

## Harassment in the Workplace: Anti- Discrimination, Anti-Harassment, Sexual Harassment Policy

### APPLICABILITY:

All employees, all positions, all volunteers, all departments at work and at events, activities, programs and social engagements, which may be held on-site, off site or after normal business hours at the Schwartz/Reisman Centre and/or Prosserman JCC or as part of, hereafter referenced as the "JCC".

### INTENT:

To ensure that all JCC employees and volunteers enjoy a productive, professional and safe work environment which is free from discrimination, harassment, and which respects and upholds the inherent dignity, worth and rights of each person.

### POLICY:

The JCC, in consultation with both the Schwartz/Reisman Centre and Prosserman JCC Joint Health and Safety Committees prohibits discrimination, as per the *Ontario Human Rights Code*, which is based on 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 disability.

The JCC undertakes to pursue equality, as defined by freedom from adverse discrimination or harassment, either psychological, or personal or sexual, and the removal of unreasonable barriers to equal opportunity.

It is unlawful and a violation of the JCC's policy to retaliate against any employee either for complaining about a violation of this policy, or for cooperating in an investigation of a complaint under this policy.

The JCC takes a position of Zero Tolerance with regards to workplace discrimination and harassment, including sexual harassment. No worker under any circumstance is allowed to exhibit discriminating or harassing, including sexually harassing, behaviour towards others, including but not limited to employees, clients, customers, consultants, service providers, or any other third parties that are interacted with through the course of work for or with the JCC. Should an employee perpetrate an act of workplace discrimination or harassment, including sexual harassment, the JCC will exercise measures in response to that employee's behaviour, up to and including termination of employment.

The JCC will implement an ongoing anti-discrimination and anti-harassment, including sexual harassment, education program to create awareness and reduce incidents of harassment, including sexual harassment, and discrimination in the workplace. This will include policy review and sign off, posting the policy on our health and safety bulletin boards, and including the policy in our staff handbook and on our websites. In addition, anti-discrimination and anti-

harassment, including sexual harassment, training will be provided to staff, both at time of hire through the on-boarding process, and then during the course of employment.

In addition, the JCC has established a Review Panel to respond to incidents of workplace discrimination and/or harassment, including sexual harassment, by implementing risk assessments, investigative and reporting procedures, decision making processes and prevention with the objective of promoting a safe and secure work environment for all employees. The Review Panel consists of the Executive Director, the SVP Finance and Operations and the SVP Programs and Engagement and Outside Counsel, where appropriate. The Review Panel is bound by strict confidentiality requirements. Adjustments to the Review Panel will be made if one of the members and/or HR is named in the complaint and/or if there is any other actual or perceived conflict of interest.

#### DEFINITION:

Illegal discrimination and/or harassment, including sexual harassment, is inappropriate, unwelcome, offensive or demeaning conduct, whether verbal, physical, visual or otherwise, where:

- Submission to such conduct is made an explicit or implicit term or condition of employment;
- Submission to or rejection of such conduct is used as a basis for employment decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Reasonable action taken by an employer or supervisor relating to the management of its workplace is not workplace harassment.

#### EXAMPLES:

**Verbal conduct** such as racial comments or slurs, lewd comments, sexual jokes and/or innuendos, offensive e-mails, unwanted sexual advances or comments, or threats and demands that may demean, ridicule, intimidate, or offend;

**Physical conduct** such as assault, sexual flirtation, unwelcome touching, sexual advances, or other physical interferences;

**Visual conduct** such as offensive cartoons, pictures, photographs, or gestures, or viewing or sharing offensive internet materials;

**Bullying** such as coercing someone to do something they don't feel comfortable doing;

**Retaliation** for having reported discrimination and/or harassment, including sexual harassment.

#### RESOLUTION PROCEDURES:

Any employee who believes that he/she has been subjected to any kind of discrimination or harassment, including sexual harassment, coercion, or intimidation by anyone, whether a volunteer, donor, vendor/supplier, visitor, member, delivery personnel, co-worker, former

employee or member of management, may pursue either of the following two methods to resolve the matter.

Any member of management who learns of or observes conduct which violates, or may be seen to violate this policy, has the responsibility to pursue either of the following two methods, and must inform the JCC's Executive Directors, or Human Resources Director of their actions.

#### Informal Method: Complaint

**Step 1:** At the time of experiencing the discrimination and/or harassment, including sexual harassment, the employee is to indicate disapproval to the harasser and request that the behaviour cease. If the harassment does not stop, or if the employee is uncomfortable confronting the harasser, Step 2 is an option.

**Step 2:** The employee may speak with his/her manager or the Director of Human Resources about the incident(s). The employee may also consult with a Union Representative (if applicable) or a representative of the Joint Health and Safety Committee. The individual consulted will assist in identifying how best to address the discrimination or harassment, including sexual harassment and will assist the employee in taking appropriate action to stop the discrimination or harassment, including sexual harassment.

*If the discrimination or harassment, including sexual harassment continues, or the employee is not satisfied with an informal resolution, a formal complaint is the recommended option.*

#### Formal Method : Investigation

All formal complaints of discrimination and/or harassment, including sexual harassment, must be submitted in writing to the Director of Human Resources using the form available in the Dayforce Resource section. All complaints will be investigated as thoroughly, objectively, confidentially, and promptly as possible by the Director of Human Resources or her/his designate. Investigations may be outsourced to a professional third party when deemed necessary.

The investigation will include separate interviews with all relevant parties, i.e. the complainant, the respondent, and any individual believed to have information regarding the alleged transgressions. Any employee approached will be required to cooperate in such an investigation. **Employees will be informed of their rights to and obligations surrounding confidentiality through the investigation and reporting process.** Confidentiality agreements will be signed by each person participating in an investigation prior to the start of such investigation

A report of the findings, together with recommendations, will be communicated to the complainant and alleged harasser involved as well as to the Review Panel. Where the complaint is substantiated, the Review Panel will ensure that appropriate remedial action is taken. The Director of Human Resources will endeavour, if possible, to complete the

investigation and to oversee the implementation of any required remedial action, within thirty days of the filing of the complaint.

### INVESTIGATION PROCESS:

The Director of Human Resources, or their designate, conducts a thorough investigation through the following steps:

- Informs Senior Leaders, including the Board President, and the Joint Health & Safety Committee that a formal complaint of workplace harassment, including sexual harassment, or discrimination has been submitted and an investigation is taking place.
- Information provided about the incident or complaint, including the complainant and alleged harasser's name, will not be disclosed to protect employees' privacy, except as necessary to investigate the complaint or incident or to take corrective action or where required by law
- Contacts all necessary authorities regarding the incident (Police, Ministry of Labour, etc.)
- Consults legal counsel for guidance as needed
- Conducts interviews with complainants, accused, and witnesses to obtain incident reports
- Compiles police reports, if applicable
- Compiles report of the complainant
- Compiles statements and responses from the accused
- Reviews all documentation
- Presents report to Review Panel for consideration.
- Review panel reviews report and engages in consensus decisions-making process where applicable
- Review Panel makes decision and/or recommendations regarding the accused and/or the incident
- Review Panel shares decision where appropriate with Senior Leadership/ Legal Counsel where applicable, ensuring confidentiality is maintained
- Director of Human Resources shares Review Panel's decision with complainant and accused.
- Director of Human Resources and Review Panel complies with Ministry of Labour order for an independent external investigation if issued.
- Any report does not necessarily constitute a report which will be shared with the Health & Safety Committee or Representative or others within the organization apart from the Review Panel and Senior Leadership, and Legal Counsel who are bound by confidentiality to protect the complainant and the accused.

### CORRECTIVE ACTION:

Following an investigation of an incident or complaint, the JCC will take prompt and appropriate corrective and disciplinary action against anyone who violates this policy. It should also be understood that in addition to any of the procedures and remedies herein set out, the *Canadian Human Rights Act* also gives an employee the right to legal redress. A complaint for any form of discriminatory practice in the workplace, including harassment, and sexual harassment, may be made before the Canadian Human Rights Commission.

Appropriate corrective or disciplinary measures may include the following:

- A formal apology
- Counselling
- Written warning placed in the employee's personnel file
- Change of work assignment
- Suspension
- Termination

In addition, The Review Panel may initiate any other action required to provide an effective remedy to the victim or to the overall workplace environment

#### **APPEAL:**

In the event a complainant or respondent feels that the investigation and results did not follow due process, he/she may file an appeal. This will be handled through UJA's Human Resources Department. The appeal must be made in writing with specific details submitted to the JCC's Review Panel who will forward it to UJA's Human Resources Director along with all relevant material. UJA's Human Resources Department will review all the steps of the investigation and results in confidence and will make a recommendation to the JCC's Review Panel.

Management considers allegations of discrimination and/or harassment, including sexual harassment, as very serious. Therefore, should an investigation reveal that allegations have been made vexatiously; disciplinary action will be taken against the complainant.

Creating a safe and respectful workplace for all our employees and volunteers is of paramount importance. Implementation of this policy will receive the highest attention, training and support necessary to achieve compliance.