

## OCIC RESPECT IN THE WORKPLACE POLICY

Approved by the Board of Directors June 2018

### Preamble

OCIC's work, both internally and as a collective of members, is grounded in our shared vision of global social justice, human dignity and participation for all. Our policies are designed to meet OCIC's internal needs as an organization, however they are guided by ideals about anti-oppression, human rights, international cooperation, and the appropriate meeting of human needs articulated in a multitude of places by multilateral bodies, states, and civil society groups.

All OCIC policies and activities are informed by our Vision, Mission, Mandate, and Strategic Directions. Mindfulness of the spirit and letter of these documents is central to the integrity of the Council, as is compliance with the Canadian Council for International Cooperation (CCIC) Code of Ethics, the Istanbul Principles for CSO Development Effectiveness, and OCIC's Anti-Oppression Policy and Women's Rights and Gender Equality Policy.

### 1. Commitment

OCIC is committed to maintaining a work environment that promotes and values diversity, that is free from harassment, discrimination, violence in the workplace, and that complies with relevant legislation.

### 2. Intent of Policy

The intent of this Policy is to identify the roles and responsibilities of workplace parties to minimize or eliminate discrimination and/or harassment in the workplace as well as workplace violence, and to explain the resolution process available to resolve such issues in the workplace.

### 3. Definitions

For the purposes of this policy:

**Workplace** means any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises (office and off-site work locations), work-related functions (capacity building trainings, Development Drinks, conferences, forums, etc.), work assignments outside OCIC's office or other facilities, work-related travel and work-related conferences or training sessions (including outside of Canada).

**Workplace Harassment** means engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome. It may include unwelcome, unwanted, offensive, or objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment; interfering with an individual's work performance, adversely affecting an individual's employment relationship; and/or denying an individual dignity and respect. Harassment generally involves repeated activity but one incident may constitute harassment. It may be directed at specific individuals or groups. Reasonable action taken by OCIC or a supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

**Code-based Harassment** means harassment that is grounded on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed/religion, sex, sexual orientation, gender expression and identity, age, marital status, family status or mental or physical disability. Harassment in the workplace on any of these grounds is prohibited by the Ontario Human Rights Code.

**Workplace Sexual harassment** means 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 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. It includes, but is not limited to, any unwelcome sexual advances (oral, written or physical), requests for sexual favours, sexual and sexist jokes, homophobic or sexist slurs; unwelcome remarks, jokes, taunts, leering or suggestions about a person's body, attire, unnecessary physical contact such as patting, touching, pinching or hitting; patronizing or condescending behaviour; displays of degrading, offensive or derogatory material such as graffiti or pictures or verbal abuse of a sexual nature. Sexual harassment may include a range of subtle and not so subtle behaviours and may involve individuals of the same or different gender.

**Discrimination** is any act, conduct, decision, standard or policy which creates a distinction between certain individuals or groups based on prohibited grounds and results in negative, adverse or differential treatment. Discrimination may be intentional or unintentional. Prohibited grounds are defined in the Ontario Human Rights Code and include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed/religion, sex, sexual orientation, gender expression and identity, age, marital status, family status or disability. Discrimination is usually based upon personal prejudices and stereotypical assumptions related to at least one of the prohibited grounds set out in this Policy.

**Workplace Violence** is the exercise of or attempted exercise of physical force by an employee against another employee in the workplace, that causes or could cause physical injury to the employee, or a statement or behaviour that it is reasonable for an employee to interpret as a threat to exercise physical force against the employee in a workplace, that could cause physical injury to the employee. Violence also includes any incident in which a customer or visitor to the workplace threatens or assaults an employee, intern, volunteer, or independent contractor of OCIC, or who is threatened or assaulted on OCIC's work premises.

**Unacceptable Behaviour** is (i) physically or psychologically aggressive behaviour including but not limited to: hitting, kicking, pushing, shoving, slapping, pinching, grabbing, biting; (ii) carrying or showing weapons of any kind in the workplace; (iii) throwing objects at an individual with a view to cause physical injury or fear; (iv) destruction of the workplace or co-worker's property; (v) threats of violence; whether oral or written; (vi) intimidating, abusive or bullying behaviour that causes the recipient to have fear of physical violence; or (vii) obscene or harassing phone calls.

**Close Calls** are incidents which did not result in actual physical harm however, had the potential for physical harm.

**Minor Incidents** are incidents in which no one is physically harmed in any way and which was resolved through employee or Managerial mediation.

**Serious Incident** are incidents in which someone was physically harmed (whether requiring medical attention or not) or which continued or escalated after Managerial intervention or mediation.

#### **4. Scope of Policy**

This Policy applies to all OCIC employees, Interns, Volunteers and Independent Contractors, who are expected to read, understand and comply with the Policy.

This Policy will be reviewed as often as necessary and at least annually. OCIC reserves the right to interpret this Policy at its discretion and to make changes as it deems appropriate from time to time with advance notice of the changes.

### **5. Harassment and Discrimination**

OCIC is committed to providing and maintaining a work environment in which all individuals are free from workplace harassment, Code-based harassment, sexual harassment and discrimination based on their race, ancestry, place of origin, colour, ethnic origin/identity, disability, citizenship, creed, sex (including pregnancy), sexual orientation, gender expression and identity, age, marital status, family status, record of offences, receipt of public assistance, political affiliation, religion, language and/or socio-economic status. All individuals are responsible for conducting themselves in a manner that promotes a productive work environment and exhibits respect for all individuals, including in their dealings with coworkers, clients, suppliers or the public.

Any discrimination and/or harassment in the workplace, whether engaged in by other employees, managers, or by non-employees with whom the employee comes into contact in the course of employment (e.g. Board Directors, members, service providers, candidates for employment, contract staff, volunteers), is prohibited and contrary to this Policy.

### **6. Violence in the Workplace**

OCIC is committed to providing and maintaining a work environment in which all individuals are free from violence or unacceptable behaviour in the workplace. OCIC does not tolerate any physical acts, verbal threats of violence or unacceptable behaviour in the workplace made by or against employees, contract staff, members, Board Directors, volunteers or other third parties. Any breach of this Policy, will result in discipline to the offending party, up to and including termination for cause.

All OCIC Employees, Board Directors, Interns, Volunteers and Independent Contractors are expected to report any incident or threat of violence in the workplace.

OCIC has programs and procedures in place to reduce the risk of violence and unacceptable behaviour in the workplace. All OCIC employees and volunteers are trained on and are expected to be aware of, participate in and abide by such programs and procedures.

#### **Responsibilities are outlined as follows:**

##### **Employees and Volunteers:**

- Employees and volunteers are responsible for informing their Manager or the Executive Director of any violence, potential risk of violence, or unacceptable behaviour they may experience or witness. This includes issues in the employee or volunteer's non-work life that may have an impact on the employee or volunteer's co-workers' safety.
- Employees and volunteers are responsible for reporting to their Manager or the Executive Director any incidents of violence or close calls, according to the procedures set out in this Policy.

##### **Manager:**

- The Manager is responsible for assessing the risk of violence to employees, minimizing those risks where necessary or reasonably possible, and informing any affected employee of such risk or potential risk.
- The Manager is responsible for ensuring proper medical care is provided for anyone involved in

an accident and for securing the safety of employees, before investigating the incident or making reports.

- The Manager is responsible for ensuring employees and volunteers are trained to: recognize the potential for violence; follow the procedures and policies developed; respond to incidents appropriately and report to the Personnel Committee

**Personnel Committee:**

- The Personnel Committee is responsible for tracking and reporting risks of violence, incidents of violence, and close calls to the Health & Safety Committee and Executive Committee of the Board, according to the timelines set out in the procedures.  
Everyone is responsible for cooperating with police and any authorities as required during any investigation related to workplace violence.

**7. Reporting and Resolving Concerns of Harassment, Discrimination, Workplace Violence or Retaliation**

A complainant is a person or persons who have experienced or observed workplace harassment or violence, whereas a respondent is someone who is accused of the act(s) of harassment or violence. Incidents of workplace harassment or workplace violence should be reported to either the OCIC Executive Director or Personnel Committee, as appropriate, as soon as the act is experienced, observed, or perceived by a member of the OCIC community. In the case that the complainant or respondent is the Executive Director, complaints should be made directly to the Personnel Committee. In the case where the complainant or respondent is a member of the Personnel Committee, complaints should be directed to the Chair of the Board or other member of the Board of Directors.

OCIC's Personnel Committee, along with the Executive Director or Board of Directors (as appropriate) shall promptly investigate each case that is brought to the Committee's attention, treating the complaints as confidential and restricting the release of information only to those with a need or right to know. The Personnel Committee will report its investigation findings to the Board of Directors, together with any recommendations on corrective action.

Any individual covered by this Policy that is found to have violated this Policy in respect of harassment, discrimination, workplace violence or retaliation will be subject to immediate and appropriate disciplinary action, including but not limited to warnings, reprimands, demotion, reassignment, possible suspension or termination of employment or dismissal from volunteering.

OCIC's Board of Directors will take any corrective action that it deems appropriate in the circumstances, given due consideration to the recommendations of the Personnel Committee. OCIC will also take all responsive action necessary to correct the wrongful conduct, including coaching, internal training and policy review, monitoring of the individuals involved or external training, depending on the circumstances.

**8. Results of the Investigation**

Following completion of any investigation into a workplace harassment complaint, the complainant and the respondent, if he or she is an employee of OCIC, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by OCIC to address workplace harassment.

## **9. Confidentiality**

Any report, concern, complaint or incident of which OCIC becomes aware that involves conduct that may contravene this Policy will be treated confidentially to the extent possible, including the identity of the complainant(s), respondent(s) and any witnesses. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law. In all cases the complainant, the respondent and any witnesses must maintain confidentiality about the complaint and any investigation, except where disclosure is required by law.

During the informal and/or formal complaint process, all documents related to the complaint and/or investigation will remain with the representative conducting the investigation and will be stored in a locked cabinet.

In the event the allegations are not substantiated, and the complaint was made in good faith, there will be no consequences against the complainant and no record of the complaint will be retained in the employee's personnel file or in the file of any individual who participated in the investigation.

## **10. Liability for Vexatious Allegations and Complaints**

Any employee, whether co-worker, supervisor or manager, intern, independent contractor or volunteer who makes an allegation or complaint under this policy that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, up to and including termination of employment or dismissal from volunteering.

## **11. Retaliation Prohibited**

OCIC prohibits retaliation against anyone who, in good faith, reports harassment, discrimination, or workplace violence or participates in an investigation of such reports. Reprisals against employees or volunteers who have made good faith complaints or participated in an investigation of a claim of such misconduct is unlawful and a serious violation of this Policy. Alleged retaliation or reprisals are subject to the same complaint procedures and discipline as complaints of discrimination and harassment.