



TIMES CHANGE
WOMEN'S EMPLOYMENT SERVICE

WORKPLACE DISCRIMINATION AND HARASSMENT PREVENTION POLICY

Times Change Women's Employment Service

June 2010

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Chapter 1

PURPOSE

Times Change Women's Employment Service (herein referred to as 'Times Change') and its employees are committed to providing a discrimination and harassment free workplace and a working environment that affirms and promotes the dignity of human beings of diverse backgrounds and needs. This policy prohibits discrimination and harassment, while also affirming that all employees have the right to participate equally in activities in the workplace without fear of discrimination or harassment.

Times Change, as an Employer, is committed to:

- ◆ Zero tolerance of discrimination and harassment;
- ◆ Proactive and prevention-oriented procedures;
- ◆ Alternative dispute resolution processes; and
- ◆ Fostering a respectful workplace through the prompt resolution of discrimination and harassment.

All aspects of Workplace Discrimination and Harassment Prevention (WDHP) Processes will be fair, responsive, timely, confidential, professional, impartial, consistently applied, and will aim to preserve the dignity, self-respect and rights of all parties.

The purpose of this policy is to:

- ◆ Develop and support a respectful workplace that values diversity and inclusion, fosters respect, and does not tolerate prejudice, discrimination, and/or harassment;
- ◆ Outline rights, responsibilities, and types of behavior that fall within the scope of this policy;
- ◆ Outline provisions for support services, including training and awareness initiatives, to promote a respectful work environment; and
- ◆ Outline procedures for handling and resolving complaints when this policy is breached by discrimination and harassment.

This policy is to be interpreted in a manner that is consistent with the *Ontario Human Rights Code* and any other applicable legislation, as well as the principles of fairness and confidentiality.

This policy shall be available, accessible and displayed prominently at Times Change.

APPLICATION AND SCOPE

The policy applies to all employees, Board members, students, volunteers, clients or any person on Times Change property. It covers, but is not limited to: incidents that occur within the workplace, at staff meetings, during work and social functions, board meetings, work-related travel, and work assignments outside Times Change, over the telephone or by computer, work-related conferences, or training sessions.

Notwithstanding this policy, every person has the right to seek assistance from the Ontario Human Rights Commission or their Union, even when the steps outlined in this policy have or are being followed.

Times Change encourages reporting of all incidents.

RESPONSIBILITIES

Times Change and the Board as the legal Employer are responsible for:

1. Fostering a work environment which is free of harassment and discrimination as defined in this policy.
2. Interpreting this policy in a manner consistent with the *Ontario Human Rights Code* and applicable legislation.
3. Investigating all formal complaints.
4. Addressing any alleged harassment of which they are aware, whether or not a complaint has been made.
5. Imposing disciplinary measures when a complaint has been found to be substantiated regardless of the position of the respondent in the organization.

Board of Directors:

The Board of Directors is responsible for:

- a) Leading by example in creating and maintaining a workplace free of discrimination and harassment.
- b) Ensuring that the appropriate knowledge, skills, processes, and resources to implement and enforce the policy by the Board and the Collective are provided.
- c) Ensuring that all Board Members including the newly elected are informed of rights and responsibilities under this policy.

- d) Ensuring that all employees are aware of their rights and responsibilities under this policy, including ways in which allegations of discrimination and harassment can be resolved and to remind them of its contents as deemed necessary.
- e) Ensuring that remedies to violations of this policy will create or restore a workplace which is free of discrimination and harassment.
- f) Ensuring effective implementation of settlements, remedies, and corrective actions in a confidential manner.
- g) Monitor compliance and enforcement of the policy.
- h) Ensuring that corrective and/or disciplinary measures are taken, where warranted.
- i) Advising employees not to threaten or retaliate against any complaint, respondent, or witness to a complaint.
- j) Investigating all formal written complaints; consulting with the Union Steward and the Union Staff Representative where needed.
- k) Managing the process for resolving allegations of discrimination, harassment or other policy violations as soon as they become aware of them, whether or not a complaint has been submitted; consulting with the Collective and the Union Staff Representative where needed.
- l) Cooperating with investigators, such as ensuring the availability of witnesses and the confidentiality of information.
- m) Addressing the needs of the parties concerned and the workplace following a complaint with the assistance of a specialist as needed, in order to establish or re-establish harmonious working relationships.

The Collective (employees):

All Employees (the Collective) are responsible for:

- a) Ensuring that the workplace is free from discrimination and harassment; including clarifying the type of workplace behavior expected under this policy.
- b) Refraining from discrimination and harassment, including offensive remarks or other actions that create intimidating, hostile or humiliating working conditions based on the prohibited grounds of this policy.
- c) Adhering to this policy and related employment processes.

- d) Advising employees not to threaten or retaliate against any complainant, respondent or witness to a complaint.
- e) Cooperating with investigators, such as ensuring the availability of witnesses and the confidentiality of information.
- f) Re-establishing harmonious working relationships following a complaint.

Employees are encouraged, where possible, to inform alleged offenders about unwelcomed conduct or actions perceived to be discriminatory. While employees cannot be required to report experiences of discrimination or harassment, they are encouraged to notify their Union Steward and Chair of the Board not involved in the complaint in a timely manner regarding alleged violations of this policy, without fear of reprisal or retribution.

Employees may seek the assistance of a Union Steward or other member of the Collective in bringing the complaint to the Board's attention. Employees should file a complaint under this policy within twelve (12) months of the alleged violation.

PROHIBITED GROUNDS

Every person has a right to freedom from discrimination and harassment on the grounds of:

- ◆ race
- ◆ ancestry
- ◆ place of origin
- ◆ colour
- ◆ ethnic origin
- ◆ citizenship
- ◆ sex/gender (includes gender identity)
- ◆ sexual orientation
- ◆ age
- ◆ religious affiliation/creed
- ◆ marital status
- ◆ family status
- ◆ record of offences
- ◆ political and/or union activity
- ◆ disability in accordance with S.10(1) of the *Ontario Human Rights Code*
- ◆ status in receipt of public assistance

CONFIDENTIALITY

Times Change understands that it is difficult to come forward with a complaint of harassment and discrimination and recognizes that it is in the interests of the parties to keep the matter confidential.

To protect the interests of the complainant and the respondent, confidentiality will be maintained throughout the process to the extent permitted by law.

Advisors/investigators will not disclose any information unless the disclosing party gives permission to do so, except as required:

1. by policy procedures
 2. by subpoena or legislation i.e.: criminal code, labour board, etc.
 3. by a danger to life, health & safety
-
- a) Complainants, respondents, and witnesses can expect to review their statements as recorded by the investigator, to confirm its accuracy, prior to the final report being submitted.
 - b) Complainants and respondents will receive information related to the complaint in writing, including allegations, and in accordance with the principles of procedural fairness.
 - c) There must be no reference to a complaint under this policy in an employee's personnel file, unless disciplinary action is taken against the employee.
 - d) Complainants and respondents may have with them, during meetings and interviews related to the resolution of the complaint, a person of their choice who has agreed to accompany them and who is not a party to the process.
 - e) Complainants and respondents can expect to review a copy of the draft report. They will be informed in writing of the outcome of the investigation and will receive a copy of the final report.

EDUCATION

Times Change is committed to a preventive strategy that is based on education. In terms of implementation, training on the policy will be provided for all existing employees, students, volunteers and Board Members. In addition, training will be provided on an annual basis for all new hires and newly elected Board Members. The policy will be included in the Board and Volunteer Orientation Packages.

THE PROCESS AND PROGRAM REVIEW

Times Change is committed to working with the Union and its employees in a cooperative manner and in promoting a work environment free of harassment and discrimination.

The Employer, Collective and the Union agree to review annually the Workplace Discrimination and Harassment Prevention (WDHP) Policy and complaint process to ensure compliance with the OHRC.

All parties will meet to discuss, revise, seek input or feedback on all training and policy revisions both prior to implementation and on a yearly basis.

Chapter 2

POLICY PROCEDURES

Personal Resolution

- 1.1. Any individual who believes she has experienced or witnessed discrimination, and/or harassment should contact the Chair of the Board (for the Board Members) and their Union Steward (for members of the Collective).
- 1.2. Any individual who believes that she has experienced or witnessed discrimination and/or harassment should take direct action, if possible, to make it clear to the person causing the offence that such behavior is inappropriate, unacceptable, and unwelcome and should not be repeated.
- 1.3. Where an attempt at personal resolution does not succeed and the behaviour continues, or the behaviour is of a more serious nature than can be dealt with by personal resolution then a complaint may be submitted in writing to the Chair of the Board or designate and/or the Union Steward.

Formal Resolution

- 1.4. An individual who believes she has been discriminated against or harassed (“the complainant”) may submit a complaint, in writing, to the Chair of the Board or designate and/or Union Steward
- 1.5. The Chair of the Board or Union Steward should assure the employee that the complaint will be dealt with in accordance with the policy. The Employer should consider removing the alleged harasser in cases where there are serious Health and Safety risk.
- 1.6. The Chair of the Board or Union Steward should assure the employee that confidentiality will be maintained.
- 1.7. If the complaint is related to the Chair of the Board or designate, the complaint should be submitted to another Board Member.
- 1.8. If the complaint is related to Union Steward, the complaint should be submitted directly to the Chair of the Board or/and Union Staff Representative.
- 1.9. The complaint should include a written record of date and time; place; name and status of other person involved; a specific account of what happened; the effect of the incident; names of any witnesses; action taken including any person to whom the incident has been reported and any attempts at personal resolution. (See *Complaint Form* in “Appendix A”)
- 1.10. At the request of an employee their Union Steward, Staff Representative, legal counsel, or person of their choice who is not party to the process, may be present at any stage of the process.

- 1.11. On receipt of the complaint, the person(s) responsible shall forward a copy of the complaint to the respondent.
- 1.12. The Chair of the Board or designate will determine what efforts have been made to resolve the problem, identify immediate avenues of resolution if any, and take appropriate action

Investigation

Where informal solutions have not resulted in resolving the complaint, the Chair of the Board or designate responsible for bargaining unit employees will launch an investigation and notify all involved parties.

At the conclusion of the investigation the Investigator will report his/her findings to the Chair of the Board or designate and the Union. The Employer will review all the relevant information and decide what action to take. The Chair of the Board or designate will inform the parties in writing of the outcome of the investigation and ensure that corrective and/or disciplinary measures are taken, if warranted.

APPENDIX "A"

CONFIDENTIAL

COMPLAINT FORM

Instructions:

Please provide all the information requested. Be as specific as possible when describing the incident(s) you experienced as discrimination or harassment.

Your complaint is not limited to the space provided. You are encouraged to attach any additional pages and materials that may assist in the resolution of your complaint.

Please be assured that the information you provide will be treated as confidential and will be shared only with those persons who are involved in the complaint resolution process.

FOR COMPLAINANT – PLEASE PRINT CLEARLY

Complainant Name: _____

Position Title: _____

Address: _____

Telephone: _____

E-mail Address (Optional): _____

Complaint

Reason(s) you believe you were discriminated against: (Check all that apply):

- | | |
|-----------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> race | <input type="checkbox"/> ancestry |
| <input type="checkbox"/> place of origin | <input type="checkbox"/> colour |
| <input type="checkbox"/> ethnic origin | <input type="checkbox"/> citizenship |
| <input type="checkbox"/> sexual orientation | <input type="checkbox"/> age |
| <input type="checkbox"/> religious affiliation/creed | <input type="checkbox"/> marital status |
| <input type="checkbox"/> family status | <input type="checkbox"/> record of offences |
| <input type="checkbox"/> union activity | <input type="checkbox"/> disability in accordance with s.10(1) |
| <input type="checkbox"/> status in receipt of public assistance | <input type="checkbox"/> of the Ontario Human Rights Code |
| <input type="checkbox"/> sex/gender (includes gender identity) | <input type="checkbox"/> political union activity |

Other (please specify):

Describe the incident(s) you believe to be discrimination or harassment.

What happened?

Where did this happen (locations)?

When did this happen (dates and approximate times)?

Names of person(s) involved and possible witnesses (their involvement or what you believe they may know).

If you were able to address the alleged discrimination/ harassment, what action(s) did you take?

Potential/Desired Remedy?

SIGNATURE OF
COMPLAINANT _____ DATE _____

**A COPY OF THIS FORM TO BE FORWARDED TO THE UNION'S STAFF REPRESENTATIVE
AND/OR LEGAL REPRESENTATIVE**

A COPY OF THIS FORM TO BE FORWARDED TO THE ADVISOR/INVESTIGATOR

A COPY OF THIS FORM WILL BE SENT TO THE RESPONDENT

Complainant:

A person who considers that he or she has been the subject to harassment and/or discrimination is hereinafter referred to as the “complainant”, even if he or she has not laid a formal written complaint.

Respondent:

The person who is named by the complainant as the offender or person responsible for the harassment and discrimination is hereinafter referred to as the “respondent”, even where a formal written complaint has not been filed.

Discrimination:

Includes, but not limited to, unequal treatment based on one or more of the prohibited grounds, except where conduct is permitted under the *Ontario Human Rights Code* and any other applicable legislation, as well as the principles of. Discrimination also includes failure to provide appropriate employment accommodation in accordance with this policy and the *Ontario Human Rights Code* and any other applicable legislation, as well as the principles of. Discrimination can be intentional or unintentional, direct or indirect.

Adverse Effect Discrimination:

Means those entrenched and institutionalized practices, systems, and structures that operate, by effect or design, to limit a group’s or an individual member of a group’s rights to opportunities or to exclude a group or an individual member of a group from participation based on a prohibited ground.

Harassment:

Is a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome. Single acts of sufficient severity may also constitute harassment.

Types of behavior which constitutes harassment include, but are not limited to:

- ◆ Jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive or that are by their nature clearly embarrassing or offensive.
- ◆ Leering
- ◆ The display of sexually explicit and/or other offensive material
- ◆ Derogatory or degrading remarks directed towards individuals based on their sex, gender, sexual orientation, race etc.

- ◆ Suggestive or obscene comments or gestures
- ◆ Unwelcome inquiries or comments about a person's life
- ◆ Verbal abuse or threats
- ◆ Sexual and/or physical assault

Harassment includes, but is not limited to, sexual and personal harassment.

Sexual Harassment:

Means unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature when:

- ◆ Such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group; or
- ◆ Submission to such conduct is made either implicitly or explicitly a condition of employment; or
- ◆ Submissions to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security and benefits affecting the employee); or
- ◆ Such a conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment most commonly occurs in the form of behaviour by men towards women. However, sexual harassment can also occur between men, between women, or as behaviour by women towards men.

Personal Harassment:

Means abusive, unfair, or demeaning treatment of a person or group of persons that is known or ought reasonably to be known to be unwelcome and unwanted when:

- ◆ Such treatment abuses the power one person holds over another or misuses authority; or
- ◆ Such treatment has the effect or purpose of seriously threatening or intimidating a person; and
- ◆ Such treatment has the effect or purpose of unreasonably interfering with a person's or a group of person's employment, performance or creating an intimidating, hostile or offensive work environment.
- ◆ Is not limited to treatment that is based on one of the prohibited grounds.

Racism:

Racism is defined as a set of implicit or explicit beliefs, erroneous assumptions and actions based upon an ideology of inherent superiority of one racial or ethnic group over another that may be evident within organizational or institutional structures and programs, as well as within individual thought or behavioral patterns.

Poisoned Work Environment:

An infringement of every person's right to equal treatment with respect to employment which refers to comments, behaviour or work environment that ridicules, belittles or degrades people or groups identified by one or more prohibited grounds of this policy. A poisoned work environment could result from a serious single event, remark or action and need not be directed at a particular individual.

Workplace Violence:

The *Occupational Health and Safety Act* defines workplace violence as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. It also includes an attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker; and a statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Examples of workplace violence include:

- ◆ verbally threatening to attack an employee, Board member, student, volunteer, client or any person on Times Change property;
- ◆ leaving threatening notes at or sending threatening e-mails to a workplace;
- ◆ shaking a fist in an employee, Board member, student, volunteer, client or any person on Times Change property's face;
- ◆ wielding a weapon at work;
- ◆ hitting or trying to hit an employee, Board member, student, volunteer, client or any person on Times Change property;
- ◆ throwing an object at an employee, Board member, student, volunteer, client or any person on Times Change property;
- ◆ sexual violence against an employee, Board member, student, volunteer, client or any person on Times Change property.

Workplace Bullying and Psychological Harassment:

Is defined as unwanted conduct, comments, actions or gestures that affect the dignity, psychological or physical health and well-being of an employee, Board member, student, volunteer, client or any person on Times Change property. Bullying and psychological harassment may result from the actions of one individual towards another, or from the behaviour of a group. Bullying and psychological harassment are often characterized through insulting, hurtful, hostile, vindictive, cruel or malicious behaviours which undermine, disrupt or negatively impact another's ability to do his or her job and results in a harmful work environment for the employee(s).

Bullying and psychological harassment can take many forms and may occur when the behaviour or conduct:

- ◆ would reasonably tend to cause offense, discomfort, humiliation or embarrassment to another person or group;
- ◆ has the purpose or effect of interfering with a person's work performance;
- ◆ creates an intimidating, threatening, hostile or offensive work environment

Frivolous, Vexatious and/or Malicious Complaint:

Means a complaint that is lacking a sufficient and reasonable ground and only serving to annoy and distress. However, an individual who comes forward in good faith with reports or concerns about compliance with this policy or procedures shall not be subject to reprisal or retaliation for making such a report. Any such reprisal or retaliation shall be considered harassment under this policy.

Employment Accommodation:

An individualized process by which the Employer removes barriers in the workplace, associated with the prohibited grounds of discrimination under the *Ontario Human Rights Code* that keep a qualified employee with a disability from participating equally in all aspects of employment. Employment accommodation must be done in consultation with the individual requiring accommodation and their Union Representative (if applicable) and be tailored to meet the current and known needs in addition to being medically substantiated.

Investigation:

A fact finding process of determining whether this policy has been violated, using an external Workplace Discrimination and Harassment Prevention (WDHP) investigator.

Workplace Restoration:

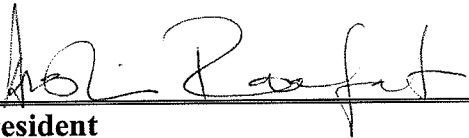
Promoting and/or restoring positive and respectful workplace relationships.

Zero Tolerance:

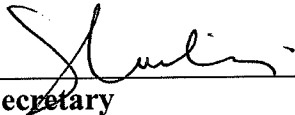
Harassment and discrimination in the workplace will not be tolerated. Times Change has a zero tolerance policy towards harassment and discrimination in the workplace. No reported incident will go unaddressed. Allegations of harassment and discrimination will be taken seriously and, if substantiated, will be addressed through appropriate corrective action which reinforces the policy and ensures the harassment and discrimination does not continue.

The abuse of one's authority or position to intimidate, coerce or harass is forbidden.

Signed by the Board of Directors on June 23, 2010



President



Secretary