

# **Parkdale Community Information Centre (PCIC)**

## **Equal Access and Non-Discrimination Policy: Complaint Procedures and Implementation Plan**

**Adopted by Board of Directors: December 20, 1995**

**Revised by Board of Directors: September 8, 2009**

**Approved by Board of Directors: November 17, 2009**

## **PCIC Policy of Equal Access and Non-Discrimination - Complaint Procedures and Implementation Plan**

### **I. Policy Statement**

1.1 This policy applies to clients, staff, volunteers, students, and board members of the Centre. Anyone who accepts a position as PCIC staff, volunteer or Board member must accept and endorse this policy.

1.2 Parkdale Community Information Centre (the "Agency") is committed to providing an environment in which all individuals are treated with respect and dignity. The Agency will in no way tolerate discrimination or harassment.

1.3 All employees of the Agency are responsible for respecting the dignity and rights of their co-workers and the public they serve. Discrimination and harassment are serious forms of employee misconduct which may result in disciplinary sanctions up to and including termination of employment.

1.4 Visitors to the Agency, users of the Agency's facilities and persons conducting business with Parkdale Community Information Centre (PCIC) are also expected to adhere to this policy, including refraining from discrimination or harassment of employees, members of the Board, persons acting on behalf of the Agency as well as visitors to and users of the Agency. If such harassment occurs, PCIC will take any steps available to ensure a discrimination and harassment free workplace, including barring the person from the Agency's facilities, or discontinuing business with contractors or consultants.

PCIC Policy of Equal Access and Non Discrimination has been officially reviewed by the Board of Directors and approved at the Board Meeting, dated November 13, 2007. (Please see attachment one).

### **II. Complaint Procedures**

2.1 Any employee, client, individual who feels that **his/her** rights under this Policy have been violated is encouraged to follow the complaint procedure outlined in this Policy.

2.2 Any individual with a complaint pertaining to discrimination or harassment is encouraged to discuss the matter, confidentially, with the alleged offender prior to entering into the **formal** complaint process.

2.3 In response to a complaint of discriminatory or harassing behaviour, action may include withdrawal of services to a client; disciplinary action against a staff member; removal of a Member of the board; or refusal of a volunteer's services.

2.4 To lodge a complaint of discrimination or harassment, the complainant may speak directly to the person(s) involved or to the Executive Director or designate. A client may make a written complaint following the PCIC Complaints Policy. It is the responsibility of the Executive Director to promptly investigate staff complaints of discrimination and report each incident to the Board of Directors.

2.5 All employees are informed that they have the right, as defined in the Ontario Human Rights Code, to file a complaint with the Human Rights Commission of Ontario.

2.6 This policy shall be posted openly in the workplace.

2.7 A report on the implementation of this policy shall be presented as a standing item at the Annual General Meeting.

### **Alternate Procedures**

2.8 If a complainant under this policy chooses to use an alternative procedure such as a complaint to the Ontario Human Rights Commission, the grievance procedure or the courts, PCIC may, in its sole discretion, choose to terminate or suspend this procedure.

### **Confidentiality**

2.9 PCIC will take every effort to maintain confidentiality in respect of any information provided in the course of a human rights complaint, subject to the need of the Agency to investigate complaint and to comply with all legal requirements.

3.0 Any person who participates in the complaint process will be expected to treat confidentially any information provided or received in the course of an investigation. Any failure on the part of an employee of the Agency to do so, will lead to disciplinary action up to and including termination of employment.

3.1 A fundamental principle of this Policy is that the respondent must be made aware of the identity of the person who has made an allegation, at both the informal and formal stage. Also, it is possible that in the course of the investigation of a complaint, that the identity of the complainant may be disclosed to third parties.

### **Time Limits**

3.2 The time limit for the filing of complaints under this policy is six (6) months from the date of the alleged discrimination or harassment. Promptness in reporting a complaint protects the rights of both the person making the complaint and the person complained against.

### **No Reprisals**

3.3 This Policy strictly prohibits reprisals against persons because they have made a complaint under this Policy, have provided information regarding a complaint, participated as a witness in an investigation or has been associated with a complainant or witness. Alleged reprisals are subject to the same complaint procedures and penalties as complaints of discrimination and harassment.

### **The Policy Co-Ordinator**

3.4 The Executive Director shall designate a person responsible for the implementation of the Policy and to administer and investigate any complaints received under the Policy (the "Policy Co-ordinator"). **It is also the responsibility of the Executive Director to promptly investigate staff complaints of discrimination and report each incident to the Board of Directors.**

3.5 The Policy Co-ordinator does not advocate for either party. They remain neutral and provide information and referrals to services needed.

### **THE COMPLAINT PROCESS**

3.6 Any individual with a complaint pertaining to discrimination or harassment is encouraged to discuss the matter, in confidence, with the alleged offender prior to commencing the complaint process.

## **Informal Procedures**

3.7a Complainants are encouraged to seek the advice of the Policy Co-ordinator (i) when he or she does not believe it is appropriate to bring the concern directly to the attention of the respondent; or (ii) attempts at resolution between the complainant and the respondent have proven unsuccessful.

3.7b Once being notified of a possible complaint, the Policy Co-ordinator will advise the complainant as to the options available to them, as to applicable time limits, explain the procedures under the Policy and the possible remedies available.

3.7c At this time, the Policy Co-ordinator shall obtain from the Complainant the name of the respondent, the nature and details of the complaint, the sections of the Policy which the Complainant believes has been breached, a summary of the actions taken to resolve the complaint and the desired outcome of the complaint.

3.7d The Policy Co-ordinator will meet separately with the Complainant and alleged offender within five (5) days of being notified by a Complainant. Both parties may be accompanied at the meeting by a representative of their choice, who is not a party or witness to the complaint. The Policy Co-ordinator at this time will try and assist the parties reach a satisfactory resolution of the matter.

3.7e All resolutions must be agreed to in writing by both the complainant and the respondent and must be approved by the Executive Director.

3.7f A Policy Co-ordinator must advise the Complainant and Respondent within ten (10) days of the initial meeting with the Complainant whether an informal resolution can be reached.

## **Interim Measures**

3.8 The Policy Co-ordinator, if he or she feels it is appropriate to do so, may at any time during the complaint process implement interim measures. These measures are not, however, to be viewed as disciplinary in nature.

## **Formal Procedures**

3.9 If informal attempts at resolving the problem are not appropriate or prove ineffective, or, if informal procedures are not attempted, a formal complaint and investigation may be required. The formal complaint process is initiated by a written complaint submitted to the Policy Co-ordinator. The person making the complaint then has 10 working days from the date referred to in 3.7a – 3.7f to ask in writing for an investigation.

3.10 A formal complaint should contain a brief account of the offensive incident(s), when it occurred, the person(s) involved and the names of witnesses if any. The letter may also include the remedy sought and should be signed and dated by the person complaining.

3.11 The alleged offender will be given a copy of the complaint and an opportunity to respond to the complaint in writing. Any response must be received within ten (10) working days of receipt of the complaint.

3.12 Upon reviewing the complaint and response, a Policy Co-ordinator may refuse to proceed with a complaint, and may discontinue an investigation, where the Policy Co-ordinator believes that the subject matter of the dispute does not come under the Policy, an adequate remedy already exists; the complaint is frivolous, vexatious or not made in good faith; or, having regard to all the circumstances, further investigation of the complaint is unnecessary.

### **Formal Investigation**

3.13 If the complaint is not dismissed, the Policy Co-ordinator will, within ten (10) working days of the receipt of the response meet separately with the parties to attempt to clarify the issues in dispute and again attempt to reach a resolution of matter.

3.14 If the matter still remains unresolved, the Policy Co-ordinator shall commence an investigation. In situations where there are concerns regarding bias or complexity, the Agency may choose to refer the matter to an outside investigator. In any event, any complaints by or against the Executive Director or Board members will be referred to an outside investigator. Any outside investigator retained by the Agency will comply with the timelines detailed in this Policy.

3.15 In the course of conducting the investigation, the Policy Co-ordinator shall interview any potential witnesses and gather any relevant evidence, whether written or electronic.

## **4. Investigation Findings and Recommendations**

4.1 Within thirty (30) days of commencing an investigation, the Policy Co-ordinator will prepare a written report summarizing the investigation findings and recommending corrective action, if necessary.

4.2 Conclusions about whether a specific incident of discrimination or harassment did or did not occur are based upon the balance of probabilities.

4.3 If the findings do not support the complaint, the investigation will recommend that no further action is necessary and the matter will be closed.

4.4 If, however, it can be concluded that, on a balance of probabilities, that any discrimination or harassment has occurred, the Policy Co-ordinator may provide recommendations to correct the situation.

## **5. Final Decision**

5.1 The complainant and respondent will be provided a copy of the Policy Co-ordinator's report and recommendations, if any. They will then have 10 working days from receipt of the report, to provide any written comments regarding the Policy Co-ordinator's findings and recommendations.

5.2 The Executive Director will review these comments and the Policy Co-ordinator's report before making a final decision. The Executive Director may approve, change or reject any of the investigator's recommendations.

## **6. Records**

6.1 No records of a complaint will be placed on the personal file of the employee who files a complaint or the files of any of the witnesses. The only time a record of a complaint will be placed on the file of a person involved in a complaint is when the resulting corrective action includes discipline.

6.2 The Agency will ensure that its storage and retention of all materials relating to a complaint will be in compliance with all applicable legislation, including any relevant privacy legislation.

## **III. Implementation Plan**

The goals and objectives of PCIC's Equal Access and Non Discrimination Policy is as follows (which stated on page 3 of the same Policy):

PCIC's goal is to create a diverse, tolerant and harassment free workplace committed to respecting the rights of clients, staff, volunteers and Board members. PCIC aims to meet the following objectives:

### **1.1 Policies & Decisions:**

To ensure that all policies and decisions are made in a way which is non-discriminatory and promotes tolerance and equity. In particular, PCIC will make every effort to ensure that:

- i. All new policies incorporate and are consistent with PCIC's policy of equal access and non-discrimination;
- ii. Staff and volunteer opinions are addressed when developing policy and practices which challenge discrimination;
- iii. The Board of Directors is held accountable for ensuring that policy is carried out.

#### 1.2. Community Involvement:

To ensure that PCIC builds cooperative relationships with clients and agencies in Parkdale by ensuring that:

- i. Collaboration with multicultural community agencies is established and maintained;
- ii. PCIC participates in community networks which promote equity, access and participation for diverse group;
- iii. Appropriate support is provided to community diverse ethnic and racial groups which promote positive race relations.

#### 1.3. Personnel:

To ensure that PCIC personnel practices are free of discrimination. In particular, PCIC will:

- i. Recruit volunteers, Board members and staff who reflect the diverse nature of the Parkdale community;
- ii. Recognize and acknowledge staff, volunteers, and Board members who demonstrate skills at working in a diverse environment;
- iii. Evaluate the ability of staff to work in a diverse environment; appropriate training will be provided, if necessary;
- iv. Meet employment equity objectives (See Personnel Policy 3.0).



#### 1.4 Services/Programs:

To ensure that services are free of discrimination. In particular, PCIC will ensure that;

- i. Services/programs seek to eliminate systematic barriers, are sensitive to the needs of Parkdale community and accessible to all clients;
- ii. Staff, volunteers and Board members can handle discrimination issues when they arise in service delivery in the workplace; if necessary, appropriate support will be given.

#### 1.5. Training:

To ensure that staff receive appropriate training and support needed to work in a diverse workplace and serve all clients equitably:

- i. All training promotes tolerance and respect for diversity;
- ii. Specialized training is provided to enhance diversity knowledge and skills;
- iii. Staff and volunteers are encouraged to:
  - a) Discuss questions of discrimination with colleagues or supervisor when in doubt;
  - b) Recognize their own biases and seek attitudinal changes, if possible;
  - c) Inform themselves on issues of discrimination;
  - d) Detect bias in organizational and other materials;
  - e) Confront statements or actions by colleagues, clients, volunteers or Board members which are discriminatory;
- iv. Evaluate, on an ongoing and annual basis, staff, volunteers and Board training initiatives.

#### 1.6. Communications:

To ensure that PCIC communicates in plain language and that its printed information materials reflect the diversity of Parkdale. In particular, PCIC will ensure that:

- i. Publicity for services/programs reaches targeted constituencies;
- ii. Up-to-date information on ethno-specific community organizations and electronic media are utilized for the purpose of community outreach and job recruitment;
- iii. Communications are, with appropriate resources available, in languages and reflective of the ethnic and racial diversity of Parkdale community;
- iv. All materials (publicity, procedures and policies) are assessed and corrected for bias;
- v. Communications reflect, in illustrations and text, the diversity of Parkdale;
- vii. Community resources are frequently used and accessible to all users and members of Parkdale community.

**Adopted: December 20, 1995**

**Revised: September 8, 2009**

**Approved by the Board: November 17, 2009**