

## **SAFE AND RESPECTFUL WORKPLACE**

### **I. RATIONALE FOR POLICY**

Children Believe has an obligation and legal responsibility to maintain a workplace that is free from any form of incivilities including harassment, violence, and discrimination. Children Believe takes seriously its commitment to adhere to both the spirit and provisions of the Occupational Health & Safety Act and the Ontario Human Right Code to prevent and address violence, harassment, and sexual harassment in the workplace.

### **II. POLICY OBJECTIVE**

1. Children Believe is committed to building and preserving for its employees a safe, productive, and healthy working environment based on mutual respect. Our work culture of respect means that Children Believe does not condone and will not tolerate acts of violence, harassment, or bullying against or by any Children Believe employee.
2. This policy aims to foster a respectful workplace through the prevention and prompt resolution of workplace harassment, discrimination, violence or bullying and helps people in the organization understand their rights and responsibilities.
3. Our Workplace Anti-violence, Harassment, and Sexual Harassment Policy is not meant to stop free speech or to interfere with everyday interactions; however, what one person finds inoffensive, others may not. Usually, harassment can be easily distinguished from normal, mutually acceptable socializing. It is important to remember that it is the perception of the receiver that determines whether the potentially offensive message is acceptable or not, be it spoken, gestural, pictorial, or some other form of communication which may be deemed objectionable or unwelcome.

### **III. POLICY SCOPE**

1. This policy applies to all individuals working for the organization, including front-line employees, temporary employees, volunteers, contract service providers, contractors, all supervisory personnel, managers, officers, and directors. The organization will not tolerate violence or harassment, whether engaged in by fellow employees, managers, volunteers, officers, directors, or contract service providers of the organization.
2. Country Offices will review this policy against local laws and how they are enforced, and, as deemed necessary, contextualize them to comply with local laws, regulations and requirements, while respecting the spirit of this policy and ensuring that the public benefit provided by the organization's activities is not offset by harm to those carrying on the activities, the charity's beneficiaries, or anyone else.
3. Children Believe will not tolerate any form of harassment or discrimination against job candidates and employees on any grounds listed in the definitions for violence and harassment, whether during the hiring process or during employment. This commitment applies to such areas as training, performance review, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.
4. For the purposes of this policy, workplace violence, harassment and bullying may occur:

- At the workplace; “Workplace” means the work-related environment and any other location where Children Believe’ business is taking place and/or where employees have congregated as part of their employment. It includes, but is not limited to:
  - ✓ The CB office (physical work premises),
  - ✓ Employees’ home-based offices;
  - ✓ At employment-related social functions;
  - ✓ In the course of work assignments outside Children Believe;
  - ✓ During work-related travel;
  - ✓ Work-related conferences or training sessions;
- Over the telephone, or virtual meetings if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

#### IV. POLICY DETAILS

##### 1. DEFINITIONS

- 1.1 Workplace violence : workplace violence or bullying is the exercise, an attempt to exercise, statement, or behaviour of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, such as:
- Physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault, throwing an object at a worker, kicking an object the worker is standing on such as a ladder);
  - Verbal and written threats, behaviour, or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property; or
  - Disruptive behaviour that is not appropriate to the work environment (e.g., yelling or swearing).
- 1.2 Domestic violence: a person who has a personal relationship with a worker—such as a spouse or former spouse, current or former intimate partner or a family member—may physically harm, or attempt or threaten to physically harm, that worker at workplace. For the purpose of this policy, this may also include non-family members. In these situations, domestic violence is considered workplace violence.
- 1.3 Sexual violence: means (a) the exercise of physical force of a sexual nature by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, (b) an attempt to exercise physical force of a sexual nature against a worker, in a workplace, that could cause physical injury to the worker, or (c) a statement or behaviour which can reasonably be interpreted as a threat to exercise physical force of a sexual nature that could cause physical injury to a worker
- 1.4 Workplace Harassment: 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. It may include unwelcome and/or repeated words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It can also include behaviour that intimidates, isolates or even discriminates against a worker or group of workers in the workplace.

Typically, such behaviour or conduct occurs more than once and involves repeated words or actions, or a pattern of behaviours against an employee or a group of employees which are unwelcome. Examples include:

- Behaviour that is hostile in nature, or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, gender identity, gender expression, or any other protected ground under human rights legislation.
- Displaying or circulating offensive pictures or materials in print or electronic form;
- Humiliation and/or verbal abuse
- Suggestive or offensive remarks
- Repeated offensive or intimidating phone calls or emails.
- Unwelcome physical contact such as touching, patting, or pinching

1.5 Workplace Sexual Harassment : Sexual harassment means (a) engaging in a course of unwelcome 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 (b) 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. Sexual harassment includes, but is not limited to:

- Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person.
- Unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, sex or sexual orientation
- Making offensive comments or behaviour towards a person based on their gender identity, gender expression or sexual orientation
- Bragging about sexual prowess
- Offensive jokes or comments of a sexual nature about an employee
- Unwelcome language related to gender
- Displaying of pornographic or sexist pictures or materials
- Leering (suggestive persistent staring)
- Physical contact such as touching, patting, or pinching, with an underlying sexual connotation

1.6 Racial/ethnic harassment: any conduct or comment which causes humiliation to an employee because of their racial or ethnic background, colour, place of birth, citizenship, or ancestry.

Examples of conduct which may constitute racial or ethnic harassment include:

- Unwelcome remarks, jokes, or innuendos about a person's racial or ethnic origin, colour, place of birth, citizenship, creed, or ancestry;
- Displaying racist or derogatory pictures or other offensive material;
- Insulting gestures or practical jokes based on racial or ethnic grounds which create awkwardness or embarrassment; and

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- Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background.
- Calling a person names because of their race, colour, citizenship, place of origin, ancestry, ethnic background or creed.

1.7 Discrimination: treatment or distinction in favour for or against a person based upon prohibited grounds as defined in the Ontario Human Rights Code, which are: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing) and record of offences (in employment).

Discrimination includes, but is not limited to:

- The act of judgment or treatment of individuals, both explicitly and implicitly, based on an identifiable or assumed social identity or categorization
- Discrimination with regard to employment decisions or at any time during the employment relationship.

1.8 Bullying: refers to acts or verbal comments that could mentally hurt or isolate a person in the workplace. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate. Some examples of bullying behaviours are:

- Spreading malicious rumours, gossip, or innuendo.
- Excluding or isolating someone socially.
- Intimidating a person.
- Undermining or deliberately impeding a person's work.
- Physically abusing or threatening abuse.
- Establishing impossible deadlines that will set up the individual to fail.
- Withholding necessary information or purposefully giving the wrong information.
- Making jokes that are 'obviously offensive' by spoken word or e-mail.
- Intruding on a person's privacy by pestering, spying or stalking.

1.9 Reprisal: Reprisal is defined as any act of retaliation, either direct or indirect. Reprisal and/or retaliation against any employee who has filed a complaint under this policy, or has provided information regarding a complaint, is prohibited. This may include but not limited to:

- Fire or threaten to fire
- Suspend or discipline, or threaten to do so
- Intimidate or coerce the employee including, for example, bullying or strongly encouraging the employee not to report
- Impose any penalty upon the employee including, for example, transferring to another position, shift or work location, reducing or changing the hours or denying a raise or benefits that the employee is entitled to

## 2 GUIDELINES

2.1 Children Believe is committed to providing a safe and healthy work environment, free from violence, threats of violence, discrimination, harassment, sexual harassment, intimidation, and any other misconduct. Similarly, weapons are strictly prohibited from the company's premises; violators will be subject to disciplinary action up to and including the termination of employment, and the incident will be reported to the police.

2.2 It is also a violation of the Workplace Anti-violence, Harassment, and Sexual Harassment Policy of Children Believe for anyone to knowingly make a false complaint of violence or harassment or to

provide false information about a complaint. Individuals who violate this policy are subject to disciplinary and corrective action, up to and including termination of employment.

- 2.3 Employees are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace violence or harassment. Allegations of reprisal and/or retaliation should be reported to the Chief People and Culture Officer, who is responsible for ensuring a thorough investigation of the complaint.

Conversely, In the event that an employee is found to have knowingly filed a false complaint, fabricated evidence or retaliated against another employee for exercising their rights under this policy they will be subject to disciplinary action, up to and including termination of employment.

Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence.

- 2.4 Children Believe will ensure that all employees are trained and educated on violence and harassment and that they are clear about their roles and responsibilities, as well as this policy, the corresponding program, and all workplace procedures. In addition, a copy of this policy will be made available to all employees.

- 2.5 Children Believe will, in consultation with the Joint Health and Safety Committee (JHSC) develop a written program to implement this policy.

- 2.6 All Children Believe employees are personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination or harassing behaviour and to respond immediately and appropriately if they observe a problem or if a problem is reported to them.

### **3 VIOLENCE RISK ASSESSMENT**

- 3.1 Children Believe will conduct a periodic risk assessment of the work environment to identify any issues related to potential violence, and will institute measures to control any identified risks to employee safety to ensure that employees continue to be protected from workplace violence. This information will be provided to the JHSC.

- 3.2 The risk assessment may include review of records and reports: e.g., security reports, employee incident reports, staff perception surveys, health and safety inspection reports, first aid records, or other related records. Specific areas that may contribute to risk of violence may include, but are not limited to, contact with the public, exchange of money, receiving doors, and working alone or at night. Research may also include a review of similar workplaces with respect to their history of violence.

- 3.3 The Joint Health and Safety Committee will:

- a) Review the Workplace Violence Risk Assessment results and provide recommendations to management to reduce or eliminate the risk of violence.
- b) Review all reports forwarded to the JHSC regarding workplace violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage, or police involvement.
- c) Participate in the investigation of critical injuries (e.g., incidents that place life in jeopardy or result in substantial blood loss or fracture of leg or arm.)
- d) Recommend corrective measures for the improvement of the health and safety of workers.

- e) Respond to employee concerns related to workplace violence and communicate these to management.

#### **4 REPORTING DISCRIMINATION OR HARASSMENT**

4.1 Informal Procedure: the employee is able to resolve the issue himself or herself.

4.1.1 If an employee believes they have been personally harassed they may:

- Address their concerns personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or
- Discuss the situation their own supervisor

4.1.2 Any employee who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the facts directly to their supervisor or manager, or to another member of management if the complaint relates to their supervisor or manager. Managers who are made aware of concerns of sexual harassment, threats, violence or inappropriate sexual conduct must report it immediately to the Chief People and Culture Officer.

4.2 Formal Procedure: If it is not possible for the employee to address the situation directly with the perpetrator of the behaviour or if the employee is uncomfortable with this approach, the employee must file a complaint

4.2.1 If an employee believes they have been personally harassed, they must make a written complaint. The written complaint must be delivered to the Chief People & Culture Officer. Their complaint should include:

- The approximate date and time of each incident you wish to report;
- The name of the person or persons involved in each incident;
- The name of any person or persons who witnessed each incident; and
- A full description of what occurred in each incident.

4.2.2 After receiving the complaint, the Chief People & Culture Officer will determine whether the alleged behaviour meets the definition of Violence, Sexual Violence, Harassment, and Sexual Harassment as outlined in this policy.

#### **5 INVESTIGATING REPORTS OF DISCRIMINATION OR HARASSMENT**

5.1 Once a written complaint has been received and meets the definition of Violence, Sexual Violence, Discrimination, Bullying, Harassment, and Sexual Harassment as outlined in this policy, Children Believe will complete a thorough investigation. Complaints should include as much detail as possible, including the name(s) of the individual(s) involved and a description of the incident(s), including actions and/or comments made, place(s), date(s) and time(s). Where applicable, any supporting documents or physical evidence that may be available should also be submitted.

5.2 Children Believe will ensure that all information obtained during the course of an investigation will not be disclosed, unless the disclosure is necessary for the purposes of investigating or taking corrective action, or is otherwise required by law.

5.3 Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances of another employee or because they lodged a harassment complaint when they honestly believed they were being harassed.

5.4 For the purposes of this section the following definitions apply:

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- Complainant – The person who has made a complaint about another individual whom they believe committed an act of violence, discrimination, or harassment against them.
- Respondent – The person whom another individual has accused of committing an act of violence, discrimination, or harassment.

### 5.5 The investigation will include:

- a) Informing the respondent of the complaint;
- b) Interviewing each party separately, any person involved in the incident, and any identified witnesses; and
- c) Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.
- d) A copy of the complaint, detailing the complainant's allegations, is then provided to the respondent.
- e) The respondent is invited to reply in writing to the complainant's allegations, and the reply will be made known to the complainant before the investigation proceeds further.
- f) Statements from all parties involved will be taken and documented, and a decision will be made.
- g) If necessary, Children Believe may employ third party investigator or request the use of legal counsel.
- h) Upon completion of the investigation, Children Believe will inform both the complainant and respondent in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.

5.6 If the complainant decides not to lay a formal complaint and informal resolution is inappropriate or unsuccessful, all reported complaints of any form of violence, harassment and discrimination that meet the definitions as outlined in this Policy will be promptly, thoroughly and objectively investigated based on the decision of Chief People & Culture Officer.

5.7 If it is determined that harassment in any form has occurred, appropriate disciplinary measures will be taken as soon as possible. Such disciplinary action may involve counselling, a formal warning, or dismissal. Any disciplinary action will be determined by the organization and will be proportional to the seriousness of the behaviour concerned.

5.8 Children Believe will also provide appropriate assistance to any employee who is the victim of violence, discrimination, or harassment. This may include counseling, education and training, formal written or verbal apology, mediation between the parties, or keeping one or both parties away from the workplace.

5.9 In cases where criminal proceedings are forthcoming, Children Believe will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

## 6 SEEKING IMMEDIATE ASSISTANCE

6.1 If any visitor to the Children Believe workplace is seen with a weapon (or is known to possess one), or makes a verbal threat or assault against an employee or another individual, employee witnesses

are required to immediately contact the police, emergency response services, their immediate supervisor, and the People & Culture department.

6.2 Canada's Criminal Code addresses violent acts, threats, and behaviours, such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor, student, vendor, visitor, client, or donor, an immediate call to "911" is required.

## **7 DOMESTIC VIOLENCE**

7.1 Children Believe recognizes that employees may be impacted by violence or harassment both personally and professionally and aims to foster a safe and supportive work environment for employees facing harassment or violence from people outside of the organization.

7.2 Employees are encouraged to report any form of domestic violence to their supervisor or directly to P&C. Supervisors, however, are obligated to then report to P&C. Reports will be handled with confidentiality and sensitivity, in order to protect privacy and safety of those involved. P&C will work with the affected employee to complete the Domestic Violence Risk Assessment and to develop an individual safety plan to implement reasonable precautions to protect the employee. Such plans will be developed on a case-by-case basis. Employees may also be eligible for a leave of absence as needed, per the Leaves of Absence Policy.

7.3 If an employee has a legal court order (e.g., a restraining order, or "no-contact" order) against another individual, the employee is encouraged to notify their supervisor, and to supply a copy of the order to P&C. This will be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at Children Believe, in direct violation of the court order, so that Children Believe may take all reasonable actions to protect the employee and others in the workplace. Reports will be handled with confidentiality and protected in accordance with all applicable legislation.

## **8 FRAUDULENT OR MALICIOUS COMPLAINTS**

This policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded or frivolous allegations of harassment may cause both the accused person and the organization significant damage. If it is determined by the organization that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken.

## **9 CONFIDENTIALITY**

Children Believe will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. Children Believe will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action.

## **10 MANAGING AND COACHING**

Normal counselling, performance appraisal, work assignment, and the implementation of disciplinary actions are not forms of harassment, and this policy does not restrict a manager's or supervisor's responsibilities in these areas.

## V. POLICY AUTHORITY AND OFFICERS

- a. Authority to approve this policy: Executive Leadership Team
- b. Executive champion of this policy: Chief People & Culture Office
- c. Authority to develop procedures: People & Culture Team with recommendations from Joint Health & Safety Committee
- d. Authority to approve procedures: Chief People & Culture Office

## VI. IMPLEMENTATION, MONITORING, COMPLIANCE AND REPORTING

The Executive Champion is responsible the implementation of this policy including its publication, communication, training and change management, development and implementation of the related policy procedures, forms and guidelines as well as cascading the policy to Country Offices (where applicable).

The Approval Authority identified in Section Va is ultimately responsible for compliance with this policy.

The Executive Champion will report on compliance with this policy to the policy Approval Authority on a regular basis.

## VII. POLICY REVIEW

As required by the Occupational Health and Safety Act, Children Believe will review this policy **annually** and will post the policy in a conspicuous place in the workplace.

## VIII. RELATED DOCUMENTS

The following internal and external documents support the application of this policy:

- a. Related organizational policies and procedures:
  - Health and Safety
  - Code of Conduct
  - Complaint and Conflict Resolution
  - Discipline
  - Protection from Sexual Exploitation and Abuse
  - Leaves of Absence
  - Domestic Violence Risk Assessment and Safety Plan
- b. Applicable legislation and regulations:
  - Occupational Health & Safety Act
  - Ontario Human Rights Code
  - Canadian Human Rights Act

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