

## **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 employees and volunteers are treated with respect and dignity, free from workplace abuse, harassment, sexual harassment, discrimination, and violence. ROM is also committed to the right of every person to equal treatment without discrimination with respect to services, goods and facilities, and employment. ROM is further committed to creating a culture of zero tolerance towards abuse, harassment, sexual harassment, discrimination, and violence in the workplace by the employer, by an agent of the employer, or by another employee or volunteer. These commitments apply at every level of the organization, including the Board of Trustees, the Director & CEO, and Senior Management, and to every aspect of the workplace environment and employment and volunteer relationship. These commitments also extend to ROM Governors and staff, contractors, consultants, and visitors to the workplace.

## **Policy**

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

ROM has established a process to deal effectively, quickly and fairly with any situations involving claims by employees, volunteers, contractors, consultants, and visitors of workplace abuse, harassment, sexual harassment, discrimination, or violence that come to the attention of the ROM's leadership. A substantiated case of abuse, harassment, sexual harassment, discrimination, or violence will result in appropriate action, as determined by 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, 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 the *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 (religion), 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 workplace abuse, harassment, sexual harassment, discrimination, and violence at the source.

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

Managers and supervisors have the additional responsibility to act immediately on observations or allegations of workplace abuse, harassment, sexual harassment, discrimination, or violence. Managers and supervisors are responsible for creating and maintaining a workplace free of abuse, harassment, sexual harassment,

discrimination, and violence, 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*: defined by the *Code* as,

- 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.
- 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, 1997*.

*discrimination*: defined by the *Ontario Human Rights Commission (OHRC)* as any form of unequal treatment based on a *Code* ground that results in disadvantage, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It does not have to be intentional to be illegal. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. It may be obvious, or it may occur in very subtle ways. Discrimination needs only to be one factor among many factors in a decision or action for a finding of discrimination to be made.

According to the *Code*, every person has the right to equal treatment with respect to

- services, goods and facilities,
- the occupancy of accommodation, and
- employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex, pregnancy, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status,

disability, or the receipt of public assistance.

The Board policy also specifies same sex partnership status as a prohibited ground and further defines discrimination, based on any of the prohibited grounds, as resulting in an unfavourable or preferential outcome.

Discrimination includes “*constructive discrimination*” which, according to the *Code*, is when a right of a person is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

- the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
- it is declared in the *Code* other than in section 17 (regarding disability /accommodation), that to discriminate because of such ground is not an infringement of a right.

*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. *Refer to the definition of “worker” below, as per the OH&S Act.*

*harassment*: defined in the *Code* as engaging in a course of vexatious comment or conduct that is known or ought reasonably to 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.

According to the *Code*, every person has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her 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* and 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.

*LGBTQ2S*: as per the *(Canadian) National Learning Community on Youth Homelessness*, LGBTQ2S, LGBT, LGBTQ, LGBTQA, TBLG are some of the acronyms that refer to Lesbian, Gay, Bisexual, Transgender, Queer, Two-Spirit, and Ally. Although all of the different identities within “LGBT” are often lumped together (and share sexism as common root of oppression), there are specific needs and concerns related to each individual identity.

*poisoned environment:* defined by the *OHRC* as a negative, hostile, (intimidating, offensive), or unpleasant workplace or an unequal work environment due to comments or conduct that tend to demean a group identified by one of more prohibited grounds under the *Code*, even if not directed at a specific individual. A poisoned work environment may result from a serious and single event, remark, or action. 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.

*prohibited grounds:* as per the *Code*, prohibited grounds of discrimination include race, ancestry, place of origin, colour, national or ethnic origin, citizenship, creed (religion), sex, pregnancy, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, genetic characteristics, disability, or the receipt of public assistance. Board Policy also specifies same sex partnership status.

*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.

*reprisals:* as per the *Code*, every person has a right to claim and enforce his or her rights under this *Act*, to institute and participate in proceedings under this *Act*, and to refuse to infringe a right of another person under this *Act*, without reprisal or threat of reprisal for so doing.

*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.

*sexual harassment:* as defined by the *OHRC* a course of comment or conduct based on an individual's sex or gender that is unwelcome or should be reasonably known to be unwelcome and that impacts an individual's right to employment or to volunteer, or the continuation and advancement of an individual's employment or volunteer position. Sexual harassment is not restricted to those occurrences within the formal supervisor/employee relationship. Every person has a right to freedom from sexual harassment by the employer or agent of the employer or by another employee.

Furthermore, the *Canada Labour Code* defines sexual harassment as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee (worker); or that might, on reasonable grounds, be perceived by that employee (worker) as placing a condition of sexual nature on employment or on any opportunity for training or promotion.

Forms of sexual harassment, cited by the *Code*, include, but are not limited to:

- unwelcome or unnecessary physical contact, including unwanted touching (e.g. demanding hugs or stroking someone's hair;
- invading personal space;
- gender-related comments about an individual's physical attributes, mannerisms, or characteristics;

- paternalistic comment or conduct based on gender, which undermines a person’s self-respect or position of responsibility;
- language that puts someone down because of their sex, sexual orientation, gender identity, or gender expression
- suggestive or offensive remarks or innuendos about members of a specific gender;
- using sex-specific derogatory names, homophobic/transphobic epithets, slurs or jokes;
- targeting someone for not following sex-role stereotypes (e.g. comments made to a female for being in a position of authority)
- sexually propositioning a person / propositions of physical intimacy;
- gender-related verbal abuse, threats or taunting;
- leering or inappropriate staring;
- bragging about sexual prowess or questions or discussions about sexual activities;
- making sexual jokes, including forwarding sexual jokes by email;
- offensive jokes or comments of a sexual nature about an employee or client;
- rough or vulgar humour or language related to gender aka “locker-room talk”;
- displaying or sending pornography, sexual images, sexually offensive pictures, graffiti, or other materials;
- spreading sexual rumours, “outing” or threatening to “out” someone who is LGBTQ2S;
- demands for dates or sexual favours.

*sexual solicitation:* defined by the *Code*, and in the *OH&S Act* under “*workplace sexual harassment*”, any incident of a sexual advance or solicitation made by a person who is in a position to confer, grant, or deny a benefit or advancement to another, where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.

As per the *OHRC*, this includes managers and supervisors, as well as co-workers where one person is in a position to grant or deny a benefit to the other. As per the *Code*, a reprisal or a threat of reprisal for rejecting such advances or solicitations are also prohibited.

*visitors:* for the purposes of this policy, 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 ROM and is authorized and sponsored by ROM, and for which they are not paid by ROM. Volunteers include, but are not limited to, members of the Department of Museum Volunteers, 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.

*worker:* defined in the *OH&S Act* as any of the following:

- A person who performs work or supplies services for monetary compensation.
- A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
- A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution.

- Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.

*workplace*: defined in the *OH&S Act* as 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 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.

*workplace harassment*: defined in the *OH&S 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, or
- Workplace sexual harassment.

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

*workplace sexual harassment*: defined in the *OH&S Act* as,

- Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

*workplace violence*: defined in the *OH&S 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.
- 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 is reasonable for a worker to 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  
Amended**

June 19, 2008  
December 16, 2010  
December 13, 2012  
April 8, 2015  
October 13, 2016 (*reviewed with administrative changes*)  
December 11, 2018 (*reviewed with administrative changes*)  
December 8, 2020 (*reviewed with administrative changes*)  
March 22, 2022 (*reviewed with administrative changes*)



## Approval



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Chair of the ROM Board of Trustees



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ROM Director & CEO

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## **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 Chief Human Resources Officer.

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

## **MONITORING**

### **Adherence to Policy**

*Board:* The Executive Committee will periodically review management's adherence to the policy.

*Management:* The Director & CEO, the Deputy Director, Operations & Chief Operating Officer CFO, the Deputy Director & Chief Financial Officer, the Deputy Director, Collections & Research & Chief Innovation Officer, Deputy Director, Engagement, the Chief Human Resources Officer, and the President, Department of Museum Volunteers, will ensure **that the Board of Trustees and its relevant Committee have** all the relevant information for determining adherence.

### **Policy Review**

<i>Method</i>	Internal Report
<i>Responsibility</i>	Executive Committee
<i>Minimum Frequency</i>	Biennially

## REFERENCES

### Internal Documents

Board Policy – Health & Safety in the Workplace

Management Practice HESA-004 – Occupational Accident, Incident, & Illness Reporting & Investigation

Management Practice HURE-10 – Abuse, Harassment, Sexual Harassment, Discrimination, and Violence in the Workplace

### External Documents

*Canada Labour Code*. R.S.C., 1985, c. L-2. (2022, January 24). Retrieved February 10, 2022, from <https://laws-lois.justice.gc.ca/PDF/L-2.pdf>

*Canadian Human Rights Act*, R.S.C., 1985, c. H-6. (2022, January 24). Retrieved February 10, 2022, from <http://laws-lois.justice.gc.ca/PDF/H-6.pdf>

Human Resources Professionals Association. *Doing our duty: Preventing sexual harassment in the workplace*. Retrieved February 10, 2022, from <https://hrpa.s3.amazonaws.com/uploads/2020/10/Doing-Our-Duty.pdf>

*Human Rights Code*, R.S.O. 1990, c H.19. (2021, November 29). Retrieved February 10, 2022, from <https://www.ontario.ca/laws/statute/90h19>

National Learning Community of Youth Homelessness. *LGBTQ2S terms and definitions*. Retrieved February 10, 2022, from <http://lgbtq2stoolkit.learningcommunity.ca/wp/wp-content/uploads/2014/12/LGBTQ2S-Definitions.pdf>

*Occupational Health and Safety Act*, R.S.O. 1990, c 0.1. (2021, December 2). Retrieved February 10, 2022, from <https://www.ontario.ca/laws/statute/90o01>

Ontario Human Rights Commission. 2. *What is “discrimination”?* (2008). Retrieved February 10, 2022, from <https://www.ohrc.on.ca/en/iii-principles-and-concepts/2-what-discrimination>

Ontario Human Rights Commission. 8. *Harassment/poisoned environment*. Retrieved February 10, 2022, from <https://www.ohrc.on.ca/en/policy-discrimination-against-older-people-because-age/8-harassmentpoisoned-environment#:~:text=A%20poisoned%20environment%20is%20a,directed%20at%20a%20particular%20individual>.

Ontario Human Rights Commission. *Sexual harassment [16]*. Retrieved February 10, 2022, from <https://www.ohrc.on.ca/en/part-i-%E2%80%93-freedom-discrimination/sexual-harassment-16>