

# Corrective Measures

## Part One

### Arbitrator Remedies

- Reinstatement for job loss
- Removal of discipline
- Confirming a collective agreement right
- Ordering an employer to act
- Issuing Damages (including human rights damages)
- Systemic remedies

### Informal Conflict Resolution / Mediation

The parties involved form an agreed upon appropriate remedy which may include:

- Financial Compensation
- Reinstatement for job loss
- Damages
- Letters of reference
- Systemic remedies

### Human Rights Tribunal remedies

#### Ex. Canadian Human Rights Act (Section 53)

- a) that the person cease the discriminatory practice and take measures, in consultation with the Commission on the general purposes of the measures, to redress the practice or to prevent the same or a similar practice from occurring in future, including
  - (i) the adoption of a special program, plan or arrangement, or
  - (ii) making an application for approval and implementing a plan;



- b) (b) that the person make available to the victim of the discriminatory practice, on the first reasonable occasion, the rights, opportunities or privileges that are being or were denied the victim as a result of the practice;
- c) (c) that the person compensate the victim for any or all of the wages that the victim was deprived of and for any expenses incurred by the victim as a result of the discriminatory practice;
- d) (d) that the person compensate the victim for any or all additional costs of obtaining alternative goods, services, facilities or accommodation and for any expenses incurred by the victim as a result of the discriminatory practice; and
- e) compensation not exceeding twenty thousand dollars, for any pain and suffering that the victim experienced as a result of the discriminatory practice.
- f) compensation not exceeding twenty thousand dollars if the person engaged in the discriminatory practice willfully or recklessly.

## Part Two

### Examples of remedies that have been ordered in an attempt to redress systemic discrimination include

- developing and implementing a comprehensive workplace harassment and discrimination policy, which includes a definition of harassing behaviours, an internal complaints process, and specific notification that complaints arising under the policy can be taken to the Human Rights Commission;
- review or amend internal workplace standards or restrictions that adversely impact certain groups and bring the standards into compliance with the law;
- implement “special programs”, such as employment equity programs, or plans to remedy past discrimination as well as prevent future discrimination;
- change hiring and/or recruitment practices in order to achieve proportional representation in the organization;



- create a race relations committee at the workplace (which may include external members) to meet periodically to set objectives and measures to improve race relations at the workplace;
- establish an internal review committee to monitor the implementation of the Orders or a plan which includes periodic reports to senior management;
- require employers and managers to attend a training program specifically designed for them to identify and address instances of harassment and inappropriate behaviours;
- train senior management on methods of mentoring its cross-culturally diverse workforce and rewarding good mentoring;
- amend management training curriculum to include a requirement that information circulars on available resources and remedies for those with harassment concerns be provided to every employee in the workplace;
- design and require attendance of all employees at education and training programs with respect to discrimination and harassment;
- post copies of, or distribute, human rights decisions or notices about human rights in a place accessible to employees at the workplace;
- require the employer to state in all staffing notices, advertisements, job postings, job searches and other staffing communications that the employer is an “Equal Opportunity Employer”;
- retain a human rights consultant, with expertise in creating an effective grievance procedure and training for employees in the workplace;
- provide individual career plans and training programs for visible minorities.



## Resources

*Stringer v. Treasury Board (Department of National Defence) and Deputy Head (Department of National Defence)* Citation: 2014 PSLRB 5

<https://decisions.fpslreb-crtespf.gc.ca/fpslreb-crtespf/d/en/item/359206/index.do?q=2014+pslrb+5>

<http://www.hrlsc.on.ca/en/publications-resources/information-sheets-guides/what-remedies-are-available-me-hrto>

[http://www.cavalluzzo.com/docs/default-source/publications/0000-00-00-systemic-remedies-to-address-institutional-racism\\_lessons-learned-from-mckinnon-v-ontario.pdf?sfvrsn=2](http://www.cavalluzzo.com/docs/default-source/publications/0000-00-00-systemic-remedies-to-address-institutional-racism_lessons-learned-from-mckinnon-v-ontario.pdf?sfvrsn=2)

