



Human Rights Policy – 1.VS.1

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1. Introduction / Objective

The YMCA of Greater Toronto is committed to diversity and social inclusion and to meeting its obligation under Ontario's *Human Rights Code* (Code), and Ontario's *Accessibility for Ontarians with Disabilities Act* (AODA) by providing welcoming program sites and workplaces that respect the rights of every individual.

The purpose of the Human Rights Policy is to foster inclusive YMCA environments and to prevent discrimination and harassment through greater awareness of and responsiveness to their harmful effects. This policy also ensures that human rights and accessibility-based complaints are dealt with promptly and effectively through consistently applied procedures.

Note: Nothing in this policy denies or limits a person from seeking assistance through other avenues including the Human Rights Tribunal of Ontario, or the police, or the courts.

Policy Statement

The YMCA recognizes the dignity and worth of every individual and seeks to create a climate of understanding and mutual respect within our workplace and our programs. Discrimination and harassment based on legislated prohibited grounds of discrimination will not be tolerated.

This Policy applies not only to employees but also to YMCA volunteers and program members. The YMCA is a shared experience for everyone to enjoy.

2. Definitions

The following terms are used in this policy:

Accommodation is a way of minimizing barriers preventing persons identified by the Code from fully taking part in a way that responds to their individual circumstances. Within the context of a disability, accommodations are measures used to make something accessible to a person with a disability.

Example: Accommodation could mean altering a dress code or changing shift work to accommodate an employee's individual religious practices. Within the context of a disability, accommodation could mean providing a voice synthesizer on a computer for an employee who is blind, or permitting a YMCA member to use their personal assistive device or to be accompanied by their support person, or their guide dog or service animal unless the animal is excluded by another law, in order to increase accessibility to a YMCA program or service.

Discrimination is any prejudice, behaviour or practice that results in unfair treatment of any person or persons based on a prohibited ground of discrimination.

Harassment is a course of vexatious conduct or comments based on a prohibited ground of discrimination, which is known or ought reasonably to be known to be unwelcome.

Examples of discrimination and harassment include jokes that have the purpose or effect of stereotyping, demeaning or making fun; derogatory comments, such as racial slurs; visual messages that are degrading; any threatening or intimidating behaviours.

Sexual harassment is a form of harassment and occurs when a person receives unwelcome sexual attention that is known or should reasonably be known to be unwelcome.

Sexual solicitation is a form of sexual harassment. It occurs when an employee receives unwelcome sexual attention from another employee who is in a position of authority over him or her (e.g. a supervisor or manager).

Examples of sexual harassment and sexual solicitation include repeated and unwelcome social requests, suggestive looks, sexist jokes, unwanted physical or sexual conduct, or repeated behaviours that may reasonably be seen as putting a sexual condition on employment or opportunity for promotion.

Prohibited grounds of discrimination as defined by the Code are: disability, gender (described as 'sex' in the Code, including pregnancy, breastfeeding, gender identity and gender expression), sexual orientation, race, colour, ancestry, place of origin, ethnic origin, citizenship, creed (faith), age, marital status, family status and record of offences.

Definitions pertaining to gender identity and gender expression along with guidelines for volunteers and staff in removing barriers to full participation in YMCA programs, services and employment can be found in **Appendix A** to this policy entitled *Guidance to Staff and Volunteers on Affirming Gender Identity and Gender Expression*.

3. Legislative Context

Ontario Human Rights Code

Every person has a right to equal treatment with respect to services, goods and facilities, including housing, and employment. This right is guaranteed by the **Ontario Human Rights Code (Code)** and, when necessary, enforced by the Human Rights Tribunal of Ontario.

Accessibility for Ontarians with Disabilities Act (AODA)

The AODA details specific requirements and standards for accessibility in Ontario. Accessibility standards are the rules that organizations in Ontario will have to follow to identify, remove and prevent barriers to accessibility.

4. Roles and Responsibilities

YMCA of Greater Toronto: The YMCA is committed to maintaining an environment that is inclusive and accessible and free of discrimination and harassment on prohibited grounds. The YMCA undertakes to make reasonable accommodations, where appropriate, to advance the objectives of the Code, the Accessibility Standards under AODA and this Policy.

Managers and Staff in a Supervisory Role: Managers and staff in a supervisory role have the additional responsibility under the Human Rights Code of creating and maintaining an accessible, harassment and discrimination-free environment by promoting human rights and removing potential barriers to equal treatment.

All members of the YMCA community including staff, volunteers and members are expected to abide by this Policy. When a member requires assistance or accommodation, they should communicate their needs to the appropriate manager.

5. Procedures

Managers and supervisors shall:

- Act as positive role models
- Take care to ensure that contraventions of this Policy are not supported or condoned
- Take all allegations of discrimination and harassment seriously and respond promptly to any observation, allegation or complaint

Staff and members including **volunteers**, shall:

- Treat each other with respect and dignity at all times while at the YMCA
- Maintain strict confidentiality by not discussing allegations or reports of harassment or discrimination with other individuals, except on a “need to know” basis
- Respect the reputation of individuals by not making a trivial or malicious allegation or report.

6. Human Rights at the Workplace

The YMCA is wholly committed to principles of workplace diversity and social inclusion and will continue to develop and implement workplace diversity and social inclusion principles across all of its structures, policies, procedures and decision making processes.

The YMCA’s commitment to Human Rights as it relates to employment can be found in our Human Rights in the Workplace Policy 2.S.3. The YMCA’s commitment to accessibility at the workplace will reflect Ontario’s Accessibility in Employment Standards (to follow).

7. Responding to Complaints

In accordance with the YMCA’s commitment to diversity and human rights, the following procedures provide a mechanism for dealing with human rights complaints.

Note: For accessibility-based complaints from members, supervisors should refer to the YMCA Accessibility and Customer Service Policy. For all other complaints regarding program quality or general service issues, supervisors should refer to the Dispute Resolution Policy in this YMCA Operating Policies Manual.

Complaints Process

All those who are covered by this policy are encouraged to bring forward concerns or complaints about discrimination and harassment.

Note: Nothing in this policy precludes individuals who believe they are targets of (or have witnessed) discrimination and harassment from directly expressing to the person(s) that their behaviour is inappropriate and must stop immediately. Many complaints can be resolved quickly and effectively using this approach.

7.1 Members, Volunteers, Guests

The complaint process for members, volunteers, and guests is reflected in the Unresolved Disputes procedure available in YMCA Operating Policies. The YMCA considers its Member Etiquette Statement and By-laws when reviewing matters involving members, volunteers and guests.

Managers handling a member or guest complaint shall speak with their vice president or senior vice president who will ensure appropriate response to the complaint.

In situations of human rights related complaints from volunteers, managers and staff in a supervisory role should notify the General Manager, Volunteer Development who will discuss the matter and appropriate response with the Senior Vice President of Human Resources and Organizational Development.

7.2 Employees

Supervisors, managers and senior managers may become aware of discrimination or harassment in the workplace in different ways. They may observe discrimination or harassment directly or receive a report from the individual affected or from a third party.

7.2.1 Complaints and Investigation Process

The complaint and investigation process for employee related complaints are reflected in the Workplace Violence and Harassment Policy (2.S.2) and Human Rights in the Workplace Policy (2.S.3).

Managers and staff in a supervisory role handling an employee complaint shall seek assistance and advice from the Human Resources Department for support and guidance including steps for

initial response to a complaint, and options available for resolving informal complaints or mediated resolution if appropriate.

Formal employee complaints shall be investigated. The Human Resources Department should be notified immediately and supplied with the employee complaint letter or other documents. The Human Resources Department will determine in consultation with the appropriate VP or Senior VP, the appropriate investigation and communication of the outcome.

Separation of Complainant and Respondent: When a formal employee complaint of harassment or discrimination is made, the complainant and/or the respondent may request that contact with the other party be discontinued while the complaint is being investigated and decided upon. The request for separation will be decided by senior management in consultation with Human Resources, taking into consideration the nature of the complaint, the feasibility of the request, and YMCA operations.

Any employee who believes he or she has witnessed harassment should immediately report the matter to his or her supervisor, their General Manager or a member of the Human Resources Department.

If sufficient information has been furnished through a human rights or accessibility-based complaint or disclosure, senior managers (general managers, vice presidents, senior vice presidents) shall seek further guidance from Human Resources on available options (internal or external if appropriate) for conducting a workplace investigation. Guidelines for investigation of complaints are available, and senior managers may contact Human Resources for more information.

Misuse of the Complaint Process: If there is a determination on a balance of probabilities that a complaint has been filed in bad faith, the complaint shall be rejected and process discontinued at any stage of the complaint or investigative process, and disciplinary action may occur. Making a complaint in *bad faith* is making a malicious allegation or complaint, which may be motivated by ulterior or personal motives.

It is against the law to retaliate against or threaten a person because they have tried to exercise their rights under the Code, or have participated in a Human Rights Tribunal investigation.

8. Strategies to Enhance our Commitment

The YMCA of Greater Toronto is committed to an ongoing strategy for addressing human rights and accessibility which includes:

- providing training and education to ensure that staff know their rights and responsibilities;
- monitoring for enhancements to YMCA's commitment to human rights and accessibility;
- providing feedback mechanisms and a complaints process.

Training and education promotes tolerance and ensures the effectiveness of this Policy. The YMCA shall ensure that staff receive periodic diversity, anti-harassment and discrimination training. Supervisors may contact the Human Resources Department for more information about training resources and tools available.

Monitoring: Senior managers shall monitor programs to identify any potential barriers and develop strategies to enhance inclusion and accessibility in consultation with their VP or Senior VP. Managers may also wish to contact the Senior VP of Human Resources and Organizational Development for more information.

9. YMCA Related Policies/Procedures and Reference Documents

- **Human Rights in the Workplace Policy 2.S.3** - our obligation to our employees under Ontario's Human Rights Code
- **Accessibility Policy 1.VS.4** – outlines the YMCA's commitment to follow the principles and requirements of the Accessibility for Ontarians with Disabilities Act (AODA)
- **Accessibility and Customer Service Policy - 1.VS.5** – our obligation under AODA and Ontario Regulation 429/07 Accessibility Standards for Customer Service
- **Dispute Resolution Policy – 1.S.2** – our internal process for handling disputes involving members, volunteers, guests, suppliers
- **Member Etiquette Statement** – our commitment to treat each other with respect and dignity
- **Health and Safety in the Workplace Policy – 2.S.1** – our obligation under Ontario's Occupational Health and Safety Act (OHSA)
- **Workplace Violence and Harassment Policy – 2.S.2** – our obligation under OHSA

10. Contacts and other Resources

For more information about this policy, staff may speak with their vice president or senior vice president, or contact the Senior VP of Human Resources and Organizational Development or designate if an employee or volunteer matter.

The following sources provide additional information about Human Rights in Ontario:

- To view Ontario's *Human Rights Code*, visit www.e-laws.gov.on.ca
- Information about Human Rights in Ontario including resource materials is available from the *Ontario Human Rights Commission* at www.ohrc.on.ca

Appendix A: Guidance to Staff and Volunteers on Respecting and Affirming Gender Identity and Gender Expression

Introduction and Background:

The YMCA of Greater Toronto is committed to diversity and social inclusion and to meeting its responsibilities under Ontario's Human Rights Code (Code); our commitment includes challenging specific forms of exclusion, including systemic barriers.

The purpose of this document is to guide YMCA staff and volunteers in removing potential barriers to full participation in YMCA programs, services, and employment, based on gender identity and gender expression. This document is a supplement to the YMCA's existing Human Rights Policy.

A YMCA advisory committee, composed of employees who identify as gender non-binary and gender expansive, and employees with YMCA experience supporting the 2SLGBTQ+ communities, has been consulted in the creation of this document. We would also like to acknowledge Dr. Alex Abramovichⁱ for reviewing this document and providing valuable feedback on definitions and content. The policies and practices of several organizations across the public and not-for-profit sectors were also reviewed and are referenced in the end notes.ⁱⁱ

Definitions

The following definitions are foundational to an understanding of gender identity and gender expression:

Sex: the classification of people as male, female or intersex. Sex is usually assigned at birth and is based on an assessment of a person's reproductive systems, hormones, and chromosomes.

Gender Identity: Gender identity refers to a person's subjective experience of their own gender. It is a deep internal feeling of whether they identify as female, male, genderqueer, non-binary, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from the sex assigned to them at birth.

Gender binary: a social system whereby people are expected to either be male or female, and all people's gender identities are expected to correspond with the sex assigned to them at birth. The gender binary perceives male and female roles are rigid and erases the possibility for Trans and gender expansive people to exist.

Gender non-binary: a term used to describe individuals who do not subscribe or conform to the gender binary. Gender non-binary is also used as an umbrella term for those who do not identify exclusively as female or male.

Gender expression: how a person publicly presents or expresses their gender identity. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways people express their gender. Others perceive a person's gender through these attributes.

Gender expansive: an umbrella term sometimes used in place of ‘gender non-binary’ or ‘gender non-conforming’ to describe individuals with gender identities and expressions that expand beyond the gender binary system or normative gender expressions.

Transgender / Trans: a term used to describe people whose gender identity does not match with the sex assigned to them at birth. Transgender is also used as an umbrella term and can encompass those who identify as queer and gender fluid and whose gender identities challenge gender norms. Transgender is an adjective and should never be used as a noun. For example, say “Chris is a transgender person”, not, “Chris is a transgender”. It is never necessary to add an ‘ed’ to the end of ‘transgender’.

Transphobia: Feelings of rage, hate and disapproval toward transgender people and/or gender expansive people. Transphobia can be manifested in numerous ways, such as verbally, emotionally and through physical attacks.

Two-Spirit: This term is culturally specific to people of Indigenous ancestry and refers to Indigenous Peoples who identify with both a male and a female spirit. This term is not exclusive to gender identity, and can also refer to sexual orientation.

Required Behaviour for all Staff and Volunteers

All staff are expected to understand and adhere to the following principles and legislative requirements:

1. Under the *Ontario Human Rights Code* (the *Code*) people are protected from discrimination and harassment because of gender identity and gender expression in employment, housing, facilities and services, contracts, and membership in unions, trade or professional associations. The YMCA seeks to create a climate of understanding and mutual respect within our workplace and our programs. Discrimination and harassment based on legislated prohibited grounds of discrimination will not be tolerated.
2. Self-identification is the sole and whole measure of a person’s gender identity or gender expression. No person shall be asked or required to ‘prove’ their gender in order to participate in YMCA programs and services, or access facilities.
3. Regardless of gender identity and gender expression, all volunteers, staff and participants:
 - are to be treated with dignity and respect
 - have the right to be open about who they are without fear of unwanted consequences
 - have the right to privacy and confidentiality
4. All individuals are entitled to be referred to by the gender pronoun(s) and name of their choice. *Intentionally* addressing an individual by the incorrect name or pronoun is considered to be a form of harassment and/or discrimination. Inadvertent slips or honest mistakes are not covered by this provision but intentional and persistent refusal to acknowledge or use the individual’s chosen name and pronoun will be considered a violation of the YMCA’s Human Rights Policy – 1.VS.1

Respectful and Affirming Practices

The following practices will help create a respectful and affirming environment and remove potential barriers to participation, for individuals of all gender identities and gender expressions.

1. Management of gender-identity information/records
2. Privacy and Confidentiality
3. Safer and inclusive spaces
4. Minimizing gender-segregated activities
5. Training of volunteers and staff

1. Collection and management of gender-identity information and records

The YMCA uses gender identity (and other demographic information) to understand how the programs and services we offer impact the health of different communities. Several of our program funders (i.e. government agencies) also request this information as a reporting requirement. Our practice is to ensure that the collection of gender information serves a legitimate purpose for the Association and provides a clear benefit to the volunteer, staff, or member. Additionally, when requesting such information we will provide information on why collection is important and how the information will be used.

- Sex assigned at birth should never be requested for YMCA GTA documentation. Where required by third parties (e.g. insurance companies, government), the YMCA will advocate for the inclusion of gender identity.
- For collection of gender identity information (excluding YMCA Research, Customer Relationship Management System (CRM), and funder documentation) the recommended format is:
 - Please indicate your gender identity: _____
 - Prefer not to answer
 - Do not know
- If additional gender identity information is required, options must be diverse and inclusive (e.g. male, female, transgender, 2-spirit, etc.) and should also include the option for people to not identify. Managers should consult with the Diversity and Social Inclusion Department for additional guidance.

Indicators of this practice in action:

- The YMCA does not ask for sex assigned at birth, on YMCA documents, forms, surveys or member databases
- The YMCA continuously reviews documents, forms, surveys and member databases in order to ensure that requests for gender information serve a legitimate purpose and include non-binary choices and the option to not disclose.

- Where third parties require documentation that includes gender identity and/or sex, Senior Management of the YMCA will consult and influence wherever possible to expand choices beyond binary identifiers and advocate for the removal of sex assigned at birth.
- When selecting third party technology that uses gender identifiers, YMCA Managers works with vendors to seek alternatives to binary options wherever possible.
- Third parties may still request identification documents to guard against identity fraud in circumstances where an employee seeks a change in documentation to reflect their gender identity and/or gender pronouns.

2. Maintaining Privacy and Confidentiality

The YMCA is committed to maintaining the confidentiality, privacy, and accuracy of personal information it collects, uses and discloses about its participants, members, donors, parents/guardians, staff and volunteers (YMCA Operating Policies - Protecting the Privacy of Personal Information Policy – 3.VS.2). The YMCA will not disclose the gender identity of an individual without their consent, subject to certain circumstances permitted by law. .

- Chosen names are to be used for internal and external communications. Gendered lists (e.g. camp accommodations, childcare) should only be created for the purposes of safety and supervision.
- The Association will promote a supportive environment and respect the confidentiality of any volunteer, staff, or member who has come out as transgender or non-binary, and/or intends to transition or is currently transitioning. Without clear and explicit permission from the person intending to or currently transitioning, disclosure is prohibited, unless provided with consent from the individual. If disclosure is appropriately made it must always be limited and only go so far as what can be reasonably determined to be supportive, respectful, and responsive to the needs of the individual.

Indicators of this practice in action:

- All staff, volunteers, members and participants are addressed by their chosen names in keeping with our member service standards.
- All staff, volunteers, members and participants are using non-binary pronouns if provided and instances of intentional misuse or refusal are treated as violations of the YMCA’s Human Rights Policy.
- Gendered honorifics (e.g. Mr. Mrs., Ms. etc.) are not used in written or verbal communication.

3. Safer and Inclusive Spaces

Transgender and gender expansive individuals have a right to accommodation and may use washroom and change room facilities that are congruent with their gender identity. The YMCA will make efforts to ensure that all volunteers, staff, members and participants can use washrooms with safety, privacy and dignity, regardless of their gender identity or gender expression and proactively seek opportunities to create safe and inclusive spaces through the physical design of YMCA owned facilities, signage, and assessment of leased facilities.

- Individuals may choose to use any accessible all-gender washroom, regardless of their reason(s) for doing so. Inclusive signage shall be used to identify every all-gender washroom or change facility.
- Where change facilities do not have separate privacy stalls, a safe and respectful space is to be provided in consultation with the individual requesting the accommodation.

Indicators of this practice in action

- YMCA facility design and decisions on leased facilities include assessments of opportunities for non-binary facilities.
- Signage on non-binary change room and washroom facilities clearly indicates either through visual symbol and/or naming that it is an all-gendered space.
- The YMCA Human Rights Policy Statement is clearly visible at the entry/main lobby of all YMCA owned facilities and staff at all facilities are trained in their duty to accommodate and their role and responsibility to abide by and support the maintenance of an accessible, harassment and discrimination-free environment.

4. Minimizing Gender Segregated Activities

The YMCA will reduce gender-segregated activities and programming to the greatest extent possible. Activities that involve the need for overnight accommodations or gendered groupings for purposes of safety and security, must develop solutions that are inclusive, respectful and acceptable to transgender and gender expansive individuals and that do not impose an additional burden for the participant.

- Program activities are not structured based on gender-specific roles or pre-conceived notions of gendered activities. Programming should be based on balancing skills or interests instead of by the gender binary.
- Choices in clothing and general appearance respect individual gender identities and gender expressions.

Indicators of this practice in action

- Where members/participants have requested gendered activities (e.g. women’s only fitness class), staff apply an inclusivity lens to decision-making and design. Program descriptions, advertisements etc. indicate that transgender and gender expansive participants are welcome.

5. Training of Volunteers and Staff

YMCA volunteers and staff will be provided with training and learning opportunities that build the capacity of staff to understand and support all dimensions of diversity including gender identities and gender expressions. This increased knowledge and understanding will also give staff information and strategies to help promote positive and safe environments.

- Volunteers and staff demonstrate respectful behaviour and interactions towards individuals of all gender identities and gender expressions and are able to protect against discrimination or harassment at YMCA facilities.

- Volunteers and staff are aware of and comfortable using inclusive and non-gendered language (e.g. spouse, partner)
- Transgender and gender expansive individuals feel comfortable seeking out support to discuss their particular needs and concerns.
- Volunteers and staff respect the privacy of individuals and ensure confidentiality as it relates to gender identity or gender expression.

Indicators of this recommended practice in action

- All YMCA staff and volunteers are trained in gender identity and gender expression.
- Transgender and gender expansive YMCA staff are involved in the design and delivery of training.

ⁱ Dr. Alex Abramovich is an Independent Research Scientist at the Institute for Mental Health Policy Research at the Centre for Addiction and Mental Health (CAMH). His program of research focuses on LGBTQ2S youth homelessness, access to mental health services and housing programs, trans health, and the ways the broader policy issues serve to create oppressive contexts for LGBTQ2S youth. His full biography may be found at <http://alexabramovich.me>

ⁱⁱ *Creating Learning Environments that Respect Diverse Sexual Orientations, Gender Identities and Gender Expressions*, Alberta Government 2016; *Measuring Health Equity in TC LHIN Community Health Centres Pilot Project*, Ontario's Community Health Centres, Mount Sinai Hospital, Toronto Central Local Health Integration Network, 2015; *Inclusion & Safe Spaces Policy for Facilities*, Singing Out 2016; *Creating Authentic Spaces*, The 519 Space for Change; *Washroom Signage Policy Organizational*, The 519 Space for Change 2015; *Inside HRA Newsletter*, First Reference August 2014; *Gender Identity Policy*, Mount Sinai Hospital June 2012; *Gender Diversity Policy*, Humber College 2015