

13.¹ POLICY TO ADDRESS WORKPLACE HARASSMENT AND DISCRIMINATION

13.1 Policy Statement

This policy is applicable to all persons in the CYM organization; those employed by the organization, those contracted for services to the organization and those working in a voluntary capacity.

13.1.1 CYM is committed to providing a work environment in which all individuals are treated with respect and dignity. We expect our workplace will be one that is free of discrimination and harassment, in which all people respect one another and work together to achieve common goals. Harassment committed by or against a staff member or volunteer is unacceptable conduct that will not be tolerated. The employer will take all reasonable and practical measures to prevent and protect staff and volunteers from acts of harassment.

13.1.2 This Policy applies to all staff and volunteers of CYM, regardless of tenure, including without limitation all staff, supervisors and clerks. The Policy applies to all programs and activities that occur while on CYM premises or other location(s) where the staff member or volunteer may be located as a result of his/her employment, or while he/she is engaging in CYM business, gatherings, activities or social events. If children are involved, please consult the *Safe Nurture of Children in our Care* policy. If an incident involves only visitors, partners or participants, please follow the guidelines in Appendix “PP-D”, concerning the role of Continuing Meeting of Ministry and Counsel (CMMC) in addressing those incidents.

13.2 Definitions

13.2.1 **Complainant:** the person who files a formal complaint in writing pursuant to this Policy.

13.2.2 **Staff member:** an individual in an employment relationship with CYM or a contractor who is paid for services.

13.2.3 **Volunteer:** an individual who performs work or supply services to CYM for no monetary compensation, **including those who serve on employing committees.** For the purposes of this Policy only, “staff member” may include “volunteer” where appropriate.

13.2.4 **Respondent:** the individual against whom allegations that could constitute a violation of this Policy have been made.

13.2.5 **Workplace:** any place where CYM’s work-related activities are conducted. It includes, but is not limited to, the CYM national office, Camp NeeKauNis, the location of CYM’s annual sessions and gatherings

¹ The numbers refer to the Section and sub-sections in the CYM Personnel Policy.

and events sponsored by CYM standing committees, the physical work premises, work-related social functions, work assignments outside CYM's work premises, work-related travel and work-related conferences or training sessions. See Appendix "PP-C" for a list of locations and relevant supervisors.

13.2.6 **Workplace harassment:** is defined in the *Ontario Health and Safety Act (OHSA)*² 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. Examples of workplace harassment include, but are not limited to:

- (a) Unwelcome jokes, slurs, innuendoes or taunting;
- (b) Behaviour or conduct which might reasonably be expected to cause harm, discomfort, offence or humiliation;
- (c) Body language or gestures that are disrespectful;
- (d) Inappropriate communication via electronic mail and/or attainment, display and distribution of improper information from the internet;
- (e) Inappropriate, unwelcome touching, come-ons or sexual flirtation; and
- (f) Display of sexually offensive pictures or objects.

13.2.7 **Workplace harassment** does not include:

- (a) Performance management, such as routine coaching and feedback, fair and objective performance evaluations, performance improvement plans or through appropriate and justifiable disciplinary action;
- (b) Providing fair and reasonable constructive feedback or evaluation of the work completed by a colleague or a direct report;
- (c) Assigning additional work;
- (d) Voicing minor differences of opinion; and
- (e) Showing frustration or annoyance, where such behaviour is justified and displayed in a respectful manner without any threat of violence, intimidation or other reprisals, and where it is shown only on an occasional basis.

13.2.8 **Discrimination:** on the basis of one or more prohibited grounds [see 13.2.10], directly or indirectly: refusing to hire, promote, train, upgrade or

² For a full definition consult: http://www.labour.gov.on.ca/english/hs/pubs/ohsa/ohsag_part3-01.php

transfer; disciplining, dismissing or laying-off; establishing or following any policy or practice which deprives persons of career opportunities; and/or making adverse distinctions between staff.

13.2.9 Discriminatory harassment: a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning, or unwelcome, to a staff member based on one or more prohibited grounds. Examples of discriminatory harassment would include:

- (a) Jokes or slurs about a prohibited ground, for example, racist or homophobic jokes;
- (b) Degrading words used to describe a person based on a prohibited ground; and
- (c) Derogatory or degrading remarks directed towards all members of a group who share characteristics based on a prohibited ground.

13.2.10 Prohibited ground: one of those listed in the Ontario *Human Rights Code*: race, colour, creed (religion), place or ethnic origin, sex (including pregnancy and gender identity), age (eighteen years old and over), disability (including mental, physical, developmental or learning disabilities), ancestry, citizenship, sexual orientation, marital status (including the status of being married, single, widowed, divorced, separated, or living in a conjugal relationship outside of marriage), or family status (such as being in a parent-child relationship).

13.2.11 Sexual harassment: any unwelcome conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or a series of incidents, that might reasonably be expected to cause offence or humiliation or that might reasonably be perceived as placing a condition of a sexual nature on employment, on an opportunity for training or promotion, or on the receipt of services or a contract. Sexual harassment includes:

- (a) Sexist jokes;
- (b) Display or circulation of sexually offensive visual material;
- (c) Sexually degrading words used to describe a person or directed towards members of one sex;
- (d) Leering (suggestive staring) or other obscene/offensive comments or gestures;
- (e) Unwelcome physical contact, such as patting, touching, pinching, hitting;

- (f) Unwelcome sexual flirtations, advances, propositions;
- (g) Persistent unwanted contact or attention after the end of a consensual relationship;
- (h) Requests for sexual favours;
- (i) Unwanted touching; and
- (j) Sexual assault.

13.3 Responsibilities of Staff, Clerks, CYM Standing, Employing and Personnel Committees

13.3.1 Staff and volunteers are expected to:

- (a) Act respectfully towards other individuals while at work and while participating in any work-related activity;
- (b) Report any incident of workplace harassment of which they have knowledge;
- (c) Understand and comply with this Policy and all related procedures;
- (d) Co-operate with any efforts to investigate and resolve matters arising under this Policy;
- (e) Participate in education and training programs; and
- (f) Respond appropriately to any incident of harassment or discrimination.

13.3.2 Clerks of CYM, its Standing, Employing and Personnel Committees are expected to:

- (a) Ensure training and education of all staff with respect to this Policy;
- (b) Promote a discrimination and harassment-free working environment;
- (c) Review all reports of harassment in a prompt, objective and sensitive manner; and
- (d) Facilitate appropriate support for all those either directly or indirectly involved in a workplace incident.

13.4 Reporting

13.4.1 CYM encourages the reporting of harassment and discrimination. A staff member who believes that he/she has been subjected to discriminatory or harassing behaviour is encouraged to follow the steps outlined below:

- (a) Prior to filing a formal report of an incident, the staff member should tell the other person(s) that the behaviour is unwelcome and that it should stop. The staff member should carefully record details of all incidents including the date and time of the incident, the nature of the incident, and names of people who may have been witnesses.
- (b) The staff member may ask for support from his/her supervisor to communicate their objections to the incident(s) to the other person(s) and/or to prepare and submit a formal complaint if he/she chooses. If appropriate, the staff member should attempt to maintain a respectful relationship and, in any event, avoid rumours, retaliation or escalation of ill-will.
- (c) If the behaviour does not stop after the staff member has spoken to the person(s), the staff member may choose to file a formal complaint outlining the particulars of the allegations to the Clerk of the Personnel Policy Committee (personnel-clerk@quaker.ca) or designate, or the Presiding Clerk of CYM (cym-clerk@quaker.ca) or designate. The complaint should be in writing, using the Workplace Violence and Harassment Incident Report, Appendix “PP-E”, signed by the individual making the complaint and providing as much detail as possible, including who, what, where, when and the names of any witnesses. In the event that the Respondent is either of the Clerks named above, the Report should be submitted to the Clerk of Trustees (trustees-clerk@quaker.ca). If an incident involves only visitors, partners or participants, the complaint will also be forwarded to the Clerk of Continuing Meeting of Ministry and Counsel (CMMC) (cmmc-clerk@quaker.ca), or designate.
- (d) Formal complaints shall be filed within a reasonable period of time following when the incident(s) complained about happened. Please note that anonymous complaints may not be investigated.

13.5 Investigation of Complaints

13.5.1 All reports of harassment and discrimination will be taken seriously and will be documented and if the allegations constitute a violation of this Policy, they will be investigated. The form of investigation will depend on the circumstances and may involve appropriate law enforcement or other competent persons as determined by the Clerk of Personnel Policy Committee, or designate in consultation with the CYM Clerks, taking into consideration the nature of the harassment or discrimination and the concerns of Staff who experienced the harassment or discrimination.

13.5.2 Upon receipt of a formal written and signed complaint of harassment or discrimination, the CYM Clerks will assign the investigation to an internal or external person to investigate. In a situation involving only visitors,

partners or participants, the investigation could be referred to CMMC. More detailed information is provided in Appendix “PP-D”.

13.5.3 The Respondent should be advised that the above steps have been taken and to refrain from discussing the complaint with anyone other than those involved in the investigation.

13.5.4 The investigation may include interviewing the Complainant and the Respondent as soon as possible, interviewing any witnesses, reviewing relevant documents and other materials, and producing a final report detailing findings and recommendations (if any).

13.5.5 Following the investigation, the investigator may make a finding of:

- (a) sufficient evidence to support a finding of violation of this Policy;
- (b) insufficient evidence to support a finding of violation of this Policy, or
- (c) no violation of this Policy.

13.5.6 Upon being advised of the investigator’s findings, the CYM Clerks will determine whether any action is required which may include preventive, corrective and/or disciplinary action.

13.6 Confidentiality

13.6.1 Confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved: only those on a “need to know” basis will be advised of the complaint and/or investigation. The CYM Clerks and the PPC Clerk will endeavour to maintain confidentiality to the extent possible; staff are advised that gossiping about an incident will not be tolerated. Those with questions or concerns should speak to the Clerk of Trustees.

13.7 Record Keeping

13.7.1 The documents corresponding to any investigation will be kept on file in a secure location, separate from any staff member’s personnel files, for as long as necessary. Records of any remedial action taken will be placed in the appropriate staff member’s personnel file.

13.8 Consequences

13.8.1 No staff or any other individual affiliated with CYM shall subject any other person to harassment or discrimination or allow or create conditions that support harassment or discrimination. A staff member who subjects another staff member(s) to harassment or discrimination or otherwise

violates this Policy may be subject to disciplinary action, up to and including immediate dismissal for just cause.

13.8.2 Additionally, discipline, up to and including immediate dismissal for just cause, may be imposed on the following individuals in the following circumstances:

- (a) On clerks/supervisors who were aware of harassment or discrimination and permitted it to take place; and/or
- (b) On staff who have made a false accusation of harassment or discrimination, knowingly or in a malicious manner.

13.9 No Reprisals

13.9.1 CYM will not tolerate reprisals or retaliatory measures against a staff member who, in good faith, raises a complaint of harassment or discrimination within the meaning of this Policy. These protections also apply to anyone who cooperates in the investigation of the complaint. Disciplinary action may be taken against a staff member who takes any reprisal against a staff member who reports harassment or discrimination.

13.10 Complaint to the Human Rights Tribunal

13.10.1 For a staff member or a volunteer in Ontario, who believe that they have been subject to harassment or discrimination that is based on a prohibited ground under the Ontario *Human Rights Code* are encouraged to follow the reporting procedures under this Policy. However, nothing in this Policy prevents a staff member or a volunteer from filing an application with the Human Rights Tribunal of Ontario within one (1) year of the alleged incident. Staff retain the right to exercise any other legal avenues that may be available to them. Those resident in other provinces or territories should consult the relevant agency.

<http://www.chrc-ccdp.ca/eng/content/provincial-and-territorial-human-rights-agencies>

13.11 Monitor and Review

13.11.1 The CYM Personnel Policy Committee will review this Policy and the effectiveness of its workplace harassment prevention measures at least every **twelve (12) months**.

APPENDIX “PP-C”

INCIDENT REPORTING REQUIREMENTS FOR HEALTH AND SAFETY AND WORKPLACE POLICIES TO ADDRESS VIOLENCE, HARASSMENT AND DISCRIMINATION

Given that there are multiple workplaces and locations for gatherings, with site specific needs, the responsibility for the following tasks will rest with the relevant body within Yearly Meeting, in consultation with their employees, contractors and volunteers:

- assessment of risks
- implementation of measures and procedures to control the risks
- development of measures and procedures for summoning immediate assistance
- report of an incident for investigation

The following are the relevant Clerks or designated supervisor for the different locations:

- CYM national office – CYM Office Management Committee (cym-clerk@quaker.ca)
- Camp NeeKauNis – Camp NeeKauNis Committee (neekaunis-clerk@quaker.ca)
- Location of Yearly Meeting’s annual sessions – CYM Programme Committee (program-clerk@quaker.ca)
- Other employing committees, e.g., Canadian Friends Service Committee, Camp NeeKauNis Committee, Education and Outreach Committee, Publications and Communications Committee and those committees hosting events will need to develop procedures to fulfil the requirements of Sections 12, 13 and 14 of the CYM Personnel Policy.

Any incident of violence, harassment or discrimination involving employees, volunteers, visitors, partners, or participants will be reported immediately to the relevant Clerk for the location wherein the incident occurred, as the Clerk is responsible for initiating the process. Clerks will name another Friend to act with them in responding to an incident.

The above named Friends must maintain confidentiality. It is important that those not involved, do not circulate rumours, or seek to gain information to which they are not entitled.

When an employee is involved, the procedure outlined in the Personnel Policy Sections 13.4 & 13.5 and 14.5 & 14.6 will be followed. When a non-employee is involved the procedure in Appendix “PP-D”, Role of Continuing Meeting of Ministry and Counsel (CMMC) will be followed.

Should the Clerks, who have responded to an incident, need support after they have initiated the reporting process, they are encouraged to contact Continuing Meeting of Ministry and Counsel (CMMC) (cmmc-clerk@quaker.ca)

When the investigation is completed, copies of the forms and a record of any steps taken by the investigator or the CMMC Investigating Committee will be kept in a confidential file at the CYM office.

The investigator or the CMMC Investigating Committee, will inform the Clerk(s) of CYM (cym-clerk@quaker.ca) and the Clerk of Trustees, (trustees-clerk@quaker.ca) (and if applicable the Clerk of CMMC) (cmmc-clerk@quaker.ca), of the finding of the investigation as per 13.5.5 or 14.6.4 of the Personnel Policy.

Those involved will complete an evaluation process to reassess and mitigate the risk to prevent a recurrence. That report will be submitted to the CYM Trustees.

APPENDIX “PP-D”

ROLE OF CONTINUING MEETING OF MINISTRY AND COUNSEL (CMMC) IN REPORTING AND ADDRESSING INCIDENTS INVOLVING NON-EMPLOYEES (VOLUNTEERS, VISITORS, PARTNERS AND PARTICIPANTS)

When a relevant Clerk or designate, as cited in APPENDIX “PP-C”, has received a report of an incident of workplace harassment, discrimination or violence as defined in Sections 13.2.6 and 14.2.6 of this policy, they will initiate the process outlined in 13.4.1 and 14.5.1.

If the incident involves only volunteers, visitors, partners, or participants, the relevant Clerk or designate will also inform the Clerk of Continuing Meeting of Ministry and Counsel (CMMC). (cmmc-clerk@quaker.ca) If the incident involves CFSC (clerk@quakerservice.ca) or Camp NeeKauNis (neekaunis-clerk@quaker.ca) volunteers, partners or participants, the Clerks of those bodies or designate will also be informed.

When the seriousness of the incident warrants it, the Clerks of CYM, or in their absence the Clerk of Trustees will contact the insurance provider.

The relevant Clerk or designate will be responsible for ensuring that the Workplace Violence and Harassment Incident Report is completed (This form is in Appendix “PP-E” and available to download from www.quaker.ca). The relevant Clerk or designate will collect the completed form as soon as possible and forward it to CMMC, when they are acting as the investigator.

Once filled out, this form is only seen by the CMMC investigating committee, unless it is needed by police or insurance.

With the transfer of the Incident Report to the CMMC Investigating Committee, the responsibilities of the relevant Clerk or designate related to this matter are completed and the following process begins:

1. The CMMC Investigating Committee will convene immediately to investigate the situation and determine next steps, including offering support for those involved and, as necessary, establishing appropriate consequences or boundaries to protect the alleged person(s) harmed, or witnesses or others.
2. The CMMC Investigating Committee will inform all persons involved in the incident of actions taken, taking care to respect confidentiality. This process will include the Clerks who reported the incident, as they will be responsible, once the investigation is concluded, for initiating a risk re-assessment to prevent a recurrence and reporting the results to the Trustees.

3. The CMMC Investigating Committee will offer Committees of Care to the person(s) allegedly harmed, person(s) who allegedly caused harm, and any witnesses, and will then contact the Clerks of the relevant Monthly Meetings to request the arrangement of such committees. A similar offer will be made to the reporting Clerks. CYM is not responsible for providing Committees of Care to those who are not members or attenders within Canadian Yearly Meeting. In such cases, the Investigating Committee will recommend that such individuals seek appropriate support, as necessary.
4. Copies of the forms and record of any steps taken by the CMMC Investigating Committee will be kept in a confidential file at the CYM office.
5. The person(s) harmed can pursue resolution through other means with his or her Committee of Care and/or the CMMC Investigating Committee.
6. The CMMC Investigating Committee will inform the Clerk(s) of CYM, (cym-clerk@quaker.ca) the Clerk of CMMC and the Clerk of Trustees (trustees-clerk@quaker.ca) of its finding as per 13.5.5 or 14.6.4 of the Personnel Policy.
7. The relevant Clerk for the location of the incident then forwards a report to the Trustees of the risk re-assessment, see #2 above.

A Resource to facilitate Restorative Justice will be developed.