



POLICY

The Children's Aid Society of the District of Thunder Bay is committed to fostering a harassment-free workplace where all employees are treated with respect and dignity.

The *Ontario Human Rights Code* protects employees from harassment based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

Harassment at the Children's Aid Society of the District of Thunder Bay is not tolerated. Employees who are found to have harassed another individual may be subject to disciplinary action. This includes any employee who:

- Interferes with the resolution of a harassment complaint;
- Retaliates against an individual for filing a harassment complaint; or
- Files an unfounded harassment complaint intended to cause harm.

All sources of workplace harassment will be considered, e.g., alleged harassment from the employer, co-workers, volunteers, students, service users, third party contractors, community collaterals, members of the public, and domestic/intimate partners.

All employees share a responsibility to provide and maintain an environment free of discrimination and harassment.

SCOPE

This policy applies to all:

- Current employees of the Children's Aid Society of the District of Thunder Bay, including full and part-time, casual, contract, permanent and temporary employees;
- Student interns;
- Behaviour that is in some way connected to work, including during off-site meetings, training and business trips.

This policy will be posted in a conspicuous place in each worksite, and will be reviewed annually.



DEFINITIONS

Workplace Harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to an employee or group of employees, in a workplace. It can also include behaviour that intimidates, isolates or discriminates against the targeted individual(s).

Workplace harassment may be direct or indirect and may include:

- Making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
- Displaying or circulating offensive pictures or materials in print or electronic form;
- Bullying;
- Repeated offensive or intimidating phone calls or e-mails; or
- Workplace sexual harassment.

Workplace Sexual Harassment means 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. It also means 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.

Workplace sexual harassment may include:

- Asking questions, talking, or writing about sexual activities;
- Rough or vulgar humour or language related to sexuality, sexual orientation or gender;
- Displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form;
- Leering or inappropriate staring;
- Invading personal space;
- Unnecessary physical contact, including inappropriate touching;
- Demanding of hugs, dates, or sexual favours;
- Making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes;
- Verbally abusing, threatening or taunting someone based on gender or sexual orientation; or,
- Threatening to penalize or otherwise punish an employee if they refuse a sexual advance.

Harassment does not include:

- Reasonable actions taken by an employer or supervisor to manage and direct employees;



- Interpersonal conflict or disagreement.

POLICY STANDARDS

The Children's Aid Society of the District of Thunder Bay is responsible for:

- Providing all employees with a harassment-free workplace.

The Executive Director is responsible for:

- Ensuring that this policy and program is applied in a timely, consistent, and confidential manner; and
- Determining what corrective actions are appropriate where a harassment complaint has been substantiated.

The Manager of Human Resources is responsible for:

- The administration of this policy;
- Assigning a qualified individual to investigate an incident or complaint of workplace harassment;
- Taking appropriate action during a harassment investigation, including separating the parties to the harassment complaint, when appropriate;
- Ensuring harassment situations are dealt with in a sensitive and confidential manner;
- Reviewing this policy annually, or as required; and
- Making necessary adjustments to ensure that this policy meets the needs of the organization.

Directors, Managers and Supervisors are responsible for:

- Fostering a harassment-free work environment and setting an example about appropriate workplace behaviour;
- Communicating the process for investigating and resolving harassment complaints made by employees;
- Dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made;

Employees are responsible for:

- Treating others with respect in the workplace;
- Reporting harassment that they have experienced or witnessed to their Manager or Supervisor;
- If the employee's reporting contact is the person engaging in the workplace harassment, they may contact the Manager of Human Resources or a Director;
- Co-operating with a harassment investigation and respecting the confidentiality related to the investigation process.



Employees can expect:

- To be treated with respect in the workplace;
- That reported harassment will be dealt with in a timely, confidential and effective manner;
- To have their rights to a fair process and to confidentiality respected during a harassment investigation; and
- To be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

PROCEDURE

Filing a Complaint

An employee may report harassment and file a harassment complaint with their Manager or Supervisor. It is preferable that the employee submit the complaint in writing, using the Society's Harassment Complaint form. If the complaint is made verbally, the Manager will record the details provided by the employee. Alternatively, the employee may file a complaint with the Manager of Human Resources or a Director.

The employee should be prepared to provide details such as what happened; when it happened; where it happened; how often and who else was present (if applicable).

Complaints should be made as soon as possible but no later than within one year of the last incident of perceived harassment, unless there are circumstances that prevented the employee from doing so.

The Manager receiving the complaint will immediately forward the complaint to the Manager of Human Resources (Executive Director, if absent). Human Resources will assign an individual to investigate the complaint, and inform the alleged harasser in writing, that a harassment complaint has been filed. The letter will also provide details of the allegations that have been made against them.

Every effort will be made to resolve harassment complaints within 90 days. Human Resources will advise both parties of the reasons why, if this is not possible.

Duty to Investigate

The Society has a legal obligation to investigate once it becomes aware of workplace harassment, including talking to the employee who was allegedly harassed, the alleged harasser (if an employee of the Society) and relevant witnesses.



The Manager of Human Resources will determine who will conduct the investigation into the incident or complaint of workplace harassment.

The individual conducting the investigation shall be unbiased, e.g., with no conflict of interest, and in good standing with their professional body (if applicable). This person may be internal or external to the Society. This person shall have knowledge of the workplace harassment and reprisal provisions under the OHSAA, and experience in conducting workplace investigations, dealing with confidentiality and privacy in the context of those investigations, preparing comprehensive reports, and dealing with complex and/or sensitive situations.

If the allegations of workplace harassment involve a Manager or Supervisor, the person identified to complete the investigation should not be directly involved in the incident or complaint, and not be directly under the control of the alleged harasser.

If the allegations of workplace harassment involve a Senior Executive or Board Member, an external person qualified to conduct a workplace harassment investigation will be retained to conduct an impartial investigation. This third party investigator could be a leader from another Children's Aid Society, a certified human resource professional or a lawyer.

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 (e.g. illness, complex investigation) warranting a longer investigation.

Investigation Process

The person conducting the investigation will complete the following:

1. The investigator must ensure that 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 Society. If the alleged harasser is not an employee, the investigator should make reasonable efforts to interview the alleged harasser.
3. If the employee who was allegedly harassed does not wish to cooperate with the investigation, the employer will try to find out the reasons why, in order to identify potential coercion or reprisal issues. Note: The employer is obligated by law to continue an investigation, even without cooperation from the employee who has allegedly experienced harassment.



4. 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.
5. The investigator must 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.
6. The investigator must collect and review any relevant documents.
7. The investigator must take appropriate notes and statements during interviews with the employee who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
8. The investigator will give the parties written notice of when they can expect to receive a written summary report of the findings.

Support Persons during the Investigation

The employee alleging harassment, the alleged harasser and witnesses may use a support person during the investigation. The support person cannot be the employee's Manager or a potential witness or party to the complaint. The role of the support person is to offer emotional support to the employee during a stressful time and to assist in seeking and clarifying information to facilitate the process. Bargaining Unit members may use a Union Representative or JOHSC employee representative; casual employees may use a JOHSC employee representative; Directors, Managers and Supervisors may use a Society peer. All support persons must agree to maintain confidentiality regarding all elements of the investigation, and will be asked to sign a confidentiality agreement.

Results of the Investigation

Within 10 days of the investigation being completed, a written summary of the findings will be provided to the employee who was allegedly harassed, and the alleged harasser, if a Society employee. If the investigation concluded that workplace harassment occurred, general information regarding corrective actions taken will be provided.

Corrective Actions

Corrective actions are actions taken to try to prevent a reoccurrence of workplace harassment. Where the investigation finds that harassment arises from an employee, Supervisor, or other person associated with the workplace, individual corrective action will be taken, congruent with the nature or severity of the behaviour and Society policies. Corrective action may include, but is not limited to:



apologies, education, counselling, shift changes, reprimands, suspension, job transfer, demotion, or termination.

Corrective actions may also be broader, especially where the investigation of an incident or complaint shows that workplace harassment is prevalent or commonplace. An example would be training for everyone in the workplace or in a Unit on workplace harassment, causes and solutions.

If the alleged harasser is a Bargaining Unit member, detailed information specific to individual corrective action will be provided to the individual and to CUPE Local 2296, as per the Collective Agreement and the Society's Progressive Performance Management Policy.

Alleged Harasser is Not an Employee

Incidents and complaints of workplace harassment arising from service users, community collaterals, third party contractors or other members of the public may be dealt with immediately or in the short term, by a Manager as per the Society's "Violence in the Workplace" policy and program, in lieu of a formal investigation. For example, the alleged harasser may be asked to leave and/or police called; a "no trespassing order" may be sought; a case review may be undertaken and changes made to case planning re: worker contact.

The Employer will ensure that the response to the incident or complaint is recorded, and that the employee(s) involved are provided with information about the actions taken to prevent a reoccurrence of harassment.

Other Redress

Employees should use the process set out in this Anti-Harassment Policy Statement and Program to deal with their concerns about harassment, where possible.

An employee may also seek resolution of a workplace harassment incident or complaint outside of the employer's internal investigation procedure, e.g:

- File an application to have their matter heard if the alleged harassment is based on one of the grounds prohibited under Ontario's Human Rights Code; or
- Seek to resolve harassment issues through the grievance arbitration process if they are represented by a union; or
- Seek to resolve harassment issues through civil litigation, depending on the circumstances.



Privacy and Confidentiality

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

The Manager of Human Resources will receive the complaint and facilitate the investigation process; and will also receive the full final report. The Executive Director and the relevant Service Director(s) will be privy to the complaint and the full final report. A Manager may be privy to a summary report outlining the complaint, harassment Investigation results and recommendations.

All parties to a harassment complaint (including witnesses and support persons) are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know (e.g., if seeking advice or counselling). A confidentiality agreement will be signed by all parties at the commencement of the investigation.

The Children's Aid Society of the District of Thunder Bay and all individuals involved in the harassment complaint process will comply with this and other Society policy to protect personal information.

Record Keeping

The Employer (Human Resources or designated person) will keep separate records of the investigation including:

1. A copy of the complaint or details about the incident;
2. A record of the investigation including notes;
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 Society;
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 any summary reports, will not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Investigation records will be kept as per the Society's practices and policies regarding retention of business records.



Policy and Program Review

The Children's Aid Society of the District of Thunder Bay will review this policy and program on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all employees.

Enquiries

Enquiries about this policy and related procedures may be made to the Manager of Human Resources.

Approved By: Senior Management	Approval Date: January 23 rd , 2019	Review Date: April 2019
--------------------------------	------------------------------------------------	-------------------------