



## WA 13 BUSINESS ENVIRONMENT

### 3.29 UNDERSTAND, FOLLOW, AND APPLY INDIVIDUAL RIGHTS AND RESPONSIBILITIES

- LO93: Demonstrate the ability to understand and follow individual rights & responsibilities within organization's Policy and Code of Conduct and within job description.
- LO94: Demonstrate the ability to apply individual rights and responsibilities within company policy, company code of conduct and within the job description.



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Work Area Code:	13
Work area title:	<b>BUSINESS ENVIRONMENT</b>
Unit Code:	3.29
Unit Title:	<b>UNDERSTAND, FOLLOW, AND APPLY INDIVIDUAL RIGHTS AND RESPONSIBILITIES</b>
Learning Outcomes Nos:	93, 94
Learning Outcomes titles:	<ul style="list-style-type: none"> <li>• <b>LO93: Demonstrate the ability to understand and follow individual rights &amp; responsibilities within organization's Policy and Code of Conduct and within job description.</b></li> <li>• <b>LO94: Demonstrate the ability to apply individual rights and responsibilities within company policy, company code of conduct and within the job description.</b></li> </ul>
Recommended Duration:	2 hours
Trainer:	



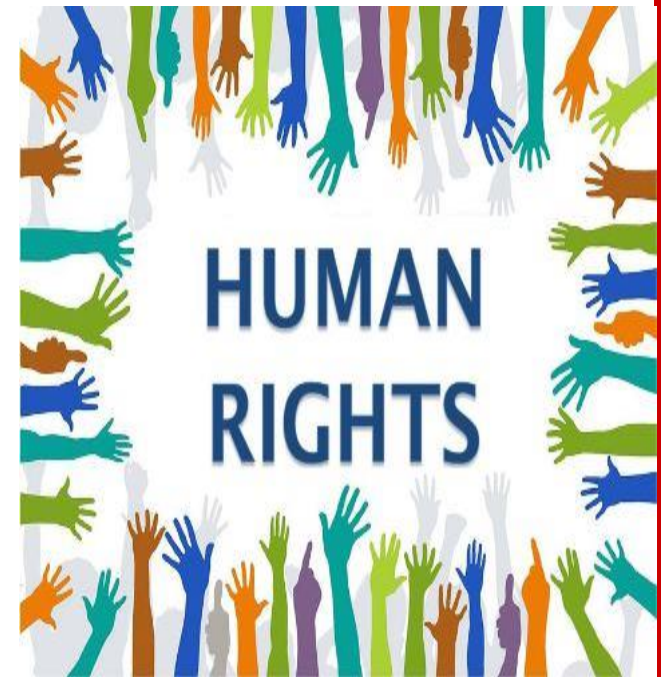
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## DEFINITION

- **HUMAN RIGHTS** are the rights that all people have by virtue of being human beings.



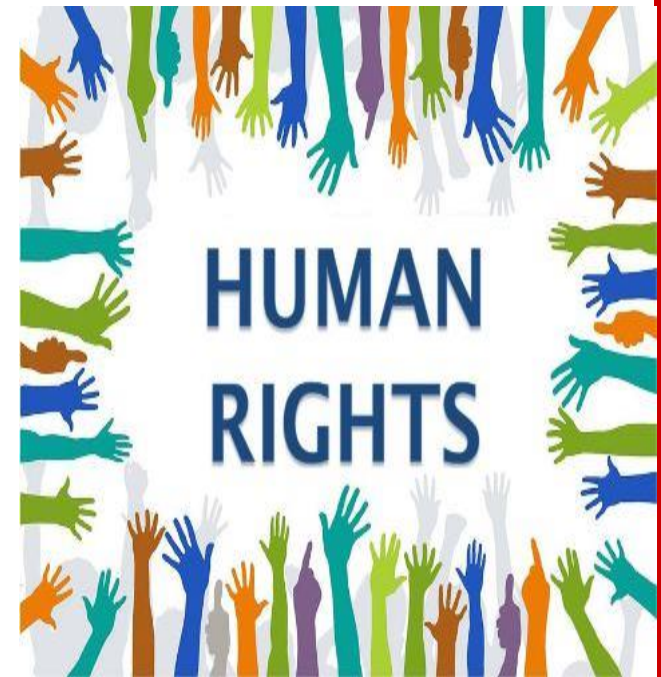
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## DEFINITION

- HUMAN RIGHTS are derived from the inherent *dignity* of the human person and are defined internationally, nationally and locally by various law making bodies
- HUMAN RIGHTS is defined as the supreme, inherent, and inalienable rights to life, to dignity, and to self-development.



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- HUMAN RIGHTS coined by Eleanor Roosevelt to replace *Rights of Man*
- NATURE – Human rights are more than legal concepts: they are the essence of man. They are what make man human. That is why they are called human rights; deny them and you deny man's humanity (Jose Diokno)



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**RIGHTS** – moral power to hold (rights to life, nationality, own property, rest and leisure), to do (rights to marry, peaceful assembly, run for public office, education), to omit (freedom from torture and cruel, inhuman or degrading punishment, freedom from arbitrary arrest, detention or exile) or to exact something (equal protection of the law, equal access to public service, equal pay for equal work)



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# Characteristics of Human Rights

- Universal
- Internationally guaranteed
- Legally protected
- Protects individuals and groups
- Cannot be taken away
- Equal and indivisible
- Obliges States and State actors



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## Five categories of Human Rights :

1. Civil – the right to be treated as an equal to anyone else in society
2. Political – the right to vote, to freedom of speech and to obtain information
3. Economic – the right to participate in an economy that benefits all; and to desirable work



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## Five categories of Human Rights :

4. Social – the right to education, health care, food, clothing, shelter and social security
5. Cultural – the right to freedom of religion, and to speak the language, and to practice the culture of one's choice



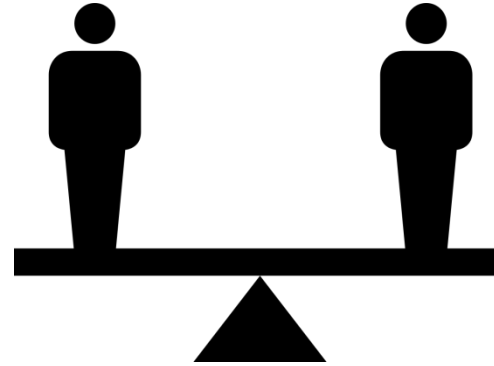
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## CIVIL RIGHTS

- Life
- Belief in own religion
- Opinion
- Free speech
- Marry
- Race
- Cultural background



## **SOCIAL RIGHTS**

- Housing
- Education
- Health services
- Recreation facilities
- Clean environment
- Social security



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## POLITICAL RIGHTS

- Vote in elections
- Freely form or join political parties
- Live in an independent country
- Stand for public office
- Freely disagree with views and policies of political leaders



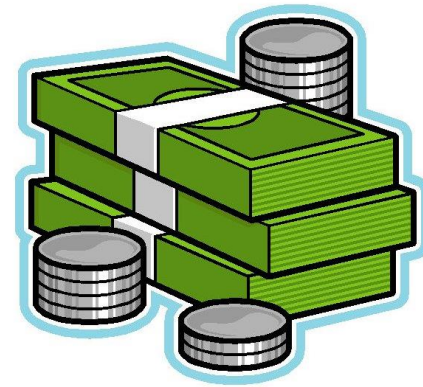
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## ECONOMIC RIGHTS

- Jobs
- Work without exploitation
- Fair wage
- Safe working conditions
- Form trade unions
- Have adequate food
- Protection against labor malpractices



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# EUROPEAN PERSONAL ASSISTANT LEVEL 3

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# Core principles of human rights



- **Non-discrimination:** Everyone is entitled to human rights without discrimination
- **Empowerment/participation:** These rights endow people the power to claim them from their governments, as opposed to charity which is an act of generosity. Human rights are *owned* by everyone.
- **Accountability:** Governments have certain duties and obligations to *respect, protect* and *fulfil* human rights. (Individuals and non-state actors also have duties to others)



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- ✧ Some civil rights include the ensuring of people's physical integrity and safety.
- ✧ Protection of discrimination on grounds such as physical or mental disability , gender, religion, race, national origin, status as a member of the uniformed services, sexual orientation or gender identity.
- ✧ Individual rights such as privacy , the freedoms, of thought and conscience , speech and expression, religion, the press, and movement.

## values:

- ✓ the worth and dignity of every person
- ✓ the pursuit of truth
- ✓ devotion to excellence
- ✓ acquisition of knowledge
- ✓ the nurturing of democratic citizenship



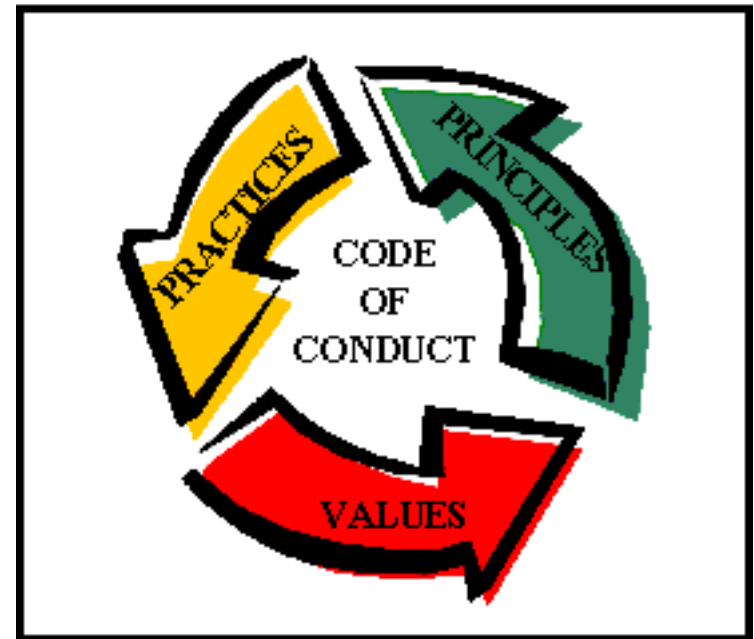
## PRINCIPLES OF PROFESSIONAL CONDUCT

### OBLIGATIONS TO THE PUBLIC

***DISTINGUISH*** between personal views and the views of the company

***REFUSE TO ACCEPT*** gifts or favors which will influence professional judgment

***AVOID*** using his/her professional position for personal gain or advantage



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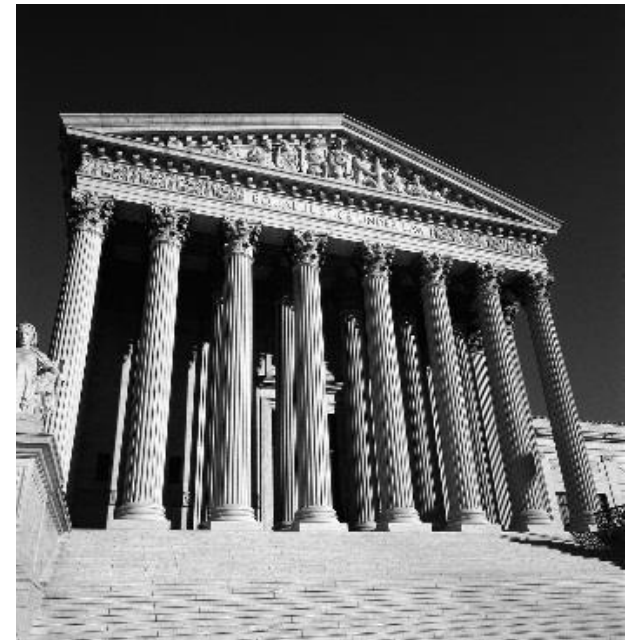
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# Discrimination and Harassment in the workplace

- race, color and national origin;
- sex (includes pregnancy-related conditions);
- religion;
- age (40 and older);
- disability;
- any other protected group



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## Discrimination is

- A supervisor or person in authority making employment decisions related to hiring, firing, transferring, promoting, demoting, benefits, compensation, and other terms and conditions of employment, because of an employee's characteristic related to:
  - Gender
  - Religion
  - Age
  - Sexual orientation
  - Ethnicity
  - Skin colour
  - Etc.



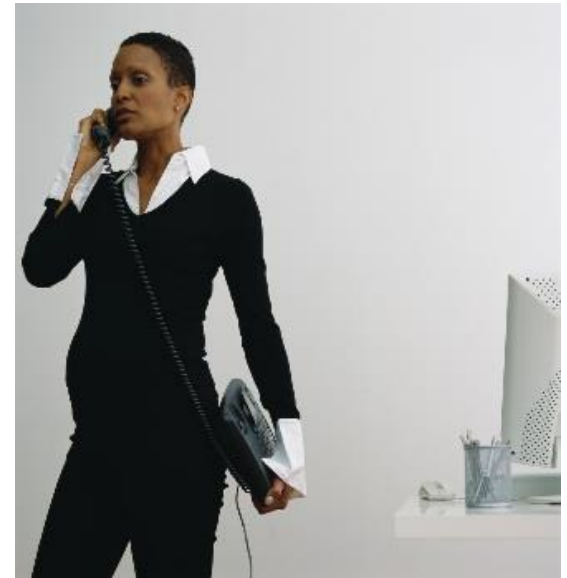
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# Discrimination and Harassment in the workplace

- Examples of discrimination:
- A supervisor refusing to hire a well qualified candidate because she is pregnant.
- Upon “discovering” an employee’s age, a supervisor transfers a well qualified 45 year old employee



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## Workplace Harassment is

- Unwelcome, unwanted or offensive conduct



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# Discrimination and Harassment in the workplace

- Examples:
- An employee repeatedly addresses coworkers with derogatory comments or stereotypes related to their race or religion. The employee calls a coworker wearing a turban, "Towel Head," calls a Hispanic coworker, "Beaner," and calls a Jewish coworker "Cheap Skate."
- An employee tries to get a coworker to resign by spreading untrue, malicious gossip about the coworker, because of the coworker's disability.



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## Sexual Harassment is

- Unwelcome, unwanted, or offensive sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- 1. Submission to the conduct is made either explicitly or implicitly a term or condition of the individual's employment; or is used as a basis for any employment decision (granting leave requests, promotion, favorable performance appraisal, etc.); or



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# Discrimination and Harassment in the workplace

- 2. The conduct is unwelcome, unwanted, or offensive and has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.



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# Discrimination and Harassment in the workplace

- Examples of sexual harassment include:
- A supervisor telling a subordinate employee that if he/she accompanies the supervisor for a weekend get-away, the supervisor might be able to arrange for some paid time off for the employee, or look into a promotion for the employee.
- A person in authority threatening to discredit a subordinate employee if they won't attend a party with them after work.



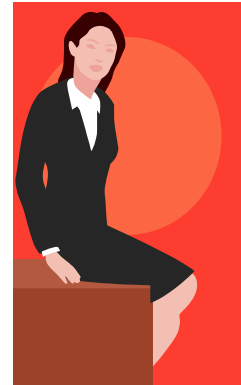
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# Discrimination and Harassment in the workplace

- Any employee believing they have been subjected to discrimination, workplace harassment or sexual harassment should report that behavior to their immediate supervisor or another member of management
- A complaint may usually be made verbally or in writing.



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- **Together we must work to create and maintain a work environment that is free from discrimination, workplace harassment and sexual harassment.**



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- The next 9 slides are extracts from Carleton University's code of conduct, outlining the rights and responsibilities, as well as the procedures related to discrimination and harassment
- **Review the main points and discuss**



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## 13.0 Offenses of Conduct: Discrimination and Harassment

### 13.1 Carleton University's Human Rights Policy

The University has in place policies and procedures to deal with allegations of discrimination and harassment, including sexual harassment. These are outlined in detail in the Carleton University Human Rights Policies and Procedures, effective May 1, 2001. The policy is available at: [carleton.ca/equity](http://carleton.ca/equity).



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## 13.2 Unacceptable Conduct

Unacceptable conduct is outlined in the policy and includes discrimination or harassment based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, political affiliation or belief, sex, sexual orientation, gender identity, age, marital status, family status, or disability/handicap within the meaning of the Ontario Human Rights Code. Unacceptable conduct also includes threatening, stalking and unwelcome communication either in person or through electronic or other means. For the three policy sections below, the definition of prohibited behaviour is described in the italicized section that follows.



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# Case study: Carleton University code of conduct



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- From the *Anti-Racism and Ethnocultural Relations Policy*
- The University prohibits discrimination and harassment, including conduct on the basis of race, ancestry, place of origin, colour, ethnic origin and citizenship that:”



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# Case study: Carleton University code of conduct

- From the *Gender Equality Policy*
- The University prohibits discrimination and harassment, including conduct on the basis of sex, gender or gender identity that:”



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# Case study: Carleton University code of conduct

- From the *Sexual Orientation Equality Policy*
- The University prohibits discrimination and harassment, including conduct on the basis of sexual orientation or perceived sexual orientation that:
  - 5.1 Is abusive, demeaning or threatening including behaviour such as name calling; derogatory remarks, gestures and physical attacks; or display of derogatory or belittling pictures and graffiti; or
  - 5.2 Biases administrative and appointment decisions, employment and workplace practices, tenure, promotion, appointment, leave and salary determinations; or
  - 5.3 Biases academic decisions such as admissions, grading, the application of Regulations and scheduling of academic activities; or
  - 5.4 Misuses power, authority or influence; or
  - 5.5 *Discriminates in the provision of goods and services, or access to premises, accommodation and other facilities.*



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# Case study: Carleton University code of conduct

- From the *Sexual Harassment Prevention Policy*
- Sexual harassment occurs when an individual engages in sexually harassing behaviour or inappropriate conduct of a sexual nature that is known, or ought reasonably be known, to be unwelcome, and that:
  - 6.1 Interferes with the academic or employment performance or participation in a University-related activity for the person harassed; and/or
  - 6.2 Is associated with an expressed or implied promise of employment-related or academic-related consequence for the person harassed (including reward, reprisal or condition of study or employment); and/or
  - 6.3 Provides a basis for academic or employment decisions affecting the person harassed; and/or
  - 6.4 Creates an abusive, demeaning, or threatening study, work or living environment for the person harassed; and/or
  - 6.5 Excludes the person harassed from rights and/or privileges to which they are entitled.



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# Case study: Carleton University code of conduct

- Sexually harassing behaviour may be physical, verbal or psychological. It may be conveyed directly or by telephone, writing or electronic means. Examples of inappropriate sexual conduct include:
  - 7.1 Unwelcome sexual solicitations, flirtations or advances; sexually suggestive comments, gestures, threats or verbal abuse;
  - 7.2 Unwarranted touching or physical contact of a sexual nature, coerced consent to sexual contact, or sexual assault;
  - 7.3 Inappropriate display or transmission of sexually suggestive or explicit pictures, posters, objects or graffiti;
  - 7.4 Leering, compromising invitations, or demands for sexual favours;
  - 7.5 Degrading, demeaning or insulting sexual comment or content, including unwelcome remarks, taunting, jokes or innuendo about a person's body, sexuality, sexual orientation or sexual conduct;
  - 7.6 Misuse of position or authority to secure sexual favours;
  - 7.7 Persistent, unwanted attention or requests for sexual contact after a consensual relationship has ended; or
  - 7.8 A course of sexualized comment or conduct that interferes with the dignity or privacy of an individual or group.”



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# Case study: Carleton University code of conduct

- **13.3 Enforcement**
- Enforcement of this policy is carried out according to the procedures established in the policy. The procedures include the provision of advice and information to complainants and respondents and allow for various methods of informal resolution, including mediation.
- Students with concerns regarding discrimination, harassment, stalking, sexist or racist behaviour, or any other prohibited action as outlined in the Human Rights Policy, should call or meet with a member of Equity Services for advice and guidance on how to handle the situation. This service is confidential and does not compel the student to take any further action.
- Formal complaints must be made in writing and directed to the Dean or Vice President responsible for the area where the complaint took place. Staff in Equity Services are available to assist with the preparation of a formal complaint. Complaints must be made within 12 months after the last alleged incident of discrimination or harassment unless exceptional circumstances apply in which case the University Secretary may grant an extension of up to an additional 12 months.



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# Case study: Carleton University code of conduct

- **13.4 Formal Procedures**
- The procedure for formal complaints is outlined below:
- An allegation shall be made in writing to the Dean of the Faculty in which the program to which the respondent has been admitted belongs or, in the circumstances where the respondent has not been admitted to a program, to the Dean of the Faculty where the majority of courses in which the respondent has registered are administered. An allegation against a student in residence when made by another student in residence which involves the complainant's enjoyment of her/his accommodation shall be made to the Vice-President (Academic). The Dean, or the Vice-President (Academic), as the case may be, shall cause to have an investigation conducted and, upon receipt of the report of the investigation, shall either 1) dismiss the allegation on the grounds of insufficient evidence or lack of jurisdiction by the university, or 2) accept that the allegation is founded and seek the agreement of the respondent to a remedy, or 3) refer the matter to the President. A Dean's dismissal of the allegation may be appealed, within ten working days, to the Vice-President (Academic) who may, in turn, either 1) again dismiss the allegation, or 2) accept that the allegation is founded and propose a remedy to the respondent, or 3) refer the matter to the President. In the case of students in residence, where the original allegation has been made to the Vice-President (Academic) and is dismissed, appeal shall be directly to the President who may either 1) again dismiss the allegation, or 2) accept that the allegation is founded and propose a remedy to the respondent, or 3) refer the matter to a tribunal appointed by the Senate.



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# Case study: Carleton University code of conduct

- In the instance where the matter has been referred to the President, the latter shall decide whether the university shall conduct a hearing before a tribunal appointed by the Senate. If the allegation is proven, the tribunal shall decide upon one of the following sanctions: The student may be:
  - expelled;
  - suspended for a period of time from all studies at the university;
  - restricted in his/her use of University facilities; and/or
  - given a reprimand.
- Should the President decide not to conduct a hearing before a tribunal, the allegation shall be deemed to have been dismissed, but the President shall give written reasons for such a decision, and these reasons shall be communicated to the parties involved.
- In the instance where the complainant wants redress from the university without the involvement of the respondent, or where the respondent is unknown or is not a member of the university community, and/or where there is a claim that the university has failed or has been negligent in providing a safe, non-hostile environment, the allegation of an offence shall be made in writing to the President, who shall cause an investigation to be conducted. Upon receipt of the report of the investigation, the President may order any relief he/she deems fit, and shall give written reasons for the decision; which reasons shall be communicated to the complainant.



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# Methodological tool



## Scenarios

EUPA\_LO\_93\_M\_01



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# Methodological tool

QUIZ

EUPA\_LO\_94\_M\_01



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- Question 1:
  - Can you identify the areas of work where individual rights are relevant?
- Question 2:
  - Can you describe the most essential human rights?



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## Key Point 1

- HUMAN RIGHTS are the rights that all people have by virtue of being human beings.

## Key Point 2

- Human rights are:
  - Universal
  - Internationally guaranteed
  - Legally protected
  - Protects individuals and groups
  - Cannot be taken away
  - Equal and indivisible
  - Obliges States and State actors

## Key Point 3

- A code of conduct should promote:
  - the worth and dignity of every person
  - the pursuit of truth
  - devotion to excellence
  - acquisition of knowledge
  - the nurturing of democratic citizenship



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# Well Done!

## You have completed this unit



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