

Discrimination at Work**Temporary and Casual Employees**

Under Ontario's *Human Rights Code*, Every person has a right to equal treatment in employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, disability, age, marital status, family status and record of offences.

Are you protected?

You have a right to work without discrimination or harassment under the *Human Rights Code*. It doesn't matter if you are temporary, part time, casual, or a temporary agency worker, contract worker, independent contractor, or even a volunteer. You shouldn't be discriminated against or harassed when you are working. Employers cannot avoid their human rights obligations by calling you self-employed. The *Code* covers people who may not be considered "employees" under other laws, such as the *Employment Standards Act*.

After hours protection

The protections in the *Code* also apply to employees after hours and when they are not at their workplace. For example, if you are sexually harassed outside of work by your boss after an evening meeting, you are still covered.

Domestic workers

People who are hired to work in or around a person's home, such as a nanny, cook, cleaner or gardener, are also covered under the *Code*.

Length of employment and hiring process

The *Code* covers temporary and casual staff no matter how long you have worked for the organization or what type of job it is. So, for example, if you were only hired for five days to clean a building, if your human rights were violated during that time, you are covered by the *Code*. You are also covered when moving from a temporary to a permanent position and during the hiring process.

Application forms and interviews

You can be asked "Are you legally entitled to work in Canada?" Otherwise the employer should not be asking you questions related to characteristics in the *Code*. Your employer should not ask you for photographs, or questions about where you were born, what your immigration status is, your date of birth, your physical characteristics, or what "community" you belong to.

Probation

Employees are also protected from discrimination or termination during a probationary period. The *Code* may also require an employer to adjust your job duties to accommodate your special needs, if those needs are tied to a right covered by the *Code*. These special needs might relate to a disability or because you are a single parent. If, for example, you have a hearing disability, the employer must provide you with a special amplifier on an office phone.

Contracts also protected under the Code

Contracts are also protected as an area under the *Code*. A contract is a verbal or written agreement that is covered by the law. And any conditions of work, like wages or hours, you discuss with your boss is a form of contract. The *Code* covers all types of contracts, including those with independent contractors and subcontractors. Anyone who is legally capable of entering into a contract has the right to do so with any other person without being discriminated against because of one of the grounds in the *Code*.

What should I do?

- Take notes – details are important.
- Find anything in writing that would support your claim.- like a contract or an email.
- Are there witnesses? Are others being discriminated against or harassed? Talk to people you trust.
- If you have talked to a boss, write down what they did or didn't do – they may be responsible too.

Where can I get help?**The Human Rights Legal Support Centre**

Contact the Legal Centre if you have experienced discrimination and you need free legal assistance filing an application to the Human Rights Tribunal of Ontario or legal advice in resolving an issue of discrimination under the *Human Rights Code*.

Human Rights Legal Support Centre
400 University Avenue, 7th Floor
Toronto, Ontario M7A 1X8
Tel: (416) 314-6266 Toll Free: 1-866—625-5179
TTY: (416) 314-6651 TTY Toll Free: 1-866 612-8627
www.hrlsc.on.ca

If you want to arrange for an in-person interview, you should contact us by telephone at the numbers above. If you live outside the Greater Toronto Area, contact us and we will discuss with you how to meet your needs. We will make every effort to provide an appropriate service to you in your community. We can provide service in over 140 languages.

The Workers' Action Centre

The Workers' Action Centre is a worker-based organization committed to improving the lives and working conditions of people in low-wage and unstable employment. We want to make sure that workers have a voice at work and are treated with dignity and fairness.

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