

## News & ANNOUNCEMENTS

### **Inclusion Day Conference**

**EVERY\_BODY: Rethinking the Bodies that Belong  
January 23, 2014, York University - Keele Campus**

York University's Centre for Human Rights is hosting its 5th annual Inclusion Day Conference. This one-day conference will include sessions where participants will have the opportunity to explore the concepts of inclusion and belonging through a human rights lens.

Keynote speakers, session presenters and workshop facilitators will have the opportunity to engage attendees in critically analyzing notions of space and the bodies that are/ are not included. We are inviting submissions that focus on human rights related areas, including but not limited to:

- Indigenous knowledge
- Intersectional identities
- Race and racialization
- Gender expression/expectations/performance
- (dis)Abilities
- Religion/Spirituality
- Knowledge production and pedagogy
- Athletics as a culture
- Politics of Space
- Sexual orientation

Presenters may submit proposals for a 60 minute session in one of the following formats:

- Roundtable discussion
- Do-it-Yourself (DIY) workshop
- Individual or panel presentation
- Interactive workshop
- Dialogue process
- Artistic/Creative presentation & discussion

Proposals must be submitted no later than Thursday, November 29, 2013, either by:  
online submission: <http://www.yorku.ca/rights/forms/view.php?id=24> or email submission to: [jtcheng@yorku.ca](mailto:jtcheng@yorku.ca) or [jglean@yorku.ca](mailto:jglean@yorku.ca) as a .doc or .pdf

For more information or to request the proposal in an alternate format please contact Josephine Tchong, Education & Communications advisor at the CHR at [jtcheng@yorku.ca](mailto:jtcheng@yorku.ca).



### **Sisters In Spirit October 1st Vigil**

Each year on October 4th communities hold Sisters in Spirit vigils across Canada to honour and remember the lives of missing and murdered Aboriginal women and girls. This year, in the York community, the vigil will be hosted by the Aboriginal Student's Association (ASAY) on Tuesday, October 1st. Please meet at Vari Hall at noon and then march together to the York Tipi. <http://on.fb.me/15GDIJq>

## **Lest We Forget...December 6th National Day of Remembrance and Action on Violence Against Women**

### **Invitation to Get Involved!**

December 6, 2013, marks the 24th anniversary of the Montreal Massacre, a tragic act of gender-based violence that left 14 young women dead on the campus of l'Ecole Polytechnique Montreal. In 1991, the Parliament of Canada established December 6 as the National Day of Remembrance and Action on Violence against Women in Canada. December 6 presents an opportunity for members of the York community to acknowledge and reflect on the issues of violence against women as it remains a serious problem in Canada.

This year, to commemorate December 6, the Centre for Human Rights is inviting York departments/offices and student groups to participate in the creation of artistic representations to heighten awareness of violence prevention at York University. All artwork submissions will be unveiled in **Vari Hall on December 5, 11:30am – 12:30pm**, by President Shoukri and displayed in Vari Hall on December 6, 2013.

Groups are invited to choose one of the following themes for their artistic representation to embody:

- **Resilience from experiences of violence** – Artwork should reflect strength and spirit
- **Allies against violence** – Artwork should reflect community, and the principles of allyship
- **Resources to prevent violence** – Artwork should encompass educational materials about violence prevention and the strength that results from being informed of one's rights
- **Not a bystander to violence** – Artwork should depict an individual and/or action that demonstrates a commitment to ending violence
- **Voices against violence** – Artwork should depict the many "voices", i.e. – slogans, campaigns- that speak up against violence
- **End of violence** – Artwork should reflect what an end to violence could look like

The canvas for this year's art initiative is an inflatable mannequin. Art supplies will be provided. **If your team wishes to participate in this initiative or would like more information please contact Jodie Glean, Education & Communications advisor at the CHR at [jglean@yorku.ca](mailto:jglean@yorku.ca) or at ext.33681.**

## **How will you commemorate December 6th this year?**

The Centre For Human Rights invites you to commemorate December 6th

## **National Day of Remembrance and Action on Violence Against Women**

Date: December 5, 2013 | Time: 11:30AM - 12:30PM | Location: Vari Hall

See you there...



## **Human Rights, Employment, & the Barrier of “Canadian Experience” for Immigrants & Newcomers**

*“Almost half of the population (47.3%) [of Toronto] is born outside of Canada, which is the highest share for any major city in the developed world.”  
(Statistics Canada)*



When examining human rights issues in the Canadian context, we often neglect to take a deeper look at the issue of immigration as well as the unique issues facing newcomers and immigrants to Canada. Unfortunately, immigrants and newcomers to Canada have experienced well-documented incidents of discrimination, harassment, and various forms of exclusion, both individual and systemic, and this significant human rights problem has not disappeared over the years.

A major barrier facing immigrants and newcomers to Canada is the requirement that they have “Canadian experience” to obtain employment in Canada. Of course, the vicious cycle of “no job until you get Canadian experience...but no Canadian experience until you get a job” has seriously affected the ability of immigrants and newcomers to work to support themselves and their families, thus making them more vulnerable to poverty and economic hardship. It also excludes them from the key social area of employment, which provides an important pathway to build ties, relationships, skills, and a sense of community in their new home country. The fact that many employers devalue work experience acquired outside of Canada is a broader societal problem that must be challenged through education, awareness-raising, dialogue, and venues for immigrants and newcomers to voice their experiences of differential treatment.

The Ontario Human Rights Code (the “Code”) prohibits discrimination on the basis of various Code grounds, including place of origin, race, ethnic origin, ancestry, and colour. The discrimination could be direct (i.e. not hiring someone for a job because of negative stereotypes about their place of origin) or indirect. Indirect, adverse or constructive discrimination includes situations where discrimination results from requirements, qualifications, or factors that may appear neutral but which have a negative effect on people identified by the Code. For example, a job ad that limits the job opportunity to people with Canadian experience can have an adverse impact on newcomers to Canada. Similarly, excluding an individual from a job based on where they acquired their work experience may also adversely discriminate based on Code grounds. In addition to individual discrimination, further barriers can be created by systemic discrimination, where patterns in an organization’s behavior, policies or practices create or continue a position of relative disadvantage for people identified by the Code.

Recently, the Ontario Human Rights Commission (“the Commission”) published the Policy on Removing the “Canadian Experience Barrier”, which reaffirms that a strict requirement for “Canadian experience” is discriminatory on its face and can only be used in limited circumstances”. The Commission highlights that it is very important for employers to be clear about the specific qualifications they are seeking, instead of using terms such as “Canadian experience” to capture these requirements. For example, if an employer is looking for an employee who can speak, understand, write, and read English at an advanced level, then they should state this clearly and give all applicants the chance to demonstrate their proficiency in English.

If an employer claims that their policy, rule, or requirement is a legitimate standard, or a “bona fide” requirement, they have to prove this through a three part test that was set out by the Supreme Court of Canada in an important case called Meiorin. An organization must establish on a balance of probabilities that their policy, rule or requirement:

1. Was adopted for a purpose or goal that is rationally connected to the function being performed
2. Was adopted in good faith, in the belief that it is needed to fulfill the purpose or goal, and
3. Is reasonably necessary to accomplish the purpose or goal, because it is impossible to accommodate the claimant without undue hardship.

*(continued...)*



*(Canadian Experience/continued...)*

Undue hardship is a high threshold to meet, and the employer would have to meet this threshold in order to establish a defense against a claim of discrimination on the basis of place of origin.

Really, with any job, the essential question is: “is the applicant qualified to perform the job at hand?”, and not “does this applicant have Canadian work experience that would demonstrate they can perform the job at hand?” An applicant’s skills should be assessed on merit rather than assumptions about their skills, experience, abilities, and capabilities based on where they acquired their work experience. This ensures that all job applicants are given the opportunity to compete fairly for the same position, and no individual or group is excluded based on a Code ground.

In summary, according to the Commission, all employers and their representatives should NOT engage in the following practices:

- Requiring applicants to have prior work experience in Canada to be eligible for a particular job (at any stage of the recruitment and/ or hiring process)
- Discounting an applicant’s foreign work experience or assigning it less weight than their Canadian work experience
- Relying on subjective notions of “fit” when considering an applicant’s ability to succeed in the workplace
- Including a requirement for qualifications that could only be obtained by working in Canada
- Requiring applicants to disclose their country of origin or location of their work experience on the job application form
- Asking applicants questions that may directly or indirectly reveal where their work experience was obtained
- Asking for local references only

If employers follow these guidelines and acknowledge the relative disadvantage immigrants and newcomers to Canada experience when searching for employment, the barriers these individuals face will eventually diminish, and we will move closer to a truly equitable society.

For more information about the Canadian Experience barrier, please check out the Commission’s Policy on Removing the “Canadian Experience” Barrier: <http://www.ohrc.on.ca/en/policy-removing-“canadian-experience”-barrier>

If you have any questions about discrimination or harassment or would like to consult with a Case Advisor at the Centre for Human Rights, feel free to contact us via email at [rights@yorku.ca](mailto:rights@yorku.ca), or via telephone at 416-736-5682.

## Upcoming Events:

### MOSAIC INSTITUTE EVENTS:

**October 8th - Session 1: Mapping The Moment- The Current State of Indian and Pakistani Relations**  
2:00pm-3:30pm, 305 York Lanes

**October 22nd - Session 2: Political Stability In India and Pakistan**  
2:00pm - 3:30pm, York Lanes 280N

**October 28th - Session With Dr. Saravanamuttu**  
3:30pm, 626 Kaneff Tower

## SAVE THE DATE!

**January 23, 2014 - INCLUSION DAY**  
**EVERY\_BODY: Rethinking the Bodies that Belong**

## WORKSHOPS

### Positive Space

(3hrs in-class)

October 3rd, 2013

### Re: Consent

1:00p.m. October 1, 2013  
McLaughlin College, room 140

12:00p.m. October 23, 2013  
Bethune College, room 203

### Understanding Sexual Harassment

(3hrs in-class)

November 7th, 2013

We welcome all York students, staff and faculty to attend our workshops. For more information and to register, please go to: [www.rights.info.yorku.ca/education-training-presentations/](http://www.rights.info.yorku.ca/education-training-presentations/)

## Connect with the CHR!

Visit our Website to get more information about our services, events, workshops, and human rights resources [yorku.ca/rights](http://yorku.ca/rights)



Like us on Facebook!  
York University Centre for Human Rights



Follow us on Twitter!  
@YorkURights

**YUconnect**

Find us on York’s YU Connect Website  
[www.yuconnect.yorku.ca](http://www.yuconnect.yorku.ca)