

Subject:	Human Rights	Date Approved:	November 11, 2014
Approved by:	Executive Director	Date Revised:	
Specific to:	All Staff, Board of Directors and Volunteers	Next Review Date:	September 2017

INTENT

North Perth Family Health Team (NP FHT) is committed to building and preserving an open, inclusive and, healthy working environment for its employees based on mutual respect. In accordance with the *Ontario Human Rights Code*, NP FHT does not condone or tolerate acts of discrimination or harassment in the workplace against or by any employee. NP FHT is also committed to upholding the Code in all of its practices and policies.

The intent of NP FHT's Human Rights Policy is to provide a working environment for all employees that fosters openness and tolerance. This Policy is intended to ensure that NP FHT's practices and the practices of all our employees are free from direct and indirect discrimination as well as any form of harassment. Under the Ontario Human Rights Code, employers have the ultimate responsibility for ensuring a healthy and inclusive work environment, including preventing and addressing discrimination and harassment.

DEFINITIONS

Discrimination: 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 have the effect of disadvantaging certain groups of people. Discrimination may take obvious forms, or it may occur in very subtle ways. In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this Policy.

Harassment: 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 on any of the grounds of discrimination.

Sexual Harassment: sexual harassment is a form of harassment that can include: gender-related comments about an individual'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.

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 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 environment.

Equal: subject to all requirements, qualifications and considerations that are not a prohibited ground of discrimination.

Employment: Employment includes paid employment, volunteer work, student internships, special job placements, and temporary, contract, seasonal or casual employment.

POLICY

The Code states that every person has a right to equal treatment with respect to employment without discrimination or harassment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability. The right to "equal treatment with respect to employment" covers every aspect of the workplace environment and employment relationship, including job applications, recruitment, training, transfers, promotions, dismissal and layoffs. It also covers rate of pay, overtime, hours of work, holidays, benefits, discipline and performance evaluations.

We will support the accommodation of employees and job applicants who require workplace accommodation under any of the grounds described in the Human Rights Code. We will work to achieve a workplace free of barriers by providing accommodation for the needs of those individuals covered by the Code, up to the point where it causes undue hardship for NP FHT. Every effort will be made such that the impact of accommodation will not discriminate against another group protected by the Code.

In accordance with workplace rights set out under the *Ontario Human Rights Code*, every employee has a right to freedom from:

- Discrimination when accessing and using goods and services. Every person has the right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- Unequal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.
- Harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual

orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

- A sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.
- A reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

Application of this Policy

NP FHT will not tolerate any form of harassment or discrimination against any individual, including job candidates, employees, managers, or clients, on any grounds. This commitment applies to, but is not limited to, such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

Every NP FHT employee shall be held personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination and/or harassing behaviour. As such, employees must report every incident of harassment and/ or discrimination immediately -- whether it was observed, happened to them personally, or if the problem was reported to them.

For the purposes of this policy, harassment can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Duty to Accommodate

NP FHT will work to ensure that individuals protected under the Code are able to work effectively, by making adjustments or modifications to the work, or the work environment, up to the point of undue hardship.

NP FHT will work with the individual that requests accommodation in an effort to ensure that the measures taken are both effective and mutually agreeable. NP FHT encourages individuals to make any needs for accommodation known to their immediate supervisor, and to work with them in addressing the issue(s). Accommodation means making special arrangements for some people, so they can have the same opportunities as everyone else. For example, flexible working hours or a ramp into a building can make a big difference.

Accommodation

Accommodation shall be provided for individuals where a disability or religious requirement requires that the work be modified or adjusted to address the needs of the individual, based on protected grounds of discrimination under Human Rights legislation.

NP FHT shall provide accommodation as appropriate, using a consultative approach that involves the company, the individual, and as appropriate, any applicable healthcare professionals, and other third parties that are required to assist in the accommodation process.

Accommodation may be temporary, or permanent, based on the requirements of the individual.

Accommodating Employees with Disabilities

Any employee requesting accommodation must make a request to their Manager or Immediate Supervisor. The Manager is responsible for ensuring that a written description of the accommodation plan is prepared for any employee.

Accommodation requests should, whenever possible, be made in writing. The accommodation request should indicate:

- The Code ground with respect to which accommodation is being requested;
- The reason why accommodation is required, including enough information to confirm the existence of a need for accommodation; and
- The specific needs related to the Code ground.

It is very important to note that NP FHT recognizes that some individuals may be unable to disclose or communicate their accommodation needs due to the nature of their disability. While it is preferable that accommodation requests be made formally and in writing, NP FHT will take all accommodation requests seriously, regardless of the format of the request recognizing that some individuals may not be able to identify what their accommodation needs are, or they may be reluctant to disclose their needs in fear of stigma or stereotypes. No person will be penalized for making an accommodation request.

NP FHT shall create an accommodation plan and attempt to determine methods of achieving the requirements for success in the position in alternative manners. In the creation of an accommodation plan, NP FHT will work with the employee and shall:

1. Identify the need for accommodation.
2. Determine objectives for performance in the role, and potential barriers.
3. Create a plan for achieving the objectives in an alternative manner.
4. Examine the options for accommodation, and select the most appropriate avenue for accommodation.
5. Implement the accommodation process.
6. Provide training as appropriate.
7. Review and revise based on feedback.

Inability to Accommodate

In the event an employee cannot be accommodated in current position it will be reasonable to accommodate the individual in another position.

The Executive Director, working with appropriate NP FHT officers and the employee, will attempt to place the employee in another available position. This may require the assistance of third parties with specialized expertise.

Where an employee is placed in an alternate position, NP FHT shall ensure that the employee has the requisite qualifications and skill-sets necessary for success in the position, is capable of performing the tasks associated with the position, and that the employee agrees that the alternate work is acceptable.

Job Redesign

In the event that the accommodation requires a substantial change in the position, involving duties or hours, the position may be redesigned.

Accommodating Job Applicants

NP FHT will meet all legislative requirements in providing accommodation to job applicants as well as employees.

Any applicant to NP FHT that communicates the need for accommodation shall be considered in a manner that is non-discriminatory, and respectful of our Human Rights obligations.

Religious Accommodation

NP FHT is committed to respecting the religious beliefs and practices of all employees. NP FHT will strive to accommodate employees that require any type of accommodation or must be absent from work for all or part of a regularly scheduled working day due to a bona fide religious obligation.

NP FHT employees that require religious accommodation are directed to provide as much advance notice as is possible, and we will strive to provide the required time off through the normal scheduling of work.

In the event that a day of religious observance falls on a day the employee is scheduled to work, and the organization is unable to accommodate the request, the employee shall be entitled to use standard provisions for time off with pay, or receive the day off without pay.

Dress Code: We will strive to allow for religious accommodation where the accommodation does not conflict with established Health and Safety Policies, or where the work uniforms can be modified easily to permit the person concerned to wear the required item(s) of clothing. Clothing or gear with a health or safety rationale may constitute a reasonable occupational requirement.

Break Policy: We recognize that some religions require the observation of prayer periods at specific times. While this requirement may create a conflict with standard hours of operations, we will work to accommodate the employee's needs, short of undue hardship. Where possible, NP FHT shall allow for a modified schedule for breaks.

Employee that requires Accommodation

The employee will be required to notify the Executive Director regarding their request for accommodation, providing information regarding their needs. The employee must cooperate with NP FHT in the process of determining a reasonable accommodation.

The Executive Director (ED) will assist in the creation and implementation of the accommodation plan. The Executive Director shall document all forms of accommodation granted annually, including numbers of religious days granted, and shall compile data for reporting on accommodation types and costs.

The ED will maintain information related to:

- The accommodation request;
- Any documentation provided by the accommodation seeker or by experts;
- Notes from any meetings;
- Any accommodation alternatives explored; and
- Any accommodations provided.

This information will be maintained in a secure location, separate from the accommodation seeker's personnel file, and will be shared only with those persons who need the information.

Where the accommodation required necessitates an investment in materials, equipment or increased budget for the position, requests for financing must be directed to the Executive Director.

In the event that the employee requesting accommodation feels that their needs have not been met in a reasonable manner, they may file a written complaint through the NP FHT addressed to the Executive Director.

Undue Hardship

NP FHT shall work to provide workplace accommodation up to the point of undue hardship. Undue hardship may occur where all options have been considered and it is established that no forms of appropriate accommodation exist, or where the creation of accommodation would cause excessive costs that create undue hardship for the organization, or where the accommodation would create a health and safety hazard.

Where the provision of accommodation is found to cause undue hardship on the organization, NP FHT shall work to find a fair and equitable compromise that meets the needs of the employee and the organization to the greatest extent possible.

Responsibility

The process of accommodating individuals is a shared obligation of NP FHT and the employee. Management staff should be the first point of contact for employees when requesting a form of accommodation. Together, in consultation with Health & Safety Representative, and, where appropriate, healthcare practitioners and other required third parties, they will work to determine the most appropriate form(s) of accommodation to meet the needs of the individual.

Reporting Procedure

While NP FHT will ensure to adhere to following the Human Rights Code in all of its practices, it is essential that employees adhere to the Code as well. In the event that any employee feels they are being discriminated against or harassed, the following reporting procedures have been put into place:

Informal Procedure

If you believe you have been harassed or have faced discrimination you may:

- Confront the individual personally, or in writing, clearly stating the unwelcome behaviour/action and requesting that it stop immediately; or
- Discuss the situation with the Executive Director.

Any employee who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the occurrence to his/her supervisor.

Formal Procedure

If you believe you have been harassed or discriminated against you may make a written complaint to the management team. The written complaint must be delivered to the Executive Director and include the following information:

- The date and time of each incident you wish to report.
- The name of the person(s) involved in the incident(s).
- The name of any person or persons who witnessed the incident(s).
- A full description of what occurred.

Investigating Reports of Discrimination or Harassment

Once a written complaint has been received, NP FHT will complete a thorough investigation. Harassment and discrimination should not be ignored as silence can, and often is, interpreted as acceptance. Employees will not be demoted, dismissed, disciplined or denied a promotion, advancement or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

For the purposes of this section the following definitions apply:

Complainant – The person who has made a complaint about another individual who they believe committed an act of violence against them.

Respondent – The person whom another individual has accused of committing an act of violence.

The investigation will include:

- Informing the accused of the complaint.
- Interviewing the complainant, any person(s) involved in the incident and any identified witnesses.
- Interviewing any other person(s) who may have knowledge of the incident(s) or complaint.
- Statements from all parties involved will be taken and a decision will be made.
- If necessary, NP FHT may employ outside assistance or request the use of our legal counsel.
- Where it is determined that harassment has occurred, a written report of the remedial action will be given to the employees concerned.

A copy of the complaint, detailing the complainant's allegations, shall be provided to the respondent(s) and contain the following information:

- The respondent is invited to reply in writing to the complainant's allegations.
- The reply will be made known to the complainant before the case proceeds.
- NP FHT will take all measures to prevent any unnecessary disclosure of the incident and the identities of the parties.

If the complainant decides not to lay a formal complaint, Senior Management may decide that a formal complaint is required, which will be based on the investigation of the incident, and will file such document(s) with the person(s) against whom the complaint is laid.

If it is determined that personal harassment or discrimination has occurred, appropriate disciplinary measures will be taken immediately.

Confidentiality

All records of direct and indirect discrimination and harassment, reports filed, and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.

NP FHT will do everything it can to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly and respectfully. NP FHT will protect this privacy so long as doing so remains consistent with the enforcement of this Policy and adherence to the law.

Fraudulent or Malicious Complaints

This Human Rights and Anti-Harassment Policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded/frivolous allegations of

personal harassment may cause both the accused person and the company significant damage. If it is determined by the company that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

Disciplinary Measures

If it is determined by the company that any employee has been involved in the harassment or discrimination of another employee, immediate disciplinary action will be taken, up to and including immediate dismissal without further notice.

Managing and/or Coaching

Counselling, performance appraisal, work assignment, and the implementation of disciplinary actions is not a form of personal harassment, and the policy does not restrict a manager/supervisor's responsibilities in these areas.

Roles in Maintaining a Positive & Safe Work Environment

We all have the responsibility to assist in eliminating and preventing discrimination, harassment and violence in the workplace and to report all acts of discrimination, harassment and violence which threaten, or perceive to threaten, a healthy and safe work environment.

We shall continuously endeavour to eliminate and prevent harassment and discrimination in the workplace and trust that all of our employees will assist in this elimination and prevention. If you are a co-worker who has witnessed discrimination, harassment or violent act(s) or behaviour(s) in the workplace, you are required to immediately report the incident to the Executive Director.

Employer's Role

NP FHT's management team is legally responsible for creating and maintaining a healthy and safe workplace free from harassment and violence. Further management is legally responsible for the provision of training of this Policy and will ensure all employees receive adequate training of the contents.

Managers must be sensitive to the climate in the workplace and address potential problems before they escalate. If a manager becomes aware of harassment in the workplace and opts to ignore it, the manager and NP FHT risk being named co-respondent in a complaint and may be found liable in legal proceedings.

NP FHT must ensure as much as practical, that no employees are subjected to violence or harassment in the workplace. We will ensure to take corrective action regarding any employee who harasses another employee.

NP FHT will not disclose the name of any complainant or alleged harasser, or the circumstances of the complaint to anyone except where disclosure is necessary to investigate the complaint or take corrective action, or; required by law.

When an employee has asked the ED to deal with discrimination or harassment, the manager will:

- Support the employee without prejudice or bias of the situation.
- Work with the employee and document the action(s)/incident.
- Have the employee sign a complaint.

Employee's Role

If you are a co-worker who has witnessed discrimination/harassment in the workplace:

- Inform the harassed person that you have witnessed what you believe to be discrimination/harassment and that you find it unacceptable. Support is often welcome. If that person does not feel that they have been discriminated against or harassed, then the incident shall be considered closed.
- Inform the harasser(s) that you have witnessed the act(s) and find it unacceptable.
- Encourage the discriminated or harassed person to report the incident to the ED.