

**TORONTO REFUGEE COMMUNITY NON-PROFIT
HOMES AND SERVICES - ROMERO HOUSE**



HARASSMENT POLICY

Approved by the Board of Directors:

Date

Chair of the Board:

Signature

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Harassment Policy

A. Romero House Commitment

1. The Romero House 'Way of Being,' to which all staff, interns, volunteers and board members commit themselves, stresses a way of living and working together that is based on dignity and mutual respect.
2. Romero House is committed to providing an environment free of discrimination and harassment, including sexual harassment, in which all individuals are treated with respect and dignity, and can contribute fully, and have equal opportunities.
3. Under the Ontario *Human Rights Code* (henceforth referred to as '*Code*'), to which this policy is aligned, every person has the right to be free from harassment and discrimination. Harassment and discrimination will not be tolerated, condoned or ignored at Romero House. If a claim of harassment or discrimination is proven, disciplinary measures will be applied, up to and including termination of employment or residence.
4. Romero House is committed to a comprehensive strategy to address harassment and discrimination, including:
 - providing training and education to make sure everyone knows their rights and responsibilities
 - regularly monitoring organizational systems for barriers relating to *Code* grounds
 - providing an effective and fair complaints procedure in which all complaints received by Romero House staff/volunteers pursuant to this procedure shall be investigated and considered strictly confidential, and
 - promoting appropriate standards of conduct at all times.

B. Policy Objectives

5. The objectives of this Policy are to:
 - Ensure that all members of the Romero House community, including management, board members, staff, interns, volunteers, co-op students and residents of Romero House are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of the Romero House Community as well as being a violation of the law.
 - Set out the types of behaviour that may be considered offensive and are prohibited by this policy.

C. Application

6. The right to freedom from discrimination and harassment extends to all employees, including full-time, part-time, temporary, probationary, casual and contract staff, as well as volunteers, co-op students interns and board members. It also applies to residents and persons seeking assistance from Romero House.
7. It is unacceptable for members of Romero House to engage in harassment or discrimination when dealing with residents, clients, or with others with whom they have professional dealings, such as suppliers or service providers.
8. This policy also applies to Romero House events that occur outside of the physical workplace such as conferences, meetings or social gatherings.

D. Protected Grounds

9. This policy prohibits discrimination or harassment based on the following grounds, and any combination of these grounds:
 - Age
 - Creed (religion)
 - Sex (including pregnancy and breast-feeding)
 - Sexual orientation
 - Gender identity
 - Gender expression
 - Family status (such as being in a parent-child relationship)
 - Marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship)
 - Disability (including mental, physical, developmental or learning disabilities)
 - Race
 - Ancestry
 - Nationality or citizenship
 - Place of origin
 - Ethnic origin
 - Colour
 - Association or relationship with a person identified by one of the above grounds
 - Perception that one of the above grounds applies.

E. Definitions

10. The following behaviours are prohibited:

- a. **Discrimination:** means any form of unequal treatment based on a *Code* ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy.
- b. **Harassment:** means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this policy. Harassment can occur based on any of the grounds of discrimination.

Examples of harassment include:

- Epithets, remarks, jokes or innuendos related to a person's race, gender identity, gender expression, sex, disability, sexual orientation, creed/religious practice, age, or any other ground
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means
- Singling out a person for humiliating or demeaning "teasing" or jokes because they are a member of a *Code*-protected group
- Comments ridiculing a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person's dress, speech or other practices that may be related to their sex, race, gender identity or creed.

If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is acceptable. The behaviour could still be considered harassment under the *Code*.

c. **Sexual and gender-based harassment:** sexual harassment is a form of harassment that can include:

- Gender-related comments about a person's physical characteristics or mannerisms
- Paternalism based on gender which a person feels undermines his or her self respect or position of responsibility
- 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 or questions or discussions about sexual activities
- Offensive jokes or comments of a sexual nature about an employee or client
- Rough and vulgar humour or language related to gender
- Display of sexually offensive pictures, graffiti or other materials including through electronic means
- Demands for dates or sexual favours.

The comments or conduct do not have to be made with the intention to discriminate to be in violation of the Ontario Human Rights Code. Rather, the effect or the result of the comments or actions on the recipient may themselves constitute discrimination.

d. **Sexual Solicitation:** this policy prohibits 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 the Director, Assistant Director, co-workers, interns and volunteers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also not allowed.

e. **Poisoned environment:** a poisoned environment is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory work environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

F. Roles and Responsibilities

11. All members of the Romero House community are expected to uphold and abide by this policy, by refraining from any form of harassment or discrimination, and by cooperating fully in any investigation of a harassment or discrimination complaint.
12. The Director and Assistant Director have the additional responsibility to act immediately on observations or allegations of harassment or discrimination. The Director and Assistant Director are responsible for creating and maintaining a harassment- and discrimination-free organization, and should address potential problems before they become serious.

G. Complaints

13. Any members of the Romero House community (including management, board members, staff, interns, volunteers, co-op students and residents) who have witnessed or experienced an incident of harassment are encouraged to explain to the person who is harassing or discriminating that the conduct is unwelcome, but are not obliged to do so. Indeed, each case is different. If addressing the person responsible could lead to an escalation of the harassment or discrimination, or to safety risks, complainants do not have to directly interact with that person. If a complainant feels they can safely make it known to the person responsible that the behaviour is unwelcome, of course this may resolve the matter, or may help them later if they make a complaint. However, the complainant should never feel obliged to address their harasser against their better judgement.
14. If there is an allegation of harassment against the Director/ Assistant Director, the person making the complaint should go directly to the Romero House Board president.
15. Every person has a right to claim and enforce their right to a workplace free of harassment and discrimination. No person shall be negatively treated for bringing forward a complaint, providing information related to a complaint, or helping to resolve a complaint. It is a violation of Romero House policy to discipline or punish a person because he or she has brought forward a complaint, provided information related to a complaint, or otherwise been involved in the complaint resolution process. Reprisal may be the subject of a complaint under this procedure, and persons engaging in reprisal are subject to disciplinary measures, up to and including termination of employment.
16. *The provisions of this policy and procedure in no way affect the right of any person to exercise his or her rights under the Ontario Human Rights Code, within the time limits specified by that legislation.*

H. Complaints Investigation and Resolution Procedure

17. Everyone, including members of the public and professionals who work closely with children, is required by law to report suspected cases of child abuse or neglect.
18. Every person who believes he or she has experienced harassment or discrimination, as well as every person who has been notified of a complaint against them, is advised to create and keep written notes about the events at issue, and to maintain any relevant written documentation. Notes should set out:
 - What happened – a description of the events or situation;
 - When it happened – dates and times of the events or incidents;
 - Where it happened;
 - Who saw it happen – the names of any witnesses, if any.
19. An incident or a complaint of workplace harassment or discrimination that has not been resolved directly with the harasser to the satisfaction of the complainant should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.
20. Reports of workplace harassment or discrimination should be made to the Director or Assistant Director in person or in writing using the form attached **Appendix A**. In the event that a complainant feels that they cannot discuss the matter with the Director or Assistant Director, they may report the incident to the President of the Romero House Board or another member of the Board.
21. In discussion with the Assistant Director or another designate, the Director (or the President) will then investigate the complaint according to this policy and the Romero House Code of Conduct and decide on the appropriate course of action to ensure that harassment does not continue and that all members of the community are safe and can enjoy a workplace defined by dignity and mutual respect. This may involve dismissal of an employee or intern, or the informing of a volunteer or community member that they may not return to the Romero House premises. It may involve finding alternate housing for a resident who is responsible for the harassment. If the harassment involves possible criminal conduct, the matter should be referred to the police.

Commitment to investigate

22. Romero House will ensure that an investigation appropriate in the circumstances is conducted when the Director/Assistant Director or the President become aware of an incident of workplace harassment or discrimination or receive a complaint of workplace harassment or discrimination.

23. The investigator is responsible for ensuring a thorough, fair and impartial investigation of the allegations in the complaint. The investigator will interview the complainant, the respondent(s), and relevant witnesses suggested by the complainant or respondent(s), as well as gather documents relevant to the matters in the complaint.
24. All management, board members, staff, interns, volunteers, co-op students and residents of Romero House are required to cooperate with the investigator.

Timing of the investigation

25. The investigation will be completed in a timely manner and generally within ninety (90) days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

Who will investigate

26. If the respondent (the alleged perpetrator of harassment or discrimination) is a staff member, intern, co-op student, volunteer or resident of Romero House, the investigation will be led by the Director and the Assistant Director.
27. If the respondent is the Director or Assistant Director or a member of the Board other than the President: the President may conduct the investigation, with or without the assistance of another member of the Board, or may retain an external person qualified to conduct a workplace harassment investigation.
28. If the respondent is the President of the Board: the Director or Assistant Director, in consultation with another member of the Board, may conduct an investigation and/or retain an external person qualified to conduct a workplace harassment investigation.

The investigation

29. The alleged individual(s) will be given the opportunity to respond to the specific allegations raised by the person who reported the workplace harassment / discrimination. The person who reported the incident should be given a reasonable opportunity to reply.
30. The investigator will interview any relevant witnesses who may be identified by either the person who reported the incident, the respondent, or as necessary to conduct a thorough investigation. The investigator will collect and review any relevant documents.
31. The investigator will take appropriate notes and statements during interviews with the person who reported workplace harassment or discrimination, the respondent, and any witnesses.

Summary results of the investigation

32. The investigator will prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the person who reported the workplace harassment or discrimination, the response from the alleged individual(s), the evidence of any witnesses, and any other evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment or discrimination was found or not.

Outcomes

33. Unless included as a Respondent, the Director, Assistant Director and President will decide whether the policy has been violated and, if so, the appropriate consequences for the person(s) who violated the policy. These may include:

- An apology
- Counselling
- Education and training
- Verbal or written reprimand
- Suspension with pay
- Suspension without pay
- Transfer
- Termination of employment.

34. In determining the appropriate consequences, the Director, Assistant Director and President will take into account the nature of the violation of the policy, its severity. And cross-cultural or competency issues, and whether the individual has previously violated the policy.

35. Where a violation of the policy is found, the Director, Assistant Director and President will also take any reasonable steps necessary to repair the effects of the discrimination or harassment on the complainant, and to prevent any further recurrences of harassment or discrimination within the organization.

36. Within a reasonable period (e.g. 10 days) from the completion of the investigation, the person who experienced the workplace harassment and the respondent will be informed in writing of the results of the investigation, including the intended corrective action, if any.

37. The Director, Assistant Director and President will be responsible for monitoring the outcome of the complaint.

Confidentiality

38. Information about complaints and incidents will be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment / discrimination, including identifying information about any individual(s) involved, will not be disclosed unless disclosure is necessary to protect the person, to investigate the complaint or incident, or in the case of workplace harassment, to take corrective action or otherwise as required by law.
39. While the investigation is on-going, the complainant, the respondent, and any witnesses should not discuss the incident or complaint or the investigation with each other or other team/community members 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.

Record keeping

40. Romero House will keep records of the investigation including:
- A copy of the complaint or details about the incident;
 - A record of the investigation including notes;
 - A copy of the investigation report (if any);
 - A summary of the results of the investigation that was provided to the complainant and to the respondent;
 - If considered workplace harassment, a report of any corrective action taken to address the complaint or incident of workplace harassment.
41. All records of the investigation will be kept for a minimum of three years.

I. Training Requirements

42. All employees/volunteers at Romero House will be required to review this policy and receive information on how to deal with harassment / discrimination complaints.

J. Compliance

43. Each employee, intern, volunteer, co-op student and board member is to read and sign this policy. The signed compliance forms are to be stored in the individual's file in the Director/Assistant Director's office in the case of employees and interns. They are to be attached to the corresponding completed volunteer application form, which is stored in the volunteer binder, in the case of a volunteer. Those signed by board members will remain in the custody of the President.

The compliance form is attached as APPENDIX B to this policy.

APPENDIX A

Workplace Harassment / Discrimination Complaint Form

Name of person making complaint (your name):

Name of person you are complaining about:

Details of the complaint of workplace harassment discrimination
Please describe what happened in as much detail as possible, 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)

APPENDIX B – COMPLIANCE FORM

**TORONTO REFUGEE COMMUNITY NON-PROFIT
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HARASSMENT POLICY

I have read and understand the Romero House harassment policy.

Employee/intern/volunteer name Signature Date

Witness name Signature Date