



Title: Non-Discrimination and Harassment Policy DRAFT	Policy No.:
	Pages: 9
Originator(s): Human Resources	Initial Issue Date: January 23, 2023
Owner: Chief People Officer	Next Review Date: January 23, 2024
Key Words: Discrimination, harassment, human rights, complaints	Effective Date: January 23, 2023
Reviewed by: Policy Subcommittee	Approved by: CEO Council

1.0 Purpose

The YMCA of Greater Toronto (“YMCA”) recognizes the dignity and worth of every individual. As part of our commitment to wellbeing and the principles of Diversity, Equity, Inclusion and Belonging (“DEIB”), we seek to create a climate of mutual respect in our workplace and foster a work environment that is free from discrimination and harassment.

2.0 Persons Affected

This policy applies to all employees, volunteers and interns (student placements)

3.0 Policy

Discrimination and harassment of employees, volunteers or interns in the workplace, whether intentional or unintentional, will not be tolerated. This applies to actions taken by other employees, volunteers and interns as well as contractors, participants and other visitors in the workplace.

Discrimination and harassment in the workplace is prohibited. Protected grounds, based on the Ontario Human Rights Code, are age, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including breastfeeding and pregnancy) gender identity, gender expression, sexual orientation, record of offences, marital status, family status and disability, as defined by the Code. Harassment is also prohibited by the Occupational Health and Safety Act, which defines harassment as a course of vexatious comment or conduct against a worker in the workplace that is known or ought reasonably to be known as unwelcome.



Title: Non-Discrimination and Harassment Policy

Policy No.:

Page No.: 2 of 9

Off-duty conduct which is contrary to the stated purpose of this policy may amount to a policy violation if it seriously and negatively impacts the workplace or reputation of YMCA even though the conduct itself occurs outside the workplace.

Individuals who violate this Policy are subject to corrective action, up to and including dismissal of their employment, volunteer duties or suspension of access to all YMCA programs.

In no case shall anyone who reports incidents in good faith face reprisal or discipline. Acts of reprisal include, but are not limited to, coercion, threats, violence, workload reassignments, denial of promotion or pay increase, or any other manner of retaliation. Any acts of retaliation should be reported immediately to Human Resources.

4.0 Definitions

“Discrimination” in the workplace means unequal or different treatment, including harassment, towards an employee, volunteer or intern (or group of these individuals) that is based even in part on a protected ground (i.e. age, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including breastfeeding and pregnancy) gender identity, gender expression, sexual orientation, record of offences, marital status, family status and disability.)

Discrimination may be intentional or unintentional. Discrimination may take obvious forms, or it may happen in subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor it would be a violation of this policy.

“Harassment” is engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome. Harassment includes, but is not limited to communications that are demeaning, offensive, insulting, intimidating, embarrassing, humiliating, or bullying, targeting an individual with differential treatment of an annoying nature, excluding/shunning, impeding work performance/sabotaging, spreading gossip and rumours, and cyberbullying.

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. Harassment includes behavior that ought reasonably to be known to be unwelcome.

Harassment does not include performance management, operational requirements or instructions, a disagreement or misunderstanding, work related change e.g. change of location, co-workers, job assignment; disciplinary action, a single comment or action unless it is sufficiently serious enough to create a poisoned work environment.

“Sexual harassment” means engaging in a course of vexatious conduct or comment because of sex, sexual orientation, gender identity or gender expression where the course of conduct or comment that is known or ought reasonably to be known to be unwelcome. It includes unsolicited and unwelcome conduct of a sexual nature such as unwelcome sexual advances (verbal, written or physical), requests or demands for sexual favours, any other type of sexually-oriented conduct, verbal abuse or joking of a sexual nature, saying or doing something because a person does not conform to gender stereotypes, posting or sharing pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images.

“Gender identity” refers to a person’s subjective experience of their own gender. It is a deep internal feeling of whether they identify as woman, man, transgender, genderqueer, non-binary, two-spirit or anywhere along the gender spectrum. A person’s gender identity may or may not align with the sex assigned to them at birth”

“Gender expression” is how a person publicly presents or expresses their gender identity. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person’s chosen name and pronoun are also common ways people express their gender. Others perceive a person’s gender through these attributes.

“Good faith” reporting is making a report or disclosure in good conscience with an honest belief, for the purpose of remedying an improper activity or condition at the workplace.

“Sex” is the classification of people as male, female or intersex. Sex is usually assigned at birth and is based on an assessment of a person’s reproductive systems, hormones, and chromosomes.

“Sexual solicitation” is a sexual advance made by a person in a position to confer grant or deny a benefit or advancement to a person where the advance is

known or ought to be known to be unwelcome, or a reprisal or threat of reprisal for the rejection of a sexual advance where the reprisal made by a person in a position to confer, grant or deny a benefit or advancement to the person. Examples of sexual solicitation include a manager or supervisor demanding dates or sexual favours and/or making threats to penalize or otherwise punish a person who refuses a sexual advance.

“Protected grounds” as defined by the Code are: age, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including breastfeeding and pregnancy), gender identity, gender expression, sexual orientation, record of offences, marital status, family status and disability.

“Reprisal” means penalizing or threatening to penalize an employee who has attempted to enforce their rights under this policy or the Code, including participating in a workplace investigation.

“Workers” include employees, volunteers and interns (student placements)

“Workplace” means any place where business or work related activities are conducted. It includes but is not limited to the physical work premises (offices or camp sites), work related social functions, work assignments outside YMCA facilities, work related travel and work related conferences and training sessions.

5.0 Responsibilities

5.1 Employer Responsibilities

- 5.1.1 To establish and maintain a working environment that is free from discrimination and harassment including ensuring that all employment decisions are free from bias or discrimination in areas such as but not limited to hiring, training, transfers, evaluations, promotions, discipline and dismissal
- 5.1.2 To provide all employees, volunteers and interns with a copy of this Policy
- 5.1.3 To make education and resources available to support this Policy
- 5.1.4 To respond to all concerns, reports, complaints, or incidents of a violation of this Policy in a fair and timely manner
- 5.1.5 To respect the privacy of individuals as much as possible
- 5.1.6 To protect individuals from reprisal for exercising their rights under this policy or the Code

5.2 Supervisor Responsibilities

DISCLAIMER: This material has been prepared solely for internal use at YMCA of Greater Toronto. YMCA of Greater Toronto accepts no responsibility for use of this material by any person or organization not associated with YMCA. No part of this document may be reproduced in any form for publication without the permission of YMCA. This is a controlled document. Any documents appearing in paper form are not controlled and should always be checked against the electronic version prior to use. The electronic version should always be considered the most current and accurate version.

- 5.2.1 To act as a positive role model for inclusive and respectful behaviour
- 5.2.2 To ensure that all employment decisions are free from bias or discrimination including but not limited to hiring, training, transfers, evaluations, promotions, discipline and dismissal
- 5.2.3 To take all allegations of discrimination and harassment seriously and respond promptly to any observation, allegation or complaint
- 5.2.4 To report to Human Resources and the General Manager/Vice President/Senior Vice President incidents of discrimination or harassment using the procedures outlined in this Policy
- 5.2.5 To cooperate with Association investigators, Ministry of Labour or other authorities as required during any investigation related to discrimination or harassment
- 5.2.6 To take corrective actions as required
- 5.2.7 To take necessary steps to protect the privacy of individuals involved in a report or complaint under this Policy

5.3 Worker Responsibilities

- 5.3.1 To treat each other with dignity and respect at all times
- 5.3.2 To inform their supervisors of any discrimination or harassment they may experience or witness
- 5.3.3 To cooperate with YMCA investigators, Ministry of Labour or other authorities as required during any investigation related to discrimination or harassment
- 5.3.4 To maintain strict confidentiality by not discussing allegations or reports of discrimination or harassment with other individuals in the workplace, except to enforce this Policy.
- 5.3.5 To work in compliance with this Policy and any supporting programs

6.0 Procedures

Anyone who believes that they have been subject to discrimination or harassment may pursue these options:

6.1 Informal Complaints: The complainant may choose to resolve breaches of this Policy informally without filing a complaint. Options for informal resolution include:

- 6.1.1 *Speaking to the person:* In some situations, simply informing the person that their comment or conduct is unwelcome or discriminatory can resolve the issue. Telling the person to 'stop' may be difficult to do, but it may be an effective way to resolve the issue.

6.1.2 *Consulting a Supervisor or Human Resources:* A complainant who is uncomfortable speaking to the individual directly or would like assistance may consult their supervisor or the Employee Relations team in Human Resources.

6.1.2.1 In this case, the person contacted will listen to the concern, ask the complainant how they would like to address it, provide advice on how to approach the situation personally, e.g. how, when and where to address the issue, offer to speak to the person on the complainant's behalf if they prefer, and follow up with and support any next steps. The concern may be documented for HR reporting but privacy will be maintained to the extent possible. If a supervisor is contacted, they may ask HR for guidance

6.1.2.2 Workers may request the level of confidentiality that makes them comfortable. For example, they may ask for confidential advice from HR without a manager being notified and names can be withheld from HR reports. If information would need to be shared with anyone, HR will provide notice in advance. An example where disclosure may be necessary is an issue that escalates into a formal complaint and requires investigation or where a potentially serious violation of this policy is identified.

6.2 Formal Complaints: Individuals who experience or witness discrimination or harassment may make a formal complaint to their supervisor/General Manager/Vice President/Senior Vice President and/or the Employee Relations team in Human Resources. There is no requirement to try informal resolution first. Any staff member who receives a complaint must notify Human Resources immediately.

6.2.1 The complainant will be asked to prepare a written account of the offensive incident including what happened, when it happened, the people involved, any witnesses etc. Upon request, the Employee Relations team will provide assistance with documenting the complaint.

6.2.2 Human Resources will either assign an internal investigator or will bring in a third-party investigator. The investigator will interview the complainant, the respondent, and any witnesses. Any relevant documents,

recordings, social media posts etc. will also be reviewed if available.

- 6.2.3 At its sole discretion, the YMCA may choose to place an employee who is under investigation or those involved in a complaint on paid leave or in another work location pending the completion of an investigation under this Policy.
- 6.2.4 The investigator will provide the Vice President of Human Resources and Chief People Officer with a written report of the findings including determination about whether this Policy was breached.
- 6.2.5 The complainant, the respondent, and the complainant's supervisor will receive a copy of the investigation summary. If the complaint is about the individual's supervisor, the supervisor will be treated as a respondent and their manager will receive a copy of the report. Senior staff in the program area such as the General Manager/Vice President/Senior Vice President will also receive a copy of the summary.
- 6.2.6 In the case of a complaint against the Vice President, Human Resources, the Chief People Officer would appoint an investigator. In the case of an allegation against the Chief People Officer, the CEO would appoint an investigator and in the case of an allegation against the CEO, the Chair of the Board of Trustees or their designate would appoint an investigator and share the findings with the Board of Directors

6.3 Whistleblower Report: Complainants who wish to remain anonymous may make a Whistleblower report, however, investigations into harassment, discrimination, or interpersonal conflicts may be limited by the information provided. Human Resources will communicate with the anonymous complainant through the online portal and take action to the extent possible.

YMCA's third-party confidential reporting system can be reached at:

www.whistleblowersecurity.com

1-866-921-6714

ymcagta@whistleblowersecurity.com

WhistleBlower Security Inc.,

PO Box 91880,

West Vancouver, BC V7V 4S4

6.4 Timing of complaints: The YMCA reserves the right to not address a complaint if the main underlying factual allegations occurred more than a year prior to the making of the complaint and the discrimination and/or harassment has not continued. Persons affected by discrimination or harassment are encouraged to raise a complaint at the earliest opportunity for their issue to be addressed promptly.

6.5 Confidentiality: To the extent possible, information relating to the complaint will be maintained in confidence. However, the YMCA's obligation to conduct an investigation or otherwise resolve a complaint may require some disclosure. The outcome of the investigation and any corrective action that has been taken or that will be taken will be shared with the parties to the extent required to prevent future discrimination or harassment and to address incidents of discrimination or harassment.

6.6 Corrective Action: If after an investigation, it is determined that this Policy has been violated, the YMCA will respond based on the circumstances including the nature and impact of the violation. Corrective action may include any of the following:

- formal apology
- training
- counseling
- letter of expectation or written warning placed in the employee or volunteer file
- change of work assignment
- suspension or dismissal

6.7 Diversity, Equity, Inclusion and Belonging: The YMCA respects every individual's experience.

6.7.1 Human Resources investigators and third party investigators will endeavor to ensure that biases do not influence the process and that Diversity, Equity, Inclusion and Belonging are considered in the process and investigation findings.

6.7.2 In all cases, whether a policy breach is found or not, Employee Relations staff will offer assistance in supporting the affected parties through next steps,



Title: Non-Discrimination and Harassment Policy

Policy No.:

Page No.: 9 of 9

restoring relationships and moving forward in a positive manner.

6.7.3 Language in this Policy will be updated as equity-informed terms evolve.

6.8 Monitoring

Human Resources tracks complaints and resolutions on an annual basis and reports to the Board of Directors. Cases are reviewed for trends and to inform continuous improvement of related practices and support for affected individuals.

7.0 References and Links / Related Documents including links to Management Practices

[Ontario Human Rights Code](#)

[Occupational Health and Safety Act](#)

YMCA Guide to Reporting Concerns

Anti-Violence Policy

Accommodation Policy

Ethics Reporting Policy

[List of HR staff/employee relations team](#)

8.0 Review/Revision History

Date	Revision No.	Revision Type	Reference Section(s)
23 January 2023	1.0	New Policy	N/A