

## **LEADERSHIP THROUGH DIVERSITY: A GUIDE FOR CIVILIAN INSTRUCTORS**

### **INTRODUCTION**

1. The Department of National Defence (DND) and the Canadian Forces (CF) are committed to providing a safe, respectful environment that promotes fair and equal treatment for all staff members, cadets, and volunteers involved in the Canadian Cadet Organization (CCO). All have the responsibility to treat others fairly, respectfully and with dignity in an environment free of harassment, and have the right to be treated in the same manner.
2. To this end, the Leadership Through Diversity (LTD) Program has been developed to educate CF members on their rights and responsibilities as Canadian citizens and the associated DND-wide policies that they are required to abide by. In addition to these departmental guidelines and policies, the CCO has developed supplementary policies that specifically address these issues in the context of working with youth. These policies are identified at the appropriate junctures throughout this guide. Although not a member of the CF, as a Civilian Instructor (CI) employed within the CCO you are required to review these policies and be familiar with their application.
3. This guide will outline key aspects of government legislation and related DND/CF direction pertaining to:

- a. the Canadian Charter of Rights and Freedoms;
- b. the Canadian Human Rights Act;
- c. employment equity and diversity;
- d. harassment prevention and resolution;
- e. racist conduct;
- f. sexual misconduct; and
- g. personal relationships.

### **CANADIAN CHARTER OF RIGHTS AND FREEDOMS AND HUMAN RIGHTS ACT**

#### **Canadian Charter of Rights and Freedoms**

4. The Charter is one part of the Canadian Constitution, which is the set of laws outlining the basic rules about how Canada operates. It sets out those rights and freedoms that Canadians believe are necessary in a free and democratic society, to include:

- a. Rights: to democratic government; to live and seek employment anywhere in Canada; to life, liberty and security of person under the law; to equal protection and benefit of the law; and to use of the official language of choice (English or French); and

b. Freedoms: of conscience and religion; of thought, belief, opinion and expression; of peaceful assembly; and of association.

5. The Supreme Court of Canada (SCC) has stated that a limit on a Charter right is acceptable if the limit deals with a pressing and substantial social problem, or the government's response is reasonable and demonstrably justified.

### **Canadian Human Rights Act**

6. The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on prohibited grounds of discrimination. Prohibited grounds of discrimination include: race; national or ethnic origin; colour; religion; age; sex (including pregnancy); sexual orientation; marital status; family status; disability (including addictions); and conviction for which a pardon has been granted.

7. Any denial, differentiation, refusal, limitation or preference that is based upon a bona fide job-based requirement is not considered discrimination, nor is termination of employment due to a maximum age that applies to that employment by law or under regulations (eg, CF compulsory retirement age).

8. In some circumstances, a general and apparently neutral policy or practice could unintentionally have an adverse effect on an individual by preventing that person from observing a practice that is central to his or her religious beliefs and the observance of which is considered a fundamental requirement of the religion and not merely a religious custom or tradition. In such cases, the CF is required to make reasonable accommodation for the religious practices of individuals (eg, worship, dietary practices, dress and appearance, medical requirements) where to do so would not cause undue hardship.

### **EMPLOYMENT EQUITY ACT AND DIVERSITY**

*“The image of Canada that its military projects ... must be as ethnically diverse as the country.... Our population has to look at us and see themselves in us.”*

*Gen R.J. Hillier  
Chief of the Defence Staff*

9. The purpose of the Employment Equity Act is to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability. The Act came into effect in 1996, but only came into effect for the CF in November 2002.

10. Employment equity and diversity differ, as follows:

a. Employment equity:

(1) is based on Legislation (Employment Equity Act);

- (2) identifies four designated groups (women, Aboriginal peoples, persons with disabilities, and members of visible minorities); and
- (3) is geared to removing barriers where under-representation exists; and

b. Diversity:

- (1) acknowledges variations within a group such as race, ethnicity, religion, age, and gender, and differences in natural abilities, personalities and physical characteristics;
- (2) is not enacted by legislation;
- (3) is inclusive of everyone in the workforce; and
- (4) is meant to foster an inclusive organizational culture that embraces and values differences.

11. There are many common myths associated with employment equity:

<b>Myth</b>	<b>Reality</b>
Employment equity is all about quotas.	<p>The Employment Equity Act explicitly prohibits quotas.</p> <p>Despite the fact that representation goals are set for recruiting and employing designated group members, this does not translate into “quotas”. Merit and ability remains the cornerstone of all recruitment activities and all candidates must meet the minimal entry standards.</p>
Employment equity means treating everyone the same.	<p>Employment equity means treating everyone with fairness, taking into account people's differences.</p> <p>Sometimes employment equity means treating people the same despite their differences. Sometimes it means treating them as equals by accommodating their differences.</p> <p>Employment equity is about eliminating barriers faced by certain groups in society.</p> <p>Employment equity ensures that the skills of all Canadians are fully utilized by opening opportunities to everyone. It does not mean that all people hired or promoted will be members of designated groups. There are and there will always be people hired and promoted who are not members of the designated groups.</p>

## **PERSONNEL CONDUCT POLICIES**

### **Harassment Prevention and Resolution**

12. DND and the CF affirm that a work environment that fosters teamwork and encourages individuals to contribute their best effort in order to achieve the objectives of the organization is essential. Mutual trust, support and respect for the dignity and rights of every person are essential characteristics of this environment. Not only is harassment in certain forms against the law, but it also erodes mutual confidence and respect for individuals and can lead to a poisoned work environment. Effectiveness, productivity, team cohesion and morale are placed at risk. As such, DND and the CF are committed to providing a respectful workplace by promoting prevention and prompt resolution of harassment.

13. Harassment is any improper conduct by an individual that is directed at and offensive to another person or persons in the workplace, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises any objectionable act, comment or display that demeans, belittles or causes personal humiliation or embarrassment, and any act of intimidation or threat. It includes harassment within the meaning of the Canadian Human Rights Act.

14. Harassment in any form constitutes unacceptable conduct and will not be tolerated. No CF member or DND employee shall subject any person in the workplace to harassment. Any member or employee who subjects another person to harassment is liable to disciplinary and administrative action. Leaders and managers at all levels have a duty to take immediate steps to stop any harassment they witness or that is brought to their attention. All persons in the workplace have the responsibility to ensure a harassment-free workplace and to treat everyone in the workplace respectfully.

15. The following points relating to harassment are to be noted:

- a. Where harassment involves misuse of the power or authority inherent in an individual's position, it constitutes an abuse of authority. Conduct involving the proper exercise of responsibilities or authority related to the provision of advice, the assignment of work, counseling, performance evaluation, discipline, and other supervisory/leadership functions *does not constitute harassment*. Similarly, the proper exercise of responsibilities or authority related to situations where, by virtue of law, military rank, civilian classification or appointment, an individual has authority or power over another individual does not constitute harassment.
- b. Where harassment involves the coerced participation, expressed or implied, in improper initiation rites, ceremonies or other events, it constitutes hazing.

16. The following are expectations that DND and the CF have of its military and civilian members in relation to harassment prevention and resolution, and responsibilities they have given them:

- a. refraining from conduct that could constitute harassment;
- b. correcting or reporting, as appropriate to the responsibilities of their position and rank, any possible harassment that they witness;

- c. taking action when they believe they are being subjected to harassment; and
- d. encouraging and supporting others to take action in similar circumstances.

17. If harassment occurs, members have the right to access information and assistance. Any party directly involved in a harassment complaint has the right to have the complaint dealt with in an expeditious, impartial and sensitive manner, without fear of retaliation or retribution.

18. You are required to review [\*\*DAOD 5012-0, Harassment Prevention and Resolution\*\*](#), and [\*\*CATO 13-24, Harassment Prevention and Resolution\*\*](#), and be familiar with the application of the policies. You are invited to discuss any issues you may have with your Commanding Officer (CO).

### **Racist Conduct**

19. DND and the CF are committed to the principle of equality of all people, and the dignity and worth of every human being, without regard to, among other things, race, national or ethnic origin, colour, or religion. Members must always be guided by this principle in their relationship with each other, with members of the public, and with all those with whom they come in contact both within and outside Canada.

20. Racist conduct means conduct that promotes, encourages or constitutes discrimination or harassment on the basis of race, national or ethnic origin, colour, or religion, including participation in the activities of, or membership in, a group or organization that a member knows, or ought to know, promotes discrimination or harassment on the basis of race, national or ethnic origin, colour, or religion.

21. Racist conduct impairs organizational effectiveness by:

- a. eroding group cohesion and esprit de corps;
- b. impairing the ability of members to treat others fairly and impartially; and
- c. creating an impression with the public that the CF and/or CCO cannot be relied upon to treat everyone fairly and impartially without regard to the race, national or ethnic origin, colour, or religion.

22. Membership or participation in the activities of a racist group or organization reflects adversely on the loyalty and reliability of a member, and may jeopardize the security of personnel and materiel.

23. Racist attitudes are totally incompatible with the military ethos and with effective military service, and any conduct that reflects such attitudes will not be tolerated. Racist conduct is therefore prohibited, and will result in administrative action, disciplinary action, or both, and may include release. An applicant for enrolment in the CF who is unable or unwilling to comply with the CF policy against racist conduct will not be enrolled.

24. Conduct by any CI that reflects similar attitudes to those outlined above will not be tolerated, and could result in termination of your CI Employment Agreement. An applicant for employment as a CI who is unable or unwilling to comply with the CF policy against racist conduct will not be considered for employment within the CCO. You are required to review

**CFAO 19-43, Racist Conduct**, and be familiar with the application of the policy. You are invited to discuss any issues you may have with your CO.

### **Sexual Misconduct**

25. It is CF policy that sexual misconduct, and sexual harassment, are unacceptable and will not be tolerated. Sexual misconduct means an act which has a sexual purpose or is of a sexual or indecent nature and which constitutes an offence under the Criminal Code of Canada or the Code of Service Discipline. Examples of sexual misconduct include, but are not limited to sexual activity between consenting adults under prohibited circumstances, sexual abuse of a child, incest, sexual assault, aggravated sexual assault, indecent exposure, and bestiality.

26. A CF member who has engaged in sexual misconduct is liable to disciplinary and administrative action, including release if appropriate. An applicant for enrolment in the CF who has engaged in sexual misconduct may be refused enrolment. Any CI who has engaged in sexual misconduct is liable to action by civil authorities, and having their CI Employment Agreement terminated. An applicant for employment as a CI who has engaged in sexual misconduct may be refused employment within the CCO. You are required to review **DAOD 5019-5, Sexual Misconduct and Sexual Disorders**, and be familiar with the application of the policy. You are invited to discuss any issues you may have with your CO.

### **Personal Relationships**

27. DND and the CF are committed to:

- a. respecting the inherent right of CF members, adult supervisors working within the CCO, and cadets to form personal relationships of their choosing;
- b. respecting the privacy of the personal relationships of CF members, adult supervisors working within the CCO, and cadets; and
- c. providing fair and unbiased treatment to persons in the care or under the protection of CF members or adult supervisors working within the CCO and preventing the exploitation of vulnerable persons.

28. In the context of the CCO, a personal relationship means: a family relationship between a staff member and a cadet or between cadets; an emotional, romantic, sexual or family relationship, including marriage, a common-law partnership or civil union between two staff members; or a romantic relationship between two cadets.

29. Staff members in an acceptable personal relationship shall refrain from conduct that may be considered inappropriate in a military context at corps/squadrons or cadet summer training centres (CSTCs) or during any training, cadet activity, or cadet-related event in which they are involved. For example, a staff member while in uniform in public with another staff member shall not hold hands, kiss except in greeting and farewell, or caress or embrace in a romantic manner.

30. A staff member in a personal relationship with another staff member shall not be involved in the other person's:

- a. performance assessment or reporting, including training evaluations,

- b. posting, transfer or attached posting (applicable to CF members only),
- c. individual training or education,
- d. duties or scheduling for duties, or
- e. documents or records.

31. You are required to review [\*\*DAOD 5019-1, Personal Relationships and Fraternization\*\*](#), and [\*\*CATO 25-05, Personal Relationships\*\*](#), and be familiar with the application of these policies. You are invited to discuss any issues you may have with your CO.