



**Canadian Association of
Statutory Human Rights Agencies**

**Association canadienne des
commissions et conseil des droits de la personne**

June 23, 2016

Shanna Munro
President and CEO
Restaurants Canada
1155 Queen Street West
Toronto, ON M6J 1J4

Re: Gender-specific dress codes in restaurants

Dear Ms. Munro,

I am writing on behalf of the Canadian Association of Statutory Human Rights Agencies to express concern about gender-specific dress codes, and to request that Restaurants Canada do more to address the issue with its membership.

Since October 2015, media and social media reports across Canada have raised many concerns about sexualized and gender-specific dress codes and practices in the restaurant sector. These concerns have been raised by current and former restaurant employees, customers, and by some restaurant owners. Several human rights cases have been filed, and a Change.org petition has garnered more than 30,400 signatures to date.

Many dress requirements and practices described in the media appear to violate Canadian human rights legislation based on sex and gender. They may also make women more vulnerable to sexual harassment, and negatively affect people based on religion, race or ancestry, sexual orientation and other grounds protected under human rights legislation. If an employer cannot show that any sex-based differences in its dress code are legitimately linked to the requirements of the job, the dress code will be discriminatory.

The Ontario Human Rights Commission's *Policy position on sexualized and gender-specific dress codes*, released on March 8, 2016, identifies restaurants' obligations to ensure that their dress codes are consistent with human rights protections. Human rights legislation across Canada provides comparable protections, and concerns about gender-specific dress codes are not limited to any particular jurisdiction. Restaurants Canada members nationwide may be found liable in legal proceedings if they fail to fulfil their human rights obligations.

We are pleased that Restaurants Canada's website contains best practices for uniforms and dress codes which mention some human rights issues, and that the site provides links to workplace violence-related legislation. These are very important steps; however, the information provided does not reflect the breadth of human rights protections involved, or include links to human rights legislation and resources.

C/O Saskatchewan Human Rights Commission
Sturdy Stone Building
816 - 122 - 3rd Ave. N
Saskatoon, SK S7K 2H6
Telephone: 306-933-8273
Fax: 306-933-7863

We understand that you are currently in discussions with the OHRC, with the goal of increasing awareness among your Ontario membership of how human rights protections apply to dress codes, and to restaurants as employers and service providers more broadly. We encourage you to take this opportunity to expand your education efforts, so that Restaurants Canada members across the country are aware of the human rights protections in their jurisdictions, how they apply to dress codes, and how to improve their operations by meeting their human rights obligations. We welcome the opportunity to discuss these matters with you, and to provide input and links to human rights resources to support your efforts.

We look forward to hearing about the steps you take to address ongoing concerns about dress codes. Your actions can have a significant impact on the work environment and human rights of restaurant employees across Canada.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'DAVID ARNOT', written over a horizontal line. The signature is stylized and somewhat messy, with several loops and a long horizontal stroke extending to the right.

David Arnot
President
Canadian Association of Statutory Human Rights Agencies

CC: all CASHRA member agencies