

# **CENTRAL EGLINTON CHILDREN'S CENTRE ACCESS AND EQUITY - ANTI-BIAS POLICY**

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## **Definition of Mistreatment – Discrimination, Racism, Harassment**

Ontario Human Rights Code – Definition of Discrimination in the Workplace

Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 5 (1); 1999, c. 6, s. 28 (5); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (5); 2012, c. 7, s. 4 (1).

City of Toronto: "Guidelines for Responding to Racial Incidents in Child Care" – Definition of Racism

"Racism incidents involve discrimination against people based on their race, religion, language, culture, and/or Aboriginal status. These incidents may range from name calling to physical assault. They may be of an overt or subtle and/or passive nature, intentional or unintentional."

Ontario Human Rights Code - Definition of Harassment

Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 5 (2); 1999, c. 6, s. 28 (6); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (6); 2012, c. 7, s. 4 (2).

Harassment refers to a single or on-going communication or expression in any form e.g., verbal or physical abuse, jokes, slurs, graffiti, etc. of negative attitudes, beliefs, or actions toward an individual or a group with the intention, tacit or otherwise, of disparaging them.

Harassment is found to exist where it is clear from the person's or group's conduct that harassment was intended or where it is reasonable to conclude from the circumstance's harassment was intended.

## **Workplace Harassment**

Engaging in a course of vexatious comments or conduct against a worker, in a workplace, that is known or ought to be known to be unwelcome.

## **CECC**

Through our hiring practices and curriculum, we hope to create, maintain, and support an organisational structure that is free from bias and ensures access by all individuals. All employees/student teachers/volunteers will read and sign an acknowledgement of understanding, before starting with CECC, every year after, or with every revision.

Through education and awareness, we aim to identify, challenge and eliminate systemic biases within our society.

Through professional development and training, our employees are constantly learning new and innovative approaches to address "Inclusion."

Through on-going verbal and written communication with our parents, we hope to create an environment that encourages dialogue. Therefore, our goal is to allow parents to be a major influence in our curriculum and philosophy.

CECC's Board of Directors and the Centre's Directors are responsible for ensuring that any situations of mistreatment are dealt with immediately in accordance with this policy and the Ontario Human Rights Code.

### **Coverage under the Policy**

This policy covers all children, parents, employees, volunteers, student teachers and any person involved in our Centre.

### **CECC's Obligation to Respond**

CECC's Board of Directors and the directors have a mandatory duty to respond to any form of mistreatment.

### **Mistreatment**

Mistreatment may be expressed or manifested by the following behaviours:

#### **Verbal behaviour**

Name calling; insults; threats; slurs; degrading or unwelcome remarks; racial jokes; condescension; discourteous treatment that undermines self-respect; jokes; innuendos; and/or taunting.

#### **Physical behaviour**

Threatening or rude gestures; physical intimidation or assault; insulting actions or practical jokes and vandalism

#### **Exclusion or avoidance behaviour**

Refusing to talk, play, work or associate with someone because of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

#### **Written material**

Producing, displaying and/or distributing racist, derogatory or offensive literature or materials, jokes, pictures or cartoons, graffiti and/or compositions that imply the inferiority or superiority of a group of people.

#### **Inaction/passive behaviour**

Not taking an incident seriously, and not acting to resolve an incident or dismissing an incident as unintentional or too trivial. Encouraging others to engage in any of the above

#### **Mistreatment based on one's diversity has the following features:**

- Are unwanted.
- Are expressions of power, authority or control through notions of superiority
- Have a negative impact upon the individual and the learning and work environment.
- Have a negative impact on the social and emotional well-being of the individual or group affected.
- Mistreatment and other forms of discrimination based on an individual's diversity include overt and covert, intended and unintended conduct of individuals toward other individuals based on their membership in a particular group.

### **The Effects of Mistreatment**

Mistreatment based on an individual's diversity affects its victims, our Centre, and its perpetrators.

#### **The victim often:**

- Feels threatened, humiliated, patronised, frustrated and powerless.
- Is not able to sleep.
- Is tense and angry.
- Loses self-esteem.

#### **The victim often:**

- Is fearful.

- Loses their sense of security; feels a sense of threat to school or career opportunities.
- Finds that relationships at home are suffering.
- Is forced to work in an intimidating learning or work environment.

**Unchecked in our Centre, it can lead to:**

- Failure to realise organisational excellence.
- A negative work environment that affects everyone
- Vulnerability to legal action
- Potential loss of a good employee/child
- Loss of productivity
- Absenteeism

**The perpetrator may experience:**

- Peer rejection
- Loss of status and respect
- Disciplinary action by the Centre
- Lawsuits filed by the complainant.

**Children**

CECC does its best, through its policies, procedures and programming, to avoid mistreatment incidents that impact the children.

If, however, incidents occur the following will apply:

**Actions taken to resolve a Mistreatment Incident between or involving Children.**

The main objective is to comfort the child who is the victim and to discuss with the perpetrator, in a non-punitive way, the impact of their words or actions. Staff will:

- Immediately support the victim to acknowledge the hurt they have suffered.
- Speak privately to the perpetrator in a non-punitive manner.
- Help the perpetrator to problem solve and to seek appropriate ways in which to express him/herself.
- Use the incidents/situations as learning opportunities for all the children, by utilising social skills programmes such as "Dinosaur School".
- Document incidents, indicating who was involved using first names only, staff will include as much detailed information as possible on how the incident was resolved.
- Discuss the incident and its resolution with each child's parent. Parents/guardians will receive and be required to sign incident reports.
- Review the frequency of incidents, both within groups and with specific children

**Consequences for Children**

**First-time occurrence**

- Consequences will be based upon the children's level of development and experience and will be handled in a way that allows for appropriate learning and attitudinal and behavioural changes to occur.
- The consequences will not be punitive. Instead, they may involve group activities, group problem-solving, programme and curriculum development, or even preventative methods. Staff will always inform and consult parents about possible consequences.

**Reoccurrence**

- Consequences will be consistent with the general Access and Equity/Anti-bias Policy directives of the programme. If there are repeated incidents, CECC will do the following:

#### **1. Documentation**

- If the situation is persistent, CECC's educators will record the child's behaviour. Included, will be any precipitating incidents and the follow-up by the educators, according to the Centre's Access and Equity/Anti-Bias Policy. Parents/guardians will receive and sign the written incident report. The report will be stored in the child's file. If there is more than one child involved in the situation, a copy of the report will be placed in each child's file.

#### **2. Meetings**

- If problems persist, a meeting will be held with the child's parent/guardian(s), the educators, the directors and (if appropriate) the child. Notes of the meeting will be kept in the child's file and a copy will be given to the parents/guardians.

#### **3. Outside Agencies**

- If the behaviour persists, CECC may seek involvement from outside support agencies.

#### **4. Compliance with Eglinton and St. Monica's Schools' Policies**

- If the child attends Eglinton Public School or St. Monica's Catholic School, CECC will comply with each School's Safety and Security Policies, i.e., Suspension.

#### **5. Suspension and Withdrawal**

- If all other methods fail, the child may be suspended or withdrawn from CECC at the discretion of the directors and or board of directors.

If a child is asked to leave, CECC will inform the City of Toronto Child Care Consultant, and in the case of families in receipt of the City of Toronto Subsidy, Children's Services Subsidy Division.

#### **Making a Complaint**

All those covered under this policy may complain about mistreatment. There are two types of complaints: Informal/mediated and Formal.

- An **informal** complaint does not require the establishment of a file and may range from a complainant simply seeking advice and talking to the perpetrator, to mediation which involves the intervention of a facilitator for both parties, (perhaps the board of directors.)
- A **formal** complaint is the only procedure that may lead to disciplinary action against the perpetrator.

Mistreatment that occurs outside the Centre, which adversely affects the working or learning relationships, is also covered under this policy.

#### **Duties of those Responsible for Responding to Mistreatment**

CECC's Directors and the Board of Directors have the following duties in responding to occurrences or complaints of mistreatment based on an individual's diversity:

##### **The Board and Director will:**

- Ensure that there is fair treatment for all parties involved.
- Provide support to the complainant and respondent throughout the process.
- Protect the complainant against possible reprisals.
- Assist, if needed, in the investigation process
- Provide information on ways to resolve occurrences.
- Help the parties to initiate the mediation process.
- Where appropriate, investigate or assist in the investigation of complaints.
- Assume responsibility for the collection and maintenance of statistical data regarding occurrences of mistreatment or other forms of discrimination.

#### **The Procedure for Reporting, Filing and Investigating Reported Occurrences or Complaints:**

- If the directors are the perpetrator, any employee or other person to witness the incident is expected to report this to the board of directors.
- A formal complaint may allege facts which contain a series of mistreatments. The complaint shall be considered, if substantiated, to be one occurrence for the purposes of the disciplinary proceedings in this policy.
- When formal complaints involve children, employees, student teachers, volunteers or any other adult, the Directors or board member will file them as Serious Occurrences.

In cases involving employees against a child or another employee, the directors, board members will proceed in accordance with the formal complaints procedure which includes disciplinary action.

Where both parties of an alleged occurrence are employees, the alleged victim may choose to have the matter resolved either formally or informally. Employees who are not peers, student teachers/volunteers are advised to use the formal complaint procedures.

### **Complaint Procedure**

- Complaints should be made in writing in the language in which the complainant feels most comfortable.

### **Informal Complaints occur when:**

- The complainant may want to seek advice, or doesn't want to be identified, or if they would prefer mediation by a third party i.e., the directors.

### **Formal Complaints occur when:**

- The complainant is willing to be identified in writing to the respondent.
- The complaint is against an employee from a parent/guardian, child, student teachers or volunteers.
- The directors or board of directors feel it is necessary to investigate the occurrence.
- Employees have to be separated or moved from one room to another.

### **Complainant Support**

#### ***During the investigation***

- The complainant or perpetrator is entitled to have an advocate, who can provide information, counselling, advice and support.
- Each party will have the opportunity to state their case and to respond.

### **Reprisal**

- Every individual or group has the right to initiate or participate in the proceedings without reprisal or threat of reprisal. Any such action will be considered mistreatment and the perpetrator will be subject to disciplinary action.

### **Confidentiality**

- The Directors and board must maintain a written record of the incident and its resolution.
- Every attempt must be made throughout the investigation to respect the confidential nature of the information. All written information must be marked "Private and Confidential."
- Statistics may be derived from confidential records, but only in such a way as to maintain the anonymity of persons named in the proceedings.
- CECC may be required to provide information obtained during an investigation to an outside agency which has the right to require such information otherwise protected under the Municipal Freedom of Information and Protection of Individual Privacy Act. Examples of such agencies are the Ontario Human Rights Commission, another tribunal, or a court.
- Whether the matter proceeds informally or formally, in the case of alleged mistreatment based on an individual's diversity, involving children less than 18 years of age, the parents/guardians will be informed that the occurrence is under investigation. A copy of this policy and the results of the investigation will be provided to them.

### **Appeal or Withdrawal**

- A complainant or respondent may appeal any decision taken under this policy. Appeals must be filed within 10 days of the decision. Appeals must be in writing to the directors and/or CECC's Board of Directors.
- The complainant may decide to withdraw the complaint after a formal investigation has begun. If this happens, the respondent may request that the allegations be declared groundless.
- However, since the Centre has a responsibility to address allegations of mistreatment in the working or learning environment, the request will be subject to the Centre's right to proceed and to take appropriate action where there is a reasonable belief that mistreatment occurred.

### **Negative Environments Complaints**

- If any person alleges that a negative or poisoned environment exists within any of CECC's programmes, the matter shall be referred to and investigated by the directors and board. If the complainant is unsatisfied with the result of the investigation, they may contact the Human Rights Commission.

### **Alternatives to Centre Complaint Procedures**

- Those who believe they have been the subject of mistreatment at CECC are not limited to making complaints under its system. They may also choose to investigate the possibilities of redress under alternative procedures that exist outside the Centre. This decision does not necessarily preclude exercising CECC's investigative procedures.

### **The Alternatives are:**

- The Ontario Human Rights Commission
- Subject to provisions set out in the code, all persons may approach the Commission at any time.
- Under certain circumstances, a person who has suffered damages, whether mental or physical, may be able to bring a civil action against the individual or organization causing the damages.
- In cases of physical assault, the threatened use of force or intimidation an individual can report the incident to the police or to a justice of the peace in order to take action under the criminal code.

### **Consequences for CECC Employees**

- Employees alleged to be engaged in behaviour prohibited by programme policies will be treated in a similar fashion to other allegations of inappropriate action. If the investigation supports the allegation of inappropriate behaviour, the directors will interview the employee and follow the appropriate labour practices. The behaviour may also be subject to legal sanctions covered under the Ontario Human Rights Code, etc. Disciplinary measures are listed below.

### **Verbal Warning**

- If an employee violates a work policy i.e., discrimination, racism or harassment (mistreatment) of others, they will be taken aside privately and made clearly aware that CECC will not tolerate their behaviour. Suggestions will be made, and goals will be set at this time.
- Further violation will lead to disciplinary action, which, depending on the seriousness, may result in termination.
- The directors and employees will establish a date to review changes.
- The discussion will be documented and placed in the employee's human resources file.

### **Written warning #1**

When there is a recurrence of inappropriate behaviour, the employee will receive a formal "warning" letter, if the previously discussed incident(s) reoccur. A date will be set to review their performance. They will acknowledge the letter with their signature and will be given a copy and one will be kept for reference in the employee's human resources file. If the employee chooses not to sign the letter, the directors will request a signature from a witness, i.e., chairperson of the board's human resources committee.

### **Written warning #2**

If there are still concerns, the employee will receive a second warning letter which acts as formal notice that a re-occurrence will result in immediate dismissal. Again, a date will be set to review progress or concerns.

**Suspension**

Suspension without pay is a significant form of discipline and is only to be used in serious or progressive circumstances such as proven mistreatment of others. The suspension period will be typically three (3) days. The employee will be given a letter indicating the severity of the problem and the consequences of any future violations.

**Termination**

If there are still concerns at any time, the employee will be terminated immediately as outlined in warning letter #2. All notices of dismissal will be given in writing.

**Duty to Report**

Any incidents that involve an employee's violation of CECC's Access and Equity – Anti-Bias Policy, will be dealt with by the directors or designate, or by the board of directors if the incident involves a director. If the incident involves an investigation, suspension or sanctions of duty, or termination, or if the employee resigns while an investigation is in process, CECC will report the employee to the College of Early Childhood Educators, as per its duty to report.

**Reprisal****CECC will:**

Ensure employees, student teachers and volunteers are free to disclose any threats or acts of violence without reprisal or threat of reprisal.