

STATEMENT of POLICY and PROCEDURE			
Chapter:	Human Resources	SPP No.	HR 5.03.ON
Section:	Employee Relations	Issued:	Nov. 25, 2019
Subject:	WORKPLACE HARASSMENT and DISCRIMINATION	Effective:	Jan. 1, 2020
Issue to:	All Manual Holders	Page:	1 of 4
		Replaces:	HR-15/HR-16
Issued by:	Community Resource Centre	Issued:	Feb 2017

1 POLICY

- 1.01 The **Community Resource Centre** believes in providing and maintaining a work environment in which all employees are free from workplace harassment, workplace sexual harassment and discrimination. Such actions are not tolerated and, where possible, are to be redressed.
- 1.02 Retaliation or reprisals are prohibited against any employee who has complained under this Statement of Policy and Procedure or has provided information regarding a complaint. Any retaliation or reprisals are subject to immediate corrective action, up to and including termination. Alleged retaliation or reprisals are subject to the same complaint procedures and penalties as complaints of discrimination and harassment.
- 1.03 The **Community Resource Centre** recognizes that individuals may find it difficult to come forward with a complaint under this Statement of Policy and Procedure because of concerns of confidentiality. Therefore, all complaints concerning workplace harassment or workplace sexual harassment or discrimination, as well as the names of parties involved, shall be treated as confidential. The **Community Resource Centre's** obligation to conduct an investigation into the alleged complaint may require limited disclosure. No record of the complaint will be maintained on the personnel file of the complainant. If there is a finding of improper conduct that results in disciplinary action, it will be reflected only on the file of the person who engaged in such conduct, in the same way as any other disciplinary action.
- 1.04 This policy shall be reviewed by the **Community Resource Centre** and the **health and safety representative** as often as necessary but no less than every year to ensure that it adequately implements the policy and the **Community Resource Centre's** legal requirements.

2 PURPOSE

- 2.01 This Statement of Policy and Procedure outlines the procedures to be followed regarding workplace harassment and workplace sexual harassment and discrimination so that employees reporting alleged incidents will know that the matter will be treated confidentially and may be reported without fear of retaliation or reprisal.

3 SCOPE

- 3.01 This Statement of Policy and Procedure applies to all employees.
- 3.02 This Statement of Policy and Procedure applies not only during working time, but to any activities on or off organization premises which could reasonably be associated with the workplace (e.g., social events).

4 RESPONSIBILITY

- 4.01 All employees, and particularly employees in management positions, are responsible for ensuring discrimination and harassment are not tolerated and, where possible, are redressed.
- 4.02 Employees are requested to report promptly when they become aware of, or hear of, alleged actions or complaints of discrimination or harassment.
- 4.03 Supervisors are responsible for providing a work environment that is free from discrimination and

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harassment. This responsibility includes actively promoting a positive, harassment-free work environment and intervening when problems occur. Additionally, supervisors are responsible for dealing with inappropriate actions of others, that come to their attention and for providing employees with information and instruction on the contents of this policy and program.

5 DEFINITIONS

- 5.01 “**Designated Groups**” are defined as women, Indigenous persons, persons with disabilities, members of visible minority groups, and 2SLGBTQ+, Lesbian, Gay, Bisexual, Transgender, and Queer People. The selection of these groups does not preclude the possibility of addressing systemic discrimination for other identifiable groups.
- 5.02 “**Discrimination**” is the denial of equal treatment in employment, in the provision of goods, services and facilities to the public, and in the administration of contracts based on the prohibited grounds as defined by human rights legislation.
- 5.03 “**Indigenous Persons**” identify as being descended from the Original Peoples of what is currently known as Canada. In this context, Indigenous peoples include people who may identify as First Nations (status and non-status), Métis and/or Inuit and any related identities.
- 5.04 “**Systemic Discrimination**” consists of organizational culture, policies, directives, practices or procedures that exclude, displace or marginalize some groups or create unfair barriers for them to access valuable benefits and opportunities. This is often the result of institutional biases in organizational culture, policies, directives, practices, and procedures that may appear neutral but have the effect of privileging some groups and disadvantaging others.
- 5.05 “**Workplace**” means any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises (offices or other buildings), work-related social functions (parties, golf games, etc.), work assignments outside the **Community Resource Centre’s** offices or other buildings, work-related travel, and work-related conferences or training sessions.
- 5.06 “**Workplace harassment**” means engaging in a course of vexatious comment or conduct against a worker that is known, or ought reasonably to be known, to be unwelcome and includes workplace sexual harassment. It may include, but is not limited to, unwelcome, unwanted, offensive, or objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment; interfering with an individual's work performance; adversely affecting an individual's employment relationship and/or denying an individual dignity and respect. Workplace harassment or workplace sexual harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups.
- 5.07 “**Workplace sexual harassment**” means
- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace

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- 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.

Sexual harassment may include, but is not limited to, any unwelcome sexual advances (verbal, written or physical); requests for sexual favours; sexual and sexist jokes; racial, homophobic, sexist or ethnic slurs; written or verbal abuse or threats; unwelcome remarks, jokes, taunts, or suggestions about a person's body, a person's physical or mental disabilities, attire, or on other prohibited grounds of discrimination; unnecessary physical contact such as patting, touching, pinching or hitting; patronizing or condescending behaviour; displays of degrading, offensive or derogatory material such as graffiti or pictures; and physical or sexual assault.

6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

Occupational Health and Safety Act (Ontario) and Regulations
Ontario Human Rights Code

SPP HR 2.01.ON — Employment Principles
 SPP HR 5.01.ON — Employee Relations Principles
 SPP HR 5.02.ON — Dispute Resolution
 SPP HR 6.09.ON — Workplace Violence

7 PROCEDURE

7.01 Step 1 — Self-help

Employees are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the unwelcome conduct. Where employees feel confident or comfortable in doing so, communicate disapproval in clear terms to the person(s) whose conduct or comments are offensive. Keep a written record of the date, time, details of the conduct, and witnesses, if any.

Step 2 - Management Support and Intervention

Employees who are not confident or comfortable with Step 1 and who believe they are victims of discrimination or workplace harassment, or become aware of situations where such conduct may be occurring, are encouraged to report these matters to their supervisor or manager. If either of the supervisor or manager is the alleged harasser, the employee should report the incident of workplace harassment to the **Executive Director**, to any person designated to deal with harassment complaints from time to time by the **Community Resource Centre** or to an impartial person of the employee's choosing who has the knowledge, experience or qualifications to deal with such incidents.

Step 3 - Formal Complaint

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If informal attempts at resolving the issue are not appropriate, or proving to be ineffective, a formal complaint may be filed. To file a formal complaint, an employee should:

- (i) provide a letter of complaint that contains a brief account of the offensive incident (i.e., when it occurred, the persons involved, and names of witnesses, if any). The letter should also include the remedy sought and be signed and dated by the person complaining;
- (ii) file the complaint with the employee's supervisor or manager, to the **Executive Director**, to any person designated by the **Community Resource Centre** to deal with harassment complaints or to an impartial person of the employee's choosing who has the knowledge, experience or qualifications to deal with such incidents; and
- (iii) cooperate with those responsible for investigating the complaint.

- 7.02 An employee who becomes aware of situations where discrimination or workplace harassment may be occurring is requested to notify their manager, the **Executive Director** or to any person designated by the **Community Resource Centre** to deal with harassment complaints.
- 7.03 Complaints reported under paragraph 7.01 Step 2 or Step 3 shall be investigated. The investigation process shall involve interviews of the complainant, the respondent and any witnesses named by either. Within seven (7) working days of the incident or notice thereof, the investigator shall investigate the incident and prepare a written report of the investigation findings. The report shall be provided along with recommendations, if any, to the **Executive Director** for action. The employee who has allegedly experienced workplace harassment and the alleged harasser, if employed by of the employer, will be informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.
- 7.04 All complaints shall be handled in a confidential manner. Information concerning a complaint, or action taken as a result of the investigation, will not be released to anyone who is not involved with the investigation, unless information needs to be disclosed to protect workers, to investigate the complaint or incident, to take corrective action, or because it is otherwise required by law.
- 7.05 Disciplinary action for violations of this Statement of Policy and Procedure will take into consideration the nature and impact of the violations, and may include a verbal or written reprimand, suspension (with or without pay) or termination (with or without notice). Similarly, deliberate false accusations are of equally serious nature and will also result in disciplinary action up to and including termination without notice for just cause. Note, however, that an unproven allegation does not mean that harassment did not occur or that there was a deliberate false allegation. It simply means that there is insufficient evidentiary basis to proceed or that while the complainant may have genuinely had reason to believe that there was harassment, investigation has not borne out the complaint.
- 7.06 This policy shall be posted in conspicuous locations in the workplace to ensure all employees have access to a copy.