

Category: Administration	Subject: Workplace discrimination & harassment policy	Number: Page 1 of 7
Date Created: November 2018	Next Review Date: December 2026	Prepared by: People Division

The AGO reserves the right to modify or update this policy at any time.

VALUES OF THIS POLICY:

The Art Gallery of Ontario (the “**AGO**”) is committed to the values of Accountability, Respect, Openness and Collaboration which include: fostering a safe and healthy work environment based on mutual respect; harnessing a creative and inclusive exchange of ideas; and taking responsibility for our actions. The AGO shall actively work towards holding ourselves to the highest standards of ethics and integrity in all aspects of our operations.

WHY THIS POLICY EXISTS:

This policy is committed to upholding the Ontario *Human Rights Code* (the “**Code**”) by creating and maintaining an environment free from discrimination and harassment on the basis of an Individual’s race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability (the “**Prohibited Grounds**”) as defined by the Code. The AGO prohibits and will not tolerate any such discrimination or harassment.

The AGO is committed to upholding the Ontario *Occupational Health and Safety Act* (the “**Act**”) by creating and maintaining an environment free from Workplace Harassment and Workplace Violence (including but not limited to workplace sexual harassment) as defined by the Act. In addition, the AGO is committed to creating and maintaining an environment where Individuals are free from reprisal for exercising or enforcing their rights or participating in procedures provided for under this policy, the Code or the Act. The AGO prohibits and will not tolerate any such workplace harassment, violence or reprisal.

The AGO is also committed to reducing the risk of Domestic Violence occurring in the Workplace. Individuals who are at risk or who believe that they are at risk of being subjected to Domestic Violence in the Workplace will be supported by the People Division and will be provided with appropriate and confidential outside support, as appropriate.

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The AGO will take all reasonable precautions to protect Individuals, in the Workplace, from Domestic Violence, including cooperating fully in the enforcement of any orders of protection.

WHAT DOES THIS POLICY COVER:

This policy applies to members of the Board of Trustees, employees (including managers and supervisors), volunteers, artists, interns, summer students, contractors and community partners (hereinafter, “**Individuals**”).

All Individuals are responsible for ensuring that their conduct in the Workplace is appropriate and that they do not engage in Workplace Discrimination, Harassment or Violence. Individuals are also responsible for reporting incidents of Workplace Discrimination, Harassment or Violence that they witness or experience in accordance with this policy.

The AGO Workplace Harassment, Discrimination & Violence Prevention Program (the “**Program**”) implements this Policy. The AGO will provide all employees with specific information about: harassment, discrimination (direct and systemic) and reprisal; how to prevent discrimination and harassment; how to deal with harassing or discriminatory behaviours when they occur.

WHAT THIS POLICY DOES NOT COVER:

This policy does not apply to the process for disclosing perceived incidents of Wrongdoing by any individual or other representative of the AGO which to their knowledge constitutes an act or omission as defined by the Whistleblower policy; a violation of a Collective Agreement, the Ontario Human Rights Code or the Employment Standards Act, 2000; or any other labour relations issue. Such incidences or violations must be reported through the process outlined in the respective Collective Agreement and/or in the Whistleblower Policy and Program.

WHO IS INVOLVED IN THE POLICY:

Although anyone may report Discrimination, Harassment, Violence (or Reprisal), a complaint may be made only by the Individual(s) affected by the alleged Discrimination, Harassment, or Violence (or Reprisal) (the “**Complainant**”).

Complainants should report an incident or complaint to the reporting contacts (the “**Reporting Contacts**”) set out below; however Complainants may also report an incident or complaint to the person in authority with whom they feel the most comfortable.

The AGO notes that the Individual designated as the Reporting Contact should not be under the direct control of the responding party (the “**Respondent**”).

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A. Complaints by Employees. The Reporting Contacts are as follows:

- Complainants who are employees (including supervisors and managers) should report an incident or complaint to the supervisor or manager to whom they report;
- If a Complainant's supervisor or manager is a Respondent, the incident or complaint should be reported to the Chief, People Division;
- if the Chief, People Division is a Respondent, the incident or complaint should be reported to the Director/Chief Executive Officer;
- if a member of the Leadership Team is the Respondent, the incident or complaint should be reported to the Director/Chief Executive Officer;
- if the Director/Chief Executive Officer is a Respondent, the incident or complaint should be reported to the President of the Board of Trustees;
- if a member of the Board of Trustees is a Respondent, the incident or complaint should be reported to the President of the Board of Trustees; and
- if President of the Board of Trustees is a Respondent, the incident or complaint should be reported to the Chair, Governance & Nominating Committee of the Board of Trustees.

B. Complaints by volunteers, artists, interns, summer students and contractors. The Reporting Contacts are as follows:

- Complainants who are volunteers, artists, interns, summer students and contractors should report an incident or complaint to the Chief, People Division; and
- if the Chief, People Division is a Respondent, the incident or complaint should be reported to the Director/Chief Executive Officer.

C. Complaints by a member of the Board of Trustees. The Reporting Contacts are as follows:

- Complainants who are members of the Board of Trustees should report an incident or complaint to the President of the Board of Trustees; and
- If the President of the Board of Trustees is the Respondent, the incident or complaint should be reported to the Chair of the Governance Committee.



HOW DO I MAKE A DISCLOSURE:

Individuals are encouraged to report an incident or make a complaint as soon as possible after experiencing or witnessing an incident. Timely reporting is critical in ensuring incidents can be addressed expeditiously and in preventing future incidents.

Complaints or information relating to Workplace Discrimination, Harassment and/or Violence may be made orally or in writing. When submitting a written complaint under this policy, the complaint should contain the following information (to the extent known by the Individual making the complaint):

- name(s) of Complainant(s) and contact information;
- name of the Respondent alleged to have committed the Workplace Discrimination, Harassment or Violence, their position and contact information;
- names of any witnesses or other persons with relevant information regarding the incident and contact information;
- details of what happened including the date, frequency, and location; and
- supporting documentation, if any, that the complainant has and a list of documentation the alleged harasser or witnesses may have.

In the case of an emergency, where there is immediate danger, to an Individual, the Individual or anyone who witnesses the incident should contact the Protection Services Division and/or call 911 immediately.

HOW THE POLICY IS ENACTED:

Complaints of Discrimination, Harassment, or Violence (or Reprisal) may be resolved through the following process:

A. Informal Resolution

- a Complainant may directly approach the Respondent and inform the Respondent that the behaviour is unwelcome and must stop;



- a Complainant can also approach the Reporting Contact identified above or, in the case of a bargaining unit employee, a union representative, for advice or assistance, including mediation to resolve the complaint;
- mediation shall be conducted only with the agreement of both parties. Mediation will be conducted only by a trained mediator acceptable to both parties; or
- if the complaint is resolved, a statement of facts and the resolution shall be reported to the People Division (if not consulted at the outset) and the appropriate Reporting Contact identified above, immediately upon completion of the process.

B. Informal Resolution

- if a complaint is not reported or resolved through the informal resolution process, then the Complainant may file a formal written complaint to the Reporting Contact identified.

INVESTIGATION PROCESS:

The AGO will ensure that all concerns, complaints or incidents of Workplace Discrimination Harassment and/or Violence are investigated in an appropriate, fair and timely manner while respecting Individuals' privacy of as much as possible.

The Chief, People division (or if the Chief, People division is a Respondent, the Director/Chief Executive Officer), within twenty-four (24) hours of receipt of a report, will determine who will conduct an investigation into any incident or complaint brought under this policy. If necessary, due to the nature of the incident or the Individuals Involved, the AGO may retain an external person qualified to conduct an impartial investigation.

The steps taken by the investigator will vary depending upon the nature of the allegations, but will generally involve private interviews with the Complainant, the Respondent, and with any witnesses, as well as a review of any documents relevant to the complaint. The Respondent to a complaint will also be provided with the opportunity to respond to the specific allegations.

During an investigation, interim measures may be taken by the AGO. For example, the AGO may separate the Individuals involved and, depending on the circumstances, may choose to place the



Individual alleged to have breached this policy on a paid suspension.¹

REPORTING TO THE DISCLOSER AND THE RESPONDENT:

Within a reasonable period following the completion of the investigation, the Complainant and Respondent will be informed, orally or in writing through the most effective means, of the results of the investigation and any corrective action taken or that may be taken by the AGO.

Complainants and Respondents who are not satisfied with the outcome of the investigation process may file a request for a review to the Chief, People Division (or, where the role of the Chief, People Division has been carried out by another Reporting Contact, with that Reporting Contact) within ten (10) working days of receipt of the decision and normally such a review will be completed within twenty (20) working days from the receipt of the request.

DOCUMENTATION:

The Chief, People Division will keep the following records from an investigation:

- (i) a copy of the complaint or details about the incident;
- (ii) a record of the investigation including notes;
- (iii) a copy of the investigation report (if any);
- (iv) a summary of the results of the investigation that was provided to the Individual who allegedly experienced discrimination and/or harassment/violence and the Individual against whom the complaint was made; and
- (v) a copy of any corrective action taken to address the complaint or incident

The AGO will keep records of the investigation for ten (10) years.

CONFIDENTIALITY:

Information obtained about an incident or complaint of Workplace Discrimination, Harassment or

¹ Note to the AGO: For completeness, we note that we would not recommend placing the employee on an unpaid suspension. While a paid suspension can be used in limited circumstances, for example, as contemplated above in order to investigate a matter, even a paid suspension could, in appropriate cases, constitute a constructive dismissal.



Violence, including identifying information about any Individuals involved, will be kept confidential to the extent possible and will not be disclosed unless disclosure is necessary to protect Individuals, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

All Individuals involved in a complaint or investigation will be advised to keep all information related to the complaint, incident and investigation strictly confidential and not to discuss the incident or investigation with each other, witnesses or other parties (unless necessary to obtain advice about their rights).

PROTECTION FROM RETALIATION:

Individuals are protected by law from retaliation for opposing unlawful discriminatory practices, for having in good faith reported instances of Workplace Discrimination, Harassment or Violence, for assisting Individuals in reporting Workplace Discrimination, Harassment or Violence, or for otherwise participating in any investigation or legal proceeding in connection with Workplace Discrimination, Harassment and Violence.

Reasonable action taken by the AGO (including by members of the Board of Trustees relating to the management and direction of Individuals or the Workplace is not Workplace Harassment. This is the case even if there are sometimes unpleasant consequences for Individuals.

OTHER REMEDIES:

Individuals do not forfeit the right to pursue any other legal avenues that may be available by virtue of participating in the AGO's investigatory process. Nothing in this Policy prevents an individual from accessing alternative avenues of recourse available, including those available under collective agreements, the Code or the Act, JHSC or a health and safety representative, if applicable. For example, this policy does not prevent or discourage an Individual from filing an application with the Human Rights Tribunal of Ontario on a matter relating to applicable human rights legislation.

The AGO also reserves the right to take action as necessary for the protection of Individuals or the organization without following the investigation process set out in this policy.

REPORTING TO THE BOARD OF TRUSTEES:

A report shall be provided to the Board of Trustees on an annual basis regarding the complaints experience under the policy and any recommended improvements to this policy.



NON-COMPLIANCE:

Every Individual covered by this Policy are expected to adhere to this policy, and will be held responsible by the employer for not following it. Violation of this policy may result in progressive discipline up to, and including, termination from employment without notice or pay in lieu thereof.

APPROVED BY:



Chief, People Division

June 25, 2025

Date



Michael and Sonja Koerner Director, and CEO

June 25, 2025

Date