

Ontario Band Association  
HUMAN RIGHTS POLICY

**Ratified: November 7, 2014**

**Expires: AGM, 2017**

**PART 1**

**PREAMBLE**

The Ontario Band Association (OBA) and its Board of Directors is committed to maintaining a working and learning environment which actively promotes and supports human rights. The OBA recognizes the value of:

- Each and every volunteer, clinician, and service contractor
- The uniqueness and diversity of our community
- The commitment and skills of our Board of Directors
- Equality, innovation, accountability and accessibility
- Creating environments that are safe, nurturing, positive and respectful

The OBA is committed to meeting its obligation under the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code by providing safe workplaces that respect the rights of every individual. Every volunteer, service contractor, clinician and person associated with the OBA has the right to work and learn in an environment free of discrimination and harassment. Discrimination and harassment based on legislated prohibited grounds will not be tolerated. Such behaviour must be addressed not only for its cost in individual, human terms but also for its cost to our social, economic and civic future. The purpose of this policy is to prevent discrimination and harassment through greater awareness of and responsiveness to their deleterious effects and to ensure that human rights complaints are dealt with expeditiously and effectively through consistently applied policy and procedures. Nothing in this policy or procedures denies or limits access to other avenues of redress open under the law such as a complaint to the Ontario Human Rights Commission. The Ontario Band Association is committed to ensuring that education on human rights issues is provided for all volunteers and service contractors.

**PART 2**

**LEGISLATIVE CONTEXT**

1. Canadian Charter of Rights and Freedoms.

The Constitution Act (1982), which includes the Canadian Charter of Rights and Freedoms, is the supreme law of Canada. As such, all other laws and applicable workings of governments, including not-for-profits, must be consistent with its provisions. The Charter and Supreme Court of Canada decisions made under the Charter guarantee everyone equality regardless of race, national or ethnic origin, citizenship, colour, religion, marital status, sex, sexual orientation, age or mental or physical disability. The Charter and Supreme Court decisions also promote the development of programs which are designed to redress the conditions of disadvantaged individuals or groups.

## 2. Ontario Human Rights Code

The provisions of the Ontario Human Rights Code apply to private parties and provincial public institutions. The code exists to prevent discrimination and harassment and, through its special program provisions, to foster proactive steps to promote human rights. Human rights law prohibits the creation and/or fostering of negative or poisoned environments that threaten basic human rights.

### **PART 3**

#### **TO WHOM DOES THIS POLICY APPLY?**

1. This policy applies to the Executive and Directors of the Ontario Band Association, persons in positions of responsibility, volunteers and individuals who are representing or providing service on behalf of the OBA. This policy also covers discrimination and harassment by such persons which occur outside of OBA events, conferences, symposiums, festivals or similar, and which are proven to have repercussions that adversely affect the OBA's learning and/or working environment.

### **PART 4**

#### **DUTIES AND RESPONSIBILITIES**

1. The OBA has a duty to maintain an environment respectful of human rights and free of discrimination and harassment for all persons served by it. It must be ever vigilant of anything that might interfere with this duty. In fostering this environment, the OBA expects that everyone will:

- Be aware of and sensitive to issues of discrimination and harassment
- Support individuals who are, or have been, targets of discrimination and harassment
- Prevent discrimination and harassment
- Take reasonable steps to remove any discriminatory barriers in employment policies and practices and in accessing programs, resources, and facilities
- Take all allegations of discrimination and harassment seriously and respond promptly
- Provide positive role models
- Not demonstrate, allow or condone behaviour contrary to this policy, including reprisal
- Report hate group activity immediately to the OBA official in charge of the event, the OBA President, and if necessary, law enforcement.

2. The President of the OBA has the responsibility to designate resources for ensuring the implementation of and compliance with this policy and its procedures.

3. The Board of Directors of the OBA has an obligation to ensure that the environment in which it operates is free of discrimination and harassment and to respond to breaches of this policy when they occur. The Board of Directors recognizes that preventative education and proactive practices are the best long-term strategies to achieve an inclusive environment. It is essential, therefore, that OBA programming support the values embodied in this policy.

4. The Executive of the OBA has a specific duty to implement this policy. This duty includes the education of volunteers and service professionals associated with the OBA, and the prevention of discrimination and harassment.

5. Failure to take measures to address discrimination and harassment in the working environment may have legal implications for the OBA.

## **PART 5 GROUNDS AND FORMS OF DISCRIMINATION**

1. Under this policy, the OBA upholds and supports the right to equal treatment without discrimination based on the following prohibited grounds:

- Age
- Ancestry
- Citizenship
- Colour
- Creed (faith)
- Disability
- Ethnic origin
- Family status
- Gender
- Gender identity
- Marital status
- Place of origin
- Race
- Same-sex partnership status
- Sexual orientation
- Socio-economic status

2. Discrimination is defined as unfair treatment of a person or group based on the grounds listed above. Discrimination can occur in many ways including the following:

- **Direct Discrimination:** Any action from individuals, groups or organizations, whether intended or unintended, which differentiates between persons based on their membership in a protected group as set out in this policy other than special programs designed to address the conditions of individuals or groups
- **Indirect discrimination or condonation:** Occurs when discrimination or harassing behaviour are either overlooked or accepted, particularly by supervisory or managerial personnel
- **Systemic discrimination:** Arises from policies, procedures, practices or conduct which may not be discriminatory in their intent but adversely impact individuals or groups protected by this policy.
- **Failure to reasonably accommodate** a person on any of the grounds covered by this policy

- Discrimination against individuals because of their relationship or association with a person or persons identified by a prohibited ground of discrimination under this policy
- Hate group activities

3. Harassment is defined as persecution against a person or persons, either on the basis of the grounds listed in part 1, or arising from personal or workplace differences. It is a form of discrimination defined as engaging in a course of vexatious comment (verbal or otherwise) or conduct that is known or ought reasonably to be known to be unwelcome.

- **Sexual Harassment:** Sexual harassment is a particular form of harassment. It can take the form of a sexual advance, request for sexual favours or sexual flirtation or banter made by any person, including a person in a position to grant, confer or deny a benefit, privilege, or advancement, where the person engaging in such conduct knows, or ought reasonably to know, that it is unwelcome. Sexual attention by a person in a position of authority is unacceptable under any circumstances and shall constitute a violation of this policy.
- Reprisals which may include threats, intimidation, denial of opportunity or undue negative focus on the rights of individuals or groups who claim and enforce their rights under this policy
- Negative or “poisoned” environments created and fostered by acts or omissions that maintain offensive or intimidating climates for study or work. Poisoned environments occur when comments or actions ridicule or demean a person or group creating real or perceived inequalities in the workplace. This may include insulting slurs or jokes, malicious gossip (even when not directed towards a specific person or group of persons), frequent angry shouting or yelling, verbal or e-mail threats, intimidation, and public humiliation.

## **PART 6 COMPLAINTS**

1. All those who are covered by this policy are entitled and encouraged to report discrimination and harassment and are entitled to have access to the complaint procedures. In addition, nothing in these procedures precludes individuals who believe they are targets of (or have witnessed) discrimination or harassment from directly expressing that the behaviour is inappropriate and must stop immediately.
2. In order for the Board of Directors to act expeditiously on a complaint, it is expected that the OBA President will be made aware of the details of the complaint, either directly from the complainant, or through another OBA official.
3. The OBA President, or OBA official in charge, is expected to take immediate action which may include intervening to stop unacceptable behaviour, separating individuals involved in the complaint, and contacting other officials or law enforcement if necessary.
4. The OBA President will investigate the complaint with all individuals involved, and compile this information in a confidential file.

5. In an effort to seek a resolution where a complaint is seen to be valid, the OBA President will consult with the complainant to determine possible reparations, and the Board of Directors on the advice of the OBA President can issue such reparation which may include: a formal apology to the person who was affected, setting specific conditions for the return of the accused to an OBA event, suspension or termination of contracts of the accused, reimbursement for the cost of the event to the complainant, and implementing removal from office procedures in the case where the accused is an OBA Director.

6. If necessary, the OBA President will facilitate forwarding the complaint to the Ontario Human Rights Tribunal, and the OBA Board of the Directors will cooperate fully with any subsequent investigation.