

Corporate Policies and Procedures			
DEPARTMENT: Human Resources			POLICY #: HR-17
POLICY: Ontario Human Rights Code Violation Policy			
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POLICY STATEMENT:

The Municipality recognizes the dignity and worth of every employee and aims to create an environment of mutual respect and understanding free from discrimination and harassment. The Municipality abides by the *Ontario Human Rights Code, 1990* and has established this policy to champion and uphold its provisions.

POLICY SCOPE:

This policy governs workplace harassment and discrimination under the *Code* and is applicable to all employees including students and volunteers. This policy covers the following content:

- Workplace discrimination under the *Code*
- Workplace harassment under the *Code*
- Accommodation under the *Code*
- Roles and responsibilities
- How to report workplace harassment and discrimination
- Investigation of workplace harassment and discrimination complaints

POLICY DEFINITIONS:

For the purposes of this policy, the following definitions apply:

Accommodation means the duty to accommodate under the *Code*, ensuring employees are treated with dignity, inclusion and as individuals with unique needs specific to themselves or to a protected ground they belong.

Code means the *Ontario Human Rights Code, 1990*.

Discrimination means discrimination under the *Code*, and may include not individually assessing the unique merits, capacities and circumstances of persons belonging to a protected ground, in addition to making stereotypical generalizations, and having the impact of excluding persons, imposing burdens and denying benefit.

Harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. This can include bullying, intimidation, shouting, spreading rumors, jokes, teasing, innuendos, hate speech, microaggressions, sexual harassment, abuse, violence and circulation of images/materials in print or electronic form that a reasonable person would perceive as offensive, embarrassing or demeaning.

Poisoned work environment means an environment perceived to be hostile or unwelcoming for an employee.

Protected ground means aspects of one's identity or affiliation that cannot be discriminated

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against, and is inclusive of one's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

Sexual harassment means engaging in a course of vexatious comment or conduct against a person 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, 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 and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. This can include images, questions, discussions, stories, jokes, comments, demands, requests, abuse and threats of a sexual nature or pertaining to sex, gender, gender expression or sexual orientation. Sexual harassment also means leering, unnecessary and inappropriate physical contact/advances, sexual violence and sexual assault.

Undue hardship means undue hardship under the *Code*.

Workplace means any space where work is performed, or where County activities are carried out, inclusive of work assignments, business travel, training, conferences, and work-related social functions.

POLICY CONTENT:

1. Workplace Discrimination

All parties covered under this policy have a right to equal treatment in respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. The Municipality recognizes that discrimination can exist in many forms, and endeavors to eliminate it in all its forms. Discrimination does not include:

- Supervisor feedback that is based on performance and/or behavior that is fair and appropriate in the circumstances;
- Supervisor direction, evaluation, or discipline that is fair and appropriate in the circumstances; and/or
- Requirements, standards, factors, or rules that are adopted for a purpose that is rationally connected to the function being performed, adopted in good faith and is necessary to fulfill the purpose which cannot be accommodated without undue hardship.

2. Workplace Harassment

All parties covered under this policy have a right to freedom from harassment because of race,

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ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. The Municipality recognizes that harassment can exist in many forms, and endeavors to eliminate it in all its forms.

Harassment does not include:

- Supervisor feedback that is based on performance and/or behavior that is fair and appropriate in the circumstances;
- Supervisor direction, evaluation, or discipline that is fair and appropriate in the circumstances; and/or
- Requirements, standards, factors, or rules that are adopted for a purpose that is rationally connected to the function being performed, adopted in good faith and is necessary to fulfill the purpose which cannot be accommodated without undue hardship.

3. Accommodation

The Municipality recognizes that just as people are unique and diverse in nature, so too are their needs. The Municipality is committed to fulfilling its duty to accommodate under the *Code* and will ensure employees belonging to a protected ground are provided opportunities to avoid adverse effects and experience equal opportunities, access or benefits. Employees that are able to work will be permitted to do so through accommodation that is reasonable and short of undue hardship.

4. Roles and Responsibilities

The Municipality recognizes that we all play a role in upholding this policy and the *Code*. The following outlines the various roles and responsibilities placed on those in the workplace. The Municipality is responsible for the following:

- Address, prevent and eliminate all forms of harassment and discrimination from the workplace;
- Establish a Human Rights policy, reviewed annually, that is accessible to all employees and informs them of their entitlement to employment free from harassment and discrimination under the *Code*;
- Make *Code* training available when it is requested;
- Satisfy the duty to accommodate under the *Code* and provide reasonable accommodation to those who require it;

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- Establish and advertise a secure process for employees to submit harassment and discrimination complaints under this policy; and
- Investigate complaints to the extent that is appropriate in the circumstances and take corrective action if required.
- Promote and enforce this policy among the workplace

Employees are responsible for the following:

- Adhere to this policy and refrain from engaging in harassment and/or discrimination under this policy and the *Code*
- Report instances of harassment and/or discrimination in good faith to the appropriate designate
- Participate and exercise discretion in the complaint and investigation process
- Work cooperatively with the employer to facilitate reasonable accommodation when it is requested

5. Complaint Submission

Any employee who holds an honest and true belief that they or another employee has experienced harassment and/or discrimination are encouraged to file a written complaint with their Supervisor, Clerk or the appropriate designate. Complaints can be submitted in electronic or hard copy format. Any employee that submits a complaint, or who participates in an investigation, will be free from reprisal for having done so. Complaints submitted in respect to workplace harassment and/or discrimination shall be done honestly and in good faith. If a complaint is deemed to be false or dishonest in anyway it will be considered a serious breach of this policy. Any such breach will be subject to discipline up to and including dismissal in accordance with the Discipline and Dismissal Policy.

All employees are encouraged to bring their complaint to the Clerk. For complaints made against the Clerk, the employee may present their complaint to the Mayor.

6. Investigation and Corrective Action

The Municipality, and its agents, officials and representatives, will take seriously and treat confidentially, any complaint filed in respect to harassment and/or discrimination and will conduct an investigation that is appropriate in the circumstances.

Investigations can include interviews with complainants, respondents, witnesses and any other parties that may be relevant. Information obtained about an incident or complaint of workplace harassment or discrimination, including identifying information about any individuals involved,

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will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

In instances where there are findings of harassment and/or discrimination under this policy corrective action may be taken as a result. Any complainant or respondent in an investigation under this policy will be provided with the outcome of the investigation and any corrective action as a result.