

**HAMILTON LAW ASSOCIATION**  
**ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY STATEMENT**

**(A) STATEMENT OF PRINCIPLES**

1. At the Hamilton Law Association, discrimination and harassment are considered serious human rights issues and will not be tolerated at any level. Employees, members, and visiting members of the Law Society of Upper Canada shall experience an environment free from any such demeaning and unacceptable behaviour.
2. The Hamilton Law Association considers it the right of its employees, members, and the general public to work and use Hamilton Law Association services in an environment that is free from discrimination and harassment. Respecting this right is a top priority. Accordingly, the Board of Trustees will strive to maintain this policy and uphold all the standards of professional ethics appropriate within a professional association.
3. All employees given authority by the Hamilton Law Association will diligently uphold the commitments of the Hamilton Law Association without the misuse of that authority in any action or relationship.
4. It is the legal and moral responsibility of the Hamilton Law Association to protect all of its members, its employees, and others, from discrimination and harassment. The responsibility will be maintained during all Hamilton Law Association matters and action will be taken if such behaviour does occur. There are procedures and policies that have been developed to address complaints arising out of such behaviour.
5. The Hamilton Law Association will not permit any acts or threats of retaliation against any employees, members, or members of the community who abide by this policy or are participating in an event under the jurisdiction of the Hamilton Law Association.
6. The intention of this policy and its procedures is to prevent discrimination and harassment and when necessary, to act expeditiously upon complaints of such behaviour while respecting the confidentiality of all parties involved.
7. It is the obligation of all administrators, managers, directors, and others in supervisory or leadership positions to uphold this policy and its procedures and subsequently to inform members of their staff about its existence.

## **(B) DEFINITIONS**

### **Prohibited Grounds**

8. Acts of discrimination with respect to the following characteristics, as defined in the *Ontario Human Rights Code*, are strictly prohibited: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offenses, marital status, family status, or disabilities.

### **Discrimination**

9. Discrimination refers to the differential treatment of an individual or group of individuals which is based, in whole or in part, on one or more of the aforementioned characteristics. Discriminatory treatment adversely affects the well-being of the individual(s) being discriminated against.

### **Harassment**

10. Harassment means engaging in a course of vexatious comment or conduct against an individual that is know or ought reasonably to be known to be unwelcome.

## **(C) COMPLAINT PROCEDURE**

### **Speak Directly to the Person Who is Harassing You**

11. Any person who believes that he or she is being harassed or discriminated against has the right and responsibility to bring it to the attention of the necessary parties. If possible, inform the person that you believe their behaviour is discrimination and/or harassment, that you are uncomfortable with their behaviour and would like it to stop immediately.

### **Report It**

12. The Executive Director of the Hamilton Law Association is the assigned superior in issues relating to discrimination and harassment. If that person is involved in the complaint, the President of the Hamilton Law Association must also be informed.
13. When a report is made, the Executive Director is to do his or her best to expeditiously understand the situation, asking questions of both parties involved.

## **Informal Procedures**

14. Any person who believes that he or she is being harassed or discriminated against may wish to proceed informally at first, by requesting assistance of the Executive Director to communicate with or on behalf of the person to the other parties without initiating a formal complaint.
15. If a formal complaint is received, a person or persons designated by the Board of Trustees will be identified. This person or persons will investigate the complaint and interview all the involved parties and any witnesses. It is the requirement that all employees and members must be compliant with the investigator or investigators in order to best resolve this issue.
16. An investigation will include:
  - getting all pertinent information from the all the involved parties;
  - interviewing any witnesses; and
  - based on the evidence, deciding whether or not the harassment or discrimination did occur.
17. If requested by the Hamilton Law Association, the person or persons designated by the Board will report in writing to the President and recommend appropriate remedies, disciplinary steps, and any other necessary action. The President will decide what actions will be taken, and will inform the parties in writing.

## **Confidentiality**

18. Any information about a complaint, except as necessary for investigation, disciplinary action, or as required by law, will remain confidential. Employees, members, and managers are similarly expected to respect this confidentiality.

## **Timeline**

19. An individual who wishes to make a complaint should do so as soon as possible and ultimately within 6 months of the occurrence of suspected harassment or discrimination. Only the Hamilton Law Association will hold the discretionary power 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; its timelines may differ and are subject to change.

## **Policy Changes**

20. If you have questions or comments about the policy or its application, please speak to the Executive Director within the Hamilton Law Association. The policy will be reviewed regularly and amended as required.

*Policy approved by the Board of Trustees on May 11<sup>th</sup>, 2011.*