

<b>Section:</b> 7.02 STAFF RESPONSIBILITIES	Staff, Board
<b>Policy No:</b> 7.02.1A Harassment-free Workplace	<b>Pages:</b> 11
<b>Implementation Date:</b> June 2008	<b>Revised:</b> February 2017 <b>Reviewed:</b> June 2012, June 2014, December 2018 (Management) <b>Next Review :</b> December 2019
<b>Cross Reference:</b> Staff Rights and Responsibilities Policy, Workplace Accommodation and Anti-discrimination Policy, Occupational Health & Safety Policy.	<b>Approved By:</b> Board of Directors

## POLICY STATEMENT:

The Vaughan Community Health Centre (the “**VCHC**”) is committed to providing a work environment in which all employees are treated with respect and dignity.

No one has the right to harass an employee at work or in any situation related to the workplace. This policy is one step toward ensuring that our workplace is a comfortable place for all of us.

The VCHC promises to treat all incidents and complaints of harassment from all sources seriously, whether they are made informally or formally. We undertake to act on all incidents and complaints to ensure they are resolved quickly, confidentially, and fairly. We will take corrective action to ensure the harassment stops and that the perpetrators are dealt with appropriately.

## SCOPE

This policy covers workplace harassment at any VCHC workplace. It is defined as any location where any employee is carrying out any work-related functions. Examples of possible workplaces for VCHC employees include:

- VCHC's main site : 9401 Jane street # 206, Vaughan, On L6A 4H7
- VCHC partner agencies
- VCHC sponsored conferences or training sites
- Employee accompanied client transport
- Any location employees are required to be during the course of their duties
- VCHC sponsored social activities.

Employees may also be subjected to workplace harassment by clients, members of the public, or by others who conduct business in our office. In these circumstances, we acknowledge our responsibility to take appropriate action to support and assist employees subjected to such treatment.

## WHAT IS WORKPLACE HARASSMENT?

**Harassment** means engaging in a course of vexatious comment or conduct against an employee in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment. Examples of harassment include, but are not limited to:

- offensive or intimidating comments or jokes;
- bullying or aggressive behaviour;
- displaying or circulating offensive pictures or materials;
- inappropriate staring;
- isolating or making fun of an employee because of gender identity

**Sexual harassment** means:

- 1) engaging in a course of vexatious comment or conduct against an employee 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
- 2) 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 employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Examples of sexual harassment include:

- any unwelcome sexual advance or request for sexual favours
- implied or expressed threat of reprisal for refusal to comply with a sexually oriented request
- unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, sex or sexual orientation
- physical contact with an underlying sexual connotation
- leering
- displays of pornographic or sexual material

Harassment does **not** include reasonable action taken by the employer or supervisor relating to the management and direction of employees. Properly discharged supervisory responsibilities, including but not limited to, the delegation of work assignments, the assessment of performance, the provision of discipline, is not workplace harassment. Workplace harassment also does not include normal social interactions or all instances of workplace conflict. The conduct complained of will have to meet the definition of harassment, as set out above to be subject to corrective action.

## **ROLES AND RESPONSIBILITIES**

### **Supervisors and Management**

The Organization's supervisors and managers must ensure, as much as reasonably practical, that no workers are subjected to harassment in the workplace.

Management will take corrective action with anyone under their direction who subjects workers to harassment.

The Organization, its managers and supervisors are responsible for creating a positive working environment, free from harassment. Anyone aware of harassment in the workplace must bring it to the attention of their supervisor or management so the issue can be addressed immediately.

### **Employees**

Every employee contributes to the creation of a safe and healthy work environment by demonstrating respectful and appropriate conduct at work.

All employees must accept as a personal responsibility their own role in eliminating the risk of workplace harassment in the day-to-day activities of their own work. Therefore, employees must:

- comply with this Harassment Policy and Program and refrain from any acts of harassment
- work together in a professional manner and resolve issues in a respectful manner. Employees are to bring issues to their supervisor, if they cannot be mutually resolved
- report any incidents they experience or witness to their manager or in the event, the complaint involves the manager; the employee can report the incident to the Executive Director. Complaints against the Executive Director can be reported to the Board as set out below.
- attend training and information sessions provided by the Organization to reduce incidents of harassment
- co-operate with investigators or other authorities as required during any investigation related to harassment

### **NON-RETALIATION**

Retaliation or reprisals are prohibited against any employee who has filed a complaint of harassment, or has provided information regarding a complaint of harassment or who participates in an investigation. Any retaliation or reprisals are subject to immediate disciplinary action, up to and including termination. Alleged retaliation or reprisals are subject to the same complaint procedures and investigations as complaints of harassment.

### **CONFIDENTIALITY**

Information about complaints and incidents of workplace harassment 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 employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the employee 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 employees or witnesses unless 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.

### **CORRECTIVE ACTION**

Persons who violate this Program may be subjected to a range of consequences, including an apology, training, referral to an assistance program, counselling, reprimands, suspension without pay, transfer, or termination of employment, depending on the nature and severity of the behavior.

## **REPORTING WORKPLACE HARASSMENT**

### **A. How to report workplace harassment**

Employees can report incidents or complaints of workplace harassment or discrimination verbally or in writing. When submitting a written complaint, please use the workplace harassment complaint form (see Appendix A). When reporting verbally, the person receiving the report will fill out the complaint form.

The report of the incident should include the following information:

- 1) Name(s) of the employee who has allegedly experienced workplace harassment and contact information
- 2) Name of the alleged harasser(s), position and contact information (if known)
- 3) Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- 4) Details of what happened including date(s), times, frequency and location(s) of the alleged incident(s)
- 5) Any supporting documents the employee who complains of harassment may have in his/her possession that are relevant to the complaint.
- 6) List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

### **B. Who to report workplace harassment to**

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Employees should report any incidents or complaints of workplace harassment to:

- a. Their immediate supervisor. All supervisors must report any incidents or complaints of harassment to the Executive Director.

- b. If the immediate supervisor is the person engaging in the harassment, then the employee should report to the Executive Director,
- c. If the Executive Director is the person engaging in the harassment, then the employee should report to the Chair of the Board.

## **INVESTIGATION**

### **A. Commitment to investigate**

The Executive Director or the Chair of the Board (if he/she is the person receiving the report) shall ensure an investigation is conducted that is appropriate in the circumstances

### **B. Who will investigate**

The Executive Director (or the Board Chair, if applicable) will determine who will conduct the investigation into the incident or complaint of workplace harassment. The investigator may be internal or external.

### **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, ensure 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 employee who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is an employee of the employer. If the alleged harasser is not an employee, the investigator should make reasonable efforts to interview the alleged harasser.
- 3) The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the employee. In some circumstances, the employee who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.

- 4) The investigator must separately interview any relevant witnesses employed by the employer who may be identified by either the employee 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 employee 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 employee 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.

There may be some exceptions to this investigation procedure, such as when a complaint on its face (meaning if the complaint is proven 100%) does not amount to workplace harassment or sexual harassment. In such, cases the investigation may be more informal but will be appropriate in the circumstances.

### **INTERIM MEASURES**

The Executive Director (or Board Chair, if applicable) may implement any interim measures during the investigation process necessary to protect the health and safety of its employees and the operational interests of the VCHC.

### **EMPLOYEE ASSISTANCE**

Employees who are subject to a workplace harassment investigation may experience stress and other difficulties associated with the process. Employees, who are experiencing difficulties, are encouraged to seek out assistance from their Health and Safety Representative or the Manager of Finance and Operations for available assistance through the VCHC's group benefits plan.

### **RESULTS OF THE INVESTIGATION**

Within a reasonable period of time after the investigation being completed, the employee who allegedly experienced the workplace harassment and the alleged harasser, if he or she is an

employee 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.

## **OTHER**

This procedure in no way precludes the complainant's right to take action under the Ontario Human Rights Code. However, employees are urged to use the internal mechanisms as outlined above before seeking other recourse.

## **FALSE ACCUSATIONS**

The pursuit of frivolous allegations through this procedure has a detrimental effect on the spirit and intent for which this policy was rightfully developed, and is strongly discouraged. Deliberate false accusations are very serious and will also result in disciplinary action up to and including termination.

## **RECORD KEEPING**

The Executive Director (or the Board Chair, if applicable) 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 and statements from any parties or witnesses;
- 3) a copy of the investigation report (if any);
- 4) a summary of the results of the investigation that was provided to the employee who allegedly experienced the workplace harassment and the alleged harasser, if an employee of the employer;
- 5) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

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.

If the investigation does not find evidence to support a finding of discrimination/harassment, there will be no documentation concerning the investigation placed in the alleged offender's file. When the investigation reveals discrimination/harassment has occurred, the incident and the discipline that is imposed will be recorded in the offender's file.



**TRAINING**

Employees will be oriented to this policy and procedures by their supervisor within a few weeks of employment.

Further, training on the right to a harassment free workplace, recognizing harassment, appropriate responses to incidents of harassment, and the procedures for reporting and investigating a complaint will be provided to all staff and supervisors.

**REVIEW**

This Program was created in February 2017 and will be maintained with Joint Occupational Health & Safety Committee. It will be reviewed by the Executive Director annually or when any gaps or deficiencies are identified as a result of an investigation.

<u>Reviewed by Executive Director on (Date)</u>	<u>Signature of Executive Director</u>	<u>Staff notified of policy updates on (Date)</u>

Signed and Approved by:

Date

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Isabel Araya  
Executive Director

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Ina Gutium  
Chair of the Board of Directors

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**APPENDIX A**

**WORKPLACE HARASSMENT COMPLAINT FORM**

**Name and contact information of worker who has allegedly experienced workplace harassment (your name):**

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**Name of alleged harasser(s) and contact information, if available:**

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**Details of the complaint of workplace harassment**

Please describe in as much detail as possible the bullying and harassment incident(s), including: (a) the names of the parties involved; (b) any witnesses to the incident(s); (c) the location, date and time of the incident(s); (d) details about the incident(s) (behaviour and/or words used); (e) any additional details. (Attach additional pages if required)

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**APPENDIX A**

**WORKPLACE HARASSMENT COMPLAINT FORM (CONTINUED)**

**Relevant documents/evidence**

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_