

FACT SHEET: Discrimination Based on Sexual Orientation

WHAT DOES “SEXUAL ORIENTATION” MEAN?

“Sexual orientation” is a personal characteristic that forms part of who you are. It covers the range of human sexuality from gay and lesbian, to bisexual and heterosexual orientations. Sexual orientation is different from gender identity, which is protected under the ground of "sex."

WHAT PROTECTION EXISTS UNDER THE HUMAN RIGHTS CODE?

The Ontario *Human Rights Code* (the “Code”) is a law that provides for equal rights and opportunities and recognizes the dignity and worth of every person in Ontario. The *Code* makes it against the law to discriminate against someone or to harass them because of their sexual orientation or their marital status which includes same-sex relationships. This right to be free from discrimination and harassment applies to employment, facilities, accommodation and housing, contracts and membership in unions, trade or professional associations. This means that a person cannot be treated unequally or subjected to harassment in these areas because he or she is gay, lesbian, heterosexual or bisexual. It is also illegal to discriminate because someone is in a same-sex relationship.

WHEN IS IT HARASSMENT?

Harassment is making a hurtful comment or action that is known or ought to be known to be unwelcome. Examples of situations that might be considered harassment include:

- A landlord says to a lesbian tenant she should “go live with people like yourself because you do not belong here”.
- Homophobic jokes or hints being made about a person's sexual orientation or same-sex relationship.
- The display of disrespectful signs, caricatures, cartoons or graffiti.

Harassment can happen even if the jokes are not specifically about sexual orientation.

Example: A workplace has a history of homophobic attitudes. A gay employee repeatedly is the target of practical jokes and is ridiculed by his co-workers. It may be that he is being harassed because he is gay, even though the jokes and ridicule do not contain direct reference to his sexual orientation.

Inappropriate behaviour does not always have to occur repeatedly to be against the law. A single incident might be serious enough. An employer is responsible for making sure the workplace is free from discrimination and harassment. The employer must take action if it knows or ought to have known about inappropriate behaviour based on sexual orientation or a same-sex relationship.

WHEN IS IT DISCRIMINATION?

Discrimination occurs when a person is treated unequally or differently because of sexual orientation or a same-sex relationship. It is also against the law to instruct others to discriminate because of sexual orientation.

Discrimination can result from a person’s actions or from rules and policies of an organization.

Example: An employee is denied promotions, training or is fired because of her sexual orientation or same-sex relationship.

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Example: A company's health insurance plan covers the needs of an opposite sex partner but does not a same-sex partner.

People cannot be denied services because of their sexual orientation, despite how the service provider or other customers might feel.

Example: A company's health insurance plan covers the needs of an opposite sex partner but does not a same-sex partner.

HARASSMENT CAN LEAD TO VIOLENCE

Silence or doing nothing will not typically make the harassment go away and sometimes such behaviour can lead to violence. If you feel uncomfortable or threatened, speak to a person in authority about it. See [Humber's Human Rights Policy](#) for more information on reporting discrimination and harassment.

Source:

The information in this fact sheet has been developed by the Ontario Human Rights Commission, and can be found at the following web site http://www.ohrc.on.ca/en/issues/sexual_orientation

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