

# Non-Discrimination & Harassment Policy

## 1 - Purpose

This Policy is intended to communicate United Way Greater Toronto's (UWGT) position on discrimination and harassment in the workplace. Ontario *Human Rights Code* prohibits discrimination and harassment on the basis of age, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, marital status, family status, disability and record of offences.

## 2 - Scope

This Policy applies to all Board Trustees, other volunteers, sponsored employees, employees, consultants, independent contractors and vendors.

For the purpose of this Policy, workplace means:

- ▶ all offices or other premises or sites where UWGT's business and activities are conducted;
- ▶ any social, business or other functions where the conduct or comments may have an effect on UWGT's workplace or workplace relations.

## 3 - Policy

UWGT is committed to providing and maintaining a workplace which ensures that all individuals are treated with dignity and respect and are able to work in an environment that is free from discrimination and harassment. All employees, sponsored employees, volunteers, independent contractors and vendors are expected to uphold this Policy and will be held accountable to do so. UWGT will investigate and respond to any complaint of discrimination or harassment and will take remedial action as necessary and appropriate, including disciplinary action up to and including dismissal.

## 4 - Definitions

Discrimination means any action, behaviour or attitude which negatively affects or could negatively affect the employment or volunteer activities of an individual, where such action, behaviour or attitude is based on a prohibited ground for discrimination under the Ontario *Human Rights Code* such as age, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, marital status, family status, disability and record of offences.

Harassment is defined under the *Occupational Health and Safety Act* as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

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Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It can also include behaviour that intimidates or isolates the targeted individual(s).

Sexual harassment is engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expressed, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual harassment includes unsolicited and unwelcome conduct of a sexual nature such as:

- ▶ unwelcome sexual advances (verbal, written or physical);
- ▶ requests or demands for sexual favours;
- ▶ any other type of sexually-oriented conduct;
- ▶ verbal abuse or joking of a sexual nature
- ▶ saying or doing something because you think a person does not conform to sex-role stereotypes;
- ▶ posting or sharing pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online)

Workplace harassment is not limited to incidents that occur in UWGT offices. They can occur at off-site business-related functions (meetings, conferences), social events related to work, even in employees' homes or away from work if they result from work (e.g. a threatening phone call to someone's home).

Harassment may occur as a result of one incident or a series of incidents. The unwelcome comment or conduct does not have to be directed at a specific person for harassment to occur. Comments or conduct that tend to ridicule or disparage a group may give rise to an offensive or 'poisoned' work environment and thus to harassment.

## 5 - Procedures

### What to do if discrimination or harassment occurs

Anyone who believes that they have been subject to discrimination or harassment can pursue these options:

#### Informal Complaints

The complainant may choose to resolve breaches of this Policy informally without filing a formal complaint. Options for informal resolution include:

##### *1. Speaking to the person*

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In many situations, simply informing the person that their comment or conduct is unwelcome or discriminatory would resolve the issue. Telling the person to 'stop' may be difficult to do, but it is frequently the most effective means of eliminating the problem.

## *2. Consulting a Supervisor or People and Culture*

A complainant who is uncomfortable speaking to the individual directly or would like assistance may consult their supervisor or People and Culture (P&C).

## **Formal Complaints**

### Union Employees

Employees represented by COPE Local 343 who wish to proceed with a formal process may choose to file a grievance in accordance with the rights and procedures set out in the collective agreement.

### Non Union Employees

Any complainant who does not want to follow the informal resolution option may make a formal, written complaint under this Policy to the Vice President, People and Culture. If the complaint is made against the Vice President, People and Culture, the complaint should be sent to the President and Chief Executive Officer (CEO). Any complaint about the CEO should be made directly to the Chair of the Board of Trustees.

A formal written complaint must be filed within six (6) months from the time of the alleged incident or non-resolution (where the informal resolution option has been exercised), unless exceptional circumstances justify a delay.

Upon receipt of a formal written complaint, the Vice President, People and Culture shall determine whether the conduct complained of falls within the scope of this Policy. If it is determined that the conduct does not fall within its scope, the Vice President, People and Culture will advise the complainant accordingly and will take no further steps under this Policy. Where a formal written complaint does fall within the scope of this Policy, the Vice President, People and Culture will begin an investigation.

## **Investigation**

An investigation will be initiated by the Vice President, People and Culture within thirty (30) days after a formal complaint is received.

If the complaint is against the Vice President, People and Culture, the CEO will appoint an investigator. Allegations against the CEO will be reported to the Board of Trustees. The Chair of the Board of Trustees will designate someone external to UWGT to investigate, receive the investigative findings and determine appropriate action.

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At its sole discretion, UWGT may choose to place an employee who is under investigation on paid leave pending the completion of an investigation under this Policy.

Any employee represented by COPE Local 343 has a right to be represented by their Union in any part of the formal complaint process.

The Vice President, People and Culture will interview all concerned parties and review any supporting documents. They will provide the complainant and respondent with factual findings and request any further comments. On receipt of the comments, a report will then be made to the CEO within sixty (60) days of the completion of the investigation.

The CEO will be responsible for determining the outcome and deciding what disciplinary or corrective action is appropriate.

Where a complaint has been substantiated by the investigation, the CEO or his/her delegate will:

- ▶ Give a written summary of the findings, discipline or corrective action to both the complainant and the respondent;
- ▶ Initiate appropriate disciplinary or corrective action.

Where the complaint is not substantiated, the CEO or their delegate will give a written summary of the findings to both the complainant and the respondent. There will be no negative consequences for a complainant who has come forward in good faith, witnesses or an alleged harasser and no record of the complaint will appear in any employee file.

In the event that the investigation indicates that a complaint is frivolous, vexatious, or made in bad faith, the CEO may decide to impose disciplinary action up to and including termination. The CEO shall report annually to the Board of Trustees on the number of complaints received, whether the complaints were substantiated and the actions taken.

### Corrective Action

If after an investigation, it is determined that an allegation of discrimination or harassment is valid, appropriate corrective actions will be taken. Corrective action may include any of the following:

- ▶ formal apology;
- ▶ counseling;
- ▶ written warning placed in the volunteer's/employee's file;
- ▶ change of work assignment;
- ▶ suspension or discharge of an employee/volunteer.

### Confidentiality

UWGT understands that it is difficult to come forward with a complaint of discrimination or harassment and recognizes the complainant's interest in keeping the matter confidential.

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To protect the interests of the complainant, the person complained against and any others who may report incidents of discrimination or harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

All records of complaints, including contents of meetings, interviews, results of investigations and other relevant material will be kept confidential by UWGT except where disclosure is required for disciplinary or other remedial processes.

It is a serious breach of this Policy to break confidentiality, unless the law requires disclosure of information relating to the complaint or it is necessary in order for the proper investigation and resolution of the matter. Any such breach will be treated in the same manner as harassment or discrimination.

### Appeals

If the complainant is not satisfied with the action taken, she or he may submit a complaint to the Human Rights Tribunal of Ontario. The complainant should be aware that this option to bring a complaint to the Tribunal is available at any point during the procedures set out in this document. However, UWGT encourages that there be serious attempts made to pursue resolution amongst the parties directly involved. The above Policy is intended to facilitate such resolution.

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