

What is Discrimination?

Discrimination & Harassment - Definitions

The following definitions may be helpful in determining whether you or someone you know is experiencing discrimination or harassment:

Discrimination

The Ontario Human Rights Code (OHRC) does not provide a definition for the term discrimination. However, the intent and meaning of the Code along with interpretations of the term contained in judicial decisions suggest that, discrimination is differential treatment based on a personal characteristic which has an adverse impact on an individual or group. Examples of personal characteristics include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap.

Discrimination robs people of their dignity and their ability to fulfill their capabilities. It is important to note that any person or group can discriminate and any person or group can be the target of discrimination. Discrimination can take on several forms:

Sexual Discrimination - includes discrimination on the basis of gender, sex, sexual orientation, etc.

Racial Discrimination - includes discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, etc.

Discrimination on the basis of Disability - involves discrimination against a person on the basis of their physical, psychological or mental ability or impairment.

Harassment

The Ontario Human Rights Code defines harassment as "**engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome**". This definition has been adopted by The University of Western Ontario in its human rights and equity policies.

The following definitions may further assist with understanding the term harassment and what it entails:

"a course" - in most cases, there must be more than one incident for behaviour to be defined as harassment. However, courts in Canada have found that a single unwelcome incident, if serious enough, can be sufficient to support a harassment complaint.

"vexatious" - unwelcome and has little or no useful, legitimate purpose in the context in which it takes place.

"comment or conduct" - the use of the two terms - comment or conduct - includes actions and words. The actions or words may or may not be aimed at the person complaining of harassment; they may not be aimed at anyone at all. If they are unwelcome and create a poisoned environment, they could be considered harassment.

"known or ought reasonably to be known" - this phrase encompasses both a subjective and objective element. Even if a person is not aware that her behaviour is unwelcome (subjective), if a reasonable person in the same situation would have known that the behaviour was unwelcome, then that person "ought reasonably to have known" that her behaviour was unwelcome.

"unwelcome" - this simply means that the person who has brought the complaint does not wish to be exposed to the behaviour. Unwelcome is in the eye of the beholder.

Harassment is often an abuse of social power, but it is important to remember that any person can harass any other person. Harassment is often defined to include any behavior that creates an intimidating, demeaning or hostile environment. Harassment can take on different forms:

Sexual Harassment - includes harassment on the basis of sex, gender or sexual orientation.

Racial Harassment - includes harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, etc.

General Harassment - includes harassing behavior not on any of the grounds discussed above (i.e. bullying or personal harassment).