Workplace Harassment Policy and Procedure

Revised: August 29, 2016, October 20, 2016, March 16, 2017, June 26, 2023, May 3, 2024, November 7, 2024
Reference: Occupational Health and Safety Act
Approved by Board of Directors: October 25, 2016, May 16, 2024

At Orde Day Care, the health and safety of our employees is paramount. Priority is given to protecting our employees, placement students, clients and our visitors from violence discrimination and harassment. Such conduct interferes with everyone's ability to perform their job and is not in keeping with the Centre's philosophy of trust and mutual respect
By working together, and giving the utmost attention to the safety and well-being of each other, we will meet our shared objective of a healthier and safer working environment for all.

Orde Day Care will not tolerate incidents of workplace harassment, violence and discrimination involving Orde Day Care staff, volunteers, placement students, members of the Orde Day Care Board of Directors, clients and community members, and will take action to prevent the occurrences. Employees who are found to have engaged in workplace harassment, violence or discrimination, will be subjected to a wide range of disciplinary sanction, up to and including with cause termination of employment. Legal authorities may also be alerted if appropriate.

Orde Day Care employees, placement students and clients are entitled to be treated with dignity and respect and have a work environment free from harassment and discrimination as prescribed by The *Human Rights Code* in Ontario and the *Occupational Health and Safety Act* as amended. This policy applies to all employees, placement students and agents/representatives of Orde Daycare while in the workplace, during work-related field trips or travel, or during any work-related and/or social functions.

Employees are expected to assist Orde Day Care in its attempts to prevent and eliminate harassment in the workplace. Orde Day Care will treat any form of harassment that occurs in the workplace seriously irrespective of the alleged perpetrator's position.

Nothing in this policy limits an individual's right to file a complaint with the Human Rights Commission or the Ministry of Labor should they feel the situation warrants such action.

The *Occupational Health and Safety* Act defines workplace harassment as "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment."

The comments or conduct typically happen more than once. They could occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or years). However, there may be a situation where the conduct happens only once, such as an unwelcome sexual solicitation from a manager or employer.

Workplace harassment can include unwelcome and/or repeated words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker

or group of workers. It can also include behaviour that intimidates, isolates or even discriminates against a worker or group of workers in the workplace that are unwelcome.

This definition of workplace harassment is broad enough to include harassment prohibited under Ontario's *Human Rights Code*, as well as what is often called "psychological harassment" or "personal harassment." The Ontario Human Rights Commission has a role in facilitating compliance with the *Ontario Human Rights Code*.

Workplace harassment and work place sexual harassment also includes "virtual harassment" that occurs in a workplace through the use of information and communications technology.

Workplace harassment does not include a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace [subsection 1(4)].

Workplace Harassment includes but is not limited to:

a) any verbal or physical conduct, that may reasonably be perceived as denigrating or showing hostility or aversion toward an individual on the basis of a prohibitive ground or other status protected by law, or because of the protected status of the individual's relatives, friends, or associates.

This type of harassment includes, but is not limited to:

a) Epithets, slurs, negative stereotyping, demeaning comments, including comments pertaining to a person's dress, accent or other cultural differences, or intimidating acts that are based on an individual's protected status; and/or
b) Written or graphic material (whether by printed or electronic media) circulated within or posted within the workplace or on social media that shows hostility toward or is demeaning to an individual or group because of his or her protected status.

Workplace- Sexual Harassment

The OHSA defines workplace sexual harassment as:

- 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
- making a sexual solicitation or advance where the person making it is in a position to 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 [subsection 1(1)].

This definition of workplace sexual harassment is similar to the prohibitions on sexual harassment and sexual solicitation found in Ontario's *Human Rights Code*.

a) Workplace can constitute any place where employees are in attendance, ie field trip, after hour functions or events.
c) Inappropriate comments posted on social media sites by employees will also be considered, if postings are inappropriate and are derogatory in nature. Private postings can be copied and sent to others.
d) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny benefit or advancement to the worker and person knows or ought reasonable to know that the solicitation or advance is unwelcome.

Human Rights Code Discrimination and Harassment

Orde Day Care prohibits discrimination and harassment in accordance with the prohibited grounds established in the Human Rights Code including:

- Citizenship
- Race
- Place of origin
- Ethnic of origin
- Colour
- Ancestry
- Disability
- Age
- Creed
- Sex/Pregnancy
- Family Status
- Marital Status
- Sexual Orientation
- Gender Identity
- Gender Expression
- Receipt of Public Assistance
- Record of Offense

Examples of Prohibited Behaviours:

- Workplace harassment may be verbal, physical, deliberate, unsolicited or unwelcome. It may be one incident or a serious of incidents. The following are examples of behaviours that may constitute workplace harassment, but is not an exhaustive list
- Differential treatment of employees or co-workers based on prohibited grounds
- Verbal or written comments, jokes, teasing, and/or other communication of a sexual nature;
- Demeaning language based on gender or sexual preference;
- Graphic comments about an individual's body;
- The use of sexually degrading words to describe an individual;

- The display of sexually suggestive objects and/or pictures in the workplace;
- Foul or obscene language and/or gestures;
- Unwanted physical conduct such as patting, pinching, and/or brushing up against another person's body;
- A promise of better treatment in return for sexual favours; and/or
- Indirect or expressed threats for refusal of a sexual request;
- Forms of sexual violence including physical advance, pinching, brushing against, touching, patting or leering that makes a person feel humiliated, intimidated or uncomfortable;
- Leering (suggestive staring);
- Unwelcome inquires or comments about a person's sex life;
- Inappropriate or unwelcome focus/comments on a person's physical attributes or appearance;
- Persistent unwanted contact or attention after the end of a "consensual relationship"
- Verbal abuse or threats

What this policy does not cover

This policy does not prohibit reasonable action or conduct by management or a supervisory employee which falls within that employee's job functions and responsibilities, including performance reviews, work direction, work assignments, scheduling, workplace inspections and disciplinary action

This policy does not prohibit differences of opinion, disagreements and isolated acts of rudeness between employees.

Procedure

Responsibilities of Board Members, Executive Director and Supervisors:

- Promote a harassment-free workplace;
- Provide employees, volunteers and placement students with training and education regarding the policy with respect to workplace discrimination, harassment and violence including appropriate steps to be take and investigation procedures
- Take every reasonable precaution for the protection of the worker;
- Ensure employees understand who to contact regarding concerns about the policy or when to report an incident;
- Model behaviour, which helps support a positive work environment
- Respond to complaints brought to their attention.
- Investigate incidents and complaints in a manner that is appropriate in the circumstances
- Maintain confidentiality to the extent possible;
- Document all information and investigation results relating to workplace discrimination and harassment;
- Request that an investigation into allegations of harassment be conducted where appropriate; and
- If witnessing harassment or elements of a poisoned work environment, take action.

- Take action if witnessing discrimination or harassment in the workplace

Responsibilities of Employees, Students and Volunteers:

- Compliance with this policy is the responsibility of all employees, placemen students and volunteers;
- Take part in all training and education programs offer by Orde Day Care so that they can respond suitable to any incident of workplace violence or harassment;
- Employees, students and volunteers must avoid any behavior or conduct that could reasonably be interpreted as a violation of this policy;
- Employees, students and volunteers must cooperate fully in any investigation conducted under this policy.

Process for Making a Discrimination, Harassment or Violence Complaints:

If an employee, student or volunteer witnesses an incident of discrimination, workplace harassment or violence, they have a responsibility to
If safe to do so, make the objection clearly know to the offender and ask the individual to stop the behavior

- Promptly report the behavior to the Executive Director
- If the Executive Director is the person that is the alleged offending party, the employee, student or volunteer should bring their complaint to a member of the Board of Directors
- Reporting Workplace Harassment and Process for making Harassment Complaints

Step 1 ASK THE PERSON TO STOP

- If you experience offensive, discriminatory or harassing conduct from a co-worker, member of management, or any other person, ask the offender to stop engaging in the conduct or comment in question

STEP 2 INFORMAL RESOLUTION OR COMPLAINT

- In certain circumstances, any employee may feel uncomfortable in asking the individual to stop engaging in the offending behavior. In this case, the behavior should be directly reported in writing to their supervisor or Executive Director
- In the case of an incident or complaint against the Executive Director, the employee, student or volunteer should contact the Board of Directors and outline their complaint

Formal Investigation Process

- Written Submission of an allegation of workplace harassment and any accompany notes must be submitted within five (5) business days from the alleged occurrence in writing to the Executive Director or their designate.
- All complaints that come to the Supervisor, Executive Director or Board of Directors attention will be **investigated promptly by a third-party investigator**, in a manner appropriate in the circumstance.
- All those directly involved and witnesses will be spoken with.
- Notes/statements will be prepared during each interview, reviewed by the person(s) being interviewed and signed for accuracy.

- A copy of the interview documentation will be given to all parties interviewed
- Records or other documents relevant to the incident being investigated (this may include work schedules, complaints and observation notes, incident and suspension forms and may involve taking pictures of the scene) will be reviewed.
- Relevant collective agreement or employment contract language or organizational policies/procedures will be reviewed.
- A final summary/report of the investigation will be prepared.

Corrective Action

Any employee found to have engaged in conduct that violates this policy will be subject to discipline, up to and including termination of employment.
Allegations of harassment are very serious, frivolous complaints found to have been made for improper purposes will result in disciplinary action being taken against the accused.
All investigations that result in a termination, suspension, or restriction of duties of a member of the College of Early Childhood Educators will be reported to college.

Confidentiality:

Employees should feel secure in knowing that their concerns will be handled discreetly and sensitively.
As such, employee issues will usually remain between the employee, and their supervisor and a **third-party investigator**. On occasion, however, an investigation may require consulting with another employee, Supervisor, Executive Director, the Board and the Health and Safety Representative, in order to ensure and appropriate resolution. In such cases, the employee will be consulted prior to involving others.

Reprisals:

This policy strictly prohibits reprisals against an employee because s/he has brought forward a legitimate concern or has provided information regarding a concern under this policy. Any employee who commits or threatens reprisal against another employee for following this, or any of the Centre's policies in good faith, may be subject to discipline, up to and including dismissal for cause.

Policy Review:
This policy and procedure will be reviewed and signed off by all employees before commencing employment, annually, and at any time changes are made.
I acknowledge receipt of Orde Day Care's **Work Place Harrasment Policy and Procedure**

I understand it is my responsibility to read, understand, and comply with the **Work Place Harassment Policy and Procedure.** I understand that if I have questions, at any time, regarding the policy and procedure**,** I will consult with my immediate supervisor.

Please read the **Work Place Harrasment Policy and Procedure** carefully to ensure that you understand the policy before signing this document

11/25/2024

Staff Name:	Supervisor Name:
Staff Signature	Supervisor Signature:
Date:	Date: