

ONTARIO HUMAN RIGHTS CODE (OHRC) POLICY

PURPOSE

Under the Ontario Human Rights Code, every person has the right to be free from harassment and discrimination. The purposes of this policy include:

- establishing a standard of conduct to ensure that members, staff, and volunteers of Parya Trillium Foundation (“Parya”) contribute to an environment free of discrimination and harassment, where all individuals are treated with respect and dignity.
- Raising awareness within the organization (including clients) that harassment and discrimination are unacceptable practices and are incompatible with the standards of this organization, as well as being a violation of the law.
- Setting out the types of behaviour that may be considered offensive and are prohibited by this policy.

SCOPE

This policy applies to members, staff, volunteers, and clients at every level of the organization and to every aspect of the organization’s operations and activities, whether onsite or offsite.

DEFINITIONS

The Human Rights Code prohibits discrimination in five parts of society, called “social areas” – employment, housing, services, contracts and membership in trade, vocational and professional associations.

This policy prohibits discrimination or harassment based on the following grounds, and any combination of these grounds:

- Age
- Creed (religion)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation
- Gender identity
- Gender expression
- Family status (such as being in a parent-child relationship)
- Marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship)
- Disability (including mental, physical, developmental or learning disabilities)
- Race
- Ancestry
- Place of origin
- Ethnic origin
- Citizenship
- Colour
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received)

- Association or relationship with a person identified by one of the above grounds
- Perception that one of the above grounds applies.

The following behaviour is prohibited:

Discrimination: means any form of unequal treatment based on a Code ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy.

Harassment: means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this policy. Harassment can occur based on any of the grounds of discrimination.

Examples of harassment include:

- Remarks, jokes or innuendos related to a person’s race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other ground
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means
- Singling out a person for humiliating or demeaning “teasing” or jokes because they are a member of a Code-protected group
- Comments ridiculing a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person’s dress, speech or other practices that may be related to their sex, race, gender identity or creed.

If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is okay. The behaviour could still be considered harassment under the Code.

Sexual and gender-based harassment: sexual harassment is a form of harassment that can include:

- Gender-related comments about a person’s physical characteristics or mannerisms
- Paternalism based on gender which a person feels undermines his or her self respect or position of responsibility
- Unwelcome physical contact
- Suggestive or offensive remarks or innuendoes about members of a specific gender
- Propositions of physical intimacy
- Gender-related verbal abuse, threats or taunting
- Leering or inappropriate staring
- Bragging about sexual prowess or questions or discussions about sexual activities
- Offensive jokes or comments of a sexual nature about an employee or client

- Rough and vulgar humour or language related to gender
- Display of sexually offensive pictures, graffiti or other materials including through electronic means
- Demands for dates or sexual favours.

Sexual Solicitation: this policy prohibits sexual solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient of the solicitation or advance. This includes managers and supervisors, as well as co-workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also not allowed.

Poisoned environment: a poisoned environment is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory work environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

BREACH OF POLICY

Harassment and discrimination will not be tolerated, condoned or ignored at Parya. If a claim of harassment or discrimination is proven, disciplinary measures will be applied, up to and including termination of employment.

RESPONSIBILITY

All persons involved in Parya are expected to uphold and abide by this policy, by refraining from any form of harassment or discrimination, and by cooperating fully in any investigation of a harassment or discrimination complaint.

Managers and supervisors have the additional responsibility to act immediately on observations or allegations of harassment or discrimination.

Managers and supervisors are responsible for creating and maintaining a harassment- and discrimination-free organization, and should address potential problems before they become serious.

Parya is also committed to a comprehensive strategy to address harassment and discrimination, including:

- providing training and education to make sure everyone knows their rights and responsibilities
- regularly monitoring organizational systems for barriers relating to Code grounds
- providing an effective and fair complaints procedure
- promoting appropriate standards of conduct at all times.

Complaints Policy and Procedure

Parya staff will provide this policy and procedure to any person who is concerned about possible harassment or discrimination within the organization. Staff will not act as an advocate for any person and will not provide legal advice, and will maintain the confidentiality of communications with him or her, unless required to disclose information under a legal obligation.

Primary Audiences: Members, Employees, Volunteers	OHRC (Discrimination) Policy
Policy Owner: Manager	Effective Date: March 26 2018
First Approved by Board: March 26 2018	Review Frequency: every 2 years

The provisions of this policy and procedure in no way affect the right of any person to exercise his or her rights under the Ontario Human Rights Code, within the time limits specified by that legislation.

Documentation

Every person who believes he or she has experienced harassment or discrimination, as well as every person who has been notified of a complaint against them, is advised to create and keep written notes about the events at issue, and to maintain any relevant written documentation.

Making a complaint

Complainants are encouraged to explain to the person who is harassing or discriminating against them that the conduct is unwelcome, but are not obliged to do so. Indeed, each case is different. If addressing the person responsible could lead to an escalation of the harassment or discrimination, or to safety risks, complainants should not be expected to have to directly interact with that person.

If a complainant feels they can safely make it known to the person responsible that the behaviour is unwelcome, of course this may resolve the matter, or may help them later if they make a complaint. However, the complainant should never feel obliged to address their harasser against their better judgement.

If the situation cannot be resolved by speaking to the person responsible, a complaint may be made by speaking to either: (1) the manager, or (2) the president.

Where possible, the complaint should be made in writing, including details of:

- What happened – a description of the events or situation
- When it happened – dates and times of the events or incidents
- Where it happened
- Who saw it happen – the names of any witnesses, if any.

The person receiving the complaint will notify the person(s) complained against (the respondent(s)) of the complaint and provide the respondent(s) with a copy of the written complaint.

If necessary, the complainant or the respondent will be placed on a paid leave of absence or provided with alternative reporting relationships. The decision will be made on a case-by-case basis, and will reflect the principle that the complainant will not be penalized for making the complaint.

No reprisal for making a complaint

Every person has a right to claim and enforce their right to a workplace free of harassment and discrimination. No person shall be negatively treated for bringing forward a complaint, providing information related to a complaint, or helping to resolve a complaint. It is a violation of Parya policy to discipline or punish a person because he or she has brought forward a complaint, provided information related to a complaint, or otherwise been involved in the complaint resolution process. Reprisal may be the subject of a complaint under this procedure, and persons engaging in reprisal are subject to disciplinary measures, up to and including termination of employment.

Dispute Resolution

Where appropriate, the person receiving the complaint will offer the parties an opportunity to mediate the complaint. No person will be required to undertake mediation. Mediation will be conducted by a neutral and expert third-party mediator. Mediation may take place at any stage during the complaint process.

Where mediation is not appropriate or is not successful, the person receiving the complaint will refer the complaint to an expert external investigator.

Appointing an Investigator

An investigation may be conducted by a member of the organization, or by someone external. An investigation should not be carried out by anyone who is seen as taking sides with either party. Also, the investigator should not be someone in a position to have any power or influence over the career progress of either of the parties. Persons conducting investigations must be knowledgeable about: 1. Human rights issues and principles in general 2. The requirements of the Code 3. The organization's anti-harassment/anti-discrimination policy and complaints procedure 4. Methods for conducting investigations.

Complainants and respondents are entitled to seek representation of their choice, including legal counsel, during the complaints process, at their own expense.

The investigator is responsible for ensuring a thorough, fair and impartial investigation of the allegations in the complaint. The investigator will interview the complainant, the respondent(s), and relevant witnesses suggested by the complainant or respondent(s), as well as gather documents relevant to the matters in the complaint. All staff of the organization are required to cooperate with the investigator. The investigator will, wherever possible, complete the investigation within 90 days of receiving the assignment. At the conclusion of the investigation, the investigator will prepare a written report summarizing the allegations and the investigation results, and will forward the report to the manager.

Based on the findings in the investigator's report, the Manager will decide whether the policy has been violated. If the policy has been violated, the Human Resources Manager will determine the appropriate consequences for the person(s) who violated the policy.

These may include:

- An apology
- Counselling
- Education and training
- Verbal or written reprimand
- Suspension with pay
- Suspension without pay
- Termination of employment.

In determining the appropriate consequences, the manager will take into account the nature of the violation of the policy, its severity, and whether the individual has previously violated the policy. Where a violation of the policy is found, the manager will also take any steps necessary to repair the effects of the discrimination or harassment on the complainant, and to prevent any further recurrences of

harassment or discrimination within the organization. The manager will be responsible for monitoring the outcome of the complaint.

Resolution

The complainant and the respondent(s) will each be provided with a copy of the investigator’s report, and with the manager’s decision regarding outcomes. A complainant will be reminded of his or her rights under the Ontario Human Rights Code.

Confidentiality and Privacy

Advisors, investigators, mediators and persons receiving complaints will, to the extent possible, protect the confidentiality and privacy of persons involved in a complaint, subject to the requirements of a fair investigation and resolution process. All documents related to a complaint, including the written complaint, witness statements, investigation notes and reports, and documents related to the complaint, will be securely maintained by the manager, separate from personnel files.

For more information

For more information on the human rights system in Ontario, visit: www.ontario.ca/humanrights

To make a human rights complaint – called an application – contact the Human Rights Tribunal of Ontario at: Toll Free: 1-866-598-0322 TTY Toll Free: 1-866-607-1240 Website: www.hrto.ca

To talk about your rights or if you need legal help, contact the Human Rights Legal Support Centre at: Toll Free: 1-866-625-5179 TTY Toll Free: 1-866-612-8627 Website: www.hrlsc.on.ca

For human rights policies, guidelines and other information, visit the Ontario Human Rights Commission at www.ohrc.on.ca