because of where you come from.
- Employers cannot fire you because you are pregnant.
- Employers cannot force you to retire because of your age.
- Employers cannot harass you sexually.

Person 5: But what if someone just can't do the job – like, physically?

Presenter

There may be jobs where employees have work duties or safety issues that require specific physical abilities. For example, a driver must have the eyesight needed to do the job safely. Or, a construction worker may need to be able to comfortably lift a certain amount of weight.

Human Rights laws are broken when the employer discriminates based on personal characteristics, rather than based on work performance requirements. The employer is not discriminating if he or she refuses to hire you when you can't do the work.

Person 1: Do human rights laws protect me on the job even though I have not been working there for very long?

Presenter

Yes. Generally most employees are given a 3-month probation. Employers can fire employees during this period if things aren't working out. But they can't do it for discriminatory reasons - because of your personal characteristics.

Person 2: So the *BC Human Rights Code* protects me against discrimination by my boss. But what about the people I work with?

Presenter

The human rights law protects you against discrimination any time that you are working. It does not matter who discriminates against you. If your employer, your supervisor, a co-worker, or even a customer discriminates against you, then the human rights law protects you.

For example, if you were working in a restaurant and a customer said that she did not want to be served by you because you are from **India or China**, and your co-worker said you should not serve the customer, then that would be discrimination by both the customer and your co-worker.

Person 4: What if I work for myself? What if I have my own business?

Presenter

Anyone who is trying to get employment or has employment is protected under the human rights law. But if you are an independent contractor, then you may not be protected. If you are truly independent and work for yourself, then you will not get the protection of the *BC Human Rights Code*. But you may get protection from other laws such as contract law.

Here's a question for you. You are injured at work and can't work for two weeks. You provide a medical note telling your employer that you'll be away for two weeks. Does he have to keep your job open for you until you return?

Person 3: Yes.

Presenter

You're right! It's your boss's duty to accommodate. "Accommodate" means to help or assist someone, so "duty to accommodate" means duty to help and assist.

Under the human rights laws, your employer must "accommodate" you until it becomes very difficult for them to do so. It would not be difficult to hold your job for you for a period of two weeks until you are able to return.

Here's another example: your job is doing office work, but part of it is to do heavy lifting. You hurt your back and cannot lift anything. You provide a medical note to your boss that says you should not do any more heavy lifting. In this case, your boss has a duty to modify or change your work so you don't have to do the lifting. This might mean that you do other work, or maybe work less hours. Whatever seems to be a reasonable solution for everyone involved.

Person 2: And if a woman gets pregnant, the employer has a duty to accommodate, right?

Presenter

In fact, we get a lot of questions about pregnancy and a woman's rights in the workplace. I am going to talk more about that later. For now, let me just say that it is against the law to discriminate against a woman because she is pregnant, was pregnant, or might get pregnant. Does anyone have any other questions?

Person 1: I have a question about something that happened to my friend's son. His boss fired him because he objected to racist comments that were made about him at work. His boss said he was a troublemaker and fired him. That's discrimination, right?

Presenter

Yes. That is discrimination and it's the employer's responsibility to provide a workplace free from discrimination. In this case, your friend's son could file a human rights complaint, and could try to mediate a solution. Mediation is a process where a neutral person (someone not

involved in the dispute), tries to help your friend's son and his employer reach an agreement. If that failed he could go to a hearing and try to prove his case.

His human rights complaint would get filed with the Human Rights Tribunal .

He might also have other options such as suing for wrongful dismissal. Wrongful dismissal is a type of civil lawsuit where an employee says that he or she was fired without a good reason and the employer broke the employment contract.