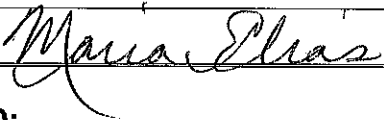


# Belmont HOUSE

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| <b>SUBJECT:</b> Workplace Discrimination & Harassment                                               |                                      |
| <b>VOLUME:</b> Volume 1 –<br>Administration Human<br>Resources                                      | <b>ORIGINAL DATE:</b> September 2007 |
| <b>REVIEWED BY:</b> Human Resources                                                                 | <b>REVISED DATE:</b> June 21, 2024   |
| <b>APPROVED BY:</b> Chief Executive Officer                                                         | <b>PAGE :</b> Page 1 of 13           |
| <b>SIGNATURE:</b>  | <i>Reviewed: June 2025</i>           |

## **APPLIES TO:**

This policy applies to any parties in the Home including employees, volunteers, students, contractors, residents, tenants, family members of residents/tenants and any other 3<sup>rd</sup> parties.

## **PREAMBLE:**

Any form of discrimination, directly or indirectly, will create a poisonous environment. It is the intent of this policy to foster a positive, respectful, non-discriminatory, and harassment-free working environment through the promotion of harmonious inter-racial and cross-cultural communication. All concerns and complaints will be address by the Home through a detailed process to ensure consistency and fairness.

Belmont House has a separate policy which specifically deals with Workplace Anti-Violence, Harassment & Sexual Harassment. Please refer to that policy for detailed information on that topic.

## **POLICY:**

1. Belmont House is committed to human rights and in particular, to the principle that everyone within the Home has a right to equitable treatment without discrimination or harassment on the grounds identified or prohibited by the Ontario Human Rights Code. These prohibited grounds include race, creed, colour, ethnic origin, citizenship, age, sex, sexual orientation, marital status, family status, nationality, ancestry, place of origin, handicap (disability) and record of offenses.
2. Belmont House is committed to a workplace in which all employees are treated with respect and dignity. It is the policy of Belmont House to ensure that the work environment is free from all forms of illegal or inappropriate forms of discrimination and harassment.

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In pursuit of maintaining a safe and healthy environment for all parties in the Home, Belmont House does not condone and will not tolerate any of the following items listed and defined below.

- A. Discrimination** - to directly or indirectly, in the course of employment, differentiate adversely in relation to an employee, on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, handicap, age marital status, family status and record of offense for which a pardon has been granted. It doesn't matter whether or not discrimination is intentional: it is the effect of the behavior that is important

**Forms of Discrimination:**

- i. Failure to Accommodate**  
Failure to provide reasonable accommodation of disability-related or other needs of an employee in accordance with Canadian or Ontario human rights legislation and Belmont policies and procedures.
- ii. Poisoned Work Environment**  
A work environment which results from comments or conduct tending to ridicule or disparage a group of employees even if not directed at a specific employee
- iii. Systemic Discrimination**  
The impact of policies, practices and/or systems which may seem to be equal in intent and application but which cause adverse impacts on individuals or groups of employees based on grounds prohibited in the Ontario and Canadian Human Rights Codes. Where such practices and/or systems exist it must be shown that they are reasonable and bona fide (i.e. the employee or group of employees cannot be accommodated without undue hardship to the employer)
- iv. Other**  
Any inappropriate comment or conduct beyond the grounds in the Ontario or Canadian human rights legislation which is known to be or ought reasonably to be known to be unwelcome including:
  - Bullying and intimidation
  - Abuse of authority by anyone which demeans, threatens and humiliates an individual

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- Policies, practices and/or systems applied by individuals which are meant to be applied equally but which adversely cause negative impacts on individuals or groups of employees based on grounds prohibited by Ontario and Canadian Human Rights Codes

## **B. Harassment**

Harassment - engaging in a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome". "Vexatious" may include comments or conduct that are distressing, troublesome, disturbing, irritating, harassing, *with or without intention*. Any form of harassment is demeaning, offensive, intimidating, embarrassing, and hurtful. Harassment may include, but is not limited to:

### **Forms of Harassment:**

#### **i. Racial/Ethnic Harassment**

- Any conduct or comment which causes humiliation to an employee because of their racial or ethnic background, their colour, place of birth, citizenship, or ancestry. Examples of conduct which may be racial or ethnic harassment include:
- Unwelcome remarks, jokes, or innuendos about a person's racial or ethnic origin;
- Colour, place of birth, citizenship, or ancestry;
- Stereotyping and microaggression
- Displaying racist or derogatory pictures or other offensive material;
- Insulting gestures or practical jokes based on racial or ethnic grounds which create awkwardness or embarrassment; and
- Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background.

#### **ii. Personal Harassment**

- Any unsolicited, unwelcome, disrespectful, or offensive behaviour that has an underlying sexual, bigoted, ethnic, or racial connotation and can be typified as:
- Behaviour that is hostile in nature, or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, gender identity, gender expression, or any other protected ground under human rights legislation.

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- 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;
- 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.
- Unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, sex or sexual orientation, or religion;
- Suggestive or offensive remarks;
- Bragging about sexual prowess;
- Offensive jokes or comments of a sexual nature about an employee;
- Unwelcome language related to gender;
- Displaying of pornographic or sexist pictures or materials;
- Leering (suggestive persistent staring);
- Physical contact such as touching, patting, or pinching, with an underlying sexual connotation;
- Sexual assault;
- For the most part, victims of sexual harassment are female; however, conduct directed by female employees towards males or between persons of the same sex can also be held to constitute sexual harassment;
- Any actions that create a hostile, intimidating, or offensive workplace, which may include physical, verbal, written, graphic, or electronic means; and
- Any threats of physical violence that endanger the health and safety of the employee.

### iii. Workplace Harassment

- Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; or

### iv. Workplace Sexual Harassment

(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

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(b) Making a 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.

v. **Harassment on the Basis of Handicap (Disability)**

- Disability refers to any degree of physical impairment or disfigurement, learning disability, mental impairment or disorder
- Disability resulting from a work-related injury or disease, and other acute or chronic diseases
- A disability can be visible or invisible

vi. **Undirected Harassment**

- Harassment may also include behaviours, conduct, comments or activities which are not directed specifically at an individual but which nonetheless create a degrading or offensive "poisonous" work environment. Examples of this type of harassment include:
  - Displaying of materials which are sexually explicit or degrading, racist, ethnic, or religious in a degrading or derogatory manner
  - Displaying of graffiti, which is sexually explicit or degrading, racist, ethnic or religious in a degrading or derogatory manner
  - Patronizing behaviour, language, or terminology, which reinforce stereotypes and undermine self-respect, adversely affecting work performance and/or working conditions

Harassment includes virtual harassment which is defined as the online use of information and communication technologies by an individual or group to repeatedly cause harm to another person. This may involve threats, embarrassment, or humiliation in an online setting and can extend to sexual harassment.

*Please note that the above list is comprehensive but Belmont House reserves the right to interpret any other act not described above as a violation of this policy as it is not possible to include a list and description of any and all the actions which can be categorized as discrimination or harassment which are prohibited.*

3. Timely filing of a complaint is encouraged but under extenuating circumstances, older complaints will be addressed by Belmont House.
4. If a complainant wishes to file a report with the Human Rights Tribunal of Ontario, they have the option to do so. Applications now have to be submitted within one year from the last occurrence of the discriminatory incident. Doing so does not preclude them from simultaneously filing a complaint with Belmont House.

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5. If there is a complaint, the parties may be separated and in the case of staff, they may be placed on administrative leave (usually the respondent).
6. Employees represented by a union may report their concerns to the union first (if the employee elects to) who will then inform Belmont House with or without the employee's participation.
7. Incidents that have taken place offsite may be characterized as violations under this policy.
8. Where there has been an incident that can also be categorized as Violence in The Workplace, Belmont House will deal with the incident under the terms of the Workplace Anti-Violence Harassment & Sexual Harassment Policy.
9. Belmont House may consider the appointment of a harassment advisor. These are people who are trained under Belmont's policy to whom employees could speak to on a confidential basis for advice about how to resolve a situation or proceed with next steps. They also can act as a resource during and after an investigation.
10. The investigation of a complaint will normally include interviewing all parties and witnesses. Employees who participate in such investigations shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation as per Belmont's Whistleblower Policy.
11. All complaints will be handled in a timely manner.
12. If the investigation reveals that the complaint regarding an employee is found to have merit, appropriate disciplinary action up to and including termination employment will occur. For all other parties, all measures will be taken including removal from the Home.

Belmont House will also apply all appropriate measures to ensure similar infractions do not incur again in the Home.

### **13. Confidentiality**

All complaints will be handled in a confidential manner. Information concerning a complaint will be released by subpoena but will not be released by the Home to third parties or to anyone within the Home who is not involved in the investigation; nor will anyone involved be permitted to discuss the subject with anyone other than officials conducting the investigation.

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Please note that the disclosure of confidential information may be necessary when "required by law".

## **14. Vexatious Complaints**

If it is determined that a complaint was made in bad faith with the intent to harm another person in the workplace, this will be considered a vexatious complaint. This will not be tolerated and will be subject to disciplinary action for staff including up to and including termination of employment. All other parties will be removed permanently from the Home and subject to appropriate action from the Home.

## **15. Reprisal**

All acts of reprisal from any party for any reason will not be tolerated and will be considered a serious infraction by the Home and a violation of the Whistleblowing Policy. Staff may be subject to disciplinary action up to and including termination of employment. All other parties may be removed from the Home.

## **ROLES AND RESPONSIBILITIES OF WORKPLACE PARTIES:**

### **Employer:**

- Belmont House will create and maintain a workplace free from discrimination and harassment
- Abide by all applicable legislation including the Ontario Human Rights Code, Accessibility for Ontarians with Disabilities Act (AODA), Collective Agreement(s), local laws, Company policies etc.
- Hire individuals that are knowledgeable and competent to create, implement, update and enforce this policy within the Home.
- Ensure this policy is adhered to by all parties within the Homes including all employees, volunteers, students, visitors, contractors, essential caregivers and all persons who have a relationship with the organization, such as physicians, etc.
- Appoint a 3<sup>rd</sup> party investigator if it is determined solely by Belmont House that this is appropriate to the situation
- Provide funding and support as needed to ensure the Home is a safe environment
- Inform the Board of Directors where necessary of infractions under this policy
- Maintain and update the Diversity in The Workplace Program which reflects the values of Belmont House.

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## **Managers/Supervisors & Human Resources:**

- Enforce this policy and the Workplace Anti-Violence, Harassment and Sexual Harassment Policy and monitor compliance
- Provide training and education to all parties at the time of hire and periodically thereafter to ensure they abide by the policy
- Ensure Management Team are knowledgeable on the topics of Discrimination and Harassment and inform as soon as possible all possible infractions of this policy to Human Resources, CEO and/or the Board of Directors depending on the situation
- Management will ensure that discrimination and harassment is not committed, condoned or ignored and may be considered an accessory should they fail to report possible infractions that they are aware of
- Cooperate, communicate and respond to grievances filed by employees and/or the union to resolve matters identified in the workplace
- Deal with specific complaints with respect to this policy, investigate in a timely manner and make a decision including any corrective action required.
- Enforce the Whistleblower Policy in regard to complaints received under this policy is enforced
- Track and analyze incidents for trending and prevention initiatives
- Provide access to the free Employee Assistance Program (EAP) for employees that voluntarily wish to use this service

## **Employees:**

- Understand and comply with this policy
- Participate in an investigation
- Take personal accountability and responsibility and make every effort to preserve a safe environment in the Home
- Report all incidents. The reporting should occur regardless of whether the employee is directly affected or not. Any party in the workplace must come forward immediately without delay to report anything that has occurred or potentially may occur to Management or Human Resources immediately
- Refrain from any acts of reprisal against any party in the Home
- Participate in education and training programs to be able to respond appropriately
- Seek support including using the Employee Assistance Program (EAP) which is a service available to all staff free of charge
- Ensure Belmont House is informed of any concerns/risks that could lead to discrimination and harassment taking place
- Employees, if they perceive they are being discriminated or harassed may directly speak to the person if they are comfortable as a first step to dealing with this problem.



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- Advise their union (if applicable) of any situation that may be a violation of this policy
- Discourage discrimination and harassment in the workplace where possible

In an emergency situation, when an employee feels that their life or safety is being immediately threatened, they have the right to call the Police at 911.

## **Joint Health and Safety Committee (JHSC):**

- Provide consultation with an aim to proactively eliminate acts of discrimination and harassment that could lead to the safety of someone being compromised within the Home.
- Receive nonspecific information to assist in monitoring trends in the workplace (to be discussed at monthly Joint Health & Safety Committee meetings)
- Any incidents categorized as Discrimination and Harassment that results in a critical injury or death, the JHSC will immediately and in writing be provided with particular as prescribed within 48 hours of the occurrence (as per Workplace Anti-Violence Harassment & Sexual Harassment Policy)

## **PROCEDURE:**

1. All incidents will be documented in writing using the Incident/Accident Form. The Form is available in the following locations:
  - i) West and East Lunchrooms
  - ii) Policy Manager Under Occupational Health & Safety
  - iii) U Drive Under Human Resources

Belmont House will accept anonymous submissions. In these instances, the complaint will be accepted even if it is submitted using a different form including the Your Voice Form or on a black piece of paper.

2. The Chief Executive Officer (CEO) will be informed that a complaint was received by Belmont House and what appropriate steps are being taken.

The JHSC will be informed if the safety of a worker is affected as per the Workplace Anti-Violence Harassment & Sexual Harassment Policy.

3. Belmont House will contact the police if the incident reported is criminal in nature and/or directly affect the safety of any party in the workplace.

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4. The investigation including the results will be documented in writing.
5. Students, Volunteers, Contractors, Family Members and any other 3<sup>rd</sup> party that have also violated this policy will be removed from Belmont House and will be prohibited from returning.
6. The Joint Occupational Health & Safety Committee will review incidents and overall statistics of incidents where there has been a safety infraction under this policy and are categorized as Violence In The Workplace as per the Workplace Anti-Violence Harassment & Sexual Harassment Policy.

## INVESTIGATION PROCESS

### Investigating Reports of Discrimination and Harassment

All incidents will be reported to the Human Resources Department. It can be submitted to the Department directly by the complainant or indirectly through another employee in the Company (a Supervisor, Department Head, Union Representative, Chief Executive Officer).

Human Resources will lead all investigations. The Chief Executive Officer or designee will review HR's findings before the results are released and applicable appropriate action is taken based on the findings.

- i. If the complaint is filed against Human Resources, the CEO will select an alternate appropriate party to conduct the investigation.
- ii. If the complaint is filed against the CEO, the Belmont House Board of Directors will be informed and will make a recommendation on who will conduct the investigation including whether to hire a 3<sup>rd</sup> party to conduct the investigation.
- iii. A 3<sup>rd</sup> party will conduct an investigation if required by the Ministry of Labour.
- iv. A 3<sup>rd</sup> party investigation may also occur if deemed appropriate by CEO and/or Board of Directors for any complaint under this policy.

Once a written complaint has been received, Belmont House will complete a thorough investigation. Harassment should not be ignored, as silence can and often is interpreted as acceptance. Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

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Belmont House will ensure that all information obtained during the course of an investigation will not be disclosed, unless the disclosure is necessary for the purposes of investigating or taking corrective action, or is otherwise required by law.

For the purposes of this section the following definitions apply:

**Complainant** – The person who has made a complaint about another individual whom they believe committed an act of violence, discrimination, or harassment against them.

**Respondent** – The person whom another individual has accused of committing an act of violence, discrimination, or harassment.

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant, any person involved in the incident, and any identified witnesses; and
- Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.

A copy of the complaint, detailing the complainant's allegations, is then provided to the respondent.

- The respondent is invited to reply in writing to the complainant's allegations, and the reply will be made known to the complainant before the investigation proceeds further.
- The company will protect from unnecessary disclosure the details of the incident being investigated and the identities of the complainant and the respondent.
- During the investigation, the complainant and the respondent will be interviewed, as will any possible witnesses. Statements from all parties involved will be taken and documented, and a decision will be made.
- If necessary, the company may employ outside assistance or request the use of legal counsel.
- Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances of another employee or because they lodged a harassment complaint when they honestly believed they were being harassed.
- Upon completion of the investigation, Belmont House will inform both the complainant and respondent in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.

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If the complainant decides not to lay a formal complaint, senior management may decide that a formal complaint is required (based on the investigation of the incident) and will file such documents with the person against whom the complaint is laid (the respondent).

## DEFINITIONS

**Vexatious Complaint** - One that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.

## REFERENCE(S)

- Accessibility for Ontarians with Disabilities Act (AODA)
- AODA Belmont House Program
- The Criminal Code of Canada
- The Compensation of Victims of Crime Act
- Diversity in the Workplace Program (Belmont House)
- The Occupational Health and Safety Act\*
- ONA Collective Agreement
- The Ontario Human Rights Code
- The Regulated Health Professions Act
- SEIU Collective Agreement
- The Workplace Safety and Insurance Act, 1997
- Violence in the Workplace Program (Belmont House)

## CROSS-REFERENCE:

|                                                                                                   |
|---------------------------------------------------------------------------------------------------|
| AODA - Accessible Customer Service Policy                                                         |
| AODA - Integrated Accessibility Standards Regulation (IASR) Employment Policy                     |
| AODA - Integrated Accessibility Standards Regulation (IASR) Information and Communications Policy |
| AODA - Multi-Year Plan & Policies Policy                                                          |
| Code of Conduct Policy                                                                            |
| Code of Ethics Policy                                                                             |
| Dismissal - Employee Policy                                                                       |
| Diversity In the Workplace Policy                                                                 |
| Human Rights Policy                                                                               |
| Progressive Discipline Policy                                                                     |
| Refusing Unsafe Work Policy                                                                       |
| Termination of Employment Policy                                                                  |
| Termination, Notice of Policy                                                                     |

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|---------------------------------------------------------------|
| Whistleblower Policy                                          |
| Workplace Anti-Violence Harassment & Sexual Harassment Policy |

