

**St. Joseph's General Hospital Elliot Lake
POLICY/PROCEDURE MANUAL**

Department	Human Resources
Subject:	Equality and Diversity
Policy/Procedure No.	PRSI-e-70
Distribution List:	All Departments/ Intranet
Approved By:	Jeremy Stevenson, President/CEO
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POLICY

This policy sets out St. Joseph's General Hospital Elliot Lake's (SJGHEL) approach to equality and diversity. SJGHEL is committed to promoting equality and diversity and promoting a culture that actively values difference and recognizes that people from different backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work.

SJGHEL aims to be an inclusive organization, committed to providing equal opportunities throughout employment including recruitment, training and development of employees, and to proactively tackling and eliminating discrimination.

At SJGHEL, we consider that equality means breaking down barriers, eliminating discrimination and ensuring equal opportunities and access for all groups.

We consider diversity to mean celebrating difference and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this, everyone can feel valued for their contributions. This is beneficial not only for the individual but for SJGHEL too.

We acknowledge that equality and diversity are not interchangeable but interdependent. There can be no equality of opportunity if difference is not valued and harnessed.

The rights and obligations set out in this policy apply equally to all employees, volunteers, students, and physicians whether part time, full time, or contract. This policy is also of particular relevance to directors, manager and other employees concerned with recruitment, training and promotion procedures and employment decisions which affect others.

PROCEDURE

1. Commitment:

Every employee, volunteer, student and physician are entitled to a working environment that promotes dignity, equality, and respect for all. SJGHEL will not tolerate any acts of unlawful or unfair discrimination (including harassment) committed against an employee, contractor, job applicant, elected official or visitor because of a protected characteristic:

- sex;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race (including ethnic origin, colour, nationality or national origin);
- disability;
- sexual orientation;
- religion and or belief; and
- age.

Discrimination on the basis of work pattern (part-time working, contract, flexible working) which is unjustifiable will also not be tolerated. All employees will be encouraged to develop their skills and fulfill their potential and to take advantage of training, development and progression opportunities at SJGHEL selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability.

No form of intimidation, bullying or harassment will be tolerated. If you believe that you may have suffered discrimination because of any of the above protected characteristics, you should consider the appropriateness and feasibility of attempted informal resolution by discussion in the first instance with your supervisor, manager, or another colleague in a relevant position of seniority. You may decide in the alternative to raise the matter through SJGHEL's Workplace Conduct Policy.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the appropriate procedure. SJGHEL will ensure that individuals who make such allegations in good faith will not be victimized or treated less favourably by SJGHEL as a result. However, false allegations of a breach of this policy which are found to have been made in bad faith will be dealt with under the SJGHEL Workplace Conduct Policy. Employees may also be personally liable for any acts of discrimination prohibited by this policy they commit, meaning they may be held accountable through judicial or quasi-judicial legal processes by the victim.

2. When does this Policy apply?

This policy applies to all conduct in the workplace and also to conduct outside of the workplace that is related to your work (e.g., at meetings, social events and social interactions with colleagues), in a social setting, off work hours, or which may impact on SJGHEL's reputation (e.g. the expression of views on social media, contrary to the commitments expressed in this policy, that could be linked to SJGHEL).

Specific areas of application:

a) Recruitment:

Selection for employment at SJGHEL will be based on aptitude and ability. Further detail is set out in SJGHEL's Recruitment and Selection Policy. Where possible, SJGHEL will capture applicants' diversity demographics as part of its recruitment processes to promote the elimination of unlawful discrimination.

b) Training:

Employees of SJGHEL may also be required to participate in training and development activities from time to time, to encourage the promotion of the principles of this policy.

c) Promotion:

All promotion decisions will be based on merit and will not be influenced by any of the protected characteristics listed above. Promotion opportunities will be monitored to ensure equality of opportunity at all levels. Where appropriate, steps will be taken to identify and remove unnecessary or unjustifiable barriers to promotion.

d) During employment:

The benefits, terms and conditions of employment and facilities available to SJGHEL employees will be reviewed on a regular basis to ensure that access is not restricted by unlawful means.

3. Legal Duties

This policy will be reviewed on an ongoing basis by SJGHEL to assess its effectiveness and may be amended from time to time. This policy is for guidance only and does not form part of the employee's contract of employment.

4. Types of Discrimination

There are various types of discrimination prohibited by this policy. The main types are:

a) Direct discrimination:

Direct discrimination occurs when one person is treated less favourably than another because of a protected characteristic, as set out in this policy. By way of example, refusing to promote a pregnant employee on the basis that she is shortly due to go on maternity leave would be direct discrimination on the protected characteristic of the employee's sex. Other types of direct discrimination are:

- Associative discrimination - this is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, an employee is discriminated against because they are friends with a lesbian, gay, bi-sexual, transgendered, queer (LGBTQ) co-worker.
- Perceptive discrimination - this is direct discrimination against an individual because others think they possess a particular protected characteristic. For example, where co-workers believe the individual is gay. It applies even if the person does not actually possess that characteristic.

b) Indirect discrimination:

Indirect discrimination occurs when an unjustifiable requirement or condition is applied, which appears to be the same for all, but which has a disproportionate, adverse effect on one group of people. This is discrimination even though there was no intention to discriminate. For example, a requirement for Canadian based qualifications could disadvantage applicants who have obtained their qualifications outside of Canada; this could amount to indirect discrimination on the grounds of race.

c) Victimization/Reprisal:

Victimization is where an employee is treated less favourably than others because they have asserted legal rights against SJGHEL or assisted a colleague in doing so. For example, victimization may occur where an employee has raised a genuine grievance against SJGHEL and is demoted as a result.

d) Harassment

- Harassment is defined by the *Ontario Human Rights Code* as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome on the following prohibited grounds: race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability. This may include any behavior that is known or ought reasonably to be known to be offensive, embarrassing or humiliating to other individuals and may further include visual representation, electronic messages, written messages, verbal and/or physical conduct.

The definition of workplace sexual harassment has been established as:

- Engaging in a course of vexatious comments or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought to be reasonably known to be unwelcome; or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought to reasonably know that the solicitation is unwelcome.

It is important to remember that it is not the intention of the harasser but how the recipient perceives their behaviour, which determines whether harassment has occurred. Please see SJGHEL 's Workplace Conduct Policy, for further details of how SJGHEL will deal with bullying and harassment.

References:	
Reviewed in consultation with:	
Policy Credits (author?):	
Corresponding Policies:	
Corresponding Forms:	
Path and File Name:	