

Ontario's Human Rights Code

The Ontario *Human Rights Code* (the “Code”) provides for equal rights and opportunities, and freedom from discrimination. The *Code* recognizes the dignity and worth of every person in Ontario. It applies to the areas of employment, housing, facilities and services, contracts, and membership in unions, trade or professional associations.

Under the *Code*, every person has the right to be free from racial discrimination and harassment. You should not be treated differently because of your race or other related grounds, such as your ancestry, ethnicity, religion or place of origin, in areas covered by the *Code* such as while you are at work, at school, trying to rent an apartment, or eating a meal in a restaurant.

Racism and Racial Discrimination

Canada, its provinces and territories have strong human rights laws and systems in place to address discrimination. At the same time, we also have a legacy of racism – particularly towards Aboriginal persons, but to other groups as well including African, Chinese, Japanese, South Asian, Jewish and Muslim Canadians – a legacy that profoundly permeates our systems and structures to this day, affecting the lives of not only racialized persons, but all people in Canada.

The Ontario Human Rights Commission describes communities facing racism as “racialized.” This is because society artificially constructs the idea of “race” based on geographic, historical, political, economic, social and cultural factors, as well as physical traits, that have no justification for notions of racial superiority or racial prejudice.

Racism is a broader experience and practice than racial discrimination. It is an ideology that either directly or indirectly asserts that one group is inherently superior to others. Racism can be openly displayed in racial jokes and slurs or hate crimes, but can also be more deeply rooted in attitudes, values and stereotypical beliefs. In some cases, these are unconsciously held and have evolved over time, becoming embedded in systems and institutions, and also associated with the dominant group's power and privilege.

Racial discrimination is a legally prohibited expression of racism. It is any action based on a person's race, intentional or not, that imposes burdens on a person or group and not on others, or that withholds or limits access to benefits available to other members of society in areas covered by the *Code*. Race only needs to be one factor in a situation for racial discrimination to have occurred.

Racial harassment is a form of discrimination. It includes comments, jokes, name-calling, display of pictures or behaviour that insults you, offends you or puts you down because of your race and other related grounds. Racial discrimination can often be very subtle, such as being assigned to less desirable jobs, or being denied mentoring and development opportunities. It might also mean being subjected to different management standards than other workers, being denied an apartment because you appear to have Aboriginal ancestry, or facing unfair scrutiny by police while driving or by security staff at a shopping mall.

Systemic Racial Discrimination

Racial discrimination can arise on a systemic or institutional level from everyday rules and structures that are not consciously intended or designed to discriminate. Patterns of behaviour, policies or practices that are part of the structures of an organization or an entire sector can create or perpetuate disadvantage for racialized persons. Organizations should be aware that their “normal way of doing things” might be having a negative impact on racialized persons.

For example, in the education sector, systemic discrimination can include: stereotyping that streams racialized students towards technical programs instead of academic ones; or low representation of racialized principals as a result of promotion practices that embed cultural and organizational factors that favour White applicants.

Identifying and Addressing Racial Discrimination

Organizations have a responsibility to take proactive steps to make sure that they are not taking part in, condoning or allowing racial discrimination or harassment to occur.

A good place to start is to develop a solid antiracism program that can help prevent as well as address individual and systemic forms of racial discrimination. This might include:

- Collecting numerical data in appropriate circumstances
- Accounting for historical disadvantage
- Reviewing policies, practices, decision-making processes and workplace culture, for adverse impact
- Putting in place and enforcing antidiscrimination and anti-harassment policies and education programs.

An anti-racism program will also make it easier for organizations to promote equity and diversity goals, and it makes good business sense.

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/racism>

Accessibility: This document is available in alternate formats.