



Corporate Policy and Procedure

POLICY: Human Rights, Harassment and Fair Access Policy

DATE: August 2011

This Human Rights, Harassment and Fair Access Policy reflects the requirements of the Ontario Human Rights Code and policies established by the Greater Sudbury Housing Corporation and City of Greater Sudbury.

POLICY STATEMENT:

The Greater Sudbury Housing Corporation (GSHC) will not tolerate, ignore, or condone any form of discrimination, harassment or barrier in employment, housing, contracting and delivery of its services. All employees, contractors, agents, tenants, Board of Directors, volunteers and appointees who serve on committees established by GSHC are bound by this policy in their dealings with any tenants or employees on behalf of the GSHC. They have a duty to actively promote and support human rights and health and safety, to remove barriers to equality and to refrain from harassment and discrimination.

The GSHC is committed to promoting a climate of understanding and mutual respect where each member of the GSHC community is able to derive benefits from and to participate fully to the development and well being of the community. Distinct protections concerning the occupancy of accommodation, delivery of services, contract arrangements and employment are described below.

OCCUPANCY OF ACCOMODATION:

All tenants, legal occupants, and their guests have a right to equal treatment with respect to the occupancy of a unit that is managed by or on behalf of the GSHC, without discrimination or harassment by GSHC, its contractors, agents or tenants because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion, sex, sexual orientation, same-sex partnership status, gender identity, age, marital status, family status, receipt of public assistance, or disability.

SERVICES AND FACILITIES:

Every person has a right to equal treatment with respect to receipt of goods and services, and to use GSHC facilities, without discrimination or harassment by GSHC, its contactors, or agents because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion, sex, sexual orientation, same-sex partnership status, age, marital status, family status, receipt of public assistance or disability.

The GSHC prohibits any punitive action against individuals who pursue their rights under this policy. This protects individuals who:

- Make a complaint that he or she reasonably and honestly believes to be true;
- Take part as a witness in an investigation;
- Are associated with any of the complainant, the respondent or a witness during the complaint process.

Anyone who retaliates against someone who has pursued his or her rights is considered to be in violation of this policy.

DEFINITIONS:

Various terms require specific definition. The most important are “discrimination”, “adverse effects or systemic discrimination”, “duty to accommodate” and “harassment”.

Discrimination: Discrimination is any practice or behaviour, whether intentional or not, that has a negative effect on an individual or group based on a prohibited ground e.g. disability, sex, race, and sexual orientation. A decision to deny a benefit that relies on any of these grounds, unrelated to a person’s abilities, is prohibited. Discrimination may arise as a result of differential treatment or it may result from the unequal effect of applying general rules to everyone. In either case, if the effect of the behaviour or practice on the individual is to deny or limit access to housing accommodation, goods, services, facilities, employment, or contracts available to others, it is discrimination.

Adverse Effects or Systemic Discrimination: If a behaviour or practice has a disproportionate negative effect on a particular group of persons who are identified by a prohibited ground, this is “adverse effects” discrimination.

The Duty to Accommodate and Equal Treatment: Equal treatment is treatment that brings about an equality of results. If applying a general rule has an adverse effect on an individual because he or she belongs to a group that is identifiable by a prohibited ground, the housing provider has a duty to accommodate the individual. The accommodation must reduce barriers that impede access to goods, services and opportunities within the housing provider. For example, to provide a safe, functional environment for tenants with disabilities, it may be necessary to install grab bars or lower sinks. To give all employees equal access to a building, it may be necessary to provide a ramp for those who require the use of a wheelchair or motorized assisted device.

Harassment: Harassment means a comment or conduct that a person knows or ought to know would be unwelcome. Harassment may result from one incident or a series of incidents. Examples of harassment include offensive and embarrassing comments, derogatory remarks, threats, inappropriate jokes, innuendoes and teasing, insulting gestures, practical jokes that result in embarrassment, electronic or physical display of pin-ups, pornography, demeaning or sexually explicit materials, actions that invade privacy, spreading rumours that damage a person's reputation, threats to disclose that someone is gay or lesbian, refusing to work with person(s) or a group of persons because of their race, sexual orientation, etc., condescending or patronizing behaviour, abuse of authority, unwelcome touching, physical assault or sexual assault.

Agent: A person or person(s) who is authorized by another to act for him or her; one authorized to transact business for his or her principal. GSHC employees who regularly have contact with tenants may be considered agents on behalf of the housing provider in certain circumstances.

Accessible Format: Various formats to effect communication e.g. large print, Braille, audio and video-tape recording.

Contractor: Contractor includes independent consultants, persons who have entered into a business agreement with GSHC to supply goods or perform work, including professional services, and includes employees of the contractors who work on site at a GSHC premises to perform a contract. Agencies that have entered into an agreement with the GSHC to provide services to tenants and/or occupants are also included in the term "contractor". Contractors are bound by this policy in respect of all work performed on GSHC property.

Disability: Disability includes physical, cognitive, developmental and psychiatric impairment or injury and is used interchangeably with "handicap" as defined in the Ontario Human Rights Code.

Employee: Employee includes unionized and non-unionized staff members and persons who work for a fixed term e.g. summer students.

Tenant: Tenant refers to all persons in a household who are included in a signed tenancy agreement with GSHC. "Tenant" may also include an applicant or internal applicant who has applied to live a unit that is managed by or on behalf of GSHC. Tenants, including any tenant representatives if applicable, are not agents of the GSHC.

Occupant: Occupant refers to a member of a household who lives in a unit that is leased from the GSHC but does not have a direct tenancy relationship with the housing provider.

Workplace: The workplace includes all locations where business or social activities of the housing provider are conducted. Workplace harassment can also include incidents that happen off site (e.g. inappropriate phone calls or visits to an employee's home by a tenant or a co-worker).