

Toronto Islands Residential Community Trust Corporation's Respectful Workplace Policy

1. Introduction

1.1 The Toronto Islands Residential Community Trust Corporation (the Trust) is committed to providing a safe and supportive environment in which belonging, fairness, diversity, dignity, and perspectives of all individuals are valued and respected.

1.2 Harassment and discrimination are prohibited by law. Under Ontario's *Human Rights Code*, every person has a right to equal treatment without discrimination and the right to be free from harassment. Measures to prevent and address harassment and discrimination are also required by the *Occupational Health and Safety Act*.

1.3 The Trust will not tolerate, ignore, or condone harassment, discrimination, or reprisal towards any of its employees, volunteers and those associated with the Trust by anyone, including other employees, members of the public, Island community members, customers/clients, volunteers, contractors, and consultants. Harassment, discrimination, and reprisal are serious forms of misconduct that may result in corrective actions.

2. Applicability

2.1 This policy is intended to support board members, community volunteers, employees and those associated with the Trust to experience an environment that fosters respect for human rights, anti-racism, anti-oppression and equity.

2.2 Staff, members of the public, including visitors to the Trust facilities and individuals accessing services or conducting business with the Trust, are expected to adhere to the standards of conduct set out in this policy, including refraining from workplace harassment and discrimination of employees, and persons acting on behalf of the Trust.

2.3 This policy applies at all Trust workplaces, whether during or outside of normal working hours and whether at or away from the worksite. Examples: Ferry, ferry docks, community buildings, and the broader Island community.

2.4 This policy also applies to communications by telephone, cell phone, email, text message, and social media platforms where the communication may be connected to the workplace or have an impact on the workplace or working relationships, whether the computer, phone, or other electronic device used to make the communication is a personal or corporate-issued device.

3. Policy

3.1 Purpose

The purpose of this policy is to:

- a) Set expectations and standards of behaviour for a respectful, safe, and supportive environment, inclusive of the Trust workplace;
- b) Define behaviours that may be offensive and prohibited by law and/or this policy.
- c) Clarify roles and responsibilities with respect to interpersonal relationships and behaviours in the workplace.
- d) Outline measures to prevent and address prohibited behaviour, including harassment, discrimination, and reprisal.
- e) Address the Trusts' obligations under applicable employment laws, including the *Human Rights Code* and *Occupational Health and Safety Act*.

3.2 Expected Behaviour

Employees, board members, community volunteers and those associated with the Trust will interact with one another, members of the public, and all others in the workplace in a professional, courteous, civil, dignified, fair, and equitable manner.

3.3 Prohibited Behaviour

The following behaviours are prohibited in the workplace:

- Disrespectful Behaviour
- Incivility
- Discrimination
- Harassment (Personal and Code-based)
- Reprisal

See Appendix B for examples of the prohibited behaviours listed above.

3.4 Roles and Responsibilities

- a) Creating and maintaining a respectful workplace is a shared responsibility. Every individual to whom this policy applies, as well as individuals who attend Trust workplaces, or who access services or conduct business with the Trust, are expected and required to abide by the standards of behaviour set out in this policy.

b) Employees or volunteers who are subjected to or witness prohibited behaviour in the workplace should consult the Section 4 of this policy which outline various options available to address and resolve such behaviour.

3.4.1 All Employees and Volunteers

Every employee and volunteer has a responsibility to create and maintain a respectful workplace. This includes to:

- a) Ensure words and actions are consistent with this policy.
- b) Raise concerns as soon as possible of prohibited behaviour.
- c) Accept responsibility for their workplace behaviours and their impact on others.
- d) Cooperate in investigations and handling of alleged prohibited behaviour upon request.
- e) Maintain confidentiality related to investigations of alleged prohibited behaviour.
- f) Participate in training associated with this policy.

3.4.2 Managers/Supervisors

Managers and supervisors have additional responsibilities to create and maintain respectful workplaces and must act immediately on observations or allegations of prohibited behaviour.

A manager or supervisor may be held responsible if they are aware of an incident of prohibited behaviour but do not take steps to resolve or address it.

Managers and Supervisors must:

- a) Ensure work-related practices/procedures in their areas are free from barriers to meaningful participation and do not discriminate against groups or individuals.
- b) Set a good example by ensuring their own words and conduct adhere to this policy.
- c) Be aware of what constitutes prohibited behaviour and the procedures in place for addressing and resolving such behaviour.
- d) Act promptly to address observations or allegations of prohibited behaviour.
- f) Keep a detailed record of any violations of this policy and corrective actions taken
- g) Support training and awareness activities related to this policy.

h) Ensure this policy is distributed and posted in a location that is easily accessible by all employees and any other individuals who enter the workplace and ensure contractors and consultants who enter the workplace are aware of this policy.

i) Implement appropriate actions and restorative measures as required.

j) Monitor the workplace and environment where prohibited behaviour has occurred to ensure it has stopped.

k) Provide appropriate supports to those affected by the prohibited behaviour, including witnesses.

3.5 Policy Review Process

The Trust is committed to continuing to enhance its respectful workplace policies, practices, and procedures. This policy will be reviewed as often as necessary, but at least annually, to ensure it remains current and is appropriately implemented.

- *Employment Standards Act*
- *Occupational Health and Safety Act*
- *Ontario Human Rights Code*

4. Procedures

4.1 If an individual experiences circumstances where the objectives of this policy are not being met, they may make a complaint, in writing or verbally to their immediate supervisor or to the management committee.

4.2 Upon receiving a complaint or becoming aware of circumstances where the objectives of this policy are not being met, the Management Committee of the Trust will review the facts and evidence provided. This will not include allegations of criminal activity which should be addressed by local law enforcement. The Management Committee, in this case, will support, facilitate and cooperate with local law enforcement as necessary.

4.3 The Management Committee shall consider whether there is any action they can take to try and resolve the issue including a letter informing the parties about the complaint and/ or meeting with the person(s) involved.

4.4 If attempts to resolve have been unsuccessful, the Management Committee shall take this issue to the Trust Board for a review of details of the incident or complaint,

including any relevant documents. The board may invite those involved to an in-camera board meeting.

4.5 The board will prepare a report summarizing the incident or complaint, the steps taken during the investigation, the evidence gathered and the findings. They will then provide the report to all parties involved which may have recommendations and corrective actions attached.

4.6 When a decision has been taken by the Trust Board to impose recommendations and corrective actions, the Trust will write a letter confirming the reasons for the decision, and when the conditions are to be reviewed.

4.7 The recommendations and corrective actions can be reviewed early, amended or cancelled at any time by the Trust Board if the person has demonstrated that they can moderate their behaviour. If such a decision is taken, the Trust Board should confirm this in writing to the individual. The Trust Board will write to the person informing them of the result of the review and whether the decision to apply this policy has been changed, extended or amended.

Appendix A: Definitions

The following definitions are intended to assist in understanding the terms referenced in this policy.

Discrimination – Actions or behaviours that result in unfavourable treatment or which have a negative impact on an individual or group because of one or more of the prohibited grounds listed in the *Human Rights Code*. Discrimination may be intentional or unintentional. It may involve direct actions that are outright discriminatory, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people.

Disrespectful Behaviour – Failing or refusing, through words or actions, to treat others in a professional, courteous, civil, dignified, fair, and equitable manner. Examples of this include:

- voluminous contacts, by any means, which places unreasonable demands on staff (such as numerous, frequent and/or unduly complex letters, faxes, telephone calls or emails); and
- communications directed to employees' or board members' personal phone numbers, emails, and online accounts.

Harassment – Engaging in offensive, vexatious comment or actions, bullying, hurtful, upsetting, demeaning or embarrassing comment or conduct that a person knows or ought reasonably to know is unwelcome. It can also include behavior that intimidates, isolates or even discriminates against the targeted individual. The fact that a person does not explicitly object to harassing behaviour, or appears to be going along with it, does not mean the behaviour is welcomed, consented to, or is not harassing. Harassment usually involves more than one incident or a pattern of behaviour, but a single incident may be sufficiently serious, offensive, or harmful to constitute harassment.

Harassment of a worker in the workplace, including sexual harassment of a worker in a workplace, is collectively referred to as “workplace harassment” for the purposes of the *Occupational Health and Safety Act*.

Management Committee – The management committee is a committee of the Trust board made up of the chair, vice chair and an additional board member. There should be at least one committee member who is from the city at large.

Prohibited Grounds – The *Human Rights Code* prohibits harassment and discrimination in employment based on one or more of the following grounds:

- race
- ancestry

- place of origin
- colour
- ethnic origin
- citizenship
- creed (religion, including atheism)
- sex (includes pregnancy and breast feeding)
- sexual orientation
- gender identity
- gender expression
- age
- record of offences (criminal conviction for a provincial offence or for an offence for which a pardon has been received)
- marital status (includes married, single, widowed, divorced, separated, living together in a conjugal relationship outside of marriage, whether in a same-sex or opposite sex relationship)
- family status (such as being in a parent-child relationship)
- disability (includes mental, physical, developmental, or learning disabilities)
- association or relationship with a person identified by one of the listed grounds
- perception that one of the listed grounds applies, whether it does

Reprisal – Any act of retaliation or revenge against a person for:

- Raising a concern or making a complaint under this policy (whether on their own behalf or on behalf of another)
- Participating or cooperating in an investigation or other complaint resolution process under this policy
- Associating with or assisting a person identified in the above bullets.

Sexual Harassment – Harassment based on sex, sexual orientation, gender identity, or gender expression and includes:

- a) Engaging in offensive, hurtful, upsetting, or embarrassing comment or conduct because of sex, sexual orientation, gender identity or gender expression that a person knows or ought reasonably to know is unwelcome.
- b) Making a sexual solicitation (i.e., request) or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; and
- c) Retaliating against or threatening to retaliate against an individual for the rejection of a sexual solicitation or advance where the retaliation or threat of retaliation is by a person in a position to confer, grant or deny a benefit or advancement to the individual.

Sexual harassment of a worker in the workplace is referred to as “workplace sexual harassment” for the purposes of the *Occupational Health and Safety Act*.

Supervisor – When referenced in this policy means the Trust manager or senior staff person.

Workplace – Includes all sites, facilities, and other locations where the business, work, or social activities of the Trust take place, this includes:

- All Trust buildings and workplaces
- Any other location where Trust employees or volunteers are performing work-related duties or carrying out responsibilities on behalf of the Trust, including work-related travel and off-site meetings, conferences, seminars, and training.
- Locations at which work-related social functions take place, including formal events officially sanctioned by the Trust and informal after-work social gatherings where behaviours could have an impact on the workplace.
- Social media sites (e.g., Facebook, MyNeighbours, Twitter, Instagram, etc.) and internet sites, where posts may be connected to the workplace or could have an impact on the workplace or working relationships.

Appendix B: Examples of Prohibited Behaviours

The following are some examples of the prohibited behaviours listed in Section 3.3 above.

Disrespectful Behaviour

Examples could include:

- Teasing or joking that intimidates, embarrasses, or humiliates
- Belittling and use of profanity
- Using sarcasm or a harsh tone
- Deliberately expressing or exhibiting disinterest when an employee or volunteer is speaking
- Spreading gossip or rumours that damage one's reputation
- Condescending or patronizing behaviour
- Actions that invade privacy or one's personal workspace
- Deliberately excluding an employee from basic civilities (e.g., saying "good morning", welcoming some and ignoring others), relevant work activities, or decision making.

Any of the behaviours listed above could also constitute discrimination (if based on one or more of the prohibited grounds) or harassment (if the behaviour is repeated, occurs in combination with other prohibited behaviours, or is severe).

Discrimination

The use of discriminatory language, personal attacks and inflammatory language.

Harassment

Examples of **Personal Harassment** could include:

- Angry shouting/yelling
- Abusive or violent language
- Physical, verbal, or e-mail threats or intimidation
- Aggressive behaviours (e.g. slamming doors, throwing objects)
- Targeting individual(s) in humiliating practical jokes
- Excluding, shunning, or impeding work performance
- Negative blogging or cyberbullying
- Retaliation, bullying, or sabotaging
- Unreasonable criticism or demands
- Insults or name calling
- Public humiliation
- Communicating via any means (e.g. verbal, electronic mail, voice mail, print, social media posts, or radio) that is demeaning, insulting, humiliating, or mocking.

- Voluminous contacts, by any means, which places unreasonable demands on staff (such as numerous, frequent and/or nuisance and/or vexatious letters, faxes, telephone calls or emails); and
- Communications directed to employees' or board members' personal phone numbers, emails, social media and online accounts.

Examples of **Code-based Harassment** could include (if based on one or more of the prohibited grounds):

- Insulting, offensive, humiliating or mocking remarks, gestures, jokes, slurs, or innuendos
- Name calling, including using derogatory or offensive terms or language
- Refusing to work or interact with an employee
- Attaining, viewing, retaining, or distributing insulting, derogatory, or offensive information from the internet or other sources
- Vandalism of an individual's property
- Interference with a person's ability to perform their work responsibilities
- Offensive, derogatory, insulting, or demeaning communication via any means (e.g. verbal, electronic mail, voice mail, print, social media posts, or radio)
- Displaying pictures, graffiti or other materials that are derogatory or offensive.

Harassment Does Not Include:

Reasonable performance of management duties or supervisory functions, including:

- performance/probation reviews/appraisals
- organizational changes/restructuring
- shift/vacation scheduling
- work direction
- disciplinary actions
- bona fide complaints or concerns

Reprisal

Examples could include:

- Issuing discipline, changing work location or hours, demoting, denying of advancement or promotional opportunities, or threatening to carry out such actions if done as an act of retaliation or revenge.
- Bullying, threats, or other intimidating behaviour.
- Making false allegations of workplace misconduct.
- Pressuring an individual to withdraw or change a complaint or witness statement.
- Anonymous letters written with malice and spite