

PARTICIPANT MANUAL 08USW16



Welcome and Objectives

Welcome to this session of Preventing and Dealing with Workplace Harassment, Workplace Sexual Harassment, and Workplace Violence.

In presenting our workshop we hope that together we can maintain and support a harassment and violence-free workplace by meeting these four objectives:

- Agree to an understanding of respectful communication;
- Increase our understanding of workplace harassment, workplace sexual harassment, and workplace violence;
- Examine how workplace harassment, workplace sexual harassment, and workplace violence affects workers inside and outside the workplace; and
- Explore Bill 132, the Ontario Human Rights Code, company and union policies.

This workshop will include your experiences to provide an opportunity to discuss views, opinions and new ideas.

Enjoy the workshop!



Setting the Atmosphere

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Preventing and Dealing with Workplace Harassment, Workplace Sexual Harassment and Workplace Violence: Bill 132



WORKPLACE HARASSMENT, WORKPLACE SEXUAL HARASSMENT, AND WORKPLACE VIOLENCE

Examples of workplace harassment and workplace sexual harassment:	Examples of workplace violence:

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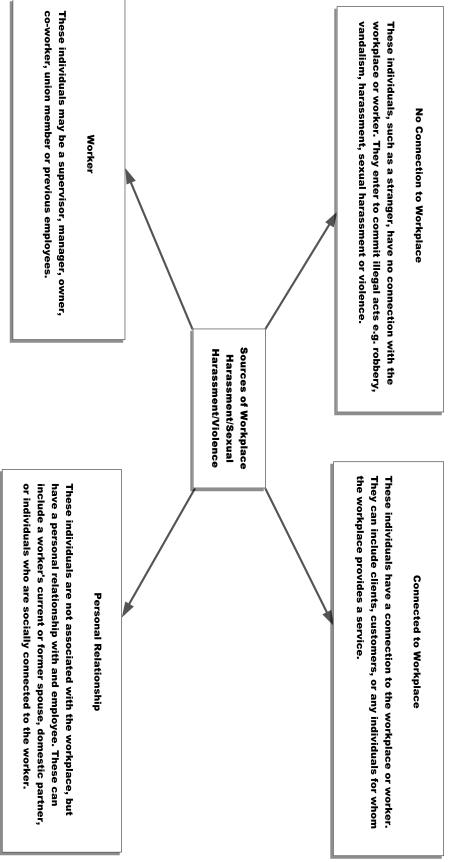
WORKPLACE HARASSMENT, WORKPLACE SEXUAL HARASSMENT, AND WORKPLACE VIOLENCE: SOURCES

Sources			
Who commits workplace harassment, workplace sexual harassment, and/or violence?	Why do people commit harassment and/or violence?		
•	Personal factors		
	Physical layout and design of the workplace		
	Workplace attitudes and culture		

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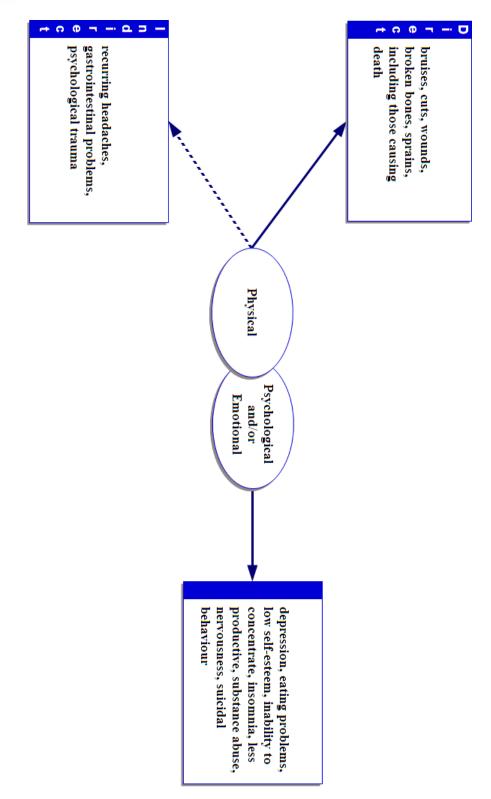
HARASSMENT AND/OR VIOLENCE: FOUR MAJOR SOURCES WORKPLACE HARASSMENT, WORKPLACE SEXUAL



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Health Effects of Workplace Harassment, Workplace Sexual Harassment and/or Violence



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BILL 132, THE ONTARIO HUMAN RIGHTS CODE, COMPANY AND UNION POLICIES

With the passage of Bill 132 in Ontario, there are three aspects to understand when discussing workplace harassment, workplace sexual harassment, and violence in the workplace.

- i) What is workplace harassment, including workplace sexual harassment, and what processes must be in place to deal with it?
- ii) What is workplace violence, and what processes must be in place to deal with it?
- iii) What are the prohibited grounds of harassment under the Ontario Human Rights Code?



BILL 132

	Workplace Harassment	Workplace Violence
Definition	 a) Workplace harassment means: engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. b) Workplace sexual harassment means: Engaging in a course of vexatious comment 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 reasonably to be 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 advance to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. 	 a) "The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, c) A statement of behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker."

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	Workplace Harassment	Workplace Violence
	A reasonable action taken by an employer or supervisor relating to the management and direction of workers and the workplace is not workplace harassment.	
Program and Duties of the Employer	Develop and post a workplace harassment policy. An employer shall, in consultation with the committee or a health and safety representative, if any, develop and maintain a written program to implement the policy with respect to workplace harassment. The program must: Include how to summon immediate assistance. Include measures and procedures for workers to report incidents of harassment to the employer or supervisor. Include measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor if the employer or supervisor is the alleged harasser.	Develop and post a workplace violence policy. Develop and maintain a program to implement the workplace violence policy. This must include: Work with Joint Health and Safety Committee (mandatory in workplaces with 20 or more employees). Measures and procedures to control the risks identified. Measures and procedures for workers to report incidents or complaints of workplace violence. Measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur. Set out how the employer will



Workplace Harassment	Workplace Violence	
 Set out how incidents or complaints of workplace harassment will be investigated and dealt with. 	investigate and deal with incidents and complaints of workplace violence.	
 Set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law. Set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the results of the investigation and any corrective action that has been taken or that will be taken as a result of the investigation. To protect a worker from workplace harassment, an employer shall ensure that: An investigation is conducted 	 If aware, or ought reasonably to be aware that domestic violence may occur in the workplace and would likely expose a worker to physical injury, every reasonable precaution must be taken. History of violent behaviour Must provide workers with information about a person with a history of violent behaviour. The information should be no more than reasonably necessary, and should allow workers to identify the person and the warning signs of potential aggression of that person. Information must be provided if: ✓ The worker can be expected to encounter violence in the course of their work; and 	



Workplace Harassment	Workplace Violence		
into incidents and complaints of workplace harassment that is appropriate in the circumstances.	✓ The risk of workplace violence is likely to expose the worker to physical injury.		
 The worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation. The program is reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy with respect to workplace harassment. Information and instruction is provided that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment. Order for workplace harassment investigation An inspector may in writing order 	 Recognize that workers have the right to refuse unsafe work where they have reason to believe that workplace violence is likely to endanger themselves. Allow the worker to remain in a safe place as near as reasonably possible to their work station and be available to the employer or supervisor for the purpose of an investigation. 		



Workplace Harassment	Workplace Violence
an employer to cause an investigation to be conducted, at the expense of the employer, by an impartial person possessing such knowledge, experience or qualifications as are specified by the inspector and to obtain, at the expense of the employer, a written report by that person.	



PROTECTED GROUNDS UNDER THE ONTARIO HUMAN RIGHTS CODE

Grouping	Specific Ground	Definition
	Race	An individual's racial group e.g. Asian
	Place of Origin	Location of an individual's birth e.g. Beijing, China
Race-related	Ethnic Origin	Origins from a social group that share common cultural, traditional and national characteristics e.g. Chinese/Confucian culture
grounds	Colour	Colour of an individual's skin
	Citizenship	An individual's citizenship, past and/or current e.g. a past South African citizen immigrates to Canada and becomes a Canadian citizen
	Ancestry	An individual's family descent
Disability	Mental Disability and Physical Disability	Includes both mental and physical disability, or both. Also includes temporary and permanent disabilities, being in receipt of Workers Safety and Insurance Benefits in the past or at present, learning disabilities, visible, invisible and perceived disabilities
Spiritual	Creed	Spiritual beliefs and practices, belief
Belief and Practice	Religion	in superior being(s), major accepted religions

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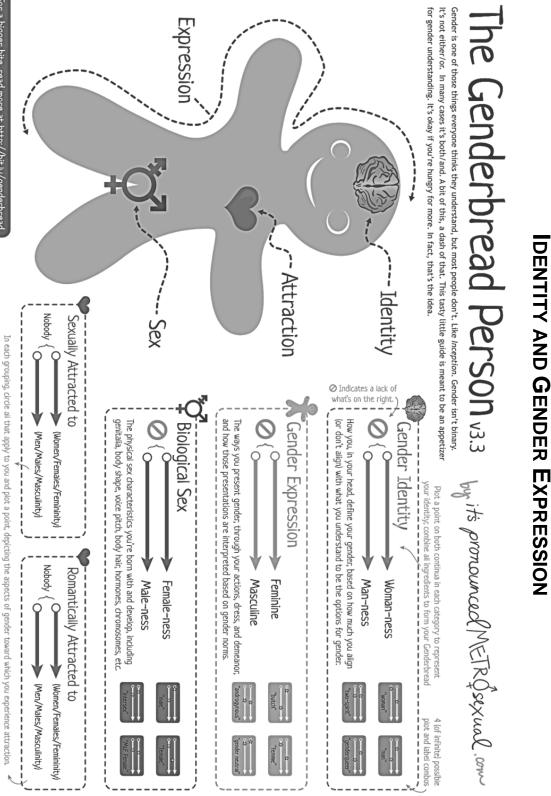
Relational	Family Status	A parent-child relationship where the child is a direct biological descendent, or adopted
Status	Marital Status	Status of being single, married, widowed, divorced, separated or common-law
Sex (assigned at birth) associated with gender (e.g. chromosomes, hormomakeup, genitalia), whether person is male, female or in		(e.g. chromosomes, hormonal makeup, genitalia), whether a person is male, female or intersex. This ground also covers pregnancy
Sexual Orientation	Sexual Orientation	Indicates which gender(s) a person is attracted to (e.g. straight, gay, lesbian, bisexual/pansexual, asexual)
Gender	Gender Identity	Each person's internal and individual experience of gender. It is a person's sense of being a man, woman, both, neither, or anywhere along the gender spectrum
Gender	Gender Expression	How a person publicly expresses or presents their gender. This can include outward appearance such as dress, hairstyle, make-up, body-language and voice
Other	Record of Offence	Includes provincial and federal legal offences for which a pardon has been granted
	Age	The chronological age of a person from birth



Source : Safe Zone Participant Packet p.9

For a bigger bite, read more at http://bit.ly/genderbread

WHY SEXUAL HARASSMENT INCLUDES SEX, SEXUAL ORIENTATION, GENDER **IDENTITY AND GENDER EXPRESSION**



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Notes

Sex:		
Sexual Orientation:		
Gender Identity:		
Gender Expression:		

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United Steelworkers Anti-Harassment Policy

Steelworker members are entitled to a harassment-free environment at all union activities, events and meetings.

There are two principles fundamental to the labour movement: human rights and solidarity. Harassment strikes at the heart of both.

Steelworkers will not tolerate nor condone behaviour that is likely to undermine the dignity or self-esteem of an individual, or which creates an intimidating, hostile or offensive environment. As Steelworkers we must speak out against harassment and stand together to protect human rights.

Harassment is not a joke. It is an expression of perceived power by the harasser over another person, usually for reasons over which the victim has little or no control. Prohibited grounds under Human Rights Codes across Canada can include sex, race, age, marital status, sexual orientation, gender identity, disability, political or religious beliefs, and place of national origin.

Harassment can be defined as any action (verbal, psychological or physical) on a single or repeated basis which humiliates, insults or degrades and is known or ought reasonably to be known to be unwelcome by the victim of the harassment.

Harassment can include but is not limited to: unwanted comments, slurs, racist or sexist jokes, pictures or posters, bullying or intimidation, graffiti, physical contact of any kind, remarks about a person's appearance or personal life, unwelcome sexual advances or demands, suggestive looks or gestures.

Steelworkers take harassment complaints seriously. Complaints of harassment at Steelworker activities will be investigated by one of our anti-harassment complaints counsellors and reported to the Canadian National Director for any necessary follow-up. A substantiated complaint will result in action by the Union, which could include the removal of the harasser from the event. A letter outlining the reasons for the removal will be sent to the local union.

"We can't make people like each other. But we can, through concrete action, promote mutual respect in our union."

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SCENARIOS

Scenario 1

One part of the job for security screeners is to use electronic tools to body scan passengers passing security checkpoints to get to their flight departure gates. The protocol for electronic body scanning is that male security screeners will usually scan male passengers, and female security screeners will usually scan female passengers.

Robert is an airport security screener who works on the afternoon shift. On his days off, Robert often goes to music concerts, followed by attending night clubs with a group of friends. A favourite club of theirs is called "The Rico."

While in the staff change room, getting into their uniforms for the shift, John, a co-worker of Robert's, addressed the afternoon crew. John told people that recently he and his wife had gone out for a dinner at a restaurant. After dinner, they decided to take a stroll through the club district before returning to their car. While walking, John said he thought he saw someone who reminded him of Robert. John then told the crew that the closer he and his wife got to "The Rico" the more convinced he was that it was Robert, but that Robert was wearing women's clothing, wearing a wig, and had applied makeup to his face. In addition, all the people Robert was talking to were men dressed up as women. John then took out his mobile phone and showed the crew the picture he had taken of Robert that evening.

Robert looked at the picture and was embarrassed. He said that the picture was of him. He explained that "The Rico" held a trans night once a month, and that he and his friends often cross-dressed and attended these events.

For weeks after seeing John's picture, Robert's crew made up "Robert at the Rico" varieties of jokes. The crew also suggested to management that Robert be assigned to body scan female passengers only.

What, if anything, can Robert do to address the situation, and why?

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	Workplace harassment	
Bill 132	Workplace sexual harassment	
	Workplace violence	
OHRC	(Name protected ground)	
None		

Reasons:	



Scenario 2

Praveeti works as an administrative assistant in the anthropology department at a university. She was surprised one day when the dean of the department asked her to meet him in the boardroom. During the conversation, the dean explained that recently, a major funding grant had been awarded to the anthropology department, and that he would be leading a field research team in the upcoming summer.

The field work would take place in a remote area of the province. The team would base themselves in a local hotel where they would rent space for meetings and rooms for accommodation. The dean asked Praveeti whether she would be interested in being part of the team, doing administrative jobs in the field rather than in the office. Praveeti agreed.

Due to the dean's schedule in the months leading to the summer, the dean requested that some administrative planning meetings occur off campus and after work hours. Praveeti found some aspects of the planning to be expected. These details included hotel rates for accommodation and meeting space, travel arrangements, and information required by the funding agency that awarded the grant.

At one such meeting over dinner, after the administrative planning was done, the dean asked Praveeti about her career ambitions in future and her current relationship status. The dean also asked Praveeti whether she would like to attend international conferences and related social events with him as part of her administrative duties.

What, if anything, can Praveeti do about this situation, and why?

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	Workplace harassment	
Bill 132	Workplace sexual harassment	
	Workplace violence	
OHRC	(Name protected ground)	
None		

Reasons:			



Scenario 3

Sami has twenty years of seniority at a pulp mill. Over that period of time, he has been seen as one of the friendliest workers in the mill. When Sami started at the company, it was the tradition of workers to give nicknames to any new employee. As time wore on, some employees were called by the nicknames they were first given, and some employees were called by their regular names. As one of the longest serving employees, Sami has been central to continuing the tradition of giving nicknames to all new employees. Because Sami remembers how difficult it was to break into existing groups of friends when he started, he is very considerate of nicknames he suggests for new employees. He makes sure that nicknames he chooses will not humiliate newcomers.

According to tradition amongst the workers, when Fraser started at the mill, he was also given a nickname. At first, Fraser realized that in order to be accepted by his co-workers, he had to accept them calling him by his nickname. After working at the mill for a few years, Fraser decided he wanted people to call him by his proper name. On occasions over lunch breaks, and while changing in the locker room before and after shifts, Fraser has told people that they should call him by his proper name. Everyone except Sami reverted to using Fraser's proper name.

Recently, Sami called Fraser aside during a break. Sami told Fraser that nicknaming new employees was a tradition since Sami started, and that the practice was meant as a friendly type of initiation. Sami also said that some people he knew actually liked being called by their nicknames. The conversation ended by Sami assuring Fraser that he would continue calling Fraser by his nickname, and that Fraser should know that Sami meant no harm.

What, if anything, can Fraser do about the situation, and why?

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	Workplace harassment	
Bill 132	Workplace sexual harassment	
	Workplace violence	
OHRC	(Name protected ground)	
None		

Reasons:			



Scenario 4

Management, the union local executive, union stewards and union members all acknowledge that Rollins is one of the most difficult employees in the workplace. Rollins has a documented record of verbal sexual harassment, disobeying legitimate management supervision, and humiliating employees with vulgar taunts. Rollins attends monthly union meetings regularly. During meetings, it is common that he becomes disruptive to the point that he is removed.

Amy Littlemountain is the chief steward in the union. She is very proud of her aboriginal ancestry, and hopes one day to become a full-time staff member of the district office. She also has aspirations to run as an aboriginal candidate in an upcoming municipal election.

As the chief steward, Amy Littlemountain also is the chairperson of the grievance committee. The grievance committee had recently reviewed a grievance filed on behalf of Rollins. The committee decided that based on Rollins' progressive discipline record, and the lack of credible witnesses testifying for Rollins in the grievance, the local would not submit Rollins' grievance to arbitration. Amy Littlemountain would have to meet Rollins to let him know about the committee's decision, and the reasons behind it.

The conversation between Amy Littlemountain and Rollins began in the union office, but continued through the lunchroom as they both had to return to their shift work. By the time they were in the lunchroom, the conversation had become very heated. Rollins accused Amy Littlemountain of being a corrupt chief steward. He further told her that she only got favourable attention from the district director of the union because she had the advantages of being aboriginal and a woman. Amy Littlemountain lost control of herself and pushed Rollins in the chest. There was enough force behind the action that Rollins fell backwards across a chair. There was a huge wave of laughter from people finishing lunch as Rollins fell to the floor.

What, if anything, can Rollins do about the situation, and why?

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	Workplace harassment	
Bill 132	Workplace sexual harassment	
	Workplace violence	
OHRC	(Name protected ground)	
None		

Reasons:			



Scenario 5

Thanh Bien is a healthcare worker in an eldercare facility. She is responsible for a certain number of residents. Her duties include preparing food for them, helping some on their daily walks, making their beds, and cleaning their rooms and bathrooms.

Thanh Bien recently told her human resources manager that a new male resident had been making verbal sexual suggestions toward her. While walking with him, she had also been asked to put her arm around his waist to provide him support. The human resources manager told Thanh Bien that while she sympathized with Thanh Bien, nothing could be done. The resident had been diagnosed with signs of early dementia, and that the eldercare facility could not risk violating the Resident Bill of Rights governing the treatment of residents in eldercare facilities.

Thanh Bien discovered the resident's family visiting him as she delivered him lunch. The son of the resident asked Thanh Bien to step into the nursing office, as he had some concerns. Over their conversation, the resident's son said that his father had been extremely unhappy with the quality of treatment at the facility. The son said that his father specifically mentioned Thanh Bien as one of the worst attendants because she usually brought his father cold food, and sat on a bench during his walks, rather than walking beside him for assistance. The son then told Thanh Bien that he was asking for a white person to be his father's attendant.

Thanh Bien attempted to convince the son that she had been fulfilling her duties competently, and that her supervisor could verify this by looking at the evaluations residents provide about the staff. At this, the son became irate and told Thanh Bien that regardless of evaluations, if his father ever complained about Thanh Bien again, he would come back, break her legs and ship her off to where she came from. Thanh Bien feels that the threat of violence is real.

What, if anything can Thanh Bien do about the situation, and why?

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	Workplace harassment	
Bill 132	Workplace sexual harassment	
	Workplace violence	
OHRC	(Name protected ground)	
None		

Reasons:	



Scenario 6

The pastry department at a five-star hotel restaurant is staffed by seven people. The supervisor of the pastry department is Executive Pastry Chef Helmut Lange. Reporting directly to Chef Lange are five other pastry cooks, all of whom are male. Kimberley is a female apprentice who is studying at a local culinary school. As part of her practical professional qualification, Kimberley is working during the summer in the pastry department.

In the past, the pastry department has brought tremendous prestige to the hotel. The restaurant has received food critic awards since the first year when Chef Lange was recruited from Germany to join the restaurant. One of Chef Lange's methods for continued excellence was to enter himself, and any volunteers from his staff, into an annual international culinary competition. Chef Lange had twice won the gold medal for pastry in the past five years.

The most recent culinary competition was held in Munich, Germany. As usual, Chef Lange entered the competition. The only other entrant from his department was Kimberley. Kimberley won a bronze medal for her creations. Chef Lange did not win a medal, although he came fourth.

After returning home from the competition, Chef Lange called a meeting with his staff, including Kimberley. During the meeting, Chef Lange congratulated Kimberley. He also said that throughout his early career as a chef, only men were employed in professional kitchens, and since the arrival of women, he had seen the of quality in cuisine drop dramatically. Consequently, he said, Kimberley's award came as a result of lower standards.

Kimberley replied that she respected the technical quality of traditional European culinary training. However, because culinary training is technical, women could excel as often as men. She also mentioned that she disagreed with the sexist traditions of professional kitchens.

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Chef Lange became irate at Kimberley's remarks. He shouted that if as an apprentice he had ever dared answer back to his chef, the chef would have slapped him across the face and fired him. Chef Lange then told Kimberley he would show her exactly what he meant. He lifted his hand over his head and advanced towards Kimberley. The staff physically restrained Chef Lange as Kimberley stood her ground.

What, if anything, can Kimberley do about the situation, and why?



	Workplace harassment	
Bill 132	Workplace sexual harassment	
	Workplace violence	
OHRC	(Name protected ground)	
None		

Reasons:	



We can't make people like each other, but...

"... we can, through concrete action, promote acceptance, safety and mutual respect in our union and our workplaces"

- we can make sure no one is treated differently because of their racial or ethnic origin, sex or any other prohibited grounds under the Human Rights Code.
- We can create and maintain workplaces that are free of sexual harassment.
- we can encourage workers who experience workplace harassment, workplace sexual harassment, and workplace violence, to speak out with the support of their union.
- we can state clearly that our union will work at all levels to eliminate all forms of harassment, sexual harassment and violence in the workplace.
- we can create a workplace free from sexism, discrimination, racism, bigotry and all other forms of harassment, sexual harassment and violence.

Our workplace is a healthier and safer place to be when we can concentrate on the task at hand without worry about harassment, sexual harassment and violence. And we are better members of our union because we can concentrate on helping each other on the job rather than trying to protect ourselves.

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...and if you want to know more...

Websites

The United Steelworkers site on Human Rights www.usw.ca/humanrights

The Canadian Labour Congress site on Human Rights and Equality www.canadianlabour.ca/issues-research/search/issue/human-rights-equality-25

The Interfaith Calendar site which lists all major religious holidays, plus quick, useful information about different religions http://www.interfaithcalendar.org/

The Ontario Human Rights Commission http://www.ohrc.on.ca/en/resources/code

Ministry of Labour, Ontario, Health and Safety http://www.labour.gov.on.ca/english/hs/

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Glossary of common terms

Anti-racism: anti-racism identifies, challenges and reduces racism in society in all forms.

Culture: aspects of individual and group identity which include: language, religion, race, gender, social class, political affiliations, age, sexual orientation, geographic origin and ethnicity.

Discrimination: The denial of equal treatment and opportunities to individuals or groups in education, accommodation, health care, employment, services, goods and facilities.

Disability, visible and invisible: characteristics of an individual that can prevent full participation at work and that may need accommodation to enable full participation. A visible disability is one that is visually obvious, e.g. a person in a wheelchair. An invisible disability is one that is not visually apparent, e.g. a person with dyslexia.

Diversity: a variety of characteristics such as ethnicity, gender, age, physical characteristics, religion, values, culture and lifestyle.

Ethnic/ethnicity/ethnic group: used to describe groups which share a common language, race, religion, or a national group.

First Nation/Indigenous Person or Peoples: a term used by the original inhabitants of this country to describe themselves. The term "first" recognizes the fact that Aboriginal people were the original inhabitants of what is now considered Canada. Also used are the terms "indigenous person", or "indigenous people".

LGBTQ2S: stands for lesbian, gay, bisexual, transgender, queer, two spirit.

People of colour. a term commonly used by people who are not "white".

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Poisoned environment: an ongoing atmosphere in which a worker feels intimidated, uncomfortable or offended as a result of his or her work environment. A person does not have to be a direct target to be adversely affected by the negative environment. It includes conduct or comments that creates and maintains an offensive, hostile, or intimidating climate for work for everyone.

Prejudice: a negative attitude based on stereotyped ideas about a group of people.

Racism: a situation in which one group exercises power over another group on the basis of skin colour.

Racialization: racialized groups include those who may experience differential treatment on the basis of race, ethnicity, language, economics, religion, culture, etc. Racialized groups are formally and/or informally designated as different, and on that basis, subjected to differential and unequal treatment.

Sexual orientation: a person's sexual attraction to people of another or same sex.

Sexism: discriminatory actions in a male-dominated society enabling men to have power over women. Sexism can be seen in situations where women are excluded or discouraged from a fair share of promotions, jobs and training.

Stereotype: negative beliefs associated with entire groups of people.

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