



Subject: Respectful Workplace; Discrimination and Harassment Policy and Prevention Program

1. COMMITMENT AND PURPOSE

- 1.1. The Laurentian University Students' General Association (SGA) is committed to providing an environment free of discrimination and harassment, in which all individuals are, treated with respect, dignity, are able to contribute fully, and have equal opportunities.
- 1.2. The Laurentian University Students' General Association is, committed to a comprehensive strategy to address harassment and discrimination, including the provision of training and education to ensure that everyone knows his or her rights and responsibilities; regular monitoring of organizational systems for barriers that disadvantage people; providing an effective and timely fair complaints procedure that least disrupts the working relationship; and promoting appropriate standards of conduct at all times.
- 1.3. Under the Ontario Human Rights Code, the Occupational Health & Safety Act, and Section 15 of the Canadian Charter of Rights and Freedoms, every person has the right to freedom from harassment and discrimination. Harassment and discrimination will not be, tolerated, condoned, or ignored at the Laurentian University Students' General Association.
- 1.4. If a claim of harassment, discrimination or inappropriate behaviour is proven, corrective action and/or disciplinary measures will be, applied up to and including termination of employment.
- 1.5. The purpose of this Policy is to:
 - 1.5.1. Ensure that all Employees, External Clients, Suppliers and Service Providers are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of the Laurentian University Students' General Association, as well as being a violation of the law.
 - 1.5.2. Set out the SGA's objectives for preventing harassment and discrimination, and the principles and standards for behaviours.
 - 1.5.3. Identify and set out the types of behaviour that may be considered offensive and the types of behaviour that are prohibited, including the prohibited grounds as listed in the Ontario Human Rights Code, and as defined in the Occupational

Health & Safety Act and Section 15 of the Canadian Charter of Rights and Freedom.

1.6. This Policy will provide:

- 1.6.1. support for a positive and respectful workplace that is free from discrimination and harassment;
- 1.6.2. a process for preventing, identifying and correcting actions that, left unattended, would result in employment related discrimination or harassment;
- 1.6.3. all Employees, External Clients, Suppliers and Service Providers with guidelines, to bring forward immediately, any complaint or concern of discrimination or harassment.

1.7. This Policy is reviewed on an annual basis.

2. SCOPE AND APPLICATION

2.1. This Policy applies to:

- 2.1.1. All Employees of the Laurentian University Students' General Association, External Clients, Suppliers and Service Providers.
- 2.1.2. Discrimination or Workplace Harassment in any aspect of employment including recruitment, selection, promotion, transfers, training, salaries, benefits, rates of pay, overtime, hours of work, holidays, discipline, performance evaluations, and termination.

2.2. This Policy regulates behaviours and practices based on the Ontario Human Rights Code prohibited grounds, the Occupational Health & Safety Act, and Section 15 – Equality of Rights under the Canadian Charter of Rights and Freedoms, and also regulates the following:

- 2.2.1. Employment related discrimination or harassment that occurs inside or outside of the physical workplace. The workplace includes all locations where business or social activities of the Corporation are conducted. Workplace harassment can also include unwelcomed phone calls or visits to a person's home. It could also include derogatory and/or inappropriate, unwelcomed comments posted on a website (e.g. Facebook, MySpace, Blogging Site, etc.).
- 2.2.2. Employment related discrimination or harassment of a person because of his/her relationship, association or dealings with another person identified by a prohibited ground under this Policy, or because a person is believed to be a member of a group covered by a prohibited ground under this Policy.
- 2.2.3. Sexual Harassment / Sexual Solicitation
- 2.2.4. Discrimination and/or harassment because of an individual's Sexual Orientation

- 2.2.5. Creating, contributing to or condoning discrimination, harassment or a poisoned work environment.
- 2.2.6. Failure of Management in keeping with its authority, to respond adequately to information about discrimination, harassment, or poisoned work environment, which may be considered condoning of discrimination and/or harassment.
- 2.2.7. Interference with an investigation; intimidating a Complainant (the person making the complaint) or Respondent (the person against whom a complaint is made) or witness or influencing a person to give false or misleading information.
- 2.2.8. Threatening, or actually retaliating against an employee for exercising a right under this Policy, or against any other person who is performing a legitimate role under this Policy.
- 2.2.9. A malicious or bad faith allegation, complaint or accusation by an employee that someone else has violated this Policy.

3. DEFINITIONS & EXAMPLES

3.1. **Grounds under the Ontario Human Rights Code** – The prohibited grounds covered by the Ontario Human Rights Code are as follows:

3.1.1. Age; Creed (Religion); Sex (including pregnancy and breastfeeding); Gender Identity; Sexual Orientation, Family status; Marital status (including the status of being married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship); Disability (including mental, physical, developmental or learning disabilities); Race; Ancestry; Place of Origin; Ethnic Origin; Citizenship; Colour; Record of Offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received); Association or relationship with a person identified by one of the above grounds; Perception that one of the above grounds applies.

3.2. **Discrimination** means unequal treatment based on a Code ground, 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.

3.2.1. An example of direct actions “**discriminatory on their face**” would be telling someone you would not hire them because of their race. An example of discrimination that appears to be “**neutral**” (also known as systemic) would be when, you advertise for a Receptionist position, and one of the requirements you ask for is that the individual possess a valid driver’s license. By having this requirement, you disadvantage people with certain disabilities (i.e. visually impaired, or possibly people in wheel chairs etc.) from applying. The requirement for a driver’s license is not necessary for the person to perform the

main duties of the position, as there are no duties identified on the job description that, would call for, the person to drive.

3.3. **Harassment** means engaging in a course of vexatious comment or conduct 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, and unwelcome, based on a ground of discrimination identified by this Policy. Harassment can occur on any of the grounds of discrimination. Examples of harassment include:

- a. Epithets, remarks, jokes or innuendos related to an individual's race, sex, disability, sexual orientation, creed, age, or any other ground;
- b. Display or circulation of offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means;
- c. Singling out an individual; humiliating; demeaning; teasing or making jokes because they are a member of a protected group;
- d. Comments ridiculing an individual because of characteristics, dress etc. that are related to a ground of discrimination.

3.4. **Workplace Harassment** – The Ontario Occupational Health & Safety Act defines Workplace Harassment as “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”. Examples of Workplace Harassment may include but are not limited to the following:

- a. Behaviour, which affects work negatively such as the misuse of authority; acting toward people in a way that makes them lose self-respect or cause personal embarrassment;
- b. A range of behaviour or speech that is offensive, threatening, degrading, or debilitating to the recipient and may include verbal or physical abuse, threats, derogatory, unwelcomed or hurtful remarks, jokes, innuendo, taunts; gossip that is hostile or unwanted; (**Note: Physical abuse and threats of violence will be dealt with separately under the Workplace Violence Policy and Prevention Program**)
- c. Retaliation or threatening to retaliate against an employee for having invoked this Policy, having participated or cooperated in any inquiry under this Policy, or having been associated with an employee who has done so; or retaliation or threatening to retaliate against an employee for invoking his/her rights under other policies, the employment contract or a collective agreement;
- d. Repeated/persistent, conduct, comments, actions or gestures towards one or more individuals which involved a perceived power imbalance, and when taken in isolation seems minor but when repeated can create a toxic or unhealthy work environment;
- e. A single incident of sufficient seriousness to have a significant impact on the recipient or the work environment;
- f. Affects the employee's dignity, wellbeing, or psychological integrity;

- g. Bullying or intimidation;
- h. Yelling or shouting (Except where intended to alert another to danger);
- i. Attempting to discredit an employee by spreading false information about him/her, or spreading personal information to discredit him/her (i.e. gossip).

3.5. **Sexual Harassment** – A form of harassment that can include:

- a. Gender-related comments about an individual's physical characteristics or mannerisms;
- b. Paternalism based on gender, which a person feels, undermines his or her self respect or position of responsibility;
- c. Unwelcome physical contact;
- d. Suggestive or offensive remarks or innuendoes about members of a specific gender;
- e. Propositions of physical intimacy;
- f. Gender-related verbal abuse, threats or taunting;
- g. Leering or inappropriate staring;
- h. Bragging about sexual prowess or questions or discussions about sexual activities;
- i. Offensive jokes or comments of a sexual nature about an employee or client;
- j. Rough and vulgar humour or language related to gender;
- k. Display of sexually offensive pictures, graffiti or other materials, including through electronic means;
- l. Demands for dates or sexual favours.

3.6. **Sexual Solicitation** – 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.

3.7. **Poisoned Environment** – A poisoned environment is created by unwelcomed comments or conduct that when repeated or persistent, create a toxic and/or unhealthy work environment. 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.

3.8. Wherever the word "harassment", is used in this policy, it shall mean behaviours prohibited by the Ontario Human Rights Act, and/or the Ontario Occupational Health & Safety Act, and/or under Section 15 (Equality Rights) of the Canadian Charter of Rights and Freedoms.

4. EXPLANATORY NOTE

- 4.1. The fact that a person does not explicitly object to inappropriate behaviour, or appears to be going along with it does not mean that the behaviour is not inappropriate, and does not mean that it has been assented to.
- 4.2. It is not, inappropriate behaviour when a supervisor gives legitimate directions, instructions or discipline to an employee in the course of employment or conducts performance reviews in accordance with the Laurentian University Students' General Association's normal procedures.

5. PREVENTION, COMMUNICATION & EDUCATION

- 5.1. Executives, Managers and Supervisors, must communicate with all employees about this Policy and the general effect of discrimination and harassment in the workplace.
- 5.2. Employees are, informed of their rights and responsibilities under this Policy and must be educated about the processes available.
- 5.3. Employees must ensure that they are knowledgeable about this Policy to ensure that they are not in violation of such.
- 5.4. This policy will, be reviewed on an annual basis.

6. MULTIPLE REDRESS

- 6.1. Employees may file a complaint under the Ontario Human Rights Tribunal, or Ministry of Labour. Process and time limits shall be in accordance with the specific legislation under which the complaint has been, filed.

7. RESPONSIBILITIES – SENIOR MANAGEMENT

- 7.1. The Executive Director is responsible for monitoring remedies in formal investigations and reporting to the Executive.
- 7.2. The Executive Director is responsible for:
 - 7.2.1. Interpreting this Policy and providing advice, procedures, guidelines, educational materials, and information about resources;
 - 7.2.2. Developing and implementing corporate education and communication strategies for this Policy;
 - 7.2.3. Specifying reporting requirements, monitoring Policy implementation and recommending improvements;
 - 7.2.4. Ensuring managers and supervisors have access to information on qualified human rights consultants;

- 7.2.5. Providing leadership in creating and maintaining a workplace free of discrimination and harassment;
- 7.2.6. Ensuring those managers, supervisors and others responsible for implementing this Policy are held accountable for doing so;
- 7.2.7. Ensuring that managers and others responsible for implementing this Policy have the appropriate knowledge, skills and resources;
- 7.2.8. Ensuring that remedies to violations of this Policy will create or restore a workplace, which is free of discrimination and harassment;
- 7.2.9. Receiving investigation reports relevant to their area and deciding on remedies or corrective actions;
- 7.2.10. Ensuring effective and consistent implementation of settlements, remedies and corrective actions/disciplines;
- 7.2.11. Monitoring time frames and implementing this Policy in all departments.

8. RESPONSIBILITIES – MANAGERS & SUPERVISORS

8.1. Managers and supervisors are responsible for:

- 8.1.1. Effectively managing the workplace to ensure that it is free from discrimination and harassment; including clarifying the type of workplace behaviour expected under this Policy;
- 8.1.2. Ensuring all employees know that discrimination and harassment will not be tolerated;
- 8.1.3. Ensuring that all employees know their rights and responsibilities under this Policy, including ways in which allegations of discrimination and harassment can be resolved;
- 8.1.4. 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 written or brought to their attention;
- 8.1.5. Advising employees not to threaten or retaliate against any Complainant, Respondent or witness to a complaint;
- 8.1.6. Declaring a potential conflict of interest in relation to an alleged violation of this Policy where the manager or supervisor is, or may be perceived to be, either condoning or directly involved with an alleged violation; in such a case, another manager or supervisor must take over responsibilities associated with a resolution;

- 8.1.7. Co-operating with investigators to enable the investigation to be completed in a timely manner (for example, ensuring availability of witnesses and the confidentiality of information);
- 8.1.8. Restoring or improving workplace relationships when either Policy violations or resolution processes have disrupted these relationships.

9. RESPONSIBILITIES – GENERAL

- 9.1. All Employees have a responsibility to ensure that the working environment is free from workplace harassment and discrimination by:
 - 9.1.1. 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;
 - 9.1.2. Adhering to the Policy and expectations of the Corporation;
 - 9.1.3. Respecting the confidentiality of the situation;
- 9.2. Employees are encouraged to tell alleged offenders about unwelcome conduct or actions perceived to be discriminatory;
- 9.3. Immediate reporting of a complaint is encouraged so effective investigation can be done. Situations older than six months that come to management's attention may be addressed if there were strong reasons for an employee not acting sooner and if appropriate resolution is feasible given the passage of time.

10. Contractors & Service Providers Responsibilities

- 10.1. Contractors, subcontractors and Service Providers are not direct employees of the SGA. However, their presence in the SGA's workplace necessitates that they follow legislation, policies and procedures that would otherwise apply to employees.

11. WORKPLACE HARASSMENT COORDINATOR / INVESTIGATOR

- 11.1. The role of the Workplace Harassment Coordinator shall be the responsibility of the Executive Director.
- 11.2. The Executive Director has experience in handling dispute resolution, and is knowledgeable of this Policy and its application.
- 11.3. The Executive Director will ensure that all information is kept in the strictest of confidence, unless required to disclose the information under a legal obligation.
- 11.4. An Investigator is an individual with expertise in Human Rights as well as in investigation techniques, and is not an employee of the SGA.

- 11.5. Where a possible violation is to be addressed through the Formal Investigation Process, the SGA will appoint an Investigator. The Investigator's roll will be to determine through an investigation process, if this policy has been breached.

12. COMPLAINT / RESOLUTION PROCESS

- 12.1. Any person who believes he or she has been subjected or witness to discrimination and/or harassment, or any of the inappropriate behaviours prohibited by this Policy have the right to file a complaint or seek resolution.

- 12.2. There are two forms of resolution available:

12.2.1. **Informal Resolution** – Involves a direct discussion with the Complainant and the Respondent.

(a) The Manager / Supervisor meet with both the Complainant and Respondent in order to resolve the complaint.

(b) Where the complaint is against the Manager / Supervisor, another member of Management or the Executive Director may assist in the resolution process.

(c) The Complainant may request to have the Executive Director conduct a meeting as opposed to the Manager / Supervisor.

12.2.2. **Formal Resolution** – An Investigator is appointed and a formal investigation of the complaint is conducted.

13. INFORMAL RESOLUTION PROCESS

- 13.1. The purpose of the Informal Resolution Process is to encourage the parties to resolve their disputes informally and restore a positive and respectful working environment.

- 13.2. Informal Resolution will not result in disciplinary action or punishment.

- 13.3. The Informal Resolution Process is intended to be flexible, allowing settlement to be made quickly at the level where the dispute occurred, thereby avoiding the Formal Resolution Process.

- 13.4. If a dispute is resolved through the Informal Resolution Process, no report is placed in the individuals personnel file.

- 13.5. Informal Resolution is **NOT** appropriate where:

- a. The dispute is a serious case of harassment and/or discrimination;
- b. The dispute, if proven, warrants disciplinary action;
- c. The Complainant and Respondent differ substantially on the facts;
- d. Where similar complaints have been brought against the Respondent in the past;

- e. The dispute threatens the security, health or safety of an individual or group or places them at risk;
 - f. The dispute involves possible offences under the Criminal Code or other Federal or Provincial Statutes.
- 13.6. If an individual, feels that addressing the complaint with the person responsible through Step A below, could lead to an escalation of the harassment/discrimination, or if there are safety risks, or there is a power imbalance, or fear of reprisal, the employee is encouraged to seek an alternate step in the resolution process.
- 13.7. **Informal Resolution Step A** - Wherever possible, employees are encouraged to speak directly to the alleged offender and explain to them that the conduct is unwelcome, and try to resolve the issues themselves.
- 13.8. **Informal Resolution Step B** - If the Complainant does not feel comfortable speaking directly to the Respondent or prefers not to, a Manager/Supervisor may be asked to assist in a discussion to resolve the issues. Such involvement is considered a normal management responsibility.
- 13.9. **Informal Resolution Step C** - If the Complainant and/or Respondent prefer to have the assistance of the Executive Director help in facilitating a resolution, they must advise their Manager/Supervisor of such and contact the Executive Director.

14. FORMAL RESOLUTION PROCESS

- 14.1. The Formal Resolution Process will be entered into if:
- a. The Informal Resolution Process has been attempted without resolution; or
 - b. If there is a significant power imbalance between the Complainant and the Respondent; or
 - c. If an individual feels that addressing the complaint with the person responsible through Step A, could lead to an escalation of the harassment/discrimination, or if there are safety risks, or if there is fear of reprisal; or
 - d. In the judgement of the Executive Director, the issues alleged in a complaint fall into one of the categories described in Paragraph 13.6;
 - e. The Complainant or Respondent requests a formal investigation and has sufficient documentation to support his/her request.
 - f. A formal complaint shall be made in writing. The Complainant shall use the Respectful Workplace; Discrimination & Harassment Complaint Form to assist them with the documentation of the complaint.
- 14.2. The documentation should include details of the following:
- a. What Happened – A description of the events or inappropriate behaviour that has led to the complaint.
 - b. When it Happened – Dates and times of the events or incidents
 - c. Who Saw What Happened – The names of witnesses if any

- d. Where it Happened
 - e. The reason you believe the behaviour is in violation of this Policy.
- 14.3. The formal complaint must be submitted to the Complainant's Manager/Supervisor, or, the Executive Director.
- 14.4. The Manager/Supervisor upon receipt of the formal complaint (whether verbally or in writing) shall immediately notify the Executive Director. In the case where the employee has first advised the Executive Director of the complaint, the Executive Director will advise the Department Head/Manager that a complaint has been received.
- 14.5. The Executive Director will meet with the Complainant and his/her Manager/Supervisor, to discuss the complaint and the process that will be followed as the complaint is investigated. If the Complainant has not put his or her complaint in writing, they will be requested to do so.
- 14.6. The Executive Director will then meet with the Respondent, his/her Supervisor, to advise that a formal complaint has been filed, and advise of the process that will be followed as the complaint is investigated.
- 14.7. The Executive Director will provide the Respondent with a copy of Part 1 of the Respectful Workplace; Discrimination & Harassment Complaint Form that was provided by the Complainant.
- 14.8. The Respondent will have the opportunity to respond in writing to the formal complaint using the Response to a Respectful Workplace; Discrimination & Harassment Complaint Form, prior to meeting with the Investigator.
- 14.9. Depending on the nature and severity of the complaint, it may be necessary to move the Complainant or Respondent to a different location; provide an alternative reporting relationship; move to a different shift, or placed on a paid leave of absence. Decisions of this nature will be made on a case-by-case basis by the Executive Director or the Supervisor, and will not be considered as a penalty to the Complainant or Respondent.
- 14.10. If the Complainant refuses to put the complaint in writing, or requests that the complaint be withdrawn, the Executive Director will determine whether to proceed with an investigation into the alleged allegations.

15. FORMAL INVESTIGATION PROCESS

- 15.1. The SGA will appoint an Investigator. The Investigator will review the complaint and advise the Executive Director as to the approximate length of time required to complete the investigation.
- 15.2. The Investigator will interview both the Complainant and the Respondent(s) alleged to have engaged in the discrimination/harassment or inappropriate behaviour.

- 15.3. The Respondent(s) will have ample time with the Investigator to respond to the alleged allegations.
- 15.4. The Investigator will also interview any relevant witnesses identified by either the Complainant or the Respondent(s), and gather any relevant documents.
- 15.5. The Investigator will take proper notes during the interviews. Individuals will have the opportunity to review the notes taken during their interview and will sign the documentation indicating that the facts as they know them have been documented correctly.
- 15.6. The Investigator may establish his/her own practice and procedures subject to the requirements of this Policy and to the requirement that his/her decision is fair and unbiased.
- 15.7. The Investigator will prepare a written report summarizing the allegations and the investigation results indicating whether or not the complaint is well founded, and will forward the report to the Executive Director.
- 15.8. The Investigator may include in the written report their recommendation for training or mediation of the Complainant and/or Respondent. However, in no case unless specifically requested by the Executive Director, shall the Investigator make a recommendation with respect to discipline or termination.
- 15.9. The Executive Director will discuss the report with the Supervisor and/or Manager of the Complainant and Respondent and will recommend what if any corrective action including discipline up to termination should be implemented.
- 15.10. The Executive Director and/or the Investigator shall meet with all parties involved and review the Investigator's report. Both the Complainant and Respondent will receive a copy of the report.
- 15.11. The Executive Director and the Manager/Supervisor of the employees involved, will be responsible for monitoring the outcome of the complaint.

16. TIME FRAMES

- 16.1. Every effort will be made to conduct the investigation and report the findings in a timely fashion.
- 16.2. The investigation process and anticipated timelines will be discussed with all parties involved.

17. CORRECTIVE ACTION & DISCIPLINE

17.1. If it has been determined that an employee has violated this Policy, corrective action and/or discipline shall be implemented.

17.2. Corrective Action/Discipline may be one or a combination of the following, but is not limited to the following:

- a. A Written Apology
- b. Counselling / Mediation
- c. Education & Training
- d. Written Reprimand
- e. Suspension without Pay
- f. Transfer
- g. Termination of Employment

17.3. The level of corrective action and/or discipline will depend on the nature and severity of the complaint.

17.4. Regardless of whether the complaint is founded or unfounded, if the investigation reveals broader issues that need to be addressed, the SGA will take the necessary steps to address those issues.

17.5. Where there is objective evidence to show that the complaint was maliciously filed, with intent to injure or mislead, the Complainant will be subject to disciplinary action up to and including termination of employment.

17.6. The employee will be given written notification of the corrective action and/or discipline being imposed. Such decision is final with the exception of the following:

- 17.6.1. A employee may appeal the corrective action and/or discipline imposed through the Complaint Resolution Process outlined in the Exempt Working Condition Policies.

18. CONFIDENTIALITY AND RECORD KEEPING

18.1. Information regarding a complaint under this Policy will only be shared with those who need to know.

18.2. Individuals are to ensure that they refrain from discussing the complaint or information they have knowledge of through the informal or formal investigation process with anyone not involved in the investigation process.

18.3. During the investigation process, the Complainant, Respondent and witnesses are to refrain from discussing the complaint or any other information related to the complaint or investigation process with anyone other than the Investigator. The Executive Director may request that the Investigator keep all records regarding witness statements.

- 18.4. All documents related to a complaint, including the written complaint, witness statements, investigation notes/reports, and documents related to the complaint, will be securely maintained by the Executive Director.
- 18.5. The Complainant and Respondent will each receive a copy of the complaint and response to the complaint. They will also receive a copy of their statement as taken by the Investigator. Both the Complainant and Respondent are to ensure they keep this information confidential and do not share it with anyone other than their representative, or as may be required by law. Representatives are to ensure that they keep all information confidential, except when required to disclose such information by law.
- 18.6. A Complainant, Respondent and/or witness, may request a copy of his/her personal statement given to and recorded by, the Investigator. Where information is required by law (e.g. Subpoena in relation to a Grievance, Board of Arbitration and/or with respect to a possible violation of the Criminal Code), release of such information gathered through the Informal and/or Formal Process will be in accordance with the law.

19. REPRISALS

- 19.1. The SGA protects all Employees, External Clients, Suppliers and Service Providers, from acts of reprisal, for filing a complaint, or having provided information regarding a complaint. Allegations and acts of reprisal will be, subjected to the same process as a complaint of discrimination or harassment.
- 19.2. Allegations and acts of reprisal will be subjected to the same process as a formal investigation, and shall be subject to any corrective action and/or discipline.

20. EXTERNAL CUSTOMERS, SUPPLIERS AND SERVICE PROVIDERS

- 20.1. External Customers, Suppliers and Service Providers are to ensure that they do not discriminate, harass, or exhibit inappropriate behaviour as described herein, towards any Employee of the SGA.
- 20.2. If an External Customer, Supplier or Service Provider is found to have discriminated, harassed, or acted in an inappropriate way, toward an Employee of the SGA, the SGA will take appropriate action, up to and including, the filing of a claim with the Ontario Human Rights Tribunal, the Ministry of Labour, the Police and/or a Court of Law.
- 20.3. External Customers, Suppliers or Service Providers who believes he or she has been subjected to or witness of discrimination and/or harassment, or any of the inappropriate behaviours prohibited by this Policy have the right to file a complaint with the SGA.
- 20.4. External Customers, Suppliers or Service Providers who wish to file a complaint under this Policy, shall contact the Executive Director, and shall provide to them, a copy of the complaint in writing. The written complaint shall contain the information as listed in Paragraph 14.2 of this Policy.



RESPECTFUL WORKPLACE

DISCRIMINATION & HARASSMENT COMPLAINT FORM

The purpose of the Respectful Workplace, Discrimination & Harassment Prevention Policy is to ensure that individuals are treated in a respectful way free from discrimination and harassment. If you feel, you have been subjected to, or witness of, behaviour that is in violation of the policy, fill out this form to the best of your ability and submit it to your Manager/Supervisor or to the Executive Director.

This form will become part of the documentation collected should a Formal Investigation into the alleged allegations be required. Therefore, please complete this form in as much detail as possible, or attach other documentation you have previously prepared. If you have any questions regarding the policy or the completion of this form, please contact Human Resource Services.

Date that you are completing this form: _____

Date / Month / Year

PART 1

COMPLAINANT INFORMATION - Complainant Refers to the employee making the allegation

Name: _____
Last Name First Name

Department: _____ **Position:** _____

Work Ext. _____ **Home/Cell Number:** _____

Manager: _____ **Supervisor:** _____

Respondent Information – Refers to the individual who is the subject of the allegation.

Name: _____
Last Name First Name

Department: _____ **Position:** _____

Manager: _____ **Supervisor:** _____

Initiator Information – Refers to the individual who originally identified the offensive behaviour. This section is only to be filled out if different from the Complainant

Name: _____
Last Name First Name

Department: _____ Position: _____

Work Ext. _____ Home/Cell Number: _____

Manager: _____ Supervisor: _____

TYPE OF BEHAVIOUR EXHIBITED THAT IS PROHIBITED BY THE POLICY

Select the type of behaviour that best describes what you experienced / witnessed. Check all that apply.

This section is based on behaviour as covered by the Ontario Human Rights Code

Discrimination Harassment

Based on the following:

- Age Colour Creed (Religion) Race Place of Origin Ethnic Origin
 Gender Identity Sex Family Status Marital Status Ancestry Disability
 Citizenship Record of Offences Association/Relationship Perception of one of the above

This section is based on behaviour other than what is covered by the Ontario Human Rights Code

Check all that apply:

Workplace Harassment Disrespectful Behaviour Sexual Harassment

Sexual Solicitation Poisoned Environment

Please refer to the Respectful Workplace; Discrimination & Harassment Prevention Policy if you require additional information to assist you in determining what type behaviour has been violated. Alternatively, if you prefer, you may call Human Resource Services and speak to an Advisor who will answer any of your questions.

Please Note: As per policy, the Respondent will receive a copy of Part 1 of this complaint form.

PART 2

Other than this form, have you documented any of this information? Yes No

Is this information attached? Yes No

Have you discussed this situation with the Respondent? Yes No

When did you discuss this situation with the Respondent? Date: _____

If you have not discussed this situation with the Respondent, please explain why not. If you have discussed this situation with the Respondent, what was the result?

Have you discussed with situation with your Manager/Supervisor, Executive Director, or someone else in authority? Yes No

If you answered "yes", please advise who it was you spoke with and what the outcome was following the discussion. If you answered "no", please explain.

Do you have any suggestions as to how your complaint could be resolved?

What are you hoping will be the outcome of this complaint?

Signature of Person Completing this Form: _____

Your signature indicates that you are completing this form in good faith and that the facts you have documented are truthful, and not misleading.

Persons who file a complaint where objective evidence shows that the complaint was maliciously filed, with deliberate intent to injure or mislead, will be subject to discipline as per Paragraph 15.4 of the Respectful Workplace, Discrimination & Harassment Prevention Policy.

CONFIDENTIALITY – As per Paragraph 16.1 of the Respectful Workplace; Discrimination & Harassment Prevention Policy information regarding this complaint will only be shared with those who need to know. The respondent will not receive a copy of Part 1 of this form, until such time as the Executive Director has met with you to discuss the complaint and the process under which the complaint will be investigated and/or resolved.

Please keep a copy of this form for your files and forward the original form and any documentation you are attaching to your Manager/Supervisor, or to the Executive Director.

A meeting will be scheduled with you and your Manager/Supervisor or with the Executive Director within 5 working days of receiving this form.

Office Use Only

Date Form Received: _____ **Form Received by:** _____

Executive Director Notified On: _____

Manager/Supervisor Notified On: _____

Meeting with Complainant Scheduled for: _____

Informal Resolution **Formal Resolution**

Investigator's Name: _____ **Investigator Contacted:** _____



RESPECTFUL WORKPLACE

DISCRIMINATION & HARASSMENT RESPONDENT FORM

The purpose of the Respectful Workplace, Discrimination & Harassment Prevention Policy is to ensure that individuals are treated in a respectful way free from discrimination and harassment. This form will assist you in responding to the complaint in which it has been alleged you have violated the Respectful Workplace, Discrimination & Harassment Prevention Policy.

This form will become part of the documentation collected should a Formal Investigation into the alleged allegations be required. Therefore, please complete this form in as much detail as possible, or attach other documentation you have prepared. If you have any questions regarding the policy or the completion of this form, please contact the Executive Director.

Date that you are completing this form: _____

Date / Month / Year

PART 1

RESPONDENT INFORMATION - Refers to the individual who is the subject of the allegation.

Name: _____
Last Name First Name

Department: _____ **Position:** _____

Work Ext. _____ **Home/Cell Number:** _____

Manager: _____ **Supervisor:** _____

Please refer to the Respectful Workplace; Discrimination & Harassment Prevention Policy if you require additional information to assist you in determining what type behaviour it has been alleged that you have violated. Alternatively, if you prefer, you may call the Executive Director who will answer any of your questions.

Please Note: As per policy, the Complainant will receive a copy of Part 1 of this response form.

PART 2

Other than this form, have you documented any of this information? Yes No

Is this information attached? Yes No

Have you discussed this incident/issue with the Complainant prior to the filing of the complaint?

Yes No

If you have discussed this incident/issue with the Complainant prior to the filing of the complaint, when did the discussion take place? Date: _____

If you have discussed this incident/issue with the Complainant, please explain what the result of that discussion was?

Have you discussed with situation with your Manager/Supervisor, Executive Director, or someone else in authority prior to the filing of the complaint? Yes No

If you answered “yes”, please advise who it was you spoke with and what the outcome was following the discussion.

Do you have any suggestions as to how this complaint could be resolved?

Signature of Person Completing this Form: _____

Your signature indicates that you are completing this form in good faith and that the facts you have documented are truthful, and not misleading.

CONFIDENTIALITY – As per Paragraph 16.1 of the Respectful Workplace; Discrimination & Harassment Prevention Policy information regarding this complaint will only be shared with those who need to know. The Complainant will not receive a copy of Part 1 of this form, until such time he/she meets with the Investigator.

Please keep a copy of this form for your files and give the original form and any documentation you are attaching to the Investigator.

Office Use Only

Date Form Received: _____ **Form Received by:** _____

Executive Director Notified On: _____

Manager/Supervisor Notified On: _____

Meeting with Respondent Scheduled/Occurred on: _____

Respondent was given a copy of the Complaint on: _____

Informal Resolution **Formal Resolution**

Investigator's Name: _____ **Investigator Contacted:** _____