

Resource- Sexual Orientation

What does sexual orientation mean?

Sexual orientation describes the direction of one's attraction. Some people use the terms gay, straight, bi, pan, or lesbian to describe their experience. Sexual orientation is different from gender identity (which has its own resource).

What protection exists under the Human Rights Code?

The Ontario Human Rights Code (the "Code") is a law that provides for equal rights and opportunities and recognizes the dignity and worth of every person in Ontario. The Code makes it against the law to discriminate against someone or to harass them because of their sexual orientation or their marital status which includes same-sex relationships. The right to be free from discrimination and harassment applies to employment, facilities, accommodation and housing, contracts and membership in unions, trade or professional associations. This means that a person cannot be treated unequally or subjected to harassment in these areas because they identify gay, lesbian, heterosexual, bisexual, queer, etc. It is also illegal to discriminate because someone is in a same-sex relationship.

When is it harassment?

Harassment is a course of hurtful comment or conduct that is known or ought to be known to be unwelcomed.

Harassment can happen even if the jokes are not specifically about sexual orientation.

- Example: A workplace has a history of homophobic attitudes. A gay employee repeatedly is the target of practical jokes and is ridiculed by his co-workers. It may be that he is being harassed because he is gay, even though the jokes and ridicule do not contain direct reference to his sexual orientation.

When is it discrimination?

Discrimination occurs when a person is treated unequally or differently because of sexual orientation or a same-sex relationship. It is also against the law to instruct others to discriminate because of sexual orientation. Discrimination can result from a person's actions or from rules and policies of an organization.

People cannot be denied services because of their sexual orientation, despite how the service provider or other customers might feel.

Source:

Ontario Human Rights Code – Sexual orientation. Retrieved from http://www.ohrc.on.ca/en/issues/sexual_orientation.