

# ISAO OPERATIONAL POLICY

## Human Rights and Anti-Harassment Policy (HRAP)

Approved by the ISAO Board of Directors at its meeting of 30 October 2017

References: [Ontario Human Rights Code](#)  
[Occupational Health and Safety Act](#)  
[Accessibility for Ontarians with Disabilities Act](#)

ISAO Workplace Violence Policy

ISAO Human Rights and Anti-Harassment Policy Statement

### 1.1 Policy Statement

Under the [Ontario Human Rights Code](#), every person has a right to equal treatment in the provision of services and facilities, occupation of accommodation, contracts and in employment. Under the [Occupational Health and Safety Act](#), all employers are required to have a policy, program, information and instruction regarding workplace harassment.

The ISAO is committed to respectful, equitable service delivery and employment practices. The goal of this Policy is to recognize the dignity and worth of every person (whether member, service recipient, volunteer or employee) and to create a climate of understanding and mutual respect.

The ISAO condemns harassment, denigration, discriminatory actions and the promotion of hatred. The ISAO will not tolerate, ignore, or condone discrimination or harassment and is committed to promoting respectful conduct, tolerance and diversity at all times. All employees and volunteers are responsible for respecting the dignity and rights of their co-workers, co-volunteers and the members and event participants they serve

### 1.2 Application

This policy applies to all ISAO employees and volunteers and to all aspects of the employment and volunteer relationship. ISAO staff and volunteers are expected to abide by this policy, the *Ontario Human Rights Code*, the *Occupational Health and Safety Act* and any other relevant legislation and ISAO Policy.

Members, service recipients, event and activity participants and individuals conducting business with, for or with support from the ISAO, are expected to adhere to this policy. This includes refraining from discriminating and/or harassing ISAO employees, volunteers, event participants and persons acting on behalf of the ISAO. If such discrimination and/or harassment occur, the ISAO will take action to ensure a harassment/discrimination-free workplace and event and service provision environment, including barring a harasser from its events, limiting services, discontinuing business and/or revoking ISAO membership and/or contracts with consultants or contractors

## **2.0 Social Areas & Prohibited Grounds**

**2.1 Services and Facilities:** Every person has a right to equal treatment with respect to ISAO services and facilities, without discrimination or harassment because of one or more of the following prohibited grounds:

- Race
- Ancestry
- Place of origin
- Colour
- Ethnic origin
- Citizenship
- Creed
- Sex (including pregnancy and breast feeding)
- Sexual orientation
- Gender identity
- Gender expression
- Age
- Marital status
- Family status
- Disability

**2.2 Employment and Volunteerism:** Every person has a right to equal treatment in ISAO employment and volunteerism without discrimination or harassment because of one or more of the following prohibited grounds:

- Race
- Ancestry
- Place of origin
- Colour
- Ethnic origin
- Workplace Harassment\*\*
- Citizenship
- Creed

- Sex (including pregnancy and breast feeding)
- Sexual orientation\*\*
- Gender identity
- Gender expression
- Age
- Marital status
- Family status
- Disability

\*\* Workplace harassment as defined in the *Occupational Health and Safety Act* includes harassment based on sex, gender identity, gender expression, sexual orientation and non-Code harassment, i.e., harassment that is not based on a prohibited ground listed above. This HRAP addresses this type of harassment in section 4.12.

### **3.0 Roles and Responsibilities**

All ISAO employees, volunteers and elected and appointed officials are responsible for knowing this policy and complaint procedures, not engaging in harassment/discrimination, cooperating in good faith in dispute resolution processes including investigations and abiding by confidentiality expectations - refer to the **Complaint Procedures** (to be developed).

#### **3.1 Management**

By “management” is meant the Executive Committee of the ISAO Board which includes (when appointed by the ISAO Board of Directors) the President, President Elect, Past President, Vice-President, Treasurer, Secretary and Executive Director. (All positions are also Directors, excepting the Executive Director.)

- provide leadership in creating and maintaining discrimination-free, harassment-free, and respectful workplaces
- receive formal investigation reports and make final decisions about corrective actions
- communicate final decisions about corrective actions and the disposition of a formal complaint in writing to the parties
- ensure resource availability and effective implementation of complaint settlements, remedies and corrective actions
- ensure that staff and volunteers are held accountable for their responsibilities under the policy and have the appropriate knowledge and skills to meet their obligations

#### **3.2 Supervisors**

By “Supervisor” is meant all Committee Chairs and anyone who is leading an ISAO event, meeting, etc. Where the Executive Director is present, the position of “Supervisor” is jointly held with the Executive Director and both are responsible for the Supervisor duties under this policy.

Where events or Committees have joint chairs or leads, both are responsible as supervisors under this policy.

- model respectful behaviour and address incivility; set and enforce standards of appropriate workplace conduct
- complete human rights training & ensure employees who report to you receive information and instruction on this Policy and Complaint Procedures post the current version of this Policy and **Complaint Procedures** in all work locations
- address complaints/incidents of harassment/discrimination/reprisal when raised directly by staff or volunteers

### 3.3 Staff and Volunteers

- ensure behaviour is civil and respectful in relation to all employment/service provision activities
- immediately report non-Code workplace harassment experienced or witnessed to an ISAO Supervisor or ISAO management (ISAO Board by way of the Executive Director). For clarity, reports of workplace harassment should be made to a person who does not report to the alleged harasser
- immediately report Code-related harassment, discrimination, reprisal experienced and/or witnessed to management
- document details of harassment and discrimination that are experienced or witnessed

when requested, provide complaint details in writing using **the Harassment/Discrimination Complaint Form** (to be developed).

## 4.0 Definitions

**4.1 Allegation:** An allegation is an unproven assertion or statement based on a person's perspective that the policy has been violated.

**4.2 Complainant:** The person alleging that discrimination or harassment occurred. There can be more than one complainant in a human rights complaint.

**4.3 Complaint:** A complaint is a written or verbal report by a complainant alleging that they have experienced or witnessed harassment and/or discrimination based on one or more of the grounds identified in section 2 of this policy. Refer to the definition of harassment in section 4.10-4.14.

**4.4 Discrimination:** Discrimination is any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group protected in the *Ontario Human Rights Code* (e.g., disability, sex, race, sexual orientation, etc.) by excluding, denying benefits or imposing burdens upon them. Discrimination may arise as a result of direct differential treatment or it may result from the unequal effect of treating individuals and groups in the same way.

Either way, if the effect on the individual is to withhold or limit full, equal and meaningful access to goods, services, facilities, or employment/volunteer opportunity available to other members of society and their membership in a prohibited ground was a factor, it is discrimination.

**4.5 Duty to Accommodate:** The legal obligation to take steps to eliminate disadvantage caused by systemic, attitudinal or physical barriers that unfairly exclude individuals or groups protected under the *Ontario Human Rights Code*. It also includes an obligation to meet the special needs of individuals and groups protected by the *Code* unless meeting such needs would create undue hardship. Failure to accommodate a person short of undue hardship is a form of discrimination (for service provision accommodation obligations, refer to the *Accessibility for Ontarians with Disabilities Act*;

**4.6 Employee:** For the purpose of this policy, the term employee includes: ISAO employees, job applicants and individuals performing services directly on the ISAO's behalf whether with or without compensation or benefit, excluding individuals providing services by way of service provision/third party contracts.

**4.7 Equal Treatment:** Equal treatment is treatment that brings about an equality of results and that may, in some instances, require different treatment. For example, to give all employees equal treatment in entering a building, it may be necessary to provide a ramp for an employee who requires the use of a wheelchair.

**4.8 Incident** An incident is an event or occurrence in which discriminatory and/or harassing behaviour is exhibited in the workplace. An incident includes situations where an individual knows or ought to have reasonably known that the behaviour is contrary to this policy. An incident may not have to be raised to management directly by a complainant (e.g., a manager is aware of sexualized banter between workers through observation or this information is raised to the manager by a third party but no one has come forward to complain).

**4.9 Incivility:** is not workplace harassment. It is subtle or overt, deviant behaviour where intent can be ambiguous. It is characterized by rude, discourteous interactions that display a lack of regard for others. Refer to [Resolving Conflict: Addressing Incivility and Preventing Workplace Harassment](#) (to be developed).

**4.10 Harassment:** Provisions regarding harassment are included in both the *Ontario Human Rights Code*, referred to as "*Code*-based Harassment", (see 4.11) and the *Occupational Health and Safety Act*, referred to as "*Workplace (non-Code) Harassment*", (see 4.12). It is a form of discrimination if it is *Code*-based Harassment. Harassment may result from one incident or a series of incidents. Harassment can occur between co-workers, between volunteers, between employees and volunteers, between management and employees/volunteers, between employees/volunteers and members of the Board of Directors, between employees/volunteers and vendors, between employees/volunteers and recipients of ISAO services, between employees/volunteers and ISAO members. (Note: Board members are considered volunteers.)

**4.11 Code-based Harassment:** defined in the *Ontario Human Rights Code* means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome based on one or more of the prohibited grounds listed in the *Ontario Human Rights Code*, that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful – see section 2.0 for a list of the prohibited grounds.

**Examples of Code-based harassment that is based on a prohibited ground include, but are not limited to:**

- slurs or derogatory remarks;
- threats;
- inappropriate jokes, innuendos, name-calling, teasing, embarrassing practical jokes;
- insulting gestures;
- displaying pin-ups, pornography, racist, homophobic or other offensive materials;
- use of electronic communications such as the internet and e-mail to harass;
- actions that invade privacy;
- spreading rumours that damage one's reputation;
- refusing to work with another;
- condescending or patronizing behaviour;
- abuse of authority which undermines performance or threatens careers;
- unwelcome touching, physical assault or sexual assault (refer also to the ISAO's Workplace Violence Policy)

There is no legal obligation for an individual to tell a harasser to stop. The fact that a person does not explicitly object to harassing behaviour, or appears to be going along with it does not mean that the behaviour is not harassing or that it has been consented to.

**4.12 (Non-Code) Workplace Harassment:** is harassment that is not related to a prohibited ground identified in the *Ontario Human Rights Code*. Workplace harassment, defined in the *Occupational Health and Safety Act* 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. It also includes Workplace Sexual Harassment - see section 4.13

Workplace harassment often involves a course or grouping of behaviours. However a single serious incident of such behaviour that has a lasting harmful effect on an employee may also constitute workplace harassment

This policy is not intended to interfere with constructive feedback regarding performance or operational directives provided to employees and volunteers by their supervisors, or management.

**Examples of workplace harassment include a pattern of:**

- frequent angry shouting/yelling or blow-ups
- regular use of profanity and abusive language

- verbal or e-mail threats (not including threats to exercise physical force which are covered by the workplace violence policy)
- intimidating behaviours - slamming doors, throwing objects
- targeting individual(s) in humiliating practical jokes,
- excluding, shunning, impeding work performance
- spreading gossip, rumours, negative blogging, cyber-bullying
- retaliation, bullying, sabotaging
- unsubstantiated criticism, unreasonable demands
- frequent insults and/or name calling
- public humiliation
- communication that is demeaning, insulting, humiliating, mocking
- intent to harm
- a single, serious incident that has a lasting, harmful impact

**Workplace harassment does not include:**

- legitimate performance/probation management
- appropriate exercise and delegation of managerial authority
- operational directives/direction of workers/volunteers or the workplace
- other reasonable action(s) taken by management and supervisors
- a disagreement or misunderstanding
- conflict between co-workers or volunteers
- work or volunteer assignment related change of location, co-workers/volunteers, job assignment
- appropriate discipline
- less than optimal management
- a single comment or action unless it is serious and has a lasting harmful effect
- rudeness unless it is extreme and repetitive
- incivility
- conditions in the workplace that generate stress (technological change, impending layoff, a new boss/supervisor, friction with other employees/volunteers, workload, etc.)

**4.13 Sexual Harassment:** Sexual harassment is a form of discrimination based on the prohibited ground of sex under the *Code*. It is also prohibited under the *Occupational Health and Safety Act*. Workplace sexual harassment means engaging in a course of vexatious comment or conduct against a worker in the workplace because of sex/sexual orientation/gender identity/gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. It also includes 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 or volunteer and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

**Sexual orientation:** Refers to the sex/gender of those to whom one is sexually and romantically attracted. Categories of sexual orientation typically have included attraction to members of one's own sex/gender, attraction to members of another sex/gender, and attraction to people of more than one sex/gender.

**Gender Identity:** is each person's internal and individual experiences of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender may be the same as or different from their birth-assigned sex.

**Gender Expression:** is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender

Examples of harassment related to the ground of sex, sexual orientation, gender expression and/or gender identity include but are not limited to:

- sexually suggestive or obscene remarks or gestures
- use of homophobic or transphobic epithets, slurs or jokes
- insults, comments that ridicule, humiliate or demean people because of their sex, sexual orientation, gender identity or expression.
- behaviour that polices and/or reinforces traditional heterosexual gender norms
- intrusive comments, questions or insults about a person's body, physical characteristics, gender-related medical procedures, clothing, mannerisms or other forms of gender expression.
- negative stereotypical comments about an individual's physical characteristics or mannerisms and/or behaviours that reinforce traditional heterosexual gender norms
- circulation or posting of homophobic, transphobic, sexist, derogatory or offensive signs, caricatures, graffiti, pictures, jokes or cartoons, display of pin-up calendars, objectifying images or other materials
- leering (suggestive staring) at a person's body,
- unwelcome physical contact,
- having to work in a sexualized environment (bragging about sexual prowess, or discussions about sexual activities),
- exercising power over another person, making them feel unwelcome or putting them 'in their place' – regardless of whether the behaviour is motivated by sexual interest
- spreading rumours about, "outing", or threatening to "out" someone
- refusing to refer to a person by their self-identified name and personal proper pronoun
- other threats, unwelcome touching, violence and physical assault

This policy is not intended to interfere with normal social interaction between employees and volunteers.

**4.14 Racial Harassment:** Racial harassment is harassment on the ground of race. It may also be associated with the grounds of colour, ancestry, where a person was born, a person's religious belief, ethnic background, citizenship or even a person's language. Racial harassment/discrimination can include:

- racial slurs or jokes
- ridicule, insults or different treatment because of your racial identity
- posting/e-mailing cartoons or pictures that degrade persons of a particular racial group



- name-calling because of a person's race, colour, citizenship, place of origin, ancestry, ethnicity or creed

**4.15 Mediation:** A confidential dispute resolution process, during which a neutral third party assists two or more parties to resolve conflict. It is a voluntary process where parties in dispute consent to meet with a trained mediator to determine whether the dispute can be resolved in a mutually satisfactory manner. Mediation discussions between parties are treated as private and confidential to the full extent permitted by law.

**4.16 Poisoned Work Environment:** A poisoned work environment is a form of indirect *Code* based harassment/discrimination. It occurs when comments or actions ridicule or demean a person or group creating real or perceived inequalities in the workplace. Pornography, pin-ups, offensive cartoons, insulting slurs or jokes, and malicious gossip (even when they are not directed towards a specific employee or group of employees) creating intolerable work conditions, have been found to “poison the work environment” for employees.

**4.17 Prohibited (Protected) Grounds:** Refers to the list of grounds for which a person or group is protected under the *Ontario Human Rights Code* and *Occupational Health and Safety Act*. See section 2.0 for a list of prohibited grounds. Under the *Code*, case law and this policy, there are protections where there is a perception that one of the prohibited grounds applies or where someone is treated differently because of an association or relationship with a person identified by one of the above grounds.

**4.18 Reasonable Person Test:** This is an objective standard to measure whether a comment or conduct is discrimination or harassment. It considers what a reasonable person's reaction would have been under similar circumstances and in a similar environment. It considers the recipient's perspective and not stereotyped notions of acceptable behaviour. This standard is used to assess human rights complaints under this policy.

**4.19 Respondent:** The person who is alleged to be responsible for the discrimination or harassment. There can be more than one respondent in a human rights complaint.

**4.20 Witness:** An individual who may be able to provide information about workplace comments/conduct that are alleged to have violated this policy. Witnesses are not entitled to investigation results or complaint details unless the disclosure is necessary for the purpose of investigating allegations.

**4.21 Workplace:** The workplace includes all locations where business or social activities of the ISAO are conducted including mutual travel associated with ISAO business. This Policy may apply to incidents that happen away from work (e.g., inappropriate social media posts, phone calls, e-mails or visits to an employee's home, incidents at luncheons, after work socials).

## **5.0 Harassment and Discrimination Prevention Resources**

All staff and volunteers are expected to be familiar with policy provisions and complaint resolution options

Human rights training is mandatory for supervisors and management

### **Procedures (To be developed)**

Human Rights and Anti-Harassment/Discrimination Complaint Procedures

Harassment/Discrimination Complaint Form

Resolving Conflict: Addressing Incivility and Preventing Workplace Harassment .