



Ontario Liberal Party Policy

Workplace Discrimination, Harassment and Violence Prevention Policy

Approved by Ontario Liberal Party Executive Council on February 2, 2018. Most recently reviewed, amended and approved by Executive Council on December 4, 2022. This version took effect on January 1, 2023.

1. Commitment

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

- a) cultivate and sustain a supportive work and volunteer organizational culture;
- b) promote awareness of rights and responsibilities;
- c) prevent workplace discrimination, harassment and violence;
- d) identify and eliminate workplace discrimination, harassment and violence in a timely manner; and
- e) improve and/or restore work environments and work relationships affected by incidents or allegations of discrimination, harassment or violence should they arise.

1.2 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 Workplace Discrimination, Harassment and Violence Prevention Policy (the “Policy”).

2. Effective Date

2. This Policy was approved in principle by Provincial Council on February 2, 2018 and was most recently reviewed and approved by Executive Council on December 4, 2022. This version took effect on January 1, 2023.

3. Purpose

3. The purpose of this Policy is to:

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

4. Application and Scope

- 4.1 This Policy applies to any person providing paid or volunteer services to, or exercise authority on behalf of, the OLP and its affiliated entities (unless specifically excluded), including volunteers, management and staff (whether permanent, temporary or probationary), executive and committee members, agents, consultants, and contractors (all of whom are “workers” for the purposes of this Policy).
- 4.2 For the purpose of this Policy, OLP’s affiliated entities include:
- a) Constituency associations;
 - b) Approved OLP Nomination Contestants and their campaign teams;
 - c) OLP Candidates (unless otherwise subject to the *Ontario Liberal Caucus Workplace Discrimination and Harassment Prevention Policy*);
 - d) OLP local campaigns;
 - e) OLP Campaign Committee;
 - f) OLP central campaign; and
 - g) OLP candidates for leadership and their campaign teams.
- 4.3 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.
- 4.4 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.
- 4.5 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 (“OHS”). This policy must be applied in accordance with the Code and the OHS, 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.
- 4.6 This Policy covers workplace discrimination, harassment and violence as defined and prohibited under the Code and the OHS.
- 4.7 “**Harassment**” is a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.
- 4.8 “**Prohibited Grounds of Discrimination**” 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.
- 4.9 “**Sexual Harassment**” is:
- a) 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;

- b) 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
 - c) 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.
- 4.10 A **“Workplace”** is any land, premises, location or thing at, upon, in or near which a worker works. For purposes of this Policy, such Workplaces include but are not limited to:
- a) The OLP head office;
 - b) An OLP central or local campaign office;
 - c) The locations of work-related functions, social or otherwise, while such functions are taking place, and for a reasonable time before and after;
 - d) The locations of work-related assignments and activities; and
 - e) Work-related electronic communications, phone calls, voice mail or other forms of communications, to or 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.
- 4.11 **“Workplace Harassment”** is 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.
- 4.12 **“Workplace Violence”** is 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

- 5.1 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:
- a) Workplace harassment or workplace violence as defined in the OHSA;
 - b) 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;
 - c) Workplace discrimination or harassment of an individual or group that occurs within the Workplace, as broadly defined above;
 - d) 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 of Discrimination, or because the individual or group is believed to be a member of a group covered by a Prohibited Ground of Discrimination;
 - e) Sexual Harassment;

- f) Workplace Violence;
- g) Creating, contributing to, or condoning a poisoned work environment by engaging in comments or conduct that create a negative, hostile, intimidating, or offensive workplace;
- h) Interference with a review or an investigation in relation to this Policy, including intimidating any complainant, prospective complainant, respondent, witness or prospective witness, or influencing a person to give false or misleading information;
- i) 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 a worker suspected or believed to be engaging in discrimination, harassment or violence is not considered to be retaliation contrary to this Policy); and
- j) Frivolous or bad faith allegations, complaints, or accusations

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

6. Addressing Complaints of Discrimination, Harassment, and Violence

6.1 Nothing in this Policy precludes a worker from first attempting to address unwelcome behavior directly with another worker. A worker may also choose to have the matter dealt with on an informal basis with the assistance of an appropriate workplace leader (such as the campaign manager or a campaign worker with supervisory responsibility, a constituency association president, or a management staff of the OLP), without proceeding with a formal complaint. This step provides a means of obtaining information, voicing concern, and developing a way to resolve the problem. Workers are encouraged to discuss these matters directly with those workplace leaders they feel comfortable with if they feel this could resolve the issue.

6.2 However, where:

- a) a worker feels uncomfortable directly addressing behavior that is unwelcome, discriminatory or harassing,
- b) the offending conduct or action continues, or
- c) the informal resolution to the problem is unsuccessful, inappropriate, or unacceptable,

the worker should report their allegations by in writing to one of the following Executive Officers:

- i) Executive Director of the OLP;
- ii) OLP President; or
- iii) OLP Executive Vice-President.

- 6.3 A complaint must include a description of the incident (when it occurred, the persons involved, what happened).
- 6.4 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.
- 6.5 The Executive Officer receiving the complaint may, where appropriate and with the concurrence of the other Executive Officers, assign carriage of the complaint to another Executive Officer. Each Executive Officer must recuse themselves from the complaint if they are directly involved in the alleged incident(s) that gave rise to the complaint.
- 6.6 The Executive Officer with carriage of the complaint will conduct a review of the complaint in a prompt manner. The Executive Officer may, with the knowledge and concurrence of the other Executive Officers (unless they have been recused), dispose of the complaint without an investigation if:
- a) the allegations do not come within the scope of this Policy;
 - b) the complaint is frivolous, vexatious, or appears to be made in bad faith; or
 - c) the factual allegations, even if true, do not constitute workplace discrimination, harassment or violence.
- 6.6.1 If so, the Executive Officer will advise the complainant and any respondent(s) in writing of the decision.
- 6.7 After determining that a complaint comes within the scope of the Policy, the Executive Officer may, in appropriate circumstances, attempt to informally resolve the complaint between the complainant and the respondent(s).
- 6.8 If efforts at informal resolution are unsuccessful, or if informal resolution is not appropriate in the circumstances, the Executive Officer will take appropriate steps to investigate and resolve the complaint in a prompt manner, including, as appropriate, the engagement of other senior staff and/or the retention of outside counsel, investigators, and/or law enforcement.
- 6.9 Every investigation will follow the accepted principles of administrative fairness. Such principles include, but are not limited to:
- a) Impartiality of the process;
 - b) The right of the respondent to be provided with the particulars of the allegations made against him or her in the complaint;
 - c) The opportunity of the respondent to make full answer and defense to any allegations;
 - d) The right of both parties to identify relevant witnesses and supply documentary or other evidence; and
 - e) The right of both parties to be advised of the findings of fact in respect of the allegations.
- 6.10 It is the responsibility of any party involved in a complaint, including the complainant, to:

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

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

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

6.12 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 may be warranted. In the case of staff, appropriate actions may be taken, including but not limited to termination of employment for just cause. 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 including but not limited to suspension or expulsion of membership or from any role under the auspices of the OLP.

6.13 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

7.1 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.

7.2 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:

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

7.3 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 can be found in Appendix "A" to this policy.

8. Investigation Procedures

Intake of Complaints

- 8.1 Written complaints received by the Executive Officers will be acknowledged in writing within ten (10) business days of receipt complaint.
- 8.2 All parties to a complaint will be notified in writing, as soon as practical and prior to participating in 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).
- 8.3 If an incident/complaint is reported to the Executive Officers, in the absence of a formal written complaint, the Executive Officers are still required to investigate the incident/complaint if it has sufficient detail and describes conduct that is potentially a breach of this Policy, in which case a general statement of the allegations or some other form of written notification may be provided to the parties (complainant/respondent).
- 8.4 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.
- 8.5 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, which may include, 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.
- 8.6 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 Executive Officers may determine an investigation deemed appropriate in the circumstances is required in the absence of a formal written complaint, may deem there to be no 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.

Investigation of Complaints

- 8.7 An investigation may be conducted by the Executive Officer with carriage of the complaint, their designate within the OLP, or by an external investigator. The person conducting the investigation (the "investigator") may delegate specific steps/portions/aspects of the investigation to others with the consent of the Executive Officer with carriage of the complaint.
- 8.8 The Executive Officer with carriage of the complaint has responsibility for ensuring the investigator and any person carrying out specific steps/portions/aspects of the investigation, including external investigators, are following this Policy and are

appropriately trained to investigate the matter. Slight variations in process may be acceptable, as deemed appropriate by the Executive Officers.

- 8.9 The investigator and any person(s) carrying out specific steps/portions/aspects of the investigation, whether internal or external to the OLP, must not be directly involved in the alleged incident(s) or complaint(s), and must not be under the direct control or substantial influence of the respondent.
- 8.10 The Executive Officer with carriage of the complaint has responsibility for ensuring the scope and the extent of an investigation is proportionate to the severity of the allegations.
- 8.11 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.
- 8.12 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.

Investigative Interviews

- 8.13 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.
- 8.14 Throughout the investigation process, complainants, respondents and witnesses have the right to, at their own cost if any, 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.
- 8.15 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 will be required to sign a confidentiality agreement before attending an investigation interview.
- 8.16 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.
- 8.17 In most circumstances it is appropriate to interview the complainant first, followed by the respondent. Parties should be asked to identify witnesses who they believe to have relevant information. The investigator may interview such witnesses (separately), obtain relevant information from the witnesses through other means, or deem the witness to not

be relevant or proportionate to interview, as appropriate. The investigator may forego interviewing the respondent if the totality of all evidence in support of the complaint would unambiguously not substantiate the complaint.

- 8.18 The person conducting the interview should take detailed notes in the interview, and where appropriate, allow the interviewee to review the notes and confirm accuracy.

Resolution

- 8.19 A written report shall be prepared by the investigator containing a summary of the investigation evidence and findings and provided to the Executive Officer with carriage of the complaint.
- 8.20 The findings of the investigation, and any actions that are taken as a result of the findings of the investigation shall be provided to the complainant and the respondent. 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.
- 8.21 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.
- 8.22 The preceding investigation procedures will not necessarily be appropriate for complaints of systemic discrimination. The Executive Officer, if they deem appropriate, may refer any complaints of systemic discrimination to the Executive Council for further direction or consideration.

9. Confidentiality

- 9.1 Confidentiality will be maintained at all times to the extent reasonably possible and practical. However, the OLP has an obligation to pursue matters and this will include communication of the complaint to the respondent(s). OLP is obligated to ensure both complainants and respondents 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.
- 9.2 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

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

- a) Reporting an incident or making a complaint under this Policy;
- b) Participating or cooperating in any investigation related to this Policy; or
- c) 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.

11. Legal Rights

- 11.1 Nothing in this Policy prevents or discourages an individual from pursuing any rights under the Code, the OHS Act 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.
- 11.2 The OLP reserves the right to suspend any procedure under this Policy if the complainant chooses to pursue another avenue or recourse, or to speak publicly of their complaint during the investigation.

Appendix “A”

Independent Legal Advice for Survivors of Sexual Assault Pilot Program

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

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.

Barbra Schlifer Commemorative Clinic - <http://schliferclinic.com>

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.

Law Society of Upper Canada Lawyer Referral Service - <https://www.lsuc.on.ca/lrs>

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.

Ministry of Labour - https://www.labour.gov.on.ca/english/hs/pubs/fs_vwh_atwork.php

Ontario Human Rights Commission - <http://www.ohrc.on.ca/>

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.

Human Rights Legal Support Centre - <http://www.hrlsc.on.ca/en/contact-hrlsc>