

SANTROPOL ROULANT



POLICY ON HARASSMENT

December 4, 2002

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Policy

SANTROPOL ROULANT POLICY ON HARASSMENT

1. POLICY STATEMENT

Santropol Roulant is committed to providing an environment where its workers and clients are treated with respect and dignity. Harassment, whether sexual or otherwise, will not be tolerated.

This Policy aims to prevent Harassment by promoting increased awareness in the workplace. It establishes procedures for the fair and timely resolution of Complaints, and a Harassment Committee to deal with them. It provides for the implementation of corrective and/or disciplinary action by the Board of Directors where warranted.

All Complaints will be taken seriously and will be addressed with sensitivity, promptness and discretion. As communication and early intervention are essential in resolving Harassment matters, Complainants have an obligation to be prompt and forthright in their reporting.

Nothing in this Policy alters the obligation of management personnel of Santropol Roulant to carry out their ordinary supervisory duties.

2. DEFINITIONS

Capitalized terms used in this Policy are defined as follows:

- a. **Board of Directors** – the board of directors of Santropol Roulant.
- b. **Complaint** – an allegation of Harassment which has been properly submitted under clause 5 of this Policy.
- c. **Complainant** – an individual who has made a Complaint.
- d. **Harassment** – any unwelcome act, comment or display by an individual that intimidates, threatens, demeans, belittles, humiliates or embarrasses any other individual, to the point of depriving the latter of just and reasonable working conditions. Sexual harassment is a form of Harassment.

Harassment does not refer to occasional compliments of a socially acceptable nature or isolated gestures such as a pat on the back. Nor does it refer to acts done in the proper exercise of a person's authority or responsibility. Appendix 2 provides further examples.

- e. **Harassment Committee** – a committee of three individuals, not all of whom are of the same sex, appointed by the Board of Directors to process Complaints. A

current list of the names and coordinates of the members of this committee is attached as Appendix 1.

- f. **Policy** – this Santropol Roulant Policy on Harassment.
- g. **Respondent** – an individual named in a Complaint who is alleged to have harassed the Complainant.
- h. **Santropol Roulant Community** – directors, officers, employees, volunteers and clients of Santropol Roulant.

3. COMING INTO FORCE

This Policy will come into force on December 4, 2002. Only Complaints based on facts taking place on or after this date will be subject to the Policy.

4. WHO IS COVERED, AND WHERE

This Policy applies only to conduct between members of the Santropol Roulant Community, regardless of where and when that conduct takes place. By exception, this Policy does not apply to allegations by clients of Santropol Roulant against other clients, unless the events at issue arise at a Santropol Roulant function attended by the clients in which case this Policy shall apply.

Any allegations of harassment which are not covered by this Policy shall be dealt with by management of Santropol Roulant in the ordinary course and at their discretion. In such cases, management shall have the right, but not the obligation, to seek the confidential advice of the Harassment Committee on the legal and other issues involved.

5. THE COMPLAINT PROCESS

Step 1 – Early Problem Resolution

The objective of early resolution is to deal with problems as soon as possible through fair and respectful dialogue between the individuals involved, without having to resort to the Complaint process. An individual who feels offended is encouraged, but not obliged, to speak directly with the perceived offender in order to resolve the problem between them. An offended person may also ask her or his supervisor to mediate the discussion.

Step 2 – Filing a Complaint

If early resolution is not successful or is not deemed appropriate, a person may file a formal Complaint with any member of the Harassment Committee. **The Complaint must be in writing and must be received within one year of the last incident complained of.** The Complaint must include: the nature of the allegation; the name of the Respondent; the relationship of the Respondent to the Complainant (e.g., supervisor, colleague, fellow volunteer); the date(s) of the incident(s); a description of the incident(s); and, if applicable, the names of witnesses. The Harassment Committee shall acknowledge receipt of the Complaint and indicate whether or not, based on the foregoing criteria, it can proceed with the Complaint. The Harassment Committee may request a clarification of a Complaint that does not meet the criteria, or suggest other means whereby the parties may resolve the issue.

Step 3 – Review of the Complaint

The Harassment Committee shall review the Complaint and, if necessary, seek additional information to determine if the allegations would, if true, constitute Harassment under this Policy. If not, the Complainant shall be informed in writing and, if appropriate, directed to other means of resolving the issue.

If the Harassment Committee determines that the allegations would, if true, constitute Harassment, it shall inform both the Complainant and the Respondent in writing that it is seized of the matter and inform them of the procedures to follow. At this or at any other time during the process, the Harassment Committee may request that the parties seek mediation or other means of conflict resolution, during which time all procedures under this clause 5 shall be suspended and shall only be resumed if and when such alternatives are unsuccessful.

Step 4 – Investigation

Once seized of a Complaint, the Harassment Committee shall interview the Complainant and the Respondent and shall gather such additional information as it deems necessary to dispose of the matter.

Step 5 – Decision

The Harassment Committee shall decide if Harassment has taken place and, if so, shall make a recommendation to the Board of Directors as to what, if any, action should be taken. The Board of Directors shall inform the Complainant and the Respondent in writing of its final decision on the matter, and shall use its best efforts to ensure that the decision is carried out.

6. DECISION AND ENFORCEMENT

- a. The Harassment Committee shall have all responsibility, power and authority necessary to investigate and adjudicate Complaints under this Policy, and to make recommendations for corrective and/or disciplinary action to the Board of Directors.
- b. The Board of Directors shall have the sole and final discretion and authority to receive the Harassment Committee's recommendations for corrective and/or disciplinary action, to impose and enforce such sanctions and/or corrective measures, and to enforce this Policy generally.
- c. If it determines that Harassment has occurred, the Harassment Committee shall recommend to the Board of Directors any corrective and/or disciplinary measures it deems appropriate within the general authority of Santropol Roulant up to and including, but not limited to, termination of employment, prohibition from volunteering, exclusion from services and expulsion from membership.
- d. The Harassment Committee shall also have authority to recommend to the Board of Directors that such corrective and/or disciplinary measures be imposed on anyone who it determines has failed to take an action required under this Policy, has impeded the making of a Complaint or the Complaint process itself, or has filed a Complaint in bad faith.
- e. The Harassment Committee may from time to time delegate its powers of investigation to an impartial individual, who shall report only to the Harassment Committee and who shall otherwise maintain strict confidentiality.
- f. All members of the Santropol Roulant Community shall assist in providing information if requested by the Harassment Committee, and shall otherwise cooperate with the Complaint process and with the implementation of decisions.

7. FAIRNESS

- a. The Harassment Committee shall establish such rules of procedure as it deems appropriate to carry out its duties, but shall in all cases adhere to the principles of procedural fairness.
- b. All procedures, decisions and remedies under this Policy shall be completed and acted upon as quickly as is reasonably possible.
- c. The Harassment Committee shall use its best efforts to ensure that everyone involved in the Complaints process may do so without fear of embarrassment or reprisal including, if necessary, modifying conditions of work for the duration of the process.

- d. The Harassment Committee and the Board of Directors shall use their best efforts to ensure that any information relating to a Complaint is kept confidential, save to the extent necessary to ensure a fair and comprehensive process.
- e. No documents relating to a Complaint shall be placed in the personnel file of any person, other than a disciplinary letter in the file of the person who is subject to a disciplinary measure.

8. INFORMATION AND TRAINING

The Harassment Committee shall see to it that all members of the Santropol Roulant Community are informed of this Policy and that they receive such training as it deems advisable. A draft information pamphlet is attached as Appendix 3 which, subject to amendment and approval by the Harassment Committee, may be used for these purposes.

9. OTHER RECOURSES

Any form of Harassment constitutes a violation of human rights. This Policy reflects the principles of Quebec's *Charter of Human Rights and Freedoms* and the Canadian *Human Rights Act*, which recognize that every human being possesses intrinsic rights and freedoms, such as the right to equality, dignity and just and reasonable working conditions.

This Policy does not prevent anyone from using any other grievance procedure available, including filing a complaint with the *Commission des droits de la personne et des droits de la jeunesse* or dealing with the matter judicially.

Some forms of Harassment are also criminal offences. For example, assaults, including sexual assaults, are covered by the *Criminal Code*. In such cases the police should be contacted.

Santropol Roulant shall not be required to institute, conduct or pay for any other recourses.

10. AMENDMENT

This Policy may be amended from time to time by the Board of Directors. Such amendments shall only have effect upon notification to the Santropol Roulant Community, for example, by way of a prominent posting in a common area of its offices.

APPENDIX 1

MEMBERS OF THE HARASSMENT COMMITTEE

as of December 4, 2002

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1501 McGill College Avenue.
Montreal, QC H3A 3M8
Tel: 514-284-3663
 514-927-7802
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APPENDIX 2

GUIDE FOR DETERMINING WHAT CONSTITUTES HARASSMENT

Some questions that can help assess whether the behaviour (act, comment or display) constitutes Harassment:

- Is the behaviour unwelcome or offensive?
- Would a reasonable person view the conduct as unwelcome or offensive?
- Did it demean, belittle or cause personal humiliation or embarrassment?
- Is it a single incident?
- Is it a series of incidents over a period of time?

It is also important to consider the severity and impropriety of the act, the circumstances and context of each situation, and whether the behaviour is prohibited under Quebec's *Charter of Human Rights and Freedoms* and the *Canadian Human Rights Act*. The prohibited grounds include race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction.

The following are some examples, but not an exhaustive list, to clarify what is meant by Harassment.

What generally constitutes Harassment	What may constitute Harassment	What does not generally constitute Harassment
<p>1. <i>Serious</i> or <i>repeated</i> rude, degrading, or offensive remarks, such as teasing about a person's physical characteristics or appearance, put-downs or insults.</p> <p>2. Displaying sexist, racist or other offensive pictures, posters, or sending e-mails related to one of the grounds prohibited under Quebec's Charter of Human Rights and Freedoms and the <i>Canadian Human Rights Act</i>.</p>	<p>3. Criticizing an employee in public.</p>	<p>4. Allocating work.</p> <p>5. Following-up on work/volunteer absences.</p> <p>6. Requiring performance to job standards.</p> <p>7. Taking disciplinary measures.</p> <p>8. A <i>single</i> or <i>isolated</i> incident such as an inappropriate remark or abrupt manner.</p>
<p>9. <i>Repeatedly</i> singling out an employee or volunteer for meaningless or dirty jobs that are not part of their normal duties.</p>	<p>10. Exclusion from group activities or assignments.</p>	<p>11. Exclusion of individuals for a particular job based on specific occupational requirements necessary to accomplish the safe and efficient</p>

What generally constitutes Harassment	What may constitute Harassment	What does not generally constitute Harassment
		performance of the job.
12. Threats, intimidation or retaliation against an employee or volunteer, including one who has expressed concerns about perceived unethical or illegal workplace behaviours.	13. Statements damaging to a person's reputation.	14. Measures taken against someone who is careless in his or her work, such as in the handling of sensitive or confidential documents.
15. Unwelcome social invitations, with sexual overtones or flirting, with a subordinate. 16. Unwelcome sexual advances.	17. Making sexually suggestive remarks. 18. Physical contact such as touching or pinching.	19. A social relationship welcomed by both individuals. 20. Friendly gestures among individuals such as a pat on the back.

Sexual and physical assaults are covered by the *Criminal Code*.

APPENDIX 3

DRAFT INFORMATION PAMPHLET ON SANTROPOL ROULANT'S HARASSMENT POLICY

Introduction

Awareness, communication and early intervention are key to a harassment-free work and volunteer environment. Everyone has a personal responsibility in making this happen. Santropol Roulant is committed to providing a work and volunteer environment free of harassment, where all persons in the workplace are treated with respect and dignity.

What is harassment?

Harassment is a complex matter. Generally speaking, it is any improper conduct directed at someone, that the person finds offensive and harmful and that a reasonable person would view as unwelcome or offensive.

Harassment can be any objectionable act, comment or display that demeans, belittles or causes personal humiliation or embarrassment, or any act of intimidation or threat. It includes harassment prohibited by Quebec's *Charter of Human Rights and Freedoms* and the *Canadian Human Rights Act*, which consists of harassment related to race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction.

Harassment can come from a fellow volunteer, a client, a colleague, a supervisor, a subordinate or another person in the Santropol Roulant community.

For the official definition of harassment, please refer to the Santropol Roulant Policy on Harassment.

What is the policy?

Everyone is entitled to a harassment-free workplace and volunteer environment. Harassment is unacceptable and will not be tolerated.

Employees found to have harassed someone may be subject to disciplinary measures up to and including termination of employment. Volunteers who have been found to have harassed someone may be denied the opportunity to volunteer in the future. Clients found to have harassed may be denied the services of Santropol Roulant.

Some examples of what generally constitutes harassment

- Serious or repeated rude, degrading or offensive remarks, such as teasing about a person's physical characteristics or appearance, put-downs or insults.

- Displaying or sending sexist, racist or other offensive pictures, posters or emails.
- Sexual harassment, such as unwelcome social invitations with sexual overtones or flirting.
- Threats, intimidation or retaliation.

The proper exercise of managerial and supervisory rights and responsibilities is not harassment.

Feeling harassed?

- If possible, make your disapproval or unease known as soon as possible to the person who offended you, in an attempt to resolve the situation.
- If this doesn't work or if you are unable to speak directly with that person, talk to your supervisor or someone else in a position of authority.
- Review the Santropol Roulant Policy on Harassment to see what the formal recourses are. Your supervisor can provide help or guidance.
- A Harassment Committee has been set up to address the situation formally and to recommend action to the board of directors.
- **You have one year to file a formal complaint.**

Accused of harassment?

- If someone informs you that your conduct is offensive, take it seriously and attempt to resolve the problem with that person. A sincere apology can go a long way.
- Review the Santropol Roulant Policy on Harassment to see what the formal recourses are. Your supervisor can provide help or guidance.
- A Harassment Committee has been set up to address the situation formally and to recommend action to the board of directors.

Take note

- Everyone in the Santropol Roulant Community is expected to act towards others in a respectful and professional manner.
- It is in everyone's best interest to resolve conflicts at the outset.

- Supervisors and managers who are aware of harassment in the workplace are expected to address the situation promptly, whether or not a complaint has been filed.
- A harassment complaint is a serious matter. It will be dealt with promptly and in a confidential manner.

The Santropol Roulant Policy on Harassment and this pamphlet are available at Santropol Roulant. Changes may be made from time to time – be sure you have the latest information

For further information, contact any director, manager or employee of Santropol Roulant.