

PEEL LAW ASSOCIATION
ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY STATEMENT

TO: ALL EMPLOYEES AND MEMBERS
DATE: Approved by the Board of Directors on May 27, 2009

(A) STATEMENT OF PRINCIPLES

1. Discrimination and harassment, as defined in this document (see below), are prohibited at all Peel Law Association facilities. Discrimination and harassment are serious human rights issues. Inasmuch as discrimination and harassment are demeaning to human dignity and are unacceptable in a healthy work environment and one in which the equitable practice of law is encouraged, the Peel Law Association will not tolerate such behaviour against any employee, member, or others, and will strive to create an environment free from such behaviour on its premises.
2. The Peel Law Association affirms the right of its employees, members, and others, to work and utilize PLA services in an environment that is free from discrimination and harassment. Discrimination and harassment are incompatible with standards of professional ethics and with behaviour appropriate to the use of the facilities of a professional association.
3. The Peel Law Association recognizes that as a professional association it is particularly important that it continue to uphold its fundamental commitments to equality and human rights. The Association will maintain an environment in which its employees, members, and others, can engage in their work and make use of PLA facilities free from discrimination and harassment.
4. All persons entrusted with authority by the Peel Law Association have a particular obligation to ensure that there is no misuse of that authority in any action or relationship.
5. The Peel Law Association recognizes its legal and moral responsibility to protect all of its members, its employees, and others, from discrimination and harassment in respect of PLA matters, and to take action if such behaviour does occur. To these ends it has developed a policy on, and procedures for dealing with, complaints arising out of such behaviour.
6. The Peel Law Association prohibits reprisal or threats of reprisal against any of its employees, members, or members of the legal community who make use of this policy or participate in proceedings held under its jurisdiction.

7. The intention of this policy and its procedures is to prevent discrimination and harassment from taking place, and where necessary, to act upon complaints of such behaviour promptly and fairly, and with due regard to confidentiality for all parties concerned.

8. All administrators, managers, directors, and others in supervisory or leadership positions have an obligation to be familiar with and to uphold this policy and its procedures and to inform members of their staff about its existence.

(B) DEFINITIONS

9. Prohibited grounds of discrimination include all of the following, as defined in the Ontario *Human Rights Code*, taking account of those exceptions listed in the Ontario *Human Rights Code*.

- age
- ancestry
- citizenship
- colour
- creed
- ethnic origin
- family status
- handicap
- marital status
- place of origin
- race
- receipt of public assistance
- record of offenses
- sex or sexual orientation

10. Discrimination means 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, and which thus has an adverse impact on the individual or group of individuals.

11. Harassment means engagement in a course of vexatious comments or conduct that is known or ought reasonably to be known, to be unwelcome in relation to a prohibited ground. A "vexatious comment" is a comment made without reasonable cause or excuse. "Vexatious conduct" is conduct pursued without reasonable cause or excuse.

(C) COMPLAINT PROCEDURE

Speak Directly to the Person Who is Harassing You

12. If you believe you are being discriminated against or harassed, speak up right away. If possible, tell the person who you believe has been harassing you or discriminating against you that you are not comfortable with their behaviour and that you want it to stop.

Report It

13. At the Peel Law Association, the designated anti-discrimination and anti-harassment person is the Secretary of the Peel Law Association. If that person is involved in the complaint, please contact the President of the Peel Law Association personally.

14. Once a person reports harassment or discrimination, the designated person will ask questions geared toward understanding the situation.

Informal Procedures

15. You may want to proceed informally at first. This means you can ask the designated person to help you communicate with other parties or with the Peel Law Association, or to speak on your behalf, without going through actual mediation or a formal complaint.

Mediation

16. It may be appropriate to attempt to resolve the complaint through mediation before going to a formal investigation. The mediator will not be involved in investigating the complaint, and will not be asked to represent the Peel Law Association at any stage of any proceedings related to the complaint.

Investigation

17. If you want to go ahead with a formal complaint, it will be investigated, either by a specially trained person delegated by the Board of Directors or an external consultant. This person will investigate the complaint, will interview the complainant, other parties involved, and any witnesses. All employees and members have a responsibility to co-operate in the investigation.

18. An investigation will involve:

- getting all pertinent information from the complainant;
- interviewing any witnesses;
- deciding whether, on a balance of probabilities, the harassment or discrimination did take place; and
- where appropriate and if requested by the PLA, recommending appropriate remedies, penalties, or other action.

Substantiated Complaints

19. If the investigator decides the complaint is valid, he or she will report in writing to the President. The investigator may recommend appropriate remedies and disciplinary action, and any other necessary action, if requested to do so by

the PLA. The President will decide what action to take, and will inform both parties of the decision, in writing.

Confidentiality

20. The Peel Law Association will not disclose any information about a complaint except as necessary to investigate the complaint, or to take disciplinary action, or as required by law. It encourages employees, members, and managers to respect confidentiality in the same way.

Timeline

21. An individual who wishes to invoke this policy and/or file a complaint, should do so as soon as possible, and ultimately within 6 months of the occurrence of suspected harassment or discrimination. The PLA will have the sole discretion to extend the timeline for filing a complaint after the 6 month timeline has expired. Nothing in this policy shall be interpreted to prevent an individual from filing an Application with the Human Rights Tribunal of Ontario, which may have different timelines.

Policy Changes

22. If you have questions or comments about the policy or its application, please speak to the designated person within the Peel Law Association. We will make changes to the policy as necessary, and will review it regularly.