

4.6 RESPECTFUL WORKPLACE

ICASO recognizes the right of all employees, volunteers, donors and guests, consultants and partner organizations to be treated with respect and dignity in an environment that is safe and free from harassment and discrimination. This section provides guidelines to address specific situations, complaints, processes and resolutions in the areas of discrimination, harassment, violence and bullying.

Workplace discrimination, violence and harassment in any form will not be tolerated or condoned. Every effort will be made to identify acts or incidents, regardless of whether the conduct is perpetrated by an employee or member of the public. However, all employees must work together to create a work environment free from discrimination, violence and harassment.

Anyone found to have engaged in any act of discrimination, violence or harassment will be subject to discipline up to and including termination for cause.

This policy provides clear guidelines of what is considered unacceptable conduct. This policy will be renewed annually to ensure continued compliance with statutory requirements. All employees are expected to conduct themselves in accordance with this policy when on ICASO premises, at a company-sponsored event, such as holiday celebrations or after-hours gatherings and when conducting business on behalf of ICASO

This policy applies to all persons related to or dealing with ICASO. This includes employees, volunteers, contractors, guests, or anyone else dealing with the organization. As a condition of employment, it is imperative that there be respect for the personal dignity of all persons. This policy applies in ICASO's premises and wherever an organization-sanctioned event takes place.

ICASO is committed to full compliance with the laws and regulations wherever it operates. Employees are expected to comply with all local laws in conducting company business.

Definitions

Discrimination - Discrimination is differential treatment based on a personal characteristic which has an adverse impact on an individual or group. Discrimination isn't always overt. It also includes practices that have the effect of being discriminatory.

It is ICASO's policy to provide equal opportunity for employment and promotion to the best-qualified individuals in all staff positions. ICASO recognizes the prohibited grounds of discrimination as outlined under the Ontario Human Rights Code (www.ohrc.on.ca), which include of *race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, gender expression, gender identity or disability*. In addition, ICASO also recognizes the following with respect to discrimination: *same-sex partnership status, political affiliation, religious affiliation, gender, HIV status, economic status and identity*.

Applicants for employment or employees for transfer or promotion shall be evaluated solely based on training, skills, ability and experience necessary to perform the tasks of the required position.

Workplace Harassment - The Occupational Health and Safety Act ("OHSA") defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought to be known to be unwelcome.

Reasonable actions taken by employers or supervisors relating to the management and direction of workers or the workplace is not workplace harassment.

Workplace Sexual Harassment - The OHSA defines workplace sexual harassment as a) 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 the comment or conduct is known or ought reasonably to be known to be unwelcome, or 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 reasonably to know that the solicitation or advance is unwelcome.

Harassment and sexual harassment includes, but is not limited to:

- abuse of authority, which undermines or threatens an employee's career;
- written or verbal insult, abuse, or threats;
- racial or ethnic slurs, including racially derogatory nicknames;
- unwelcome remarks, jokes, innuendoes, or taunts;
- patronizing, or condescending behaviour, language, or terminology which reinforces stereotypes and undermines self-respect or adversely affects work performance or working conditions;
- displaying offensive or demeaning pictures or material, (this includes pictures or material in private offices);
- practical jokes which cause awkwardness, embarrassment, or negatively affect work performance;
- unwelcome sexually-oriented remarks, invitations, jokes, or requests whether indirect or explicit;
- leering or obscene or offensive gestures;
- unwanted and inappropriate physical contact such as touching, kissing, patting, pinching, and brushing up against a person;
- inquiries or comments about a person's sex life or sexual preferences;
- differential treatment based upon race, gender, ethnicity, etc.;
- both physical and psychological intimidation, such as demeaning behaviour, and treating others with a lack of respect, or generally creating an atmosphere of fear.

It should be noted that, whereas some behaviour may be offensive, inappropriate, unwanted, or a misuse of authority, it may not be considered harassment under the law. This does not make it acceptable at the organization and this type of behaviour will not be tolerated.

Workplace violence - Workplace violence includes the use, attempted use or threatened use of physical force by a person against an employee in the workplace that causes or could cause physical injury to the employee. Workplace violence includes, but is not limited to, acts of physical violence (i.e., hitting, punching, kicking and intimidation) and threats of violence.

Domestic violence - If ICASO becomes aware or ought reasonably to be aware that an employee may be exposed to domestic violence that could result in physical injury to anyone in the workplace, it is obligated to take action to protect its employees. Protective measure may include:

- restricting access to the workplace;
- removing the employee's name and contact information from external sources;
- changing the physical location of the employee's workspace to an area that is not accessible to the public.

Unless otherwise noted in this policy, "employee(s)" includes managers, supervisors, executives, contractors, temporary or agency employees, etc.

Complaint Procedure

It may be difficult to come forward with complaints of this nature. ICASO will make every reasonable effort to ensure that the privacy of the persons involved in a complaint is protected. To the extent practical and appropriate under the circumstances, confidentiality will be maintained unless disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

What to do in cases of discrimination, violence or harassment

If an employee has experienced any form of discrimination, violence, harassment, threat of violence (including domestic violence) in the workplace, or witnesses or has reason to believe that another employee has been subject to acts of discrimination, harassment or violence (including domestic violence), they should immediately take the following steps:

1. **Corrective Action.** If the employee is comfortable doing so, clearly communicate to the individual that his or her behaviour or conduct is unwelcome. In some cases, this may be sufficient to put an end to the conduct.
2. **Report the Incident.** Alert the Executive Director, or in their absence, the Chair of the Board of Directors, if you witness an act that could amount to workplace discrimination, violence (including domestic violence) or harassment. If the Executive Director is the alleged harasser, the incident should be reported to the Board Chair.
3. **Document the Incident.** Take detailed written notes or otherwise record each incident, including the date, time, place and details of what was said and done, names of possible witnesses and the surrounding circumstances.
4. **Co-operate with the Investigation.** With the employee's assistance, ICASO will be able to conduct a timely investigation into the allegations and take corrective action, if necessary.

Allegations of discrimination, violence and harassment are serious matters; however, in the event that ICASO finds the allegations to be "trivial", it may not conduct a full investigation.

Investigation of a complaint

The Executive Director is responsible for handling the complaint. Upon receipt of the complaint, depending on the seriousness of the allegations, the Executive Director or his/her designate (the "Investigator") will conduct a thorough investigation of the matter. By choice of the Executive Director, the investigator may be hired at the employer's expense from an impartial third-party firm specializing in these investigations. The investigation procedure will include discussions with the employee making the complaint as well as the other individual(s) involved.

At the conclusion of the investigation, the Investigator will make one of the following decisions:

- the complaint was substantiated;
- the individual(s) involved voluntarily resolved the matter to the satisfaction of all parties; or
- the complaint was not substantiated.

If a complaint is substantiated, the Investigator will provide proactive steps to avoid a similar incident in the future.

Where it is necessary to impose corrective action against an employee, the range of action could include measures such as a formal apology, referral to appropriate counseling, reassignment, leave of absence with or without pay, demotion or termination, depending upon the seriousness of the offence. Both the employee who experienced workplace harassment and the alleged harasser will be informed in writing of the results of the investigation, and of the corrective action that has been or will be taken.

Retaliation against any individual for reporting alleged acts of discrimination, violence or harassment is not tolerated. Equally, because false accusations can have a serious effect on innocent persons, the willful misuse of this policy or making false accusations will not be tolerated and may be grounds for discipline.

Workplace Violence Prevention Program

The reporting and investigation procedure set out above may not be suitable in all cases of workplace violence. As such, we have developed the Workplace Violence Prevention Program. It is designed to identify and minimize the risk of violence. It has two primary components, risk management and emergency response.

Risk management

ICASO will annually conduct a violence risk assessment in the workplace. The assessment will focus on identifying the areas and positions where there is a risk of violence and the degree of risk present. Based on the results of the assessment, ICASO will develop protective mechanisms specifically designed to safeguard employees who occupy the high-risk positions and workspaces.

ICASO will provide a copy of the risk assessment to the Health and Safety representative. ICASO will make every effort to identify possible sources of workplace violence and take steps to manage or eliminate the associated risk. However, ICASO will only provide personal information to the extent that is reasonably necessary to protect employees from physical injury.

ICASO will reassess the risks of workplace violence as often as is necessary, at least annually, to ensure that the policies and programs continue to protect employees.

Emergency response

ICASO has implemented an emergency response plan to assist employees in the event that an act of violence occurs in the workplace. In all cases, refer to the "Complaint Procedure" set out above.

Managerial Responsibility

All employees involved in the supervision of others must, upon becoming aware that acts of discrimination, violence or harassment may be occurring, contact the executive team. A person who has the authority to prevent or discourage discrimination, violence or harassment may be held responsible for failing to do so.