



HOW TO CREATE
A POSITIVE
& INCLUSIVE
WORKPLACE

*Laws, regulations and best practices
for foodservice employers.*



**Restaurants
Canada**

The voice of foodservice | La voix des services alimentaires

IN PARTNERSHIP WITH:

**CENTENNIAL
COLLEGE**

ABOUT RESTAURANTS CANADA

Restaurants Canada (formerly the Canadian Restaurant and Foodservices Association) is a not-for-profit association for Canada's diverse and dynamic restaurant and foodservice industry. Founded by a small group of restaurateurs in 1944, our membership has grown to 30,000 businesses across the country.

The restaurant and foodservice industry employs more than 1.2 million Canadians and serves 18 million customers a day and is at the heart of every community. Restaurants Canada is proud to provide our members with the information and resources they need to be successful, responsible business owners who nourish a nation.

We are grateful to the subject experts at Centennial College for their invaluable contributions to this guide.

ABOUT CENTENNIAL COLLEGE **School of Hospitality, Tourism and Culinary Arts**

Centennial College's School of Hospitality, Tourism and Culinary Arts provides a world-class learning experience to students aspiring to join our vital industry - both locally and internationally. The Progress Campus in Toronto features a striking new 350,000 square foot facility, which houses our School of Hospitality, Tourism and Culinary Arts and the Centennial student residence.

Features:

- A full service restaurant
- A quick service café
- An event centre
- Hotel-style guest rooms
- State-of-the-art culinary labs
- Commercial baking and pastry labs
- A beverage tasting room
- Interactive classrooms

These operations provide experiential learning opportunities for students, helping them gain valuable hands-on experience before entering the industry.

Centre for Global Citizenship Education & Inclusion

The Centre for Global Citizenship Education & Inclusion works to actively engage Centennial College and the wider community in transformative learning through a social justice lens to further develop inclusive educational and working environments, foster essential skills for an evolving global economy and encourage civic action for social good.

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SECTION 1: Introduction

Creating an inclusive workplace isn't just the right thing to do, it's also a good business decision. Inclusivity is linked to lower staff turnover and higher sales. These are the ingredients that ensure your business survives and thrives.

Restaurants Canada is committed to presenting reliable and up-to-date information to help you create a progressive and inclusive workplace. From dress codes to hiring solutions, we provide the information necessary to abide by the laws and establish a positive and engaging workplace.

Based upon the most frequently asked questions, this guide has been divided into sections to use according to your needs, and contains links to additional resources. We encourage you to share this information with your team, and as part of new-hire onboarding practices.

A. INCLUSION IS GOOD BUSINESS!

According to the Multicultural Foodservice and Hospitality Alliance, "having the knowledge, skills, and abilities necessary to effectively and appropriately engage people from different cultural backgrounds" can contribute to improved business results, such as:

- ✓ Increased employee engagement
- ✓ Increased innovation and flexibility
- ✓ Attraction of high-quality talent
- ✓ Improved sales and reduced costs at unit level

This guide has been created to assist restaurants across Canada to:

1. **Raise the Topline** | Serve, Market and Sell to Diverse Guests
2. **Improve the Bottom-line** | Attract, Engage & Develop Diverse Talent
3. **Build Brand Value & Community Connections**¹

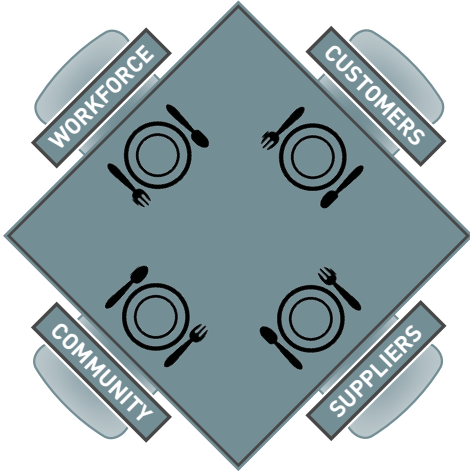
¹ Multicultural Foodservice and Hospitality Alliance, "About MFHA," <http://www.mfha.net/who-we-are/>

Making an effort to create positive workplaces for diverse restaurant employees has many benefits to the employer, including the following identified by the Multicultural Foodservice and Hospitality Alliance:

The Dinner Table of Opportunity ENGAGING STAKEHOLDERS — DRIVING RESULTS!

Workforce

- Increased Productivity
- Diverse Recruiting Success
- Improved Communication
- Better Retention



Customers

- Better Dining Experience
- Better Lodging Experience
- Improved Industry Image
- Increased Business

Community

- Improved Image
- Quality Relationships
- Strategic Partnerships
- Cultural Understanding

Suppliers

- Increased MBE* Volume
- Wider Participation
- Reduced Costs
- Product Innovation

*Minority Business Enterprise

As the *State of the Foodservice Industry Diversity Report 2014*² indicates, inclusive workplace practices means savings for restaurants:

...[C]ompanies that have a corporate diversity statement reported on average restaurant hourly [employee] turnover 19% lower than those that don't have such a statement, while restaurant management turnover was 7% lower for those companies that have a corporate diversity statement.

The data also shows similar trends for companies that have a specific corporate diversity strategy (17% lower restaurant hourly turnover than those who don't) and those who reported having a designated person responsible for leading the diversity efforts (15% lower restaurant hourly turnover).

There is obviously a direct cost associated with turnover; the latest study by People Report showed an average \$700 for replacing a single hourly employee and about \$11,000 for a restaurant manager.

2 Multicultural Foodservice and Hospitality Alliance, "About MFHA," <http://www.mfha.net/who-we-are/> People Report (2014). State of the Foodservice Industry Diversity Report 2014, p.10.

Creating a culture of Inclusion begins with the application of the basic principles to build stronger teams and develop productive workforces:

Be transparent

When leaders clearly, consistently and passionately communicate their vision, employees are eager to participate and collaborate in achieving organizational goals.

Provide employees with appreciation

People leave their jobs when they feel undervalued or unappreciated. Companies that build a strong culture of recognition reduce employee turnover and boost productivity.

Listen up!

Be focused, engaged and sincere when listening to others. Encourage collaboration. Creating dialogue is a healthy way to continue the inclusivity process.

People are the strongest resource

People are a company’s most valuable asset, and should be treated accordingly. Not as tools to be required to complete a task, but as partners in the process.

C. HOW TO USE THIS RESOURCE

This toolkit is designed to support leaders in the restaurant industry as they create inclusive working environments. This should lead to lower employee turnover, increased employee engagement and efficiency, increased customer satisfaction, and compliance with federal and provincial legislation.

Each section has been designed to stand alone. You can explore one section at a time or read through the document in its entirety. You may want to discuss a particular section with your staff at a team meeting, incorporate the learning in your onboarding practices or establish a requirement that all staff familiarize themselves with anti-discrimination policies and practices.

A. INCLUSIVE HIRING PRACTICES TO BUILD A VIBRANT LABOUR FORCE

1. Advertising

- ✓ Review your job postings to ensure that you have used inclusive language. It is against human rights law to exclude candidates based on race, gender, age, disability, sexuality and creed/faith, and other grounds.
- ✓ Consider the qualifications and requirements listed. Include only those that truly reflect what is needed to perform the job.
- ✓ Use diverse venues to advertise your positions to cast a wider net of applicants. Mainstream online job portals are one effective way to recruit potential employees, but not the only way. For example, local settlement organizations, employment agencies for people with disabilities, multicultural organizations and community centres often have job boards that may reach a wider audience and demonstrate a commitment to inclusive hiring practices.



ROLE MODEL

Starbucks Canada

As a winner of a Best Places to Work 2015 award, Starbucks Canada has demonstrated innovative strategies to build a diverse workforce.

One of these strategies is a company-wide statement of commitment which clearly outlines why and how Starbucks embeds diversity and inclusion into its workplace. The statement also invites all qualified persons to submit an application and is easily accessible on Starbucks' online job portal.

Creating a company commitment and ensuring it is upheld in practice encourages a robust pool of candidates and fosters a positive workplace culture where all employees feel valued.

“At Starbucks, we strive to create a culture that values and respects diversity and inclusion. Our goal is to build a diverse workforce, increase competencies, shape a culture of inclusion and develop a diverse network of suppliers. Our welcoming work environment encourages partners to engage with one another and make Starbucks a place they look forward to working each day. Starbucks Corporation is an Equal Opportunity employer.

All qualified applicants will receive consideration for employment without regard to race, national origin, age, sex, religion, disability, sexual orientation, marital status, veteran status, gender identity or expression, or any other basis protected by local, state or federal law.”

www.starbucks.ca/careers/working-at-starbucks

2. Screening Process

- ✓ Reassess your application process. For example, if digital literacy is not required for the position, an online job portal system may be screening out excellent candidates.
- ✓ Unexamined biases can exclude candidates from positions based on information provided on a resume. Such biases might include those pertaining to age, gender, country of origin, race and neighbourhood of origin. Acknowledge your biases and commit to removing them from the screening process.
- ✓ Look outside the box. Seek potential. Consider what skills and experience a candidate can gain through training and mentoring available through your workplace

3. Interviews

- ✓ Develop a standard set of interview questions. Each candidate should be given the opportunity to answer all of the questions.
- ✓ Establish guidelines and rubrics for assessing candidates and distribute them to all interviewers. This can ensure a more objective and fair selection process.
- ✓ Provide the interview questions in a written format, in addition to asking them aloud.
- ✓ Be open to rephrasing a question or repeating a question to increase clarity for the candidates.
- ✓ Ensure that your interview process matches the requirements of the position. Not all individuals may excel in a traditional interview process and not all positions would require them to.
- ✓ When inviting candidates for an interview, offer a process for them to request accommodations should they be needed (See Role Models sidebar for examples).





ROLE MODEL

Cactus Club, Toronto

Reviewing resumes is a time-consuming process. Many excellent candidates are overlooked because of ineffective resume screening tools and reviewer biases. Hiring fairs provide employers with an opportunity to request applicants attend a brief interview at a given time and location. The benefit of a hiring fair is that all interested applicants can demonstrate their fitness for the position. Hiring fairs are also an efficient way to onboard multiple individuals when the workforce needs an HR boost.

Cactus Club has used hiring fairs to quickly increase qualified staff. During their restaurant expansion in Toronto they hosted a hiring fair, conducting a call-out for all positions and experience levels at one time.

Love the job you have — Cactus Club Cafe now hiring!

We are hiring for all restaurant positions and experience levels including:

Servers – Bartenders – Hostesses – Chefs – Sous Chefs – Line Cooks
– Office Managers – Expos – Dish Washers – Management.

Please join us with your resume at one of our hiring fairs. Look forward to meeting you!



ROLE MODELS

Here are five examples of accommodation statements that you can adapt for your business.

The Keg (RECIPE Unlimited Corporation)

“The Keg is an equal opportunity employer and strives to ensure that its hiring process meets the needs of all persons with disabilities. As such, Keg Restaurants Ltd. will provide reasonable accommodation for any applicant, as requested during the hiring process.”

More info: <https://employment.kegsteakhouse.com/employment>

East Side Mario’s (RECIPE Unlimited Corporation)

“As part of our accessibility commitment, there are alternative ways to interview with us. Please inform us if you require interview accommodation.”

More info: <https://www.recipeunlimited.com/en/careers.html>



ROLE MODELS — CONTINUED

McDonald's Restaurants of Canada

"If you are selected as part of the selection process and you require an accommodation, we shall provide or arrange for the provision of a suitable accommodation in a manner that takes into account your needs due to disability."

More info: <https://www.mcdonalds.com/ca/en-ca/careers.html>

SIR Corp (Jack Astor's, Canyon Creek and several other concepts)

"Service Inspired Restaurants® is committed to fair and equitable recruiting practices in accordance with the Accessibility for Ontarians with Disability Act (AODA). Persons with disabilities are encouraged to come forward at any stage of the recruitment process to request accommodations, if needed. Members of our team will consult and create processes that provide individuals with disabilities the best possible recruitment experience."

More info: <http://www.sircorp.com/our-careers-recruitment-process.php>

Starbucks Canada

"Starbucks Corporation is committed to offering reasonable accommodations to job applicants with disabilities. If you need assistance or an accommodation due to a disability, please contact us at XXX-XXX-XXXX or via email."

More info: <https://www.starbucks.ca/careers/working-at-starbucks>

4. Onboarding

- ✓ In addition to job-specific training, ensure employees receive information that fosters an inclusive, healthy and safe workplace. Policies, including those pertaining to accommodation, harassment, sexual assault and violence, should be provided both verbally and in writing. Information should be posted in communal areas as a reminder and reference.

For policy templates created by the Canadian Human Rights Commission, see here:

Accommodation: <https://www.chrc-ccdp.ca/eng/content/template-developing-workplace-accommodation-policy>

Anti-Harassment: <http://www.chrc-ccdp.gc.ca/eng/content/template-developing-anti-harassment-policy>

- ✓ Upon completing the onboarding process, maintain accountability and assess where/if further changes can be made.



Overwaitea Food Group LP, Vancouver

As a recipient of one of Canada's Best Diversity Employers for 2016, Overwaitea Food Group was recognized for providing online course modules that help build employee capacity in understanding diversity in the workplace.

B. REMOVING BARRIERS TO EMPLOYMENT FOR NEWCOMERS AND IMMIGRANTS

As the Harvard Business Review reports, **businesses that intentionally cultivate teams that are diverse** in terms of identities and experiences are **45% more likely to report a growth in market share** over the previous year and **70% more likely to report that their business captured a new market**.³

As an employer, you can benefit from the diverse experiences and skill sets that newcomers to Canada can bring. While it is your responsibility and legal obligation as an employer to ensure that applicants have equitable access to job opportunities, it can also increase employee retention and engagement through an engaged and productive workforce.

With continuing growth in the restaurant and foodservices sector, employers may experience increased labour shortages. Inclusive and equitable hiring practices can provide HR solutions to your business by maximizing the candidate pool.

Did You Know?

Tourism HR Canada projects a 41% growth in labour demand within the tourism sector by 2035, with the food and beverage industry potentially seeing over 100,000 jobs go unfilled.

<http://tourismhr.ca/labour-market-information/>

3. Hewlett, Sylvia Anne et al. (2016). "How Diversity Can Drive Innovation," Harvard Business Review, <https://hbr.org/2013/12/how-diversity-can-drive-innovation>

The foodservice sector is a leader in providing opportunities to those new in the labour market. 22% of Canadians report they started their career in the industry. Below are ways you can extend support to newcomers and immigrants entering the local labour market.

1. 'Canadian Experience' Requirement

What does the law tell us? Human rights laws vary from province to province, but all codes address grounds for discrimination. These include nationality, ethnic origin, place of origin, colour, race and in some cases social origin or social disadvantage.

The Ontario Human Rights Commission (OHRC) has identified that requiring a candidate to have 'Canadian experience' for a position is discriminatory and thus actionable under law. Employers must demonstrate the legitimacy of this requirement and due diligence in accommodation to include it as a condition for employment.

Although other provincial laws may not specifically address the 'Canadian experience' requirement, screening out potential employees because of where they have obtained their work experience could be considered discrimination based on other protected grounds, such as place of origin and race.

Did You Know?

"Basing hiring and accreditation decisions on whether a person has Canadian experience is not a reliable way to assess a person's skills or abilities."

– Ontario Human Rights Commission, 2016

BEST PRACTICES

- ✓ Review your job application. Remove areas that require a candidate to disclose the country in which they obtained their experience.
- ✓ Do not refer to protected grounds in your application and interview process, such as race, nationality and place of origin.
- ✓ Develop competency-based measures that can assess and showcase an individual's skills or abilities. Skills can be verified through various means, including references, job-related testing, behavioural interview questions, and scenario and/or role-play tasks.
- ✓ Recognize the value of on-the-job training to help potential employees develop skills specific to succeeding in your business.



ROLE MODEL

Keg Restaurants Ltd.

“Our people are the most important factor if we want to succeed. I’d say they’re even more important than our steaks.” – David Aisenstat, CEO

The Keg has consistently been *recognized as one of the 50 Best Employers* in Canada by Canadian Business, which can largely be attributed to the employee experience.

As a part of the onboarding process, employees receive extensive on-the-job training and mentoring from a seasoned employee who teaches the new recruit the various functions at the restaurant, such as bussing, hosting and bartending.

Implementing a formalized on-the-job training process ensures that new employees are able to learn specific employer expectations and workplace culture, and close ‘skill gaps’ where they may exist.

2. Citizenship Status

Employers are not permitted to deny employment to a candidate based on their citizenship status, with the exception of a few positions where citizenship is a requirement of the role. Employers can alternatively ask if a candidate is “legally entitled to work in Canada,” a question which includes individuals holding diverse legal statuses.

3. Accent

Candidates cannot be denied employment or treated differently within the workplace based on accent, as that can be considered discrimination based on race and place of origin, both protected grounds across all provincial codes. Fluency of English can be required for positions in which it is essential; however, an accent does not determine one’s fluency, communication skills or comprehension.

C. EMPLOYEES WITH DISABILITIES

Increasing Profitability Through Inclusive Practices

Ensuring accessible workplaces and fair hiring practices for employees with disabilities is not only law, but it also makes good business sense. As Mark Wafer, owner of several Tim Hortons franchises in Toronto notes,

“Workers with disabilities are more productive, work more safely, stay longer, require less supervision, are more innovative and have less absenteeism.

In my business, for example, the absenteeism rate for my 46 employees with disabilities is 85 per cent lower than the 200 employees without disabilities. My annual employee turnover is 38 per cent, versus the 100-per-cent norm in the quick-service restaurant sector. I have never filled

out a Workplace Safety and Insurance Board claim for a workplace injury to a worker with a disability. And workers with disabilities have different problem-solving skills – and ‘different’ is exactly how workplace innovation is bred.”

<http://www.theglobeandmail.com/report-on-business/rob-commentary/employees-with-disabilities-can-have-a-positive-impact-on-profitability/article28540451/>

Creating more accessible workplaces for employees will also ensure greater accessibility for customers, which can have a positive impact on the bottom line. Approximately 15% of the Canadian population currently identifies as having a disability. That number is expected to increase as Canada’s demographics shift towards an aging population, with the over-64 age group growing at a rate of four times the general population.

Across Canada, employers have a duty to ensure that:

- hiring practices do not discriminate against people with disabilities;
- workplaces adhere to accessibility standards of the region; and
- the needs of employees with disabilities are accommodated, up to the point of undue hardship on the business

A disability may be:

- an impairment, an activity limitation or a participation restriction
- visible or invisible
- permanent or temporary
- chronic or episodic
- present from birth, caused by an accident, or developed over time
- physical; cognitive; related to learning, mental health, hearing or vision; epilepsy; drug and alcohol dependencies; environmental sensitivities and other conditions



Employees and patrons with disabilities may experience the following types of barriers⁴:

1. **Attitudinal:** Behaviours, assumptions or perceptions that discriminate against people with disabilities
2. **Organizational or systemic:** Policies, procedures and practices that discriminate against individuals or prevent them from full participation
3. **Architectural or physical:** Elements of buildings or outdoor spaces that create barriers for people with disabilities

⁴ From the Council of Ontario Universities, Understanding Barriers to Accessibility, 2013.

<http://www.uottawa.ca/respect/sites/www.uottawa.ca/respect/files/accessibility-cou-understanding-barriers-2013-06.pdf>

- 4. **Information or communications:** Relates to both the sending and receiving of information when sensory disabilities such as seeing, hearing and learning have not been taken into consideration
- 5. **Technology:** Technology barriers occur when a device or technological platform is not accessible to its intended audience and cannot be used with an assistive device

Links to federal and provincial accessibility legislation:

Canada: Section 15(1) of the Canadian Charter of Rights and Freedoms states that “ Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.” <http://laws-lois.justice.gc.ca/eng/const/page-15.html>

The Government of Canada is also in consultation with stakeholders across the country to develop new federal accessibility legislation, the Canadians with Disabilities Act.

Alberta: Alberta Human Rights Commission fact sheet on the rights of people with disabilities in the workplace <https://www.albertahumanrights.ab.ca/Documents/MentalPhysicalDisab.pdf>

British Columbia: Accessibility 2024 legislation https://www2.gov.bc.ca/assets/gov/government/about-the-bc-government/accessible-bc/accessibility-2024/docs/accessibility2024_update_web.pdf

Manitoba: Accessibility for Manitobans Act, 2013 <https://web2.gov.mb.ca/bills/40-2/b026e.php>

Nova Scotia: Accessibility Directorate <https://novascotia.ca/accessibility/>

Ontario: Accessibility for Ontarians with Disabilities Act, 2005 <https://www.ontario.ca/laws/>
 Accessible Workplaces: <https://www.ontario.ca/page/accessible-workplaces>
 Duty to Accommodate Employees with Disabilities: <http://www.ohrc.on.ca/en/iv-human-rights-issues-all-stages-employment/8-meeting-accommodation-needs-employees-job>

Quebec: An Act to Secure the Rights of Persons with Disabilities to Educational, Professional and Social Integration, 2004 <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/E-20.1>



D. RACIAL AND CULTURAL DIVERSITY IN THE WORKPLACE

Given Canada's immensely diverse population, ensuring that employment practices are inclusive and respectful of racial and cultural diversity is vital to creating an engaged team, satisfied customers, lower turnover rates and compliance with human rights legislation. Persistent biases, whether conscious or not, may result in barriers to the equal inclusion and success of all employees. Discrimination based on race, culture or ethnicity can take a number of different forms, including:

- biased policies and practices that impact certain groups more than others;
- harmful comments or harassment;
- the creation of a poisoned work environment through jokes, negative attitudes, inappropriate décor and/or stereotypical representations of particular cultures (i.e. costumes, uniforms, names of dishes);
- physical violence;
- biased hiring practices;
- lack of opportunities for advancement;
- over-representation of particular races/ethnicities in certain roles (i.e. front of house vs. back of house)

To create an inclusive, positive and welcoming work environment, as well as to avoid the infringement of employees' human rights, keep in mind the following:

Harassment: This can include a range of behaviours that would be expected to be unwelcome by a person or group, such as humiliation, offensive jokes, racial slurs or comments, uninvited nicknames, bullying, intimidation, or unwanted physical contact. Staying silent when you witness harassing behaviour sends the message that such behaviour is acceptable.

Dress Code: While a dress code may seem to be a neutral policy, some policies can unfairly impact certain groups more than others, by setting expectations about how hair or head coverings can be worn, or setting a short length for sleeves or trousers/skirts.

Hiring: It is important to put checks in place to avoid bias in hiring practices (see section on inclusive hiring practices), and also to ensure that diversity is present at all levels of the organization, including managerial and decision-making roles. Employees of all races, ethnicities and cultures should feel there are opportunities for advancement and further success within the organization.

Toxic Work Environment: Enabling an environment where employees are exposed to negative or stereotypical attitudes about particular groups, or made to feel inferior based on their race or ethnicity is a form of discrimination. This environment may include casual jokes that remain unaddressed, comments that perpetuate negative stereotypes about certain groups, exposure to offensive visual imagery, or other actions that demean an individual or group.

Microaggressions: As Dr. Derald Wing Sue, professor of psychology at Columbia University explains, microaggressions are “brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward people of color.” Sometimes intended as a compliment, the impact of microaggressions leave the recipient feeling hurt, offended and as though they don’t truly belong. For example, asking someone “Where are you from?” can imply that they are not truly Canadian; “You speak so well,” can suggest a person is not expected to be articulate or speak English fluently.

BEST PRACTICES

✓ **Actively recruit and hire a racially and ethnically diverse staff**

Representation from a variety of groups is an important place to start. Also consider writing an equal-opportunity policy for hiring and promoting staff. See examples in the Role Models sidebar.

✓ **Actively recruit culturally and ethnically diverse executives and managers.**

In order to move beyond racial prejudice and ensure inclusiveness, your business’s executives should reflect the communities and clients it serves.

✓ **Talk to the racialized people on your staff and ask them what barriers or attitudes they face at work. Examine the working environment and look out for negative portrayals, exclusion, or stereotypes.**

This will not only give you practical ideas, but it will also signify that the needs of every group are taken seriously. Look around at the working environment. Are any groups represented in a stereotypical way? Is there diversity?

✓ **Form a task force to monitor your plan for promoting inclusion and fighting racism in your workplace.**

Racial prejudice is reduced by developing relationships and ensuring that materials are culturally sensitive, but racism is reduced when a task force becomes part of the management structure to ensure inclusive and just institutional policies.

✓ **Implement anti-racism training for all staff as part of the onboarding process**

Training staff to examine and challenge their own biases will benefit not only employees but also customer service and business overall.



ROLE MODELS

Here are four equal opportunity statements that you can adapt for your business:

Starbucks Corporation

At Starbucks, we strive to create a culture that values and respects diversity and inclusion. Our goal is to build a diverse workforce, increase competencies, shape a culture of inclusion and develop a diverse network of suppliers. Our welcoming work environment encourages partners to engage with one another and make Starbucks a place they look forward to working each day.

Starbucks Corporation is an Equal Opportunity employer. All qualified applicants will receive consideration for employment without regard to race, national origin, age, sex, religion, disability, sexual orientation, marital status, veteran status, gender identity or expression, or any other basis protected by local, state or federal law. This policy applies with regard to all aspects of one's employment, including hiring, transfer, promotion, compensation, eligibility for benefits and termination.

More info: <https://www.starbucks.ca/careers/working-at-starbucks>

Panda Restaurant Group

Panda is committed to equal employment opportunity and demonstrates this commitment in its employment practices, including recruitment and hiring, compensation, benefits, promotions, transfers, training, counseling and employment terminations. Panda does not discriminate on the basis of race, ethnicity, color, sex, age, religion, national origin, ancestry, physical or mental disability, citizenship status, medical condition, pregnancy, marital status, sexual orientation, veteran status, genetic information as well as any other category protected by federal, state, or local law.

In keeping with our values, Panda is committed to achieving diversity in the workplace. We value and honor differences in our workplace and believe in an inclusive culture where associates of different race, color, religion, national origin, age, sex, sexual orientation, ancestry, physical disability, or any other basis protected by applicable law are valued and respected. Valuing diversity provides an opportunity to leverage differences within our teams to better serve our increasingly diverse guest base. As an associate, you are expected to follow this policy and avoid any type of discrimination with guests, visitors, associates,

or applicants for employment. Anyone who believes he or she has been subjected to discrimination and who observes or learns of such conduct should report inappropriate behavior to their supervisor and/or Human Resources. Panda will conduct all necessary investigations. If Panda determines that unlawful discrimination or other violations of this policy have occurred, Panda will take corrective action, up to and including termination of employment, against those who engaged in the misconduct. Panda will not retaliate nor will it tolerate retaliation against those who complain in good faith about harassment in the workplace or are witnesses in an investigation of harassment. Retaliation by any associate or supervisor will result in corrective action, up to and including termination of employment.

More info: <https://www.pandarg.com/equal-opportunity-employer>

Old Spaghetti Factory

We are an Equal Opportunity Employer. It is our policy to abide by all Federal, Provincial and local laws concerning Discrimination in employment.

No question in this application is intended to elicit information in violation of any such law nor will any information obtained in response to any question be used in violation of any such law.

More info: <http://www.oldspaghettifactory.ca/media/Employment%20Application%202008.pdf>

McDonald's Restaurants of Canada

We have always been committed to doing the right thing for our employees. Our values and behaviours are the foundation for the relationships we foster with our employees. We continue to believe in and reaffirm our long-standing policy of providing fair and equal opportunities for all employees and prospective employees.

More info: <https://www.mcdonalds.com/ca/en-ca/careers/our-people.html>

For more information about human rights legislation related to race, culture and ethnicity for your region, consult the links below:

Alberta: The Alberta Human Rights Act: <https://www.qp.alberta.ca/documents/Acts/A25P5.pdf>

British Columbia: British Columbia Human Rights Code: http://www.bclaws.ca/civix/document/id/complete/statreg/00_96210_01

Manitoba: <http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>

New Brunswick: New Brunswick Human Rights Act: <https://www.canlii.org/en/nb/laws/stat/rsnb-2011-c-171/latest/rsnb-2011-c-171.html>

Newfoundland & Labrador: Newfoundland & Labrador Human Rights Act: <http://assembly.nl.ca/Legislation/sr/statutes/h13-1.htm>

Northwest Territories: Northwest Territories Human Rights Act <https://www.justice.gov.nt.ca/en/files/legislation/human-rights/human-rights.a.pdf>

Nova Scotia: Nova Scotia Human Rights Act <http://nslegislature.ca/legc/statutes/human%20rights.pdf>

Nunavut: Nunavut Human Rights Act http://www.nhrt.ca/files/NHR_Act_Eng.pdf

Ontario: Ontario Human Rights Code <https://www.ontario.ca/laws/statute/90h19>

OHRC Policy and Guidelines on Racism and Racial Discrimination – Appendix on Workplace Policies and Practices <http://www.ohrc.on.ca/en/policy-and-guidelines-racism-and-racial-discrimination/appendix-%E2%80%93-workplace-policies-practices-and-decision-making-processes-and-systemic-discrimination>

PEI: Workplace Rights – a Guide to the PEI Human Rights Act for Employers and Employees <http://www.gov.pe.ca/forms/pdf/2756.pdf>

Quebec: Quebec Charter of Human Rights and Freedoms <http://legisquebec.gouv.qc.ca/en/showdoc/cs/C-12>

Saskatchewan: Saskatchewan Human Rights Code <http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/S24-1.pdf>

Yukon: Yukon Human Rights Act <http://www.gov.yk.ca/legislation/acts/huri.pdf>



Everyone has the right to work with dignity and we all benefit from an environment of respect and inclusion. Individuals who identify as transgender or gender non-binary disproportionately experience harassment, discrimination and violence because of their gender identity and gender expression, which may differ from their birth-assigned sex.

Both national and provincial human rights codes protect the rights of transgender people, including in employment, receiving goods and services, and membership in professional associations. Various codes recognize this protected ground primarily as 'gender' or as 'sex'. The Ontario Human Rights Code explicitly includes both 'gender identity' and 'gender expression', and provides helpful information in understanding this policy.

It is illegal to discriminate against someone in employment based on their gender identity or gender expression. Hiring practices must be equitable and inclusive of trans and gender non-binary applicants.



ROLE MODEL

Sodexo Canada Ltd.

“We have positioned diversity and inclusion as the cornerstone of our culture and a fundamental component of our overall growth strategy.” – Sodexo Canada

As a Canada-wide employer, Sodexo is well known as a foodservice contractor, as well as for its exemplary initiatives in promoting workplace inclusion. Recognized as one of *Canada's Top Employers for Young People*, Sodexo has developed a *corporate culture* that “fosters an inclusive environment in which Lesbian, Gay, Bisexual and Transgender employees can bring their whole selves to work.” Initiatives include:

- A clear, documented commitment to inclusion with reference to gender diversity
- Organization-wide observance of International Day Against Bullying, Discrimination, Homophobia and Transphobia
- Membership with *Pride at Work Canada* with a mission to “champion an environment of acceptance and workplace equality for all gay, lesbian, bisexual, transgender and ally team members”

BEST PRACTICES

- ✓ Don't make assumptions about the gender identity of others. Anticipate gender diversity and avoid the use of gendered language where possible.
- ✓ Transitioning in the workplace can be a difficult experience. The *Supporting an Employee in Transition* resource provides helpful tools and tips to foster a safe and inclusive environment.

- ✓ Employers have access to confidential employee information, which can include birth name and in some cases, birth-assigned sex on identification. Never reveal this information without a person's permission. Remember there is no legal requirement for someone to reveal their trans identity.
- ✓ Respect the use of a transgender person's chosen name and chosen pronouns. This respect extends to the use of washrooms or changing rooms. Where possible, permit the employee to use their chosen name at work. Since some people may be out as trans at work but not at home, inquire what name they would like used on pay cheques and written correspondence to their mailing address.
- ✓ Ensure an environment free of transphobic remarks or harassment. If you see it or hear it, stop it.

CREATING INCLUSIVE WORK ENVIRONMENTS FOR TRANS EMPLOYEES

From the Catalyst Information Centre, First Step: Gender Identity in the Workplace, June 2015. http://www.catalyst.org/system/files/gender_identity_first_step_final.pdf

1. Inclusion is more than just updating policies. Focusing on employees' day-to-day experiences can be a powerful indicator of organizational support and a mechanism to keep engagement levels up.
2. Employers should allow their transgender employees to indicate and require others to use their preferred name and choice of pronoun (i.e., "he," "she"). Dress codes should avoid stereotypes (such as mandating makeup, dresses, and stockings for women), and transgender employees should be permitted to dress according to their presenting gender.
3. Employers should ensure that transgender employees have access to an appropriate restroom and other traditionally sex-segregated facilities. Employees should be able to use a restroom that matches their presenting gender, or if they prefer, a gender-neutral restroom. Other employees who feel uncomfortable with a transgender employee's bathroom choice should use another designated bathroom. Companies need to support all of their employees. Organizations that champion and advocate for transgender employees send a strong message of their commitment to diversity.
4. Employers should create official protocols for gender transitions, which should help to delineate the responsibilities and expectations not only of the transitioning employees, but also of their managers, colleagues, subordinates, and other staff. In the case of a transition from one gender to another, in-person training with the employee's managers, colleagues, and subordinates will provide education on transgender issues

and help reinforce fairness for all employees.⁵ Senior sponsors can act in the transition process to assist both the transitioning employee and other staff.⁶ Diversity and anti-discrimination trainings should also address gender identity issues.⁷

5. Employers should establish transgender-inclusive health benefits. The World Professional Association for Transgender Health's Standards of Care established certain procedures and treatments that should be covered for transgender individuals.⁸ Employers should also treat leaves of absence for sexual reassignment procedures as they do other medical procedures.⁹

The Rewards of Inclusion

As a result of experiencing a negative workplace environment, amongst staff who identified as LGBTQ:

30% reported feeling unhappy or depressed at work

30% felt distracted at work

27% avoided certain people at work

22% searched for a different job

15% stayed home from work

Ensuring a safe, inclusive and welcoming work environment helps increase employee engagement, reduce absences, and increase retention and productivity.

Recognizing the importance of staff inclusion,

82% of Fortune 500 companies have gender identity protections enumerated in their non-discrimination policies

50% of Fortune 500 companies offer trans-inclusive health care coverage

Nearly 400 Fortune-ranked major businesses have adopted gender transition guidelines for employees and their teams to establish best practices in transgender inclusion.¹⁰

5-9 Human Rights Campaign Foundation, *The Cost of the Closet and the Rewards of Inclusion: Why the Workplace Environment for LGBTQ People Matters to Employers*, p.22.

http://assets.hrc.org/files/assets/resources/Cost_of_the_Closet_May2014.pdf?_ga=1.10371893.1440579775.1490634317

10 Human Rights Campaign Foundation, *Corporate Equality Index 2017: Rating Workplaces on Gay, Lesbian, Bisexual and Transgender Equality*, p.4.

http://assets.hrc.org/files/assets/resources/CEI-2017-FinalReport.pdf?_ga=1.115180935.1440579775.1490634317

Employers in Canada are required by law to provide religious accommodation in the workplace. Across provinces, different terms may be used including 'religion', 'faith' and 'creed' to reference this protected ground. Developing sound accommodation practices can make restaurants not only legally compliant, but also successful, where employees are engaged, satisfied and high-performing.

Did You Know?

“Fostering an inclusive organizational culture and leveraging diverse, dynamic talent are imperative in today’s challenging business environment. A diverse and inclusive work environment is quite simply more productive and innovative.”

<http://www.conferenceboard.ca/networks/ciwe/default.aspx>

What does the law tell us? The Canadian Human Rights Commission identifies the duty to accommodate based on religion, which is further affirmed through various provincial policies. An employer should provide accommodation in a manner that supports an individual’s “autonomy, comfort and confidentiality”, as stated by the Ontario Human Rights Commission.

The law also recognizes that it is not always possible to make an accommodation, noting “undue hardship” on an employer related to financial costs or safety risks that may accrue due to the request. However, the legal standard for proving “undue hardship” is set high and requires an earnest attempt be made to meet the needs of the person requesting the accommodation.

In addition, an employee should never be disciplined or otherwise penalized for making a request for religious accommodation.

Lastly, provincial policies encourage that employers receive and accept accommodation requests as sincere and in good faith, while avoiding bringing one’s own beliefs and values into the process.



- ✓ Develop an accommodation policy. Transparency and a clear process will help support both those requesting and those implementing the accommodation.
- ✓ Ensure an inclusive dress code that accommodates and/or can be adapted, with consideration to the option of long sleeves/pants; head coverings such as scarves, hijabs, turbans or yarmulkes; face coverings such as niqabs; and facial hair growth.
- ✓ Be proactive. Consider your workplace and determine where a quiet and private place can be provided, should a prayer space be requested.
- ✓ Develop a strategy to manage scheduling when employees need time away from work for religious observances.
- ✓ Consider diverse dietary needs when food is prepared or served. When in doubt, ensure a plant-based option is provided. Employees should not be required to taste food that is against their dietary observances.
- ✓ Be inclusive when planning activities, particularly when they are associated with a specific religion. Choose times to celebrate as a team that are not focused on a particular holiday, or make it your practice to celebrate the holidays of multiple faiths.
- ✓ Avoid making assumptions. An accommodation should be a mutually respectful process, where both the employer and employee can collaborate to develop a solution.
- ✓ Ensure all employees are aware that discriminatory jokes, comments or practices that target members of a particular faith will not be tolerated.
- ✓ Remember that there is diversity within every faith community – different people may practice the same faith differently. Check in with your employees to identify their needs.

Need More Information?

The [*Accommodating Religious Diversity in the Workplace*](#) free webinar offers a practical resource to better understand and respond to accommodation needs.

The [*Ontario Human Rights Commission*](#) offers a downloadable brochure.

SECTION 3: Workplace Health And Safety

A. MENTAL HEALTH

Why should the mental health of your employees matter?

Mental health is part of physical health. A mentally healthy workplace is a productive workplace: with 500,000 Canadians missing work any given week because of mental illness, mental health illnesses cost the Canadian economy at least \$50 billion per year. (Source: <https://letstalk.bell.ca/en/toolkit/>.) Even in the busiest work environments, a life-work balance is a key component in maintaining employees' mental health.

Looking for resources? Here are a few places to start:

- The Canadian Centre for Occupational Health and Safety offers podcasts, e-learning, webinars and more: https://www.ccohs.ca/topics/wellness/mentalhealth/#ctgt_wb-auto-8
- Bell Let's Talk program offers workplace toolkits to get the conversation started: <http://letstalk.bell.ca/en/toolkit/>
- Canadian Mental Health Association offers in-depth training, practical resources and support to help you address Best Mental Health practices in the workforce: <https://cmha.ca/document-category/mental-health>

Drug and Alcohol Dependencies, Mental Illness

Mental illnesses, including drug and alcohol dependencies, are listed as a disability within human rights legislation. As such, employers are required to accommodate employees experiencing addictions to the point of undue hardship. For a further understanding of what this entails, see:

<https://www.go2hr.ca/legal/drug-alcohol-dependency-and-the-employers-duty-to-accommodate>

B. VIOLENCE AND HARASSMENT (including sexual harassment)

The restaurant industry strives to create a safe environment for everyone: employers, employees and customers alike. Managers need to understand the rules in their province, and implement clear policies to counter workplace violence and harassment.

Creating safe working environments is everyone's responsibility. This means setting clear expectations for acceptable behaviour, responding to incidents of violence and harassment that you witness / are reported, and enforcing consequences for employees who commit acts of violence or harassment.

Often, employees do not feel comfortable or safe discussing incidents of harassment for fear the situation will worsen if mentioned. According to one study, 63% of victims said they ignore the situation when customers harass them. Restaurant owners must face the issue head on. A zero-tolerance policy should be enacted.¹¹

11 Jessica Anguiano, "Restaurant HR Practices: How to Deal with Harassment Claims," R Magazine, 2015.

<https://www.canada.ca/en/employment-social-development/services/labour-standards/reports/sexual-harassment.html>

Restaurants, bars and other venues put passion, care and attention into crafting the most beautiful drinks, developing the most complex dishes and planning the most striking events. But we fail to put the same effort and care into creating safer spaces for workers and for patrons.

Across Canada there are over 600,000¹² cases of reported sexual violence each year**. Sadly, the workplace is often where this violence and harassment happens, especially to women and feminized people. Regularly the perpetrators of harassment and sexual violence are people we know -- over 87%¹³ of survivors knew the perpetrator before the assault. Sexual violence and harassment are not private issues that only affect the survivor or perpetrator. The impact has a resounding negative effect on our communities and businesses.

Our industry has multiple risk factors that contribute to the normalization of sexual harassment and violence in the workplace: alcohol consumption, precarious work, strict hierarchies, lack of inclusivity and a lack of institutional support for staff and ownership. Often survivors do not report incidents of sexual harassment or violence for fear of retaliation by supervisors or employers. To create safer spaces for all people we must acknowledge and respond to these challenges transparently, by prioritizing disclosures and prevent these abuses of power.

The best way to begin is to acknowledge that every space and person has the capacity to harm and be harmed. Then we can begin to equip our staff and spaces to prevent sexual harassment and violence. This process is not about policing spaces or restricting practices but building survivor centric policies and practices to create more flexibility, freedom and safety for patrons, staff and ownership.

The following findings came from a survey conducted in the Toronto Hospitality and Restaurant Industry:

87% of people had experienced sexual harassment or assault at work

Only 43% of participants knew their workplace anti-harassment and sexual violence policy

90% of participants want safer spaces training that focused on preventing sexual harassment/violence

What are the top risk factors for sexual violence in the workplace?¹⁴

- Lack of institutional support for victims/survivors
- Lack of employment opportunities
- Adherence to traditional gender role norms in the workplace
- Weak sanctions against sexual violence perpetrators
- Weak policies related to sexual violence and gender equity

¹² Rotenberg, Cristine. Canadian Centre for Justice Statistics. Police-reported sexual assaults in Canada, 2009 to 2014: A statistical profile. October 3rd 2017. Canada.

¹³ Retrieved from <https://www.canadianwomen.org/wp-content/uploads/2017/09/Facts-About-Sexual-Assault-and-Harassment.pdf>

¹⁴ Harassment and sexual violence in the workplace – Public consultation What we heard. Her Majesty the Queen in Right of Canada, 2017

The Human Rights Code of Canada outlines safety and dignity in the workplace. In addition, provinces have enacted legislation and regulations to protect employees from assault and harassment (Ontario has Bill 132, an amendment to the Occupational Health and Safety Act; British Columbia has “The Workers Compensation Bill”).

Employers have a critical role in discouraging inappropriate behaviour in the workplace before it escalates into a violent or harassing incident. Creating safer spaces means zero tolerance for harassment and violence in the workplace and requires employees and employers to work together when it comes to prevention and resolution.

D. SEXUAL HARASSMENT + SEXUAL ASSAULT

The Human Rights Code of Canada defines sexual harassment as a type of discrimination based on sex. When someone is sexually harassed in the workplace, it can prevent them from earning a living, doing their job effectively or reaching their full potential. It can also undermine their sense of personal dignity and poison the work environment for others. If left unchecked, sexual harassment has the potential to escalate to violent behaviour.

Sexual harassment can look like many different things including the following:

- Unnecessary physical contact, including unwanted touching (e.g. demanding hugs or stroking someone’s hair)
- Language that puts someone down because of their sex, sexual orientation, gender identity or gender expression, or using sex-specific derogatory names, homophobic / transphobic epithets, slurs or jokes
- Leering or inappropriate staring
- Targeting someone for not following stricts sex-role stereotypes
- Showing or sending pornography, sexual images, etc
- Sexual jokes, including forwarding sexual jokes by email
- Rough or vulgar language related to gender
- Spreading sexual rumours, “outing” or threatening to “out” someone who is LGBTQ2S
- Sexually propositioning a person or bragging about sexual prowess, demanding dates or sexual favours

Sexual assault is physically forcing someone to do something sexual when they have not or cannot consent. In Canada 96% of people agree sexual activity between people should be consensual, yet only 1 in 3 know what consent is¹⁵. There is a lot of learning and unlearning to do. Policies and practices developed in acknowledgment of this truth will create safer spaces and more opportunities for people to feel valued and heard which gives us a better chance to foster healthy work environments and better businesses.

E. WHERE TO BEGIN: CONSULTING AND ASSESSMENT

To create safer spaces we must focus on three equally important elements: inclusion, anti-oppression and equity. Sexual harassment and violence are routinely about sex than about using power to coerce, oppress or violate. Use this checklist as a guide to assess your space, team and work dynamics.

- Does our staff have the opportunity to give management/ownership feedback without punitive measures or shame?
- Do we have an inclusive staff that represents the diverse communities across Canada?
- Do we have an orientation package for staff? Do we provide resources and supports to better understand and prevent sexual harassment and violence?
- Do the signs and images in our space reflect the values of our team and business?
- Do we have a clear way to let patrons know what behaviour is or is not tolerated?
- Do we have a sexual harassment and violence policy? Have our staff been informed of this policy? Does it comply with our provincial government's standards?

These questions are rooted in an **intersectional approach**¹⁶ intended to model how simple using anti-oppressive language and practices can be. After you have assessed your team and space, integrate your entire staff in the development of your policies and practices. An anonymous survey, for instance, allows staff to speak up and managers to develop a policy that truly reflects everyone's concerns. Understanding privilege and using it to provide all staff with the opportunity to voice concerns, needs or knowledge will build a stronger, healthier and more dedicated team.

Here are a few suggestions to help you get started:

- Have your boundaries ever been crossed at work? Do you feel comfortable sharing some details?
- Are you comfortable disclosing harassment or violence to your manager/support staff?
- Do you know who to report sexual harassment or violence to and how to document the report for record keeping?
- Have you ever been subjected to what you feel is unsafe behavior at (name of workplace)?
- Do you feel comfortable sharing some concerns or suggestions you may have to help (name of space) become a more safe and accountable space?

¹⁵ Retrieved from <https://www.canadianwomen.org/wp-content/uploads/2017/09/Facts-About-Sexual-Assault-and-Harassment.pdf> ¹⁶

Ontario human Rights commission: Retrieved from: <http://www.ohrc.on.ca/en/intersectional-approach-discrimination-addressing-multiple-grounds-human-rights-claims>

F. DEVELOPING YOUR POLICY AND PRACTICES

The most powerful policies are clear and informed by the needs of the staff/community.

Informed and well-crafted policies keep the health of your team and community strong and reduce your liabilities. These policies will not only help you prevent sexual harassment and violence but will also help protect your space by administering the proper protocols. Start by drafting your company or organizational anti-harassment commitment statement.

After you have written your statement consider the following:

What type of behaviour does the organization consider to be workplace sexual harassment and violence? It is very important to define what sexual assault and harassment are, without being exclusive. We encourage you to use language from the Human Rights Code to ensure a clear definition of what constitutes harassment or sexual violence (assault).

What steps does the organization/workplace expect employees to take when they become aware of an incident of workplace sexual harassment or violence? Reporting sexual violence or disclosing harassment is not an experience that survivors enjoy. Having a transparent and accessible reporting process is fundamental to ensuring people feel safe enough to report.

Designate a point person responsible for recording and responding to disclosures. This person must be trained, unbiased and accountable. This person will work closely with the ownership and management throughout the internal investigation, and during the follow up for supports and ongoing training opportunities.

How will the organization/workplace respond to disclosures (allegations) of workplace sexual harassment or violence?

Ensure that your staff know that this reporting and investigation is informal and internal. Should they choose to seek legal counsel or action outside of the workplace, the process for a criminal investigation and proceeding is different.

This section of your policy breaks down the separate procedures for responding to disclosures from different levels of employees. Power dynamics and privilege can often build barriers and create further harm to the person with less perceived power. Ensuring you have protocols for dealing with all forms of internal complaints is essential.

Example: If an employee or management is disclosing allegations against ownership or senior management, they will report to _____ at this email address or number.

Disclosure should be responded to within 24-48 hours. During this process you should ensure that both parties are aware of your policy and the timelines of your internal investigation, and that there are safety measures in place for the reporting party if necessary.

Details of the Informal Investigation Process and Confidentiality:

Your investigation process should be short and confidential. The process should take no more than 30 days and the resolution handed down soon thereafter. This time frame limits further risk factors for both harm and liability.

The internal investigation should provide (but not be limited to) the following actions:

- Both parties are given an opportunity to make a statement, separately. The reporting party must not be forced to share that statement with the alleged, nor be asked questions like “Can you prove it?”, “Are you sure?” These are further stigmatizing and harmful. Your approach should be to collect details of the incident as best the party can recollect. The more timely the statement, the more detailed the recounting may be. You may ask when it happened and if anyone else was witness to it occurring.
- The survivor is asked what outcome or process they feel comfortable with during the investigation process, to ensure no further harm is done.
- There should be a third party or committee to assess the statements and disclosure of incident. This third party will be responsible for deciding the follow up, next steps and appropriate actions.
- There may be an opportunity for mediation. Allowing the survivor to have a support party present during the mediations/conversation is important for safety and transparency. The mediator may be the point person, third party, management or a combination thereof.
- Outcomes may vary, depending on your values and mandates. Some options may include (but are not limited to):
 - Mediated conversation and apology
 - Formal apology and acknowledgement of harm done, either in writing or in person
 - Leave with counselling or supports
 - Termination or suspension

G. WHAT DOES SURVIVOR CENTRIC MEAN?

When we apply a survivor centric lens to the work we do and the approaches we take, we are recognizing that sexual violence happens to almost all women and feminized people (though it is not limited to them). We are saying we believe them, we do not condone sexual violence and we want to build spaces that truly reflect these values.

Here are a few tips to help you ensure you are using a survivor centric approach:

- If someone discloses to you that they have been sexually harassed or assaulted, tell them that you believe them and ask what help they need from you
- The survivor has an opportunity to ask for supports during the investigation or follow up processes. You should have some resources available
- You ensure that your policies are up to date and circulated to all staff so everyone knows what will and will not be tolerated. This will help everyone understand how to prevent sexual harassment and violence.
- The survivor has an opportunity to have time off work via either paid or extended leave
- No reprisal or punitive measures will be taken by any staff or management against the survivor for disclosing sexual harassment or violence.

We have the opportunity to build on current practices and policies to create ones that value inclusivity, equity, safety and basic human rights. We believe in the ability of this industry to change the landscape and foster healthier work environments free of sexual violence and harassment.

Anti-Harassment and Sexual Harassment Policy Guide

Section C-G provided by the Dandelion Initiative <http://www.dandelioninitiative.ca>



DANDELION INITIATIVE

Did You Know?

Bruce McAdams, assistant professor at the University of Guelph's School of Hospitality and Tourism Management, and a former restaurant manager at Oliver & Bonacini, recommends:

“Have a written code of conduct for the work environment stating that the work environment is harassment-free. All [employees] should sign a copy to agree to terms upon hiring.” He also recommends hosting formal orientations with new staff members and emphasizing the importance of a safe space. **“Do not make this the last thing you speak about — it’s important so speak about it and treat it as a priority.”** McAdam also urges managers to **“Deal with issues including jokes, innuendo and jock talk as soon as they occur.”**

<http://www.foodserviceandhospitality.com/how-is-the-restaurant-industry-dealing-with-sexual-harassment-in-the-kitchen/>

We’ve put together useful links and fact sheets from the federal government and each province to help you understand what’s required of you to ensure a safe work environment.

Canada

[*Guide to violence prevention in the workplace*](#)

Alberta

[*Preventing violence and harassment at the workplace*](#)

[*Sexual harassment: What you need to know*](#)

British Columbia

[*WorkSafe BC Website: Bullying and Harassment*](#)

[*WorkSafe BC Website: Violence Prevention*](#)

[*BC Human Rights Clinic: Sexual Harassment*](#)

Manitoba

[*Guideline for preventing harassment and violence in the workplace*](#)

New Brunswick

[*Workplace harassment policy*](#)

Newfoundland & Labrador

[*Preventing workplace violence*](#)



Northwest Territories

[New Safety Regulations Include Harassment and Violence](#)

Nova Scotia

[A Workplace Violence Prevention Strategy for Nova Scotia](#)

[Human Rights Commission: Education for employers](#)

Nunavut

[Workplace Violence Prevention](#)

Ontario

[Workplace Violence and Harassment: Understanding the Law](#)

[Ontario Human Rights Commission: Sexual harassment in employment](#)

PEI

[Guide to the Prevention of Workplace Violence](#)

[Workplace Rights](#)

Quebec

[Quebec Workplace violence and Harassment Laws](#)

[Sexual harassment in the workplace](#)

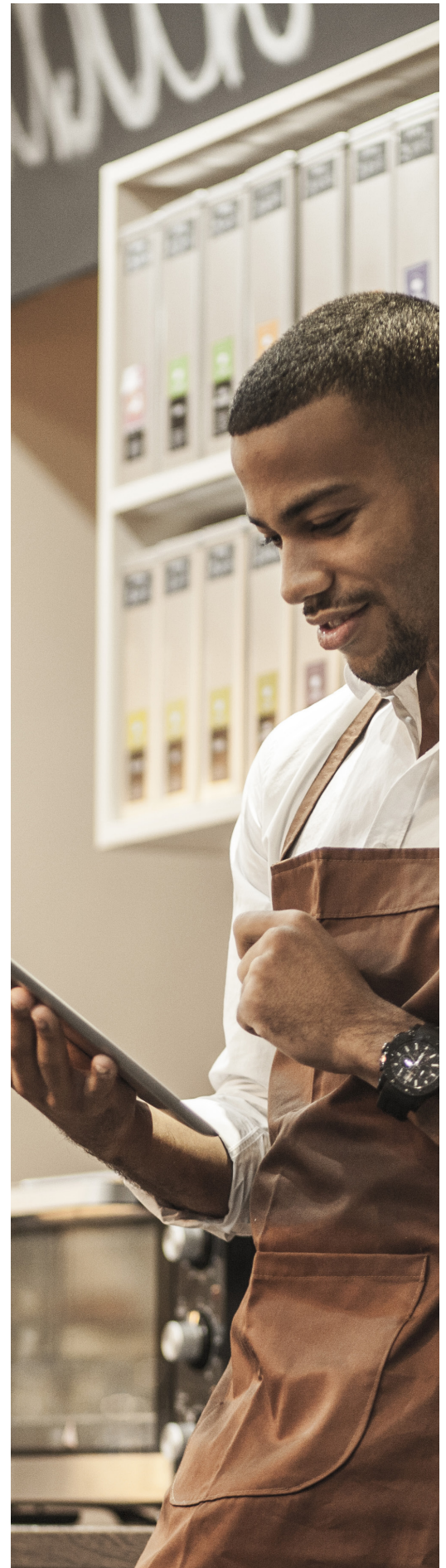
Saskatchewan

[Bullying and Harassment in the Workplace](#)

[Saskatchewan Human Rights commission: Sexual Harassment](#)

Yukon

[Violence in the Workplace](#)



A. DRESS CODES

You can set a dress code for your restaurant, but only in alignment with the human rights code of your province. For example, a dress code that specifies no hats or facial hair may conflict with your employees' right to practise their religion. Although provincial codes differ, try to avoid a dress code that could infringe on an employee's right to express sex, race, gender identity, disability or religion, etc. Your policy should be flexible enough to allow variances and accommodations for any of those variables.

BEST PRACTICES

- ✓ Consider comfort and durability, especially given the hot and crowded quarters that kitchen staff work in. Lightweight fabrics, short sleeves and moisture-wicking material are good choices.
- ✓ Ensure male and female staff uniforms are equivalent or similar in terms of style and design, and ensure your dress code complies with provincial human rights legislation (see below).
- ✓ Ensure your dress code permits cultural and religious accommodations, such as head scarves and hair styles.
- ✓ Think about functionality – for example, server aprons may require pockets for tablets and wireless payment systems.
- ✓ Look for colours that fit with your logo and branding, and consider more than white or black in the kitchen. Chef jackets come in a multitude of colours.
- ✓ Ask your employees for their input. When buying new uniforms, have your employees test them out and try on various sizes before placing a full order.
- ✓ Make sure potential employees are told about your dress code and uniform policy during the interview and hiring process.
- ✓ Put your dress code in writing and include it in your employee manual so all employees are aware.

Dress Code and Faith: Under the Canadian Charter of Rights and Freedoms and provincial Human Rights legislation, individuals are guaranteed the right to freedom of religion and are protected from discrimination based on creed/faith. Accommodations in dress code for employees may be required in order not to interfere with one's practice of their faith, such as providing full-sleeve options for shirts and full-leg options for bottoms, as well as accommodating religious head coverings, such as hijabs, yarmulkes or turbans.

Dress Code and Ethnicity/Culture: Policies/practices around employee hairstyle must not discriminate against an employee based on their ethnicity or culture. This includes ethno-culturally specific hairstyles, ways of wearing one's hair or the appearance of one's hair.

Dress Code and Gender Identity: If your establishment has distinct uniforms for males and females, employees should be permitted to wear the dress code of the gender they identify with or in which they are most comfortable. Failure to permit an employee to choose the gender of their uniform could constitute a violation of human rights legislation.

Wondering what your province specifies about dress codes? Here's a summary:

Provincial human rights information:

Alberta Human Rights Commission: You have the right to establish the appearance, grooming and dress standards that you believe are necessary for the safe or effective conduct of your business. If these standards interfere with an employee's religious practice or physical well-being, you must consider accommodating the employee. Standards should not be used to exclude an individual from employment or to treat them adversely: https://www.albertahumanrights.ab.ca/employment/employer_info/issues_outside_hr_law/Pages/dress_code.aspx

B.C. Human Rights Clinic: You have the right to set standards of dress or appearance that is appropriate for your business. However, you must not inflict a burden on one gender and not another, or enforce standards so rigidly they interfere with an individual's religious belief, disability or any other ground protected in human rights legislation: http://www.bchrc.net/dress_codes_and_appearance_standards

Manitoba Human Rights Commission: You have authority with respect to dress codes, except where it discriminates on employment on the basis of a protected characteristic (sex, ancestry, disability, gender, religion, or source of income) http://www.manitobahumanrights.ca/publications/policy/policy_services-employment-dress-codes.html

New Brunswick Human Right Commission: not specified
<http://www.gnb.ca/hrc-cdp/index-e.asp>

Nova Scotia Human Rights Commission: not specified <https://humanrights.novascotia.ca/>

Newfoundland and Labrador Human Right Commission: not specified
<http://www.justice.gov.nl.ca/hrc/index.html>

Ontario Human Rights Commission: Your uniform or dress code policy may not undermine employees' dignity and right to fully take part in the workplace because of Human Right Code grounds: sex (including pregnancy), race, gender identity, disability, gender expression and creed (religion).
<http://www.ohrc.on.ca/en/ohrc-policy-position-gender-specific-dress-codes>

PEI Human Rights Commission: not specified <http://www.gov.pe.ca/humanrights/>

Quebec Human Rights Commission: not specified <http://www.cdpcj.qc.ca/en/Pages/default.aspx>

Saskatchewan Human Rights Commission: not specified <http://saskatchewanhumanrights.ca/learn/the-human-rights-code>

Provincial rules on the purchasing and cleaning of uniforms:

Alberta: Employers are allowed to charge employees for the cost of purchasing, cleaning and maintaining a uniform, as long as it does not reduce the employee's wage below minimum wage. Employers may not deduct more than cost of uniform. The employee must provide written authorization for specific amount to be deducted. <http://www.humanservices.alberta.ca/AWonline/IS/4901.html>.

British Columbia: If an employee is required to wear a uniform, the employer must provide, clean and maintain the clothing free of charge. <http://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards#uniforms>

Manitoba: Employers are prohibited from charging employees for uniforms. Employers can ask employees to pay for the cleaning if a) the employer provides such a service, b) it directly benefits the employee, and c) employees can choose whether or not to use the service. <http://www.gov.mb.ca/labour/standards/doc,deductions,factsheet.html>

New Brunswick: Not specified. http://laws.gnb.ca/en/showdoc/cs/E-7.2/ga:l_iii#anchorga:l_iii.

Newfoundland and Labrador: Not specified. http://www.assembly.nl.ca/Legislation/sr/statutes/l02.htm#36_1 - Special Clothing section 36.1

Nova Scotia: Employers may not charge or deduct the cost of cleaning uniforms from employees' pay if it would result in the employee's hourly rate dropping below the provincial minimum wage. <http://www.gov.ns.ca/lae/employmentrights/minimumwage.asp>.

Ontario: Employers may deduct uniform costs from an employee's wages if the employee agrees to it in writing. Regulations on deductions for maintenance of uniforms/special clothing is not specified in the Employment Standards Act. http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_00e41_e.htm#BK18.

Prince Edward Island: An employer may ask for a deposit of up to 25% of the cost of the uniform, but must return the deposit when employment is terminated and the employee returns the uniform. Employers cannot charge or deduct cost of uniform. Regulations on cleaning of uniform are not specified. <https://www.princeedwardisland.ca/en/information/economic-growth-tourism-and-culture/deductions>

Quebec: Employers must provide the uniform free of charge to employees making minimum wage. Deductions for providing and maintaining uniforms are not allowed if it results in the employee being paid less than the minimum wage. In the case where deductions are permitted, employees must consent to a specific amount in writing. <http://www.cnt.gouv.qc.ca/en/interpretation-guide/part-i/act-respecting-labour-standards/labour-standards-sect-391-to-97/miscellaneous-other-labour-standards-sect-85-to-87/85/index.html>.

Saskatchewan: Employers may not charge employees for providing, cleaning or maintaining a uniform. <http://www.saskatchewan.ca/business/employment-standards/wages-and-pay/wage-deductions>.

B. SICK LEAVE/PARENTAL LEAVE

From time to time your employees may request a leave of absence for personal reasons such as pregnancy or caring for a family member with a serious illness. Be aware of the legislation in your province regarding personal leaves, including but not limited to:

- Maternity
- Parental
- Compassionate Care
- Bereavement
- Illness/Sick Leave

Full details and the latest updates are available at the provincial and territorial links below:

Alberta Employment Standards Code:

<https://work.alberta.ca/employment-standards/standards-and-definitions.html>

B.C. Employment Standards Act:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96113_01#section50

Employment Standards Act FAQ:

<http://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/faq>

Manitoba Employment Standards: http://www.gov.mb.ca/labour/standards/category,protected_leaves,factsheet.html

New Brunswick Employment Standards – Maternity Leave and Child Care Leave:

<http://www2.gnb.ca/content/dam/gnb/Departments/petl-epft/PDF/es/FactSheets/MaternityChildCareLeave.pdf> or

Other Leaves:

<http://www2.gnb.ca/content/dam/gnb/Departments/petl-epft/PDF/es/FactSheets/OtherLeaves.pdf>

Newfoundland and Labrador Employment Standards: http://www.aesl.gov.nl.ca/publications/labour/labour_relations_work.pdf

Northwest Territories Employment Standards FAQ: <https://www.ece.gov.nt.ca/en/services/employment-standards/frequently-asked-questions>

Nova Scotia Labour Standards: <https://novascotia.ca/lae/employmentrights/leaves.asp>

Nunavut Labour Standards Act: <http://nu-lsco.ca/phocadownloadpap/Labour%20Standards%20Act%20Consolidation.pdf>

Ontario Employment Standards: <https://www.labour.gov.on.ca/english/es/index.php>

PEI Guide to Employment Standards https://www.princeedwardisland.ca/sites/default/files/publications/guide_to_employment_standards_2.pdf

Quebec Commission des normes, de l'équité, de la santé et de la sécurité du travail
<http://www.cnt.gouv.qc.ca/en/all-standards/index.html>

Saskatchewan Employment Standards – Vacations, Holidays, Leaves, and Absences: <http://www.saskatchewan.ca/business/employment-standards/vacations-holidays-leaves-and-absences>

Yukon Employment Standards FAQ: http://www.community.gov.yk.ca/pdf/es_faq.pdf



Studies showing link between a positive workplace and lower turnover/higher sales

https://scholar.google.ca/scholar?q=positive+workplace+less+turnover&hl=en&as_sdt=0&as_vis=1&oi=scholart&sa=X&ved=0ahUKEwiY_ofFp4z0AhXDVz4KHZevBqMQgQMIGTAA

https://scholar.google.ca/scholar?q=positive+workplace+higher+sales&btnG=&hl=en&as_sdt=0%2C5&as_vis=1



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