Understanding Discrimination

**Definition**

Discrimination is any action that excludes, isolates, imposes differential treatment, or deprives someone of rights based on one of the prohibited grounds of discrimination. Discrimination places burdens, obligations or disadvantages on an individual or group not inflicted upon others, or it withholds or limits access to opportunities, benefits, and advantages available to other members of society. This deprives targeted individuals of their right to the equal recognition and exercise of their human rights and freedoms.

**Prohibited Grounds of Discrimination**

The prohibited grounds of discrimination are enumerated in s. 10 of the Quebec Charter of Human Rights and Freedoms and include:

**Age** Applies to any age or age group except as provided by law. Examples of age-based distinctions that are not discriminatory include restricting the right to vote to persons 18 years or older, or basing insurance premiums on age, among other factors.

**Social condition** The specific place or position that a person occupies in society that reflects that person’s income, occupation or education.

**Political convictions** Include beliefs expressed by open support of a political ideology, activism on behalf of a political party or social lobby group, or participation in the activities of a trade union.

**Civil status** Relates to your family situation, for example, whether a person is single, married, divorced, widowed, adopted, or has any form of family ties or kinship.

**Pregnancy** A person’s state of pregnancy.

**Disability** An actual or presumed disadvantage that limits one physically, mentally, or psychologically. This ground also refers to the means used to palliate a disability such as a wheelchair, guide dog, or prosthesis.

**Language** Any language, including an accent. The status of French as Québec’s official language is not in itself discriminatory.

**Sexual orientation** A person’s emotional, romantic and sexual attraction to individuals of a particular gender. The law prohibits discrimination based on the history of a sexual preference, current sexual preference or identification with having such a preference.

**Sex** An individual’s female, male, transgender or transsexual gender identity.

**Race, colour, ethnic or national origin** An individual’s actual or perceived country of origin; membership in a group in society with distinctive social or cultural traits; skin colour.

**Religion** An individual’s membership or non-membership in a religious denomination. This prohibited ground of discrimination also includes religious practices as well as the right to not be treated differently if you do not belong to any religious denomination or if you do not have any religious beliefs.

**Resources**

- **McGill Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law**
- **McGill Assessors**
  Assessors are members of the McGill Community that investigate complaints under the Policy by any member of the McGill Community that feels that they have been harassed or discriminated against.
  - Contact information.
- **Student Advocacy**
  The Student Advocacy Program is part of the Legal Information Clinic at McGill. It provides free and confidential advice and representation in cases where McGill students are going through disciplinary, grievance or appeals processes. Visit the website or call (514) 398-4384.
- **Office for Students with Disabilities**
  Provides services and support for students with disabilities. Visit the website or call (514) 398-6009.
- **First Peoples’ House**
  A McGill Student Service mandated to support First Nations students. Visit the website or call (514) 398-3217
- **Queer McGill**
  A SSMU service that runs social, activist, and support activities for the queer community at McGill. Visit the website.
- **Black Students’ Network**
  A SSMU service dedicated to issues in the Black Community. Visit the website or call (514) 398-3001 x 09974
- **Union for Gender Empowerment**
  A SSMU service that aims to provide services to any person who identifies with anti-oppressive and trans-inclusive principles, regardless of gender identity. Visit the website or call: (514) 398-6823
- **Quebec Human Rights Commission Website**
What Doesn’t Constitute Discrimination?

Differential treatment based on a personal characteristic does not always result in discrimination. Section 20 of the Quebec Charter of Human Rights and Freedoms establishes that a distinction, exclusion or preference is not discriminatory when:

- It is based on aptitudes or qualifications that are required for employment or for admission into an educational program; or
- It is justified by the charitable, philanthropic, religious, political or educational nature of a non-profit institution or of an institution devoted exclusively to the well-being of an ethnic group.

More generally, a rule, standard or practice that creates a distinction based on a personal characteristic is not discriminatory when:

1. It is adopted for a purpose or goal that is rationally connected to the performance of the job or the service being provided;
2. It is adopted in good faith, in the belief that it is necessary for the fulfillment of the purpose or goal; and
3. It is reasonably necessary to accomplish the purpose or goal.

Such rules, standards or practices are characterized as bona fide occupational requirements (BFORs) in the employment context, or bona fide justifications (BFJs) in the context of the provision of services.

Examples of Discrimination

- A work-study student who gets denied a data entry position he is qualified for because he uses a wheelchair
- A casual employee who, despite having talked to her manager two months in advance, gets threatened with job loss when she must take a day off for a religious holiday during a hectic period in the office
- A landlord who refuses to rent an apartment to two Indian graduate students because he’s “had their type before” and “won’t put up with them anymore”
- A building director who forcibly removes a breastfeeding woman from a library reception area because she is “disturbing the other patrons”
- A manager who refuses to send her employee to customer service staff development training because she feels that her accent is too strong to help clients
- A mature student who is refused a position on an undergraduate student committee because the other members feel that he is too old to represent the student body
- A visibly uncomfortable professor who avoids investigating a student’s complaint that the members of his workgroup have been excluding him because they think he is gay

Discrimination and the McGill Community

McGill University is committed to creating a respectful and healthy environment for work and study.

- Discriminatory attitudes prevent us from benefiting socially, academically, and financially from the diversity of experience and talent found at McGill.
- Discrimination against those belonging or perceived to belonging to marginalized groups can diminish confidence and enthusiasm for learning and create long-lasting impediments to academic, professional and personal growth.
- Discriminatory practices, behaviours, and attitudes can hinder interaction between McGill and the Montreal community or tarnish McGill’s reputation.
- Discrimination can cause community members to disengage and limit their active involvement in the community by skipping classes, avoiding meetings, limiting contact with coworkers and not developing relationships with colleagues.
- Students or employees may be ostracized, bullied, or harassed and can start to consider McGill to be a hostile environment to be avoided as much as possible.
- Discrimination can also lead to decreased productivity in the work place due to adverse health effects.