

PAL Stratford Inc.

P. O. Box 23040
Stratford, ON, N4A 7V8
info@palstratford.org

Workplace Harassment Policy

Commitment

PAL Stratford believes that every volunteer and employee has a right to be free from harassment and bullying, and is dedicated to zero tolerance of such behaviour while engaged in activities related to PAL. PAL is further committed to maintaining a workplace which is supportive of the personal goals, dignity, and self-esteem of every person involved. PAL adheres to the *Ontario Human Rights Code, R.S.O. 1990*, which provides a framework for appropriate behaviour in the workplace.

As part of its commitment to a safe work environment, PAL recognizes that all volunteers and employees have the right to refuse work if they have reason to believe that they are subject to harassment or bullying, and emphasizes that every volunteer and employee has the right to register a complaint or provide information regarding a complaint under this Policy or with the Human Rights Tribunal without reprisal or threat of reprisal for doing so.

To bolster this pledge, PAL will provide training on workplace harassment on an annual basis, and will review the Policy as often as necessary (yearly, at minimum). This Policy will be posted on the PAL Stratford website and in the front lobby within PAL's Brunswick Street residence.

Objectives

The purpose of this Workplace Harassment Policy is to provide clarity about what qualifies as harassment and bullying, to develop and share a framework that underscores PAL's commitment to creating a safe environment for all, and to give guidance to both to those involved in an incident of harassment, and to those mandated to implement the Policy.

Explanation of protected grounds and definitions

In accordance with the *Ontario Human Rights Code*, harassment is prohibited on the following protected grounds:

<ul style="list-style-type: none">• Age• Ancestry, colour, race• Citizenship• Ethnic origin• Place of origin• Creed• Disability	<ul style="list-style-type: none">• Family status• Marital status• Gender identity, gender expression• Receipt of public assistance• Sex (including pregnancy and breastfeeding)• Sexual orientation
---	---

Harassment – engaging in a course of vexatious (i.e., irritating, offensive, disparaging, annoying, etc.) comment or conduct that is known or ought reasonably to be known to be unwelcome.

Sexual Harassment – 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.

Workplace Bullying – a form of interpersonal aggression defined as “repeated and persistent negative acts towards one or more individuals, which involve a perceived power imbalance (where the victim feels inferior) and which creates a hostile work environment”.

- Conflict between two parties perceived of equal strength is not considered to be workplace bullying but would normally be considered normal human conflict.
- The person who is subject to bullying may experience several negative effects, including lower levels of job satisfaction, post-traumatic stress, psychosomatic symptoms, physical illness, or depression.

Examples of unacceptable behaviour include, but are not limited to, the following:

- Making remarks, jokes, or innuendos that demean, ridicule, intimidate, or offend.
- Displaying or circulating, in print or electronic form, pornographic, racist, or other material that can be reasonably perceived to be offensive.
- Inappropriate sexual touching, advances, suggestions, or requests.
- Ethnic or racial slurs.
- Bullying, including sabotaging, isolating, and spreading rumours.

Roles and responsibilities

The Board of Directors is responsible for maintaining a work environment that prohibits events, behaviours, and surroundings that are conducive to harassment. Upon becoming aware that harassment is occurring, it is the responsibility of the Chair to initiate remedial actions, in consultation with the Board Executive Committee.

It is the responsibility of all volunteers and employees of PAL to ensure that prohibited behaviours and activities do not occur. The prohibition against harassment extends not only to the person conducting the harassment, but also to individuals who are in a position to potentially prevent the harassment from taking place or continuing. Persons who would like further clarification on what constitutes harassment and how to resolve an incident should communicate directly with the Chair in accordance with the Procedures described in this Policy.

Application/Procedure

PAL Stratford is committed to a fair and expeditious process.

Like the Formal Complaint Procedure outlined in the Conflict Resolution Policy, it is imperative that written documentation be provided to the Chair of the Board. The written complaint should include:

- A detailed description of the alleged offending behaviour
- Dates
- Times
- Location
- Witnesses
- Any occasion when the respondent was told to stop such behaviour or any other efforts, including written notice to the respondents, to stop such behaviour.

The Chair of the Board will advise the complainant as to whether the complaint falls into the classification of harassment or violence and, if so, the next steps to be taken. Where the complaint is judged not to fall within the provisions of the Harassment Policy, the Chair of the Board will provide the complainant with a written statement formally indicating the reason for this judgement.

Where a complaint is judged to fall within the provisions of the Harassment Policy, the Chair of the Board will advise the respondents, as soon as possible, and provide them with a copy of the written complaint(s).

A written document which details findings, decisions, and any disciplinary or other actions to be taken if a complaint is substantiated is to be prepared by the Chair of the Board.

The Chair of the Board or designate will make every effort to act on complaints of harassment within 10 days of receiving the written complaint. The Chair of the Board or designate may utilize a “third party” investigator and/or legal counsel to investigate the complaint and provide a report of findings and recommendations. Every effort will be made to ensure that the findings and recommendations of the investigation are reported no later than 60 days after receipt of the written complaint.

External Representation at the Interview

PAL may generally permit those being interviewed to have a representative of their choosing present, as long as it is practical and as long as the interview will not be delayed.

The Investigative Report

The preparation of a written investigative report clearly demonstrates that PAL has acted promptly and reasonably, taken appropriate action, spent the time and resources necessary to conclude the investigation of a complaint, and complied with the provisions of the *Occupational Health and Safety Act*.

The format of the investigative report will largely be a function of the scope of the investigation. It will, at a minimum, provide to an uninformed reader the following information:

- The identity of the parties
- The nature of the complaint
- Pertinent background information about the PAL workplace, surroundings, PAL's policies, etc.
- A summary of the facts and statements of the witnesses
- The parameters of the investigation (i.e., the time frame in which it was conducted, whether or not counsel was present during the interviews, whether there were any restrictions on the investigation, and what additional information is required for a complete investigation, if any)

The investigative report will be prepared by the investigator(s) and they will be responsible for its contents, including attached exhibits. It is recommended that the report be prepared in a professional manner.

The investigative report may be shared with the Board, legal counsel, etc. Witness names appear in the investigative report as it is a complete record of the investigation and therefore witnesses' names and statements will appear. As noted above, witnesses must understand that confidentiality will be maintained to the extent possible but that, for the most part, their statements are not confidential. This should be disclosed in the preliminary statement relayed to them at the outset of the interview. If there is a special circumstance, such as the possibility the investigative report would be published in the media, witnesses' names will be redacted and replaced with 'Witness 1,' 'Witness 2,' etc., though this may cause complications.

Complaint Resolution

If an investigation reveals that a complaint of harassment or workplace violence is valid, remedial action will be taken. Corrective actions may include any one (1) or more of the following:

- A formal apology
- Written warning
- Termination
- Legal action
- Criminal charges

Complaint to the Ontario Human Rights Commission

PAL respects the right of any person to make a complaint to the Ontario Human Rights Commission at any time.

Confidentiality

The highest standards of confidentiality will be maintained in order to protect any party against unsubstantiated claims that might result in harm or malicious gossip. Confidentiality must be differentiated from anonymity. In any complaint involving a written statement, the complainant(s) seeking a remedy through this policy must be prepared to be identified to the respondent(s). The identity of witnesses will be protected at their request to the extent possible. The written complaint and information regarding the investigation will be shared with the least number of

individuals possible and on a “need-to-know” basis only, as determined by the Chair of the Board or designate.

AFFIRMATION REGARDING WORKPLACE HARASSMENT POLICY

I affirm that I have received a copy of the Workplace Harassment Policy, have read and understood its contents, and agree to comply with the policy.

Name of Volunteer/Employee

Signature of Volunteer/Employee

Date