

ANTI-HARASSMENT/DISCRIMINATION POLICY & COMPLAINTS PROCEDURE

Statement of Principle:

The Ontario Human Rights Code guarantees the right of every individual to freedom from harassment in the workplace related to race, ancestry, place of origin, colour, ethnic origin, gender, sexual orientation, age, family status or disability.

Epilepsy Toronto, operates in a diverse community, and has a moral and legal obligation shared by all to respect the rights and differences of all.

Our staff, clients, directors and others have the right to work and interact in an environment that is free from harassment. The Association will not condone any behaviour that amounts to harassment of any kind.

All board members, volunteers and staff are responsible to confront and report incidences of discrimination and racism at the Association.

Definitions:

Harassment: Harassment as defined by the Ontario Human Rights Code means engaging in a course of distressing, annoying or troublesome conduct or comment that is known or "ought reasonably to be known" to be unwelcome.

Workplace: The work place implies but is not restricted to the offices of Epilepsy Toronto. It can also refer to any location where the work of Epilepsy Toronto is being carried out (e.g., forum).

Prejudice: Pre-judging a person or group negatively without adequate information.

Discrimination: Differential and prejudicial outlook, action or treatment of an individual based on race, ethnicity, religion, colour, origin, age, sexual preference, disability, state of health.

Harassment in the workplace involves unwelcome or offensive comments, actions, gestures or contact based on factors outlined in the Ontario Human Rights Code. It can include, but is not limited to:

- verbal abuse or threats;
- unwelcome personal remarks, jokes or taunting;

- actions that can create an embarrassing, threatening or hostile environment;
- threats to a person's job security or opportunities as a perceived or actual condition of employment or continued employment or advancement

Sexual Harassment:

The Ontario Human Rights Act ensures in law that:

"Every person has the right to be free from,

- a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome;
- or
- a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person." (Sec.6.3)

Sexual Harassment is:

- verbal or physical, expressed or implied;
- directed at anyone, male or female;
- aimed at someone of the same or opposite gender;
- perpetrated by a Board member, supervisor, employee, volunteer, student or client;
- an offensive emphasis on the gender or sexual preference of an individual;
- an action or comment of a sexual nature that results in an individual feeling pressured, intimidated or uncomfortable;
- an abuse of authority promising of reward for complying with a sexually oriented request;
- an unwelcome sexual advance

Sexual harassment may take the form of :

- innuendo;
- comments, remarks, and taunts that unduly emphasize gender or sexual preference;
- jokes teasing, slurs and imitations that are stereotypical, degrading or derogatory that make reference to gender or sexual preference;
- conduct that is likely to cause offense or humiliation;
- name calling, discourteous treatment and insults;
- displaying pornographic, derogatory, or offensive pictures and materials;

- graffiti;
- explicit sexual propositions;
- requests or demands for sexual favours;
- unwanted physical advances;
- avoidance or exclusion, intimidation, threats, physical violence

Sexual harassment is not:

- a relationship of mutual consent;
- a hug between friends, or
- mutually acceptable flirtation or banter

Racial Harassment:

Racial harassment is:

- verbal or physical, expressed or implied;
- directed at anyone of any race;
- perpetrated by a Board member, supervisor, employee, volunteer, student or client;
- an offensive emphasis on the race of an individual or a group of individuals;
- an action or comment that makes reference to race that results in an individual feeling pressured intimidated or uncomfortable;
- refusing to work or have contact with anyone because of their race

Racial harassment may take the form of:

- innuendo;
- comments, remarks, and taunts about race;
- jokes teasing, slurs and imitations that are stereotypical, degrading or derogatory that make reference to race;
- conduct that is likely to cause offense or humiliation;
- name calling, discourteous treatment and insults;
- displaying racist actions and comments;
- avoidance or exclusion, intimidation, threats, physical violence

Racial harassment is not:

- studying or learning about other cultures;
- compiling statistics on the basis of race for the purposes of promoting culturally and linguistically sensitive services

Other forms of harassment:

Other forms of harassment are manifested on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual preference, age, marital status, family status, record of offences, disability or status of health (including HIV +/-AIDS)

These other forms of harassment may take the form of:

- generalizations about the group's moral or intellectual inferiority;
- taunting teasing, criticizing, or demeaning remarks about members as a category

EPILEPSY TORONTO POLICY

Epilepsy Toronto will not tolerate harassment or discrimination of any kind, and all complaints will be taken seriously and investigated fully. Any person found responsible for acts of harassment or discrimination will be subject to progressive forms of disciplinary action (e.g., warning, counseling, letters of apology, suspension of work or service temporarily or permanently) as fits the nature of the complaint.

Employees, volunteers, students and clients who feel that they have been subjected to harassment or discrimination of any kind have recourse to both formal and informal complaints procedure, as outlined below:

COMPLAINT RESOLUTION PROCEDURE

Definitions:

Employee: Any person considered paid staff of Epilepsy Toronto, including the Director of the Association. Any student interns will be considered employees of the Association.

Client: Is meant to include any person seeking or participating in a service provided for by Epilepsy Toronto.

Volunteer: Any person, who on a voluntary basis, works for or participates in a service or event organized by Epilepsy Toronto. This is to include the Board of Directors.

Supervisor: Is meant to include all management staff and the Board of Directors.

Complainant: Any person filing an informal or formal complaint and will include paid staff, volunteers, students, and clients.

Harasser: Any person engaging in distressing, annoying or troublesome conduct or comment that is known or "ought reasonably to be known" to be unwelcome.

Procedure:

- An employee, client, director or volunteer who perceives that they have been harassed should, as an initial course of action, make his or her disapproval known to the harasser and ask the harasser to stop the offensive behaviour. If they feel uncomfortable in addressing the situation themselves, they should enlist the advice of their supervisor.

In many cases, confronting the harasser will resolve the problem. However, if the harassment continues, the complainant **must** report the situation to their immediate supervisor who will initiate a course of action. In all cases, it is desirable to make written record of dates, times, locations, behaviours and witnesses as soon as possible after the alleged harassment, along with any offensive documents or materials .

If the complainant finds that they cannot bring the complaint to their immediate supervisor, or disagrees with the decision of their supervisor, they may contact the Executive Director who will address the matter in collaboration with the President of the Board. Should the allegation of harassment involve the Executive Director or a Director of the Board, the matter will be addressed by the entire Board.

- It is the responsibility of the person receiving the complaint to treat the occurrence seriously and ensure an immediate investigation is completed. Confidentiality and respect for those involved will ensure the investigation is conducted in a manner that limits information on a "need to know" basis.
- Appropriate and immediate corrective action will be taken, where it is judged that harassment did occur. This action can range anywhere from counseling for the harasser to termination of employment or withdrawal of Association services.
- Continued and blatant disregard for the code by the harasser or any who do not act on a complaint will result in termination of employment and/or services.
- In instances where, after investigation, it is found that a complaint cannot be proven and is frivolous, vexatious or made in bad faith, disciplinary action will be taken against the complainant, ranging from a note in their personnel file to counseling or more serious action such as termination of employment or service.
- All parties have the right to be advised of the result of an investigation and any disciplinary action to be taken. A written record of the occurrence, findings, and disciplinary action, must be retained and provided to the parties involved.

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