

	TOWNSHIP OF SOUTH STORMONT
	Title: Human Rights
	Policy Category: Human Resources - Employment
	Effective Date: December 15, 2021

Policy Statement

The Township of South Stormont is committed to building and preserving an open, inclusive and healthy working environment for its employees based on mutual respect. In accordance with the *Ontario Human Rights Code*, the Township does not condone or tolerate acts of discrimination or harassment in the workplace against or by any employee. The Township is also committed to upholding the Code in all of its practices and policies.

Purpose

This policy is established to create a working environment for all employees that fosters respect, openness and tolerance as required under the *Ontario Human Rights Code*.

Scope

This policy applies to all Township of South Stormont employees (including but not limited to full-time, part-time, students, volunteers, interns), contractors and consultants at all work locations.

Objectives

- To ensure all employees are free from direct and indirect discrimination as well as any form of harassment.
- To create a healthy and inclusive work environment, including preventing and addressing discrimination and harassment.

Policy

The Code states that every person has a right to equal treatment with respect to employment without discrimination or harassment on the grounds of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, record of offenses, sex (including pregnancy and breastfeeding), and sexual orientation.

The right to “equal treatment with respect to employment” covers every aspect of the workplace environment and employment relationship, including job applications, recruitment, training, transfers, promotions, dismissal and layoffs. It also covers rate of pay, overtime, hours of work, holidays, benefits, shift work, discipline and performance evaluations.

In accordance with workplace rights set out under the Ontario Human Rights Code, every employee has a right to freedom from:

- Discrimination when accessing and using goods and services. Every person has the right to equal treatment with respect to services, goods and facilities, without discrimination because of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, record of offenses, sex (including pregnancy and breastfeeding), and sexual orientation.
- Unequal treatment with respect to employment without discrimination because of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, record of offenses, sex (including pregnancy and breastfeeding), and sexual orientation.
- Harassment in the workplace by the employer or agent of the employer or by another employee because of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, record of offenses, sex (including pregnancy and breastfeeding), and sexual orientation.
- 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.
- 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.

We will support the accommodation of employees and job applicants who require workplace accommodation under any of the grounds described in the *Ontario Human Rights Code*. We will work to achieve a workplace free of barriers by providing accommodation for the needs of those individuals covered by the Code, up to the point where it causes undue hardship for the Township. Every effort will be made such that the impact of accommodation will not discriminate against another group protected by the Code.

Application

The Township of South Stormont will not tolerate any form of harassment or discrimination against any individual, including job candidates, employees, supervisors, directors or clients, on any grounds. This commitment applies to, but is not limited to, such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

Every Township of South Stormont employee shall be held personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination and/or harassing behaviour. As such, employees must report every incident of harassment and/ or discrimination immediately - whether it was observed, happened to them personally, or if the problem was reported to them.

For the purposes of this policy, harassment can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Duty to Accommodate

The Township of South Stormont will work to ensure that individuals protected under the Code are able to work effectively, by making adjustments or modifications to the work, or the work environment, up to the point of undue hardship.

The Township of South Stormont will work with the individuals that requests accommodation in an effort to ensure that the measures taken are both effective and mutually agreeable. The Township encourages individuals to make any needs for accommodation known to their immediate supervisor, and to work with them in addressing the issue(s). Accommodation means making special arrangements for some people, so they can have the same opportunities as everyone else.

Accommodation

Accommodation shall be provided for individuals where a disability, family obligation or religious requirement requires that the work be modified or adjusted to address the needs of the individual, based on protected grounds of discrimination under

Human Rights legislation.

The Township of South Stormont shall provide accommodation as appropriate, using a consultative approach that involves the company, the individual, and as appropriate, any applicable healthcare professionals, and other third parties that are required to assist in the accommodation process.

Accommodation may be temporary, or permanent, based on the requirements of the individual.

Accommodating Employees with Disabilities

Any employee requesting accommodation must make a request to their Director. The Director is responsible for ensuring that a written description of the accommodation plan is prepared for any employee.

Accommodation requests should be, whenever possible, made in writing. The accommodation request should indicate:

- The Code ground with respect to which accommodation is being requested;
- The reason why accommodation is required, including enough information to confirm the existence of a need for accommodation; and
- The specific needs related to the Code ground.

It is very important to note that the Township recognizes that some individuals may be unable to disclose their accommodation needs due to the nature of their disability. While it is preferable that accommodation requests be made formally and in writing, the Township will take all accommodation requests seriously, regardless of the format of the request recognizing that some individuals may not be able to identify what their accommodation needs are, or they may be reluctant to disclose their needs in fear of stigma or stereotypes. No employee will be penalized for making an accommodation request.

The Township of South Stormont shall create an accommodation plan and attempt to determine methods of achieving the requirements for success in the position in alternative manners. In the creation of an accommodation plan, the Township will work with the employee and shall:

1. Identify the need for accommodation.
2. Determine objectives for performance in the role, and potential barriers.
3. Create a plan for achieving the objectives in an alternative manner.
4. Examine the options for accommodation and select the most appropriate avenue for accommodation.

5. Implement the accommodation process.
6. Provide training as appropriate.
7. Review and revise based on feedback.

Accommodating Job Applicants

The Township of South Stormont will meet all legislative requirements in providing accommodation to job applicants as well as employees.

Any applicant to the Township that communicates the need for accommodation shall be considered in a manner that is non-discriminatory, and respectful of our Human Rights obligations.

Religious Accommodation

The Township of South Stormont is committed to respecting the religious beliefs and practices of all employees. The Township will strive to accommodate employees that require any type of accommodation or must be absent from work for all or part of a regularly scheduled working day due to a bona fide religious obligation.

The Township employees that require religious accommodation are directed to provide as much advance notice as is possible, and we will strive to provide the required time off through the normal scheduling of work.

In the event that a day of religious observance falls on a day the employee is scheduled to work, and the organization is unable to accommodate the request, the employee shall be entitled to use standard provisions for time off with pay or receive the day off without pay.

Employee that Requires Accommodation

The employee will be required to notify their supervisor regarding their request for accommodation, providing information regarding their needs. The employee must cooperate with the Township of South Stormont in the process of determining a reasonable accommodation.

The Township will maintain information related to:

- The accommodation request;
- Any documentation provided by the accommodation seeker or by experts;
- Notes from any meetings;
- Any accommodation alternatives explored; and
- Any accommodations provided.

This information will be maintained in a secure location, separate from the accommodation seeker's personnel file, and will be shared only with those persons who need the information.

In the event that the employee requesting accommodation feels that their needs have not been met in a reasonable manner, they may file a written complaint through their supervisor.

Undue Hardship

The Township of South Stormont shall work to provide workplace accommodation up to the point of undue hardship. Undue hardship may occur where all options have been considered and it is established that no forms of appropriate accommodation exists, or where the creation of accommodation would cause excessive costs that create undue hardship for the organization, or where the accommodation would create a health and safety hazard.

Where the provision of accommodation is found to cause undue hardship on the organization, the Township shall work to find a fair and equitable compromise that meets the needs of the employee and the organization to the greatest extent possible.

Responsibility

The process of accommodating individuals is a shared obligation of the Township of South Stormont and the employee. Directors should be the first point of contact for employees when requesting a form of accommodation. Together, in consultation with the CAO, and, where appropriate, healthcare practitioners and other required third parties, they will work to determine the most appropriate form(s) of accommodation to meet the needs of the individual.

Monitoring and Compliance

All parties are required to comply with the procedures outlined in this policy. In cases of policy violation, the Township may investigate and determine appropriate corrective.

Authority and Related Policies

Orientation, Workplace Violence and Harassment and Code of Conduct.

Definitions

Discrimination: any form of unequal treatment based on a Code 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 have the effect of disadvantaging certain groups of people. Discrimination may take obvious forms, or it may occur in very subtle ways. In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this Policy.

Harassment: 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 on any of the grounds of discrimination.

Sexual Harassment: sexual harassment is a form of harassment that can include: gender-related comments about an individual's physical characteristics or mannerisms, paternalism based on gender which a person feels undermines their 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, demands for dates or sexual favours.

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 such that it can be said that it has become a term and condition of one's employment to have to be in such a workplace. The comments or conduct need not be directed at a specific individual, and may be from any individual, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

Contact

For more information on this policy, contact: Chief Administrative Officer