

HARASSMENT AND DISCRIMINATION POLICY

Ontario Museum Association



Responsible Role	Last Reviewed
Executive Director	June 23, 2023

1.0 HARASSMENT AND DISCRIMINATION POLICY

OMA/AMO is committed to providing an environment free of discrimination and harassment, in which all individuals are treated with respect and dignity, are able to contribute fully, and have equal opportunities.

Under the Ontario *Human Rights Code* ("the *Code*"), every person has the right to freedom from harassment and discrimination on the basis of the grounds set out in the *Code*, which include: age, creed, sex, sexual orientation, gender expression, gender identity, family status, marital status, disability, race, colour, ancestry, place of origin, ethnic origin, and citizenship.

In addition, under the *Occupational Health and Safety Act* ("OHS"), staff have the right to be free from workplace harassment.

Harassment and discrimination will not be tolerated, condoned, or ignored at OMA/AMO. If a claim of harassment or discrimination is found on balance, disciplinary measures may be applied, up to and including termination of employment or termination of the contractual or volunteer relationship.

1.1 OBJECTIVES

The objectives of this policy are to:

- a. Ensure that OMA/AMO personnel 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 to
- b. Set out the process for investigating and resolving complaints made under this policy.

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This policy applies to all employees, volunteers, vendors, suppliers, contractors and other groups of non-employees who deal with OMA/AMO. This includes representatives of member organizations in their interactions with OMA/AMO. The scope of this policy also includes behaviour defined as harassment when it takes place outside the organization's premises where OMA/AMO conducts business including conferences, hotels when people travel, public meetings, and at events involving the organization's employees.

1.2 PROHIBITED CONDUCT

The following behaviour is prohibited by this Policy:

Discrimination: any form of unequal treatment based on a *Code* ground which imposes an extra burden or a denies benefit. 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. 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, and it includes harassment based on a ground set out in the *Code* (as listed above). Harassment includes workplace harassment and sexual harassment. Harassment does not include legitimate performance management, discipline, or workplace direction.

Sexual harassment: 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. Sexual harassment can also mean 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. This includes solicitation or advances by managers and supervisors and reprisals for rejecting such advances or solicitations.

All OMA/AMO personnel are expected to uphold and abide by this policy by refraining

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from any form of discrimination, harassment or solicitation 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 discrimination, harassment or solicitation. Managers and supervisors are responsible for creating and maintaining a harassment and discrimination-free organization, and should address potential problems before they become serious.

2.0 COMPLAINTS

The following section represents best practices as determined by OMA/AMO, and is largely designed to provide guidance to designated OMA/AMO representatives. However, it is understood that these representatives may adopt modified procedures where appropriate.

If any OMA/AMO personnel feels they are being harassed or discriminated, they are invited to raise the issue directly with the person they feel is harassing or discriminating against them. In some circumstances, that may not be possible or desirable, and so this is not a mandatory step in the complaints process.

Any OMA/AMO personnel who becomes aware of a perceived breach of the Harassment and Discrimination Policy is encouraged to immediately bring the matter to OMA/AMO's attention by filing a complaint under this policy.

All such complaints should be in writing and should contain sufficient information about the nature of the alleged misconduct and the parties involved to allow the complaint to be investigated. The written complaint should be submitted to the Executive Director. In the event that the complaint involves allegations about the Executive Director's conduct, the complaint may be submitted to the Chair of OMA/AMO' Board.

All discrimination/harassment complaints will be kept confidential to the extent possible. That means that information about the complaint and the investigation will be shared only with those who have a legitimate interest in the process and its outcome. However, it will usually be necessary to share identifying information with those implicated in the investigation, in order to give the respondent the full opportunity to explain and defend their actions, and to test the evidence provided against the memory of other witnesses. It is expected that participants in the investigation will not discuss the investigation with

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others.

The Executive Director (or the Chair, if applicable) is responsible for investigating the complaint as soon as possible. The Executive Director or Chair may, at their discretion, delegate the investigation to another OMA/AMO personnel or to a third party. The investigation shall be appropriate in the circumstances, and should include interviews with the complainant, the respondent and any relevant witnesses, and the examination of relevant documents.

In appropriate circumstances, the Executive Director, Chair, or designate may recommend resolution informally, through an alternative process, or through mediation.

OMA/AMO will not engage in any reprisal against any person for having made a bona fide complaint under this policy.

If the complaint is validated, OMA/AMO will take appropriate action including the possibility of discipline against any personnel who have engaged in misconduct contrary to this policy, up to and including termination for cause.

The complainant and alleged harasser (where they are OMA/AMO employees) will be informed in writing of the outcome of the investigation and any corrective taken or to be taken.

The provisions of this program in no way affect the right of any person to exercise his or her rights under the Code or the OHSA within the time limits specified by those statutes.

3.0 ADMINISTRATION

OMA/AMO will keep a copy of this policy posted in a conspicuous place in the workplace. OMA/AMO will also provide employees with information and instruction on the contents of the policy and program.

The Harassment and Discrimination Policy will be reviewed as often as is necessary, but at least annually. If the OMA/AMO has a health and safety representative or health and safety committee, the policy will be maintained in consultation with the representative or committee.

Approval Status

Final Version

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Approval Date
June 23, 2023

Signed,

Cathy Molloy, Board President

June 23, 2023

Date