



Workplace Discrimination, Harassment and Violence Prevention Policy



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1. Commitment

The **Ontario Liberal Party (the “OLP”)** is committed to fostering and sustaining an inclusive, diverse, equitable, safe and accessible workplace that is respectful and conducive to both positive morale and productivity. To that end, the OLP is committed to providing a workplace free from discrimination, harassment and violence, where every individual is treated with dignity. It is the policy of the OLP to take every reasonable step to:

- cultivate and sustain a supportive work culture;
- promote awareness of rights and responsibilities;
- prevent workplace discrimination and harassment;
- identify and eliminate workplace discrimination and harassment in a timely manner;
- improve and/or restore work environments and work relationships affected by incidents or allegations of discrimination or harassment should they arise; and
- prevent incidents of workplace violence and take appropriate action in the event of any such occurrences;

All concerns and complaints of discrimination, harassment or violence will be taken seriously and handled in a fair, professional, impartial, timely and effective manner in accordance with the provisions set out in this policy.

2. Effective Date

This Policy was approved in principle by Provincial Council on February 2, 2018 and amended on May 31, 2021.

3. Purpose

The purpose of this Policy is to:

- Promote a working environment that ensures all individuals are treated equitably, with respect and dignity, free from discrimination and harassment;
- Foster a safe and healthy working environment where all reasonable precautions have been taken to prevent incidents of workplace violence;
- Establish a framework for the prevention of workplace discrimination, harassment and violence; and
- Establish a framework for the timely and effective response to issues of workplace discrimination, harassment and violence, should they arise.

4. Application and Scope

This Policy applies to all workers, which in this Policy includes employees or volunteers, whether affiliated with OLP, a constituency association, an internal party leadership race or a particular leadership campaign, who occupy the following positions:

- Management and staff of the OLP, whether permanent, temporary or probationary;
- Members of the Executive Council of the OLP;
- Provincial Liberal Association (“PLA”) Presidents and Executive;
- Approved OLP Nomination Contestants;
- OLP Candidates, unless otherwise subject to the Ontario Liberal Caucus Workplace Discrimination and Harassment Prevention Policyⁱ;
- OLP Campaign Co-chairs and Campaign Committee members;
- OLP central and local Campaign Managers and staff;
- All OLP Members not included in the categories above; and
- All OLP volunteers.

(collectively “Workers”).

Individuals to whom this Policy applies all have an important role to play in promoting awareness and contributing to a positive and safe work environment.

While this Policy only applies to Workers who occupy the positions listed above, the OLP's commitment to a workplace free from discrimination, harassment and violence includes a commitment to take reasonable action in response to any incident of workplace discrimination, harassment or violence, regardless of the identity of the respondent.

This Policy upholds the Ontario *Human Rights Code*, R.S.O. 1990, c. H.19 (the "Code"), and is a requirement under section 32.0.1 of the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1 ("OHSA"). This policy must be applied in accordance with the *Code* and the *OHSA*, as well as in accordance with other applicable legislation (including, but not limited to, the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c.11 ("AODA") and the *Criminal Code of Canada*, R.S.C., 1985, c. C-46.

This Policy covers workplace discrimination, harassment and violence as defined and prohibited under the *Code* and the *OHSA*.

"Bullying" is defined as aggressive and typically repeated behaviour (physical, social, verbal, electronic, written or other means) intended to cause harm (e.g. physical, psychological, social, academic), fear or distress to another individual or to the individual's reputation or property. It could also include creating a negative environment for another individual where there is a real or perceived power imbalance between the parties, based on one's size, age, strength, intelligence, group affiliation, economic or social status, race, colour, ancestry, creed, citizenship, marital status ethnic origin, place of origin, family status, sexual orientation, gender, gender identity, gender expression or disability.

"Harassment" is defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Bullying is a form of harassment.

"Prohibited Grounds of Discrimination", as defined by the *Code*, include:

- Race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

"Sexual Harassment" is:

- Engaging in a course of vexatious comment or conduct based on 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;

- A sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- A reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

A **“Workplace”** is defined as any land, premises, location or thing at, upon, in or near which a Worker works. For purposes of this Policy, a Workplace includes, but is not limited to:

- The OLP head office;
- An OLP central or local campaign office;
- The locations of office-related functions, social or otherwise, while such functions are taking place, and for a reasonable time before and after;
- The locations of work-related assignments and activities. Such locations include but are not limited to, the locations of any meetings, events, debates, all-candidate meetings, training sessions, assigned canvasses or other campaign related duties, conferences, conventions and other gatherings, social or otherwise, directly or incidentally related to the work, and further include the immediate location of a worker when in transit between Workplaces; and
- Electronic communications, phone calls, voice mail or other forms of communications, to of from those covered by this Policy, where such communication may reasonably be expected to have an impact on work relationships, work environment and/or performance.

“Workplace Harassment” is defined as engaging in a course of vexatious comment or conduct against a worker in the workplace that is known or ought reasonably to be known to be unwelcome. A reasonable action taken by an employer or supervisor relating to the management or direction of workers or the workplace is not workplace harassment.

"Workplace Violence" is defined as the exercise of physical force, or an attempt to exercise physical force, by a person in the workplace that causes or could cause physical injury, or any statement or behaviour that could reasonably be interpreted as a threat to exercise physical force that could cause physical injury.

5. Policy Violations

Engaging in workplace discrimination, harassment or violence, as defined above, is a violation of this Policy. Policy violations also include, but are not limited to, engagement in the following behaviours and practices:

- Workplace harassment or workplace violence as defined in the *OHSA*;
- Discrimination or harassment in any aspect of employment or work, which may include, but is not limited to, recruitment, selection, promotion, learning and development, performance management, redeployment, layoff, changes in pay and benefits, termination, job assignment, and granting leaves of absence;
- Workplace discrimination or harassment of an individual or group that occurs within the Workplace, as broadly defined above;
- Workplace discrimination or harassment of an individual or group based on relationship, association, or dealings with a person or group identified by a prohibited ground under the *Code*, or because the individual or group is believed to be a member of a group covered by a prohibited ground under the *Code*;
- Sexual harassment as outlined under the *Code*;
- Sexual solicitation and related reprisal as outlined under the *Code*;
- Workplace violence as defined in the *OHSA*;;
- Creating, contributing to, or condoning a poisoned work environment, which includes the public display of materials that create a negative, hostile or unpleasant workplace;
- Interference with an investigation in relation to this Policy, including intimidating a complainant, respondent or witness, or influencing a person to give false or misleading information;
- Threatening or retaliating against an individual for exercising a right under this Policy, or against any other person who is performing a legitimate role under this Policy (appropriate management response to an employee or other person suspected or believed to be acting abusively or unacceptably is not considered to be retaliation contrary to this Policy); and
- Frivolous or bad faith allegations, complaints, or accusations.

This Policy is meant to capture behaviour that is a departure from reasonable workplace conduct and that exceeds the usual limits of acceptable workplace interactions. It is not meant to capture situations in which there may merely be a disagreement or general workplace conflict. Further, this Policy does not curtail the right of management to: exercise its discretion in assigning tasks; implement organizational changes; monitor attendance and manage absenteeism; conduct performance reviews; impose and enforce deadlines; or to engage in other ordinary functions of management, so long as the exercise of such discretion is done in a reasonable and professional manner.

6. Addressing Complaints of Discrimination, Harassment, and Violence

Nothing in this Policy precludes an individual from first attempting to address unwelcome behavior directly with another individual. However, where an individual feels uncomfortable directly addressing behavior that is unwelcome, discriminatory or harassing, or where the offending conduct or action continues, individuals should report their allegations to one of the following Executive Officers:

- Executive Director of the OLP;
- OLP President; or
- OLP Executive Vice-President.

A complaint should be initiated in as timely a manner as possible, but the mere passage of time will not preclude the proper consideration of a complaint, unless due to the passage of time, the ability to properly investigate the matter is materially impaired.

The Executive Officer receiving the complaint will take all necessary steps to investigate and resolve the complaint in a prompt manner, including the engagement of other senior staff and/or the retention of outside counsel, investigators, law enforcement, as required. An investigation may be conducted by the Executive Officer or by an external investigator.

Every investigation will follow the accepted principles of administrative fairness. Such principles include, but are not limited to:

- Impartiality of the process;
- The right of the respondent to be provided with the particulars of the allegations made against him or her in the complaint;
- The opportunity of the respondent to make full answer and defense to any allegations;
- The right of both parties to identify relevant witnesses and supply documentary or other evidence; and
- The right of both parties to be advised of the findings of fact in respect of the allegations.

It is the responsibility of any party involved in a complaint, including the complainant, to:

- Respond promptly to all enquiries related to discrimination, harassment or violence;
- Co-operate fully as the complaint is investigated; and
- Make reasonable efforts towards resolving the situation.

It is the responsibility of the Executive Officer receiving a complaint to:

- Intervene to stop unacceptable behavior and to take appropriate steps where required to prevent contact between the complainant and the individual complained of;
- Take all necessary steps to review and investigate the matter in a timely fashion and in accordance with the procedures outlined herein;
- Facilitate the resolution of the complaint; and
- Take the appropriate remedial action to resolve the matter.

While it is the objective of this Policy to resolve discrimination and harassment complaints in a manner that is non- adversarial and rehabilitative, in certain circumstances disciplinary action, up to and including termination, may be warranted. In the case of volunteers, appropriate actions may be taken, including but not limited to the exclusion of the volunteers from OLP premises and campaign offices, and in the case of volunteers who are members of the OLP, the imposition of discipline under section 13 of the OLP Constitution; the nature of such discipline includes but is not limited to suspension or expulsion from any role under the auspices of the OLP.

The Executive Officer will ensure that a confidential written record is maintained with respect to the investigation, the decision rendered after the investigation, and any steps taken to address complaints that are held to be well-founded.

7. Resources for Complainants

This Policy recognizes that it can be emotionally difficult for a complainant to bring forward a concern of discrimination, harassment or violence and emotionally difficult for a respondent to address such a complaint. While the Executive Officers identified are responsible for ensuring appropriate action is taken in the circumstances of a complaint, complainants and respondents have the right to seek the advice and assistance of a third party to help them through the complaint resolution process.

The OLP is committed to ensuring that individuals in the following roles receive training so that they are equipped to appropriately assist in circumstances where a complaint is brought to their attention:

- The President of the Ontario Women’s Liberal Commission (OWLC);
- Campaign Managers
- OLP staff at the management level.

Individuals making or responding to a complaint may also choose to engage the assistance of someone not affiliated with the Workplace. A list of potential resources forms Appendix “A” to this policy.

8. Investigation Procedures

- (a) Throughout the investigation process complainants, respondents and witnesses have the right to assistance from a support person who is not a party or a potential witness to the investigation. A support person is to be available to a party to provide assurance, comfort and/or general emotional support or legal advice but may not answer questions on behalf of the interviewee or intervene or obstruct the investigation interview or process in any way.
- (b) All persons acting as a support person within the scope of this Policy must keep any information regarding the complaint and the investigation, including but not limited to the identity of the parties, or any witnesses, confidential. A support person who is not a Worker will be required to sign a confidentiality agreement before attending an investigation interview.
- (c) Anonymous complaints against an individual or group will be treated in a manner deemed appropriate in the circumstances, including exploring other alternatives to address the matter, including, but not limited to, the use of workplace environmental scans, generalized training for staff, or feedback provided to the individual/group. No formal summary in writing will be provided to any party to an anonymous complaint.
- (d) It may come to the OLP's attention that there is alleged harassment/discrimination where the alleged victim(s) do not wish to/have not come forward. Or, a complainant may determine that they do not wish to proceed with a complaint or may withdraw a complaint. In those circumstances, the OLP may request a reason for withdrawing a complaint or may determine an investigation deemed appropriate in the circumstances is required in the absence of a formal written complaint, or may initiate an investigation with the intent of determining if harassment/discrimination is occurring and stopping it, in order to fulfil the OLP's legislated requirement to provide a workplace free of harassment/discrimination.

- (e) Executive Officers investigating a matter under this Policy have responsibility for ensuring they are following this Policy and are appropriately trained to investigate the matter.
- (f) All persons investigating matters under this Policy, including external investigators, will have regard for this Policy. Slight variations in process may be acceptable, as deemed appropriate by the Executive Officers.
- (g) The person conducting the investigation, whether internal or external to the Workplace, must not be directly involved in the alleged incident(s) or complaint(s) of harassment/discrimination, and must not be under the direct control of the alleged respondent, in accordance with the *OHSA*.
- (h) Incidents/complaints brought to the attention of Executive Officers will be acknowledged in writing within seven (7) business days of receipt or knowledge of the incident/complaint.
- (i) All parties to a complaint will be notified in writing, as soon as practical and prior to an investigation interview, as to the existence of the complaint, the allegations, who filed the complaint and who it was filed against (if multiple persons, each person will be advised individually without advising of the other parties named in the complaint).
- (j) If an incident/complaint of harassment/discrimination is reported to the Executive Officers, in the absence of a formal written complaint, the Executive Officers are still required to investigate, in which case a general statement of the allegations or some other form of written notification may be provided to the parties (complainant/respondent).
- (k) All written notification to parties (complainants, respondents and witnesses) by the investigator, should include cautions regarding maintaining confidentiality and not engaging in reprisal/threats of reprisal. The notification should include copies of this Policy, regardless to the type of complaint being investigated (workplace harassment, discrimination etc.)

- (l) Generally, matters assigned for investigation will be investigated within 90 (and up to 180) days of being assigned, depending on the availability of parties to the complaint, complexity of the matter – number of parties, nature of allegations, time of year the complaint is received etc. Any delays in timelines will be communicated to complainants and respondents including the reasons for the delay.
- (m) Parties to a complaint should be invited to an investigation interview within a reasonable time, if possible. They should be advised that they may bring a representative/support person.
- (n) Investigators should confirm with the interviewee in advance of the interview who their support person will be, if any, to ensure there is no conflict of interest with their choice. It is up to the investigator to determine if there is a conflict of interest with the choice of support person/representative.
- (o) In most circumstances it is appropriate to interview the complainant first, followed by the respondent. Parties should be asked for witnesses who may have relevant information and any relevant witnesses should then be interviewed (separately), as determined by the investigator.
- (p) Investigators should take detailed handwritten notes in the interview and allow the interviewee to review the notes and sign/initial to confirm accuracy. Alternatively, the interviewer may prepare typewritten interview notes from the detailed handwritten notes and send the typewritten notes to the interviewee to review and sign/initial to confirm accuracy.
- (q) The investigator is responsible for determining the appropriateness of the questions being asked. Information outside of the initial written notification of the complaint may come to the attention of the investigator during the course of the investigation, or the investigator may learn new specific information from witnesses. Relevant parties to the complaint are entitled to know of any new information relevant to the complaint and have an opportunity to respond.
- (r) All signed interview statements prepared during the course of the investigation are the property of the OLP.

- (s) An investigator conducting an investigation under this Policy has authority to access documents or materials (i.e. video footage) relevant to the complaint. This does not include legally privileged documents or information otherwise protected by privacy.
- (t) The investigator will consider all of the evidence gathered and determine whether or not an incident(s) of alleged harassment/discrimination took place and whether it amounts to a breach of this Policy, the *OHS*A or the *Code*, using the standard of proof called the “balance of probabilities”.
- (u) A written report shall be prepared by the investigator containing a summary of the investigation evidence and findings and provided to the Executive Officers.
- (v) The findings of the investigation shall be provided to the complainant and the respondent within ten (10) business days of the report being provided to the Executive Officers.
- (w) Any actions that will be taken as a result of the findings of the investigation must be communicated in writing to the complainant and respondent within fifteen (15) business days of Executive Officers receiving the report. Information shared with a complainant regarding action taken with a respondent shall not specify the exact discipline; however should note if formal corrective action has been or will be taken, as well as measures put in place to prevent the matter from taking place again.
- (x) Having regard to the OLP's commitment to equity and inclusion, to the extent possible, any disciplinary or remedial action taken with a Worker as a result of the findings of an investigation under this Policy, should be undertaken with an equity lens.

9. Confidentiality

Individuals reporting an incident or making a complaint of discrimination, harassment or violence are assured that during investigation and consideration of a complaint, and following its resolution, all information relating to the complaint will remain confidential to the extent reasonably possible. However, both complainants and respondents must have access to sufficient information about the allegations and responses of other parties and witnesses to allow for fair and effective participation in the resolution process. Any person to whom disclosure must be made in order to further the investigation or adjudication of a complaint may be required to undertake to maintain and protect that confidentiality.

If a person involved in a complaint is a member of the Ontario Liberal Caucus or a candidate, senior officer or employee of the OLP, nothing in this Policy shall be interpreted so as to limit the discretion of the Executive Officer to advise and consult with the Leader of the OLP with respect to a complaint, or the investigation or resolution thereof.

10. No Reprisal

Individuals who bring forward a concern related to discrimination, harassment or violence shall not be subject to any form of reprisal. Any form of retaliation against an individual for:

- Reporting an incident or making a complaint under this Policy;
- Participating or cooperating in any investigation related to this Policy;
- or
- Being associated with a person who has made a complaint under this Policy or who has participated in any related procedures,

will be considered a violation of this Policy, the *OHSA* and/or the *Code*.

11. Legal Rights

Nothing in this Policy prevents or discourages an individual from pursuing any rights under the *Code*, the *OHSA* or other applicable legislation. Individuals retain their right to exercise all legal avenues that may be available to them, including seeking legal advice and taking legal action as required. Further, nothing in this Policy precludes a complainant from speaking publicly about their complaint.

The OLP reserves the right to suspend any procedure under this Policy if the complainant chooses to pursue another avenue or recourse.

Appendix “A”

Independent Legal Advice for Survivors of Sexual Assault Pilot Program

The Independent Legal Advice for Survivors of Sexual Assault Pilot Program was created through the Ministry of Attorney General. The Pilot Program provides up to four hours of free legal advice to men and women survivors of sexual assault living in the City of Toronto, the City of Ottawa and the district of Thunder Bay. Services can be delivered by phone or in person, and may be accessed at any point after a sexual assault has occurred.

<https://www.attorneygeneral.jus.gov.on.ca/english/ovss/ila.php>

Barbra Schlifer Commemorative Clinic

The Barbra Schlifer Commemorative Clinic offers legal representation, professional counselling in both a group and individual setting, and multilingual interpretation to women who have experienced abuse.

<http://schliferclinic.com/>.

Law Society of Upper Canada Lawyer Referral Service

LSUC’s Lawyer Referral Service connects people looking for legal assistance with a lawyer or paralegal. Individuals accessing the program will be given the name of a lawyer or licensed paralegal who will provide a free consultation of up to 30 minutes to help determine rights and options.

<https://www.lsuc.on.ca/lrs/>

Ministry of Labour

https://www.labour.gov.on.ca/english/hs/pubs/fs_wvh_atwork.php

Ontario Human Rights Commission

The Ontario Human Rights Commission produces a number of online brochures and fact sheets that provide valuable guidance on topics ranging from what to do if you are being harassed to various forms of discrimination.

http://www.ohrc.on.ca/en/our_work/brochures_factsheets?page=1

Human Rights Legal Support Centre

<http://www.hrlsc.on.ca/en/contact-hrlsc>