

ACTRA Toronto Harassment and Discrimination Policy

Under the Ontario *Human Rights Code*, employers, landlords, vocational associations and service providers are required to ensure that they are providing inclusive and non-discriminatory environments. Harassment and discrimination are a violation of the law and organizations that fail to take adequate steps to prevent and address harassment and discrimination may be held liable.

In all its work and documentation, ACTRA works within a philosophy that reflects the spirit of the *Human Rights Code*: ACTRA has articles in its collective agreements to deal with harassment and discrimination on the part of engagers or on set; the ACTRA by-laws clearly express an expectation of respect for staff on the part of members with penalties imposed for abuse and harassment; anti-harassment and discrimination workshops have been conducted with staff; ACTRA Toronto has an ombudsperson whose responsibility it is to advocate and mediate on behalf of members who have a problem with the union.

Notwithstanding the above, it is important that members have a clear understanding of ACTRA's commitment to human rights. Similarly, members must have access to a clearly defined process to address complaints they may have within the union with respect to harassment or discrimination.

The following policy will enable ACTRA to better fulfill its human rights obligations. It makes a clear statement in support of human rights for all its members, provides definitions of harassment and discrimination and outlines a complaint and resolution mechanism for any member who feels they have suffered as a result of unfair discrimination or harassment.

ACTRA Toronto Human Rights Statement

ACTRA Toronto is committed to:

- Providing an environment for members that is free from harassment and discrimination based on the grounds prohibited by the Human Rights Code at all ACTRA Toronto sponsored activities;
- Fostering the goodwill and trust necessary to protect the rights of all individuals within the organization;
- Neither tolerating nor condoning behaviour that undermines the dignity or self-esteem of individuals; and
- Promoting mutual respect, understanding and co-operation as the basis of interaction among all members.

This policy covers all members of ACTRA Toronto. Each person covered by the policy is responsible for maintaining an environment that is free from discrimination and harassment.

Prohibited Grounds of Discrimination

Consistent with the Ontario Human Rights Code, every person has a right to equal treatment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

What is Harassment?

Harassment is defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

ACTRA Toronto considers this to include intentional or unintentional comments or conduct that are offensive and demean an individual, cause personal humiliation, and/or threaten the personal well-being of an individual.

Principles

Scope

The policy will apply to matters between ACTRA members at all ACTRA sponsored activities.

Confidentiality

To protect the interests of all parties, confidentiality will be maintained throughout the complaint process except where disclosure is necessary for a fair investigation and resolution process. Confidentiality requirements will be reviewed with the parties and any witnesses interviewed in the investigation of a complaint.

No Reprisals

A person who makes a complaint or participates as a witness in the procedures under this policy will not be penalized or experience reprisal for doing so.

Timelines

A complaint under this policy shall be made, investigated and resolved as expeditiously as possible. Every effort should be made to work within the timelines suggested however should circumstances make this impossible, timelines may be extended.

Conflict Resolution Process

1. Complaint

Where possible, an individual who feels they have been harassed or unfairly discriminated against should inform the other party that their behaviour is unwelcome and should stop. In situations where the complainant is unwilling or unable to confront the individual directly, the complainant is encouraged to seek the assistance of a colleague. An individual may make a complaint under this policy even if they have not confronted the other party prior to making the complaint.

If the complaint is not resolved, or the allegedly discriminatory or harassing conduct continues, the complainant should make a verbal or written complaint to any member of the ACTRA Toronto Council or the Ombudsperson. The complaint should identify the specific incident(s) of alleged harassment or discrimination and the prohibited ground(s) on which the alleged harassment or discrimination is based.

The individual receiving the complaint will then inform the Ombudsperson of the complaint who will contact the complainant within 14 days to officially receive the complaint on the prescribed form. The Ombudsperson will ensure the complaint is officially received as soon as possible after the complainant has made their first approach to ACTRA Toronto.

Should the Ombudsperson have a conflict of interest with respect to the complaint or be unavailable for any reason, the president of ACTRA

Toronto should be informed of the complaint. The president will then appoint a person to act in place of the Ombudsperson. In such a case, all references to the Ombudsperson in this policy should be read as a reference to the individual appointed by the president.

2. Fact-Finding

The Ombudsperson will interview the complainant, the respondent(s) and any relevant witnesses to ascertain the facts of the dispute. The Ombudsperson will endeavour to ensure these interviews take place within 21 days of the complaint being officially filed.

3. Voluntary Informal Mediation

Upon completion of the interview process, where appropriate, the Ombudsperson will convene an informal meeting to provide an opportunity for both sides to resolve the situation in an informal manner. To facilitate this process the Ombudsperson may seek the assistance of staff and/or legal counsel as s/he deems necessary.

Any Informal Mediation should take place within 35 days of the official filing of the complaint.

4. Mandatory Conflict Resolution

In the event that Informal Mediation is not appropriate or is not successful, the Ombudsperson will refer the complaint to the Chair of the ACTRA Toronto Discipline Committee within 35 days of the official filing of the complaint.

The Chair will convene a Committee comprised of the Chair plus two other members of ACTRA Toronto Council who are not named as respondents to the complaint. The Ombudsperson will also serve on the Committee with voice but no vote.

The Committee will review the information collected by the Ombudsperson and may interview each of the parties as well as any witnesses.

Within 3 months of the date on which the complaint was referred by the Ombudsperson, the Committee will make a determination and order any corrective action it deems necessary.

5. Appeal

Either the complainant or respondent may appeal the Committee's determination in writing to the President of ACTRA Toronto within 14 days of receiving the Committee's determination. The appeal must set out the grounds of the appeal and the requested relief. Upon reviewing the grounds of the appeal, the President may deny the appeal outright or convene an Appeal Committee to hear the appeal. The Appeal Committee will be composed of 3 members of ACTRA Toronto Council who did not serve on the initial Committee, and who are not named as respondents to the complaint.

The Appeal Committee will either uphold the original determination or make a revised determination.

The decision of the President or the Appeal Committee is final.

Policy Steps and Timelines

1. Incident

Complaint shall be made as expeditiously as possible after the alleged incident.

2. Complaint

Official written complaint to be filed within 14 days of initial verbal or written complaint.

3. Fact-Finding

Within 21 days of official complaint being filed

4. Voluntary Informal Mediation

Within 35 days of official complaint being filed

5. Mandatory Conflict Resolution

Chair receives complaint within 35 days of official complaint being filed. Committee makes a determination within 3 months of receiving official complaint from Ombudsperson.

6. Appeal

Must be made within 14 days of receipt of Committee's determination.

Note: Timelines may be extended in certain circumstances.