

WORKPLACE HARASSMENT, SOLICITATION AND DISCRIMINATION

Planned Parenthood Toronto is committed to providing a work environment in which all individuals are treated with respect and dignity. This policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace.

Planned Parenthood Toronto will not tolerate harassment, solicitation or discrimination in the workplace perpetrated by or against Board members, employees, clients, students, volunteers or third parties. Everyone in the workplace must be dedicated to preventing workplace harassment, solicitation and discrimination.

PPT has established procedures to reduce the risk of harassment, solicitation and discrimination in the workplace. All directors, staff, volunteers and students are expected to be aware of and participate in such program procedures, as required. The joint OH&S Committee will ensure staff are aware of the policy, program and how to make a complaint.

This policy applies to all of PPT's locations, permanent and temporary. Temporary locations include, but are not limited to, areas where the following activities occur; PPT-sponsored outreach, fundraising, education, training, informational health events, social activities, etc.

Harassment

Workplace harassment means engaging in a course of vexatious comment or conduct against a staff member, board member, volunteer or student in a workplace – comment or conduct that is known or ought reasonably to be known to be unwelcome. It also means sexual harassment. Examples include, but are not limited to:

- Making gestures that imitate any person's physical disability
- Making derogatory remarks about a person's physical appearance, manner of dress/cultural expression, shape, size, etc.
- Making fun by words or conduct about another person's colour, race, origin, culture, costume, food, accent, etc.
- Making disparaging remarks about how people become HIV-positive
- Making disparaging remarks about a religion
- Making negative remarks about a person's sexuality or sexual orientation or a person's gender identity
- Inappropriate jokes, innuendos and teasing
- Insulting gestures and practical jokes which result in embarrassment
- Spreading rumours that damage one's reputation
- Intentionally using an incorrect pronoun or name for someone
- Making unnecessary physical contact including unwanted touching

- Making sex related comments about a person's characteristics or actions

Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code, but it does not have to.

Solicitation

At PPT, the word "solicitation" includes sexual solicitation, sexual advances and/or reprisals for rejection of unwanted sexual attention. In the context of PPT as an organization providing services relating to safe sex, sexuality, birth control, sexual health, etc., this part of the Policy and Procedures document has special importance. Reprisal may include denial of a benefit or advancement that was sought or could go further to include, for example, termination of employment or withdrawal of volunteer opportunities, services to client, etc.

Solicitation in the Human Rights Code is limited to situations where the alleged perpetrator is "a person in a position to confer, grant or deny a benefit or advancement to..."¹ another person. Under the Code, a perpetrator may be a Board member, Executive Director, Management-level employee or a supervisory employee where the solicitation is made to a subordinate employee, a volunteer or a client seeking a service.

At PPT, unwelcome co-worker / peer solicitation may amount to personal harassment although a "peer" might not appear to be in a position to explicitly grant or deny a benefit.

Examples of "tit for tat" (*quid pro quo*) solicitation include, but are not limited to:

- Subordinate Employee B is given a promotion, professional advancement opportunities, prolonged paid leave, reduction in workload, positive job performance evaluations, salary increases, recommendations, etc.
- Volunteer B is given a positive written testimonial, a recommendation for a volunteer award, etc.
- Client B is given access to basic services, additional or extra services, receipt of services not entitled to, etc.

Discrimination

Discrimination is treating a person or group differently, to their disadvantage and without valid reason, on the basis of grounds called "protected characteristics."

Protected characteristics as outlined under the Ontario Human Rights Code include: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex, pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance and record of offence.² As per PPT's Equity and

¹ Ontario Human Rights Code (1990) Part I 7(3)a

² At Planned Parenthood Toronto we reserve the right to deny employment or volunteer positions to applicants who have a criminal record. The Canadian Human Rights Commission, in conjunction with the Ontario Human Rights Commission, permits discrimination in the provision of employment or volunteer positions on the basis of a criminal record, where the

Access Policy, we acknowledge that this is not an exhaustive list of all people experiencing oppression and confirm that other equity-seeking groups are implicitly included in this policy. Therefore, in addition to these listed characteristics, discrimination that is based on other group stereotypes rather than on individual merit or that otherwise disadvantages members of equity-seeking groups is also prohibited at Planned Parenthood Toronto.

Discrimination can result from action or inaction. Discrimination may be intentional, unintentional and/or systemic. Intentional discriminatory treatment is deliberately designed to produce a disadvantageous result to a group or person based on protected grounds as outlined in this Policy. Unintentional discrimination describes an action (or inaction) which has a discriminatory impact that was unintended by the person who committed the act. A person's intention is irrelevant in deciding whether or not an act amounts to discrimination. It is sufficient to objectively demonstrate a discriminatory impact.

Systemic discriminatory treatment results from the application of a seemingly neutral rule that disadvantages persons or groups identified by prohibited grounds. The test for discriminatory treatment is whether a group or person in that group has had a disadvantageous result arising from intentional actions or the apparently neutral application of a rule.

Discrimination also includes:

- Intersecting grounds - treating people differently on more than one protected characteristic;
- Because of association - treating people differently because a friend or family member identifies with a protected characteristic;
- Perceived grounds - treating people differently because of a belief that they identify with a protected characteristic, when in fact, they do not.

Examples of discrimination include, but are not limited to:

- intentional, unintentional or systemic exclusion of employees from promotion based on a protected characteristic
- volunteer/employee selection practices that intentionally or systemically exclude persons belonging to the above groups
- assumptions made about clients' needs based on stereotypical group characteristics that have a disadvantageous result
- negative, discourteous treatment of a client/volunteer/student/employee on protected characteristics outlined in this Policy.

type of employment or volunteer position is sensitive and the position has a bona fide necessity for security purposes, provided that a pardon has not been granted under the Criminal Records Act.

Workplace Solicitation, Harassment and Discrimination Complaints

Individuals are encouraged to report any incidents of workplace harassment, solicitation or discrimination using the general incident reporting form. Investigations will be conducted as appropriate and in accordance with the legislation at the discretion of the Executive Director or Board Chair. An impartial third party health and safety inspector will be hired to investigate complaints if required. Investigations will be completed within 90 calendar days. PPT will notify a complainant and respondent in writing of the results of an investigation and any corrective action taken within 10 calendar days after the completion of the investigation. PPT recognizes that individuals may find it difficult to come forward with a complaint under this policy because of concerns of confidentiality. All complaints concerning workplace harassment, solicitation or discrimination, as well as the names of the parties involved, shall be treated as confidential. While the investigation into a complaint may require limited disclosure, no record of the complaint will be maintained on the personnel file of the complainant. At the conclusion of the investigation the police may be called if the misconduct is criminal in nature.