

## **POLICY: WORKPLACE HARASSMENT**

The Dufferin Club of Brantford (DCOB) 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 customers, clients, other employers, supervisors, workers, and members of the public, board members, as applicable).

The workplace harassment program applies to all workers (including managers, supervisors, temporary employees, students and subcontractors), all members and all volunteers (including board members).

### **1. Workplace Harassment**

Workplace harassment means engaging in a) 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 or b) workplace sexual harassment.

Workplace sexual harassment means:

- i. 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
- ii. 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; reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

### **2. Reporting Workplace Harassment**

#### **a) How to Report Workplace Harassment**

Workers can report incidents or complaints of workplace harassment verbally or in writing. When submitting a written complaint, please use the workplace harassment complaint form (see attached).

When reporting verbally, the reporting contact, along with the worker complaining of harassment, will fill out the complaint form.

The report of the incident should include the following information:

- i. Name(s) of the worker who has allegedly experienced workplace harassment and contact information
- ii. Name of the alleged harasser(s), position and contact information (if known)
- iii. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- iv. Details of what happened including date(s), frequency and location(s) of the alleged incident(s) Any supporting documents the worker who complains of harassment may have in

his/her possession that are relevant to the complaint. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

## **b) Who to Report Workplace Harassment To**

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner. Report a workplace harassment incident or complaint to the chair of the Board of Directors. If the Chair is the person engaging in the workplace harassment, contact an alternate executive member of the board (e.g. vice-chair, secretary or treasurer). All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

## **3. Investigation**

### **a) Commitment to Investigate**

DCOB will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

### **b) Who Will Investigate**

DCOB will determine who will conduct the investigation into the incident or complaint of workplace harassment.

### **c) Timing of the Investigation**

The investigation must be completed in a timely manner and generally within 60 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

### **d) Investigation Process**

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

- i. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. The investigator must thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- iii. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.

- iv. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- v. The investigator must collect and review any relevant documents.
- vi. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
- vii. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

## **e) Results of the Investigation**

Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment and the alleged harasser, if he or 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.

## **f) Confidentiality**

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint 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.

While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not to discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

## **g) Handling Complaints**

If the harassment claim is found to true the following will take place:

- i. If the harasser is a member of the board of directors, the member will be removed from the board effective immediately. Their membership to the DCOB will be revoked effective immediately.
- ii. If the harasser is a member of the club, their membership will be revoked effective immediately.

- iii. If the harasser is an employee of the club, their employment will be terminated effective immediately.

## 4. Record Keeping

The employer (human resources or designated person) will keep records of the investigation including:

- a) a copy of the complaint or details about the incident;
- b) a record of the investigation including notes;
- c) a copy of the investigation report (if any);
- d) a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
- e) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept for seven years.

**WORKPLACE HARASSMENT COMPLAINT FORM**

Name and contact information of worker who has allegedly experienced workplace harassment (your name):

Name of alleged harasser(s) and contact information, if available:

**Details of the Complaint of Workplace Harassment**

Please describe in as much detail as possible the bullying and harassment incident(s), including:

- a. the names of the parties involved;
- b. any witnesses to the incident(s);
- c. the location, date and time of the incident(s);
- d. details about the incident(s) (behaviour and/or words used);
- e. any additional details (attach additional pages if required).

**Relevant Documents/Evidence**

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**DCOB WORKPLACE HARASSMENT INVESTIGATION TEMPLATE**

This template may be used for guidance in investigating workplace harassment incidents or complaints. It may not be appropriate for complex workplace harassment investigations. The person conducting the investigation must not have been involved in the incident or complaint of workplace harassment and must not be under the direct control of the alleged harasser.

Name of investigator: \_\_\_\_\_

Date of investigation: \_\_\_\_\_

**A. Background Information:**

Who are the people involved? Are they workers as defined by OHSA? Who reported and when? (Attach more pages if necessary)

1. Name of person who reported workplace harassment:
2. If not the same person as above, name of person who allegedly experienced workplace harassment:
3. Date complaint/concern raised and how:
4. Name of worker(s) (complaining or possibly exposed to workplace harassment):  
Position:
5. Name of respondent(s) (alleged harasser):  
Position:  
If not a worker – provide details:

**B. Investigation Plan:**

Plan and conduct the investigation (Attach more pages if necessary):

1. Obtain the worker(s) concerns of harassment in writing, if possible. Assistance should be provided in completing the form where necessary.
2. An investigator needs to interview the worker who allegedly experienced workplace harassment and the alleged harasser (if a worker of the employer). If the alleged harasser is not a worker of the employer, the investigator should make reasonable efforts interview him or her.
3. Make a list of possible relevant witnesses. The worker who allegedly experienced workplace harassment and the alleged harasser should be asked for names of any relevant witnesses.
4. Interview relevant witnesses. Ask specific questions about what they have observed, are aware of or have personally experienced. If the witnesses are not workers of the employer, the investigator should make reasonable efforts to interview those witnesses.
5. Collect and review relevant documents from the worker, alleged harasser, witnesses and the employer.
6. Take detailed notes.

- 7. Keep the investigation confidential. Instruct the worker who allegedly experienced workplace harassment, the alleged harasser and witnesses not to talk to others about the investigation unless it is necessary, for instance, to obtain advice or counselling.

**C. Worker (s) Concerns/Workplace Harassment Allegations** (Attach more pages if necessary):

When did the incident(s) occur? Confirm date of first incident and any subsequent behaviours or conduct. Note that recalling events of harassment can be stressful for the complainant.

Date of first incident: \_\_\_\_\_

Date of last incident: \_\_\_\_\_

Date of other incident(s): \_\_\_\_\_

**D. Alleged Harasser(s) Response:** (The alleged harasser(s) will likely need details of the allegation of harassment to be able to respond. Attach more pages if necessary)

**E. Interview Relevant Witnesses** (Attach more pages if necessary): List witnesses. Interview relevant witnesses and make notes.

**F. Collected Documentation** (Attach more pages if necessary): List the documents collected for the investigation and how or from whom they were obtained.

**G. Investigation Result(s)** (Attach more pages if necessary): The investigator’s summary report should set out who was interviewed, what evidence was obtained and an analysis of the evidence to determine whether workplace harassment occurred.

**Summary of Key Evidence:**

**Recommended Next Steps:**

**Report Provide to:**