

## **CAIS Policy G-105 Freedom from Harassment, Discrimination and Workplace Violence Policy**

Purpose: To maintain a respectful workplace.

Application: All CAIS Personnel and extends to all CAIS activities.

Definitions: For the purposes of this Policy:

**“CAIS Personnel”** means a person who performs work or services for monetary compensation at CAIS (including all full-time and part-time employees, casual workers and individual contractors), employees or staff of any contractor or service provider carrying out business for CAIS, members of the CAIS Board of Directors, all CAIS volunteers (including those on Visiting Committees) and all attendees at CAIS-related conferences, workshops or other CAIS functions (including Member School representatives, speakers, contractors and other visitors).

**“CAIS Staff”** means a full-time employee of CAIS.

**“Complainant”** means a person who has filed a formal complaint under this Policy.

**“Concern Recipient”** means the CAIS representative to whom someone has shared concerns about another person’s behaviour under this Policy; this may be the Executive Director, the Chair of the CAIS Board or the Chair of the CAIS Board’s Governance Committee.

**“Respondent”** means a person whose conduct is complained of.

**“Workplace”** includes any place where the business of CAIS is conducted or where CAIS-related conferences, workshops and other CAIS functions occur, including locations of business travel and schools visited by Visiting Accreditation Committees.

Policy Statement:

### **(a) Maintaining a Respectful Workplace**

CAIS values the diversity of its workforce, activity attendees and visitors and is committed to providing a work environment supportive of human dignity and respect. It is the policy of CAIS to ensure that all CAIS Personnel experience a Workplace free of intimidation, discrimination, harassment and workplace violence. Such acts in any form will not be tolerated on our premises, or in the course of our business, functions and events, wherever that business, function or event occurs, including locations of business travel. We acknowledge our responsibility to support and assist persons subject to harassment, discrimination or violence, and to take appropriate action to stop such conduct. This policy pertains to all CAIS Personnel and extends to all CAIS activities.

CAIS upholds, as a matter of normal business practice, the freedom from harassment and discrimination provisions of the *Ontario Human Rights Code* (the “**Code**”) and the freedom from harassment provisions of Ontario’s *Occupational Health & Safety Act* (the “**OHSA**”), and is committed to providing and maintaining a workplace that is safe and free of violence in compliance with the OHSA.

All CAIS Personnel play a role in ensuring our Workplace is free from harassment, discrimination and violence. This means not engaging in, allowing, condoning, or ignoring behaviour contrary to this policy.

## **(b) Workplace Harassment and Discrimination**

The Code defines harassment as meaning:

“Engaging in a course of vexatious comment or conduct that is or ought to be reasonably known to be unwelcome”.

Vexatious is defined as “distressing” or “annoying”.

The Code prohibits discrimination and harassment based on grounds that include age, sex (including pregnancy and breast feeding), sexual orientation, gender identity, gender expression, marital status, family status, race, colour, ancestry, citizenship, ethnic origin, place of origin, creed, religion, political affiliation, record of offences or disability. Personal harassment, not based on one of these prohibited grounds, can be equally demeaning, intimidating or humiliating and is also covered by this policy.

Harassment and discrimination can be distinguished from normal, mutually acceptable socializing in that it is offensive, insulting, intimidating, embarrassing, hurtful, or malicious, and creates an uncomfortable work environment.

CAIS Staff will treat any complaint of harassment or discrimination with seriousness, sensitivity and discretion. Confidentiality will be maintained wherever possible. Exceptions will only be made where disclosure is necessary for the purposes of conducting a proper investigation, taking appropriate disciplinary/corrective measures, or where required by law.

### **Points to remember about harassment.**

- Harassment and discrimination can be present in every job level and occupation
- Harassment and discrimination are defined by the perceptions of the recipients of the behavior, not by those of the harasser
- Harassment and discrimination are about power and control

Workplace harassment and discrimination range from subtle to blatant behaviour and can be expressed in a number of ways. The unwelcome comment or conduct does not have to be directed at a specific person for harassment or discrimination 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 or discrimination.

Any person, regardless of the person's position of authority, may be responsible for committing an act of harassment or discrimination. While harassment and discrimination usually involve repeated acts or a course of conduct, a single incident could be serious enough to constitute a breach of this policy.

However, a reasonable action taken by CAIS Staff relating to the management and direction of CAIS Personnel or the Workplace does not constitute harassment or discrimination.

Harassment and discrimination include, but are not limited to, the following examples:

**Sexual Harassment:**

Sexual harassment may be broadly categorized into two main components:

1. Where a person in a position to confer, grant, or deny a benefit or advancement to a person:
  - makes employment or benefits from employment, such as promotions, good performance ratings, etc. conditional upon the employee's acceptance of sexual advances
  - threatens to or makes reprisals when CAIS Personnel reject sexual advances
2. Where the Workplace environment becomes "poisoned" when the conduct or comments of others create a hostile environment.

Sexual harassment may include, but is not limited to:

1. Unwelcome remarks, jokes, innuendos, or taunting about sex, sexual orientation, gender identity, gender expression, or a person's body or attire.
2. Practical jokes of a sexual nature which cause awkwardness or embarrassment.
3. Sexual jokes or comments, including passing around written sexual jokes or comments (for example, by email).
4. Making gender related comments about someone's physical characteristics or mannerisms.
5. Making comments or treating someone badly because they don't conform with sex-role stereotypes.
6. Using language that puts someone down based on their sex, sexual orientation, gender identity, gender expression, including sex-specific derogatory names.
7. Refusing to work with people because of their sex, sexual orientation, gender identity or gender expression.
8. Showing or sending pornography, sexual pictures or cartoons, sexually explicit images, or offensive images or material (including on-line).
9. Leering (suggestive staring) or other gestures.
10. Unnecessary physical contact such as touching, patting, pinching, etc.
11. Suggestive or offensive remarks or unwelcome questions or discussions about sexual activities or a person's personal life.

12. Spreading sexual rumours (including on-line).
13. Bragging about sexual prowess or talking about sexual activities.
14. Sexual propositioning.
15. Demanding hugs, dates or sexual favours.
16. Asking someone to dress in a sexualized or gender specific way.
17. Sexual assault.

**Examples of Harassment or Discrimination on Prohibited Grounds:**

1. Mimicking, disparaging, ridiculing or insulting a person's accent, speech or mannerisms.
2. Comments or conduct which disparages, ridicules, or insults a person, insulting gestures, slurs or jokes which relate to, displaying or distributing derogatory materials, cartoons or pictures which relate to, using language (including using racial-specific derogatory names) that puts someone down based on their, unfairly singling someone out for humiliating treatment because of their, or refusing to work with people because of their: age, sex (including pregnancy and breast feeding), sexual orientation, gender identity, gender expression, marital status, family status, race, colour, ancestry, citizenship, ethnic origin, place of origin, creed, religion, political affiliation, record of offences or disability.
3. Violence or assault.

**(c) Workplace Violence**

Workplace violence is defined in the OHSA as the exercise, or the attempt to exercise, physical force by a person against a worker, in a workplace, that causes or could cause physical injury, or a statement or behaviour that it is reasonable to interpret as a threat to exercise physical force that could cause injury.

No forms of violence will be tolerated in the Workplace on the part of CAIS Personnel. CAIS will take such steps as it considers reasonable and appropriate to identify possible sources of violence and to implement procedures and precautions to eliminate or minimize the risks.

Any acts of violence or threats of violence in the Workplace are unacceptable. It is up to each CAIS Personnel to report any threat or act of violence. CAIS Personnel who initiate or are a party to acts of violence or aggression may be subject to discipline up to and including dismissal.

In accordance with the OHSA, CAIS has an obligation to provide CAIS Personnel with information, including personal information, related to an individual with a history of violent behaviour where there is a risk of Workplace violence being perpetrated by that person. Such information will be provided only to those CAIS Personnel who could reasonably be expected to encounter that person at work, and where the risk of Workplace violence is likely to expose those CAIS Personnel to injury. Only information that is reasonably necessary to protect CAIS Personnel from physical injury will be disclosed. Confidentiality will be maintained wherever possible.

Where CAIS is, or is made aware, of domestic violence that is likely to expose CAIS Personnel to physical injury that may occur in the Workplace, CAIS will take precautions to protect that CAIS Personnel. Any CAIS Personnel who feel that they are at risk of domestic violence should notify their supervisor or the

Executive Director. Any CAIS Personnel who is aware of domestic violence that could enter into the Workplace is required to report this information to the Executive Director immediately.

Where there is an extremely urgent and/or life-threatening situation in the Workplace, particularly with regard to serious violence, the most important concern is for the immediate safety and well-being of the affected CAIS Personnel. Depending upon the situation, the most immediate need may be to call the police, fire department or paramedics. CAIS Personnel safety and security is of paramount importance and therefore, common sense must prevail.

**Examples of Violence in the Workplace:**

- actual and attempted acts of physical violence such as hitting, punching, slapping or kicking;
- threats of physical violence or intimidation;
- intimidation causing fear or anxiety; and

other acts of physical aggression, such as the deliberate destruction of or damage to property, especially where such actions are meant to intimidate one or more individuals.

**(d) No retaliation for using this policy**

All CAIS Personnel 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.

**(e) Management Responsibilities**

CAIS will ensure that complaints are handled with sensitivity and incidents of violence, discrimination, intimidation or harassment are discontinued as quickly as possible upon CAIS's awareness of it and to ensure protection from retaliation for any CAIS Personnel who has made a complaint in good faith.

**(f) CAIS personnel responsibilities**

It is the responsibility of CAIS Personnel to show respect for others both in the Workplace and in any capacity where they are representing CAIS. CAIS Personnel are responsible for their actions and are expected to change their conduct when advised that their behaviour is not acceptable to others.

**(g) What to Do If Harassment, Discrimination or Workplace Violence Occurs**

This policy outlines both informal and formal options available to any CAIS Personnel who believes that he or she or another person has been harassed, discriminated against or been subject to violence in the

Workplace.

While CAIS is committed to resolving harassment, discrimination and violence concerns internally, nothing in this policy precludes CAIS Personnel from filing a complaint with the Human Rights Tribunal of Ontario or the Ministry of Labour (or similar body in any other jurisdiction in Canada), having criminal charges laid or instituting civil proceedings.

CAIS Personnel who engage in harassment, discrimination or violence may expose themselves personally to damages in the event of a successful lawsuit or human rights case.

Keep a record. Write down dates, times, any witnesses, what was said or done, when and by whom.

Documentation is extremely important, especially if the harasser does not stop or if the violence or harassment is serious and justifies a formal complaint.

### **(i) Informal Resolution Options**

In many situations, simply informing the person that the person's comment or conduct is unwelcome will resolve the issue. Telling the person to "stop" may be difficult to do, but frequently it is the most effective means of eliminating the problem.

If you find it too difficult to speak to the person directly (or if you speak to the person but the unwelcome comment or conduct persists, or if you feel that as a result of speaking to the person you have been subjected to retaliatory behaviour), you are encouraged to discuss your concerns with your supervisor or the Executive Director, or, if any aspect of your concerns involves the Executive Director, with the Chair of the CAIS Board or the Chair of the CAIS Board's Governance Committee. The Concern Recipient will assess whether the comment or conduct is related to the protected grounds outlined in the Code or whether it involves workplace harassment, discrimination or workplace violence as outlined in the OHSA.

In the event that the Concern Recipient determines that the comment or conduct complained of engages this policy, the resolution procedures below will apply.

After discussing your concerns with a Concern Recipient, you may wish to have the Concern Recipient (or someone nominated by you) address the matter informally with the person whose behaviour has troubled you or accompany you in doing so.

The Concern Recipient may (after conferring with you) discuss the matter confidentially with other possible Concern Recipients. In particularly serious circumstances (for example, where there are previous complaints or incidents involving the person complained of or in cases involving allegations of inappropriate physical contact), the Concern Recipient may request that the Executive Director or the Chair of the CAIS Board initiate an investigation of the matter. The Concern Recipient will carefully consider your wishes before making such a request.

In every case where the Concern Recipient (or someone nominated by you) addresses the matter informally with the person whose behaviour is in question, the Concern Recipient will keep you apprised

of how the matter is being addressed and of any proposed resolution initiatives. The Concern Recipient will confer with the Executive Director or the Chair of the CAIS Board on a "no names" basis prior to attempting to resolve the matter.

The Concern Recipient will complete this informal procedure as soon as possible, normally within 15 days of your speaking to the Concern Recipient, unless a longer period is appropriate in the circumstances. In this case, the Concern Recipient will notify you of the proposed time frame.

### **(ii) Formal Complaint Options**

You may decide to make a formal written complaint under this policy to the Executive Director, or, if any aspect of your concerns involves the Executive Director, with the Chair of the CAIS Board or the Chair of the CAIS Board's Governance Committee. Upon receipt of a written complaint, the Executive Director, the Chair of the CAIS Board or the Chair of the CAIS Board's Governance Committee will initiate a Workplace investigation.

A formal written complaint may be made whether or not you have spoken to a Concern Recipient and whether or not the Concern Recipient agrees with you that there is evidence of harassment, discrimination or violence. You may also make a formal written complaint in the event that the informal process does not resolve the matter to your satisfaction.

See related Procedure [insert number] for procedures relating to the Investigation of Formal Complaints.

### **(h) Disciplinary and Rehabilitative Actions**

Disciplinary and rehabilitative action arising out of the informal resolution process or resulting from a formal complaint and subsequent investigation may include one or more of the following:

- A formal apology
- Counseling and/or education on harassment, discrimination and violence
- A written warning
- A change of work assignment of the Respondent
- A financial penalty
- A record in the file of the Respondent
- The termination of the Respondent or barring the Respondent from CAIS activities (including conferences, workshops and other CAIS functions).

### **(i) Confidentiality**

It is essential that the Complainant, Respondent and all of those involved in the informal or formal investigation of a complaint maintain confidentiality throughout the formal or informal complaint procedure, the investigation and subsequent to the investigation. Information will only be provided to those who have a "need to know", or as required in the course of the investigation. It is the responsibility of all CAIS Personnel to cooperate with the investigation and to maintain strict confidentiality of all

information related to the allegations and investigations.

It is a serious breach of this policy to break confidentiality unless disclosure of information relating to the complaint is required by law or is necessary in order for the proper investigation and resolution of the matter. Any such breach will be treated in the same manner as harassment.

**(j) Restrictions**

Harassment, discrimination and violence 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.

**CERTIFICATION**

I have read the above policy and I understand the policy and the reporting procedure:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_