

Name of Policy	Anti-Discrimination & Anti-Harassment [see also: Grievance; Whistleblower Protection]	
Author/Lead	HR Manager	
Revision Date: March 24, 2015	Addition of Prohibited grounds, clarified investigator appointment	
SMT Approval Date	March 24, 2015	
Effective Date	July 10, 2013	
Location (manual/handbook)	HR Policy & Procedure Manual; HR Drive	
Applicable to (who)	All employees PT, FT, Casual, volunteers, contractors	
Mode of Communication to above	Manual; HR Drive	
Legal and Other References	Occupational Health and Safety Amendment Act (Dec. 2009), Ontario Human Rights Code, Accessibility for Ontarians with Disabilities Act, Dispute Resolution and Whistleblower Protection Policies	
COA Standards	CA-HR 1 Work Environment	
Next Review Date (biannually)	March-April 2017	

POLICY:

Pine River institute (PRI) is committed to providing an environment free of discrimination, harassment and workplace violence, in which all individuals are treated with respect and dignity, are able to contribute fully, and have equal opportunities. Harassment and discrimination will not be tolerated, condoned, or ignored at PRI.

PRI has a comprehensive strategy to address discrimination, harassment and workplace violence, including training and education to ensure that everyone is aware of his/her rights and responsibilities; regular monitoring of organizational systems for barriers based on the Ontario Human Rights Code, Accessibility for Ontarians with Disabilities Act and the Occupational Health and Safety Act; providing an effective grievance procedure; and promoting appropriate standards of conduct at all times.

Definitions:**Prohibited Grounds:**

- Race
- Colour
- Ancestry
- Creed (religion)
- Place of Origin
- Ethnic Origin
- Citizenship
- Sex (including pregnancy, gender identity)
- Sexual Orientation
- Age
- Marital Status
- Family Status

Receipt of Public Assistance

Discrimination: means any form of unequal treatment based on the above, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. Discrimination may take obvious forms, or it may occur in very subtle ways. In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy.

Harassment: means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning, or unwelcome, based on a ground of discrimination identified by this policy. Harassment can occur on any of the grounds noted above.

Examples of harassment include, but are not limited to:

- epithets, remarks, jokes or innuendos related to an individual's race, sex, disability, sexual orientation, creed, age, appearance;
- display or circulation of offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means;
- singling out an individual for humiliating or demeaning "teasing" or jokes because they are a member of a protected group, and
- comments ridiculing an individual because of characteristics, dress etc. that are related to a ground of discrimination.

The fact that a person does not explicitly object to harassing behaviour, or appears to be accepting of it, does not mean that the behaviour is not harassing or is acceptable.

Sexual Harassment: sexual harassment is a form of harassment that can include:

- gender-related comments about an individual's physical characteristics or mannerisms;
- paternalism based on gender which a person feels undermines his or her self-respect or position of responsibility;
- unwelcome physical contact;
- suggestive or offensive remarks or innuendoes about members of a specific gender;
- propositions of physical intimacy;
- gender-related verbal abuse, threats or taunting;
- leering or inappropriate staring;
- bragging about sexual prowess or questions or discussions about sexual activities;
- offensive jokes or comments of a sexual nature about an employee or client;
- rough and vulgar humour or language related to gender;
- display of sexually offensive pictures, graffiti or other materials, including through electronic means, and
- demands for social activities or connections or sexual favours.

Sexual Solicitation: this policy prohibits sexual solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient of the solicitation or advance. This includes managers and supervisors, as well as co-workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also prohibited.

Poisoned environment: a poisoned environment is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory work environment such that it can be said that it has become a term and condition of one's employment to have to be in such a workplace. The comments or conduct need not be directed at a specific individual, and may be from any individual, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

PROCEDURES:

- Managers and supervisors, with the assistance of Human Resources, will ensure that all employees are familiar with this policy and understand their rights and responsibilities.
- All persons involved with PRI are expected to uphold and abide by this policy, by refraining from any form of harassment or discrimination, and by cooperating fully in any investigation of a harassment or discrimination complaint.
- Managers and supervisors have the additional responsibility to act immediately on observations or allegations of harassment or discrimination. Managers and supervisors are responsible for creating and maintaining a harassment-free and discrimination-free organization, and are expected to address potential problems immediately.
- No person shall be negatively treated for bringing forward a complaint, providing information related to a complaint, or assisting in the resolution of a complaint. It is a violation of PRI policy to discipline or punish a person because he/she has brought forward a complaint, provided information related to a complaint, or otherwise been involved in the complaint resolution process, unless during the course of the investigation there is clear evidence that the complaint or information provided was done so in bad faith, or with a vexatious or frivolous intent or nature. Alleged reprisals may be the subject of a complaint under this procedure, and persons engaging in reprisal are subject to disciplinary measures, up to and including termination of employment.
- In the event of a complaint, the Manager, Human Resources will provide information concerning rights and responsibilities, and discuss the situation if the employee(s) so wish. The HR Manager will not act as an advocate for any person, will not provide legal advice, and will maintain the confidentiality of communications with all those involved, unless required to disclose information under a legal obligation.
- Where appropriate, complainants will be encouraged to communicate their concerns to the person(s) deemed to be harassing or discriminating against them (the respondent(s)). If a complainant feels that he/she can safely make it known to the respondent(s) that the behaviour is unwelcome, this may resolve the matter, or may assist him/her in the event that a formal complaint is filed. The complainant should never feel obliged to confront the respondent, against his/her better judgement.
- If the situation cannot be resolved by communicating with the respondent, a complaint may be filed with either the complainant's supervisor, or the manager of human resources.

- Where possible, the complaint should be made in writing, including details of:
 - What happened – a description of the events or situation
 - When it happened – dates and times of the events or incidents
 - Where it happened
 - Who saw it happen – the names of witnesses, if any.
- The Manager, Human Resources will receive the complaint and will notify the respondent(s) of the complaint, and provide the respondent(s) with a copy of the written complaint.
- If necessary, the complainant or the respondent will be placed on a paid leave of absence, moved to a different location within the organization, or provided with alternative reporting relationships. The decision will be made on a case-by-case basis, following the principle that the complainant will not be penalized for making the complaint.
- Where appropriate, the Manager, Human Resources will offer the parties an opportunity to mediate the complaint. No person will be required to undertake mediation. Mediation will be conducted by a mutually agreed upon neutral third-party mediator. Mediation may take place at any stage during the complaint process.
- Every person who believes he or she has experienced harassment or discrimination, and every person who has been notified of a complaint against them, is advised to keep a written record of the events at issue, as well as maintaining any relevant written documentation.
- Advisors, investigators, mediators, and persons receiving complaints will, to the extent possible, protect the confidentiality and privacy of persons involved in a complaint, subject to the requirements of a fair investigation and resolution process.
 - All documents related to a complaint, including the written complaint, witness statements, investigation notes and reports, and documents related to the complaint, will be securely maintained by the Human Resources Department, separate from personnel files.
 - The investigator, usually but not always, the HR Manager is responsible for ensuring a thorough, fair and impartial investigation of the allegations in the complaint. When a conflict of interest prevents the HR Manager from conducting the investigation the CEO will appoint the investigator. The investigator will interview the complainant, the respondent(s), and relevant witnesses suggested by the complainant and/or respondent(s), as well as gather documents relevant to the matters in the complaint.
 - All PRI staff are required to cooperate with the investigator.
 - The investigator will, wherever possible, complete the investigation within 90 days of the receiving the assignment.

- At the conclusion of the investigation, the investigator will prepare a written report summarizing the allegations.
- Based on the findings in the investigator's report, the Executive Director of Operations will make a decision as to whether the policy has been violated. In situations where the Executive Director of Operations was the Respondent or a witness in the investigation than the CEO will make the decision.
- If it is determined that the policy has been violated, the Executive Director of Operations (or CEO if the EDO has been recused from the process) will determine the appropriate consequences for the person(s) who have violated the policy. These may include:
 - an apology
 - counselling
 - education and training
 - verbal or written reprimand
 - suspension with pay
 - transfer
 - termination of employment
- In determining the appropriate consequences, the Executive Director of Operations (or CEO) shall take into account the totality of the circumstances including the nature of the violation of the policy, its severity, and whether the individual has previously violated the policy.
- Where a violation of the policy is found, the Executive Director of Operations (or CEO) and the Human Resource Manager shall also take appropriate actions to attempt to repair the effects of the discrimination or harassment on the complainant, and to prevent any further recurrences of harassment or discrimination within the organization.
- The Human Resources Manager is responsible for monitoring the outcome of the complaint.
- Where an investigation is undertaken, the complainant and the respondent(s) will each be provided with a copy of the investigator's report, findings and outcome.
- Where a complainant is dissatisfied with the outcome of the complaint, he/she will be reminded of his/her rights under the Ontario Human Rights Code and the Ontario Occupational Health and Safety Act.