



## **Friends Together Childcare Co-operative Harassment Prevention Policy**

### **Statement of Commitment**

Every employee is entitled to employment free of harassment. Friends Together Childcare Cooperative is committed to a harassment-free workplace where everyone is treated with dignity and respect.

### **Definition of Harassment**

Pursuant to 3-1(1)(l) of The Saskatchewan Employment Act, harassment means:

- any inappropriate conduct, comment, display, action or gesture by a person that constitutes a threat to the health or safety of the worker, and is either:
  - based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or
  - adversely affects the worker's psychological or physical well-being and that the person knows, or ought reasonably to know, would cause a worker to be humiliated or intimidated (sometimes referred to as personal harassment).

It also extends to sexual harassment, which is conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or welcome. Sexual harassment may include:

- a direct or implied threat of reprisal for refusing to comply with a sexually-oriented request;
- unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, attire, sex or sexual orientation;
- displaying pornographic or sexually explicit pictures or materials;
- unwelcome physical contact;
- unwelcome invitations or requests, direct or indirect, to engage in behavior of a sexual nature; or
- refusing to work with or have contact with workers because of their sex, gender or sexual orientation.

This policy extends to personal harassment. This includes any inappropriate conduct, comment, display, action or gesture by a person that:

- adversely affects a worker's psychological or physical well-being; and
- the person knows or ought to reasonably know would cause the worker to be humiliated or intimidated.

Personal harassment must involve repeated conduct or a single, serious incident that causes a lasting harmful effect on the worker. All incidents of inappropriate conduct should be appropriately addressed to ensure that the workplace remains respectful and free of harassment.

Personal harassment may include:

- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- personal ridicule or malicious gossip;
- unjustifiable interference with another's work or work sabotage;
- refusing to work or co-operate with others; or
- interference with or vandalizing personal property.

#### What is Not Harassment

This harassment policy does not extend or apply to day-to-day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, implementation of appropriate dress codes and disciplinary action. These actions are not harassment, even if they sometimes involve unpleasant consequences. Managerial actions must be carried out in a manner that is reasonable and not abusive.

The policy also does not extend to harassment that arises out of circumstances unrelated to the worker's employment. For example, harassment is not covered if it occurs during a social gathering of co-workers that is not sponsored by the employer. However, harassment that occurs while attending a conference or training session at the request of the employer is covered.

Other situations that do not constitute harassment include:

- physical contact necessary for the performance of the work using accepted industry standards;
- conduct which all parties agree is inoffensive or welcome; or
- conflict or disagreements in the workplace, where the conflict or disagreement is not based on one of the prohibited grounds.

Harassment can exist even where there is no intention to harass or offend another. Every person must take care to ensure his or her conduct is not offensive to another.

## Employer's Commitment

Friends Together Childcare Cooperative, and its Board of Directors and director, will take all complaints of harassment seriously. We are committed to implementing this policy and to ensuring it is effective in preventing and stopping harassment, as well as creating a productive and respectful workplace.

This commitment includes:

### Informing all persons in the workplace of their rights and obligations

- A copy of the harassment policy will be provided to all workers.
- A copy of the harassment policy will be posted on the staff bulletin board.
- The company's policy statement on harassment will be available publicly through the Friends Together Childcare Cooperative website.

### Training all persons in implementing the harassment policy

- An information meeting will be held with all staff to answer questions about the new policy.
- The Director will review the policy with new workers as part of their orientation.
- People designated to receive, investigate or resolve complaints will be trained in their roles and responsibilities.
- The Director will be asked to set a good example and help foster a respectful workplace.

### Assigning responsibility for implementing this policy

- Friends Together Childcare designates the Director, President of the Board of Directors and Vice President of the Board of Directors as people who may receive harassment complaints and assist in facilitating their resolution.
- The President of the Board of Directors will form a small committee consisting of 2-3 members of the Board of Directors to investigate and facilitate resolution of a complaint once it is received.
- Friends Together Childcare Cooperative will designate the director, the president and vice-president of the Board of Directors, and the members of the above-mentioned committee as authorized persons to take corrective action in accordance with this policy.

### Protecting workers trying to prevent or stop harassment

- Harassment complaints and investigations will be held in the strictest of confidence except where disclosure is necessary to investigate the complaint, take corrective action or required by law.
- Action will be taken to prevent reprisal against people who make a harassment complaint in good faith, which may mean informing complainants and alleged harassers of this commitment.

### Promptly taking action necessary to stop and prevent harassment

- Appropriate action, sufficient to ensure the harassment stops and does not happen again, will be taken against people who are or were engaged in, or participated, in harassment.
- When necessary, customers, contractors or other visitors will be informed certain conduct will not be tolerated.

### Ensuring the policy remains current

- The effectiveness of the policy will be reviewed by the Board of Directors every 5 years.

## Employee's Duty

In accordance with Part III of The Saskatchewan Employment Act, all employees, including directors employed by Friends Together Childcare Cooperative, shall refrain from causing or participating in the harassment of another employee, and co-operate with any person investigating harassment complaints.

A copy of this document can be found at:

<https://friendstogetherchildcare.wordpress.com/staff-corner/harassment-prevention>

or can be obtained from the Director or President of the Board of Directors.

## Complaint Procedure

The following steps outline the approved process by which complaints should be resolved.

### *Step 1:*

An employee who believes that he or she has been subjected to harassment is encouraged to first clearly and firmly make known to the alleged harasser that the harassment is objectionable and must stop.

***Step 2:***

Where this cannot be done, or is unsuccessful, the employee should report the alleged harassment to the the current acting director. If the employee feels the director has failed to follow the harassment prevention policy or alleges the director is involved in the harassment, then the complaint should be submitted to the acting president of the Board of Directors.

**To submit a complaint, please fill out the attached form** as clearly as possible while attempting not to use unnecessarily inflammatory language. If the complaint includes language which may hurt either party further, you will be aided in re-writing the complaint.

Please indicate the type of resolution sought such as an apology, supervisory counselling, a facilitated meeting with the alleged harasser, workshops or training sessions, or mediation. Investigation of the alleged harassment should be a last resort.

***Step 3:***

The person receiving the complaint reviews the procedures with the complainant and informs the Board of Directors. Where it is alleged the director is involved in the harassment, the person receiving the complaint refers the matter to the president of the Board of Directors. The person receiving the complaint will also meet privately with the alleged harasser to review the complaint and determine whether there is agreement on a resolution or resolution process.

For the following guidelines, the person facilitating the resolution or resolution process will be referred to as the facilitator. This will be the director unless it is alleged that the director is involved in the harassment or the director requests the support of the Board of Directors, in which case it refers to the president of the Board of Directors. The president of the Board of Directors may also nominate another member of the Board of Directors to be the facilitator.

**No Alleged Harasser Named**

Appropriate actions include but are not limited to:

- having staff meetings to discuss and review the policy; or
- providing workshops or resource materials on the prevention of harassment such as videos, brochures and guides.

The facilitator informs the complainant of the action that will be taken to address the concern.

### Alleged Harasser Named - Informal Resolution or Mediation

1. Where there is agreement on the resolution or resolution process, the facilitator informs the Board of Directors of the agreement and facilitates the agreed upon resolution or process.
2. The complainant is informed a formal complaint procedure is possible if the complainant, the alleged harasser or the facilitator do not agree or if the process does not resolve the matter to the complainant's satisfaction.
3. Where the complainant and alleged harasser agree to a resolution, the facilitator follows up with the complainant to ensure the resolution was effective in stopping and preventing further harassment. Where the complainant indicates the harassment has not ended, the facilitator counsels the complainant to pursue an alternate resolution process, including a formal investigation.

### Alleged Harasser Named - Investigation Required

1. The facilitator provides a copy of the written complaint to the alleged harasser and reviews the procedures with the alleged harasser.
2. A committee will be elected by the Board of Directors. The committee will decide whether there are appropriate resolution options, other than an investigation, acceptable to the complainant and the alleged harasser. This group will conduct the investigation if one is required.
3. Investigators will be trained in conducting an investigation in accordance with this policy and will have no apparent bias or interest in the outcome. Where the complainant and the alleged harasser objects to the appointment of an investigator, on the basis of bias or conflict of interest, the Board of Directors will appoint another investigator.

Investigators must act in accordance with the following guidelines:

- The investigation commences and concludes as soon as reasonably possible.
- Witnesses are interviewed separately and written witness statements are prepared.
- Witnesses are asked to review and sign their written statements.
- Witnesses are advised to keep the investigation and the identity of the complainant and alleged harasser in confidence, unless required by law to disclose them.
- The complainant and alleged harasser are entitled to legal or union counsel.
- During the investigation, both the complainant and the alleged harasser are entitled to be informed of all the allegations and allowed to respond.

This does not mean either party is entitled to see or receive copies of the complete statements. However, both are entitled to see or receive an adequate summary of the evidence to make a full response.

4. Once the investigation is complete, investigators will prepare a written report setting out a summary of the evidence, a description of any conflict in the evidence, conclusions and reasons for reaching those conclusions, as well as, the recommended corrective action if harassment has occurred. The report will be delivered to the facilitator, the complainant and the alleged harasser. The report is marked confidential and delivered with the notation that it should be kept in confidence unless disclosure is required by law or is necessary to implement corrective action.
5. The facilitator will then:
  - Take appropriate corrective action.
  - Inform the complainant and harasser of the corrective action.
  - Inform the complainant of the rights to file a complaint with the Saskatchewan Occupational Health and Safety Division or The Saskatchewan Human Rights Commission.

Note: Where the corrective action is different from the action recommended in the report, the facilitator should provide reasons for not taking the investigators' recommended action.

6. After corrective action has been taken, the facilitator follows up with the complainant to ensure that the corrective action was effective. If the complainant indicates harassment has not ended, or suffers reprisal, the facilitator should take additional or alternative corrective action. Further investigation may be necessary.

Note: All documents and statements obtained during the course of the investigation, including the names and copies of witness statements, should not be disclosed to any person unless required by law.

## Taking Action to Stop and Prevent Harassment

In taking action to stop harassment and prevent its recurrence, Friends Together Childcare Cooperative will be guided by the following:

### Individual Awareness and Counselling

People may not be aware of the effects of their behavior. In many cases, speaking to the person in private about the inappropriate behavior will help resolve a situation. In certain instances, it may be more effective for the Director to speak with the offending person or to arrange and facilitate a meeting between the complainant and alleged harasser.

Complainants should not be encouraged to confront the alleged harasser if they are reluctant, if the alleged harassment is of a serious nature or if the alleged harasser denies the alleged conduct.

### **Staff Awareness and Counselling**

Standards of behavior change over the years. Some individuals or groups may not be aware behavior that was acceptable in the past, is not acceptable anymore. A staff awareness session may be helpful to correct problems based on lack of awareness. Relevant videos, lectures and facilitated group discussions may increase awareness of behaviors that are unacceptable and the reasons for the changes.

### **Interim Action**

A Director or the Board of Directors may have grounds to believe a complainant will be exposed to continued harassment or reprisal while waiting for the investigation or resolution process to occur. The Director or the Board of Directors must take immediate action to protect the worker from continued harassment or reprisal. Any interim action should respect the alleged harasser's rights based on the employment contract.

Considering the above-mentioned rights, the Director's or Board of Director's action may include:

- cautioning the alleged harasser about the types of behavior that will not be tolerated;
- moving the alleged harasser to another childcare room;
- moving the complainant to another childcare room at the complainant's request; and
- suspending the alleged harasser with pay while waiting for a final determination.

### **Mediation**

Mediation offers both parties the opportunity to develop an understanding of the problem and resolve the complaint before or during the formal investigation process. The mediator facilitates separate discussions or joint meetings between the complainant and the alleged harasser. Mediation may take place at any point in the resolution process as long as both parties agree to participate. Where the complainant and alleged harasser agree to participate in mediation, Friends Together Childcare Cooperative shall arrange for a mediator, who is trained and independent.

### **Disciplinary Action**

An employee who has knowingly engaged or participated in the harassment of a co-worker will be disciplined. The discipline will be subject to the employee's rights under the employment contract. Discipline may include reprimand, relocation, demotion, suspension or termination of employment.



The severity of discipline will depend on:

*Seriousness of the Alleged Conduct*

- whether the conduct is an offence under the criminal code;
- whether the conduct is an offence under the Act or The Saskatchewan Human Rights Code;
- the extent of the mental or physical injury caused to the complainant;
- whether the harasser persisted in behavior that was known to be offensive to the complainant; or
- whether the harasser abused a position of authority.

*Risk of the Harasser Continuing with Similar Harassment of the Complainant or Others*

- whether the harasser acknowledges that conduct was unacceptable and makes a commitment to refrain from future harassment;
- whether the harasser has apologized to the complainant or taken action to repair any harm; or
- whether the harasser has agreed to participate in awareness sessions, training or other recommended counselling or treatment.

## Third-party Harassers

This policy covers harassment connected to any matter or circumstance arising out of the worker's employment. Clients, outside educators, contractors or their workers and others invited to the workplace could harass an employee.

Friends Together Childcare Cooperative may have limited ability to investigate or control their conduct. However, Friends Together Childcare Cooperative shall take reasonably practicable action to stop or reduce the risk to its workers of being harassed by third parties. This action may include:

- posting the harassment policy in a location visible to third parties; and
- requiring certain contractors and their workers to accept and meet the terms of the harassment policy; and
- removing workers who participate in harassment.

Where a client has been asked to stop abusing or harassing a worker and does not, workers are authorized to:

- end telephone conversations;
- politely decline service; and
- ask the client to leave the workplace.

## **Malicious Complaints**

Where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate discipline.

## **Confidentiality**

Friends Together Childcare Cooperative will not disclose the identity of the complainant or alleged harasser, except where disclosure is necessary to investigate or take disciplinary action, or where such disclosure is required by law.

## **Other Options for Complaints**

Nothing in this policy prevents or discourages an employee from referring a harassment to the Occupational Health and Safety Division or the Saskatchewan Human Rights Commission. An employee also retains the right to exercise any other legal avenues available.