



media information kit

Best Workplace Policies and Practices

**Accommodating the Workplace Needs of Muslim
Women Wearing Hijab**

November, 2004

Women Working With Immigrant Women

**Funded by the Canadian Heritage - Multiculturalism Program,
Status of Women, and Race Relations Foundation**



Guide to the Media Kit

Canada is a multi-racial, multi-ethnic, and multi-religious society; therefore, it is important to increase awareness among business, labour and the general public of the need to create work environments which accommodate the workplace needs of a diverse workforce. Media, labour, and business can all contribute to creating such environments and raising awareness about the benefits of accommodating diversity in the workplace.

The mainstream and ethnic media can contribute by featuring stories that initiate the dialogue on issues affecting racial and religious minorities in the workplace and contribute to raising the public's awareness. Labour can continue to play a leading role in creating a work environment which promotes human rights and equality by negotiating into contracts anti-discrimination and anti-harassment policies, and demands that accommodate the needs of racial and religious minorities.

Adopting good workplace policies and practices, such as anti-discrimination and anti-harassment policies, and accommodating the workplace needs of a diverse workforce makes good business sense. It can have a positive effect on the work environment, produce more loyal employees, and grant companies recognition for being socially responsible, a corporate identity that is increasingly "good for business." As the review of GTA companies revealed, there are workplaces that have already adopted such policies and practices or have verbal agreements that accommodate the workplace needs of racial and religious minorities in general and Muslim women who wear hijab in particular.

The information in this Media Kit can be used to develop stories on how socially responsible companies in the GTA have adopted good workplace policies and practices, and accommodate the workplace needs of Muslim women wearing hijab. Such stories can include the experience of Muslim women wearing hijab at these companies, and the management perspective. The purpose of these stories is to encourage employers to adopt good workplace policies and practices, educate union members and promote acceptance of Muslim women wearing hijab in the workplace, and assist in developing or expanding policies and practices to meet the workplace needs of these workers and of a diverse workforce. More specifically, the Media Kit includes:

- Types of policies and practices companies have adopted and their relevance to meeting the workplace needs of Muslim women wearing hijab
- Profiles of 3 companies in the GTA which hire Muslim women who wear hijab, have good policies and practices, and accommodate the religious needs or dress requirements of Muslim women. The profiles include personal stories of Muslim women who wear hijab and work at these companies and the perspective of management at these companies, the companies motivation for, and benefits of adopting such policies and practices.
- The report "*Best Workplace Policies and Practices - Accommodating the Workplace Needs of Muslim Women Wearing Hijab*," detailing the best policies and practices of 14 companies in the GTA.
- A summary, taken from the study, "*No Hijab Is Permitted Here*", of the types of discrimination Muslim women wearing hijab experienced in the manufacturing, sales and services sectors.

best workplace policies and practices

Accommodating the Workplace Needs of Muslim Women Wearing Hijab.



**Women Working With Immigrant Women
September 2004**

Funded by the
Canadian Heritage - Multiculturalism Program, Status of Women and the Race Relations Foundation

Women Working With Immigrant Women
489 College Street, Suite 200 Toronto, ON M6G 1A5
Phone: (416) 963-4420 E-mail: thirdfront@hotmail.com

About the Project

The *Best Workplace Policies and Practices - Accommodating the Workplace Needs of Muslim Women Wearing Hijab* project was a follow-up to the study “*No Hijab is Permitted Here*,” which showed that Muslim women who wear hijab (headscarf) experience discrimination when applying for work in the manufacturing, retail, food and service sectors, and they experience harassment in the workplace. The aim of the *Best Workplace Policies and Practices - Accommodating the Workplace Needs of Muslim Women Wearing Hijab* project was to expand the employment opportunities for Muslim women wearing hijab so as to improve their economic status.

The objective of the project was to compile the best policies and practices of employers in the GTA which are relevant to eliminating discrimination and harassment, expanding employment opportunities and accommodating the workplace needs of Muslim women wearing hijab. The best of these policies and practices are compiled in this report. The project will also conduct a media campaign to encourage employers in the manufacturing, retail, hotel, service and food sectors, to adopt workplace policies and practices, which will result in the hiring of Muslim women who wear hijab, and increase sensitivity to and accommodation of the workplace needs of these workers. The information from this project will provide labour organizations with examples of policies and practices which they can use to formulate and negotiate demands that meet the needs of Muslim women wearing hijab.

The project was sponsored by Women Working With Immigrant Women a community-based agency working on issues affecting immigrant and refugee women and women of colour. Partners in this project were the Canadian Auto Workers, Canadian Council of Muslim Women, Culturelink, Federation of Muslim Women, Midaynta Association of Somali Service Agencies, Toronto Health and Safety Legal Clinic and the United Steelworkers of America. The project was funded by the Canadian Heritage-Multiculturalism Program, Status of Women and the Race Relations Foundation.

Selection of workplaces and review process

A total of 78 both unionized and non-unionized workplaces from the manufacturing, retail, food and service sectors were included in the review. These workplaces were identified by unions, community workers and by visits to workplaces. The Collective Agreements from unionized workplaces and the code of conduct of non unionized workplaces were collected, read and analyzed. With regard to unionized workplaces letters and phone calls were made to different unions which provided the information. Information was also gathered from the library of the Ministry of Labour. In the case of non-unionized workplaces, the information was gathered by mail and phone requests, site visits, and from the web-sites of companies. Ten (10) of the companies included in the review were not asked for their policies, never-the-less they were included because Muslim women wearing hijab work at these companies, an indication of the good hiring practices of these companies.

Criteria for choosing best policies and practices

Most of the workplaces that were reviewed include in their policies the provisions of the Ontario Human Rights Code (OHRC,) or an equal opportunity statement. However, most of these companies which observe the OHRC have no other provisions in their policies that can be used to accommodate the needs of Muslim women wearing hijab. Because the inclusion of the OHRC in a policy does not necessarily eliminate discrimination in hiring, or workplace harassment experienced by Muslim women wearing hijab, policies of companies which include the OHRC, but don't hire Muslim women wearing hijab and have no other provision which can be used to accommodate their needs were not considered as best policies and are not included in the report.

Although some companies which observe the OHRC and hire Muslim women wearing hijab have no written provisions to accommodate their needs, they accommodate the needs of Muslim women wearing hijab through verbal agreements. Also, there are examples of workplaces where there is no written provision or verbal agreement, but employees can ask for the day off on a religious holiday. Examples of such verbal agreements are included in the report as a best practice.

Instead of the OHRC, other companies include in their code of conduct an equal opportunity statement. These companies have no other provisions in their code of conduct that accommodate the needs of Muslim women who wear hijab, however, their policies and practices have been included in the report because they hire Muslim women wearing hijab which is a best practice for broadening access to employment for Muslim women wearing hijab.

Also included in this report are the policies of companies which have developed detailed anti-discrimination and anti-harassment policies and include other provisions and implementation procedures. Although there are no Muslim women wearing hijab in these workplaces, if adopted, these policies can accommodate the needs of Muslim women in the workplace.

Finally, this report includes the policies of a few companies which have developed anti-discrimination and anti-harassment policies that go beyond the provisions of the Ontario Human Rights Code and have developed detailed procedures not only to respond, but also to prevent discrimination and harassment.

Findings and their relevance

The following types of relevant policies and practices were disclosed by the review:

- Anti-discrimination policy and process of implementation
Anti-harassment policy, definition of terms and implementation procedures

Relevance: Anti-discrimination and anti-harassment policies provide the foundation for a workplace to be free of discrimination and harassment. Having implementation procedures ensures that the policy becomes integrated within the structures and environment of the workplace. These policies and procedures can be the motivation for developing further provisions to meet the needs of a diverse workforce.

- Provision in collective agreement that makes mandatory the training of employees on human rights, anti-discrimination and anti-harassment policies, and the posting of policies in the work place.
- Practice of companies to develop audio visual orientation materials which they use to educate new staff regarding company policies. This includes anti-discrimination and anti-harassment policies and behaviour.

Relevance: This provision is extremely important because it can eliminate a barrier of accessing employment for Muslim women wearing hijab when they apply for work. Based on the findings of the study “No Hijab is Permitted Here,” Muslim women wearing hijab were discriminated against by company employees at first contact. It is important for policies and procedures to be posted so all employees will be aware of what is expected in the workplace, and what are the rights of employees.

- Provision in collective agreement that gives religious day with pay other than statutory holidays.
- Provision in collective agreement that gives personal days with pay.
- Provision in collective agreement providing floating days which can be taken at any time.
- Provision in collective agreement providing leave of absence with pay.

Relevance: Religious, personal, and floating days and leave of absence with pay which can be taken at any time during the year can be used for religious holidays other than statutory holidays. These provisions can promote acceptance of a diverse workforce and reduce harassment, but also it can help reduce anxiety, uncertainty and the need to justify the time off. It is important, when negotiating contracts and developing policies to be aware of the workplace needs of all employees with regards to religious holidays. A contract language that provides for religious days off with pay of the worker's respective religion should be preferred over a language that specifies the religious holiday. This will ensure that when the agreements and policies are implemented, there is equality among workers of different religious communities.

- Hiring of Muslim women wearing hijab

Relevance: The hiring of Muslim women wearing hijab at visible positions is the best practice to broaden access to employment for these workers and improve their economic status and the best practice to promote their acceptance in the workforce and the accommodation of their workplace needs.

- Verbal Agreements for time and space for prayers
- Verbal Agreements for Leave to go to mosque

Relevance: Verbal agreements are practices which indicate a company's respect for and willingness to accommodate a diverse workforce. Such companies are more likely to hire Muslim women wearing hijab. Unions should take advantage of the willingness of employers to accommodate the needs of Muslim women and make every effort to incorporate their needs into collective agreements and transform verbal agreements into written commitments to ensure uniform implementation regardless of individuals involved.

- Accommodation of meal requirements

Relevance: This is a practice which indicate a company's respect for and willingness to accommodate a diverse workforce. Such companies are more likely to hire Muslim women wearing hijab.

Examples of Policies and Practices

What follows are examples of the best policies and practices gathered which have provisions that can be used to accommodate the workplace needs of Muslim women wearing hijab. Only those policy articles or sections of articles and policy provisions that are relevant are presented below.

Birth Control and VD Information Centre

United Steelworkers of America

Article 3 - Freedom From Discrimination

Every employee has the right to equal treatment by the Centre with respect to all aspects of the exercise of managerial authority by the Centre, which equal treatment shall be without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, religion, political affiliation, sex, record of criminal offenses, age, marital status, family status, handicap, sexual preference, and membership or office in the union.

Article 4 – Freedom From Racial Harassment in the Workplace

4.01 The Centre shall maintain a working environment, which is free from racial harassment.

4.02 In the event the arbitrator concludes that Section 4.01 has been breached by the Centre, the arbitrator may direct that the aggrieved employee not be required to continue to work in proximity to any supervisor or bargaining union employee found to have engaged in any racial harassment conduct and the arbitrator may direct that the Centre pay the aggrieved employee compensation for all losses flowing from and reasonably connected to the racial harassment conduct complained of.

4.03 For the purposes of this clause, “racial harassment” means engaging in a course of comment or conduct that is known or ought reasonably to be known to be unwelcome where such comment or conduct consists of words or action by the Centre, supervisor, or a co-worker in the bargaining unit, which disrespect or cause humiliation to a bargaining unit employee because of his or her race, colour, creed, ancestry, place of origin or ethnic origin.

4.04 Upon receipt of a letter of complaint from a bargaining unit employee (the complainant) complaining of any incident or racial harassment conduct involving another bargaining unit employee (the respondent) and where the letter includes the signature of the Union’s Racial Harassment Complaints Counsellor (hereinafter the “RHCC”), a person designated by the Union to implement the Union’s Policy against racial harassment in the workplace, the Centre, shall forthwith refer the letter of complaint to a Racial Harassment Investigator (hereinafter the “RHI”) who shall be directed to make a non-binding recommendation to the Centre within three weeks of the Centre’s receipt of aforesaid letter.

4.05 The letter from the bargaining unit employee referred to in 4.04 shall be treated confidentially by the Centre.

4.06 The expenses of the RHI shall be borne by the Centre. The RHI shall be some one designated by District 6 United Steelworkers of America.

4.07 The report of the RHI shall be delivered to the Centre, the Union, the RHCC, the complainant and the respondent.

4.08 Neither the RHI nor the RHCC shall be a compellable witness at any arbitration proceeding between the Centre and the Union and the Parties agree not to seek to have either give evidence at any arbitration hearing between the Parties.

4.09 In any arbitration case arising out of or relating to racial harassment conduct, where an arbitrator finds that racial harassment has occurred, the arbitrator shall impose a remedy which is designed to only affect the perpetrator insofar as that is possible and where there is any detriment to be suffered respecting job classification, seniority, wages etc., such detriment shall fall upon the perpetrator and not upon other bargaining unit employees. The arbitrator may direct a transfer of the perpetrator without regard to his/her seniority.

Article 24

24.03 The centre further agrees that all eligible employees be granted seven (7) personal days with pay per year.

Practice

Birth Control and VD Information Centre employs Muslim women wearing hihab.

Shade-O-Matic Limited

United Steelworkers of America

Article 4 – Relationship

4.01 The Employer, Union and employees agree that there shall be no discrimination in the training, upgrading, promotion, transfer, lay-off, discharge, or discipline, of employees because of race, sex, creed, religion, colour, age as defined in the Ontario Human Rights Code, or national origin.

4.02 The Employer, Union and employees agree to observe the provisions of the Ontario Human Rights Code.

Article 5 – Anti-Sexual & Racial Harassment

5.01 The Employer, the Union and all employees shall make every reasonable effort to maintain a working environment which is free from sexual and/or racial harassment.

5.03 For the purpose of this clause, “racial harassment” includes: Engaging in a course of comment or conduct that is known or ought reasonably to be known to be unwelcome where such comment or conduct consists or words or action by the Employer, supervisor, Union or a co-worker in the bargaining unit, which creates a negative work environment.

Practice

- A verbal agreement was adopted to allow Muslim employees a private space on company property to perform their prayers during the Ramadan period at lunchtime and on the breaks to observe their religious duties.
- Muslim employees can take time off on Friday afternoons to visit mosque.
- Muslim employees can take a day off without pay for religious holidays.
- Shade-O-Matic employs Muslim women wearing hijab.

Royal Bank of Canada

Non-unionized

3. Fairness: Equal Opportunity

RBC companies are committed to promoting equal opportunity in all dealings with employees, clients, suppliers and others.

RBC companies abide by the non-discrimination or human rights legislation in the various jurisdictions where we operate. These laws often prohibit discrimination on various grounds, with some examples being race, colour, religion/creed, age, gender, marital status, sexual orientation, disability.

This is not a complete list and managers and employees are required to be familiar with those that apply in their jurisdiction.

Where laws do not prohibit discrimination, or where they allow for differential treatment, RBC companies are still committed to non-discrimination principles and will ensure that they do not operate in a way that simply continues stereotypes or establishes barriers. An example of where differential treatment may be necessary could be where a sound legitimate business need exists and where accommodations cannot effectively address the business need and the individual. If in doubt, seek guidance from Human Resources or the Law department. RBC employers will also respect and accommodate the diversity of their clients and workforce when determining appropriate dress codes.

As an employee: you are not to engage in discriminatory practices that are contrary to the principles established for RBC companies.

8. Individual Responsibility: Harassment

Employees have every right to work in an environment that is free from harassment. As a result, all RBC employers will take every reasonable measure to ensure that no employee is subjected to such abuse.

Harassment involves conduct that interferes with a climate of understanding and a mutual respect for the dignity and worth of each person. It undermines the integrity of the employment relationship, erodes morale and interferes with the productivity of its victims and their co-workers. Examples of harassment include, but are not limited to: verbal abuse or threats; unwelcome remarks or jokes; innuendo or taunting about something an individual could consider offensive e.g. an individual's body, race, colour, attire, age, gender, sexual orientation, ethnic origin, religion, etc.; leering or other gestures; displaying pornographic, racist, or other offensive or derogatory pictures or material; practical jokes which cause awkwardness or embarrassment; unwelcome invitations or requests.

Harassment is not tolerated at any RBC company and complaints are dealt with promptly and impartially. All complaints are thoroughly investigated in a discreet manner and as confidentially as possible. Individuals' names are used only to the extent necessary to investigate and resolve the situation. RBC will take whatever measures it deems appropriate and necessary to deal with those parties found to have engaged in such conduct.

As an employee: Under no circumstances are you to engage in behaviour which is known, or should be reasonably known to be offensive or harassing, examples of which are identified in the list above.

If you believe you are a victim of harassment and wish to lodge a complaint against an employee, a client or a supplier of an RBC company, you may do so through one of the key contacts. Should you so desire, you may also lodge a complaint through legislative channels, e.g. Human Rights Commission.

Practice

Some Royal Bank branches employ Muslim women wearing hijab.

CIBC

Non-unionized

3. Workplace Behaviour

3.1 Harassment and Discrimination

At CIBC, each employee has the right to be respected and to receive fair and equitable treatment. CIBC values diversity, recognizing that by bringing together employees' unique experiences and strengths as members of a team, they advance CIBC's business interests while also enriching the workplace and our communities.

All CIBC employees are responsible for conducting themselves in a manner that promotes a productive work environment and exhibits respect for all individuals, including in their dealings with co-workers, clients, suppliers or the public. Therefore, CIBC employees must not discriminate against any Stakeholder on any ground that is protected by human or civil rights law. Employees are required to familiarize themselves with, and adhere to local guidelines and procedures relating to harassment in the workplace.

Harassment of an individual or group on the basis of race, sex or gender, sexual orientation, disability, national or ethnic origin, colour, religion, marital status or any other legally protected category is prohibited at CIBC. Harassment is any type of unwelcome physical, visual or verbal conduct that:

- Undermines the employment relationship;
- Might reasonably be expected to cause a person offense or humiliation; or
- Makes an individual believe that there has been an improper condition placed on employment.

Each employee is responsible for ensuring that CIBC's workplace is free of harassment. Should an allegation of harassment be made, CIBC will handle it in a timely and sensitive manner. The rights of the complainant and the respondent will be respected at all times. False or malicious complaints of harassment as opposed to complaints that, even if erroneous, are made in good faith – will be the subject of appropriate corrective/disciplinary action.

CIBC's Harassment in the Workplace – Global Policy and Guidelines/Procedures

CIBC is committed to providing a productive work environment in which every employee is treated with respect and dignity. It is the policy of CIBC to maintain a professional work environment that is free from all forms of harassment, promotes and values diversity, and prohibits any conduct that disrupts or interferes with another person's work performance.

Harassment of an individual or group on the basis of race, sex or gender, sexual orientation, disability, national or ethnic origin, colour, religion, marital status or any other legally protected category is prohibited at CIBC.

Harassment-Free Workplace Guidelines – Global Policy

All CIBC employees are responsible for conducting themselves in a manner that promotes a productive work environment and exhibits respect for all individuals, including dealing with coworkers, clients, ven-

dors or the public. Employees are encouraged to discuss any harassment concerns with their managers, Human Resources or the Legal Department. Managers are responsible for immediately reporting any complaints of harassment to their Human Resources Consultant, Employee Relations Consultant, Regional Human Resources Group or the Legal Department.

CIBC is committed to ensuring that appropriate procedures are in place in all regions to allow employees to report harassment. No adverse action will be taken against any employee who, in good faith, makes a harassment complaint or cooperates in a harassment investigation. CIBC will investigate all harassment complaints as appropriate and make recommendations to management based on the facts and circumstances of the complaint.

Employees who violate this policy will be subject to appropriate disciplinary action, including immediate termination if circumstances warrant.

Procedures - Canada Region

Definition

Harassment is unacceptable conduct or comment that undermines the employment relationship or that might reasonably be expected to cause offense or humiliation to another person or might be viewed by an employee as placing an improper condition on employment. Harassment may take various forms but can be grouped into two broad categories:

- Harassment of an individual or group based on the prohibited grounds in applicable Human Rights law including race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for which a pardon has been granted.

Harassment behaviours ought reasonably to be known to be unwelcome and include but are not limited to: unwelcome remarks, jokes, innuendoes or taunting; electronic or hard copy display of posters or literature that could be offensive to others; offensive electronic material including email, web sites and chat rooms; verbal abuse or threats; refusal to work or converse with a person based on a prohibited ground of discrimination; imitation of a person's accent or mannerisms; mocking a person's appearance or abilities; assault.

Harassment does not include: occasional compliments of a socially acceptable nature or behaviours generally considered acceptable by a reasonable person unless the recipient has indicated that it is not acceptable to him or her or appropriate direction, evaluation, appraisal or discipline by a supervisor or manager.

Responsibilities

Employees who believe they are being harassed should take the following steps:

- Tell the harasser to stop at the time an incident occurs, or as soon as possible afterwards. Made your disapproval and/or unease known to the harasser, firmly but politely. Indicate clearly that the behaviour or remark is unacceptable to you. Ask the harasser to stop, preferably in the presence of a witness. Where it is difficult to bring the matter to the attention of the alleged harasser, or if the harassment does not stop, keep a written record on the nature of the apparent harassment or retaliation, relevant dates, times and circumstances, and the names of any witnesses, and go to step 2.
- Report the incident to your immediate manager. If he or she is the harasser or does not take action, you should approach the next higher level of management or Human Resources with your concern. If this is not possible, use one of the alternate actions out

lined below. In all cases, allegations of harassment can be reported up through the various management levels to the head of the function.

Note

Every employee is responsible for bringing forward a complaint regarding any incident of apparent harassment whether for oneself or a colleague who may be experiencing harassment or retaliation for having brought forward a complaint. Every employee is also responsible for cooperating in a harassment inquiry and for keeping information on the inquiry confidential.

Alternate Actions

Harassment is a very sensitive topic. If you are uncomfortable in approaching the harasser or in discussing the problem with your manager, there are a number of alternatives available: Contact any member of management who you feel may be able to help you in resolving the situation.

- Contact the Human Resources Consultant for your area or the Employee Relations Consultant or the head of the Human Resources function.
- Take advantage of the anonymous confidential services offered through ER Advisory Services at 1-800-xxx-xxxx.
- You may also contact the Employee Support Line at 1-800-xxx-xxxx, which is operated on a fully confidential basis for CIBC by Corporate Health Consultants.
- While management is committed to resolving complaints of harassment internally, nothing in this policy precludes an employee from filing a complaint with the appropriate Human Rights Commission. CIBC is committed to trying to resolve all bona fide allegations of harassment. The rights of the complainant and the respondent will be respected at all times.

Managers' responsibilities are to help create and maintain a harassment-free environment.

- Discourage and prevent harassment. This is a continuing responsibility whether or not formal, written complaints of harassment have been brought to management's attention. Management must take appropriate action if there is reason to believe that harassment exists.
- Educate employees and be receptive to receiving and resolving complaints. Discuss this policy with your staff and ensure that copies are prominently displayed and/or available at your location. Treat the policy seriously and set a personal example for others. If you suspect or are made aware that an employee is being harassed, take immediate action. You are responsible for ensuring that complaints of harassment are fully resolved. Legally, you can be held personally liable for failing to take action.
- Take action to resolve complaints. Depending on the nature and seriousness of the complaint, a manager may attempt to resolve the situation. However, the handling of harassment allegations requires special training, and you should involve Human Resources through any of the following processes:
 - a) Mediation between the two parties leading to an appropriate and mutually agreed upon resolution.
 - b) Meet with the complainant, alleged harasser and any witnesses who have been identified by the complainant or the alleged harasser, to obtain details of the incident. Appropriate action may then be taken in order to bring the matter to a

- satisfactory resolution.
- c) Human Resources may conduct an investigation which would typically include the following steps:
 - o Obtaining details of the incident from the complainant interviewing the alleged harasser and obtaining his/her response to the specific allegations and his/her side of the story
 - o Interviewing all witnesses to the incident examining any written records and other relevant documentation
 - o Reviewing the facts of the case and recommending appropriate action to management
 - o Advising the parties involved of the results of the findings; this will be done at the conclusion of the investigation by the manager and/or Human Resources.

All investigations of incidents of harassment should be started within three business days of the occurrence or report of the occurrence.

Documentation and confidentiality of information are critical throughout all aspects of a harassment investigation. Because it is often difficult for complainants to come forward, and when they do they have an interest in keeping such matters confidential, all harassment complaints (including the identities of the complainant, alleged harasser and any witnesses) will be held in confidence unless disclosure is necessary to aid in an inquiry or to take disciplinary action. The complainant, the alleged harasser and the witnesses must also maintain confidentiality. Any violations of confidentiality may be subject to disciplinary action.

Corrective/Disciplinary Action

If allegations of harassment are substantiated, CIBC will impose appropriate corrective/disciplinary action up to and including termination. The reassignment of the complainant will not be unacceptable course of action unless the complainant consents. The outcome of an inquiry and any resulting disciplinary action will be recorded separate and apart in the employees relations files, unless, as part of the corrective action, a note to the harasser's personnel file is warranted. If the allegations are not substantiated, there will be no negative consequences drawn against the complainant, witness or alleged harasser, and no record of the complaint will appear in any employee's personnel file. False and malicious complaints of harassment as opposed to complaints that, even if erroneous, are made in good faith will be the subject of appropriate corrective/disciplinary action.

Liabilities

Damages in the event of a successful lawsuit or human rights case can be costly and can be assessed against the harasser, any member of management who was aware of the harassment or might reasonably have been expected to be aware, and the organization. Penalties resulting from a harassment case are not limited to legal damages and can extend to the cost of legal proceedings, disciplinary action taken by CIBC, and adverse publicity.

CIBC VISA

United Steelworkers of America

Article 3 – No Discrimination

3.02 The employer and the trade union agree that they shall negotiate and attempt to administer the provisions of this collective agreement in a manner which is consistent with the Canadian Human Rights Act

and, in accordance with that Act, does not discriminate against any employee on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.

Letter of Agreement – Re: Harassment

The employer and the trade union will endeavour to provide a work environment free from sexual and/or racial harassment.

The union retains the right to represent bargaining unit employees in a harassment investigation under Article 10.04 – Discipline and Discharge.

Harassment will not be tolerated and no employee should be subjected to such conduct. Any employee who commits harassment or who knowingly condones the harassment of another employee will be subject to disciplinary action or dismissal.

Definition

Harassment is defined as conduct, which falls into one of the following broad categories: Harassment of an individual or individuals on any of the prohibited grounds of discrimination under the Canadian Human Rights Act. These include: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted. It includes deliberate gestures, comments, racial slurs, questions, representations, or other behaviours that ought reasonably to be known to be unwelcome by the recipient.

Practice

CIBC Visa employs Muslim women wearing hijab.

Note: see also CIBC-global policies above

Sutton Place Hotel, Toronto

United Steelworkers of America

Article 2 – Relationship

2.01 Effective date of ratification, the Employer and the Union further agree that all new bargaining employees will be required to attend a seminar specific to Harassment (racial, sexual, and general). It is further agreed that the union shall provide these seminars for a period of up to two (2) hours, within their scheduled working day. New employees will also attend Orientation programs that will address Harassment Training. The company will contribute \$500 per year towards the cost of this training.

2.02 The Employer and the Union agree to observe the provisions of the Ontario Human Rights Code. The right of an employee to rely upon the provisions of the Ontario Human Rights Code in a grievance under this Agreement shall not be limited provided no complaint or procedure under the Code has been initiated. If a complaint or procedure is initiated under the Code, a claim of violation of the Code shall not thereafter form part of any grievance nor be processed or dealt with under the Grievance or Arbitration Procedure.

Practice

There are no Muslim women wearing hijab working at Sutton Place Hotel in Toronto

Loblaw Companies Limited and Subsidiaries

United Food and Commercial Workers (some stores)

Human Relations

Employees, the people who are a vital part of our success, must be treated with dignity, respect and fairness at all times. Loblaw is committed to the highest standards of ethics in all relations with and among its employees.

In all matters related to the organization of work and development, decisions of hiring, supervision, work assignments, compensation, promotion and termination, will be based on an individual's demonstrated abilities and potential. No employee will be discriminated against on the basis of age, race, colour, religion, creed, sex, national origin, citizenship, language, political belief, marital or family status, pregnancy or childbirth, sexual orientation, disability, or any other prohibited grounds of discrimination.

Specific reference is also drawn to workplace harassment, which, by definition, means written or electronic communication, verbal or physical conduct, bodily contact, comments or gestures of a personal or sexual nature which are threatening, offensive, humiliating, or intimidating to an employee, or may, on reasonable grounds, be perceived by an employee as placing a condition of a sexual nature on employment or any opportunity for training or promotion. No such behaviour will be tolerated.

Practice

- Some Loblaw's locations employ Muslim women wearing hijab.
- Loblaw Companies Limited uses a video to provide a 4 hours orientation to new staff. This includes the above human relations policy.

The Body Shop Canada

Non-unionized

Equal Opportunities and Diversity

The Body Shop has a long-established policy on promoting equal opportunities and diversity across our global business. We review our employment profile against geographical and industry benchmarks and monitor our pay and job levels across genders to ensure they are equitable.

Ethnic Minorities

All assessments for selection and promotion are monitored to ensure they do not unfairly exclude, disadvantage or discriminate against any section of the community. Employees are assessed on ability and performance and any other measures that are relevant to a specific role.

Practice

Some Body Shop locations employ Muslim women wearing hijab.

The Writers Guild of Canada

United Steelworkers of America

Article 28 – Personal Harassment Policy

28.1 The employer shall maintain a working environment, which is free from sexual/racial/personal harassment.

28.3 For the purpose of this clause, “racial harassment” includes engaging in a course of comment or conduct that is known or ought reasonably to be known to be unwelcome where such comment or conduct consists of words or action by the employer, supervisor, member or a coworker in the bargaining unit, which disrespects or causes humiliation to a bargaining unit employee because of his/her race, colour, creed, ancestry, place of origin or ethnic origin

28.4 For the purpose of this clause, “personal harassment” includes engaging in any behaviour in the workplace that is directed at, and is offensive to an employee or endangers an employee, or undermines the performance of that job, or threatens the economic livelihood of the employee

28.5 When an arbitrator concludes that section 28.1 has been breached, the arbitrator may direct:

a) that the aggrieved employee (the complainant) not be required to continue to work in a proximity to any person (respondent) found to have engaged in any sexual/racial/personal harassment conduct; and

b) that any employee who is found to have engaged in sexual/racial/personal harassment conduct be reassigned to another Guild or Department or Branch or to be assigned to hours which may otherwise contravene the provisions of Article 11, without regard to the respondent’s seniority; and

c) that the employer pay the aggrieved employee compensation for all losses following from and reasonably connected to the sexual/racial/personal harassment conduct complained of.

28.6 In any arbitration case arising out of or relating to sexual/racial/personal harassment conduct, where an arbitrator finds that sexual/racial/personal harassment has occurred, the arbitrator shall impose a remedy which is designed to only affect the perpetrator insofar as that is possible and where there is any detriment to be suffered respecting job classification, seniority, wages, etc., such detriment shall fall upon the perpetrator and not upon other bargaining unit employees. The arbitrator may direct a transfer of the employee without regard to his/her seniority.

Article 20 – Leave of absence with pay

Employees will be granted reasonable time off with pay by the immediate supervisor for: medical and dental appointments; urgent personal business which must be attended to during working hours; observance of religious holidays of the employee’s faith; household move; wherever possible, appointments requiring absence should be arranged for the beginning or end of the regular work day to minimize the absence.

Practice

There are no Muslim women wearing hijab working at The Writers Guild of Canada.

Art Gallery of Ontario

Canadian Auto workers

Article 7 – No Discrimination

7.01 The Gallery and the Union agree that here shall be no discrimination by reason of age, race, creed,

colour, national origin, political or religious affiliation, sex, sexual orientation, marital status, handicap or union activity.

7.03 Personal Harassment: Any discriminatory behaviour at or related to the workplace which denies an individual their dignity and respect or affects their job security by creating an intimidating, offensive, embarrassing or humiliating work environment is considered to be personal harassment and will not be tolerated.

Personal harassment is defined to include but not be limited to discrimination on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, pregnancy, childbirth, marital status, family status, disability, conviction for which a pardon has been granted, political affiliation, union membership, participating in the lawful activities of the union and preventing, by any means or manner, of the exercise of any right conferred under this Agreement or under any law of Canada, its provinces and/or its territories.

7.04 In the event an employee is of the belief that he/she is a victim of sexual or personal harassment, that employee may, within twenty-one (21) days of the alleged offense, initiate a written complaint under this article through the Chairperson. Complaints shall be submitted to the Human Resources Director.

All information concerning the case will be kept confidential and not placed on the complainants file. Should the complaint be unsubstantiated, it will not be placed on the alleged harasser's file.

All written records concerning sexual harassment complaints will be kept in a separate confidential file under the exclusive jurisdiction of the Human Resources Director.

An alleged offender shall be given notice of the substance of such a complaint under this article.

A Human Resources representative and the union representative shall investigate the complaint within fourteen (14) days of receipt of the complaint.

Human Resources shall, within fourteen (14) days of receipt, decide upon measures, remedies and orders that will be necessary to resolve the issue.

Pending the determination of the complaint the Human Resources Director shall take interim measures to separate the employees concerned where possible, if deemed necessary.

Where the complaint is determined to be of a frivolous, vindictive or vexatious nature, appropriate action may be taken. Such action shall only be for just cause and may be dealt with pursuant to the provisions of the collective agreement.

Not necessarily limited to, but including one or more of the following actions may apply as penalty for a substantiated case of harassment (with a copy of same to be provided to the Chairperson):

- A written apology from the offender to the complainant assuring the offense will not be repeated;
- A written reprimand to the offender from management to be kept in the offender's personnel file;
- Suspension;
- Discharge

Under no circumstances shall the remedial action in a substantiated case of harassment penalize the complainant.

Where the complainant or offender is not satisfied with the Human Resources Director's response he/she may within thirty (30) days initiate a grievance.

If the complaint reaches arbitration, the decision rendered by the arbitration award shall be final and binding.

The union and the Gallery recognizes the right of a complainant who is not satisfied with the decision of the Human Resources Director or the decision of the Arbitrator, to seek redress under the discrimination practices provisions with respect to sexual or personal harassment of the Canadian Human Rights Act.

Article 28 – Paid Holidays

28.01

a) Employees shall receive the following holidays with pay: New Year's Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Christmas Day; Boxing Day; Floater Day (to be established by the Gallery)

b) In addition to the paid holidays mentioned above, one additional personal day shall be given per calendar year. An employee will give at least two (2) weeks notice of the day he/she wishes to take. Full-time employees who wish to observe religious holidays other than those provided in 28.01 a) may use this personal day for this purpose.

Practice

There are no Muslim women wearing hijab working at the Art Gallery of Ontario.

McGregor Hosiery Mills

Canadian Auto Workers

Article IV – Union Representation

4.08 The Company and the Union agree that there will be no improper discrimination nor interference or coercion against any employee because of such employee's membership or position in the Union or lack of membership in the Union or because of prohibited grounds of discrimination in employment in the Ontario Human Rights Code. The Company shall recognize a human rights representative appointed by the Union. Either this representative or the employee's steward shall attend grievance meetings which have as their subject a human rights matter. This right of attendance shall commence at Step 1 of the grievance procedure. All human rights grievance matters shall be dealt with in accordance with the existing grievance procedure at Article 5.

Harassment Policy

The Employer and the Union agree to implement a harassment policy which policy will not be included in the collective agreement or as a letter of understanding. The Harassment Policy will be posted on all union bulletin boards in all locations.

Human Rights Training

The company and the Union agree to a one (1) day human rights joint training session for stewards and supervisors to be conducted by a third party agreed upon by the Company and the Union. Supervisors and stewards will be paid their regular rate exclusive of premiums for the day of training. This training will be held within three (3) months of ratification, which time limit may be extended by mutual agreement.

Article XIV – Designated Holidays

The designated holidays are: New Year's Day, Good Friday, Victoria Day, Dominion Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day, Boxing Day, and two (2) floating holidays during the Christmas shutdown.

Having regard for the multicultural makeup of the McGregor community, employees may elect to use one of the floating holidays for cultural or religious observance during the year. Employees electing to use a floating holiday for cultural or religious purposes shall notify the company of their expected date of absence no later than December 31st of the previous year.

CAA Insurance Company (Ontario)

United Steelworkers of America

Article 3 – Relationship

3.01 The Company and Union agree that there shall be no discrimination in the hiring, training, upgrading, promotion, transfer, lay-off, discharge, discipline or otherwise of employees because of race, sex, sexual orientation, creed, religion, colour, age or national origin.

3.02 The Company and Union agree not to discriminate against any person if the discrimination is contrary to the Ontario Human Rights code or the Canadian Charter of Rights and Freedoms. The Union acknowledges the duty of the Company to accommodate individuals under the Ontario Human Rights Code and agrees that this Collective Agreement shall be interpreted and applied in such a way as to permit the Company to discharge that duty.

3.03 The Company shall maintain a working environment which is free from sexual and or racial harassment. For the purpose of this clause, racial harassment includes engaging in a course of comment or conduct that is known or ought reasonably to be known to be unwelcome where such comment or conduct consists of words or action by the Company, supervisor, or a co-worker in the Bargaining Unit, which disrespects or causes humiliation to a Bargaining Unit employee because of his or her race, colour, creed, ancestry, place of origin or ethnic origin.

Article 20 – Paid Holidays

20.06 (Floating days) After six (6) months of continuous full time employment an employee will be entitled to two (2) mutually convenient paid days off at the employee's regular rate of pay.

20.07 (Religious holidays) The parties agree that where it is necessary for an employee to be off work to celebrate a religious holiday over and above those recognized under Article 20.01, the employee may, subject to mutual agreement with his/her supervisor, take a day or time off as: a Floating or lieu day owing, or a day of vacation, or a day off without pay. Every effort will be made to accommodate such employee.

Practice

There are no Muslim women wearing hijab working at CAA Insurance Company (Ontario)

Distinctive Designs Furniture Inc.

United Steelworkers of America

Article 3.01 – Relationship

The Company and the Union agree to observe and abide by the provisions of the Ontario Human Rights Code. In particular, the Company and the Union agree that there shall be no discrimination in the administration of the provisions of this Agreement including the promotion, transfer, training, layoff, discharge or discipline of employees because of race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offenses, marital status, family status or handicap as defined under

The Human Rights Code.

Practice:

- A verbal agreement exists that allows Muslim employees to take Friday half-day leave for trip to the mosque.
- Distinctive Designs employs Muslim women wearing hijab.

Bond Place Hotel

Canadian Auto Workers

Article 3 – Relationship

3.01 The Employer and the Union agree that there will be no discrimination, intimidation or coercion exercised or practiced against any employee in regards to training, upgrading, promotion, transfer, discharge, lay off, recalls or other work conditions because of race, colour, sex, creed, age, marital status, place of origin, sexual preference, union activity or physical disability.

Article 21

21.02 Each employee, including Housekeeping Department and Front Desk employees, shall be provided one meal per scheduled working day, provided that the day worked consists of at least four (4) hours. The Employer shall maintain current practice for the menu selection by Service, Kitchen and Bellman employees. The Employer agrees to maintain the quality of the Housekeeping menu. The Union may from time to time request to meet with the Employer to review the quality of the Housekeeping menu. The Employer will continue its practice of making a suitable replacement, where a menu meal is not suitable for employees for reasons of health or religion.

Practice

There are no Muslim women wearing hijab working at the Bond Place Hotel.

Hudson's Bay Company

Non-Unionized

Harassment Protection

Every Hbc associate has the right to freedom from harassment in the workplace by any agent of the Company or by another associate on any prohibited human rights grounds. These grounds include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, sex, marital status, family status, handicap or sexual orientation.

Practice: Some Bay stores hire Muslim women wearing hijab.