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MAC Discrimination & Harassment Policy

Policy Statement

Mines Action Canada (“MAC”) is committed to providing an environment free of discrimination and harassment, where all individuals are treated with respect and dignity, can contribute fully and have equal opportunities.

Under the Ontario *Human Rights Code*, every person has the right to be free from harassment and discrimination. Harassment and discrimination will not be tolerated, condoned or ignored at MAC. This includes any employee who: interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm. If a claim of harassment or discrimination is proven, disciplinary measures will be applied, up to and including termination of employment.

MAC is committed to a comprehensive strategy to address harassment and discrimination, including:

- providing training and education to make sure everyone knows their rights and responsibilities;
- regularly monitoring organizational systems for barriers relating to *Code* grounds;
- providing an effective and fair complaints procedure; and
- promoting appropriate standards of conduct at all times.

Policy Objectives

The objectives of this Policy are to:

- make sure that members, clients and associates of MAC are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of this organization, as well as being a violation of the law; and
- set out the types of behaviour that may be considered offensive and are prohibited by this Policy.

Application

This Policy applies to all current employees of MAC, including full and part-time, casual, contract, permanent and temporary employees, as well as volunteers, students, interns. This Policy also applies to job applicants. This encompasses all behaviour that is in some way connected to work, including during off-site meetings, training and on business trips.

Protected Grounds

This Policy prohibits discrimination or harassment based on the following grounds, and any combination of these grounds:

- Age
- Creed (religion)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation
- Gender identity
- Gender expression
- Family status (such as being in a parent-child relationship)
- Marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship)
- Disability (including mental, physical, developmental or learning disabilities)
- Race
- Ancestry
- Place of origin
- Ethnic origin
- Citizenship
- Colour
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received)
- Association or relationship with a person identified by one of the above grounds
- Perception that one of the above grounds applies.

Definitions

The following behaviour is prohibited:

Discrimination: means any form of unequal treatment based on a protected ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this Policy.

Harassment: means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this Policy. Harassment can occur based on any of the grounds of discrimination.

Examples of harassment include:

- Epithets, remarks, jokes or innuendos related to a person's race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other ground;

- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means;
- Singling out a person for humiliating or demeaning “teasing” or jokes because they are a member of a Code-protected group;
- Comments ridiculing a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person’s dress, speech or other practices that may be related to their sex, race, gender identity or creed.

Sexual and gender-based harassment: sexual harassment is a form of harassment that can include:

- Gender-related comments about a person’s physical characteristics or mannerisms;
- Paternalism based on gender which a person feels undermines his or her self respect or position of responsibility;
- Unwelcome physical contact;
- Suggestive or offensive remarks or innuendoes about members of a specific gender;
- Propositions of physical intimacy;
- Gender-related verbal abuse, threats or taunting;
- Leering or inappropriate staring;
- Bragging about sexual prowess or questions or discussions about sexual activities;
- Offensive jokes or comments of a sexual nature about an employee or client;
- Rough and vulgar humour or language related to gender;
- Display of sexually offensive pictures, graffiti or other materials including through electronic means; and
- Demands for dates or sexual favours.

Sexual Solicitation: this Policy prohibits sexual solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient of the solicitation or advance. This includes managers and supervisors, as well as co-workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also not allowed.

Poisoned Environment: a poisoned environment is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory work environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

Responsibilities and Expectations

All persons at MAC are expected to uphold and abide by this Policy, by refraining from any form of harassment or discrimination, and by cooperating fully in any investigation of a harassment or discrimination complaint.

Managers and supervisors have the additional responsibility to act immediately on observations or allegations of harassment or discrimination. Managers and supervisors are responsible for

creating and maintaining a harassment- and discrimination-free organization, and should address potential problems before they become serious.

Intimate Relationships Between Employees

As an organization, MAC recognizes that intimate relationships between employees may develop. Intimate relationships in a small organization such as MAC may create risks. In order to prevent or mitigate those risks, staff involved in an intimate relationship must disclose the relationship to the Executive Director or, if the Executive Director is involved, to the Chair of the Board of Directors' Human Resources Committee. No further questions may be asked. The information provided will remain confidential.

Upon disclosure of the relationship, the Executive Director or, if the Executive Director is involved, the Chair of the Board of Directors' Human Resources Committee, may propose measures to prevent or mitigate any risks arising from the relationship. The employees are expected to collaborate in the search and the implementation of appropriate risk prevention and mitigation measures.

Procedures for Addressing Complaints

A. Making a Complaint

An employee, other than the Executive Director, may file a discrimination or harassment complaint by contacting the Executive Director. If the complaint is by the Executive Director, or if the complaint is made against the Executive Director, the person making the complaint may file the complaint by contacting the Chair of the Board of Directors' Human Resources Committee.

The complaint may be verbal or in writing. The person receiving the complaint will record the details provided by the employee [\[template report document\]](#). The employee should be prepared to provide details such as what happened; when it happened; where it happened; how often, and who else was present (if applicable).

Complaints should be made as soon as possible but no later than within one year of the last incident of perceived discrimination or harassment, unless there are circumstances that prevented the employee from doing so.

The person receiving the complaint will inform the alleged, in writing, that a complaint has been made against them. The letter will also provide details of the allegations that have been made.

Every effort will be made to resolve harassment complaints within 5 business days. The person receiving the complaint will advise both parties of the reasons why, if this is not possible. If either party to a discrimination or harassment complaint believes that the complaint is not being handled in accordance with this Policy, they should contact the Chair of the Board of Directors.

Every person has a right to claim and enforce their right to a workplace free of harassment and discrimination. No person shall be negatively treated for bringing forward a complaint, providing information related to a complaint, or helping to resolve a complaint. It is a violation of MAC Policy to discipline or punish a person because he or she has brought forward a complaint,

provided information related to a complaint, or otherwise been involved in the complaint resolution process. Reprisal may be the subject of a complaint under this procedure, and persons engaging in reprisal are subject to disciplinary measures, up to and including termination of employment.

B. Mediation

Where appropriate, the person receiving the complaint will offer the parties an opportunity to mediate the complaint. Mediation is voluntary and confidential. No person will be required to undertake mediation. Mediation will be conducted by a neutral and expert third-party mediator. Mediation may take place at any stage during the complaint process. Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

C. Investigation

Where mediation is not appropriate or is not successful, the person receiving the complaint will refer the complaint to an expert external investigator chosen by the Board of Directors.

The investigator is responsible for ensuring a thorough, fair and impartial investigation of the allegations in the complaint. The investigator will interview the person who made the complaint, the alleged, and any witnesses that have been identified, as well as gather documents relevant to the matters in the complaint. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

All staff of the organization are required to cooperate with the investigator. Complainants and respondents are entitled to seek representation of their choice, including legal counsel, during the complaints process, at their own expense.

The investigator will, wherever possible, complete the investigation within 90 days of receiving the assignment.

The investigator will prepare a report that will include:

- a description of the allegations;
- the response of the alleged;
- a summary of information learned from witnesses (if applicable); and
- a decision about whether, on a balance of probabilities, harassment or discrimination did occur.

This report will be submitted to the Chair of the Board of Directors' Human Resources Committee and, if they are not a party to the complaint, to the Executive Director.

D. Substantiated Complaint

Based on the findings in the investigator's report, the Chair of the Board of Directors' Human Resources Committee, together with the Executive Director if they are not a party to the complaint, will decide whether the Policy has been violated.

If the Policy has been violated, the above-noted individual(s) will determine the appropriate consequences for the person(s) who violated the Policy. These may include:

- An apology
- Counselling
- Education and training
- Verbal or written reprimand
- Notation on the personnel file, which could impact future opportunities
- Suspension with pay
- Suspension without pay
- Termination of employment

In determining the appropriate consequences, the above-noted individual(s) will take into account the nature of the violation of the Policy, its severity, and whether the person has previously violated the Policy.

Where a violation of the Policy is found, the above-noted individual(s) will also take any steps necessary to repair the effects of the discrimination or harassment on the complainant, and to prevent any further recurrences of discrimination or harassment within the organization.

Both parties to the complaint will be advised, in writing, that a decision has been made.

The Executive Director, or, if the complaint is made by or against the Executive Director, the Chair of the Board of Directors' Human Resources Committee, will be responsible for monitoring the outcome of the complaint and take further action if necessary.

Other Redress

The provisions of this Policy in no way affect the right of any person to exercise his or her rights under the *Ontario Human Rights Code*, within the time limits specified by that legislation.

Privacy and Confidentiality

Investigators, mediators, and persons receiving complaints will, to the extent possible, protect the confidentiality and privacy of persons involved in a complaint, subject to the requirements of a fair investigation and resolution process.

All documents related to a complaint, including the written complaint, witness statements, investigation notes and reports, and documents related to the complaint, will be securely maintained by the Executive Director or, if the complaint is made by or against the Executive Director, the Chair of the Board of Directors' Human Resources Committee, separate from personnel files. A brief note that a complaint has been made, as well as the outcome of the investigation, if any, will be included in the personnel file of the alleged.

Review

MAC will review this Policy on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all employees.

Enquiries

Enquiries about this policy and related procedures can be made to the Executive Director.

Date: September 15, 2021