

1. Policy Section: Human Resources	2. Policy No:
3. Subject: <b>Human Rights Policy</b>	4. Effective Date: March 1999
5. Approved by: Board of Directors	6. Revision Date: June 5, 2018

**CENTRE FOR INDEPENDENT LIVING IN TORONTO (C.I.L.T.) INC.  
HUMAN RIGHTS POLICY**

**OBJECTIVES**

- A. Operating in a manner consistent with Independent Living principles and philosophy, CILT commits to being a leader in the elimination of Discrimination and Harassment. We strive to be an organization that is free from Discrimination and Harassment for all members of the CILT community, as well as the broader community that we serve and of which we are a part. We are committed to seeking and maintaining partnerships with organizations that demonstrate commitment to these objects and values, including those described under the *Human Rights Code (Ontario)*, the *Accessibility for Ontarians with Disabilities Act, 2005 (Ontario)* and the *Occupational Health and Safety Act (Ontario)*.
- B. In accordance with our own beliefs and with the laws of our province and country, CILT is committed to leading by example, abiding by the principles of human rights as well as promoting human rights within our organization and the community at large, now and into the future.

**STRATEGY**

In order to achieve the objectives stated above, we are committed to a strategy to prevent and address human rights issues that includes the following:

- A plan for preventing, reviewing and removing barriers
- Anti-Harassment and anti-Discrimination policies
- An internal complaints procedure
- An accommodation policy and procedure
- An education and training program.

**1. PURPOSE**

- 1.1** The Centre for Independent Living in Toronto, (**CILT**) is committed to providing, in its employment relationships and in the services it provides and the facilities where it operates, an environment free of Discrimination and Harassment, where all individuals are treated with respect and dignity, can contribute fully, and have equal opportunities.
- 1.2** The purpose of this Policy is:
  - 1.2.1** to identify the types of behaviour prohibited by this Policy;

- 1.2.2 to provide procedures for handling complaints and for resolving them in a fair, reasonable and timely manner;
  - 1.2.3 to ensure that all Employees, Board members, volunteers, members, service recipients and organizational/community partners of CILT are aware that Harassment and Discrimination are unacceptable practices which are incompatible with the standards and principles of CILT, and a violation of the law.
- 1.3 This policy is *not* intended to constrain acceptable social interactions between people at CILT.

## 2. SCOPE OF THIS POLICY

- 2.1 This Policy:
- 2.1.1 applies at every level of CILT, and extends to all Employees, Board members, clients of CILT;
  - 2.1.2 applies to every aspect of the employment relationship, including recruitment, selection, promotion, transfers, training, salaries, benefits, discipline, and performance appraisals;
  - 2.1.3 applies to every aspect of the services relationship, including, dealings with clients, potential clients and business associated such as suppliers;
  - 2.1.4 applies to the physical offices of CILT; and
  - 2.1.5 extends outside of the physical offices of CILT (such as off-site client meetings, business travel, CILT-sanctioned social events and to electronic communications).
- 2.2 If the person is an Employee or volunteer, the Workplace Violence and Harassment Policy may also apply.
- 2.3 If the Human Rights Code (Ontario), as amended or replaced, provides for a right in excess of what is set out in this Policy, or if there is a conflict between a provision in this Policy and a provision in the Human Rights Code (Ontario), the Human Rights Code (Ontario) prevails to the extent of the greater right or the conflict.

## 3. DEFINITIONS

In this Policy, the following words and phrases shall have the following meanings:

- 3.1 "Board" refers to the Board of Directors of CILT.
- 3.2 "Code" refers to *Human Rights Code (Ontario)* (as amended).
- 3.3 "Complainant" has the meaning given to it in paragraph 6.4 of this Policy.
- 3.4 "Discrimination" means a differential treatment, whether intentional or not, based in whole or part, or as related to, one or more of the prohibited

Grounds of discrimination in the relevant Social Areas covered by the Code, namely Sections 1, 2, 3, 4 and 5, and that

- imposes a disadvantage or a burden on a person or group of persons
- results in the denial of a benefit to a person or group of persons, based on one or more of the Prohibited Grounds

If the persons is an Employee or volunteer, the Workplace Violence and Harassment Policy may also apply.

- 3.5** “Employee” includes full-time, part-time, temporary, probationary, casual and contract employees of CILT, as well as, volunteers who are attending at the workplace of CILT and are engaged in activities that might otherwise be performed by an employee of CILT.
- 3.6** “Harassment” means a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome and that is related to a Prohibited Ground and related Social Area. Note that not all forms of Harassment are addressed by this Policy. CILT has a Workplace Violence & Harassment Policy to deal with Harassment in the workplace based on some, but not all, of the Prohibited Grounds, and as is specified in the *Occupational Health and Safety Act* (Ontario).
- 3.7** “Human Rights advisor” refers to employees who have received human rights training and who have been identified as internal resource persons for the purpose of facilitating enquiries and complaints under this Policy. Human Rights advisors can provide information concerning the complaints process, can discuss the situation before a complaint goes through the formal process, and can provide information and clarification to parties involved prior to a formal complaint being made.
- 3.8** “Human Rights Training” refers to training about the Code, including:
- Understanding and recognizing Discrimination and Harassment;
  - Investigating, assessing and evaluating evidence and determining whether discriminatory or harassing behaviour occurred; and
  - Mediation and conflict resolution.
- 3.9** “Independent Investigation Team” refers to an independent person, or persons and/or an organization engaged by CILT to assist with the investigation and resolution of human rights complaints.
- 3.10** “Investigation Team” means either an “Independent Investigation Team” (see 3.9 above) or an internal “Review Committee” (see 3.17 below) as decided by the Board to be used to conduct the investigation of a specific complaint.

**3.11** “Mediation” refers to a process of early intervention in a dispute in order to achieve resolution. Circumstances favouring a mediation approach may include:

- Both parties are willing to participate in mediation;
- The continuing relationship between the parties is important to them;
- Those involved want to retain control over the outcome;
- Neither side really wants to be involved in investigation or litigation;
- Speedy resolution of the complaint is important; and
- Both sides need the opportunity to be heard.

Circumstances that do not favour a mediation approach may include:

- The Complainant or the Respondent[s] rejects mediation and wishes to proceed directly to the formal process of investigation;
- Neither side is willing to consider a settlement;
- One side is seeking punitive action

**3.12** “Mediator”, for the purpose of this Policy, means a person identified by CILT as qualified to be a mediator and who is acceptable to a Complainant and a Respondent wishing to achieve a mediated resolution.

**3.13** “Policy” refers to CILT’s Human Rights Policy.

**3.14** “President” means the person who is the president of CILT in accordance with the by-laws of CILT.

**3.15** “Prohibited Grounds” means any of the following:

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|---|--|
| • Race                                    | • Colour   |
| • Ancestry                                | • Citizenship                                    |
| • Ethnic origin                           | • Place of origin                                |
| • Creed                                   | • Disability                                     |
| • Family status                           | • Marital status (including single status)       |
| • Gender identity, gender expression      | • Receipt of public assistance (in housing only) |
| • Record of offences (in employment only) | • Sex (including pregnancy and breastfeeding)    |
| • Sexual orientation                      | • Age  |

**3.16** “Respondent” has the meaning given to it in paragraph 6.4.

**3.17** “Review Committee” refers to an ad hoc committee usually comprised of members of the Board and employees who have received human rights training that can be convened to review a Complaint made under this Policy. Committee membership could be expanded to include external members if necessary. A Review Committee will be constituted with at least two members.

**3.18** “Social Areas” refers to a description under the Code, that defines the five parts of society where a person has the right to be free from discrimination based on one or more prohibited grounds. The five **social areas** are: employment, housing, services, unions and vocational associations and contracts.

#### **4. PLAN FOR PREVENTING, REVIEWING AND REMOVING BARRIERS**

**4.1** CILT as a service provider and facility, and as an employer, is responsible for:

- Renting, creating and maintaining premises that are barrier-free and accessible for persons who have occasion to be employed in, or visit
- events related to any CILT activities.
- Ensuring that services provided by CILT are available and accessible to all persons with disabilities. More particularly, CILT commits that any event, communication or meeting, whether conducted in a live venue, via the internet, by telephone or any other medium, will be made available, if not immediately, then as quickly and expeditiously as possible upon request.

**4.2** CILT maintains a scent-free environment and will use best efforts to accommodate other environmental sensitivities upon request.

#### **5. ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

**5.1** CILT upholds and supports the right to equal treatment without Discrimination or Harassment. This Policy prohibits Discrimination or Harassment on the basis of the Prohibited Grounds, and any combination of the Prohibited Grounds, in connection with employment, contracting and in the provision of services, goods and facilities.

**5.2** Although the Ontario Human Rights Code does not include a provision for dealing with complaints of harassment in the Social Areas of Goods, Services and Facilities, or in the Area of Contracts, this Policy will treat any such allegations with the same respect and seriousness as it would if it were a prohibited form of behaviour under the Code.

**5.3** CILT, as a service provider, is responsible for:

- providing services and premises that are consistent and in compliance with the Code, the *Accessibility for Ontarians with Disabilities Act, 2005* and the *Occupational Health and Safety Act* (Ontario),
- ensuring its programs, opportunities and services are accessible and available to all,
- making the Policy available to CILT members and community partners through postings in the CILT office, announcements in the CILT newsletter, and through the CILT web site.

**5.4** CILT, as an employer, affirms that it is responsible for:

- recruiting and hiring in a way that does not Discriminate against potential candidates for employment,
- ensuring that all Employees know about the Policy, have access to the Policy in whatever format suits their individual needs, and receive training in how to interpret and use the Policy,
- using the very best management practices to ensure that employees are treated with respect at all times, and have access to a fair and open process if and when disputes arise, and
- arranging appropriate and on-going Human Rights Training in order that these responsibilities are met.

**5.5** The Board is responsible for:

- reviewing this Policy and its procedures on an annual basis to ensure that it continues to be consistent with the changing nature of our diverse society and is fulfilling the purpose intended,
- in consultation with the Executive Director, to select appropriate and qualified members to a Review Committee,
- in consultation with the Executive Director, to contract with an Independent Investigation Team, and
- in consultation with the Executive Director, to select appropriate and qualified persons such as Human Rights advisors.

**5.6** Individual employees, volunteers and Board members are responsible for:

- familiarizing themselves with this Policy;
- respecting this Policy in dealings with employees, volunteers, Board members, members of the community and the general public;
- using the procedures detailed in the Policy if they believe that Discrimination or Harassment, or both, contrary to this Policy, has occurred.

**5.7** Except where stated otherwise, actions or responsibilities attributed to CILT are assumed to be done by the Executive Director or his or her designate. Responsibility for interpretation of this Policy rests with the Executive Director, or his or her delegate.

**6. INTERNAL COMPLAINTS PROCEDURE**

**6.1 Scope:** Anyone who considers that they have been discriminated against or harassed at CILT can make a Complaint (defined below) under this Policy. This includes employees, Board members, volunteers, members, and service recipients.

**6.2 Clarification:** A person who has a question or concern regarding a matter or issue under this Policy may seek informal support and information from their supervisor or manager, or a person designated by CILT as a Human Rights advisor. Such enquiries will be kept confidential, unless the person

who has raised the concern decides to proceed with the process outlined below.

**6.3 Informal Process:** A person who considers that they have been discriminated against or harassed at CILT may, through informal means, seek a resolution of the circumstances giving rise to their view that they have been discriminated against or harassed. They may do this by seeking an intervention of their supervisor or manager, or of a Human Rights advisor.

Engaging in an informal resolution process does not prevent the person from pursuing a formal Complaint, if the informal process is not satisfactory to the person. As well, a person may also choose to proceed directly to making a formal complaint.

The steps involved in the informal process are as follows:

**6.3.1 Step 1 – Direct resolution:** If the issue concerns actions or words that a person believes are discriminatory or harassing, the person may choose to ask the other person to stop the behaviour, explaining why the actions or words are perceived as discriminatory or harassing and remind them of CILT's Policy. If the person is uncomfortable approaching the other person, or has concerns about the seriousness of the behaviour and/or the well-being of others, going to the next step is recommended.

**6.3.2 Step 2 – Seeking assistance to reach informal resolution:** The person could talk to a supervisor or manager, or a Human Rights advisor, about the concern, any of whom can provide support in speaking with the person or in assisting with making a formal Complaint. Any Employee, including supervisors or managers approached by an Employee about a possible Complaint, may choose to seek information and clarification from a Human Rights advisor.

**6.4 Initiating Formal Complaint:** If the issues in question are not resolved through the informal process described above, or if the behaviour continues, then the person who considers that they have been discriminated against or harassed at CILT (the "**Complainant**") may commence a formal complaint process. As a first step, the Complainant shall document, in a medium of their choice, and include the following information:

- dates relevant to what happened,
- the name of the person(s) (the "**Respondent(s)**") whom the Complainant considers to have discriminated against or harassed them,
- details of what happened including dates and names of witnesses,
- how the Complainant attempted to resolve the issue,

- the Complainant's signature.

The information that the Complainant documents, as set out above, is referred to as a “**Complaint**”. The Complaint should be submitted to the Executive Director \*\*4 as soon as possible or within 60 days after the most recent incident of alleged Discrimination or Harassment. If the allegations of Discrimination or Harassment, or both, are against the Executive Director, then the Complaint should be submitted to the President of CILT.

**6.5 Investigation:** Following receipt of a Complaint, the Executive Director or, if applicable, the President, will appoint an Investigation Team to investigate the Complaint. The investigation shall be carried out in accordance with the following principles and steps:

**6.5.1** Once the Complaint is received, a representative of the Investigation Team will contact the Complainant to inform them of options available including:

- speaking with a representative of the Ontario Human Rights Tribunal noting that there is a time limit for filing a complaint with that organization,
- speaking with a representative of the Human Rights Legal Support Centre,
- seeking Mediation as a means of resolution using a Mediator identified by CILT and agreeable to the Complainant and Respondent.

**6.5.2** If the Complainant decides to continue with CILT's complaint process, the Investigation Team will start an investigation.

**6.5.3** Any investigation process under this Policy follows accepted principles of fairness, including the following:

- (a) impartiality;
- (b) the right to know the allegation and the defence;
- (c) the right to offer evidence and witnesses; and
- (d) the right to rebut relevant evidence.

**6.5.4** The Investigation Team will:

- Tell the Respondent about the Complaint with sufficient information to allow them to respond.
- Give the Respondent an opportunity to discuss options for dealing with the allegations, including seeking representation before responding;
- Give the Respondent a copy of the Complaint and provide them an opportunity to record their response to the Complaint;
- Explain CILT's Policy and confidentiality requirements to everyone involved;

- Conduct separate interviews with the Complainant, the Respondent, and any witnesses;
- Write down all the information obtained through this process.

**6.6 Reporting:** Within 25 working days of receiving the Complaint, the Investigation Team will report to the Executive Director or, if applicable, the President, the following:

- The nature of the alleged Discrimination or Harassment, or both, being investigated;
- Conclusions regarding the allegation of Discrimination and/or Harassment contained in the Complaint, based on the evidence.

If it is concluded that Discrimination/Harassment did take place, the Investigation Team will provide an analysis or assessment of the evidence related to the factors to be considered in the resolution to the Executive Director and President of the Board.

At a time determined by the Executive Director and the President of the Board, or the President alone, if the subject matter of the Complaint is against the Executive Director, the Investigation Team will provide a separate report (the “**Final Report**”) which will include recommendations for resolution of the Complaint.

A resolution, based on a conclusion of Discrimination/Harassment having taken place, should also consider, but not be limited to, any of the following:

- Relationship between the Complainant and the Respondent and whether there is a real or perceived difference in power between them,
- Whether the Respondent knew, or should reasonably have known, that the behaviour was discriminatory or harassing,
- The effect the Discrimination or Harassment had on the Complainant,
- Whether CILT's policies or procedures, or lack thereof, contributed to a discriminatory effect,
- Whether the Discrimination or Harassment happened more than once,
- Whether an assault or physical harm occurred,
- Whether the Discrimination or Harassment was intentional or planned,
- The part, if any, supervisory or other Employees, members of the Board or volunteers had in failing to identify, prevent, report or stop the Discrimination or Harassment.

**6.7 Step 6: – Conclusions:** If it is concluded that Discrimination or Harassment, or both, did take place, then, except if the Executive Director is the subject of the Complaint, the Executive Director, in consultation with the President, will review the recommendations and determine the action to be taken (if the Executive Director is the subject of the Complaint, then

the President alone will review the recommendations and determine the action to be taken), except if the recommendation involves a termination of employment with CILT. Recommended resolutions may include:

- An apology; in a format acceptable to both parties,
- A verbal warning,
- A written warning to be placed in the respondents file,
- Suspension,
- Dismissal,
- Discontinuation of services,
- A human rights training or education program, or
- Any other measures deemed appropriate under the circumstances.

Note that any recommendation contained in the Final Report that involves employment termination will require a review by the Board before action is taken. The Board must make its decision about such a recommendation within 10 working days of the President's receipt of the Final Report. The Executive Director is responsible to see that the resolution that is decided upon is implemented as soon as reasonably possible, except if the recommendation concerns the Executive Director, in which case responsibility for implementation shall rest with the President.

**6.8 Other Recommendations:** The Investigation Team may also make other recommendations, such as:

- Reinstatement of the Complainant, if he or she lost his or her job because of Discrimination or Harassment;
- Compensating the Complainant for any time lost from work because of Discrimination or Harassment;
- Removing all offensive articles, materials or references of any kind;
- Changing policies and practices that are creating a barrier to equality;
- Discontinuing or altering the terms of a community partnership.

The Executive Director, or, if applicable, the President, or his or her designate may choose to consult with the Complainant about which resolutions would be considered appropriate.

**6.9 Results of Investigation – Communication with Complainant and Respondent:** A summary of the results of the investigation, including corrective action that has been, or will be, taken, will be communicated in writing to both the Complainant and the Respondent within 10 working days of the Executive Director (or, if applicable, the President) receiving the Final Report.

**6.10 Results of Investigation is insufficient to support a finding of Discrimination or Harassment:**

If the evidence is insufficient to support a finding of Discrimination or Harassment, recommended resolutions may include:

- Dismissal of the Complaint
- Clarification of a misunderstanding
- Restitution for the Respondent if, for example, the conditions of employment were changed during the period of the investigation, or if the terms and/or provision of services or access to services and facilities were affected.

**6.11 Withdrawal of Complaint:** A Complaint can be withdrawn under this Policy at any time. However, because CILT is legally responsible for a workplace that is free from Discrimination and Harassment, CILT may be obliged to continue the investigation of the Complaint without the Complainant.

**6.12 Appeal Process:** Either the Complainant or the Respondent can appeal the decision based on their belief that some significant evidence has not been considered.

To appeal a decision, the appellant must write a letter (the “**Appeal Letter**”) to the Board within 10 working days following receipt of the results of the investigation, as provided for in paragraph 6.9 of this Policy. The Appeal Letter shall set out the reason for the appeal.

The Board will appoint a person to hear the appeal, who is not connected in any way with CILT. This person will be qualified to arbitrate an appeal of a decision about Discrimination or Harassment. They will hear the appeal and make a final determination within 25 working days after the request for the appeal is received by the Board.

Outcome of hearing an appeal could include:

- Dismissal of the appeal, confirming the decision, or
- Varying or setting aside the decision, and determining whether the complaints process set out in the Policy is to be repeated, or alternate resolution methods used.

**6.13 Complaint involves Executive Director or Board President:**

If the complaint involves the Executive Director, The Board President will assume or delegate the responsibility of the Executive Director for the purpose of dealing with the complaint.

If the complaint involves the Board President, the Vice President will assume or delegate the responsibility of the President for the purpose of dealing with the complaint

## **7. OTHER OPTIONS FOR DEALING WITH DISCRIMINATION OR HARASSMENT**

The above procedure does not affect the Complainant’s right to seek legal counsel or to file a complaint with the Human Rights Tribunal of Ontario, or to

contact the Human Rights Legal Support Centre or the Police. It also does not affect CILT's right to seek legal counsel.

- **Legal Counsel:** The Complainant or the Respondent may hire a lawyer or have a representative to assist at her/his own cost.
- **Police:** The Complainant may pursue criminal charges if the alleged Discrimination or Harassment, or both, is a serious matter involving physical harm, threats of physical harm or damage to property.
- **Human Rights Tribunal of Ontario / Human Rights Legal Support Centre:** The Complainant may file a complaint with the Tribunal within 6 months from the time the Discrimination or Harassment occurred. Although there are no time limits for complaints in the *Code*, the Tribunal may decide not to deal with a complaint where it appears to the Tribunal that the facts upon which the complaint is based occurred more than 6 months before the complaint was filed, unless the Tribunal is satisfied that the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay.

## 8. RIGHTS AND RESPONSIBILITIES

- 8.1 Confidentiality:** All parties in the complaint resolution process have a right to confidentiality. This protection is essential for people to feel safe to come forward with concerns or information. When a Complaint is being investigated, the only people who should know about it are those who are directly involved and who have a role to play in resolving it. Breaches of confidentiality can seriously hurt people and their reputations and take away from everyone's right to a fair process.

Breaches of confidentiality should be reported to the Investigation Team which will investigate and report to the Executive Director and the President of the Board. If an alleged breach involves a member of the Investigation Team, it should be reported to the President of the Board for appropriate investigation.

Breaches of confidentiality will be subject to discipline, which may include a warning, reprimand, suspension, removal from the Committee, or Board, or recommendation for termination of employment or services

- 8.2 Accessible formats:** All persons involved in the complaint process have the right to present and receive information in formats that make the information easily accessible to them
- 8.3 Representation/Support:** Both the Complainant and Respondent have the right to be accompanied by a representative or support person of their choice in any meetings during the complaint resolution process, provided that this person agrees to the confidentiality requirement outlined above.
- 8.4 Temporary Accommodation:** A Complainant may, at any time after a Complaint has been filed, make a request to CILT for temporary

accommodation until the complaint resolution process comes to an end and every effort will be made to reasonably accommodate the Complainant.

**8.5 Protection from Reprisal:** The Complainant, as well as anyone who is involved, has a right not to be penalized for making inquiries or a Complaint or participating in the process.

**8.6 Protection from False Accusations:** All persons involved with CILT have the right to protection from false accusations. Any person who is found to have intentionally made a false Complaint, may receive a warning; a reprimand; a suspension; or exclusion from services.

## **9 ACCOMMODATION**

**9.1** CILT is committed to fostering an inclusive workplace where all employees are treated with respect and dignity and as such, will provide workplace accommodation to the point short of undue hardship. The purpose of accommodation is to ensure that individuals who are otherwise able to work are not unfairly excluded from doing so when working conditions can be adjusted without causing undue hardship to the employer or to co-workers.

**9.2 Roles and Responsibilities:** Employees, volunteers and service recipients will:

- Identify their needs and initiate a request for accommodation to senior employees at CILT, preferably in writing.
- Provide information, if requested, to support accommodation needs and to support the assessment of accommodation options or solutions.
- Participate in good faith, in the assessment and implementation of accommodation solutions.

**9.3 CILT Management will:**

- Manage the accommodation process by individually assessing requests in good faith, considering all options, resolving disagreements, and documenting, monitoring and evaluating employment, service and facility accommodation solutions.
- Commit to seeking accommodation solutions in a timely manner.

**9.4 Undue Hardship:** Notwithstanding CILT's commitment to seek accommodation solutions, it is recognized that circumstances may exist where an accommodation is not possible without undue hardship to CILT. These circumstances would include:

- i. cost of the accommodation; i.e., whether or not the cost would impact the viability of CILT;
- ii. outside sources of funding is not sufficient or not available to alleviate some of the direct costs of the accommodation;

- iii. health and safety requirements, if any.

## **10 EDUCATION AND TRAINING PROGRAM**

**10.1 Orientation:** CILT will ensure that all employees, volunteers and Board members receive orientation with respect to this Policy such that:

- they have knowledge and understanding of the Policy,
- they have access to the Policy in whatever format suits their individual needs, and
- they receive training in how to interpret and use the Policy.
- orientation to this Policy will be included as part of the general orientation to new staff and volunteers
- re-orientation of all staff to this policy will occur at least every three years

This policy is posted on CILT's website

**8.7 Human Rights Training:** CILT will ensure that all employees in supervisory or management positions, employees identified as Human Rights advisors and members of a Review Committee receive Human Rights Training. Training would include:

- Understanding and recognizing Discrimination and Harassment;
- Investigating, assessing and evaluating evidence and determining whether discriminatory or harassing behaviour occurred; and
- Mediation and conflict resolution.



