



NEW CANADIANS CENTRE PETERBOROUGH

Policy Name: Harassment Policy
Policy Type: Personnel

Effective Date: April 17, 2007
Review Date: Spring 2009

NCCP strives to promote a harassment-free environment in which all individuals respect one another and work together to achieve the agency's goals.

1.0 Scope

1.1 This policy applies to complaints of harassment that involve employees and volunteers of NCCP. Harassment by or towards clients is addressed in the agency's Anti-Discrimination, Access & Equity Policy, though this policy may be instructive.

2.0 What is Harassment?

2.1 Harassment means any behaviour that threatens, demeans, humiliates, or embarrasses a person, and that the other person knew or ought to have reasonably known would be considered unwelcome or offensive. It includes actions, comments or displays. It may be a single incident or continue over time.

Some examples of harassment are: unwelcome remarks, slurs, jokes, or taunts; unwelcome sexual remarks, invitations, or requests; displays of sexually explicit, sexist, racist, or other offensive or derogatory material; written or verbal abuse or threats; practical jokes that embarrass or insult someone; leering (suggestive staring) or other offensive gestures; unwelcome physical contact, such as patting, touching, pinching, hitting; patronizing or condescending behaviour; humiliating an employee in front of co-workers; vandalism of personal property; physical or sexual assault.

2.2 Work-related harassment can take place in the workplace itself, or outside of the workplace in a situation that is connected to work.

3.0 Harassment is against the law

3.1 Ontario's *Human Rights Code* protects people against discrimination in employment (which may in some cases include volunteer work) on the basis on the enumerated grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status and handicap. The Commission regards harassment as a form of discrimination. NCCP is committed to upholding its

legal obligations to prevent and address situations of discrimination and harassment in the workplace.

4.0 Personal Harassment

4.1 Personal harassment is additionally covered by this policy. Personal harassment is behaviour which meets the test for harassment, but is not based on one of the protected grounds named above.

5.0 Informal Procedure

5.1 If an individual believes they are being harassed, they should:

- Immediately make the individual(s) aware that the behaviour is unwelcome and ask him/her to stop.
- Keep a record of the incident(s) in question, which may include: name of individual(s) involved, date, place and time incident(s) occurred; witness names; the events that led up to the incident(s) in question; the actual incident that led to a complaint.

5.2 If an individual is unable or unsuccessful in dealing directly with another's harassing behaviour, they can choose to proceed with a complaint informally at first. The Executive Director of NCCP is designated to assist individuals with this process which may include helping the individual speak to the other person, or to speak to the other person on the individual's behalf. If the complaint is against the Executive Director, the individual should contact the Chair of the Board of Directors who will act, or designate an appropriate person to act, to assist the individual to resolve the complaint informally. Mediation may be attempted if appropriate, and with permission of all parties.

6.0 Formal Complaint

6.1 An individual may make a formal complaint if they are not satisfied with the outcome of the informal procedure or should they not want to proceed informally. A formal complaint shall be made in a timely manner in writing to the Executive Director (or to the Chair of the Board of Directors if the complaint is against the Executive Director). All formal complaints will be investigated by an impartial person designated by the Executive Director/Chair.

7.0 Investigation

7.1 An investigation will involve: getting all pertinent information from the complainant; informing the alleged harasser of the details of the complaint, and getting his/her response; interviewing any witnesses; deciding whether, on a balance of probabilities, the harassment did take place; and possibly recommending appropriate remedies or other action.

7.2 If the investigator determines that a complaint is valid, he/she will report in writing to the Executive Director (or Chair of the Board of Directors) promptly. The Executive Director/Chair will decide what action to take and will inform both parties of the decision in writing. If a good faith complaint is found not to be substantiated, no action will be taken.

7.3 NCCP recognizes its responsibility to ensure that harassment ends as soon as possible after the agency becomes aware of it. Investigations into formal complaints will be completed as quickly as possible, ideally within one month from the time the formal complaint is made.

8.0 Remedies and Corrective Action

8.1 Remedies for a person who has been harassed may include, depending on their position with NCCP and the nature and severity of the harassment: an oral or written apology from the harasser and possibly NCCP; lost wages; a job promotion that was denied; compensation for any lost employment benefits, such as sick leave; compensation for hurt feelings.

8.2 Corrective action for harassers may include, depending on their position with NCCP and the nature and severity of the harassment: mandatory attendance of an anti-harassment education session; a written reprimand; a suspension, with or without pay; a demotion; dismissal.

9.0 Bad Faith Complaints

9.1 If a complaint is found to have been made in bad faith, the complainant may be subject to the same penalties as a harasser, and the person unjustly accused will be given the benefit of any necessary remedies that would be given in a case of harassment.

10.0 Retaliation

10.1 Anyone who retaliates in any way against a person who has been involved in a harassment complaint may be subject to the same penalties as a harasser.

11.0 Confidentiality

11.1 Complaints will be treated in as confidential a manner as possible. NCCP will not disclose information about a complaint except as necessary to investigate the complaint or to take disciplinary action, or as required by law. Employees and volunteers are encouraged to respect the confidentiality of others.

12.0 Ontario Human Rights Commission and Police

12.1 Individuals are encouraged to contact the Ontario Human Rights Commission about their rights and should be aware they only have a limited amount of time to file a complaint with the commission. If harassment involves physical or sexual assault, which are criminal offenses, the police are the appropriate avenue.

Do you have feedback about this policy? NCCP endeavours to review the agency's policies regularly. Please contact the Executive Director with any comments and suggestions to forward to the Policy Committee of the Board of Directors.