



Workplace Harassment Program

The Prince Edward County Arts Council (County Arts) is committed to providing a work environment free of Workplace Harassment, as required by the Occupational Health and Safety Act (“Act”). This document supports the Workplace Harassment Policy and outlines the responsibilities associated with this program. The program will be reviewed annually and revised as necessary.

I. Objectives

1. To assist County Arts and staff in addressing Workplace Harassment.
2. To take every precaution reasonable in the circumstances to prevent Workplace Harassment.
3. To provide guidelines on:
 - How to deal with Workplace Harassment
 - Set out a process for formal complaints and investigations

II. Application

This program applies to all employees, board members, volunteers, and contractors.

III. Definitions

“Workplace Harassment” as defined by the Act means:

- 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

More specifically, “Sexual Harassment” as defined by the Act 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.

Examples of Workplace Harassment under these definitions may include but are not limited to:

- Racial slurs, racial jokes, or degrading jokes
- Ridicules or insults
- Degrading pictures, nude pictures or cartoons in any media
- Sexual remarks, requests, or suggestions
- Unwelcome stares or comments about someone's body

Act: "Act" is the Occupational Health and Safety Act, R.S.O. 1990, as amended.

Complainant: A "Complainant" is any person who is a Worker, Volunteer, Contractor, or Customer, all of whom are entitled to submit a complaint under this program of Workplace Harassment.

Manager: A "Manager" is the person responsible for the work unit who has the ability to review behaviour and initiate corrective action including discipline, if required.

Respondent: A "Respondent" is any person who is a Worker (as defined below) or Customer, who is alleged to have engaged in Workplace Harassment as defined above.

Worker: A "Worker" has the definition ascribed under the Act, and also includes any person recognized by County Arts as an Employee, Volunteer, Board Member, or Contractor.

Workplace: For the purposes of this program, the Workplace includes but is not limited to, 206 Main Street Unit 2E, Picton, ON, and any locations offsite where work may occur, including virtual meetings.

IV. Reporting Workplace Harassment

How to report an incident of Workplace Harassment

Workers can report incidents or complaints of workplace harassment verbally or in writing.

The report of the incident should include the following information:

- Name(s) of the worker who has allegedly experienced workplace harassment and contact information
- Name of the alleged harasser(s), position and contact information (if known)
- Names of the witness(es) (if any) or others with relevant information to provide about the incident (if any) and contact information (if known)
- 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.

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 Janna Smith, Executive Director. Jozef Winter, a Human Resources Consultant acting as an appropriate external and impartial resource, shall be notified of the workplace harassment incident or complaint so that he can ensure an investigation is conducted that is appropriate in the circumstances. If the harassment was by the supervisor or employer, reports may be made directly to Jozef Winter, who can be contacted at 416-728-7975.

V. Complaint Process: Formal Investigation Procedure

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 Complainant, the Respondent, and any witnesses should not 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, and will be maintained on file indefinitely.

Formal Investigation

An investigator shall be appointed by Management and the investigation shall proceed expeditiously and on a confidential basis, within 30 days at most. The investigator will be responsible for establishing the facts, including interviews with the Complainant, Respondent and any witnesses. The Complainant, Respondent and witnesses may be called upon with minimal advance notice to ensure the confidentiality and timeliness of the investigation process. The Complainant, Respondent and witnesses will be provided a copy of the information they provided during the course of the investigation. The process of the investigation is as follows:

- The investigator will ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator will remind the parties of this confidentiality obligation at the beginning of the investigation.
- The investigator will thoroughly interview the Complainant who allegedly experienced the workplace harassment and the Respondent, if the Respondent is a worker of the employer. If the Respondent is not a worker, the investigator will make reasonable efforts to interview the Respondent.
- The Respondent will be given the opportunity to respond to the specific allegations raised by the Complainant. In some circumstances, the Complainant will be given a reasonable opportunity to reply.
- The investigator will interview any relevant witnesses employed by the employer who may be identified by either the Complainant, the Respondent, or as necessary to conduct a thorough investigation. The investigator will make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- The investigator will collect and review any relevant documents.
- The investigator will take appropriate notes and statements during interviews with the Complainant, the Respondent and any witnesses.
- The investigator will prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations, the response, the evidence of any witnesses, and the evidence gathered. The report will set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

- Based on the investigator's findings, Management shall determine whether further action is warranted (i.e. corrective action or termination) and advise the Complainant and Respondent in writing of the outcome within 10 days of receiving the investigator's report.

VI. Training and Prevention

All Workers will be provided information on the policy and program with respect to Workplace Harassment. Formal Worker training may be provided should instances of Harassment occur and where Management and the health and safety representatives deem it appropriate.

VII. No Reprisal Workplace

Workplace harassment is a serious matter. This program prohibits reprisals against Workers who have made good faith complaints or provided information regarding a complaint or incident of Workplace Harassment. Any person who engages in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment for cause.

Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of Workplace Harassment.
- Intentionally pressuring a person to ignore or not report an incident of Workplace Harassment.
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of Workplace Harassment. Although false and frivolous accusations of Harassment occur in rare instances, such false accusations are serious offences because they may have serious consequences for the accused. The insufficiency of evidence to prove a complaint does not mean that the complaint was submitted in bad faith. A malicious or bad faith complaint means that a person has made a complaint knowing that it was untrue. A Worker who makes a false complaint or otherwise abuses this program may be disciplined up to and including dismissal from employment, for cause. Such discipline is not a reprisal or breach of this policy.