

ART GALLERY OF ONTARIO WORKPLACE DISCRIMINATION, HARASSMENT, REPRISAL & VIOLENCE PREVENTION POLICY and PROGRAM

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Category: SAFETY & WELLNESS

Subject: WORKPLACE DISCRIMINATION, HARASSMENT, REPRISAL & VIOLENCE PREVENTION POLICY and PROGRAM

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Review: Fall 2019

Prepared by: PEOPLE

POLICY:

The Art Gallery of Ontario (“the AGO”) is committed to an organizational climate where individuals are treated with dignity and respect. The AGO shall actively work to prevent, remedy and eliminate discrimination, harassment, reprisal and violence in the workplace.

The AGO is committed to upholding the Ontario *Human Rights Code* (“the Code”) by creating and maintaining an environment free from discrimination and harassment on prohibited grounds including 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 as defined by the Code. The AGO is also committed to upholding the *Occupational Health and Safety Act* (the “Act”) by creating and maintaining an environment free from workplace violence and workplace harassment as defined by the Act. In addition, the AGO is committed to creating and maintaining an environment where individuals are free from reprisals for exercising or enforcing their rights or participating in procedures provided for under this Policy, the Code or the Act.

The objective of this Policy is to ensure that ***members of the Board of Trustees, managers and supervisors, employees, interns, contractors, volunteers, artists, donors, visitors, clients, and members of the public*** are aware that harassment, discrimination, reprisal and violence in the workplace are unacceptable practices and are incompatible with the standards of the AGO, as well as being a violation of the law, and to ensure there are effective complaint mechanisms in place to address any behaviour contrary to this Policy, as outlined in **Appendix “A” (*Workplace Discrimination, Harassment, Reprisal & Violence Prevention and Dispute Resolution Program*)**.

DEFINITIONS:

Prohibited Grounds: The prohibited grounds for purposes of the Code include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, and disability as defined in the Code.

Discrimination is defined as treating a person or group of people differently, and negatively, based on one or more Prohibited Grounds, with respect to their employment or volunteer placement, with respect to contractual relationships, and/or with respect to the goods, services or facilities.

Workplace Harassment means:

- (a) engaging in a course of vexatious comment or conduct that is known to be or ought reasonably be known to be unwelcome, or

(b) workplace sexual harassment.

Workplace Harassment also constitutes Discrimination if it is based on one or more Prohibited Grounds, but it is prohibited by law whether it is based on the Prohibited Grounds or not.

Reasonable action taken by the AGO, its Board of Trustees, a manager or a supervisor relating to the management and direction of workers (including employees or contractors) or the workplace is not Workplace Harassment. Similarly, reasonable action relating to the management and direction of visitors, clients, volunteers, artists, donors or members of the public is not Workplace Harassment.

Sexual Harassment is one form of Workplace Harassment that means:

- (a) Engaging in a course of vexatious comment or conduct against a worker or other person in a workplace because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- (b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Reprisal means:

- (a) an action taken against, or threatened to be taken against, a person;
- (b) the action or threat is related to the person having made a report or complaint of conduct contrary to the law or this Policy, having attempted to enforce a right under the law or this Policy, or having performed a role provided for under this Policy (including **Appendix "A", Workplace Discrimination, Harassment, Reprisal & Violence Prevention and Dispute Resolution Program**); and
- (c) the action is taken with the intention to retaliate for the person's report or complaint, attempt to enforce a right under the law or this Policy, or performance of a role provided for under this Policy and/or Appendix "A".

Workplace Violence is defined as the exercise or an attempt to exercise physical force by a person against another in a workplace, that causes or could cause physical injury, or a statement or behaviour that may be reasonably interpreted as a threat to exercise physical force that could cause injury.

REPORTING & INVESTIGATION:

Every person covered by this Policy who experiences or witnesses any incidents of conduct contrary to the Policy is encouraged to report the incident in accordance with Appendix "A". The AGO will investigate and deal with all incidents or complaints that cannot be resolved informally in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed, except as necessary to protect the persons involved, to

investigate the complaint or incident, to take corrective action, or as otherwise required by law. Individuals will not be penalized or subject to Reprisal for reporting an incident, participating in an investigation or performing a role provided for under this Policy and/or Appendix "A".

COMMUNICATION:

This Policy shall be:

- reviewed by the AGO in consultation with the Joint Health and Safety Committee (JHSC) as needed, or at least annually and recommendations for improvement may be provided to the AGO;
- posted on the AGO's Intranet under "Policies and Procedures" and under "Health and Safety";
- provided (copy) to every new member of the Board of Trustees and to every new manager, supervisor, employee or intern when they join the AGO and again at the time of any significant amendments;
- reviewed with all managers, supervisors, employee(s) on an annual basis;
- communicated to all contractors working with the AGO, and compliance shall be made a requirement of the contractual relationship with the AGO;
- communicated to volunteers, visitors, clients, artists, donors and members of the public.

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 the Policy and/or **Appendix "A", Workplace Discrimination, Harassment, Reprisal & Violence Prevention and Dispute Resolution Program.**

APPROVAL:


AGO Workplace Discrimination, Harassment, Reprisal & Violence Prevention Policy & Program

Reviewed by the AGO Resource Management Committee: November 14, 2018

Approved by the AGO Board of Trustees: November 28, 2018



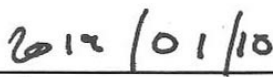
Chief, People



Date



Michael and Sonja Koerner Director, and CEO



Date

APPENDIX “A”

WORKPLACE DISCRIMINATION, HARASSMENT, REPRISAL & VIOLENCE PREVENTION AND DISPUTE RESOLUTION PROGRAM

The AGO is committed to providing a work environment in which all people are treated with respect and dignity. Workplace discrimination, harassment, reprisal and violence will not be tolerated from any person in the workplace (***including members of the Board of Trustees, managers and supervisors, employees, interns, contractors, volunteers, artists, donors, visitors, clients, and members of the public***).

This Program applies to members of the Board of Trustees and all employees including managers, supervisors, temporary employees, summer students and interns. It also applies to contractors, volunteers, artists, donors, clients and members of the public who experience or engage in prohibited conduct in their dealings with the AGO, its managers, supervisors, employees and others.

Workplace Violence and Workplace Harassment are prohibited under the *Occupational Health and Safety Act* (“the Act”). In addition, Discrimination and Harassment based on the Prohibited Grounds are prohibited by the Ontario *Human Rights Code* (“the Code”). The provisions of the Act and the Code govern the interpretation and application of the AGO’s Workplace Discrimination, Harassment, Reprisal & Violence Prevention Policy (“the Policy”) and this Program.

1. Who is covered by the Policy and the Program?

The Policy and Program applies to the members of the Board of Trustees, managers and supervisors, and all full-time, part-time and temporary employees, and interns, during the course of their work at the AGO.

The Policy and Program also applies to contractors, volunteers, artists, donors, clients and members of the public who experience or engage in prohibited conduct in their dealings with the AGO, its managers, supervisors, employees, volunteers or others.

Any member of the Board of Trustees, manager, supervisor, employee or intern believing that they have experienced workplace discrimination, harassment, reprisal or violence from a contractor, volunteer, artist, donor, client or member of the public should report the incident in accordance with this Program. Similarly, any contractor, volunteer, artist, donor, client or member of the public believing that they have experienced discrimination, harassment, reprisal or violence in their dealings with the AGO, any member of the Board of Trustees, or any manager, supervisor, or employee, should report the incident in accordance with this Program.

2. What Situations are covered?

The workplace is not confined to the offices, buildings and physical work sites of the AGO. It also includes vehicles and any locations with a nexus to AGO business,

workplace relationships or the work environment, as well as incidents involving the use of the internet or social media.

The Policy and this Program also apply to events that occur outside of the physical workplace such as during business trips, or company parties. The misuse of AGO equipment for prohibited activity or conduct is also prohibited.

Discrimination, harassment, reprisal or violence which occurs outside the physical workplace and does not involve a nexus to AGO business, but has repercussions for the work environment or workplace relationships (i.e. domestic violence) may also be covered.

While individuals covered by the Policy and this Program are encouraged to report those incidents in accordance with this Program, nothing in this Program prevents an individual from accessing alternative avenues of recourse available, including those available under collective agreements, the Code or the Act, if applicable.

3. Definitions and Examples:

The following definitions are based on the Code and the Act. Should a conflict arise in the interpretation and application of the following AGO-related definitions and examples, legal definitions shall apply.

Prohibited Grounds: The prohibited grounds for purposes of the Code include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, and disability as defined in the Code.

Discrimination is defined as treating a person or group of people differently, and negatively, based on one or more of the Prohibited Grounds, with respect to their employment or volunteer placement, with respect to contractual relationships, and/or with respect to the goods, services or facilities. In the context of employment or a volunteer placement, this may involve negative differential treatment in the terms and conditions of their employment or volunteer placement, such as hiring, work assignments, training, promotion, and performance management. The behaviour need not be intentional in order to be considered Discrimination.

Workplace Harassment means:

- (a) engaging in a course of vexatious comment or conduct that is known to be or ought reasonably be known to be unwelcome, or
- (b) workplace sexual harassment.

Workplace Harassment also constitutes Discrimination if it is based on one or more Prohibited Grounds, but it is prohibited by law whether it is based on the Prohibited Grounds or not.

Reasonable action taken by the AGO, its Board of Trustees, a manager or a supervisor relating to the management and direction of workers (including employees or contractors) or the workplace is not Workplace Harassment.

Examples include, but are not limited to, reasonable action with respect to scheduling, annual performance reviews, counselling, or discipline. Similarly, reasonable action relating to the management and direction of visitors, clients, volunteers, artists, donors or members of the public is not Workplace Harassment.

Harassment can occur between co-workers and colleagues, by managers or supervisors towards employees or volunteers, or by employees and volunteers towards supervisors or managers. Harassment has the effect of creating a degrading, intimidating, hurtful, or uncomfortable work environment. The behaviour need not be intentional in order to be considered harassment. A single comment or action, if sufficiently serious, may be sufficient to constitute harassment.

Sexual Harassment is one form of Workplace Harassment and means:

- (a) Engaging in a course of vexatious comment or conduct against a worker or other person in a workplace because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- (b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual Solicitation is a form of Sexual Harassment and involves 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 solicitations and advances by person in a position to grant or deny a benefit, including members of the Board of Trustees, donors, managers and supervisors, and even co-workers where one person is in a position to grant or deny a benefit to the other.

Poisoned Work Environment is created by comments or conduct (including comments or conduct that are condoned or allowed to continue despite being brought to the attention of management) that cause 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 Work Environment. For example, a traditionally male workplace where men are allowed to put up female pin-ups and engage in explicit sexual conversation could create a Poisoned Work Environment for a female worker. Similarly, persistent, harassing social media posts which are or may be viewed by other members of the workplace may create a Poisoned Work Environment for the person who is the subject of those posts.

Harassment may also include:

- **Verbal harassment** – such as derogatory or unwelcome comments, demeaning jokes, sexual suggestions or innuendo, racial or ethnic slurs, or malicious gossiping.
- **Physical harassment** – such as unnecessary touching, impeding or blocking movement, and physical interference with work.
- **Visual harassment** – such as derogatory or degrading posters, images, photographs, cartoons, graffiti, gestures and sexually suggestive pictures, whether in physical form or through the internet or social media.

Reprisal means:

- (a) an action taken against, or threatened to be taken against, a person;
- (b) the action or threat is related to the person having made a report or complaint of conduct contrary to the law or the Policy, having attempted to enforce a right under the law or the Policy, or having performed a role provided for under the Policy and/or this Program; and
- (c) the action is taken with the intention to retaliate for the person's report or complaint, attempt to enforce a right under the law or the Policy, or performance of a role provided for under the Policy and/or this Program.

The prohibition against Reprisals (including threatened Reprisals) provides protection to individuals who want to exercise their rights to make a complaint or report an incident without fear of threats or reprisals. Examples of Reprisals include but are not limited to circumstances where an individual threatens to physically assault or shuns a co-worker who makes a complaint of harassment, or where a supervisor threatens or applies adverse employment consequences or withholds opportunities in response to a complaint or report of discrimination or harassment, or an employee's participation in an investigation under this Program.

Reprisals are subject to the same investigative procedures and penalties as complaints of discrimination, harassment and violence. Threats/reprisals against individuals trying to address an issue in good faith are taken very seriously and may give rise to disciplinary action.

Workplace Violence is defined as the exercise or an attempt to exercise physical force by a person against another in a workplace, that causes or could cause physical injury or a statement or behaviour that may be reasonably interpreted as a threat to exercise physical force that could cause injury.

Workplace Violence includes but is not limited to:

- Actual or attempted acts of physical violence including actions such as hitting, punching, slapping or kicking;
- Threats of physical violence or intimidation;
- Sexual assault, attempted sexual assault, or threats of sexual assault; and/or

- Other aspects of physical aggression such as deliberate destruction of or damage to property, especially where such actions are meant to intimidate one or more individuals.

Although all employees may be at risk of Workplace Violence, at increased risk are those who handle cash, work at night, deal directly with the public, are involved in the sale of alcohol, work in retail, provide educational services and/or work in security. The AGO's Workplace Violence program addresses the different levels of risk associated with different roles within the organization.

Domestic Violence is any violent, threatening or extremely coercive behaviour perpetrated by one partner in a current or formerly intimate relationship on the other. It can consist of a pattern of ongoing abuse lasting years or a single, isolated incident. Domestic Violence may consist of but is not limited to:

- Actual or threatened, physical violence or harm up to and including incidents of serious assault and homicide;
- Sexual assault, attempted sexual assault, or threats of sexual assault;
- Stalking and other forms of harassment and intimidation;
- Threats of harm or actual harm perpetrated against others (e.g, the victim's children, friends, family, co-workers, etc.); and
- Damaging and destroying or threatening to destroy, property belonging to the victim or individuals who are closely associated with the victim.

4. Other Definitions and Examples:

Condonation – relates to individuals in management positions who are aware that workplace discrimination, harassment, reprisal, or violence is occurring and do not demonstrate due diligence to stop it.

Everyone has a responsibility to refrain from condoning incidents of discrimination, harassment, reprisal and violence by reporting any incidents of which they become aware. In addition, because managers are invested with a level of authority to address any incidents that do occur, they have a special responsibility to take reasonable steps to prevent workplace discrimination, harassment, reprisal and violence and to address it when/if it does occur. For example, if managers fail to use their authority in appropriate ways, when they are aware of an incident that is of a potentially harassing nature, then it may be found that they "*condoned*" the behaviour and they may be subject to disciplinary action.

Interference – relates to interfering in any way with an individual's right to resolve an alleged incident of workplace discrimination, harassment, reprisal and/or violence. It also relates to interfering with or obstructing the investigation of a complaint or report under this Program. Interference can be considered to be harassing behaviour and therefore subject to disciplinary action. For example, two witnesses lie about an alleged incident to an investigator in order to protect their co-worker.

Bad Faith Complaints – relates to an individual intentionally making a false complaint of workplace discrimination, harassment, reprisal and/or violence and

may give rise to disciplinary action. The fact that a complaint is filed, and the allegation(s) set out therein are not found to have been proven, does not mean the complaint was filed in bad faith.

However, if, for example, an employee knowingly makes a false complaint of discrimination against a supervisor in order to avoid or as a retaliation for a poor performance rating, the employee's complaint may be considered a bad faith complaint.

5. Reporting workplace discrimination, harassment, reprisal or violence:

a. How to report workplace discrimination, harassment, reprisal or violence?

Individuals covered by the Policy and this Program can report incidents or complaints of workplace discrimination, harassment, reprisal or violence verbally or in writing.

Individuals who have a concern about an incident of alleged discrimination, harassment, reprisal or violence, but who have not yet decided if they wish to submit a written complaint, are encouraged to report the incident and discuss their concern with the Reporting Contact identified below.

When submitting a written complaint, employees are to use the workplace complaint form (see attached). When reporting verbally, the Reporting Contact, along with the employee making the complaint, will complete the complaint form.

The report of the incident should include the following information:

1. Name(s) of the person who has allegedly experienced workplace discrimination, harassment, reprisal or violence (referred to as the Complainant) and contact information.
2. Name of the person alleged to have violated the Policy (referred to as the Respondent), position or relationship to the AGO, and contact information (if known).
3. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known).
4. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
 - a. Any supporting documents the Complainant may have in their possession that are relevant to the complaint.
 - b. A list of any documents a witness, another person or the Respondent may have in their possession that are relevant to the complaint.

Please see the attached Complaint Form to be used for the purpose of filing a complaint.

b. Who to report workplace discrimination, harassment, reprisal or violence to:

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.

Complainants should report an incident or complaint to the Reporting Contact set out below. *Note: The person designated as the Reporting Contact should not be under the direct control of the Respondent.*

Employees, Supervisors and Managers

The Reporting Contacts set out below are provided as a guideline for employees, supervisors and managers. However, staff members should report an incident or complaint to the person in authority with whom they feel the most comfortable.

Complainants who are employees, 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.

If the Chief, People is a Respondent, the incident or complaint should be reported to the Deputy Director & Chief Advancement 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.

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.

Volunteers, Clients, Contractors, Donors, Artists, Visitors and Members of the Public

Complainants should report an incident or complaint to the Chief, People. If the Chief, People is a Respondent, the incident or complaint should be reported to the Deputy Director & Chief Advancement Officer.

The Reporting Contact shall notify the Chief, People (or, if the Chief, People is a Respondent, the Deputy Director & Chief Advancement Officer) within 24 hours of receipt of a report of an incident or complaint so that, if the matter cannot be

resolved informally, they can ensure an investigation is conducted that is appropriate in the circumstances.

All incidents or complaints shall be kept confidential except to the extent necessary to protect the persons involved, to investigate the complaint or incident, to take remedial or corrective action or otherwise as required by law.

c. Dispute Resolution Process

Complaints of discrimination, harassment, reprisal or violence may be resolved through the following process:

i. Informal Resolution:

A Complainant can directly approach the Respondent and inform the Respondent that the behaviour is unwelcome and must stop.

The 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.

If the complaint is resolved, a statement of facts and the resolution shall be reported to People Division (if not consulted at the outset) and the appropriate Reporting Contact identified above, immediately upon completion of the process.

ii. Formal 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 above or, in the case of a bargaining unit employee, their union representative (where applicable).

6. Investigation

a. Commitment to investigate

The AGO will ensure that an investigation appropriate in the circumstances is conducted when there is a report or a complaint of an incident of workplace discrimination, harassment, reprisal or violence.

b. Who will investigate?

A report or a complaint of an incident of workplace discrimination, harassment, reprisal or violence will be investigated by the Chief, People or their designate.

c. Timing of the investigation

The Respondent shall be notified, in writing, as soon as possible of the allegations specified in the complaint and given the opportunity to respond. The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

d. Remedial Measures

Where reasonable grounds exist to do so, appropriate remedial measures may be considered to support the Complainant, the Respondent or any other person involved in the investigation while the investigation is ongoing.

e. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace discrimination, harassment, reprisal or violence, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect the parties or witnesses involved, to investigate the complaint or incident, to take remedial or corrective action, or otherwise as required by law.

While the investigation is on-going, the Complainant, the Respondent(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

f. Investigation Process

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

1. The investigator must ensure that the investigation is kept confidential and that identifying information regarding specific individuals is disclosed only to the extent necessary to conduct the investigation. The investigator should remind the parties and any witnesses of their corresponding obligations to keep the investigation confidential at the outset of the investigator's first meeting with these individuals during the course of the investigation.
2. The investigator must thoroughly interview the Complainant and the Respondent, where the Respondent is an employee of the AGO. If the Respondent is not an employee of the AGO, the investigator should make reasonable efforts to interview the Respondent.
3. The Respondent must be given the opportunity to respond to the specific allegations raised by the Complainant. If the Respondent and/or the Complainant refuses to cooperate with the investigation despite requests by

the investigator to do so, the investigator may proceed with the investigation in the absence of a response from the Respondent and/or the Complainant.

4. The Complainant should be given a reasonable opportunity to reply to any new information provided for the first time by the Respondent during their interview.
5. The investigator must interview any relevant witnesses employed by the AGO identified by either the Complainant or Respondent, or as necessary to conduct a thorough investigation. The investigator must also make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
6. During the investigation, individuals who are interviewed in the investigation process may elect to have someone present with them during the interviews, if desired. This individual shall be in attendance solely to support the individual being interviewed and not to speak on the individual's behalf.
7. The investigator must collect and review any relevant documents.
8. The investigator must take appropriate notes and statements during interviews with the Complainant, the Respondent and any witnesses.
9. The investigator may consult with the Chief, People or designate. The Chief, People or designate may review the report in draft and may provide additional terms of reference during the process. Where this Program provides for the role of the Chief, People to be carried out by another Reporting Contact, the investigator shall consult with and review the report in draft with the Reporting Contact.
10. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the Complainant, the response from the Respondent, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether or not conduct contrary to the Policy has occurred.

g. Results of the Investigation

Upon receipt of the investigator's written report, the Chief, People in conjunction with the appropriate level of management to the specific case (or, where the role of the Chief, People is being carried out by another Reporting Contact, that Reporting Contact) shall determine what remedial or corrective action, if any, shall be taken based on the investigator's findings.

The purpose of the Policy and Program and is preventative and remedial. Therefore, if it is determined that a Respondent has committed an act of workplace discrimination, harassment, reprisal or violence, consequences may include education, counselling, verbal or written warnings, transfer, and/or discipline up to and including termination of employment. Specific consequences will depend on the nature and severity of the incident(s). Other remedies may include transfer, or

reallocation of duties with the respective re-classification and salary adjustment. In cases where a complaint of discrimination, harassment, reprisal or violence is found to have been made in bad faith, this finding may give rise to disciplinary action against the Complainant.

Written notice will be provided of any remedial or corrective action imposed as a result of the investigation.

The Complainant and the Respondent will be informed in writing of the results of the investigation and any remedial or corrective action taken or that will be taken by the AGO to address any conduct contrary to the Policy that has been found to have occurred. This should occur as soon as possible following the investigation.

In exceptional circumstances, it may also be necessary to provide information regarding the results of the investigation to persons other than the Complainant and Respondent. Where this is necessary, reasonable efforts will be made to protect the confidentiality of the Complainant and Respondent.

h. Review Process

Complainants and Respondents who are not satisfied with the outcome of the investigation process may, where applicable, address their concerns through the grievance process as per the terms of the appropriate collective agreement with the AGO. Otherwise, individuals may file a request for a review to the Chief, People (or, where the role of the Chief, People 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.

7. Record keeping

The Chief, People will keep records of the investigation including:

1. a copy of the complaint or details about the incident;
2. a record of the investigation including notes;
3. a copy of the investigation report (if any);
4. a summary of the results of the investigation that was provided to the Complainant and the Respondent(s);
5. a copy of any remedial or corrective action taken to address the complaint or incident of discrimination, harassment, reprisal or violence.

If the Chief, People is a Respondent, these records will be kept by the Deputy Director & Chief Advancement Officer.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace discrimination, harassment, reprisal or violence, take remedial or corrective action or otherwise as required by law.

Records will be kept for 10 years from the date the incident was reported.

8. Rights and Responsibilities of the Various Parties:

A) Board of Trustees

The Board of Trustees is responsible for:

- i) providing leadership in creating and maintaining a workplace free of discrimination, harassment, reprisal, and violence;
- ii) ensuring that Board members, managers and supervisors, and others responsible for implementing the Policy and the Program are held accountable for doing so;
- iii) receiving annual reports on the complaints experience under the Policy and considering any recommendations for changes to the Policy or the Program.

B) Director/CEO

The Director/CEO is responsible for:

- i) providing leadership in creating and maintaining a workplace free of discrimination, harassment, reprisal and violence;
- ii) ensuring that members of the Leadership Team, managers and supervisors, and others responsible for implementing this Policy are held accountable for doing so;
- iii) ensuring that Board members and managers responsible for implementing the Policy and this Program have the appropriate knowledge, skills, processes and resources in order to do so;
- iv) ensuring that all persons to whom the Policy and this Program applies are informed of their rights and responsibilities under the Policy and this Program;
- v) ensuring that remedial or corrective action for violations of the Policy will create or restore a work environment which is free from discrimination, harassment, reprisal, or violence; and
- vi) ensuring effective implementation of mediated agreements, remedial and corrective action.

C) People Division

The Chief, People or their designate is responsible for the implementation and application of the Policy and Program for the AGO including:

- i) ensuring that managers and supervisors are providing information to employees and others on the content and scope of the Policy and the Program;
- ii) ensuring properly trained individuals are involved in the complaint investigation process;
- iii) providing advice to all employees on the prevention and resolution of discrimination, harassment, reprisal and violence issues;
- iv) coordinating and conducting formal investigations of complaints and where necessary determining referrals to external services;
- v) reviewing investigation reports and determining in consultation with the appropriate level of management what remedial or corrective action, if any, is appropriate in light of the investigator's findings (except in those cases where the role of the Chief, Staff & Volunteer Services is being carried out by another Reporting Contact under this Program); and
- vi) maintaining supporting documentation regarding complaints and investigations.

D) Manager, Safety & Wellness

The Manager, Safety & Wellness is responsible for:

- i) in consultation with the Chief, People and Joint Health and Safety Committee (JHSC), preparing the Workplace Harassment, Discrimination, Reprisal and Violence Prevention Policy and Program and for reviewing it at least annually;
- ii) ensuring that the risk of workplace violence is evaluated and reassessed as frequently as necessary in conjunction with Managers, Protection Services Department (PSD);
- iii) assisting managers in assessing the likelihood of workplace violence and implementing workplace violence prevention procedures in conjunction with Managers, PSD;
- iv) advising the JHSC of results obtained from the Workplace Violence risk assessment;
- v) in consultation with PSD, ensuring that employees are provided with medical attention and access to the Employee Assistance Program following an incident of workplace violence resulting in physical injury;

- vi) ensuring that all instances of alleged or actual workplace violence are investigated to resolution. Active participation as the lead investigator may be required;
- vii) ensuring that injuries sustained as a result of workplace violence are reported to WSIB in accordance with the WSIB reporting requirements; and
- viii) ensuring that any critical injuries are reported to the Ministry of Labour.

E) Joint Health and Safety Committee

- i) reviews results of any workplace violence assessments initiated by the employer;
- ii) reviews the Policy and Program as needed or when revisions are made.

F) Supervisors/Managers

Managers and supervisors have the additional responsibility to respond promptly to observations or reports of discrimination, harassment, reprisal or violence, and to take reasonable steps to address any such incidents. Managers and supervisors are responsible for creating and maintaining a discrimination, harassment, reprisal and violence-free workplace environment, and must address any potential incidents of which they become aware in a prompt and reasonable manner.

Specifically, **managers and supervisors** are responsible for taking reasonable steps to ensure:

- i) The workplace is free from discrimination, harassment, reprisal and violence as defined in the Policy.
- ii) Employees, volunteers and others are informed of the AGO's Policy regarding workplace discrimination, harassment, reprisal and violence, and the Policy is reviewed with employees on an annual basis.
- iii) Their own behaviour is a model for a workplace environment free from discrimination, harassment, reprisal and violence.
- iv) Supporting procedures and safety measures are developed and communicated to address workplace violence in their respective work areas.
- v) Employees are provided with job specific training regarding risks of violence and expected conduct in situations where workplace violence may be encountered.
- vi) Employees are provided with information including personal details related to a risk of workplace violence from a person with a history of violent behaviour if the employee is expected to encounter that person in the course of his/her workday and if the risk of workplace violence may result in physical injury.

- vii) All instances of workplace harassment, discrimination, reprisal and violence are identified, investigated, resolved promptly and reported to the People Division (or, where required by this Program, another Reporting Contact).

If the **manager or supervisor** can successfully resolve the issue informally with the parties, they should do so. If in this process, the **manager or supervisor** has not consulted with the People Division or other applicable Reporting Contact, they must at least report the facts of the issue on resolution.

If informal resolution has not addressed the concern, the issue **must be reported** to the People Division or other applicable Reporting Contact immediately.

G) Employees, Volunteers and Other Persons Covered by the Policy

Employees, volunteers and other persons covered by the Policy are expected to uphold and abide by the Policy and the associated guidelines, by refraining from any form of discrimination, harassment, reprisal or violence, by refraining from condoning such behaviour and reporting it where it occurs, and by cooperating fully in any investigation of workplace discrimination, harassment, reprisal or violence. Where an individual is unsure if their behaviour is acceptable or appropriate to an individual or group, the individual should take the responsibility to ensure that their behaviour is appropriate.

Every employee, volunteer or other person covered by the Policy who feels that they may have been subjected to discrimination, harassment, reprisal or violence should:

- i) if comfortable and able to do so, immediately make their disapproval known to the individual;
- ii) if the offensive behaviour has been discussed directly with the individual responsible and the behaviour has not stopped, or the individual feels that they are unable to discuss the offensive behaviour directly with the individual responsible, then the individual should report the incident to the appropriate Reporting Contact identified above or, in the case of a bargaining unit employee, a union representative;
- iii) notify Protection Services Department (ext. 333) immediately, in the event of any violent verbal, physical, or threatening behaviour.

Employees shall not get involved in any actions meant to thwart or deter robbery, violent acts or other serious criminal activity while on the AGO premises or while conducting business on behalf of the AGO.


An employee has the right to refuse unsafe work where workplace violence is likely to endanger their health and safety. Such instances shall be handled in accordance with AGO's Work Refusal Policy. There is no corresponding right to refuse unsafe work where there is danger of workplace harassment.

APPROVAL:


**AGO Workplace Discrimination, Harassment, Reprisal & Violence
Prevention Policy**

**Reviewed by the AGO Resource Management Committee: November 14,
2018**

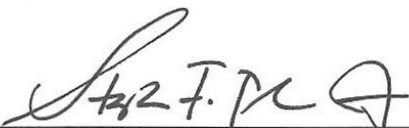
Approved by the AGO Board of Trustees: November 28, 2018



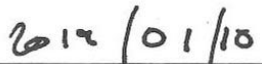
Chief, People



Date



Michael and Sonja Koerner Director, and CEO



Date

Workplace Discrimination, Harassment, Reprisal or Violence Complaint Form

Name and contact information of the Complainant (your name):

Name of the Respondents and contact information, if available:

Details of the complaint of workplace discrimination, harassment, reprisal or violence

Please describe in as much detail as possible the incident(s) in question, including:

- (a) the names of the parties involved;
- (b) any witnesses to the incident(s);
- (c) the location, date and time of the incident(s);
- (d) details about the incident(s) (behaviour and/or words used);
- (e) any additional details. (Attach additional pages if required)

Relevant documents/evidence

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

Signature:

Date: