

Section 7: CONFLICT RESOLUTION

7.1 HARASSMENT

Approved: September 26 2016

updated: August 3, 2021; August 26 2021

Intent

The MPCC is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace including other employees, supervisors, Board Members, volunteers, program participants and their families, or other members of the public.

Policies and Procedures

1. The workplace harassment policies and procedures apply to all workers including managers/supervisors, employees, Board Members, volunteers and contractors.
2. Workplace harassment means:
 - a. Engaging in a course of vexatious comment or conduct against a worker in a workplace because of race, creed, age, ethnic origin, marital status, physical disability, sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known, or ought be reasonably known, to be unwelcome;
 - b. Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the worker and the person knows, or ought be reasonably known, that the solicitation or advance is unwelcome.
3. Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.
4. The Ontario Occupational Health and Safety Act (OHSa) guides the response to workplace harassment.
5. Workers are encouraged to report any incidents of workplace harassment, explicit or implicit.
 - a. Incidents or complaints can be reported verbally or in writing. When reporting verbally, the person to whom the report is made, along with the worker complaining of harassment, will fill out the complaint form together.
6. A report of the incident should include the following:
 - a. Name(s) of the worker who has allegedly experienced workplace harassment, and contact information;
 - b. Name(s) of the alleged harasser(s), and contact information (if known);
 - c. Name(s) of the witness(es) (if any) or other person(s) with relevant information to provide about the incident, and contact information (if known);
 - d. Details of what happened including date(s), frequency, and location(s) of the alleged incident(s);
 - i. Any supporting documents the worker who complains of harassment may have in his/her possession that may be relevant to the complaint;
 - ii. List of documents which a witness, another person, or the alleged harasser may have in their possession that are relevant to the complaint.
7. Workplace harassment incidents or complaints should be reported to the worker's supervisor. If the worker's supervisor is engaging in the workplace harassment, contact the Executive Director.

If the Executive Director is the person engaging in workplace harassment, reporting should be done to the MPCC Chair.

8. The MPCC will ensure that an investigation appropriate to the circumstances is conducted when the employer, or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.
9. The Executive Director will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace harassment involve the Executive Director or Directors on the Board, the employer will refer the investigation to an external investigator to conduct an impartial investigation.
10. The investigation will be completed in a timely manner, and generally within ninety (90) days, unless there are extenuating circumstances.
11. The persons conducting the investigation, whether internal or external to the workplace, will, at minimum, complete the following:
 - a. Ensure that the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator(s) should remind the parties of this confidentiality obligation at the beginning of the investigation.
 - b. Thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser(s) is a worker of the employers. If the alleged harasser(s) is not a worker, the investigators should make reasonable efforts to interview the alleged harasser.
 - c. Opportunity must be given to the alleged harasser(s) to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced workplace harassment should be given reasonable opportunity to reply.
 - d. Interview any relevant witness(es) employed by the employer who may be identified by either the worker who allegedly experienced workplace harassment, the alleged harasser(s), or as necessary to conduct a thorough investigation. The investigators must make reasonable efforts to interview any relevant witness(es) who are not employed by the employer (if any).
 - e. Collect and review any relevant documents.
 - f. Take appropriate notes and statements during the interviews with the worker who allegedly experienced workplace harassment, the alleged harasser(s), and any witness(es).
 - g. Prepare a written report summarizing the steps taken during the investigation, and complaint, the allegations of the worker who allegedly experienced workplace harassment, the response of the alleged harasser(s), the evidence of any witness(es), and the evidence gathered. The report must set out findings and come to a conclusion about whether workplace harassment was found or not.
12. Within ten (10) days of the investigation being completed, the worker who allegedly experienced workplace harassment and the alleged harasser(s), if he/she is a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment.
13. Information about complaints or incidents shall be kept confidential to the extent possible. Information obtained about a complaint or incident of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action, or otherwise as required by law.
14. When an investigation is on-going, the worker who has allegedly experienced workplace harassment, the alleged harasser(s), and any witness(es) should not discuss the complaint or incident or the investigation with each other or other workers or witnesses unless necessary to

obtain advice about their rights. The investigators may discuss the investigation and disclose the complaint- or incident-related information only as necessary to conduct the investigation.

15. The employer will keep records of the investigation:
 - a. The complaint or details about the incident;
 - b. Record of the investigation notes;
 - c. Copy of the investigators' report, if any;
 - d. Summary of the results of the investigation that was provided to the worker who allegedly experienced workplace harassment and the alleged harasser(s) if a worker of the employer;
 - e. Corrective action taken to address the complaint or incident of workplace harassment.
16. All records of the investigation will be kept confidential.
 - a. Records will be kept for three (3) years.
17. After a complaint is received, and during an investigation, the MPCC may take interim measures to ensure the workers safety.
18. In the event that investigation reveals an incident of harassment, the MPCC may take action, including but limited to:
 - a. Discipline of an employee;
 - b. Termination of an employee;
 - c. Exclusion of a participant from a program, or
 - d. Referral of the incident to authorities.
19. Employees will receive training in this workplace harassment policy during their orientation, and through an annual review.
20. Stakeholders shall be able to acknowledge their understanding of this policy and date and sign their compliance.
21. Supervisors and workers are expected to adhere to their policy and will be held responsible by the MPCC for not following it. Workers will not be penalized for reporting an incident or participating in an investigation involving workplace harassment.
22. The policy shall be reviewed annually.