

Centennial Infant and Child Centre

CATEGORY: Health and Safety Policies and Procedures

DATE: June 2010

SUBJECT: Workplace Harassment Program
Bill 132

REVISED: April 2012

REVISED: Sept 8, 2016

Workplace Harassment Program: Overview and Reporting Procedures

For Centennial Infant and Child Centre, the health and safety of our employees is paramount. Priority is given to protecting our employees and our visitors from harassment and discrimination. Such conduct interferes with everyone's ability to perform their job and is not in keeping with the Centre's philosophy of trust and mutual respect.

By working together, and giving the utmost attention to the safety and well-being of each other, we will meet our objective of a healthier and safer workplace.

Centennial Infant and Child Centre employees and clients are entitled to be treated with dignity and respect and have a work environment free from harassment, intimidation and discrimination as prescribed by *The Human Rights Code* in Ontario and the *Occupational Health and Safety Act*. This policy applies to all employees and agents/representatives of Centennial Infant and Child Centre while in the workplace, or during any work-related and/or social functions.

Employees are expected to assist Centennial Infant and Child Centre in its attempts to prevent and eliminate harassment in the workplace. Centennial Infant and Child Centre will treat any form of harassment that occurs in the workplace seriously irrespective of the alleged perpetrator's position.

Nothing in this policy limits an individual's right to file a complaint with the Human Rights Commission or the Ministry of Labour should they feel the situation warrants such action.

1. WORKPLACE HARASSMENT (Definitions)

The *Occupational Health and Safety Act* defines workplace harassment as "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome."

Harassment, intimidation and discrimination can take the following forms including:

Discrimination-based Harassment

- Includes any verbal or physical conduct, that may reasonably be perceived as denigrating or showing hostility or aversion toward an individual because of the individual's race, colour, religion, gender, sexual orientation, national origin, age, disability, or other status protected by law, or because of the protected status of

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the individual's relatives, friends, or associates. This type of harassment includes, but is not limited to:

- Epithets, slurs, negative stereotyping, demeaning comments, including comments pertaining to a person's dress, accent or other cultural differences, or intimidating acts that are based on an individual's protected status; and/or
- Written or graphic material (whether by printed or electronic media) circulated within or posted within the workplace that shows hostility toward or is demeaning to an individual or group because of his or her protected status.

Sexual Harassment

Generally there are two types of sexual harassment:

- a) Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

Behaviours Constituting Workplace Harassment

- The comments or conduct typically happen more than once. They could occur over a relatively short period of time or over a longer period of time.
- Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It can also include behavior that intimidates isolates or even discriminates against the targeted individual(s).
- Workplace harassment often involves repeated words or actions, or a pattern of behaviours, against a worker or group of workers in the workplace that are unwelcome.
- Differential treatment of employees or co-workers based on race, gender, ethnicity, etc.;

Behaviours Constituting Sexual Harassment

- Verbal or written comments, jokes, teasing, and/or other communication of a sexual nature
- Demeaning language based on gender or sexual preference;
- Graphic comments about an individual's body
- Stalking

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- The use of sexually degrading words to describe an individual;
- The display of sexually suggestive objects and/or pictures in the workplace;
- Foul or obscene language and/or gestures;
- Unwanted physical conduct such as patting, pinching, and/or brushing up against another person's body;
- A promise of better treatment in return for sexual favours; and/or
- Indirect or expressed threats for refusal of a sexual request.

This definition of workplace harassment is broad enough to include harassment prohibited under Ontario's Human Rights Code, as well as what is often called "psychological harassment" or "personal harassment."

2. Reporting Workplace Harassment:

Workers can report incidents or complaints of workplace harassment verbally or in writing. When submitting a written complaint, please use the **Workplace Harassment Complaint Form**. When reporting verbally, the reporting contact, along with the worker complaining of harassment will fill out the complaint form.

Who to report workplace harassment to:

An incident or complaint should be reported as soon as possible after experiencing or witnessing an incident.

Report a workplace harassment incident to your immediate supervisor. If your supervisor is the person engaging in the workplace harassment, contact the Executive Director. If the employer (senior manager, Executive Director) is the person engaging in the workplace harassment, contact the Chair of the Board of Directors. The person designated as the reporting contact should not be under the direct control of the alleged harasser.

The Executive Director shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complaint involves the Executive Director, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

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All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

3. Investigation

A. Commitment to investigate

Centennial Infant and Child Centre will ensure that an investigation appropriate in the circumstances is conducted when the employer or a manager becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

B. Who will investigate?

The Executive Director will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace harassment involve **senior management, the Executive Director, or board members**, the employer will refer the investigation to an external investigator to conduct an impartial investigation.

C. Timing of the investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

D. Investigation process

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

1. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
2. The investigator must thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.

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3. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.
4. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
5. The investigator must collect and review any relevant documents.
6. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
7. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

E. Results of the investigation

Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment.

F. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless

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necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation. All records of the investigation will be kept confidential.

G. Corrective Action

Any employee found to have engaged in conduct that violates this policy will be subject to discipline, up to and including termination of employment. Because allegations of harassment are very serious, frivolous complaints found to have been made for improper purposes will result in disciplinary action being taken against the complainant.

H. Reprisals

This policy strictly prohibits reprisals against an employee because s/he has brought forward a legitimate concern or has provided information regarding a concern under this policy. Any employee who commits or threatens reprisal against another employee for following this, or any of the Centre's policies in good faith, may be subject to discipline, up to and including dismissal for cause.

4. Record keeping

The employer (human resources or designated person) will keep records of the investigation including:

1. a copy of the complaint or details about the incident;
2. a record of the investigation including notes;
3. a copy of the investigation report (if any);
4. a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
5. copy of any corrective action taken to address the complaint
6. All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept for: Five years

Date created: As time of reporting

Annual review date: When all policies reviewed