



**City of Toronto
Human Rights and
Anti-Harassment
Policy**

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1.0 POLICY STATEMENT

Under the *Ontario Human Rights Code*, every person has a right to equal treatment by the City of Toronto, its agencies, boards and commission and its citizen advisory committees, with respect to services and facilities, accommodation, contracts and employment.

The City of Toronto adopted this Human Rights and Anti-Harassment Policy to ensure ethical and respectful service and employment practices that incorporate equitable treatment for all employees, residents and recipients of municipal services.

The goal of the Human Rights and Anti-Harassment Policy is to create a climate of understanding and mutual respect where each person feels a part of the community and is able to contribute fully to the development and well-being of the City of Toronto.

The City of Toronto will not tolerate, ignore, or condone any form of discrimination or harassment and is committed to promoting appropriate standards of conduct at all times. All employees are responsible for respecting the dignity and rights of their co-workers and the public they serve. Discrimination and harassment are serious forms of employee misconduct which may result in disciplinary action up to and including discharge.

Any member of the public, including visitors to City facilities or individuals conducting business with the City of Toronto, are expected to adhere to this policy, including refraining from harassment of employees, elected officials, and persons acting on behalf of the City of Toronto. If such harassment occurs, the City of Toronto will take any steps available to ensure a harassment-free workplace, including barring the harasser from its facilities, where appropriate, or discontinuing business with contractors or consultants.

2.0 APPLICATION

2.1 Services and Facilities: Every person has a right to equal treatment with respect to City services and facilities, without discrimination or harassment because of the following prohibited grounds and any combination of these grounds:

- | | | | |
|-------------------|---|----------------------|--------------------------|
| - race | - ethnic origin | - sexual orientation | - family status |
| - ancestry | - citizenship | - marital status | - disability |
| - place of origin | - creed | - age | - political affiliation* |
| - colour | - sex (including pregnancy, breast feeding and gender identity) | | - level of literacy* |

2.2 Occupation of Accommodation: Every person has a right to equal access with respect to the occupancy of City-owned accommodation, without discrimination because of the following prohibited grounds and any combination of these grounds:

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- race
 - ancestry
 - place of origin
 - colour
 - ethnic origin
 - citizenship
 - creed
 - sex (including pregnancy, breast feeding and gender identity)
 - sexual orientation
 - disability
 - age
 - marital status
 - family status
 - receipt of public assistance
 - political affiliation*
 - level of literacy*

2.3 Contracts: Every person having legal capacity has a right to contract on equal terms without discrimination because of the following prohibited grounds and any combination of these grounds:

- race
- ancestry
- place of origin
- colour
- ethnic origin
- citizenship
- creed
- sex (including pregnancy, breast feeding and gender identity)
- sexual orientation
- family status
- disability
- political affiliation*
- level of literacy*

2.4 Employment: Every person has a right to equal treatment with respect to employment with the City without discrimination or harassment because of the following prohibited grounds and any combination of these grounds:

- race
- ancestry
- place of origin
- colour
- ethnic origin
- citizenship
- creed
- sex (including pregnancy, breast feeding and gender identity)
- sexual orientation
- age
- record of offences
- marital status
- family status
- disability
- level of literacy*
- political affiliation*
- personal harassment*
- membership in a union or staff association*

* These grounds are included in the City's policy, but are not explicitly covered by the Ontario Human Rights Code.

3.0 ROLES AND RESPONSIBILITIES

This policy applies to all City of Toronto employees, elected officials and their staff and to all aspects of the employment relationship. All staff are expected to abide by this policy and the Ontario Human Rights Code by refraining from any form of harassment and discrimination and by fully co-operating in any investigation of a harassment or discrimination complaint. Human rights is a shared responsibility.

Management staff including the City Manager, deputy city managers, division heads, directors,

managers, supervisors and human resources staff have obligations under the Human Rights and Anti-Harassment Policy. Under the Ontario Human Rights Code management can be held personally liable for failing to take appropriate action. All management staff have the following general responsibilities with respect to human rights:

- not engaging in behaviour that would constitute discrimination or harassment under the policy
- setting and enforcing standards of appropriate workplace conduct
- having thorough knowledge of the policy
- being able to clarify what constitutes harassment and discrimination
- being able to advise staff of their rights and responsibilities under the policy
- taking all reasonable steps to deal with alleged workplace discrimination and harassment that they are aware of or reasonably should have been aware of (even if a direct complaint has not been made), in a timely fashion while maintaining as much confidentiality as possible

Management staff are encouraged to consult the guideline *Dealing with Complaints of Harassment and Discrimination* and/or contact the Human Rights Office for guidance to address human rights complaints.

3.1 Deputy City Managers and Division Heads:

- providing leadership in creating and maintaining harassment-free, respectful workplaces
- receiving investigation reports and making final decisions (in consultation with the Human Rights Office, Employee & Labour Relations and Legal Services staff as appropriate) about disposition of a complaint
- communicating final decisions about the disposition of a formal complaint in writing to the parties
- ensuring resource availability and effective implementation of complaint settlements, remedies and corrective actions
- ensuring that staff who have responsibilities under the policy are held accountable and have the appropriate knowledge and skills to meet policy obligations

3.2 Directors, Managers and Supervisors:

- ensuring that their workplace is free from harassment and discrimination, being aware of what's happening in their workplace and taking appropriate action upon becoming aware of discriminatory and/or harassing conduct contrary to the policy
- educating employees to ensure that they know that harassment and discrimination will not be tolerated and that they know what their rights and responsibilities are under the policy including ways in which policy violations can be resolved
- documenting details of human rights concerns, actions taken, outcomes or remedies implemented
- where discrimination or harassment occurred, monitoring the situation after a complaint to ensure the harassment or discrimination has stopped and implementing appropriate measures to prevent reoccurrence

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- consulting the Human Rights Office where there may be a perceived or real conflict of interest in addressing an alleged policy violation or for assistance with a human rights issue
 - where a complaint has been raised with, or referred to division management to explore, keeping the Human Rights Office apprised of outcomes
 - cooperating in investigations
 - ensuring policy and program development and implementation are consistent with the Human Rights and Anti-Harassment Policy
 - responding to and taking action to remedy complaints of personal (non-Code) harassment

3.3 Human Resources Division:

- taking a leadership role in providing advice on policy provisions, addressing and providing assistance to resolve human rights concerns and complaints
- removing barriers in employment policies and practices that may have the effect of discriminating against groups or individuals
- consulting the Human Rights Office where there may be a perceived or real conflict of interest in addressing an alleged policy violation
- reporting all complaints of harassment and/or discrimination to the Human Rights Office
- integrating equity principles into all human resources activities
- cooperating in investigations
- supporting division management in addressing Code and non-Code harassment and discrimination
- providing training for management and employees on the Human Rights and Anti-Harassment Policy
- monitoring selection processes to ensure that they are barrier-free
- informing the Human Rights Office of grievances about discrimination or harassment that are filed under the collective agreements (Employee and Labour Relations)

3.4 Employees:

- being familiar with their rights and responsibilities under the policy and the Ontario Human Rights Code – See section 5, Training and Education Resources
- not engaging in behaviour that would constitute discrimination or harassment under the policy
- raising concerns as soon as possible if you have been discriminated against or harassed – refer to the Human Rights Complaint Procedures for Employees – resolution options
- documenting details of harassment and, or discrimination that are experienced or witnessed
- co-operating in interventions and investigations to resolve human rights and harassment issues
- maintaining confidentiality related to human rights investigations
- employees are strongly encouraged to report incidents of harassment, discrimination or retaliation that they witness

3.5 Strategic and Corporate Policy Division, Community Engagement and Diversity Management section:

- public education programs to support inclusive governance and administration
- community capacity building
- policy development and research
- providing advice on programs and services to address systemic barriers
- advising City divisions on their access, equity and human rights Actions Plans

3.6 Human Rights Office:

The Human Rights Office was set up to provide advice and explore allegations of harassment and discrimination confidentially and impartially for any City employee or recipient of municipal service. Human Rights Office staff do not advocate, act on behalf of or represent any party in dispute (complainant, respondent, management). All complaints to the Human Rights Office will be dealt with in an unbiased manner. The focus of the Office is to prevent, correct and remedy harassing and/or discriminating behaviours that are contrary to the Policy. When investigating allegations, Human Rights Office staff may explore the conduct of parties beyond the complainant and respondent (including management) to ensure Policy compliance. Staff in the Human Rights Office report to the City Manager through the Executive Director of Human Resources Division.

Responsibilities include:

- interpreting and implementing this policy
- policy research, development and advocacy
- developing education and communication strategies
- providing independent, unbiased, confidential advice
- assessing the merits of a complaint and determining appropriate complaint investigation and resolution options, including whether concern(s) can be referred to division management to address
- undertaking neutral, independent informal and formal investigations
- providing mediations
- retaining external consultants
- working with Legal Services Division on Ontario Human Rights Commission/Tribunal complaints
- submitting an annual report to City Council about statistics and trends in human rights enquiry and complaint activities and other program initiatives

4.0 DEFINITIONS

4.1 Allegation: An allegation is an unproven assertion or statement based on a person's perception.

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 Discrimination: Discrimination is any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group because of personal characteristics or circumstances unrelated to the person's abilities or the employment or service issue in question (e.g., disability, sex, race, sexual orientation). 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 of the behaviour on the individual is to withhold or limit full, equal and meaningful access to goods, services, facilities, employment, housing accommodation or contracts available to other members of society, it is discrimination.

4.4 Duty to Accommodate: The legal obligation of an employer 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 (refer to the Employment Accommodation Policy and Guidelines).

4.5 Employee: For the purpose of this policy, the term employee includes: full-time, part-time, temporary, probationary and casual employees, co-op students, volunteers, job applicants, staff of City Councillors, contractors and consultants working for the City of Toronto.

4.6 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.

4.7 Harassment: Harassment means improper comment or conduct that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful. It is a form of discrimination. Harassment may result from one incident or a series of incidents. Harassment can occur between co-workers, between management and employees, between employees and Members of Council, between employees and vendors, between employees and recipients of municipal services, between employees and members of the public, between Members of Council and members of the public, between Members of Council and their staff.

4.8 Code Harassment: Means improper comment or conduct 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 4.14 for a list of the prohibited grounds.

Examples of Code harassment based on a prohibited ground include, but are not limited to: slurs or derogatory remarks; threats; inappropriate jokes, innuendos, name-calling, teasing; insulting gestures; practical jokes which result in embarrassment; 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.

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.

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

4.9 Personal (non-Code) Harassment: Personal (non-Code) harassment is harassment that is not related to a prohibited ground identified in the Ontario Human Rights Code. Personal harassment is improper comment and/or conduct, not related to a legitimate work purpose, directed at and offensive to another person or persons in the workplace and that the individual knows or ought to reasonably know would offend, harm or is derogatory, demeaning or causes humiliation or embarrassment.

Personal 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 personal harassment.

Examples of personal harassment include:

- frequent angry shouting/yelling or blow-ups
- regular use of profanity and abusive or violent language
- physical, verbal or e-mail threats, intimidation
- violent behaviours - slamming doors, throwing objects
- targeting individual(s) in humiliating practical jokes
- excluding, shunning, impeding work performance
- spreading gossip, rumours, negative blogging, cyberbullying
- retaliation, bullying, sabotaging
- unsubstantiated criticism, unreasonable demands
- insults, name calling
- public humiliation
- communication that is demeaning, insulting, humiliating, mocking

Personal harassment does not include:

- legitimate performance/probation management
- appropriate exercise and delegation of managerial authority
- operational directives
- a disagreement or misunderstanding
- conflict between co-workers
- work related change of location, co-workers, job assignment
- appropriate discipline

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- 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

4.10 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, ethnic background or creed

4.11 Sexual Harassment: Harassment on the ground of sex. This includes a sexual advance or solicitation from anyone if they know or ought to know the advance is unwelcome, especially if the advance is from a person in a position to give or deny a benefit or to engage in a reprisal or if a threat of reprisal is made if the advance is rejected. Other examples are sexually suggestive or obscene remarks or gestures, 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), circulation or posting of sexist jokes or cartoons, display of pin-up calendars or other objectifying images, negative stereotypical comments based on gender, sex or sexual orientation and gender related comments about an individual's physical characteristics or mannerisms.

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

4.12 Mediation: 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.

4.13 Poisoned Work Environment: A poisoned work environment is a form of indirect 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) have been found to "poison the work environment" for employees.

4.14 Prohibited (Protected) Grounds: The list of grounds related to employment for which a person or group is protected under the Ontario Human Rights Code. The prohibited grounds include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (includes pregnancy, breast feeding, gender identity), sexual orientation, age, record of offences, marital status, family status, disability. Under the Code and this policy, there are protections where

there is a perception that one of the above grounds applies or where you have been treated differently because of an association or relationship with a person identified by one of the above grounds.

4.15 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.

4.16 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.

4.17 Workplace: The workplace includes all locations where business or social activities of the City are conducted. Workplace harassment can also include incidents that happen away from work (e.g., inappropriate phone calls, e-mails or visits to an employee's home, incidents at luncheons, after work socials) or harassment from clients and service recipients.

5.0 HARASSMENT AND DISCRIMINATION PREVENTION EDUCATIONAL RESOURCES

The City of Toronto is committed to providing training and education to ensure that all City staff have knowledge about their rights and responsibilities under the Human Rights and Anti-Harassment Policy. A variety of resources to educate employees about policy expectations are available. All staff are expected to be familiar with policy provisions. Resources include:

- human rights training is offered to employees and to supervisors/managers through the Toronto Public Service course calendar
http://insideto.toronto.ca/hrweb/training/learning_guide/courses_index.htm
- customized training for specific issues/workplaces is available through Human Resources, Organization Development and Learning Unit
- videos with Facilitator's Guides on harassment are available by contacting the Human Rights Office at 416-392-8383
- Human Rights Office intranet site at
http://insideto.toronto.ca/hrweb/human_rights/index.htm
- Dealing with Complaints of Harassment and Discrimination: A guide for supervisors and managers. Contact the Human Rights Office at 416-392-8383 for copies
- confidential Human Rights Enquiry Line 416-392-8383

RELATED INFORMATION

Applicable Legislation:

Ontario Human Rights Code

Related policies, guidelines and procedures:

Human Rights Complaint Procedures for Employees

Human Rights Complaint Procedures for Senior Management

Human Rights Complaint Procedures for Residents and Recipients of Municipal Services

Dealing with Complaints of Harassment and Discrimination: A guide for supervisors and managers

Employment Accommodation Policy and Guidelines

Employment Equity Policy

Hate Activity Policy

Workplace Violence Policy

Scented Products Guidelines

Acceptable Use Policy

Human Rights in the Hiring Process – quick reference guide

For information about the policy or if you have any questions or concerns contact the Confidential Human Rights Inquiry Line or e-mail us at:

humanrights@toronto.ca

HUMAN RIGHTS INQUIRY LINE

392-8383