

Sharing Knowledge

Humber College is committed to fostering a respectful and inclusive culture in which all members of the College community study, work and live free from discrimination and harassment. To this end, it is imperative that we understand the definition of key equity terms that will enrich our capacity to prevent all forms of harassment and discrimination. Over the summer months, the Centre for Human Rights, Equity & Diversity will be providing definitions of key terms and concepts pertinent to our work in building a more inclusive College.

[Section 16](#) of the *Canadian Human Rights Act* and [Section 14](#) of the *Ontario Human Rights Code* (*Code*) stipulates that it is not a discriminatory practice to collect information if it is intended to be used in adopting or carrying out a **special program**, plan or arrangement designed to eliminate discrimination of certain groups of individuals.

What are Special Programs in Hiring?

According to the Ontario Human Rights Commission (OHRC):

Under the *Code*, all organizations are prohibited from treating people unfairly because of *Code* grounds, must remove barriers that cause discrimination, and must stop it when it occurs.

Organizations can also choose to develop “special programs” to help disadvantaged groups improve their situation. The *Code* and the *Canadian Charter of Rights and Freedoms* ([Section 15\(2\)](#)) both recognize the importance of addressing historical disadvantage by protecting special programs to help marginalized groups. The [Supreme Court of Canada](#) has also recognized the need to protect “programs” established by legislation that are designed to address the conditions of a disadvantaged group.

The *Code* allows for programs designed to help people who experience hardship, economic disadvantage, inequality or discrimination. The *Code* also protects these programs from attack by people who do not experience the same disadvantage. This guide describes the use of special programs, clarifies when they are allowed, and provides practical information on how they could be designed. The Ontario Human Rights Commission encourages the development and use of special programs as effective ways to achieve substantive equality by helping reduce discrimination, or addressing historical prejudice.

Organizations do not need permission from the OHRC to develop a special program. This means that special programs can be put in place without delay.

What the *Code* says:

Under Section 14 of the *Code*, it is not discrimination to put in place a program if it is designed to:

- Relieve hardship or economic disadvantage
- Help disadvantaged people or groups to achieve, or try to achieve, equal opportunity or
- Help eliminate discrimination

(Source: [Ontario Human Rights Commission, Your guide to special programs and the Human Rights Code](#))