

	POLICY TITLE		CATEGORY
	Harassment		Human Resources
	APPROVING BODY OR POSITION		APPROVAL DATE
	Manager, Human Resources		2000
	PRIMARY LEGISLATION / REGULATION REFERENCE(S)		

Policy

Discriminatory harassment occurs when someone is threatened, bothered or insulted by another person or group of people. In keeping with the law, Family Day does not tolerate people being harassed.

Purpose

The purpose of the Harassment Policy is to ensure that:

- Any Family Day workplace or function is free from discrimination and harassment in order to create an environment based on mutual respect, human dignity and equal opportunity
- All Family Day staff and associates understand what harassment is and how to report and stop any harassment.

Scope

All staff, caregivers, volunteers, families, students and visitors to any Family Day location or Family Day-sponsored function.

Definitions

What is workplace harassment?

When you work with Family Day, the workplace includes:

- administrative offices
- child care centres
- caregiver homes
- resource programs/playgroups
- work-related social events
- work-related conferences and seminars
- when you travel for work
- any assignments you take away from your usual workplace
- work-related phone calls

What does workplace harassment mean?

Harassment at work can take many forms. It can happen once or many times. Types of harassment include:

- name calling, insults, slurs, jokes or sly remarks
- speaking in a way that is rude or offensive about a person's race, colour, language, religious practices, appearance or sexual orientation/preference
- making rude gestures
- unwanted or violent physical contact
- bullying
- graffiti and vandalism
- being treated differently from others in your workplace because of your race, colour, sex (includes pregnancy), sexual orientation, age, place of birth, religion, ethnic group
- refusing to talk to or work with someone because of who they are

Harassment happens when someone uses these words or actions to make you feel uncomfortable, making you feel that you might lose your job, or that accepting the harassment is a part of working there.

Harassment also happens when someone tries to threaten or scare anyone who makes a complaint or a person who witnesses the harassment.

What is sexual harassment?

You are being sexually harassed any time someone makes an unwelcome sexual advance towards you. This can include someone asking you for sexual favours or talking to you or touching you in a manner that makes you feel uncomfortable, embarrassed, or unsafe.

Sexual harassment can take many forms. It can include:

- sexist jokes
- gawking or leering
- showing sexually offensive materials
- rude or offensive comments that someone makes about either men or women
- sexually suggestive or obscene comments or gestures
- unwelcome inquiries about a person's sex life
- unwelcome sexual flirtations, advances, propositions
- requests for sexual favours
- unwanted touching, patting or pinching
- verbal abuse or threats with sexual overtones
- sexual assault (rape)

Sexual harassment at your workplace happens when you are made to feel that you have to do something to keep your job, be promoted, receive training, benefits or any other aspect of employment or service.

Procedures

How do you place a complaint?

1. If you feel you are being harassed, you should speak to the person harassing you. You should let that person know that their actions or behaviour are not acceptable.
2. Start keeping a record of the incidents. Include dates, times, locations and witnesses (if there are any.)
3. If the harassment does not stop, you should speak to an advisor. The advisor will help you take further action to stop the harassment. If you are not comfortable speaking to your harasser, you must speak to an advisor.
4. The advisor will talk to you about:
 - a) your option of having union/peer representation
 - b) writing a formal complaint
 - c) what counselling and support services you can use
 - d) your right to stop participating in the investigation at any time
 - e) other options, including taking the complaint to the Human Rights Commission
5. The advisor will complete a written record of the complaint. This record will include the dates, times, places and people present when the harassment took place. This record is confidential.

6. After your discussion with your advisor you may decide that:
 - You have not been harassed. If this happens, there is no investigation and the matter is ended;
or
 - You have been harassed. If this happens, you can make a formal complaint about the harassment.

If you believe that you have been harassed and the advisor does not agree, you can go to the next level of management with your complaint.

7. If you and the advisor decide that you have been harassed, the advisor must involve the centre supervisor or manager as appropriate.
8. With your permission, the advisor and the centre supervisor or manager will arrange a meeting between you and your alleged harasser. The purpose of this meeting is to resolve the problem. These people will also decide what type of discipline is necessary.

Who investigates cases of harassment at Family Day?

At Family Day, there are a group of people who are responsible for investigating any incidents of harassment and for disciplining anyone who is guilty of harassment.

These people are called advisors. They include:

- Board Members
- Executive Director
- Program Director/Administrative Director
- Program Manager/Accounting Manager
- Child Care Centre Supervisors
- Assistant Child Care Centre Supervisor
- Home Child Care Coordinators (for home child care caregivers)

These advisors are responsible for:

- assisting anyone who complains of being harassed by providing advice and support
- preventing workplace harassment
- investigating all written complaints of harassment
- advising the alleged harasser of their rights in relation to the complaint
- disciplining anyone who is found guilty of harassment
- regularly reviewing Family Day's procedures to make sure that everyone at Family Day is free from harassment
- maintaining records as required by this policy
- keeping everyone aware of the issues of harassment
- providing education and training on how to use this policy and how to bring forward a complaint
- providing training and resources to those who will investigate complaints
- following all steps necessary to complete the investigation

Everyone working with Family Day is responsible for making sure that no one is harassed in this workplace. Anyone who believes that someone at Family Day is being harassed, should talk to an advisor. If you have been the victim of a sexual or physical assault, report the incident immediately to your child care centre supervisor/program manager, union and police department.

Confidentiality

To protect everyone involved, all cases of harassment are kept confidential. That means, all records of complaints, including contents of meetings, interviews, results of investigations and other relevant material will be kept confidential.

A confidential record of the complaint, the investigation, and the findings are kept for five years. This record is kept in the Human Resources department in the Toronto office. Sometimes a record may be kept longer if new claims of harassment are made.

What happens when the investigation is completed?

When a case of harassment has been proven to be true, the harasser is disciplined. The outcome of the investigation and the type of disciplinary action are recorded in the personnel file of the harasser.

If the complaint of harassment is not proven, the record of complaint is removed from the alleged harasser's personnel file. Disciplinary action may be taken against the person who claimed to be harassed if that complaint was issued for vindictive or discriminatory reasons. This will be recorded in that person's personnel file.

Disciplinary Action

If someone is found guilty of harassment, that person will be disciplined. This policy applies to everyone, regardless of seniority. Discipline may mean a verbal/written warning, suspension, transfer or dismissal of staff, termination of service with caregivers or discharge of families in our care.

In every case of harassment, both the person who raises the complaint and the alleged harasser will be told the results of the investigation, in writing. If the person who raised the complaint is not satisfied with the outcome, that person could file a complaint with the Human Rights Commission.