

PROCEDURE TO RESOLVE HUMAN RIGHTS COMPLAINTS
THE ROYAL CANADIAN LEGION
ONTARIO COMMAND

INTRODUCTION

Definition of Harassment:

“Harassment” means engaging in a course of vexatious comments or conduct that is known or ought reasonably be known to be unwelcome. It has been recognized by Human Rights Commissions, as well as courts, that in some instances **one** comment or **one** incident can constitute harassment, depending on the severity of the comment or conduct.

Ontario Command recognizes the Human Rights Code and the statement of public policy to recognize the dignity and worth of every person and to provide equal rights and opportunities without discrimination. The aim of this policy is to allow all members and employees of Ontario Command and Branches an avenue to deal with complaints and issues regarding Human Rights.

Ontario Command of The Royal Canadian Legion will not tolerate any violation of the Human Rights Code of the Province of Ontario. All complaints and violations will be investigated thoroughly and any necessary disciplinary action will be taken when warranted.

Ignoring acts of harassment and discrimination has a bad effect on the work place and also in Branches where personality conflicts cause situations to escalate. Complaints are a costly venture and for this reason, complaints of discrimination will be dealt with in accordance of the General By-laws of Dominion Command. It is important for all members, to understand that having an internal procedure in place does not preclude a member from filing a human rights complaint with the Ontario Human Rights Commission, even if the complaint is dismissed for not following procedures in lodging a complaint, or if it has been dismissed for insufficient evidence after the matter has been reviewed internally. Members shall not be penalized for exercising their right under the **Ontario Human Rights Code**.

RESPONSIBILITIES

Ontario Command and each Branch as an employer has the responsibility of:

1. Providing a working environment that is free from harassment and discrimination.
2. Dealing effectively, quickly and fairly with any situations involving claims of harassment and discrimination that come to their attention.
3. Preventing a “POISONED ENVIRONMENT” from developing.

Employers could be held liable by a court or tribunal if they or their managers do not act to put an end to discrimination or harassment in their workplaces.

POLICY

No member or employee of The Royal Canadian Legion, Ontario Command shall be discriminated against based on the following grounds: Race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex, sexual orientation, age, record of offenses (in employment), marital status, family status (being in a parent child relationship), receipt of public assistance (housing) and mental or physical handicap.

COMPLAINT RESOLUTIONS

1. Where a complaint has been lodged under the General By-laws of The Royal Canadian Legion, Article III and has not been properly lodged, Ontario Command or the Branch may then appoint an advisor to resolve the complaint. The advisor shall meet with both parties to the complaint to facilitate a process wherein both parties have the opportunity to discuss their respective understanding of the issues.
2. This meeting is informal and meant to be a means by which an amicable solution can be reached that is agreeable to both parties.
3. There will be minutes or taped recordings of the meeting and both parties will be given the opportunity to speak. Both parties should be able to show documentation to support their position.
4. The advisor shall be neutral and to offer his/her suggestions as to how to resolve the problem.
5. Any person lodging a complaint and any witness (s) connected to the complaint shall be protected from reprisal and shall not be penalized.
6. Both parties involved in the resolution process may have a representative present if they so desire.
7. Both parties will be advised of the resolution and be provided a copy to sign as their agreement to the final disposition. The final decision will include the summary of the allegations, a summary of the respondent's response/position on what occurred, a summary of the discussions that took place and a disposition/conclusion (i.e. discrimination was found to have occurred and the proposed remedy, or that discrimination/harassment was not found to have occurred, the reasons for the finding was made (based on the evidence – statements by witnesses for example) and that the matter was dismissed.

Ontario Command will exercise the right not to deal with complaints in certain situations:

1. If the complaint is trivial, petty, bothersome or made in bad faith.

2. If another Provincial jurisdiction, such as the Employment Standards Branch would be a better option to deal with the complaint. Legion Branches are responsible for the handling of complaints from employees within their respective Branch.
3. If the complaint is brought forward more than 6 months after the incident occurred the complaint will not be dealt with.

PLEASE CONTACT THE ROYAL CANADIAN LEGION ONTARIO COMMAND IF FURTHER INFORMATION OR CLARIFICATION IS REQUIRED.