

## **1.5 WORKPLACE HARASSMENT AND BULLYING**

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### **Policy**

**Mothercraft** is committed to providing a work environment in which all individuals are treated with respect and dignity.

**Mothercraft** employees, families, independent contractors, and any other persons dealing with the organization are entitled to be treated with respect and dignity, free from harassment or bullying, and discrimination based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, religion, language, sex, sexual orientation, age, marital status, family status, and disability.

Canadian federal and provincial laws prohibit discrimination based on the above grounds. **Mothercraft** will not condone, permit or tolerate harassment or bullying of employees by anyone in any manner whatsoever. Any employees engaging in harassment or bullying will be subject to disciplinary action, up to and including termination of employment.

### **Responsibilities**

As an employer, **Mothercraft** has a legal obligation to provide a harassment-free workplace and to investigate allegations of workplace harassment and bullying.

Employees, independent contractors, adult clients and all others associated with the organization are responsible for observing this policy.

Supervisors should model positive behaviour by showing respect to others in the workplace. A supervisor has a duty of care to exercise authority and put an end to any harassment or bullying of which he/she was aware.

Should a practice, policy or action of management result in inadvertent discrimination, employees have a responsibility to **Mothercraft** and their co-workers to report the situation and to assist with resolution.

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### **Definitions**

**Harassment** is defined in the Ontario Human Rights Code 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 as unwelcome”.

There is usually an element of persistent conduct or a course of behaviour that involves hostility, badgering and intimidation or bullying that causes distress to the subject of the conduct.

Harassment can be based on the prohibited grounds under the Ontario Human Rights Code such as race, ethnicity, place of origin, ancestry, creed, religion, citizenship, gender, sexual orientation, age, marital status, family status, and disability.

Harassment can go beyond the above prohibited grounds in the form of “psychological harassment” or “personal harassment”.

Examples of harassment include:

- Unwelcome remarks, jokes or taunting about a person’s racial or ethnic background, colour, place of birth, citizenship, ancestry or religion.
- Remarks or innuendos that demean, ridicule or offend
- Use of profanities and abusive language
- Blow ups and eruptions at a person
- Displaying of racist or offensive pictures, screensavers or materials
- Threatening reprisals as a result of report(s) of harassment.

**Sexual Harassment** is harassment involving any conduct or comment of a sexual nature which is likely to cause offense or humiliation to someone or that might be perceived as placing a condition of a sexual nature on employment or on any employment opportunity.

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Examples:

Sexual harassment includes, but is not limited to the following:

- An implied or expressed threat of reprisal for refusal to comply with a sexually oriented request
- A demand for sexual favors in return for (continued) employment or more favourable employment treatment
- Unwelcome remarks, jokes, propositions, or gestures
- Displaying of pornographic or sexist pictures or materials
- Leering or whistling
- Unwelcome physical contact such as touching, patting, or brushing up against
- Sexual assault

Sexual harassment is **not** mutual flirtation, a hug between friends, an intimate relationship of mutual consent (see Code of Conduct), or collegial friendships.

**Bullying** is a form of repeated, persistent and aggressive behaviour that is directed at an individual or individuals that is intended to cause fear and distress and/or harm to another person's body, feelings, self-esteem or reputation.

Bullying often occurs in a context where there is a real or perceived imbalance of power/authority.

### **Bullying – Four forms**

- Physical – hitting, pushing, tripping
- Verbal – repeated name calling and/or put-downs. Mocking or making sexist, racist or homophobic comments.
- Social – excluding others, spreading gossip or rumours
- Psychological – intimidation or extortion

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### **Bullying using technology**

- hurtful comments through e-mail
- threats or putdowns on phones
- spreading rumours by text messaging
- offensive comments on Internet websites e.g. Facebook, MySpace, blogging and other public domains.

**Poisoned or Hostile Work Environment** is defined as any hostile, intimidating or offensive activity or behaviour, which may or may not be directed at a specific individual and may or may not be based on one of the prohibited grounds under the Ontario Human Rights Code, and which creates a hostile or poisoned workplace.

Examples:

A co-worker or adult client makes racial remarks or jokes about certain ethnic groups. Even if those remarks were not aimed directly at you or your ethnic group, you find the comments offensive and the atmosphere unpleasant to work in.

**Workplace** is defined broadly and includes, but is not limited to: the actual work site (the centre or office), outside the office, at office-related social functions, in the course of work assignments outside the office, at work related conferences or training sessions, during work-related travel, and, over the telephone and e-mail/web systems.

### **What is NOT harassment or bullying**

- **Being held accountable for assigned work and expected performance is not being harassed or bullied.**
- **Performance management and normal supervision and direction of employees will not generally be found to be harassment;**
- **Policies and procedures being enforced;**
- **Conflict, provided it is civil and mutually respectful;**
- **Minor disagreements.**

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**All supervisors are expected to discuss performance issues with the employee in private, to be respectful to the employee.**

### **What to do if harassment or bullying occurs**

The following suggestions are intended for those who have been harassed/bullied or who have witnessed harassment/bullying.

These suggestions are not pre-conditions for filing a formal complaint, nor are they sequential.

- **Tell harasser/bully to stop.** Tell the individual his/her behaviour is unwelcome and ask him/her to stop.
- **Keep a record.** Make note of incidents, dates, times, locations, possible witnesses and your response. You do not have to have a record to make a complaint, but a record can strengthen your case and help you remember details over time.
- **Report the situation.** In some situations objecting may be difficult or objections may be ignored. Report the situation to either:
  - your Supervisor;
  - your Supervisor's Manager;
  - the Human Resources Manager;
  - Executive Director;
  - President of the Board of Directors. *In the event that the matter cannot be resolved at the Executive Director level, the President can be consulted.*

The immediate supervisor is generally the person to report to unless it is not possible due to extenuating circumstances. In that case, report the situation to the next person on the above list.

- **Seek guidance.** The Human Resources Manager is available for advice and assistance in resolving discrimination, harassment or bullying. Confidentiality will be observed unless the situation requires an investigation or follow up action in which case, information will be shared on a "need to know" basis.

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- **Advise the Executive Director.** Any Director or the Human Resources Manager who knows of, or is involved in an allegation of discrimination/harassment/bullying **must** report the information immediately to the Executive Director. The Human Resources Manager would first alert the Director prior to reporting to the Executive Director.

### **Dealing with a complaint from an employee about another employee**

1. The senior staff to whom the complaint is made must immediately conduct a preliminary investigation and determine if assistance of the next level manager is needed.
2. Depending on the circumstances, it may be possible to resolve the matter without further investigation. Any settlement would have to be satisfactory to both the person complaining and the person accused.
3. If further investigation is required, it may include interviews with the complainant, witnesses, and the alleged harasser/bully to obtain all of the relevant facts.
4. The person named in the complaint will be given the opportunity to respond to the allegations.
5. Complaints will be handled as discreetly as possible. Everyone involved in the process will be told to keep the matter confidential.
6. At the conclusion of the investigation, the organization representative will advise only those parties concerned of the results of the finding.
7. If an employee is found guilty of discrimination, harassment or bullying, **Mothercraft** will take corrective action, which could include disciplinary action up to and including termination of employment.
8. **Mothercraft** will also take corrective action if anyone makes false complaints, which could include disciplinary action up to and including termination of employment.

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9. Regardless of the outcome of a complaint made in good faith, **Mothercraft** prohibits reprisals against someone who makes a complaint or who provides information regarding a complaint. Alleged reprisals are subject to the same complaint procedures and penalties as complaints of harassment/bullying.
10. If appropriate, external authorities may be notified, and if so, could result in criminal charges. However, it is encouraged that there be serious attempts made to pursue resolution internally.

*(Course Directors and Course Instructors are considered Mothercraft employees in this context)*

### **Dealing with a complaint from an employee about an independent contractor (e.g. IT staff employed by Jolera, trades people employed by a contracting company.)**

1. The senior staff to whom the complaint is made must immediately report the complaint to the Mothercraft manager overseeing the work of the independent contractor.
2. The Mothercraft manager would in turn, report the matter to his/her Director and would resolve the issue with the authority representing the independent contractor (e.g. the owner of the contracting company or the supervisor of the individual complained about).
3. The Mothercraft manager would ensure that the individual is not assigned to work on Mothercraft premises in future and would provide a follow-up report to the senior staff who had reported the complaint.
4. Complaints will be handled as discreetly as possible. Everyone involved in the process will be told to keep the matter confidential.

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5. **Mothercraft** will also take corrective action if anyone makes false complaints, which could include disciplinary action up to and including termination of employment.
6. Regardless of the outcome of a complaint made in good faith, **Mothercraft** prohibits reprisals against someone who makes a complaint or who provides information regarding a complaint. Alleged reprisals are subject to the same complaint procedures and penalties as complaints of harassment/bullying.
7. If appropriate, external authorities may be notified, and if so, could result in criminal charges. However, it is encouraged that there be serious attempts made to pursue resolution internally.

### **Dealing with a Complaint from an employee about an adult client**

1. The senior staff to whom the complaint is made must immediately conduct a preliminary investigation and determine if assistance of the next level manager is needed.
2. Depending on the circumstances, it may be possible to resolve the matter without further investigation. Any settlement would have to be satisfactory to both the person complaining and the person accused.
3. If further investigation is required, it may include interviews with the complainant, witnesses, and the alleged harasser/bully to obtain all of the relevant facts.
4. The person named in the complaint will be given the opportunity to respond to the allegations.
5. Complaints will be handled as discreetly as possible. Everyone involved in the process will be told to keep the matter confidential.
6. At the conclusion of the investigation, the organization representative will advise only those parties concerned of the results of the finding.



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7. If the client is found guilty of discrimination, harassment or bullying, Mothercraft will take corrective action which could include:
- giving a verbal or written warning to stop the inappropriate behaviour
  - prohibition from participating in service(s)
  - prohibition from picking up and dropping off of his/her child;
  - limiting that client's interactions to senior staff
8. **Mothercraft** will also take corrective action if anyone makes false complaints, which could include disciplinary action up to and including termination of employment.
9. Regardless of the outcome of a complaint made in good faith, **Mothercraft** prohibits reprisals against someone who makes a complaint or who provides information regarding a complaint. Alleged reprisals are subject to the same complaint procedures and penalties as complaints of harassment/bullying.
10. If appropriate, external authorities may be notified, and if so, could result in criminal charges. However, it is encouraged that there be serious attempts made to pursue resolution internally.

**Please refer to Policy 4.4 "Resolving issues/conflicts & formal complaints" for situations not covered under this topic.**

Beverley Koven      [Signature]      June 15/2010  
Name of Executive Director      Signature      Date