

Before We Really Know For Sure . . .

Written by: Andrew Lawson, Workplace Human Rights Expert

Learn Don't Litigate

Recently I was sitting on a bench in the park near my home. Regular readers know that I spend lots of my spare time in this beautiful park and I derive many “aha” moments of inspiration there. Anyway, this day I sat down and noticed that there were a number of empty soft drink containers littering the area around the bench. Soon after I sat down on the bench, a young child walked by, stopped in front of me and began pointing at all the empty pop cans.

“He did it daddy. That man put all those pop cans under the bench.” The kid had decided that I must have created the mess! The adult with the child smiled sheepishly at me, I returned the same smile and they went on their way.

At first I thought this was an example of the innocence and honesty of young children who have not yet learned not to point fingers. After thinking for a moment I realized that it is not just children who behave this way.

In my experience as a workplace human rights consultant and educator, I see this happen all the time. Managers often make decisions based on what they believe to be true, what they have heard or what their instincts tell them.

Sometimes we behave this way with horrible consequences. Two events occurred in Toronto during the fall of 2009 that were widely covered in the media. In both cases information was published or rumours circulated before anyone knew for sure what the facts were.

In one case a Toronto newspaper wrongly reported that a school teacher had been charged with sexually assaulting two thirteen year old students. In fact, this charge had never been laid. The following day, the school teacher committed suicide by jumping in front of a moving subway train.

The other case involved the beating death of a man on a city street in the wee hours of the morning. Following the incident *Xtra.ca* published an article entitled, “Gay man murdered in downtown Toronto.” The website also reported friends of the victim suspected the beating had been a hate crime. A candlelight vigil was held in memory of the victim in the heart of Toronto’s gay community, Church Street. One of the participants in the vigil said, “Even if the murder does have nothing to do with him being gay, it's horrible.” Police have said they have no evidence the beating was a hate crime and, in fact, it may have been a traffic dispute.

Both of these stories are very sad and illustrate possible injustices on many levels.

Both have generated emotional and strongly held positions along the entire spectrum of public opinion.

Both are examples of how natural it is to form conclusions based on gut instincts before we have looked at all the facts.

The protection of human rights in the workplace requires that employers make decisions based on facts. Also, don't make a connection between a person's membership in a protected group unless that connection is relevant to the situation.

In other words, if two employees are involved in an argument and one of the employees is gay, don't assume being gay is an issue.

Likewise, don't assume harassment is occurring because two employees who are openly discussing the differences between their respective religious beliefs.

Sometimes it's just a conversation. **LEARN DON'T LITIGATE.**

TAKE AWAY MESSAGE:

Remember these definitions—

- **Discrimination**-unequal or unfair treatment
- **Harassment**-involves unwelcome behaviour.

This article researched and written by Andrew Lawson, Human Rights expert. Andrew conducts training workshops on the prevention of workplace harassment, workplace violence and bullying in the workplace.

www.learndl.ca
andrew@learndl.ca

416-534-3499

Information contained in this article is not legal advice. Always consult your own legal advisor.

Copyright Andrew Lawson 2010