



Anti-harassment and Sexual Misconduct Policy and Procedures

Policy Statement

Parliamentary Centre is committed to fostering a workplace free of harassment and sexual misconduct where all employees are treated with respect and dignity.

The *Canadian Human Rights Act* protect employees from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender, gender expression, marital status, family status, disability or pardoned conviction.

Harassment in all its forms at **Parliamentary Centre** is not tolerated, nor is sexual misconduct. Employees who are found to have breached this rule may be subject to disciplinary action. This includes any employee/collaborator who: interferes with the resolution of a complaint under this policy; retaliates against an individual for filing a complaint; or files an unfounded complaint intended to cause harm.

Application

This policy applies to all current employees of **Parliamentary Centre**, including full and part-time, contract, permanent and temporary employees. This policy also applies to job applicants and volunteers, as well as our collaborators in in our countries of operation.

This policy applies to all behaviour that is in some way connected to work, including during off-site meetings, training and on business trips.

Definitions

1. Workplace harassment is:

- offending or humiliating someone physically or verbally;
- threatening or intimidating someone; or

- making unwelcome jokes or comments about someone's race, national or ethnic origin, colour, religion, age, sex, gender, gender expression, sexual orientation, marital status, family status, disability or pardoned conviction.

2. Sexual misconduct is:

- demands for sexual favours or sexual assault;
- inappropriate or unwanted physical contact such as touching, patting or pinching;
- insulting comments, gestures and practical jokes of a sexual nature that cause discomfort or embarrassment; and
- inappropriate enquiries or comments about an individual's sex life.

3. Workplace sexual harassment is a form of harassment involving any act, conduct, comment, gesture or contact of a sexual nature, whether on a one-time or recurring basis, that might reasonably be expected to cause offence or humiliation, or might reasonably be perceived as placing a condition of a sexual nature on employment or an opportunity for training or promotion. It may include but is not limited to:

- offensive or humiliating behaviour that is related to a person's sex, sexual orientation, gender identity or gender expression;
- behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment; or
- behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

Responsibilities and Expectations

Parliamentary Centre is responsible for:

- Providing all employees/collaborators a workplace free of harassment and sexual misconduct.

The CEO is responsible for:

- Ensuring that this policy is applied in a timely, consistent and confidential manner;
- Determining whether or not allegations of harassment/sexual misconduct are substantiated; and
- Determining what corrective action is appropriate where a harassment complaint has been substantiated.

The Director of Operations or the Parliamentary Center representative overseeing the project is responsible for:

- The administration of this policy;
- Reviewing this policy annually, or as required; and
- Making necessary adjustments to ensure that this policy meets the needs of the organization;
- Support the Director of Operations with the handling of the complaint.

Supervisors, in Canada or abroad, are responsible for:

- Fostering a harassment-free and misconduct-free work environment and setting an example about appropriate workplace behaviour;
- Communicating the process for investigating and resolving harassment complaints made by employees;
- Dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made;
- Taking appropriate action during a harassment/misconduct investigation, including separating the parties to the harassment complaint, when appropriate; and
- Ensuring harassment/misconduct situations are dealt with in a sensitive and confidential manner.

Employees are responsible for:

- Treating others with respect in the workplace;
- Reporting harassment or misconduct to **the Director of operations;**
- Cooperating with a harassment investigation and respecting the confidentiality related to the investigation process;

Employees can expect:

- To be treated with respect in the workplace;
- That reported harassment/misconduct will be dealt with in a timely, confidential and effective manner;
- To have their rights to a fair process and confidentiality respected during a harassment/misconduct investigation; and
- To be protected against retaliation for reporting harassment or cooperating with a harassment/misconduct investigation.

The staff of the Parliamentary Center, including local staff in our intervention countries, have the same protections.

Procedures for Addressing a Harassment Complaint

Filing a Complaint

An employee may file a harassment/misconduct complaint by contacting **the Director of Operations**. The complaint may be verbal or in writing. If the complaint is made verbally, **the Director of Operations** will record the details provided by the employee in the workplace harassment complaint form (see annex). In the case of an incident in a country of operation, it may be reported to the Director of Programs or the Parliamentary Center representative overseeing the project.

The report of the incident should include the following information:

- Name(s) of the worker who has allegedly experienced workplace harassment/misconduct and contact information;
- Name of the alleged harasser(s), position and contact information (if known);
- 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);
- 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.

Complaints should be made as soon as possible but no later than within one year of the last incident of perceived harassment, unless there are circumstances that prevented the employee from doing so.

The Director of Operations will tell the person that the harassment complaint has been made against, in writing, that a harassment complaint has been filed. The letter will also provide details of the allegations that have been made against him, her or them.

Every effort will be made to resolve harassment complaints within **5** days. **The CEO** will advise both parties of the reason why, if this is not possible.

If either party to a harassment complaint believes that the complaint is not being handled in accordance with this policy, he, she or them should contact **the CEO**. (Note: The person

designated as the reporting contact should not be under the direct control of the alleged harasser.)

Mediation

Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation.

Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the harassment complaint.

The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in investigating the complaint.

Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

Investigation

If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience.

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

The investigator will interview the person who made the complaint, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

The investigator will prepare a written report that will include:

- The steps taken during the investigation;
- A description of the allegations;
- The response of the person the complaint was made against;
- A summary of information learned from witnesses and evidence gathered (if applicable);
and
- A decision about whether, on a balance of probabilities, harassment did occur.

This report will be submitted to **the CEO**. Both parties to the complaint will be given a copy.

Substantiated Complaint

If a harassment complaint is substantiated, **the CEO** will decide what action is appropriate within **10 days** of the investigation being completed.

Remedies for the employee/collaborator who was harassed may include: an oral or written apology; compensation for lost wages; compensation for any lost employment benefits such as sick leave; and compensation for hurt feelings.

Corrective action for the employee/collaborator found to have engaged in harassment may include: a reprimand; a suspension; a transfer; a demotion; and/or dismissal.

Both parties to the complaint will be advised, in writing, of the decision.

Record Keeping

Parliamentary Centre will keep records of the investigation including:

- A copy of the complaint or details about the incident;
- A record of the investigation including notes;
- A copy of the investigation report (if any);
- 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;
- 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 **5 years**.

Other Redress

An employee who is not satisfied with the outcome of the harassment complaint process may file a discrimination complaint with the Canadian Human Rights Commission and/or the Ontario Ministry of Labor.

Privacy and Confidentiality

Parliamentary Centre and all individuals involved in the harassment complaint process are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment/misconduct complaint to those that need to know.

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment/misconduct, 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 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.

Review

Parliamentary Centre will review this policy and procedures on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all employees.

Enquiries

Enquiries about this policy and related procedures can be made to **the Director of Operations**.

Date created: _____ Annual review date: _____