



GP 03

Anti-Harrassment Policy

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| Classification: | Governance Policy |
| Responsible Authority: | Board of Directors |
| Author: | Richard Roulx |
| Approval Authority: | Board of Directors |
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PURPOSE

To foster a respectful workplace through the prevention and prompt resolution of workplace harassment and/or discrimination to in accordance with the Occupational Health and Safety Act (OHSA).

The ACO promotes a violence and harassment-free workplace and believes in the prevention of oppression in the community. The ACO is committed to providing a safe, healthy, and supportive working environment by treating everyone with integrity, respect, caring, and sensitivity.

SCOPE

This policy applies both on and off the AIDS Committee of Ottawa (ACO) premises, to all employees, contractors, members, participants, and volunteers in the pursuit of ACO duties or while engaged in ACO-related activities.

DEFINITIONS

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| Board | A group of individuals established at the ACO Annual General Meeting who are legally bound with the governance of the ACO. |
| Complainant | Person who files a formal complaint in writing under this Policy. |
| Director | Means a member of the Board. |
| Discrimination | One or a series of action(s) or behaviour(s) related to one or more of the prohibited grounds, as defined by the Ontario Human Rights Code (“the Code”), that results in unfavourable or adverse treatment which negatively affects or could negatively affect the employment status of an employee or the status of a student, member or participant. |
| Discriminatory Harrassment | One or a series of vexatious comment(s) or conduct related to one or more of the prohibited grounds that is known or ought reasonably to be known to be unwelcomed/unwanted, offensive, intimidating, derogatory or hostile. It may include, but is not limited to, gestures, remarks, jokes, |



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| | taunting, innuendo, display of offensive materials, offensive graffiti, threats, verbal or physical assault, imposition of academic penalties, hazing, stalking, shunning or exclusion. |
| Employee | A paid employee of ACO. |
| Executive Director | The staff member of the ACO who is authorized with daily operational management of the ACO. Also known as the ED. |
| Member | Means a person, firm, corporation or other organization who is admitted to membership in the corporation pursuant to the by-laws. |
| Negative Environment | Refers to one or a series of comments or conduct that creates a negative environment (i.e. an offensive or intimidating climate for individuals or groups and related to the prohibited grounds). The comment or conduct must be of a significant nature or degree and have the effect of “poisoning” the work environment. A complainant does not have to be a direct target to be adversely affected by a negative environment. |
| Participant | Any individual who is receiving a service, participating in a service, or attending a service by the ACO. |
| Reprisal or Retaliation | Adverse action taken against an individual for invoking this policy or for participating or cooperating in an investigation under this policy or for associating with someone who has invoked this policy or participated in the policy’s procedures. |
| Respondent | Individual against whom allegations that could constitute a violation of this Policy have been made. |
| Sexual or Gender Harrassment | Any unwelcome conduct, comment, gesture of a gender-related or sexual nature, whether on a one-time basis or a series of incidents, that might reasonably be expected to cause offence or humiliation or that might reasonably be perceived as placing a condition of a sexual nature on employment, on an opportunity for training or promotion, or on the receipt of services or a contract. |
| Supervisor | A person who has charge of an ACO workplace or authority over a worker. |
| Vexation or Bad Faith Complaint | A complaint in which a complainant makes allegations knowing them to be false or submits a complaint for a purely malicious or vindictive purpose. |
| Victim | A person harmed, injured, or killed as a result of an act of violence. |
| Volunteer | An unpaid person who is working for the ACO under the guidance of the Volunteer Coordinator. |
| Witness | A person who is present at an event so as to be able to say who did it. |



Worker Person who performs work for the ACO or supplies services to the ACO for monetary compensation.

Workplace Any ACO building or location where a worker works or where work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions, work assignments off ACO premises, work-related travel and work-related conferences or training sessions.

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. Workplace harassment may also relate to a prohibited ground as set out in the Code, but it does not have to.

Examples of workplace harassment include, but are not limited to:

- Workplace Harrassment**
1. Unwelcome jokes, slurs, innuendoes or taunting;
 2. Behaviour or conduct which might reasonably be expected to cause harm, discomfort, offence or humiliation;
 3. Body language or gestures that are disrespectful;
 4. Inappropriate communication via electronic mail and/or attainment, display and distribution of improper information from the internet;
 5. Inappropriate, unwelcome touching, come-ons or sexual flirtation;
 6. Display of sexually offensive pictures or objects.

Workplace harassment does not include:

1. Performance management, coaching, feedback, performance appraisals, and performance improvement plans;
2. Appropriate and justifiable disciplinary action;
3. Providing fair and reasonable constructive feedback or evaluation;
4. Assigning additional work;
5. Voicing minor differences of opinion;
6. Showing frustration or annoyance, where such behaviour is objectively justified and displayed in a respectful manner without any threat of violence, intimidation or other reprisals, and where it is shown only on an occasional basis.

POLICY

1. General

ACO is committed to fostering a climate in which all individuals are treated with respect and dignity and in which the human rights of its employees, contractors and volunteers are respected. Harassment and discrimination as defined above will not be tolerated by the ACO in its program, educational, employment or business dealings.



To that end:

- a) Discriminatory harassment, sexual harassment and discrimination, including that which is prohibited by the Code and the OHSA, will not be tolerated.
- b) Instances of harassment committed by or against a worker, member or participant while the worker, member or participant is engaged in ACO-related duties or activities in a workplace is unacceptable and will not be tolerated.
- c) Every individual has the right to file a complaint of harassment or discrimination, participate or cooperate in an investigation, provide information relevant to the complaint or act in any role under this policy without fear of retaliation or reprisal. The rights of both complainants and respondents will be safeguarded to the extent possible with respect to the hearing of complaints.
- d) The ACO recognizes its responsibility to deal quickly, fairly and effectively with complaints of harassment and discrimination should they arise.
- e) The ACO will take all reasonable steps to ensure awareness of this policy, and will be proactive in undertaking an education/prevention campaign in relation to its provisions.
- f) Any person who believes he/she has been subject to discriminatory or sexual harassment or discrimination continues to have the right to make application to the Ontario Human Rights Tribunal. In addition, every person retains his/her right to pursue other applicable legal avenues, such as through a collective agreement or the justice system, even when steps are being undertaken by the ACO. The ACO procedures will continue at the same time a person is exercising his/her rights outside of this policy.

2. Responsibilities

- a) Duties of ACO Community Members
 - i. Promptly report incidents of apparent harassment and/or discrimination of which they have knowledge to the immediate supervisor and/or to the Executive Director.
 - ii. Cooperate, when requested, in the investigation and/or resolution of complaints under this policy.
 - iii. Understand and comply with this policy and all related procedures.
 - iv. Participate in applicable education and training programs.
- b) Duties of Management
 - i. Act on observations or upon receiving reports alleging discrimination and/or harassment.
 - ii. Promote a working environment that is free of discrimination and harassment.
 - iii. Review all reported incidents of harassment and/or discrimination in a prompt, objective and sensitive manner.
 - iv. Ensure that all those for whom this policy applies are aware of its existence and the issues it addresses.

3. Prevention and Education

- a) The ACO will provide reasonable educational training opportunities that permit ACO employees to develop the skills and knowledge to handle and prevent problems of harassment and discrimination.
- b) Managers and others in positions of authority within the ACO will be made aware of their responsibilities under this policy and under the Code and the Ontario Occupational Health and Safety Act in creating and maintaining an environment free from harassment and discrimination. They will receive appropriate training on their responsibilities and the complaints resolution procedures under this policy.



PROCEDURE

A procedure is *operational*. It is a set of critical steps to be followed to achieve the intent of the policy intent. It is the usual method of handling things. The steps, usually expressed as a list, are succinct, factual and to the point. It also states who is responsible for each step. Detailed descriptions and background information are not to be included in the procedure.

| <u>Action</u> | <u>Responsibility</u> |
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| 1. Complaint Resolution Process | |
| 1.1 Any worker, member or participant who believes that he or she has been the subject of discriminatory/sexual harassment and/or discrimination and any worker, member or participant who believes that they have been subjected to workplace harassment may lodge a complaint. | Employee, member, volunteer, participant |
| 1.2 In general, the Complaints Resolution Process must be initiated no later than six (6) months from the date of the incident, barring exceptional circumstances and at the discretion of the ACO. | |
| 1.3 A complainant may, at his or her discretion, decide to withdraw a complaint at any point in the complaints process. In the event of a withdrawal, the ACO may, at its discretion, continue to investigate the complaint. | Employee, member, volunteer, participant |
| 1.4 The ACO reserves the right to address complaints of workplace harassment concurrently through the Violence Prevention Policy (GP-02), at its sole discretion and as required and appropriate under the circumstances. | |
| 1.5 In some circumstances, the ACO may be obligated to proceed with an investigation in the absence of a formal written complaint if it becomes aware of allegations or facts which constitute a serious violation of the ACO's Anti-Harrassment Policy. In these cases, the ACO will proceed with either informal resolution or an investigation, with the intent of stopping the alleged behaviour and/or preventing further incidents. In such cases, a particular individual will not be compelled to proceed with a complaint. | |
| 1.6 The complainant should carefully record details of all incidents including the date and time of the incident, the nature of the incident, and the names of any individuals who may have been witnesses to the incident(s). | Employee, member, volunteer, participant |
| 1.7 Where there are multiple complainants, the ACO shall have the discretion to determine whether the complaints shall be addressed as a single complaint or individual complaints, for the purposes of the Complaint Resolution Process. | |

Step 1: Informal Complaint Process (optional)

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| 1.8 The ACO recommends that, initially, provided the complainant is willing and able to do so, that they approach the respondent on an informal basis to identify the conduct of concern and explain to the respondent that it is unwelcome. | Employee, member, volunteer, participant |
| 1.9 The complainant and the respondent may meet to discuss the nature of the concern and suggest/discuss ways in which it might | |



be resolved. The parties may consult with any member of management or the Executive Director.

Step 2: Formal Complaint

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| 1.10 | If the harassment complaint cannot be resolved informally or through mediation, a written complaint may be filed to the employee's manager or the Executive Director. The senior manager will be notified that a complaint has been received. | Employee, member, volunteer, participant/Manager/Executive Director |
| 1.11 | The ACO shall determine who will investigate the complaint, as appropriate in the circumstances, including whether to use an internal or external resource, and shall determine the mandate and scope of the investigation. | |
| 1.12 | A union or employee, member, volunteer, participant representative may accompany either party (the complainant or the respondent) during information meetings for the investigation. | |
| 1.13 | The investigator shall have the ability to determine appropriate process, within reason and in accordance with their established mandate. Upon completion of the investigation, the investigator will present their findings and conclusions to the Executive Director. A summary of the complaint and results of the investigation will be provided to the complainant and respondent and the senior manager. | Investigator/Executive Director |
| 1.13 | The manager, in consultation with the Executive Director, will determine the appropriate response to the investigation, which may include formal corrective action, education and training among other things. The action taken will be kept confidential. | Manager/Executive Director |
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| 2. | Remedies and Sanctions | |
| 2.1 | The ACO shall have complete discretion to impose remedies and sanctions as appropriate, including disciplinary action up to and including dismissal for just cause, where: <ul style="list-style-type: none"> a) Any member of the ACO Community subjects another member of the ACO Community to harassment or discrimination, or otherwise violates this policy; b) A complaint is found to be frivolous, vexatious or made in bad faith; c) There is a reprisal or retaliatory measure against an employee who, in good faith, raises a complaint of harassment or discrimination within the meaning of this policy and/or cooperates in the investigation of a complaint. | Manager/Executive Director |
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| 3. | Confidentiality | |
| 3.1 | Information relating to a complaint will be kept confidential to the extent possible in order to respect the interests of the parties involved. However, during the course of the investigation, information will be disclosed to the extent necessary to properly conduct the investigation and as may be required by this policy | |



- and the law. In so doing, the ACO will ensure compliance with the Ontario Freedom of Information and Protection of Privacy Act (FIPPA). Access by third parties to the report, or to any records collected or created during the course of the investigation will be in accordance with FIPPA, and the ACO will protect personal information contained in such records in the manner and to the extent required by FIPPA.
- 3.2 Employees are expected to fulfill their responsibility to other members of the ACO Community by assisting and cooperating with the investigation of complaints, including sharing information with administrators. Employee
 - 3.3 Unwarranted breaches of confidentiality will result in disciplinary action. Gossiping about an incident will not be tolerated.
 - 3.4 All records relating to a complaint must be stored in a secure manner. Executive Director
 - 4. Review of Policy**
 - 4.1 The ACO will review this Policy annually as required by legislation. Board

SUPPORTING DOCUMENTATION

None

RELATED POLICIES

- GP-02 Violence Prevention Policy
- GP-04 Complaints Policy

RELATED MATERIALS

- Ontario Occupational Health and Safety Act (OHSA)
- Ontario Freedom of Information and Protection of Privacy Act (FIPPA)
- Ontario Human Rights Code
- Algonquin College Respectful Workplace Policy
<http://www.algonquincollege.com/policies/policy/hr22-respectful-workplace/>



GP 03: APPENDIX 1

HARRASSMENT INCIDENT REPORTING FORM

Section 1 – Identifying Information

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| Your Name: | | Incident Date: | |
| Your Position: | | Incident Time: | |
| Phone Number: | | Incident Location: | |
| Are you the victim or did you witness the incident | | | |

Section 2 – Incident Details

Provide a description of the event or incident:

Section 3 – Witnesses

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| Witness # 1 name and number: | |
| Witness # 2 name and number: | |
| Witness # 3 name and number: | |
| Witness # 4 name and number: | |

Section 4 – Additional Relevant Information (please use reverse side if needed – and be as clear about the circumstances as possible):