

HARASSMENT AND DISCRIMINATION IN THE WORK PLACE POLICY

1. SCOPE

This policy applies to all members of Radio Ottawa Inc., hereinafter called the “Station”.

- 1.1 A complaint of harassment or discrimination is receivable if the individual was a member of the station at the time that the alleged act took place.

2. DEFINITIONS

- 2.1 “Member” means any Paid Staff, Department Head, volunteer, member of the Board of Directors of the Station, co-op student, work study placement or grant placement individual.
- 2.2 “Department Head” means an individual at the Station who **oversees** the activities of one or several departments at the said Station. A Department Head includes a director of a department of the station.
- 2.3 “Board of Directors” means the Board of Directors of the Station.
- 2.4 Harassment is any improper behaviour by a member that is directed at and offensive to another member, and which the member knew, or ought reasonably to have known, would be unwelcome. It includes objectionable conduct, remarks, gestures and displays – made once or repeatedly – that demean, belittle, humiliate or embarrass another member.

Such behaviour may be verbal, physical, deliberate, unsolicited or unwelcome; it may be one incident or a series of incidents. While the following is not an exhaustive list, harassment may include: verbal abuse or threats; unwelcome remarks, jokes, innuendos or taunting about a person’s body, attire, age, marital status, ethnic or national origin, religion, etc.; displaying of pornographic, racist or other offensive or derogatory pictures; practical jokes which cause an awkwardness or embarrassment; unwelcome invitations or requests, whether indirect or explicit, or intimidation; leering or other gestures; condescension or paternalism which undermines self-respect; unnecessary physical contact such as touching, patting, pinching, punching, physical assault.

Without limiting the foregoing, the term harassment in this policy includes the meaning given to it within the *Canadian Human Rights Act*, i.e., harassment on the basis of the following prohibited grounds of discrimination: sexual orientation, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability or conviction for an offence for which a pardon has been granted.

- 2.5 Sexual harassment means any conduct, comment gesture or contact of a sexual or gender related nature that is directed at and offensive to another member, an which the member knew, or ought reasonably to have known, would be unwelcome. This includes any conduct:
- 2.5.1 That is likely to cause offence or humiliation to any member; or
 - 2.5.2 that might, on reasonable grounds, be perceived by that member as placing a condition of a sexual or gender nature on employment or on any opportunity for training or promotion;
- or
- 2.5.3 that is unwelcome, unwanted, intimidating or inappropriate.
 - 2.5.4 Harassment of a sexual or gender nature is **not** a relationship of mutual consent, a consensual hug between friends, and/or mutual flirtation.
- 2.6 Harassment also includes abuse of authority, which means the improper use of power and authority inherent to the position held by one member to endanger:
- a) another member's involvement at the Station;
 - b) another member's performance at the Station; or
 - c) in any way interfere with or influence unfavourably the experience at the Station of any such member.

Harassment includes such acts or misuses of power as intimidation, threats, blackmail and coercion.

Notwithstanding the generality of the foregoing, the proper exercise of managerial responsibilities in areas such as counseling, performance appraisal, staff and/or volunteer relations and the implementation of justified disciplinary actions do not constitute harassment and are not an abuse of authority.

- 2.7 Discrimination means treating people differently, negatively or adversely, refusing to accommodate them and/or making a distinction between groups based on a prohibited ground.

3. POLICY

- 3.1 The Station is committed to providing members with a work environment free of harassment and/or discrimination, as defined by this policy, and to that end supports the following principles:
- 3.1.1 every member of the Station is entitled to participation at the Station free of harassment and discrimination;
 - 3.1.2 the Station will make every reasonable effort to ensure that no member is subjected to harassment and discrimination;
 - 3.1.3 the Station will take such action as it deems appropriate against any member under the Station's direction who subjects any other member to harassment and/or discrimination;
 - 3.1.4 the Station shall advise all new members of the existence of this policy and shall post this policy in order to provide members with a statement explaining how complaints of

harassment may be brought to the attention of the Station. A copy of this policy shall also be made available to any member who requests one; and

3.1.5 the Station will not disclose the name of a complainant or of a respondent, the evidence gathered during the investigative process or any other matter involving the complaint, including the circumstances relating to the complaint, to any person except where the disclosure is expressly provided for in this policy, is necessary for the purposes of investigating the complaint, taking disciplinary measures in relation thereto, or as may be required by law.

3.2 Each department within the Station shall:

3.2.1 provide a work environment free of harassment and discrimination;

3.2.2 inform present and new members of this policy, including their rights and responsibilities;

3.2.3 establish an efficient communication process with its members in order to divulge any behaviour contrary to this policy and thus develop a suitable climate for the receipt of complaints; and

3.2.4 ensure that the Station Manager is notified and in receipt of all documents pertaining to all complaints directly received by the Department Head or immediate supervisor of the complainant, and is notified of all measures taken, if any, concerning the complaint.

4. RIGHTS AND RESPONSIBILITIES

4.1 PAID STAFF AND DEPARTMENT HEADS

It is the responsibility of all Department Heads and Paid Staff:

4.1.1 to take immediate action to end any harassment and/or discrimination in the workplace of which they are aware, whether or not a complaint has been made; and

4.1.2 to co-operate with those responsible for investigating and adjudicating complaints.

4.2 MEMBERS

Any member who believes there is harassment and/or discrimination in the workplace should bring these concerns to the attention of a Department Head or a member of the Paid Staff. Furthermore, members are responsible for contributing to the maintenance of a positive work environment by refraining from behaviour that constitutes harassment and/or discrimination, as defined by this policy.

4.3 COMPLAINANTS

4.3.1 Members with a complaint of harassment and/or discrimination have the right:

- 4.3.1.a to file a complaint and obtain a prompt investigation of the complaint through the procedures established without fear of reprisal;
- 4.3.1.b to be represented and accompanied by a person of their choosing when they are interviewed in relation to the complaint; and
- 4.3.1.c to be kept informed of the steps being taken and the final results of the investigation.
- 4.3.2 The Station encourages members with a complaint of harassment and/or discrimination:
 - 4.3.2.a to lodge a complaint in accordance with the procedures established by this policy;
 - 4.3.2.b to document, if possible, the date, time and nature of the alleged harassment and/or discrimination, whether it occurs on a one-time or continuous basis, including the names of possible witnesses as this will facilitate the work of the investigator.
- 4.3.3 It is the responsibility of members with a complaint of harassment and/or discrimination: to co-operate with those responsible for investigating and adjudicating the complaint.

4.4 RESPONDENTS

- 4.4.1 Members against whom a complaint of harassment and/or discrimination has been filed have the right:
 - 4.4.1.a to be informed as soon as possible that a complaint has been filed;
 - 4.4.1.b to be provided with the particulars of the allegations and be afforded the opportunity to respond to them;
 - 4.4.1.c to be represented and accompanied by a person of their choosing when they are interviewed in relation to the complaint; and
 - 4.4.1.d to be informed of the steps being taken and the results of the investigation.
- 4.4.2 It is the responsibility of any member against whom a complaint of harassment and/or discrimination has been filed::
 - 4.4.2.a to co-operate with those responsible for investigating and adjudicating the complaint;
 - 4.4.2.b to comply with any direction given by the Station as a remedial measure if the complaint is upheld.

4.5 INVESTIGATOR

The Investigator shall conduct a thorough investigation in a sensitive, discreet and impartial manner.

- 4.5.1 The Station Manager shall be responsible for investigating complaints of harassment and discrimination or appointing a person to investigate such complaints. If the complaint involves the Station Manager, the complaint may be filed with the Board of Directors who shall assume all of the responsibilities of the Station Manager under this policy with respect to the handling of the complaint. It is the responsibility of the person investigating an allegation of harassment and/or discrimination to:
- 4.5.1.a inform the member against whom a complaint has been filed as soon as possible;
 - 4.5.1.b inform all parties of their rights and responsibilities;
 - 4.5.1.c attempt to resolve the complaint in a manner agreeable to the complainant and the respondent prior to conducting a formal investigation;
 - 4.5.1.d if unable to resolve the complaint in a manner agreeable to the complainant and the respondent, conduct a formal investigation, prepare a written report outlining the allegations, the response, the related evidence of any witnesses, any recommendations and conclusions, which report shall be submitted to the Board of Directors. The complainant and the member against whom the complaint has been made shall be given a copy of the report of the investigator and will be invited to respond in writing within thirty days of receiving the report.

5. PROCEDURE

5.1 STEP 1 – A COMPLAINT OF HARASSMENT AND/OR DISCRIMINATION

- 5.1.1 Victims of harassment and/or discrimination are encouraged whenever possible to make known to the respondent their disapproval or unease.
- 5.1.2 Victims of harassment and/or discrimination may lodge a complaint with a Department Head or a Paid Staff member. The Department Head or Paid Staff member will do their utmost to attempt to resolve the complaint.
- 5.1.3 If the matter is not resolved at this preliminary stage, then the investigation process will commence. It will be determined at this stage, by the Station Manager, or the President of the Board of Directors pursuant to sub-section 4.5(.1), in consultation with the Department Head or Paid Staff member (if applicable), whether the complainant and the member complained against should be separated from each other for the period of the investigation.
- 5.1.4 Upon lodging a complaint, the complainant will be advised of, and if requested, provided with a copy of the Station's Harassment and Discrimination in the Workplace Policy and Procedures.

5.2 RESPONSE

The Investigator shall inform the respondent as soon as possible that a complaint has been received. The respondent will be provided with a copy of the Harassment and Discrimination in the

Workplace Policy and Procedures and with the particulars of the complaint. The respondent will be provided with the opportunity to respond to the allegations.

5.3 FORMAL INVESTIGATION

- 5.3.1 The Investigator will do everything possible to keep confidential the identity of the parties and the nature of the allegation;
- 5.3.2 Upon notification of the complaint, the Station Manager shall advise the Board of Directors of such a complaint.
- 5.3.3 The Investigator, the Department Head, Paid Staff and/or members of the Board of Directors will discuss such complaints on a need to know basis.

The Investigator shall first attempt to resolve the complaint, as set out in section 4.5(1) if he or she is unable to resolve the complaint, then the formal investigation must be undertaken.

- 5.3.4 The Investigator shall interview the complainant, the respondent and any witnesses or other persons who may have evidence relevant to the complaint. Both the complainant and the respondent shall be provided with the report of the investigator and given the opportunity to respond within thirty days of receiving the report.
- 5.3.5 The Investigator shall make a report of his or her finding to the Board of Directors as soon as possible after interviewing the parties and witnesses. The investigator will also provide the Board of Directors with any responses to the report from the parties.

5.4 DEADLINE

- 5.4.1 The formal investigation should be completed within four months from the date that a formal complaint is lodged with the Station.
- 5.4.2 Deadlines and time periods set out in this policy may be extended at the discretion of the Investigator.

5.5 DISCIPLINARY MEASURES

- 5.5.1 It is the responsibility of the Board of Directors to decide upon appropriate disciplinary measures to be adopted upon reviewing the Investigator's report and responses of the parties, if such responses are provided by the parties.
- 5.5.2 If there is a finding of harassment and/or discrimination, disciplinary action may be taken against respondents up to and including dismissal.
- 5.5.3 Any retaliatory acts against a complainant or any parties involved in an investigation or anyone who cooperates with an investigation under the policy, will not be tolerated by CHUO but will be investigated and may result in disciplinary action.