

A GUIDE TO HUMAN RIGHTS FOR EMPLOYERS

Promoting and protecting individual dignity and equal rights is the goal of *The Saskatchewan Human Rights Code*. It's the Saskatchewan Human Rights Commission's job to discourage and eliminate discrimination against everyone under provincial jurisdiction at school, in housing, public services, contracts, publications, and on the job.

It's against the law to discriminate against anyone in those areas based on:

- religion,
- creed,
- marital status,
- family status,
- sex,
- sexual orientation,
- disability
- age (18 or more)
- colour
- ancestry,
- nationality,
- place of origin
- race or perceived race,
- receipt of public assistance, and
- gender identity

Individuals, private companies, schools, trade unions, professional associations – plus provincial and municipal governments – are subject to human rights law. If you violate the *Code* you could be liable for the harm caused by discrimination.

The Best Person Always Gets the Job

As an employer you may think the *Code* will unnecessarily restrict whom you hire. That's not true. Human rights law does not limit your ability to hire and keep good employees. The *Code* just means you must consider only the qualifications necessary and specific to the job -like merit and skill. This way, you're sure to get the best person for the job.

What's Protected?

Everything related to employment is protected under the *Code*. That includes:

- recruitment ads
- application forms
- interviews
- hiring
- dismissal
- promotion / demotion
- benefits
- wages

In addition, trade unions and professional associations cannot discriminate when it comes to collective agreements or membership.

Respecting People's Needs

Employers, service providers and others must assist people with special needs. That is called accommodation. Accommodation is required unless it would cause undue hardship.

Examples:

- *As an employer, you may have to provide technical aids so people with disabilities can participate in your workplace.*
- *You might have to temporarily rearrange work duties for a pregnant woman. For example, a police officer may switch to a desk job in the later stages of her pregnancy.*

Sexual Harassment

Sexual harassment is sex discrimination and it's against the law.

Sexual harassment is any unwanted sexual conduct. It can be verbal or physical. Employers must protect their employees from sexual harassment in the workplace. Whether you are aware of sexual harassment or not, you may be held responsible for the actions of your employees while they are on the job, except in certain circumstances.

Racial Harassment

Racial harassment is race discrimination and it's against the law. It can be verbal or physical. It includes negative comments, jokes, teases, slurs, threats, etc. about someone's colour, perceived race, ancestry, nationality, place of origin, or culture.

As an employer, you must provide a discrimination free workplace. It's up to you to protect your employees from racial harassment. A good way to do this is to set up a code of conduct and an anti-harassment policy.

Exceptions

Some jobs may require people to be of a certain age or sex or to have a particular ability. Even where age, sex or ability is a reasonable occupational qualification, an employer must make reasonable efforts to accommodate people.

- If religious instruction is part of the curriculum, schools may require teachers of a particular religion.
- Non-profit charitable, philanthropic, fraternal or religious organizations primarily engaged in serving the interests of persons identified by their religion, ancestry, sex, etc., may give hiring preference to someone providing it's reasonably necessary because of the nature of the job.

The *Code* doesn't apply if you're hiring someone to work in a private home or your own home. However, once you hire someone, you cannot discriminate against him or her in the terms and conditions of employment.

Employment Equity

The Commission promotes, approves and monitors Employment Equity programs in Saskatchewan. Employment Equity programs are developed to eliminate disadvantages faced by Aboriginal people, people with disabilities, visible minorities, and women.