

# **ANTI-DISCRIMINATION AND HARASSMENT POLICY**

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## **POLICY**

The Centennial College Student Association Inc. (CCSAI) is committed to creating and maintaining a positive and professional work environment. In support of this, the CCSAI expressly prohibits any form of discrimination and harassment, including sexual harassment, as defined under the Ontario *Human Rights Code*.

The CCSAI seeks to attract, obtain and retain employees who possess the qualifications, experience, competency, dependability and character for our current business needs. We seek such candidates without regard to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability, in order that the CCSAI may achieve its business objectives and constantly improve the quality of its operations. This policy applies to all aspects of employment including recruitment, promotions, transfers, compensation, benefits and training.

## **PROCEDURE**

This policy applies to the following persons and corporations:

- all employees of the CCSAI, including those employed on a contract basis;
- members of the CCSAI Board of Directors;
- members of societies, clubs and associations which are under the authority of the CCSAI;
- persons or corporations in a contractual relationship with Centennial College such as those undertaking provision of service or construction;
- visitors or patrons who may be on CCSAI premises.

The actual determination of any violation of this Policy can be made only in the context of a particular case, in accordance with fair procedures.

Both as a matter of law and common decency, each employee is entitled to pursue his or her employment free from discrimination based on:

- Race
- Ancestry
- Place of Origin
- Colour
- Ethnic Origin
- Citizenship
- Creed
- Sex
- Sexual Orientation
- Age
- Record of Offence
- Marital/Family Status
- Disability

## **ANTI-DISCRIMINATION AND HARASSMENT POLICY (cont'd.)**

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Accordingly, discrimination or harassment of any employee on any of these grounds will not be tolerated. Violation of this Policy will result in discipline, up to and including termination.

### **Definition of Discrimination and Harassment**

While it is not easy to define discrimination based on these protected grounds precisely, it certainly could include, but is not limited to, slurs, epithets, threats, derogatory comments or visual depictions, unwelcome jokes, teasing, granting of favours or denials etc.

In addition, any acts that adversely affects a specific employee or groups of employees based on the prohibited grounds as defined in the *Ontario Human Rights Code* noted above; or acts or behaviours that create intimidating, threatening, coercive or hostile work environment, so that one or all of the following occurs is also included:

- The work performance of one or more employees is impaired;
- The employment relationship is adversely affected; or
- The dignity or respect of one or more employees is denied.

### **Definition of Handicap**

"Because of handicap" means that a person has, or has had, or is believed to have had:

1. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and without limiting the generality of the foregoing, including diabetes, mellitus, epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or on a wheel chair or other immediate appliance or device;
2. a condition of mental retardation or impairment;
3. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
4. a mental disorder; or
5. an injury or disability for which benefits were claimed or received under the *Workers' Compensation Act* [now *Workplace Safety & Insurance Act*].

### **ANTI-HARASSMENT POLICY**

In the CCSAI every employee has a right to freedom from harassment in the workplace by the management, employees, clients or agents of the CCSAI because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.

## **ANTI-DISCRIMINATION AND HARASSMENT POLICY (cont'd.)**

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### **DEFINITION OF HARASSMENT**

Harassment means, "engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome." All forms of harassment are defined as discrimination.

Harassment is any behaviour, action or communication that is directed at, and offensive to, another individual and which the harasser knows or ought to know, is unwelcome. It consists of objectionable conduct, remarks, gestures and displays that are insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading or otherwise causes offence, discomfort, or personal humiliation or embarrassment to a person or group of persons. Examples of harassment include:

- unwelcome remarks, jokes, nicknames, innuendo, or taunting related to such things as a person's age, sexual orientation, race, same-sex status, ancestry;
- written or verbal abuse or threats linked to a prohibited ground;
- posters, notices or bulletins which may cause offence and encourage discrimination or create a hostile environment;
- use of terminology that reinforces stereotypes based on prohibited grounds;
- vandalism or physical assaults motivated by prohibited grounds;
- condescension, paternalism, or patronizing behaviour linked to prohibited grounds which undermines self-respect or adversely affects performance or working conditions;
- abuse of supervisory authority that endangers a person's employment, work performance or interferes or negatively influences the person's career. This includes misuses of power including intimidation, threats, blackmail & coercion.

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### **ANTI-SEXUAL HARASSMENT POLICY**

The CCSAI's policy is to provide a work environment that is free of sexual harassment in any form. Sexual harassment is defined by the *Ontario Human Rights Code* as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offend or humiliate any employee, or that might reasonably be interpreted as placing a condition of a sexual nature on employment or any opportunity for training or promotion. All employees of the CCSAI have the right to be free from sexual solicitation or advances made by a person in a position to confer or deny a benefit upon the employee or co-workers, where the person making the sexual advance knows or ought reasonably to know that it is unwelcome.

The following is not an exhaustive list but should assist in identifying what may constitute sexual harassment or inappropriate gender-related comments and conduct:

- gender-related comments about an individual's physical characteristics or mannerisms;
- unwelcome physical contact;
- suggestive or offensive remarks or innuendoes about members of a specific gender;
- propositions of physical intimacy;
- gender-related verbal abuse, threats, or taunting;
- leering or inappropriate staring;
- bragging about sexual prowess;

## **ANTI-DISCRIMINATION AND HARASSMENT POLICY** (cont'd.)

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- demands for dates or sexual favours;
- offensive jokes or comments of a sexual nature about an employee, client, or tenant;
- display of sexually offensive pictures, graffiti, or other materials;
- questions or discussions about sexual activities;
- paternalism based on gender which a person feels undermines his or her self-respect or position of responsibility; and/or
- rough and vulgar humour or language related to gender.

A violation of this policy is grounds for discipline including dismissal.

### **ANTI-RACISM POLICY**

Racial comments, slurs, labels, jokes, innuendoes, offensive pictures or graffiti and other materials about a particular racial group or an individual belonging to a particular racial group constitutes racism and is a violation of the *Ontario Human Rights Code*. Racism may be overt in the form of a derogatory comment or it may be the exclusion of individuals resulting in disparate treatment. Intention to discriminate is not necessary for an action or an omission to be racist as long as the person affected is treated unfairly. The CCSAI does not tolerate racism and a violation of this policy is grounds for discipline including dismissal.

### **REPRISAL**

Reprisals or threats of reprisal, particularly by a person in authority, are defined as acts or threats designed to punish an individual who has reported discrimination or harassment; or threats designed to dissuade an individual from reporting discrimination or harassment.

In sexual harassment cases, reprisals can also be defined as acts designed to punish an individual who has rejected sexual advances; or threats if sexual advances are rejected. Any act of reprisal is a violation of the *Ontario Human Rights Code*. Acts of reprisal will not be tolerated and is likely to lead to discipline including termination.

### **PREVENTION AND INTERVENTION**

Prevention and intervention are key to achieving an environment free of discrimination and harassment. The CCSAI supports this by providing a clear policy statement and an internal complaint and investigation procedure, and will provide ongoing training and communications regarding employee and employer rights and obligations.

### **Condoning**

If a person in authority knows, or should reasonably have known, that discrimination or harassment may have occurred and fails to take appropriate action, the person in authority has condoned the discrimination or harassment and may be subject to sanctions under this policy.

Individuals who observe a situation involving the harassment of another or others have a responsibility to inform the harasser of this policy, recognizing that individuals who experience discrimination or harassment are often reluctant to report it.

## **ANTI-DISCRIMINATION AND HARASSMENT POLICY (cont'd.)**

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### **RESPONSIBILITIES**

#### **Employee**

- Maintains a manner in the workplace that respects all employees' human rights, thus promoting a harassment-free workplace as defined in this policy;
- Complies with the terms of this policy;
- Makes, if possible, his or her disapproval and specific objections known to the employee whose behavior is in question;
- Keeps a written record of dates and times of unacceptable behavior and the names of witnesses to the incidents; and
- Reports incidents of discrimination or harassment to the Executive Director/CEO or designate

#### **CEO/Executive Director**

- Ensures the workplace is free from discrimination or harassment as defined in this policy;
- Ensures employees are informed of this policy;
- Applies the application of this policy consistently;
- Begins a course of action to stop harassment as soon as he or she becomes aware of, hears, or observes discrimination or harassment whether or not a complaint has been filed;
- Responds quickly to employee complaints;
- Oversees, where possible, informal complaint through to resolution;
- Begins a course of action to remedy and prevent recurrence; and
- Implements corrective action where necessary.

## ANTI-DISCRIMINATION AND HARASSMENT POLICY (cont'd.)

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### A. PROCEDURE TO FOLLOW REGARDING INFORMAL COMPLAINT OF DISCRIMINATION OR HARASSMENT

#### INFORMAL

<b>Responsibility</b>	<b>Action</b>
Employee	<ol style="list-style-type: none"><li>1. Makes his or her objection know to the alleged offender;</li><li>2. Attempts to resolve the matter; and/or</li><li>3. Contacts the CEO/Executive Director if the situation can't be corrected at the lowest level, or if the employee feels intimidated.</li></ol>
Executive Director/CEO	<ol style="list-style-type: none"><li>4. Conducts a fact-finding investigation.</li><li>5. Meet with the complainant and respondent, either individually or together, where appropriate, to attempt to achieve a satisfactory resolution. Resolution may include, but is not limited to, a formal apology, appropriate counselling for those involved, or discussion with the respondent regarding expected and appropriate workplace behaviour and responsibilities.</li><li>6. At this point, the procedure may result in a mutually acceptable resolution, withdrawal of the complaint or failure to resolve.</li></ol>
Executive Director/CEO	<ol style="list-style-type: none"><li>7. Decide what action is to be taken, implement action and keep a record of it.</li></ol>

## ANTI-DISCRIMINATION AND HARASSMENT POLICY (cont'd.)

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### B. PROCEDURE TO FOLLOW REGARDING FORMAL COMPLAINT OF DISCRIMINATION OR HARASSMENT

#### FORMAL

<b>Responsibility</b>	<b>Action</b>
Employee	<ol style="list-style-type: none"> <li>1. Files or writes a complaint with a description of the details of the complaint;</li> <li>2. The complaint will provide details of the alleged harassment, including dates, times, places, names of individuals involved and names of any witnesses; and</li> <li>3. Submits the complaint to the CEO/Executive Director.</li> </ol>
CEO/Executive Director	<ol style="list-style-type: none"> <li>4. Acknowledges receipt of the complaint in writing to the complainant;               <ol style="list-style-type: none"> <li>(a) Advising the complainant of his or her right to representation; and</li> <li>(b) Informing the complainant that investigator(s) will be in contact to arrange a meeting.</li> </ol> </li> <li>5. Provides written notification of the complaint to the respondent.               <ol style="list-style-type: none"> <li>(a) Advising the respondent of the allegations;</li> <li>(b) Informing the respondent of his or her right to representation; and</li> <li>(c) Informing the respondent that investigator(s) will be in contact to arrange a meeting.</li> </ol> </li> <li>6. Advise applicable manager(s) that a complaint has been filed; and</li> <li>7. Appoints investigator(s) to investigate the complaint.</li> </ol>
Investigator(s)	<ol style="list-style-type: none"> <li>8. Review the complaint and allegations;</li> <li>9. Conduct interviews with the complainant, respondent, and any witnesses.</li> <li>10. Submit, where practical, within 30 calendar days or less, of the filing of the complaint a written fact-finding report to the CEO/Executive Director.</li> </ol>
CEO/Executive Director	<ol style="list-style-type: none"> <li>11. Reviews reports and recommendations provided by the investigator(s); and</li> <li>12. Decides and implements appropriate remedy.</li> </ol>

**The choice of procedure is up to the CEO/Executive Director.**