

Violence and Harassment Policy

Purpose

Lupus Ontario is committed to providing a working environment free of violence, harassment and discrimination. This Policy reaffirms the responsibilities of all staff and volunteers in advancing this goal. Any behavior on the contrary towards an individual because of race, creed, colour, religion, country of origin, ethnicity, citizenship, ancestry, gender, gender identity, sexual orientation, same-sex partnership status, age, marital or family status, or physical ability is unacceptable, and will not be tolerated. Lupus Ontario will treat any allegation of such behaviour as a serious matter.

Policy Objectives

Lupus Ontario complies with the rules and regulations set out in the Ontario *Human Rights Code* and expects all of its staff and volunteers to comply with this legislation.

Policy Application

This Policy applies to all Lupus Ontario funded researchers, volunteers, staff, board members at all levels of the organization. This Policy applies not only to work-related activities at the Lupus Ontario office, but to Lupus Ontario approved social functions, work assignments and other events that promote the aims of the organization that take place outside of the office, telephone conversations, traveling, electronic communications, or work-related activities in any environment where the person harassed is required to be present as a result of a Lupus Ontario related responsibility or relationship. As a result, this Policy also applies to harassment of the public/customers/suppliers by colleagues.

Executive Champion

The President of Lupus Ontario is the executive champion of this policy.

Policy Details

Definitions

The **Ontario Human Rights Code** and the **Ontario's Occupational Health and Safety Act** (Bill 168, OHSA) sets out provisions regarding every person's right to freedom from workplace harassment and discrimination.

Discrimination is discriminatory or unequal treatment based on a ground prohibited by applicable human rights law (for instance, a person's race, gender, religion, sexual orientation, age or disability).

Harassment means any inappropriate conduct, comment, display, action or gesture:

That either

- a) Is based on race, creed, religion, colour, sex, sexual orientation, gender identity, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or
- b) Adversely affects a colleague's psychological or physical well-being and that the harasser knows or ought reasonably to know would cause the colleague to be humiliated or intimidated; or
- c) That constitutes a threat to the health or safety of a colleague.

Harassment includes **sexual harassment**, which means:

- a) Engaging in a course of aggravating comment or conduct against a colleague 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 colleague and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

Workplace harassment, as defined by the OHSA, is broad enough to include harassment prohibited under the Ontario Human Rights Code, as well as what is often called "psychological harassment" or "personal harassment".

Violence means an aggressive physical act or any threat or attempt to exercise physical force against another person. Violence includes domestic violence that gives rise to the threat of violence in the workplace, as well as violence that is exercised or threatened in the workplace by a customer or any other person not employed by Lupus Ontario.

The workplace includes, but is not limited to, Lupus Ontario office. The workplace is extended to any location where staff and/or volunteers are required to be because of work demands, including functions, site visits and other activities related to business.

Reasonable Person Test: This is an objective standard to measure whether a comment or conduct is discrimination or harassment. It considers what a reasonable person's reaction would have been under similar circumstances and in a similar environment. It considers the recipient's perspective and not stereotyped notions of acceptable behaviour. This standard is used to assess complaints under this policy.

Responsibilities

All staff and volunteers who witness or become aware of violence, harassment or discrimination in any form must report such misconduct to their manager or supervisor, immediately.

Managers and supervisors who become aware of violence, harassment or discrimination must initiate positive steps to remedy the circumstance, whether or not the victim of the violence, harassment or discrimination wishes to initiate the complaint process and whether or not the offending party or the victim is working within the manager or supervisor's scope of responsibility.

If an incident is reported, Lupus Ontario will review safety measures with affected staff or volunteers and implement additional measures, if necessary, to protect the individual/s. As appropriate, Lupus Ontario may immediately report the incident to authorities and/or conduct an investigation of the incident.

All staff and volunteers are expected to cooperate with the investigation of a complaint or incident of violence, harassment or discrimination in the workplace.

Complaint Procedure

Violence – An employee who is a victim or witness of violence must immediately report the incident to his or her manager or supervisor. If warranted, the employee should also notify the police. Management will ensure that all complaints of violence are investigated thoroughly.

Harassment – An employee experiencing or witnessing harassment should, where reasonable and appropriate, tell the offending person to stop. If the employee is not comfortable confronting the offending person, or if the harassment continues after the person has been told to stop, then the employee (“complainant”) should report the harassment to the manager or supervisor. In accordance with applicable provincial legislation respecting harassment and/or discriminatory practices, the complainant may have the right to:

- a) Request the assistance of a provincial occupational health officer to resolve the complaint; and
 - b) File a complaint with the provincial Human Rights Commission or Tribunal
- This complaint procedure is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

Following a complaint, management will conduct an investigation. The respondent will be offered a chance to respond to the complaint. The investigation will be completed in a timely manner and a resolution will be implemented immediately after the investigation is completed. The complainant and the respondent will be notified of the outcome of the investigation and any corrective action that has or will be taken.

Discrimination – An employee experiencing or witnessing discrimination should report the incident(s) to his or her manager or supervisor immediately. Following a complaint management will conduct an investigation. The accused colleague will be offered a chance to respond to the complaint.

Monitoring and Compliance

The President of Lupus Ontario will be responsible for monitoring compliance of this policy. In the event that there is a conflict of interest, the Vice President will be responsible for monitoring the compliance.

Policy Review

To be reviewed annually.