

# Human Rights Policy

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# Human Rights Policy

## Specifications

Related Policies: This policy is related to the Accessibility Standards Policy, and the Violence and Harassment in the Workplace Policy.

Related laws: This policy is supported by the following laws: *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), *Integrated Accessibility Standards Regulation* (IASR), and *Ontario Human Rights Code*.

## Scope

This policy applies to all departments, divisions or sections within the Corporation of the Town of Hawkesbury:

- Applies to all employees, whether unionized or non-unionized;
- Applies to all volunteers who interact with the public on behalf of the Corporation of the Town of Hawkesbury.
- Applies to all job candidates

## Policy Statement

The Town of Hawkesbury is committed to providing equal rights and opportunities to all employees. The Town takes all reasonable measures to ensure employees and job candidates are treated with dignity and respect, are free from discrimination in the workplace, and receive

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reasonable accommodation where appropriate. This policy outlines the Town's commitment to discrimination-free environment, including how requests for accommodation and complaints of discrimination are investigated and addressed, as well as the responsibilities of different parties in the accommodation process.

## Policy Communication

The policy will be posted on the Town's website. Staff will be informed of the new policy through distribution to the Town's management team.

## Definitions

**Bona fide occupational requirement (BFOR):** Job requirements that are adopted for a purpose or goal that is rationally connected to the functions of the position; adopted in good faith, in the belief that they are necessary to fulfil the purpose or goal; and are reasonably necessary to accomplish the purpose or goal.

**Disability:** Includes any degree of physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect or illness, a condition of mental impairment or developmental disability, a learning disability or dysfunction in one or more of the processes involved in understanding or using symbols or spoken language, a mental disorder, or an injury or disability for which benefits were claimed or received under the *Workplace Safety and Insurance Act, 1997*.

**Discrimination:** Any form of unequal treatment based on a prohibited ground. Discrimination can be direct or indirect, intentional or unintentional, but in all cases has the effect of disadvantaging an individual or group.

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**Family status:** Being in a parent and child relationship.

**Harassment:** Engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome. Harassment can also include a single, severe incident.

**Marital status:** The status of being married, single, widowed, divorced, or separated, and includes the status of living with a person in a conjugal relationship outside marriage.

**Record of offences:** A conviction for an offence for which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or an offence regarding a provincial enactment.

**Reprisal:** Actions or threats intended to retaliate against an individual for claiming or enforcing a right under Ontario's *Human Rights Code*.

**Sexual harassment:** Harassment that is based on sex, sexual orientation, gender expression, or gender identity. Sexual harassment includes where an employee in a position of power makes a sexual solicitation or advance or threatens reprisal if a sexual solicitation or advance is rejected.

## Guidelines

The Town of Hawkesbury is responsible for ensuring a healthy and inclusive work environment. The Town provides accommodation for individuals up to the point of undue hardship where processes or work must be modified or adjusted to address the needs of the individual based on a prohibited ground of discrimination under the *Human Rights Code*.

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## Prohibited Grounds

In accordance with Ontario's *Human Rights Code*, Town of Hawkesbury prohibits discrimination and harassment based on, but not limited to, any of the following grounds, or a combination of these grounds:

- Age (over 18 years of age);
- Ancestry;
- Citizenship;
- Colour;
- Creed;
- Disability;
- Ethnic origin;
- Family status
- Gender expression;
- Gender identity;
- Marital status;
- Place of origin;
- Race;
- Record of offences;
- Sex (including pregnancy); and
- Sexual orientation.

The Town of Hawkesbury does not condone or tolerate harassment in any form. If any employee has been subject to work-related harassment based on a prohibited ground of discrimination, including sexual harassment, this should be reported to Human Resources. The matter is investigated in accordance with the Violence and Harassment Policy.

The Town takes allegations of discrimination seriously, and it takes appropriate action to address them promptly. Individuals are not subject to reprisal for making a good faith complaint about discrimination or harassment on any of these prohibited grounds, whether or not the complaint is found to be valid.

## Accommodation

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The Town of Hawkesbury acknowledges that, in some cases, employees must be treated differently in order to receive equal benefit and opportunity as their colleagues. The Town is committed to providing accessibility across all stages of the employment cycle.

A need for accommodation may arise from any of the prohibited grounds listed above, and may relate to hiring, job duties or other Town's policies and procedures. Accommodation will be provided when it is necessary and reasonable, to the point of undue hardship, and may not reflect an employee's preferred accommodation measure. Accommodation may be temporary or permanent, partial or full, depending on the circumstances.

## Procedures for Requesting Accommodation

The Town of Hawkesbury will consider any request for accommodation arising from a prohibited ground that is made by an employee or job candidate. Requests for accommodation must be made to Human Resources in writing as soon as possible. Requests for accommodation will be disclosed to individuals on a need-to-know basis and only as necessary to investigate or implement the request.

As soon as possible upon receipt of an accommodation request, the Town of Hawkesbury will open a dialogue with the employee and other individuals as necessary, such as healthcare professionals, third parties, or (if applicable) union representatives. This is a consultative process, intended to ensure that accommodation measures are effective, mutually agreeable, and do not result in discrimination against other protected employees.

The employee has a responsibility to participate in the accommodation dialogue. If an employee fails to participate in the accommodation dialogue, the Town of Hawkesbury will use the information provided and determine the accommodation measures to be applied, if any.

The Town of Hawkesbury may require medical or other supporting documentation as permitted by law to consider an accommodation request. Employees must comply with requests for information from the Town.

## Providing Accommodation

Following the accommodation dialogue, the Town of Hawkesbury may determine that accommodation is necessary. If so, a written accommodation plan will be provided, which will:

- Identify the need for accommodation and list any supporting documentation received;
- Determine objectives for performance in the employee's role, and potential barriers;
- Examine the options for accommodation and select the most appropriate accommodation, along with the reasoning behind this choice;
- Identify whether accommodation will be temporary or permanent, partial or full;
- Outline any alternative measurements for the employee's objectives for performance, because of the chosen accommodation;
- Identify the timeline for implementing the accommodation, as well as any training that will be provided; and
- Provide a timeline for review and revision of the plan based on feedback from both the employee and the Town.



An individual accommodation plan is created in collaboration with Human Resources, the individual who requires accommodation, their immediate supervisor, any applicable healthcare professionals, and third-party experts as required. The employee may request that a representative from their bargaining unit participate in the development of their individual accommodation plan.

The Town examines all options and proposes reasonable accommodation that provides equal opportunity, benefits, and privileges to what others experience, that is inclusive, and that respects dignity and individual needs of the employee or candidate. The accommodation provided may not necessarily be the individual's preferred accommodation, but their preferences are taken into consideration. Where the company cannot provide full accommodation, the company may be able to provide partial accommodation.

The employee and the Town may agree that the employee is to be placed into another available position as an accommodation if reasonable accommodation cannot be made in an employee's current position. An employee will not be reassigned to another position as an accommodation measure unless they have the requisite qualifications for the position, able to perform the tasks associated with the position and agree that the position is acceptable.

If the Town proposes an accommodation plan and the employee has concerns that it will not meet their needs, they should immediately inform Human Resources. Further discussions may be held if reasonable concerns are raised. If an employee cannot identify their concerns about the accommodation or declines a reasonable offer of accommodation proposed by the Town, the Town has fulfilled its duty to accommodate and is not obligated to provide an alternative option.

Once the proposed accommodation is agreed upon, the accommodation plan is documented in writing and signed by both the individual requesting accommodation, their immediate supervisor, and Human Resources. A copy of the plan is provided in an accessible format upon request. Employees are expected to comply with their accommodation plan and work in accordance with its provisions.

## Denying Accommodation

Accommodation will not be provided for bona fide occupational requirements, where a request does not relate to a prohibited ground, or where it is determined that accommodation is not necessary.

In all other circumstances, the Town of Hawkesbury will make all reasonable efforts to accommodate employees, up to the point of undue hardship. Undue hardship is reached, and accommodation will not be made if:

- No appropriate or reasonable form of accommodation exists;
- Accommodation would create excessive cost to the Town; or
- Accommodation would result in an unacceptable breach of health and safety policies, procedures, or standards, including the *Occupational Health and Safety Act* and its regulations.

Where an accommodation request would result in undue hardship to the Town of Hawkesbury we will work to find a fair and equitable solution with the employee to the greatest extent possible. When an accommodation request is denied, the employee will receive this decision and the reason for the denial in writing.

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## Human Rights Policy Violations

An employee who believes they have been subject to discrimination contrary to this policy should submit a complaint in writing. The complaint should be made as soon as possible and must include the following information:

- The date and time of each incident you wish to report;
- The name of any person involved in the incident;
- The name of any person who witnessed the incident; and
- A full description of what occurred.

Similarly, any complaints about the accommodation process described in this policy, including the denial of accommodation measures, should be made in writing as soon as possible.

## Investigation of Complaints

Upon receipt of a complaint, the Town of Hawkesbury will complete a thorough investigation. Where there is a real or perceived conflict of interest, or in other circumstances at the Town's discretion, The Town of Hawkesbury will retain a third-party investigator to complete the investigation.

The Town of Hawkesbury may determine that appropriate interim measures may be warranted and then applied for the duration of the investigation, such as temporarily placing an employee under the supervision of another department or individual.

## After the Investigation

If it is determined upon investigation that violation of this policy has occurred, appropriate disciplinary measures, including termination if appropriate, will be taken immediately.

If it is determined upon investigation that no violation of this policy has occurred, but the complaint was made in good faith, no disciplinary measures will be taken. However, appropriate non-disciplinary measures, such as training, may be provided to assist the employee.

If it is determined upon investigation that an employee knowingly made false statements regarding violation of this policy, including intentionally filing a false complaint, disciplinary action may be taken. Disciplinary action may include termination if appropriate.

All information received or produced during an investigation is considered confidential and will not be disclosed to anyone except as necessary to resolve the complaint and to the extent required by law.

### No Reprisal

The Town of Hawkesbury will not retaliate or permit retaliation by other employees against any employee who files a complaint under this policy or participates in good faith in an investigation.

### Human Rights Tribunal of Ontario

Nothing in this policy prevents or precludes an employee filing a complaint with the Human Rights Tribunal of Ontario or any other legal body.

## Alternative Format Support

The Town shall, on request, provide this document, or the information contained in this document, to any person in an accessible format or with communication support ;

- in a timely manner that considers the person's accessibility needs due to disability; and
- at a cost that is no more than the regular cost charged to other persons.

The Town shall consult with the person making the request to determine the suitability of an accessible format or communication support.

The time required to transfer the information depends on the chosen medium, size, complexity, quality of source material and the number of documents to be converted. Information will be provided as soon as possible taking into consideration the factors noted above.

Requests for alternative formats or supports may be submitted to the Town verbally (in person or by telephone) or in writing (handwritten, delivered, website, or e-mail) as follows:

- Communicating with the department Director responsible for providing the goods and services about which they require an alternative format
  - by mail posted to 600 Higginson Street, Hawkesbury ON K6A 1H1
  - by e-mail, addressed directly to the department Director
  - by completing a request for information specific to the department in question, via the Town's website's contact page, or the Town's mobile application's request module
  - by telephone, 613 632-0106
  - by making an appointment to meet in-person with the department Director
- Communicating with the Town Clerk

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- by mail posted to 600 Higginson Street, Hawkesbury ON K6A 1H1
- by e-mail, addressed to [infogreffe@hawkesbury.ca](mailto:infogreffe@hawkesbury.ca)
- by completing a request for information to the Clerk's Office, via the Town's website's contact page, or the Town's mobile application's request module
- by telephone, 613 632-0106
- by making an appointment to meet in-person with the Clerk at Town Hall

## Compliance

In the event of a policy violation, the Town can investigate and determine the appropriate corrective measures. The Town is committed to reviewing its policies in compliance with legislative requirements.