

Non-Discrimination & Harassment Policy

1 - Purpose

This policy is intended to communicate United Way Toronto's (UWT's) 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, same-sex partnership status, family status, disability and record of offences.

2 - Scope

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

For the purpose of this policy, workplace means:

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

3 - Policy

UWT 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. UWT 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, language, citizenship, creed, sex, sexual orientation, marital status, family status or mental or physical disability.

Harassment means any unwelcome, vexatious comment or conduct, or words or actions that disparage or cause humiliation, offence or embarrassment to another person, and includes sexual harassment.

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Sexual harassment means one or a series of incidents involving unsolicited and unwelcome conduct of a sexual nature and includes:

- ▶ unwelcome sexual advances (verbal, written or physical);
- ▶ requests or demands for sexual favours;
- ▶ any other type of sexually-oriented conduct; or
- ▶ verbal abuse or joking of a sexual nature

Workplace harassment is not limited to incidents that occur in UWT 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 he or she has 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

In many situations, simply informing the person that his or her 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 Human Resources

A complainant who is uncomfortable speaking to the individual directly or would like advice on how to proceed may consult his/her supervisor or Human Resources (HR) for guidance and assistance.

3. Consulting an Advisor

Advisors are employees of UWT who are trained to answer questions about harassment, help clarify the options available and to assist in the informal resolution process. An Advisor will not make a decision as to whether the policy has been breached. Such a decision can only be made as part of the formal complaint process described below.

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After a discussion with an Advisor, the complainant may wish to have the Advisor address the matter informally with the individual or accompany him/her in doing so. The Advisor may, with the agreement of the complainant and the person whose behaviour is a concern, arrange mediation in an attempt to resolve the matter.

The Advisor will confer with the Director, Human Resources and Organizational Development (Director of HR) prior to resolving the matter. He/she may also discuss the matter confidentially with other Advisors. In particularly serious circumstances (e.g. where there are previous complaints or incidents involving the person complained of or in cases involving allegations of inappropriate physical contact), the Advisor may request that the Director of HR initiate a formal investigation of the matter.

The Advisor's notes will be sent to the Director of HR and will be kept separately from the employee files.

Advisors are:

Florence Libby	x302
Kristi Piekny	x637
Irshad Osman	x344
Leslie-Ann Valley	x639
Elaine Grey	x259

The complainant is not required to undertake an informal resolution process and may file a formal complaint at any time.

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 Director of HR. If the complaint is made against the Director of HR, the complaint should be sent to the Chief Operating Officer (COO). Any complaint about the COO should be made to the President and CEO (CEO). Allegations against the CEO should be reported 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.

REVIEW PROCESS

Frequency: Annually

Reviewer: Human Resources

Last updated on: September 28, 2011

Date of next review: October 2012

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The complainant may seek the assistance of an Advisor in drafting the formal written complaint relating to harassment, however, an Advisor cannot deal with a formal complaint or its investigation.

Upon receipt of a formal written complaint, the Director of HR 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 Director of HR 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 Director of HR will begin an investigation.

Investigation

An investigation will be initiated by the Director of HR within thirty (30) days after a formal complaint is received.

If the complaint is against the Director of HR, the COO will appoint an investigator. If the complaint is against the COO, the CEO will decide on the 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 UWT to investigate, receive the investigative findings and determine appropriate action.

At its sole discretion, UWT 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 Director or HR will interview all concerned parties and review any supporting documents. He/she 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 COO and 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 his/her 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.

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

Confidentiality

UWT 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.

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 UWT 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, UWT encourages that there be serious attempts made to pursue resolution amongst the parties directly involved. The above policy is intended to facilitate such resolution.