

POLICY ON WORKPLACE VIOLENCE, HARASSMENT AND DISCRIMINATION

Approved by the Board May, 2014

1. Policy Statement

CAIS is committed to providing, maintaining and promoting a safe workplace and ensuring that its employees, contractors, volunteers, event attendees, member representatives and visitors are treated with dignity and respect, and work in an environment free from harassment in any form, including discrimination and violence or threats of violence. No employee, contractor, volunteer, event attendee, member representative, visitor or any other individual associated with CAIS shall subject any other person to workplace violence, harassment or discrimination or allow or create situations that allow workplace violence, harassment or discrimination to occur. CAIS will:

- support and promote a program on the prevention of workplace violence, harassment and discrimination;
- regularly assess the risks of workplace violence, harassment and discrimination;
- strive to eliminate or reduce the risk of workplace violence, harassment and discrimination;
- investigate and deal with all incidents and complaints of workplace violence, harassment and discrimination in a fair and prompt manner

2. Purpose of Policy

The purpose of this policy is to

- identify roles and responsibilities when violence, harassment and/or discrimination takes place in the workplace; and
- set out how CAIS will respond to reports of violence, harassment and/or discrimination in the workplace.

3. Definition of Workplace Violence, Harassment and Discrimination

Under the Ontario Occupational Health and Safety Amendment Act 2009, workplace violence means

- the exercise of physical force by a person against an employee, in a workplace, that causes, or could cause, physical injury to the employee,
- an attempt to exercise physical force against an employee, in a workplace, that could cause physical injury to the employee, or

- a statement or behavior that is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee.

Under the Ontario Occupational Health and Safety Amendment Act 2009, workplace 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. The unwelcome comment or conduct does not have to be directed at a specific person for harassment to occur. Any form of unsolicited behavior characterized by words, acts or gestures, such as hurtful remarks, insults, humiliating jokes, display of offensive or obscene material, inappropriate physical contact, intimidation, inappropriate demands or reprisals, may constitute harassment when likely to cause an intimidating, offensive, embarrassing or hostile working environment.

The Ontario Human Rights Code prohibits discrimination and harassment in employment based on grounds that include race, colour, religion, sex, gender, sexual orientation, place of origin, ethnic origin, ancestry, citizenship, marital or family status, age and disability.

4. Definition of Employee

For the purposes of this policy, an employee means a person who performs work or services for monetary compensation at CAIS and includes all full-time and part-time employees, casual workers, individual contractors and employees or staff of any contractor or service provider carrying out business for CAIS. Members of the CAIS Board of Directors are also included in this definition although they do not receive compensation for the services provided.

5. Application of Policy

This policy applies to all employees (as defined above) of CAIS and covers all forms of violence, harassment and discrimination, including those prohibited by the Ontario Human Rights Code and the Ontario Occupational Health and Safety Act. For purposes of this policy, CAIS' workplace includes any place where the business of CAIS is conducted or where CAIS related conferences and workshops and other CAIS functions occur, including locations of business travel, and including schools being visited by Visiting Accreditation Committees.

This policy also applies to all CAIS volunteers, member representatives, visitors, contractors and CAIS Conference, workshop and function attendees, including Visiting Accreditation Committees. While provisions of the policy are worded principally in terms of CAIS employees and CAIS workplaces, the wording is intended to cover all the people and places referred to in this section.

While CAIS is committed to resolving violence, harassment and discrimination concerns internally, nothing in this policy precludes an employee from filing a complaint with the Human Rights Tribunal of Ontario or the Ministry of Labour (or the equivalent bodies in other jurisdictions) or having criminal charges laid or instituting civil proceedings.

6. No Retaliation for Using this Policy

All employees have a right to make a complaint or enforce their rights under this policy without retaliation or threat of retaliation. CAIS prohibits reprisals or threats of reprisal against anyone who makes use of this policy or takes part in an investigation under this policy. An act of

retaliation or threat of retaliation against such a person will be treated in the same manner as harassment.

7. Rights and Duties

(i) Employees' Rights

- (a) To report an incident of violence or harassment or file a complaint without fear of retaliation.
- (b) To be told about CAIS' process for looking into the incident or complaint.
- (c) To choose a person to be with them during meetings about the incident or complaint.
- (d) To get information about the review of the incident or complaint.
- (e) To be treated fairly while CAIS is looking into the incident or complaint.
- (f) To get information about the action taken by CAIS because of the incident or complaint.
- (g) To refuse work if the employee has reason to believe that workplace violence, harassment or discrimination is likely to endanger the employee.

(ii) Employees' Duties

- (a) Employees have a duty to report any incidents or violence, harassment or discrimination they become aware of, even if they are not personally involved.
- (b) Employees who feel they have been harassed or discriminated against should communicate clearly to the person who harassed them that the behavior was unwelcome, unless it is unreasonable to expect them to do so.
- (c) Employees who report an incident or file a complaint have a duty to co-operate with the people who are looking into the incident or complaint.

(iii) Rights of the Person Accused of Violence, Harassment or Discrimination

- (a) To be told that a report or complaint has been filed.
- (b) To know who filed the report or complaint, unless CAIS decides that reprisals are an issue, in which case the name may be withheld.

- (c) To be told about CAIS' process for looking into the incident or complaint.
 - (d) To choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person.
 - (e) To be treated fairly during the investigation process.
- (iv) Duties of the Person Accused of Violence, Harassment or Discrimination
- (a) Anyone accused of violence, harassment or discrimination has a duty to co-operate with CAIS in the investigation of the incident or complaint.

8. Reporting Workplace Violence

When an incident of workplace violence occurs, CAIS will notify police or emergency responders for immediate assistance when necessary. If the incident results in a person being killed or critically injured, CAIS will immediately notify a Ministry of Labour health and safety inspector (or the equivalent in other jurisdictions).

9. Investigating Incidents and Complaints

CAIS will investigate all incidents and complaints about violence, harassment or discrimination promptly:

- (a) If the incident or complaint is on human rights grounds, CAIS will follow the process set out under the Ontario Human Rights Code.
- (b) An incident report or a complaint must be in writing and signed by the person filing the report or making the complaint unless this is unreasonable. The report or complaint should be given to the CAIS Executive Director. If the report or complaint is about the Executive Director it can be given to the CAIS Chair of the Board. If the report or complaint is about both the Executive Director and the Chair it can be given to a Vice-Chair of the Board or the Chair of the Governance Committee.
- (c) CAIS will designate a person to look into the incident or complaint. This position may be called the Incident Investigator or the Complaints Officer. The designated person may or may not be a director or a staff member and may be from outside of CAIS.
- (d) The designated person may be authorized to consult with a CAIS lawyer. Where there is a possible legal liability on the part of CAIS, the CAIS lawyer will be consulted before proceeding further.
- (e) The investigation into the incident or complaint will include interviews with the parties and any others that may have knowledge of the incident or complaint. The investigation may

include a review of CAIS files and inspection of parts of CAIS as necessary. The designated person will submit a written report to the Executive Director, or if the report pertains to the Executive Director then it will be directed to the Chair of the Board, or if the report pertains to the Executive Director and the Chair then it will be directed to a Vice-Chair of the Board or the Chair of the Governance Committee.

- (f) The Executive Director (or Chair of the Board or a Vice-Chair or the Chair of the Governance Committee, as the case may be) will consider the report and take the appropriate action where there is evidence of violence, harassment and/or discrimination. In determining the action to take, the Executive Director (or other person, as the case may be) will consider the seriousness of the acts. Possible actions include:
- a letter of apology, if the parties will agree to that;
 - mediation between the parties or mandatory counseling;
 - proceedings to remove someone from the Board if the person at fault is a Director;
 - reprimand, suspension or dismissal if the person at fault is an employee;
 - barring a volunteer from volunteering for CAIS in the future if the person at fault is a volunteer;
 - barring an individual from attending future CAIS events and conferences in the future if the person at fault is an event attendee, visitor or member representative;
 - recommending to the CAIS Board that the Board review a member school's membership in CAIS if the person at fault is the Head of the member school; and
 - establishing appropriate security measures as part of the workplace safety program.

10. Privacy

Where possible, CAIS will keep all information relating to an incident or complaint confidential.

However, in order to investigate an incident or complaint, the person conducting the investigation may have to interview people in order to get at the facts. Where possible in doing these interviews, that person will try to protect the identity of those involved, but this will not always be possible.

CAIS will disclose information only on a need-to-know basis.

11. Action by CAIS

While the incident or complaint is being investigated, CAIS will

- (a) limit contact between the parties involved in the incident or complaint; and
- (b) assist the affected employees in obtaining help to deal with any stress the employee may be feeling.

12. Restriction

Violence, harassment and discrimination in the workplace is a serious issue. This policy must not be used maliciously or in bad faith. Bad faith or misconduct in the use of this policy will be treated in the same manner as harassment.