

Section	Employee Relations
Policy:	HRP 5.03 Human Rights in the Workplace
Effective Date:	June 10, 2010 (Rev June 3, 2011; Rev April 2017; Rev Sept 2022)
Replaces:	

PREAMBLE

Springboard is dedicated to providing high-quality programs and services in support of youth and adults who are historically underserved, and as such placed at risk, through critical transitions in their lives. Springboard builds stronger communities through its core values of inclusivity, collaboration, innovation, care, and integrity. In this, Springboard is committed to creating a truly inclusive community where all individuals are able to prosper and flourish.

Springboard is committed to Diversity, Equity and Inclusion (DEI) to address systemic discrimination and racism, particularly Anti-Black Racism (ABR). DEI and anti-racism guides Springboard's human rights philosophy. In doing so, Springboard acknowledges that personal, interpersonal and systemic factors, conditions and power relations exist in any given moment. As such, in navigating situations of harassment and discrimination, a DEI ABR framework will be a lens through which to better understand the deeper roots of the relational dynamics which may be related to or present during an incident or occurrence.

As an organization, Springboard looks to draw increasingly on a person-centred and approach in its work, centering principles such as reconciliation and resolution, trauma-informed care, addressing systemic conditions related to personal behaviour, nurturing healthy dialogue and communication, and centering the well-being and care of all.

1. PURPOSE

1.01 This policy provides guidelines to ensure that Springboard and its employees embody and promote values of diversity, equity, inclusion and belonging. Additionally, the policy supports Springboard and its employees to comply with the requirements of *Ontario's Human Rights Code* and *Occupational Health and Safety Act* in the maintenance of a workplace free from discrimination and harassment.

Human Rights Code

Prohibits unlawful discrimination in employment and the provision of accommodation, goods, facilities and services on the basis of race; ancestry; place of origin; ethnic origin; religious/spiritual belief; citizenship; creed; sex; sexual orientation; age; record of provincial offence or pardoned federal offence; marital status; family status; disability; and harassment in the workplace.

Occupational Health and Safety Act

The law requires all employers to address incidents and complaints involving workplace harassment and discrimination as they may escalate to threats or acts of physical violence or a targeted employee may react violently to prolonged harassment and discrimination in the workplace. It is important for employers to recognize these behaviours and address them promptly for the well-being of all.

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2 SCOPE

- 2.01 This policy applies to anyone who works or does business with Springboard, including employees as defined under 5.01, contractors, temporary staff, consultants, visitors, volunteers, Board directors, committee members, patrons and community partners.
- 2.02 This policy is used to deal with concerns that arise in the workplace as well as any place where people are responsible for carrying out the business of Springboard or taking part in a Springboard related activity, including use of social media for work purposes, work-related social events and business functions that affect work relationships.
- 2.03 This policy does not apply to complaints involving clients of Springboard. Such complaints are addressed through departmental and/or Ministry policy.

3 RESPONSIBILITY AND ACCOUNTABILITY

- 3.01 Employees are encouraged to report any incidents of workplace harassment following the steps outlined under the Procedures section of this policy.
- 3.02 Ongoing training and annual staff sign off of this policy will support awareness and compliance with related requirements. The Executive Director (ED) will also report to the Chairperson of the Board of Directors on the complaints and issues addressed under this policy, including any mitigating strategies that have been put in place.
- 3.03 Managers/Supervisors will:
 - A. communicate, and reinforce Springboard’s policy to new and current employees;
 - B. take action up to and including reporting alleged criminal activity to the police;
 - C. report to their Manager and/or Director, People & Culture incidents of conduct that contravene this policy;
 - D. address and remedy any allegations and/or occurrence of harassment or discrimination that they witness or know about as soon as possible, using all resources within their authority to address or prevent a recurrence of harassment;
 - E. maintain the highest level of confidentiality with respect to any allegations under this policy;
 - F. model the highest standards of respectful, fair and equitable behaviour consistent with the provisions of this policy;
 - G. foster a space that addresses and seeks to remove organizational and systemic barriers to reporting an incident;
- 3.04 Employee -
 - A. is responsible for asking the harasser to stop the unacceptable behaviour

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- (should this be within the complainant's capacity) or seeking support in addressing the issue by reporting it;
- B. exercise their work in an environment free from discrimination and harassment;
 - C. report incidents of discrimination or harassment that contravene this policy;
 - D. stay informed about Springboard's policy by referring to the organization's Human Resources Policy Manual and participating in any educational or training programs sponsored by the organization;
 - E. communicate and reinforce the policy to colleagues, clients, students and volunteers; and
 - F. cooperate with processes afforded under this policy that seek to prevent and/or resolve concerns and/or complaints.

4 POLICY

- 4.01 Springboard is committed to providing a workplace environment in which all people (employees, clients, board members, community partners and wider community of stakeholders) are treated with respect and dignity, and are free from oppression, exclusion and prejudice. Workplace harassment and discrimination will not be tolerated from any person in the workplace (including employees, clients, other employers, community partners, board members, and members of the public).
- 4.02 Management will investigate and address all complaints or incidents of workplace harassment and discrimination in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect all affected persons, to investigate the complaint or incident, to take corrective action or as otherwise required by law.
- 4.03 All employees, management & board members are expected to adhere to this policy, and will be held accountable for not following it.
- 4.04 Employees are encouraged and will be supported in the process of reporting an incident. They shall not be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment or discrimination.
- 4.05 It is a violation of this policy for any person in a position of supervisory authority (senior management or board) to encourage, condone or ignore any acts of harassment or discrimination under this policy, or to instruct any person to discriminate unlawfully against another person.
- 4.06 Management will continue to take accountability toward supporting employees in understanding and engaging with this policy clearly, and address issues

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around accessibility of reporting as they arise. Should the policy not be upheld, follow-up action to understand and address it will take place taking into account practice of restorative justice as named above, where possible..

- 4.07 Contractually agreed upon and respectful action by Springboard relating to the management and direction of employees or the workplace itself is not workplace harassment. This includes but is not limited to: performance management including evaluation, feedback/constructive criticism; scheduling or delegation of work assignments; attendance management; work supervision; or when warranted, disciplinary action. Management is responsible and accountable for the manner in which they relate to employees and for holding awareness around implicit bias and the ways it could impact interactions with employees.

5 DEFINITIONS

- 5.01 **Employees** for purposes of this policy, means any individual currently employed by Springboard in any capacity, including those who are not paid, e.g. placement students, volunteers, advisors and Directors of the Board.
- 5.02 **Discrimination** means any action or behaviour towards another person on the basis of race; ancestry; place of origin; colour; ethnic origin; citizenship; creed; sex; sexual orientation; gender; gender expression; age; health status; religion/spirituality or lack thereof; record of provincial offence or pardoned federal offence; marital status; family status; disability.
- 5.03 **Workplace** means any premises, location or Springboard event at which an employee works or is engaged in work-related activities.
- 5.04 **Workplace Harassment** means engaging in unwanted and/or vexatious comment or conduct against any person in a workplace that is known, or ought reasonably to be known to be unwelcome and/or discriminatory, including workplace sexual harassment.
- 5.05 **Workplace Sexual Harassment** means engaging in any unwanted and/or vexatious comments or conduct against an employee in the workplace because of sex, sexual orientation, gender identity or gender expression) making sexual solicitation or advance no matter the position of the person making solicitation.
- 5.06 **Bullying** means any humiliating, embarrassing, insulting or degrading conduct, where it is known or ought reasonably to be known that the behaviour is unwelcome. This includes repeated yelling, repeated use of profane, abusive, insulting or degrading language; threats and intimidation; micro aggressions; insulting or offensive gestures; use of physical violence or force.

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5.07 **Threatening conduct** means to cause another person to fear for their safety or the safety of another person, where they know or ought reasonably to know that their conduct will cause such fear, by engaging in the conduct of: repeatedly following another person from place to place; repeatedly and persistently communicating with any person; spying on or stalking any person; and/or engaging in threatening conduct directed at another person or the colleagues, family or acquaintances of that other person. It also includes use of force or threatening force against another person.

6 PROCEDURES:

Reporting

6.01 Employees shall report incidents or complaints of workplace discrimination/harassment in writing using the Complaint Form. The following information shall be included in the incident report.

- A. Name(s) of the employee who has allegedly experienced workplace harassment and contact information
- B. Name of the alleged harasser(s), position and contact information (if known)
- C. Names of the witness/es, if any, or other person/s with relevant information to provide about the incident, if any, and contact information (if known)
- D. Details of what happened including date/s, frequency and location/s of the alleged incident/s
 - a. Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint.
 - b. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

Should the employee experience barriers or challenges to expressing themselves through a written Complaint Form, alternative means of reporting the incident can be requested from the Director, People & Culture or the Executive Director, for the purpose of maintaining accessibility and care in the process. In addition, psychological counselling is available to any and all affected employees through Springboard’s Employee Family and Assistance Plan, should they require further support.

6.02 Report an alleged workplace harassment incident or complaint to the employee’s direct supervisor as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

If the employee’s supervisor is the person engaging in the alleged workplace harassment, contact department manager or Director, People & Culture. If the

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employer (e.g. senior executive or director) is the person engaging in the workplace harassment, contact the Chairperson of the Board of Directors. Management will be accountable for determining what measures should be taken in such cases, inclusive of ensuring that hierarchical power dynamics are appropriately considered and addressed.

Note: The person designated as the reporting contact should not be under the direct control of the alleged aggressor in such cases, particular resources, care and attention will be offered to the employee in addressing any concerns they may have in filing a complaint regarding their superior.

6.03 The supervisor shall inform the department manager about the workplace harassment incident or complaint. The ED or designate shall be notified so that they can ensure an investigation is conducted that is appropriate in the circumstances. An external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation if the incident or complaint involves a senior management staff or ED, or depending on the gravity of the allegation.

6.04 The ED or designate shall meet with the respondent to the allegation/s. The respondent shall be provided with a summary of the allegations and an opportunity to tell their experience of the incident. Both the complainant and respondent are entitled to union representation at investigation meetings.

In this meeting, the ED or designate will: describe the purpose of the meeting; explain this policy and the behaviour perceived to be offensive and/or unacceptable as per this policy; potential consequence of their behaviour; require the respondent to provide a signed written response to the allegations point by point - which must be submitted within 6 days from notice; and advise the respondent of the investigation process.

6.05 The ED will be informed if the employee who experienced the harassment wants to file a formal complaint. The ED, with the permission of the complainant, may bring the complaint to the attention of the Chairperson of the Board of Directors if the harassed employee is contemplating legal action or the normal course of action does not resolve the problem.

6.06 All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

6.07 If an employee desires further assistance (including mental health or social

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supports), they may contact People & Culture or Joint Health and Safety Committee, or Union Officer CUPE 4369 Local for bargaining unit employees.

Investigation

- 6.08 The ED or designate will ensure that an investigation appropriate in the circumstances is conducted as soon as Management becomes aware of an incident or receives a complaint involving workplace harassment or discrimination.
- 6.09 The supervisor will assess if the complainant and/or alleged harasser can continue in their job or an accommodation is indicated/required. Assessment will consider the nature and seriousness of the allegation, and operational needs.
- 6.10 The ED will determine who will conduct the investigation into the incident or complaint. If the allegations involve a supervisor or senior management staff, the investigation into the matter will be referred to an external investigator for an independent investigation.
- 6.11 The investigation must be completed in a timely manner, generally within 60 days or less unless there are extenuating circumstances (i.e. illness, complexity of the investigation) warranting a longer time period.
- 6.12 The investigator, internal or external, at the very least will:
 - A. ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation; and will remind the parties of this confidentiality obligation at the beginning of the investigation.
 - B. thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is Springboard’s employee. If the alleged harasser is not a Springboard employee, the investigator should make reasonable efforts to interview the alleged harasser.
 - C. give the alleged harasser(s) the opportunity to respond to the specific allegations raised by the employee-complainant. In all cases, the employee who allegedly experienced workplace harassment should be given a reasonable opportunity to reply.
 - D. interview any relevant witnesses employed by Springboard who may be identified by either the employee who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation; and make reasonable efforts to interview any relevant

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- witnesses who are not employed by Springboard if there are any identified.
- E. collect and review any relevant documents.
- F. take appropriate notes and statements during interviews with the employee who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
- G. prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the employee who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

Results of the investigation

6.13 Within 10 days of the investigation being completed, the employee who allegedly experienced the workplace harassment and the alleged harasser, if they are Springboard employee, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment in the future.

- A. **Complaint Proven** - The ED or designate, depending on the nature and severity of the findings, may proceed to enforce on the respondent any number of corrective, remedial and/or disciplinary actions up to and including dismissal. Documentation of such disciplinary action will be kept in the employee’s file (follow CBA for bargaining unit employees).

A disciplinary meeting will be held with the respondent and their supervisor or manager will issue the disciplinary action (follow CBA for bargaining unit employees).

- B. **Complaints Unsubstantiated** - The ED or designate will close the complaint. Any documentation relating to the complaint will be filed as per People & Culture filing process. Acknowledging the impacts of these investigations, efforts will be made to support restoration and healing between the people involved.

Springboard encourages all of its employees and board members to engage with this policy with integrity, honesty and in good faith. Complaints are not to be used to sabotage or cause lateral harm in situations of conflict. Management will address this issue with the complainant should it arise.

Confidentiality

6.14 Information about complaints and incidents shall be kept confidential to the

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extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

- 6.15 While the investigation is on-going, the employee who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident, complaint or the investigation with each other or other workers or witnesses.

Employees may connect with their union representative or People & Culture to obtain advice about their rights and/or to obtain psycho-social support. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

Persons who participate in the investigation process should expect that the information they share will be communicated to both the complainant and the respondent. In exceptional circumstances, it may be possible to withhold this information. Any concerns that exceptional circumstances exist must be raised and discussed with the investigator before this information is shared.

Handling Complaints

- 6.16 Springboard shall set out any interim measures that may be taken after the complaint is received and in alignment with due process.

Record Keeping

- 6.17 Springboard, through the People & Culture Department, will keep records of the investigation including:
- A. a copy of the complaint or details about the incident;
 - B. a record of the investigation including notes;
 - C. a copy of the investigation report (if any);
 - D. a summary of the results of the investigation that was provided to the employee who allegedly experienced the workplace harassment and the alleged harasser, if a Springboard employee;
 - E. a copy of any corrective action taken to address the complaint or incident of workplace harassment.
- 6.18 All records of the investigation will be kept confidential and stored electronically through a password protected document or in a locked cabinet at all times when not in use. The investigation documents, including reports, should not be disclosed unless necessary to investigate an incident or

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complaint of workplace harassment, take corrective action or otherwise as required by law.

- 6.19 Investigation records will be kept from closure of file for 7 years and as per Governance Policy 1.1 Records Management & Retention Policy.

Other Complaint Mechanism

- 6.20 The mechanism provided under this policy is not intended to deny or limit a right of the person to pursue other available mechanisms including but not limited to submitting a complaint to the Ontario Human Rights Commission.

An employee who wants to file a complaint with the Human Rights Commission should do so as soon as possible and in any case within one (1) year of the incident or from the date of the last incident for a series of incidents.

Workplace Restoration

- 6.21 Management will make concerted efforts to consider the impact of the issue on all affected staff and the workplace and provide direction, support and training, including professional support that would assist in its restoration. This will be done in a way that maintains the confidentiality of the allegations.
- 6.22 This policy will be reviewed annually.

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SIGN OFF SHEET

I am an:	I am a:
<input type="checkbox"/> Employee	<input type="checkbox"/> Volunteer <input type="checkbox"/> Student <input type="checkbox"/> Other
I _____ have read and reviewed Springboard's HRP 5.03 Human Rights in the Workplace Policy and fully understand the guidelines stated therein. I commit to compliance with HRP 5.03 HRW Policy. I understand that a breach of this policy may lead to disciplinary action up to and including dismissal from Springboard and/or legal action.	I _____ have read and reviewed Springboard's HRP 5.03 Human Rights in the Workplace Policy and fully understand the guidelines stated therein. I understand that failure to comply with this policy may result in termination of my relationship with Springboard.
Signature:	Signature:
Date:	Date:
Witness Printed Name & Signature:	Date: