

Fact Sheet:

Language and *The Human Rights Code*

In some workplace situations, you may be protected from language discrimination under *The Human Rights Code* (Manitoba). Although *The Human Rights Code* ("The Code") does not list language as a protected ground, in many cases discrimination based on language can be linked to national origin, ancestry or ethnic background.

The following examples could be considered language discrimination under *The Code*.

- Refusing to hire someone or disciplining someone based on not speaking a language well could be discriminatory. It would have to be proven that very good language skills are essential or necessary to do the job.
- Having a policy stating that "English-only" (or other language) rules must be followed by employees **on their breaks** is often discriminatory.
- "English-only" (or other language) policies applied to employees during **all working hours**, other than lunch hours, could still be discriminatory. The employer would have to prove that allowing other languages spoken at any time would cause undue hardship to his company or organization.

Language policies or rules are often found reasonable when genuine safety risks are proven by the company or organization. For more information on how the Commission decides if a discriminatory rule is reasonable, you can refer to the Board of Commissioners' Policy G-4 Employment: *Bona fide & reasonable cause*.

Know Your Code!

The Human Rights Code is the provincial human rights law that protects individuals and groups in Manitoba from discrimination. It is administered by the Manitoba Human Rights Commission. There is no charge for filing a human rights complaint or for seeking information about a human rights concern. *The Code* has special status over all other laws of the Province of Manitoba.

This information is a simplified description of provisions under *The Code*. For more information, please consult *The Code*, or contact the Manitoba Human Rights Commission.