



GODERICH BIA WORKPLACE HARASSMENT AND DISCRIMINATION POLICY

AREA: CONDUCT

EFFECTIVE DATE: JANUARY 17TH 2023

SUBJECT: WORKPLACE HARRASSMENT AND DISCRIMINATION

1. Policy Statement

The Downtown Goderich Business Improvement Association (the “BIA”) commits to providing a work environment that is free from harassment, and discrimination on the basis of age, ancestry, race, colour, religion (creed), place of origin, ethnic origin, citizenship, disability, marital or relationship status (including single status), relationship preferences, family status, gender, gender identity, gender expression, sexual orientation, sex (including pregnancy or breastfeeding), and record of offenses. This policy also encompasses the right to freedom from sexual harassment.

The BIA will not tolerate any form of harassment or discrimination and will take all steps necessary to ensure that employees, volunteers, committee members and board members are not subject to discrimination or harassment; be it from other employees, board members, committee members, residents, members, or any other contacts made in the course of job duties.

2. Purpose

The BIA’s policy and procedures have been developed to accomplish:

- (a) Create and maintain a working environment free from harassment and discrimination;
- (b) Define the types of behavior that may be considered offensive;
- (c) Ensure the prevention of harassment and discrimination by and against our employees, and volunteers and
- (d) Establish impartial, effective and confidential procedures to resolve concerns of harassment and discrimination.

3. Scope

This policy shall apply to all employees of the BIA, Members of the Board of management, members of all BIA committees, vendors, suppliers, volunteers, and all those accessing the BIA's services.

4. Definitions

4.1 Prohibited Conduct

The *Ontario Human Rights Code* guarantees employees the right to employment in a workplace free from harassment and discrimination based on age, ancestry, race, colour, religion (creed), place of origin, ethnic origin, citizenship, disability, marital status (including single status), family status, gender identity, gender expression, sexual orientation, sex (including pregnancy and breastfeeding), and record of offences.

4.2 Discrimination

Discrimination is differential treatment in employment or denial of employment opportunities based on any of the prohibited grounds of the *Ontario Human Rights Code*. Discrimination does not have to be intentional. Discrimination can result from practices and policies that appear to be neutral, but in reality have a negative effect on groups or individuals because of their sex, race, religion, etc.

4.3 Harassment

Objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment, interfering with an individual's work performance, adversely affecting an individual's employment relationship and/or denying an individual dignity and respect.

Workplace Harassment is defined as:

(a) Engaging in a course of vexatious (offensive, demeaning) comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; or

(b) Workplace sexual harassment.

Workplace harassment includes deliberate or intentional gestures, comments, slurs, questions, representations or other behaviours that ought reasonably to be known by the harasser to be unwelcome.

Please note that a reasonable action taken by an employer relating to the management and direction of its workplace is not workplace harassment.

4.4 Sexual Harassment

Workplace Sexual Harassment is defined as:

(a) Engaging in a course of vexatious comment or conduct against a worker 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; or

(b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position of 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.

Sexual harassment is any unsolicited conduct, comment, or physical contact of a sexual nature that is unwelcome to the recipient. This may include any unwelcome sexual advances (oral, written or physical), requests for sexual favours, sexual and sexist jokes, and the display of degrading or offensive material. When:

(a) such conduct might reasonably be expected to cause insecurity, discomfort, offence, or humiliation to another person;

(b) such conduct has the purpose or effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment;

(c) submissions to such conduct are made, either implicitly or explicitly, a condition of employment; or

(d) submission to, or rejection of, such conduct is used as a basis for any employment decision (including, but not limited to, job security, promotion, change in salary and benefits).

Which can further be defined as:

(a) unwanted sexual advances including derogatory comments, gestures, looks, unnecessary/unwanted physical contact, jokes, slurs, derogatory or demeaning posters, cartoons, graffiti, drawings or display of sexually suggestive pictures;

(b) implied or expressed promises of reward or benefit for complying with a sexually-oriented request;

(c) implied or expressed threats of reprisal in the form of either actual reprisal or denial of opportunity for refusal to comply with a sexually-oriented request; or

(d) sexually-oriented conduct which becomes or is implied to be, a term or condition of employment, is used as a basis for employment, is used as a basis for employment decisions, or has the effect of interfering with work performance.

4.5 Other Forms of Harassment

Unwanted actions, derogatory comments, jokes, slurs, derogatory or demeaning posters, cartoons, graffiti, drawing, e-mails, innuendoes or taunting about or motivated by a person's race, colour, citizenship, national origin, age, religion, sexual orientation, disability or any other prohibited ground of discrimination.

4.6 Poisoned or Hostile Work Environment

Furthermore, jokes, distribution or posting of offensive literature or pictures, derogatory comments or other activities based on sex or racial characteristics that intrude upon a person's dignity or that create an intimidating, hostile or offensive atmosphere constitute what is referred to as a poisoned or hostile work environment. A poisoned or hostile environment is a form of harassment and is also prohibited by law.

Harassment may occur as a single encounter or a series of incidents, persistent innuendoes, or threats. Behaviour constituting harassment is often a matter of perception and interpretation. Tolerance for what is considered acceptable behaviour may vary widely among individuals. As a general rule, harassment is considered to have taken place if a person knows or ought reasonably to know, that behaviour is unwelcome.

The workplace is any place where work-related activities are carried out. This includes, but is not limited to, municipal offices and facilities, work-related social functions, work assignments in public use areas such as roads or parks, work-related travel, and work-related meetings, phone conversations, texts, and emails, or training sessions.

5. Responsibilities

Ensuring a workplace is free of harassment and discrimination is a shared responsibility of all members of the BIA community. While the BIA board of management and the BIA manger have the greatest responsibility with respect to health and safety in the workplace, everyone has a role to play.

5.1 BIA Board of Management

The individuals on the Board of management are responsible for creating and maintaining a workplace free of harassment and discrimination and for promoting a positive working environment by:

- (a) Understanding and upholding the principles of this policy;
- (b) Setting a personal example of conduct consistent with this policy;
- (c) Ensuring all employees are informed of the BIA's harassment policy and the procedures for dealing with concerns of harassment and discrimination; and
- (d) Providing assistance with identifying and resolving issues, as appropriate.

5.2 BIA Manager

- (a) Responding to any concern or issue of harassment and discrimination that comes to their attention, treating it as a serious matter and supporting resolution;
- (b) Conferring with the BIA Board of Management or BIA Board or Management Chair or Co-Chairs, as appropriate with respect to the proper process for handling the situation.
- (c) Setting a personal example of conduct consistent with this policy;
- (d) Not allowing or condoning behavior contrary to this policy; responding to and reporting any and all misconduct that comes to their attention; and
- (e) To the extent it is possible to maintain confidences and confidentiality with respect to matters raised.

5.3 Employees and Volunteers

- (a) Employees and volunteers are responsible for ensuring adherence to the policy as well as the spirit and intent of the policy;
- (b) Employees and volunteers are responsible for avoiding any offensive and unwelcome comments, behavior or conduct that would constitute harassment, sexual harassment or discrimination under this policy;
- (c) Employees and volunteers should discourage co-workers from instigating or persisting with comments, behavior or conduct that is contrary to the spirit of this policy;
- (d) If an employee or volunteer is comfortable doing so they should speak with an offending individual when they encounter harassing or discriminating behavior as defined by this policy. Tell them to stop;
- (e) Employees or volunteers experiencing harassment or discrimination should promptly report this to their direct supervisor, Board of Management Chair, co-chairs or vice chair as appropriate; and

- (f) Cooperate with management and the BIA Board of Management's efforts to investigate and resolve matters arising under this policy.

6. Application

6.1 Procedures for Resolving Harassment and Discrimination

Resolution of harassment or discrimination means the conduct doesn't occur in the work environment, or in the alternative, ceases immediately. Prompt and clear communication of the fact that the conduct is objectionable and must stop, supports the most effective resolution. Any employee who believes he/she has been subjected to harassment or discrimination should promptly pursue any of the following steps and strategies to resolve the issues:

6.2 Self-Help

- (a) If comfortable doing so, employees are encouraged to communicate disapproval to the individual whose conduct or comments are offensive - ask them to stop.
- (b) Persons who are advised that their comments or conduct are unwanted and offensive are expected to cease such behaviour immediately.
- (c) If the conduct doesn't stop, seek the immediate assistance of your direct supervisor, BIA Board of Management Chair or a member of the BIA Board of Management.
- (d) If the conduct doesn't stop, keep a written record of the date, times and details of the conduct and your efforts to stop it.

6.3 Informal Resolution Supports: Third Party Intervention

- (a) Not all people will be comfortable with using self-help to resolve harassment concerns. Persons are encouraged to seek the assistance of their direct supervisors, BIA Board of Management Chair(s), or a board member to assist them in informally resolving harassment concerns and stopping the objectionable conduct. These persons are committed to supporting you in confidentially and informally resolving such concerns.
- (b) At any time, employees may request assistance in reviewing the concern and the options available to properly resolve the matter.
- (c) In the event that the person engaging in workplace harassment is the employer (your direct supervisor), you are encouraged to immediately contact a member of the board or the BIA board of management chair.
- (d) The board may choose to formally investigate the matter or refer the matter to an external third-party for investigation.

6.4 Formal Complaint Procedure

A formal complaint procedure is appropriate:

- (a) Where a harassment concern is not successfully resolved through self-help, or the informal support of your supervisor, the board or the board chair, if appropriate;
 - (b) When a complainant is only comfortable with a formal complaint process, or
 - (c) Where there are serious or systemic allegations of workplace harassment or discrimination.
- In such cases, employees are encouraged to complete and submit a report, using the example found at end of this policy document.

Should an employee decide to file a formal complaint, one should:

- (a) Put the complaint in writing (with the assistance if needed of a supervisor (if appropriate) or appropriate member of the Board of Management;
- (b) Sign and submit the complaint to the supervisor, or appropriate member of the Board of Management;
- (c) Co-operate with those responsible for investigating the complaint.

7. Formal Investigation Guidelines

Where a formal complaint is filed the following steps will occur:

- (a) An investigation will be initiated by the BIA Board of Management and completed promptly; typically, within four (4) weeks.
- (b) Individuals who are believed to have relevant information with respect to the alleged complaint will be interviewed – notes of the interview will be taken.
- (c) All records of the investigation will be kept confidential and information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the investigation or corrective action, or is required by law;
- (d) A written report of findings will be prepared at the conclusion of the investigation;
- (e) The findings of the investigation, including any corrective actions recommended, will be provided in writing. These findings will be reviewed with the complainant(s) and respondent(s);
- (f) Appropriate remedial action will be determined and implemented where there is a finding of harassment, discrimination, or reprisal, in violation of this policy.

8. Prohibition of Reprisal

Any retaliation or reprisal against a person pursuing, in good faith, the resolution of a concern under this policy, whether informally or through the formal complaint procedure, or against any individual for co-operating in the investigation of a complaint is strictly prohibited both in law and under this policy. Any such conduct will be subject to immediate corrective action.

9. Remedial and/or Corrective Action

If the investigation substantiates allegations of harassment, discrimination, or reprisal, remedial and corrective action will be taken.

The objective of the remedial and corrective action is to change behaviour, eliminate harassment, discrimination or reprisal, and remedy the effects of such policy violations on either the individual or work environment.

Such action shall require the approval of the BIA board of management and may include educational initiatives, counselling or disciplinary action, including written warnings, suspensions or terminations. Any disciplinary action will be noted on the respondent's personnel file.

10. Confidentiality

We recognize that the parties to a concern or complaint raised under this policy have a significant interest in confidentiality. To the extent possible, in both informal resolution processes and formal complaint processes, all available steps will be taken to ensure confidentiality. Information obtained about an incident or complaint, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for investigating, taking corrective action, or by law.

No record of the complaint will be maintained on the employee file of the complainant. If there is a finding of harassment that results in disciplinary action, this finding will be reflected on the employee file of the respondent, in the same way as any other discipline.

11. Policy Review

This policy will be reviewed as often as necessary, but at least annually, by the BIA Board of Management. Such a review shall focus on the effectiveness of the measure and procedures laid out in the policy. A copy of an updated policy will be posted in all workplaces.

Workplace Harassment and Discrimination

Formal Complaint Form

Please complete and return to your Supervisor

Name of Complainant: _____

Complainant Contact Information: (cell #) _____

Summary of Allegations: (Attach additional pages as required)

Printed Name Date

Signature of Complainant

Name of Supervisor/board member received Date

Formal Complaint Form

Signature of Supervisor/board member

If the alleged harasser is your direct supervisor or someone you indirectly report to, submit this report directly to the Chair(s) of the BIA Board of Management.

Once signatures are obtained by all parties on the form, a copy shall be retained by the complainant and the original forwarded directly to the Board of Management Chair(s).