

Policy Name:	Workplace Harassment and Violence Policy
Category:	Health & Safety
Approved by:	SLT
Approval/Revision Date:	August 2002
Review Date:	May 2009, June 2010, September 2018, July 2020
Scope:	All Staff

POLICY

Mothercraft is committed to providing and maintaining a work environment in which all employees are free from workplace harassment, sexual harassment and violence.

Mothercraft will not condone, permit or tolerate workplace harassment, sexual harassment or violence in any form and will investigate all incidents and complaints in a fair and timely manner. Persons engaging in workplace harassment, sexual harassment or violence will be subject to disciplinary action, up to and including, termination of employment.

Retaliation or reprisal against any employee who has complained under this policy and procedure or who has provided information regarding a complaint, is prohibited. Any retaliation or reprisal is subject to immediate corrective action, up to and including termination.

Mothercraft recognizes that individuals may find it difficult to come forward with a complaint due to confidentiality concerns. All complaints concerning workplace violence, sexual harassment, violence or discrimination, as well as the name of the parties involved, shall be treated as confidential and any disclosure of information will be strictly limited.

PURPOSE

The purpose of this policy statement and procedures is to:

1. Comply with amendments to the *Occupational Health and Safety Act* (as per Bill 132, the Sexual Violence & Harassment Action Plan Act) and its provisions regarding workplace harassment and violence;
2. Comply with the Ontario *Human Rights Code* and its provisions regarding harassment on prohibited grounds; and
3. To outline reporting procedures that are grounded on fairness and remove/lessen the fear retaliation or reprisal.

RESPONSIBILITIES

All employees are responsible for treating others with respect in the workplace, reporting harassment to their manager or HR Department, cooperating with harassment investigations and respecting the confidentiality related to the investigation process.

Management is responsible for ensuring that all employees are aware of, and understand, this policy. This shall be done by providing training, orientation materials and information about human rights issues.

Mothercraft is committed to fostering a healthy environment where employees feel comfortable raising concerns/complaints; are kept informed about any actions undertaken in response to

concerns/complaints; and, will maintain work environments that are free from harassment and discrimination.

DEFINITIONS

Workplace or Work Environment:

Where activities/work are performed on behalf of the organization. Such as, but not limited to:

- activities on workplace premises
- work assignments outside of workplace premises
- work-related conferences, training sessions, or seminars
- work-related travel
- social media platform
- work related activities

This includes the job application and interview process, volunteer work and internships with Mothercraft, as well as activities or events that take place outside regular service hours or locations but are linked to and may impact the workplace environment.

Harassment:

Engaging in a course of aggravating comments or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. There is usually an element of persistent conduct or a course of behavior that involves hostility, badgering and intimidation or bullying that causes distress to the subject of the conduct. Harassment can go beyond those related to the prohibited grounds of the Ontario Human Rights Code (race, ethnic and place of origin, ancestry, creed, religion, citizenship, gender, sexual orientation, age, marital status, family status, and disability) in the form of “psychological harassment” or “personal harassment”.

What Constitutes as Workplace Harassment:

Examples of workplace harassment include but are not limited to:

Verbal:

- Making rude, degrading or offensive remarks.
- Name calling, jokes or taunting.
- Preventing a person from expressing himself or herself: yelling at the person; threatening; constantly interrupting that person; prohibiting the person from speaking to others.
- Discrediting the person by spreading malicious gossip or rumors, ridiculing her/him, humiliating her/him.

Non-Verbal:

- Displaying of inappropriate and insensitive pictures, screensavers or materials.
- Isolating the person by no longer talking to her or him, denying or ignoring her or his presence, distancing her or him from others.
- Compelling the person to perform tasks that are inferior to his/her competencies that demean or belittle him/her, setting the person up for failure.
- Threatening or engaging in reprisals for having made a complaint under this Policy.

What Does NOT Constitute as Workplace Harassment:

- Normal exercise of management's right to manage such as the day to day management of operations, performance at work or absenteeism, assignment of tasks, reference checks, and the application of progressive discipline up to, and including, termination.
- Workplace conflict, though it could turn into harassment if not steps are taken to resolve conflicts.
- Work-related stress.
- Difficult conditions of employment, professional constraints and/or organizational changes.
- A single or isolated incident such as an inappropriate remark or having an abrupt manner.

Sexual Harassment

Engaging in a course of aggravating comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the comment or conduct is known, or ought reasonably to be known, to be unwelcome. 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.

What Constitutes as Sexual Harassment:

Sexual harassment may consist of a single incident of unwelcome behaviour or multiple incidents over time. Sexual harassment is a form of discrimination and is prohibited under both federal and provincial human rights codes.

Some examples of sexual harassment include, but are not limited to:

Physical Sexual Harassment:

- Leering or inappropriate staring, invasion of personal space.
- Unnecessary physical contact (touching, grabbing, hugging, kissing, etc.).
- Sexual assault and violence.

Verbal Sexual Harassment:

- Making offensive comments or behaviour towards a person based on their gender identity, gender expression or sexual orientation.
- Making sex-related comments about a person's physical appearance or actions.
- Making comments or behaviour because of a belief that someone does not conform to gender-role stereotypes.
- Making offensive comments about members of a specific gender or sexual orientation.
- Using vulgar, sexual or gender-related humour or derogatory language (such as slurs, jokes or innuendo).
- Asking unwelcome questions or engaging in unwelcome conversation about sexual activities.
- Spreading sexual rumours (including online).

Environmental Sexual Harassment:

- Displaying or distributing pornographic or other sexual images, objects, jokes or sayings (including online)
- Making vulgar gestures

Threats and Demands:

- Asking for sexual favours in exchange for workplace benefits.
- Repeatedly asking someone for dates or sexual favours even after they have said no.
- Threatening someone (e.g. with violence, termination or denial of other workplace benefits) if they refuse to comply with sexual advances.
- Threats of retaliation or reprisal if the victim makes a complaint under this Policy.

What Does NOT Constitute as Sexual Harassment:

The definition of workplace harassment and the Mothercraft *Workplace Harassment & Violence* Policy are not intended to inhibit interactions based on mutual consent between employees. However, if you are offended by comments or imagery in the workplace, even when no one else is, this does not mean that your concern is invalid. You should express your objections to those involved and file a complaint if the issue is not resolved.

PROCEDURES

1. Mothercraft wants all its employees feel safe, comfortable and encouraged to report any incident of harassment, sexual harassment, violence and discrimination they have observed or experienced. Employees are encouraged to attempt to resolve their concerns by first engaging in direct communication with the person(s) exhibiting the unwelcome conduct provided the employee feels comfortable doing so. Keep a written record of any such conversation, including date, time, details of the communication, if there were witnesses, etc.
2. Employees who are not comfortable with undertaking a direct communication, who believe they are victims of harassment or are aware of a situation where harassment may be occurring, should report their concerns to any person in authority within Mothercraft. This includes: the employee's direct manager; another manager; any director; Human Resources or the Executive Director.
3. Complaints need not be in writing but should include as much detail as possible, including: the name(s) of the individual(s) involved and a description of the incident(s), including actions and/or comments made, place(s), date(s) and time(s).
4. The possibility of informal resolution may be explored and reached with the consent of all parties. If the matter cannot be resolved informally, a formal investigation of the incident will Health & Safety Policies Page 25 of 26 be undertaken, and will include interviews with the complainant, the respondent, and any other individuals who may be able to provide information on the situation.
5. All complaints will be handled sensitively and confidentially. Disclosure of information will be strictly limited. All individuals involved in the process will be told to keep the matter confidential and the results of the investigation will only be shared with concerned parties.
6. Threats, attempts or actual incidents of physical or sexual assault are criminal offences and may be reported to local police services. In the event of such an allegation, the Executive Director will be notified immediately after which Mothercraft may notify and report the incident to the appropriate external authorities which could result in criminal charges being laid.

7. Regardless of the outcome of a complaint made in good faith, Mothercraft prohibits reprisals against anyone who makes a complaint and/or who provides information regarding a complaint. Allegations of reprisal are subject to the same complaint procedures and penalties as complaints of workplace harassment.

INVESTIGATION GUIDELINES

- The Human Resources Manager is responsible for carrying out investigations.
- If the allegation involves a senior staff person (e.g. Director or Executive Director) or a Board Director, Mothercraft will refer the matter to an external investigator.
- The investigation will be completed as quickly as possible or within 90 days unless there are extenuating circumstances (e.g. illness, complicating factors).
- Upon completion of investigation, a written report outlining all findings of fact and a conclusion regarding the allegation will be presented to the Director of Corporate Services. A summary of the report, and/or the full report, will also be presented to the Executive Director.
- Within 10 working days of the conclusion of the investigation, all relevant parties will be informed, in writing, of the results of the investigation. This communication must include any corrective action taken or that will be taken by the employer to address the complaint.

DISCIPLINE

Findings of workplace harassment will be responded to with appropriate disciplinary action as prescribed in Mothercraft's *Progressive Discipline & Appeal Process (#4-05)*. These may include: verbal or written reprimand; suspension (with or without pay); termination (with or without notice). Disciplinary action may include immediate termination, even if the person committing the act has no prior offences or acts of workplace harassment. Mothercraft will also take corrective and/or disciplinary action against an individual making false complaints, up to and including termination of employment.

RECORD KEEPING

The records and details of any investigation will be kept confidential. All investigation documents, including the final report, will not be disclosed unless required by law.

Records of investigations are:

- a copy of the complaint or details about the incident;
- a record of the investigation including notes;
- a copy of the investigation report (if any);
- a summary of the results of the investigation provided to the complainant and the alleged harasser;
- a copy of any corrective or disciplinary action taken to address the complaint.

FORMS

- Incident Report Form

CROSS REFERENCE

- *Employment Principles Policy*
- *Progressive Disciplinary Process Policy*