

SECTION IV: HUMAN RESOURCES

Subsection: GENERAL

Policy Title: Human Rights, Anti-Harassment and Anti-Discrimination

Policy Number: IV, 6.9

Initial Date of President and CEO Approval: 2022-11-17

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Purpose

Strides Toronto is committed to establishing and maintaining a work environment that is free of discrimination and harassment, and to ensuring that all parties are treated fairly when an alleged incident of harassment or discrimination occurs. Under the Ontario Human Rights Code, every person has the right to be free from harassment and discrimination. Harassment and discrimination will not be tolerated, condoned, or ignored.

Application

All employees, students, volunteers and contractors affiliated with Strides Toronto.

Definitions

Worker

- A person who performs work or supplies services for monetary compensation.
- A student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school in which the student is enrolled.
- A person who receives training from an employer, but who, under the Employment Standards Act, 2000 (ESA), is not an employee for the purposes of that act.

Workplace

A workplace shall include all places where the organization's business occurs including organizational work premises, vehicles, community locations, organization sponsored functions or business such as recreational or social events, whether taking place on organizational property or elsewhere. Incidents that occur outside of the workplace may also be considered under this policy if the circumstances demonstrate that the incident impacted employees of the organization.

Discrimination is any practice or behaviour which results in the negative valuing, stereotyping, or discriminatory treatment of individuals and/or groups as defined by the provisions of the Ontario Human Rights Code. The Code states that every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, sexual orientation, gender identity, gender expression, skin colour, ethnic origin, citizenship, creed, age, sex, record of offences, marital status, family status or disability. Discrimination may be intentional or unintentional, overt, subtle or systemic. 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.

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Discrimination is the act of treating a person unequally by imposing unequal burdens or denying benefits, rather than treating a person fairly on the basis of individual merit. Discrimination is usually based upon personal prejudices and stereotypical assumptions related to at least one of the prohibited grounds of the Ontario Human Rights code.

Examples include:

- unwelcome remarks, jokes, innuendoes or taunts about a person's racial or ethnic background, skin colour, place of birth, citizenship or ancestry
- the display of racist, derogatory, or offensive pictures or material
- refusal to work with an individual because of their racial or ethnic background.

Workplace Harassment

Harassment means 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.

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.

Examples include:

- Making remarks, jokes, innuendos that demean, ridicule, intimidate, or offend
- Displaying or circulating offensive pictures or materials in print or electronic form
- Bullying (i.e., any comment or conduct against a person that the person making the comment or engaging in the conduct knows or ought reasonably to know is unwelcome and/or would cause the other to be humiliated or intimidated)
- Repeated isolating, shunning, excluding by others
- Repeated offensive or intimidating phone calls or emails.

Workplace harassment will not be tolerated from any person in the workplace including customers, clients, other employers, consultants, supervisors, workers and members of the public, as applicable.

Psychological Harassment (Bullying)

Psychological harassment means vexatious behaviour that manifests itself in the form of conduct, verbal comments, actions or gestures characterized by the following four criteria:

- They are repetitive;

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- They are hostile or unwanted;
 - They affect a person's dignity or psychological integrity; and
 - They result in a harmful work environment.

Vexatious behavior is humiliating or abusive behaviour that lowers a person's self-esteem or causes them torment. It is also behaviour that exceeds what the person considers to be appropriate and reasonable in the performance of their work.

Examples of psychological harassment include:

- Making rude, degrading or offensive remarks
- Making gestures that seek to intimidate, engaging in reprisals
- Discrediting someone; spreading rumours, ridiculing and/or humiliating them
- Belittling the person;
- Yelling at or threatening someone,
- Isolating the person; no longer talking to them,

Poisoned environment

A poisoned environment can arise from a single incident, or it may be created when unwelcome conduct or comments are pervasive within the workplace. This may result in a hostile or oppressive atmosphere for one or more people.

Workplace Sexual Harassment

Workplace Sexual Harassment means,

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) 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.

Workplace sexual harassment can involve unwelcome words or actions associated with sex, sexual orientation or gender identity or expression that are known or should be known to be offensive, embarrassing, humiliating, demeaning to a worker/student/volunteer or group of workers/students/volunteers, in a workplace. It can also include behaviour that intimidates or isolates individual(s).

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Examples include:

- Unwelcome remarks, jokes, innuendoes, or taunts of a sexual nature about a person's body, attire, age, gender expression, gender identity, sexuality, sexual orientation or marital status which might reasonably be expected to cause insecurity, discomfort, offence or humiliation
- Displaying or circulating pornography, sexual images or offensive sexual jokes in print or electronic format
- Unwelcome actions or contact such as leering, touching, patting, pinching, abusing or assaulting
- Making gender-related comments about someone's physical characteristics, mannerisms or conformity to sex-role stereotypes
- Asking questions, talking or writing about sexual activities
- Invading personal space, unnecessary physical contact, including inappropriate touching
- A sexual solicitation or advance made by an individual in a position to confer, grant or deny a benefit or advancement to another individual where the individual making the advance or solicitation knows or reasonably ought to know that it is unwelcome
- A threat or an actual reprisal against a person who rejects a sexual advance.

Where the conduct or behaviour includes inappropriate sexual touching, this may also constitute a criminal offence, such as sexual assault. In such cases, the police will be notified as appropriate.

Workplace Discrimination and Harassment Is Not:

- Reasonable and fair actions taken by an employer or supervisor relating to the management or direction of workers or the workplace.
- Reasonable management functions that would be part of a supervisor's normal work function, including changes in work assignments, scheduling, job assessment and evaluation, performance management, supervision, coaching, training, counselling, workplace inspections, implementation of health and safety measures, and disciplinary action. This includes situations where disagreement can arise in the normal exercise of supervisory responsibilities.
- Expressing differences of opinion, offering constructive feedback, or minor disagreements between co-workers/students/volunteers
- Making a legitimate complaint about another worker's conduct.

Policy

The Organization welcomes and values diversity among its staff, board, students and volunteers and is committed to providing an atmosphere that promotes equal rights and opportunities and appropriate standards of conduct.

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All individuals involved with Strides Toronto are responsible for creating and maintaining a workplace that is free from discrimination and harassment, including sexual harassment.

Workplace discrimination and harassment, including sexual harassment, will not be tolerated from any person in the workplace, including supervisors, students, volunteers, workers, other employers, clients, consultants, suppliers, board members, board committee members, visitors, and members of the public, as may be applicable. All individuals involved with the Organization are encouraged to report any incident of discrimination and harassment regardless of the Organization's relationship with the alleged offender or location of the incident.

The Organization shall strive to ensure that policies and procedures are inclusive and non-discriminatory. Supervisors shall take all reasonable steps to eliminate barriers that prevent individuals from enjoying equal opportunities (see Accommodations and Inclusion, Diversity, Equity and Accessibility Policies).

Strides Toronto shall periodically conduct a program to educate employees about responding to, reporting, and investigating incidents or complaints of workplace discrimination and harassment, including sexual harassment.

All individuals involved with the Organization shall have a right to freedom from reprisals or threatened reprisals for refusing to accept discrimination or harassment in any form, for making a complaint or for cooperating in an investigation. Any report of reprisal by the respondent, or by other workers, will also be immediately, effectively and thoroughly investigated in accordance with the investigation procedure outlined below. If a complaint of reprisal is substantiated, appropriate disciplinary action will be taken.

Any Management Team member who is aware of any form of harassment or discrimination in the workplace will take appropriate action, consistent with this policy, to stop it, regardless of whether or not a complaint has been received.

All supervisors shall report, investigate, and deal with all concerns, complaints or incidents of workplace discrimination and harassment including sexual harassment in a fair and timely manner while respecting privacy as much as possible. The complainant and alleged offender shall be treated fairly, while preserving the dignity and self-respect of all persons involved. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect staff, students or volunteers; to investigate the complaint or incident; to take corrective action or as otherwise required by law.

Individuals found to have engaged in conduct constituting prohibited workplace discrimination and/or harassment, including sexual harassment, shall be subject to corrective measures up to and including dismissal.

All workers, clients, volunteers, consultants, visitors, and members of the public are expected to adhere to this policy and will be held responsible by the organization for not following it.

If a worker needs further assistance, they may contact the union, a member of the Joint Health and Safety Committee and/or the Human Resources Department.

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Procedures

1. Responsibilities:

The employer will:

- Maintain a workplace free from discrimination and harassment
- Ensure that workers and volunteers are trained on this policy and procedures
- Post the policy in a conspicuous place in the workplace and online
- Review and approve the policy and procedures annually.
- Respond to complaints in a fair and respectful manner
- Follow up on any findings of workplace harassment and discrimination in an appropriate manner

Workers will:

- Maintain a workplace that is free from discrimination and harassment.
- Uphold and abide by this policy
- Promptly report concerning situations
- Cooperate fully in any investigation into a harassment or discrimination complaint

2. Responding to Workplace Harassment:

A Complainant may choose to inform another person that their behavior is unwelcome and request the behaviour stops. No-one, however, is obligated to confront the respondent / harasser and the Complainant may choose to report the incident instead as outlined below in this policy.

3. How to Report Workplace Harassment or Discrimination:

Individuals can report incidents or complaints of workplace harassment or discrimination verbally or in writing. When submitting a written complaint, please use the workplace harassment or discrimination complaint form (see Appendix B). When reporting verbally, the individual receiving the complaint, along with the individual complaining of harassment or discrimination, will fill out the complaint form.

The report of the incident should include the following information:

1. Name(s) of the individual who has allegedly experienced workplace harassment or discrimination and contact information
2. Name of the alleged harasser(s), position and contact information (if known)
3. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
4. Details of what happened including date(s), frequency and location(s) of the alleged incident(s):
 - a) Any supporting documents the individual who complains of harassment or discrimination may have in their possession that is relevant to the complaint.
 - b) List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

4. Who to Report Workplace Harassment or Discrimination to:

An incident or a complaint of workplace harassment or discrimination should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely

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manner.

Individuals are encouraged to report any incidents of workplace harassment or discrimination to their supervisor or if the complaint is about their supervisor, to the next level of management. Complaints about the President and Chief Executive Officer should be submitted to the Chair of the Board of Directors.

Human Resources shall be notified of the workplace harassment or discrimination incident or complaint by the supervisor who received the complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. Depending on the circumstances, an external person qualified to conduct a workplace harassment or discrimination investigation who has knowledge of the relevant workplace harassment or discrimination laws may be retained to conduct the investigation (e.g., if the incident or complaint involves a member of the Senior Management Team including the President and Chief Executive Officer).

All incidents or complaints of workplace harassment or discrimination shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

During the investigation, the accused employee(s) may be removed from the working environment and, where necessary, may be placed on administrative leave.

In any cases where the complainant requests it, the Employer will consider separating the complainant and the respondent until the investigation is concluded and will do so where it deems it to be appropriate and feasible.

5. Investigations:**Commitment to Investigate**

Strides Toronto will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a supervisor becomes aware of an incident of workplace harassment or discrimination or receives a complaint of workplace harassment or discrimination.

Who Will Investigate

The Vice President, Corporate Services will determine who will conduct the investigation into the incident or complaint of workplace harassment or discrimination. If the allegations of workplace harassment or discrimination involve a Vice President, the President and CEO will determine who will conduct the investigation. If the allegations of workplace harassment or discrimination involve the President and Chief Executive Officer, the Board Chair will refer the investigation to an external investigator to conduct an investigation.

Timing of the Investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (e.g., illness, complex investigation) warranting a longer investigation.

Investigation Process

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The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

- i. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. The investigator must thoroughly interview the individual who allegedly experienced the workplace harassment or discrimination and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- iii. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the individual who allegedly experienced the workplace harassment or discrimination should be given a reasonable opportunity to reply.
- iv. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the individual who allegedly experienced the workplace harassment or discrimination, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- v. The investigator must collect and review any relevant documents.
- vi. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment or discrimination, the alleged harasser and any witnesses.
- vii. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace harassment or discrimination, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment or discrimination was found or not.

Results of the Investigation

Within 30 days of the investigation being completed unless there are extenuating circumstances (e.g., illness, complex investigation) requiring more time, the individual who allegedly experienced the workplace harassment or discrimination and the alleged harasser, if they are a worker or volunteer of the employer, will be informed in writing of the results of the investigation with a brief summary of the findings from the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment or discrimination.

Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment or discrimination, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers/students/volunteers; to investigate the complaint or incident; to take corrective action or otherwise as required by law.

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While the investigation is on-going, the individual who has allegedly experienced harassment or discrimination, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

Handling Complaints

When discrimination or harassment occurs, appropriate corrective measures will be taken, up to and including dismissal. Police may be contacted when behaviour is potentially of a criminal nature. Where the complaint is not substantiated, no documentation will be recorded in the file of the person against whom the complaint was made. There will be no repercussions in relation to complaints that are reported in good faith. Where a complaint is made dishonestly or in bad faith, corrective measures will be taken with the complainant up to and including dismissal.

Record-Keeping

The employer (Human Resources or designated person) will keep records of the investigation including:

- a. a copy of the complaint or details about the incident;
- b. a record of the investigation including notes;
- c. a copy of the investigation report (if any);
- d. a summary of the results of the investigation that was provided to the individual who allegedly experienced the workplace harassment or discrimination and the alleged respondent, if a worker of the employer;
- e. a copy of any corrective action taken to address the complaint or incident of workplace harassment or discrimination.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment or discrimination, take corrective action or otherwise as required by law. Records will be kept for five years.

Reporting

The President and Chief Executive Officer will submit an annual report to the Board with respect to the number and nature of discrimination and harassment complaints received and actions taken.

Nothing in this policy prevents or discourages an individual from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's Human Rights Code or to exercise any other legal avenues that may be available.

Cross References

Code of Conduct Policy
Inclusion, Diversity, Equity and Accessibility Policy
Accommodation Policy
Staff Access to the Board of Directors Policy
Complaint Form

Appendices N/A