

BOARD POLICY

ABUSE, HARASSMENT, DISCRIMINATION, AND VIOLENCE

Preamble The Royal Ontario Museum (ROM) values its collections, its people, and its interaction with the community as key assets and is committed to providing an environment in which individuals are treated with respect and dignity, free from abuse, harassment, discrimination and violence. The ROM is also committed to the right of every person to equal treatment without discrimination with respect to services, goods and facilities, and employment. The ROM is further committed to freedom from harassment in the workplace by the employer or agent of the employer or by another employee or volunteer and these commitments apply at every level of the organization and to every aspect of the workplace environment and employment relationship. These commitments also extend to contractors, consultants and visitors to the workplace.

Policy The ROM will comply with the Ontario Human Rights Code (hereinafter referred to as the “Code”) and other applicable legislation, and will take appropriate measures to provide an environment where no form of abuse, harassment, discrimination, or violence is tolerated. The Code shall take precedence over any conflicting language found in Board policy, Management practice, or collective agreements.

The ROM will establish a process to deal effectively, quickly and fairly with any situations involving claims by employees, volunteers, contractors, consultants and visitors of abuse, harassment, discrimination or violence that come to the attention of the ROM’s leadership. A substantiated case of abuse, harassment, discrimination, or violence will result in appropriate action, as determined by the ROM, including disciplinary action up to and including termination.

As part of its commitment to creating and maintaining respect for human rights, and fostering equality and inclusion, the ROM will also: provide appropriate education and training programs for employees and volunteers so that everyone knows their rights and responsibilities; will regularly monitor organizational systems for barriers based on Code grounds; and promote appropriate standards of conduct at all times.

Employees and volunteers will refrain from unwelcome, offensive or abusive comments or conduct, or discriminatory treatment, related to an individual’s race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sex, sexual orientation, age, record of offences, marital status (including the status of being married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship), family status or disability, and will make every effort to stop abuse, harassment, discrimination, and violence at the source.

BOARD POLICY ABUSE, HARASSMENT, DISCRIMINATION, AND VIOLENCE

All employees and volunteers are expected to uphold and abide by this Policy, by refraining from any form of abuse, harassment, discrimination or violence, and by cooperating fully in any investigation of an abuse, harassment, discrimination or violence complaint.

Managers and supervisors have the additional responsibility to act immediately on observations or allegations of abuse, harassment, discrimination or violence. Managers and supervisors are responsible for creating and maintaining an abuse, harassment, discrimination and violence free organization, and should address potential problems before they become serious.

Exception

The right to equal treatment, as defined under *discrimination* and *harassment* (see below), is not infringed in situations where the Code's prohibited grounds are reasonable and bona fide qualifications for employment because of the nature of the work. A qualification is reasonable and bona fide only when it can be clearly demonstrated that the circumstances of the person cannot be accommodated without undue hardship on the employer considering the cost, outside sources of funding, if any, and health and safety requirements, if any.

Explanation of Terms

abuse: any action, act, omission or incident in which an employee or volunteer is abused, threatened, harmed, injured or assaulted in circumstances arising from his or her employment or volunteering, as a direct or indirect action or omission of another employee or volunteer or a third party. Some examples include, but are not limited to: threats (verbal/physical), assaults (verbal/physical/sexual), property damage, bullying, intimidation, aggressive behaviour, mobbing (a collective effort), the application of force (with or without a weapon), stalking, inappropriate pranks or horseplay.

contractor, consultant: both terms refer to an individual and/or organization providing a service to the ROM for a fee.

disability:

- Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device.
- A condition of mental impairment or a developmental disability.

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- A learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language.
- A mental disorder.
- An injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act.

discrimination: according to the Code, every person has the right to equal treatment with respect to services, goods and facilities, and employment without discrimination based on the following prohibited grounds: an individual's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy), sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability, which can result in an unfavourable or preferential outcome. Discrimination does not have to be intentional to be unlawful. In this policy the term *discrimination* includes "constructive discrimination" which refers to policies, practices, actions or inactions that appear to be neutral, but which can result in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground.

employee: an individual who fills a position approved by the Director & CEO and who receives monetary compensation. ROM employees include senior management, supervisory and exempt staff, unionized employees, and individuals employed by the ROM for a limited duration.

harassment: defined in the Code as engaging in a course of vexatious comment or conduct that is known or ought reasonably be known to be unwelcome. The comment or conduct is related to one or more of the Code's prohibited grounds and may be directed at individuals or groups. Every person has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee, volunteer or visitor to the workplace. Harassment includes, but is not limited to, inappropriate remarks, jokes, gestures, and innuendoes pertaining to any of the prohibited grounds; insults; display of offensive materials or graffiti; intimidation; threats; stalking; imposition of different working conditions/requirements; and damage to personal property.

harassment unrelated to the Code: engaging in a course of vexatious comment or conduct, not associated with the prohibited grounds defined in the Code, that a person would reasonably consider offensive, humiliating or intimidating to others. Such harassment includes, but is not limited to, notices or other forms of communication which are suggestive, derogatory or otherwise demeaning to an employee, volunteer, or group. Although this type of complaint would not form the basis for a complaint under the Code, it is still a violation of this Board policy.

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poisoned environment: vexatious comments or conduct that may create a negative, hostile, intimidating or offensive work climate. A complainant does not have to be the direct target to be adversely affected. Elements of a poisoned environment include, but are not limited to, inappropriate remarks, jokes, gestures, and innuendoes, displaying suggestive, derogatory, demeaning or offensive materials; patronizing behaviour; language or terminology reinforcing stereotypes; intimidation; exclusions and adverse treatment related to one or more of the Code's prohibited grounds. In determining whether there is a poisoned environment, the impact of the comments or conduct on the individual or group will be considered foremost. Accordingly, a single action can give rise to a poisoned environment.

record of offences: defined in the Code as a conviction for an offence in respect of which a pardon has been granted under the Criminal Records Act (Canada) and has not been revoked, or, an offence in respect of any provincial enactment.

ROM leadership: includes all managers and supervisors of employees in the Museum, including senior management; and, all members of the Department of Museum Volunteers who are Board and/or Committee/Section Chairs.

visitors: for the purposes of this policy, the phrase refers to any individual visiting the Museum premises on a business-related activity or any individual visiting the public spaces of the Museum.

volunteer: a term that applies to all individuals who provide their time and service to an activity that supports the objectives of the ROM and is authorized and sponsored by the ROM, and for which they are not paid by the ROM. Volunteers include, but are not limited to, members of the Department of Museum Volunteers and the ROM Reproductions Association, trustees, research associates, departmental associates, field associates, curators emeritus, post-secondary or graduate students working in a curatorial department or in the field, and secondary-school students working on a cooperative-education term on Museum premises or volunteering in the Hands-on Discovery galleries.

workplace: any land, premises, location or thing at, upon, in or near which an employee or volunteer works. The workplace is not restricted to the offices and work areas of the ROM but also includes any location on the premises, i.e. washrooms or cafeteria, and any other location where ROM related activities are being conducted, i.e. work-related conferences, field trips, training sessions, and work-related social functions.

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workplace harassment: defined in the Occupational Health and Safety Act (OHS Act) as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

workplace violence: defined in the OHS Act as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. It also includes:

- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- A statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

This definition of workplace violence is broad enough to include acts that would constitute offenses under Canada’s Criminal Code.

(Also refer to “*abuse*” under “Explanation of Terms”.)

Date

Approved: June 19, 2008

Amended: Dec. 16, 2010

Chair of Board

Director & CEO

ACCOUNTABILITY

All employees and volunteers are responsible for being aware of and adhering to this policy in all pertinent areas of conduct. All employees and volunteers with ROM leadership responsibilities are accountable for familiarizing all staff members and volunteers with this policy and will review the policy with their respective work/volunteer groups on an annual basis. The annual review will be documented and submitted to the Vice President, Human Resources & Organizational Development.

Failure to comply with the practice will result in appropriate action.

MONITORING

Adherence to Policy

Board: The Human Resources & Compensation Committee will periodically review management’s adherence to the policy.

Management: The Director & CEO, the Deputy Director & COO, the Deputy Director, Collections & Research, the Vice President, Human Resources & Organizational Development,

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and the President, Department of Museum Volunteers, will ensure that the Human Resources & Compensation Committee has all the relevant information for determining adherence.

Policy Review

<i>Method</i>	Internal Report
<i>Responsibility</i>	Human Resources & Compensation Committee
<i>Minimum Frequency</i>	Biennially