

Anti-Harassment and Anti-Discrimination Policy

The Royal Agricultural Winter Fair ("RAWF") is committed to providing a respectful work environment that is free of workplace harassment. There is zero tolerance for workplace harassment of any kind, including customers, clients, other employers, supervisors, workers and members of the public.

This policy applies to all employees, contractors of the RAWF, volunteers, students, clients, customers, any person engaged in business with the RAWF, and visitors to the RAWF properties.

Discrimination and Harassment Prohibited

Every person has a right to equal treatment with respect to the RAWF's services and facilities and in employment, without discrimination or harassment because of one or more of the following prohibited grounds: age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, record of offences, sex, and sexual orientation.

The *Occupational Health and Safety Act* ("OHSA") defines "workplace harassment" as:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace – behavior that is known or ought reasonably to be known to be unwelcome, or
- (b) "workplace sexual harassment"

The OHSA defines "workplace sexual harassment" as:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace 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 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace harassment often involves a course or grouping of behaviours. However, a single serious incident of such behaviour that has a lasting harmful effect on an employee may also constitute workplace harassment.

Examples of workplace harassment include a pattern of:

- frequent angry shouting/yelling or blow-ups,

- regular use of profanity and abusive language,
- verbal or e-mail threats (not including threats to exercise physical force which are covered by the workplace violence policy), intimidation,
- intimidating behaviours - slamming doors, throwing objects,
- targeting individual(s) in humiliating practical jokes,
- excluding, shunning, impeding work performance,
- spreading gossip, rumours, negative blogging, cyberbullying,
- retaliation, bullying, sabotaging,
- unsubstantiated criticism, unreasonable demands,
- frequent insults and/or name calling,
- public humiliation,
- communication that is demeaning, insulting, humiliating, mocking, and
- intent to harm.

Sexual harassment includes:

- a sexual advance or solicitation from anyone if the person knows or ought to know the advance is unwelcome - especially if the advance is from a person in a position to give or deny a benefit, to engage in a reprisal, or if a threat of reprisal is made if the advance is rejected,
- sexually suggestive or obscene remarks or gestures,
- leering (suggestive staring) at a person's body,
- unwelcome physical contact,
- having to work in a sexualized environment (bragging about sexual prowess, or discussions about sexual activities),
- circulation or posting of sexist jokes or cartoons, display of pin-up calendars or other objectifying images,
- negative stereotypical comments based on gender, sex or sexual orientation,
- gender related comments about an individual's physical characteristics or mannerisms and/or behaviours that reinforce traditional heterosexual gender norms, and
- exercising power over another person, making them feel unwelcome or putting them 'in their place' – motivated by sexual interest.

Responsibilities

Supervisors and management are responsible for:

- supporting a respectful workplace by reinforcing a zero-tolerance policy and providing harassment information and training to workers,
- modelling respectful behaviour; setting and enforcing standards of appropriate workplace conduct; and remaining alert to incidents of discrimination and harassment that may be occurring in the workplace,
- not engaging in behaviour that would constitute discrimination or harassment under this policy,
- knowing this policy and complaint resolution options,
- posting this policy in the workplace,
- educating employees to ensure they know what constitutes harassment and discrimination; that neither will be tolerated; and what their rights and responsibilities are under this policy,
- taking all necessary steps to deal with allegations/incidents of discrimination and harassment in a timely fashion while maintaining as much confidentiality as possible (even if a direct complaint has not been made),
- implementing remedies where there are findings of discrimination or harassment, and
- reporting all complaints of harassment and/or discrimination to be addressed by human resources.

Employees are responsible for:

- being familiar with their rights and responsibilities under this policy,
- ensuring behaviour is respectful related to all employment activities,
- not engaging in behaviour that would constitute discrimination or harassment towards members of the public, co-workers, and management,
- immediately reporting incidents of harassment, discrimination, reprisal experienced and/or witnessed,
- documenting details of harassment and discrimination that are experienced or witnessed,
- co-operating in good faith in interventions and investigations to resolve human rights and harassment issues, and
- maintaining confidentiality related to human rights investigations.

The RAWF is responsible for:

- reviewing this policy as often as is necessary, but at least annually;
- posting this policy in a conspicuous place in the workplace;
- information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment; and
- educating employees to ensure they know what constitutes harassment and discrimination, that neither will be tolerated, and what their rights and responsibilities are under this policy.

Reporting and Investigation

The RAWF has developed a process to report and investigate complaints of workplace harassment. All complaints and investigations will be dealt with in a fair, respectful and timely manner. We will take reasonable precautions to protect workers from all source of work-related harassment.

All persons involved with a harassment/discrimination complaint are expected to treat the matter as confidential.

1. **Informal Resolution:** There are several options available to resolve harassment and discrimination concerns for employees. An informal approach can foster prompt resolution, prevent escalation and is best achieved if issues are raised as soon as possible. All persons who believe that they have experienced harassment, or discrimination should keep detailed notes about the issue.
2. **Talking to the person about their conduct:** All employees must make good faith efforts to attempt to resolve matters themselves before filing a complaint. If an employee feels s/he has been harassed or discriminated against, s/he should immediately make known to the person that his/her conduct is unwelcome or offensive and may be in breach of this policy. It is important that this message be clear and unambiguous. When presented with a legitimate breach of this policy, all employees, including management staff, are expected to make reasonable adjustments to their behaviour to resolve the matter. If addressing the person responsible could lead to safety risks, or is similarly not appropriate, employees may pursue other resolution options outlined in this policy.
3. **Interventions by other staff:** If an employee is unable to resolve the issue him/herself or the discrimination or harassment continues after asking the person to stop, the employee may request his or her supervisor or management to intervene or investigate to facilitate resolution. Most complaints are able to be resolved at this stage without a formal investigation. This option may include:
 - a more in-depth examination of the concerns and allegations including; consulting, advising, meeting with or interviewing parties e.g., management, the respondent, witnesses, human resources staff, etc.
 - a review of documentary evidence, e.g., email messages
 - communication of findings to the parties in dispute and recommendations to remedy concerns
 - an option by parties to participate in mediation or to have a facilitated negotiation to resolve the issues

4. **Written complaint:** Employees must provide a written account of their concerns to their supervisor or, where the alleged harasser is their supervisor, to management, as soon as possible. Timely reporting of complaints assists the RAWF in responding to complaints. See Schedule "A" for Complaint Form.
5. **Formal Complaints and Investigations:** If the approaches set out under paragraphs 1 – 3 are not effective or appropriate to resolve a situation, or the complaint is of a serious or systemic nature, a formal complaint and investigation may be necessary.
 - (a) All formal complaints will be referred to human resources for mediation and/or investigation.
 - (b) Human resources staff will assess whether a formal complaint is the only appropriate way to address the concern.
 - (c) Formal complaints must be in writing and signed by the complainant. Staff of the human resources can assist in drafting the formal complaint. See Schedule "A" for Complaint Form.
 - (d) Where possible the following details should be included in the complaint:
 - name(s) of the complainant(s) and contact information
 - names of the alleged harasser(s), position and contact information (if known)
 - what happened – a description of the events or situation
 - the reason for complaint
 - when it happened – dates and times of the events or incidents
 - where it happened
 - who saw it happen – the names of witnesses, if any
 - (e) Human resources staff will determine in consultation with others as necessary and on a case-by-case basis, whether the complainant or respondent should be placed on a paid leave, relocated within the RAWF, or provided with an alternate reporting relationship during an investigation.
 - (f) Human resources staff or an external investigator will conduct a thorough, fair investigation, including interviewing the complainant(s), respondent(s) and witnesses, gathering and reviewing documentary evidence and exploring whether broader issues contributed to the complaint.
 - (g) The investigation will be kept confidential and identifying information will not be disclosed unless necessary to conduct the investigation or as required.

- (h) The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker.
 - (i) The investigator will collect and review any relevant documents.
 - (j) An investigation must be completed within 90 calendar days or less unless there are extenuating circumstances warranting a longer investigation.
 - (k) At the conclusion of an investigation, the human resources staff or investigator will prepare a written report that includes the allegations, respondent's position, witness and documentary evidence, factual findings, conclusions and discussion about policy violation(s).
 - (l) The report will be shared with the complainant(s) and respondent(s).
 - (m) The results of the investigation must be communicated in writing within ten (10) calendar days of the investigation being concluded to the worker who has experienced the alleged harassment. (The results are different from the investigative report).
 - (n) The human resources staff may make recommendations to correct any existing problems and/or to prevent similar problems from occurring in the future. Corrective action, if any, must be communicated in writing within ten (10) calendar days of the investigation being concluded.
 - (o) Final decisions regarding the disposition of a complaint will be made by the responsible supervisor and communicated in writing to the parties.
6. **Investigations:** Investigations, both informal and formal, conducted by human resources or an external investigator will include a comprehensive and impartial review of all relevant information, including the respondent's position/response, witness information, etc. Human resources staff or the investigator has the authority to speak with anyone, examine and copy any documents, records, files and enter any work locations which are relevant to the complaint.
7. **Refusal to Intervene or Investigate:** Human resources has discretion to refuse to intervene or investigate or may discontinue an intervention or investigation where: a complaint is made anonymously; the complaint is frivolous, vexatious or made in bad faith/an abuse of process; another complaint avenue has been pursued/engaged regarding the same or a related concern; or having regard to all the circumstances further investigation of the matter is unnecessary. A frivolous complaint contains allegations that are not a breach of the policy. A complaint is vexatious when the complaint has been the subject of a decision by an alternate complaint process that considered the human rights allegations, or the complaint was filed to annoy, embarrass or harass the respondent. Complaints are made in bad faith when an

adequate remedy already exists or the complainant is engaging in improper action - fraud, deception, intentional misrepresentation - or is motivated to file out of malice or vindictiveness.

8. **Other Avenues of Complaint:** Employees have a legal right to pursue a human rights and harassment concern under a variety of complaint avenues; i.e., an application to the Human Rights Tribunal of Ontario, an application to the Ontario Labour Relations Board, a criminal complaint with the Toronto Police Service, etc. If another complaint avenue about the same or related events has been pursued, human resources cannot intervene.
9. **Complainant Source:** Complaints about a contravention of the policy will be accepted from any source that provides reasonable grounds to initiate an investigation (i.e., involved person or group, witnesses, other third parties). These individuals are not considered complainants for the purpose of this policy. Human resources may also initiate a formal complaint if it has information which suggests the existence of an outstanding specific or systemic problem in the workplace.
10. **Reprisals:** This policy strictly prohibits any retaliation, either direct or indirect, against an individual for: exercising their rights under the policy, initiating a complaint in good faith, investigating a complaint, being a decision maker in a complaint, participating as a witness in an investigation, being a respondent to a complaint, having been associated with, or representing a complainant, witness or respondent. Employees found to have engaged in reprisals may be subject to discipline. Appropriate discipline for a policy violation is not considered a reprisal.
11. **Time Limits:** The time limit for the filing of complaints under this policy is one year from the time of the alleged discrimination or harassment. Exceptions may be granted by human resources in extenuating circumstances. The RAWF encourages complainants to come forward as soon as possible so that their complaint can be dealt with in a timely fashion.
12. **Mediation:** Where appropriate, human resources may offer to mediate the complaint at any point during an investigation. Participation in mediation is voluntary and either party to the mediation is entitled to have a support person attend the mediation provided there is no conflict as assessed by the mediator. All mediation discussions will be held on a confidential, "without prejudice" basis. Any settlement would have to be satisfactory to both parties, be consistent with this policy and approved by the RAWF. Parties will be required to sign confidential minutes of settlement.
13. **Complaint Records:** Records of a complaint will only be placed on an employee's personal file when disciplinary action is taken.

The employer (human resources or designated person) will keep records of the investigation including:

- a copy of the complaint or details about the incident;
- a record of the investigation including notes;
- a copy of the investigation report (if any);
- a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
- a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report, should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept for at least one year after the conclusion of an investigation.

14. **Disciplinary Action:** Any employee who engages in discrimination or harassment, reprisals, or breaches confidentiality may be subject to appropriate disciplinary action up to and including termination of employment. Staff who are in a supervisory position and fail to take action when advised of discrimination or harassment may also be subject to disciplinary action. Disciplinary action may also be taken if a complaint is found to be vexatious, made in bad faith and/or an abuse of process.
15. **Completion of Investigation/Mediation:** Proceedings under the policy will be completed within six months of the initiation of a formal investigation. Exceptions may be made in extenuating circumstances.

Schedule "A" – Complaint Form

Name and contact information of worker who has allegedly experienced workplace harassment:

Name of alleged harasser(s) and contact information, if available:

Details of the complaint of workplace harassment

Please describe in as much detail as possible the bullying and harassment incident(s), including: (a) the names of the parties involved; (b) any witnesses to the incident(s); (c) the location, date and time of the incident(s); (d) details about the incident(s) (behaviour and/or words used); (e) any additional details. (Attach additional pages if required)

Relevant documents/evidence

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

Signature: _____

Print name: _____

Date: _____