

**ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY STATEMENT**

**To: All Employees, Members of the TLA, and the Public**

**Date: Approved by the Board of Trustees on January 12, 2012**

**(A) STATEMENT OF PRINCIPLES**

1. By adopting this Anti-Discrimination and Anti-Harassment Policy Statement (the “Policy”), the Toronto Lawyers Association (the “TLA”) formally recognises and affirms the right of its employees, members, and other persons authorized to use its facilities, to work and use TLA services and facilities in an environment that is free from discrimination and harassment.
2. Acts of discrimination and/or harassment are considered serious human rights issues and will not be tolerated by the TLA at any level. In particular, discrimination and harassment as defined in this Policy at paragraph 9 below, are strictly prohibited at all facilities of the Toronto Lawyers Association. The TLA is committed to ensure that employees, members, and other persons authorized to use its facilities, such as visiting members of other law associations, experience an environment free of any such improper and unacceptable behaviour.
3. The TLA recognises that, as a professional association, it is particularly important that it continues to uphold its fundamental commitments to equality and human rights, consistent namely with the Ontario *Human Rights Code*. Accordingly, the TLA will maintain an environment in which its employees, members and other persons authorized to use its facilities, can engage in their work and make use of the facilities free from discrimination and harassment.
4. All persons entrusted by the TLA with the authority to enforce this Policy also have the correlated obligation to ensure that there is no misuse of that authority in any action or relationship.
5. The TLA recognizes its legal and moral responsibility to protect all its employees, members, and other persons authorized to use its facilities, from discrimination and harassment and to take action if such behaviour does occur. To that end, the TLA has developed this Policy which includes a procedure for dealing with any complaint(s) arising from such behaviour, which is set out under Part C below
6. The TLA prohibits reprisal or threats of reprisal against any of its employees, members, members of the legal community, or other persons authorized, who

relies on this Policy or participates in a process designed to seek the resolution of a complaint.

7. The intention of this Policy is to prevent discrimination and harassment from taking place on TLA facilities, and where necessary, to act upon complaints of such behaviour diligently and fairly, and with due regard to the confidentiality of all parties involved.
8. All administrators, managers, directors, and others in supervisory or leadership positions at the TLA have an obligation to be familiar with, and to uphold this Policy and procedure, and to inform their employees about its existence.

## **(B) DEFINITIONS**

9. Acts of discrimination with respect to the following characteristics, as defined in the Ontario *Human Rights Code*, are strictly prohibited: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.
10. Discrimination refers to differential treatment of an individual or group of individuals which is based, in whole or in part, on one or more than one of the prohibited grounds of discrimination set out above, and which thus have an adverse impact on the individual or group of individuals.
11. Harassment refers to the engagement in a course of vexatious comments or conduct that is known or ought reasonably to be known, to be unwelcomed in relation to a prohibited ground. A “vexatious comment” is a comment made without reasonable cause or excuse. “Vexatious conduct” is a conduct pursued without reasonable cause or excuse.

## **(C) COMPLAINT PROCEDURE**

### **Raising the Matter With the Person(s) Involved**

12. If appropriate, any person who believes that they are subject to discrimination or harassment has the right and responsibility to bring the matter to the attention of the person(s) involved.

### **Informal Procedure**

13. Any person who believes that they have been the subject of harassment or discrimination on TLA facilities may wish to proceed informally as a first step. This means that this person can ask the designated person to assist or to communicate with other parties, or with the TLA, or to speak on that person’s behalf, without going through a formal mediation or complaint process.

## **Reporting the Matter**

14. At the TLA, the designated anti-discrimination and anti-harassment officer responsible for the implementation and enforcement of this Policy is the Executive Director of the TLA. If that person is involved in the complaint, please contact the President of the Toronto Lawyers Association personally.
15. Once a person reports possible grounds of harassment or discrimination, the designated person will then ask questions to understand the situation and gather detailed information.

## **Mediation**

16. Under some circumstances, it may be appropriate to attempt to resolve the complaint through a mediation process before referring the matter to a formal investigation. In that case, the mediator will not be involved in investigating the complaint, and will not be asked to represent the TLA at any stage of any process related to the complaint.
17. The mediator will be assigned by the Board of Trustees or an external consultant, as deemed appropriate.

## **Investigation**

18. If a person wishes to pursue the matter by formulating a complaint, that complaint will then be investigated, either by a specially trained person assigned by the Board of Trustees or by an external consultant. This person will investigate the complaint by conducting interviews with the complainant, other parties involved, and any witnesses. All employees, members and persons involved have a responsibility to co-operate fully with the investigation.
19. An investigation will typically involve the following steps:
  - a. gathering all relevant information from the complainant;
  - b. interviewing any potential witnesses;
  - c. determining whether, on a balance of probabilities, the alleged harassment or discrimination constituted prohibited acts under this Policy; and
  - d. where appropriate and if requested by the TLA, recommending appropriate remedies, penalties, or other appropriate action.

## **Substantiated Complaints**

20. If the assigned investigator determines that the complaint is valid, he or she will then provide a report in writing to the President of the TLA. The investigator may

recommend appropriate remedies and disciplinary action, and any other necessary action, if requested to do so by the TLA. The President will share the report with the Board of Trustees who will then decide what action should be taken, and will inform both parties of the decision, in writing.

### **Confidentiality**

21. The TLA will not disclose any information about a complaint except as required to investigate the complaint, or to take disciplinary action, or as required by law. The TLA will undertake best efforts to preserve the confidentiality of the matter by its employees, members, and any persons involved.

### **Timeline**

22. An individual who wishes to invoke this Policy and/or to file a complaint under this Policy, should do so as soon as possible and ultimately within 60 days of the occurrence of suspected harassment or discrimination. The TLA will have the sole discretion to extend the timeline for filing a complaint after the 60 days timeline has expired. Nothing in this Policy shall be interpreted to prevent an individual from filing an application under the Ontario *Human Rights Code* directly with the Human Rights Tribunal of Ontario, which may have different timelines.

### **Policy Changes**

23. If you have questions or comments about the Policy or its application, please speak to the designated person with the TLA. The Policy will be reviewed on a regular basis by the Board of Trustees of the TLA, and changes to it will be made as considered appropriate.