

FACT SHEET: Racial Harassment and Poisoned Environments

All Ontarians have the right to be free from harassment in the workplace or in housing accommodation because of, among other things, race, color, ancestry, place of origin, ethnic origin, citizenship and creed. While the Ontario *Human Rights Code* (the “Code”) doesn’t explicitly prohibit harassment in the areas of services, goods and facilities, contracts or membership in trade and **vocational associations**, the Commission will treat racial harassment in such situations as a form of discrimination and therefore a breach of the *Code*.

Harassment is defined as “engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome”. This definition considers what the person knew about how his or her behaviour would be received, as well as how a reasonable third party, taking into account the perspective of the person who was the target, would view the behaviour.

The following types of behaviors will typically be considered racial harassment:

- racial epithets, slurs or jokes;
- being subjected to racial name calling or nicknames, e.g. “Kunta Kinte”;
- racial jokes, cartoons or graffiti, including when circulated by e-mail;
- ridiculing comments related to race-related characteristics; and
- being subjected to references to racist organizations, such as having “KKK” painted on a locker.

Racial harassment sometimes intersects with other forms of harassment such as harassment on the basis of sex, sexual orientation and disability.

It is not necessary for someone to object to behaviour for it to be contrary to the *Code*. As well, the fact that someone may even have gone along with, or participated in, racial comments or conduct does not provide defense.

Poisoned Environments

In addition to racial harassment, the creation of a poisoned environment is a form of discrimination and is contrary to the *Code*. Unlike harassment which requires repeated behaviour, a poisoned environment can be created by a single incident, if serious or substantial enough.

It is the responsibility of every employer, landlord, and service provider to take steps to ensure that its environment is free from harassment or inappropriate race-related comments or conduct, even if no one objects.

Related Policies: Humber College Human Rights/Complaint Process-Discrimination & Harassment, Charter of Students Responsibility and Rights.

Source: The information in this fact sheet has been developed by the Ontario Human Rights Commission, and can be found at the following web site: <http://www.ohrc.on.ca/en/resources/factsheets/Harassmentandpoisonedenvironments>