

Discrimination:

A CHECKLIST AND SAMPLE COLLECTIVE AGREEMENT LANGUAGE

This document provides a checklist and examples of collective agreement language on discrimination.

Discrimination is an action or a decision that treats a person or a group negatively for reasons such as their gender, race or disability. These reasons are known as grounds of discrimination.

Depending on the jurisdiction of your workplace (provincial, territorial or federal), your list of “prohibited grounds” of discrimination can include:

age, sex, race, gender, colour, creed, religion, ethnicity, pregnancy, ancestry, political belief, marital status, family status, language, citizenship, civil status, nationality, place of origin, physical disability, mental disability, criminal conviction, Aboriginal origin, social condition, sexual orientation, gender identity, gender expression, source of income, linguistic background or other grounds.

Your collective agreement should have a non-discrimination clause that:

- Covers all grounds of discrimination under human rights legislation in your jurisdiction.
- Covers additional grounds such as social condition and gender identity and expression that are not yet listed in all Canadian human rights laws.

- Protects workers from discrimination by anyone in the workplace - management, co-workers, the public, contractors, and service users.

Your collective agreement should also cover:

- Harassment. See the CUPE document *Stop harassment: A guide for CUPE locals* for tips on anti-harassment language.
- Counseling or services of an Employee Assistance Program for members who have experienced discrimination.
- Anti-oppression education for members and management.
- Measures to address systemic discrimination such as employment equity, pay equity and accommodation related to disability, family status, religion or other grounds.

The employer must ensure that workplace rules, policies and practices are not discriminatory. By law, employers must take proactive steps to make sure that standards and requirements do not discriminate against an individual or group of individuals. The impact, not the intent, is what matters.

The union must (a) not negotiate discriminatory contract language, and (b) actively cooperate with any reasonable accommodation being put forward.