

APRIL 30, 2020

## WORKPLACE HARASSMENT AND WORKPLACE VIOLENCE POLICY AND PROGRAM

### Introduction

Transparency International Canada (“**COMPANY**”) is firmly committed to providing a work environment that is free from harassment and violence where the dignity and self-esteem of every worker is respected. Company will adhere to the spirit and intent of all applicable legislation governing workplace violence and harassment.

Company will take whatever steps are reasonable to protect its workers from workplace violence and harassment from all sources. Company will investigate and respond to incidents and complaints of workplace harassment and violence and will take remedial action as necessary and appropriate, including disciplinary action up to and including dismissal. It is also the responsibility of each worker to foster and encourage such an environment, and to take appropriate steps in the event of a contravention of this Policy and Program.

Company will ensure this Policy and Program are implemented and maintained. All workers and supervisors will receive appropriate information and instruction on the contents of the Policy and Program. Every worker must work in compliance with this Policy and Program and workers are encouraged to raise any concerns about workplace violence and harassment and to report any incidents or threats in contravention of this Policy and Program.

### Scope

This Policy and Program applies to all workers of Company, as such term is defined below.

### Definitions

For the purposes of this Policy and Program, the following definitions apply:

“**Complainant**” is any worker(s) that makes a complaint under this Policy and Program.

“**Investigator**” is the individual assigned to investigate the complaint. This could include, but is not limited to the Executive Director or one or more members of the board or a contracted third party.

“**Respondent**” is any worker(s) against whom an incident or complaint is reported against under this Policy and Program.

“**Worker**” includes any employees, volunteers, managers, officers, supervisors, temporary employees, students, subcontractors and other individuals affiliated with Company.

“**Workplace**” is any place where a worker performs work for Company, including locations at which business-related functions occur, including but not limited to, meetings, business trips, company events, conferences, trade shows, social events, and vehicles.

“**Workplace Harassment**” means:

- a. Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome; or
- b. Workplace sexual harassment.

Notably, there could be circumstances in which a single incident of inappropriate behaviour may be substantial enough to constitute harassment by creating a “poisoned environment”. Even if the comments or conduct are not directed at any one person, someone may still experience a poisoned environment. Every worker is entitled to be free of personal invitations, advances or sexual solicitations. Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

**“Workplace Sexual Harassment”** means:

- a. 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
- 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.

**“Workplace Violence”** means:

- a. The exercise of physical force 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 against a worker, in a workplace, that could cause physical injury to the worker; or
- c. A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

### **Responsibilities of Workers**

Workers are responsible for complying with this Policy and Program in their dealings with other workers and third parties in the workplace.

In the event that an incident of workplace harassment or workplace violence arises, workers are asked to bring the incident to the attention of Company in accordance with the reporting mechanisms set out in this Policy and Program.

### **Responsibilities of Company**

Company must ensure, as much as reasonably possible, that workers are not subject to workplace harassment or workplace violence. Company, its managers and supervisors are responsible for creating a safe work environment, free from workplace harassment and workplace violence.

Company will promptly and appropriately facilitate an investigation into incidents of workplace harassment and/or workplace violence and will take corrective action with anyone under their direction who subjects a worker to workplace harassment and/or workplace violence.

Company will not disclose any information obtained about a reported incident or complaint of workplace harassment, including any identifying information about the individuals involved, to anyone other than the individuals involved in the incident or complaint, except where disclosure is:

- necessary to investigate the incident or complaint;
- required to take corrective action; or
- as otherwise required by law.

### **Reporting Workplace Violence and Harassment**

Company will treat workplace harassment and workplace violence as a serious contravention of the conditions of employment. Any incident or a complaint of workplace harassment or workplace violence should be reported as soon as possible after experiencing or witnessing an incident. This will allow the incident to be investigated in a timely manner.

#### **Reporting Workplace Harassment**

A worker who is the recipient of, or witness to, an incident of workplace harassment shall:

- To the extent that s/he feels comfortable, confront the individual engaging in the harassing conduct personally or in writing, pointing out the unwelcome behaviour and requesting that it stop.
- If the worker does not feel comfortable doing so, or if the unwelcome behaviour persists after confrontation, the worker must report the incident or complaint to his/her direct supervisor or reporting contact or to the Executive Director.
- If the worker's supervisor or reporting contact is the person engaging in the workplace harassment, the worker should report the incident or complaint to the Executive Director.
- If the Executive Director is the person engaging in the workplace harassment, the worker should report the incident or complaint to the Chair of the Board.

#### **Reporting Workplace Violence and Summoning Immediate Assistance**

A worker who is the victim of, or witness to, an incident of workplace violence that presents an immediate risk of physical harm shall:

- If it is safe to do so, remove themselves from the situation.
- Report the incident to their supervisor or reporting contact.
- In cases where immediate assistance is required but such assistance is unavailable to the worker at Company, worker should contact building security, a member of the Joint Health and Safety Committee, or where necessary, dial 911 for emergency services.
- Consult a health care professional of the worker's choice for treatment or referral in case of injury or adverse symptoms resulting from an incident of workplace violence.

A worker who is the victim of, or witness to, violent acts which do not present an immediate risk of physical harm shall:

- Report the incident to their supervisor, reporting contact or the Executive Director.
- Consult a healthcare professional of the worker's choice for treatment or referral in case of injury or adverse symptoms resulting from an incident of workplace violence.

#### **Contents of Report**

A written complaint regarding workplace harassment and/or workplace violence filed by a worker should contain the following information:

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

- Date or dates of the incident(s);
- Location(s) of the incident(s);
- Frequency of the incident(s);
- Details of the incident(s);
- Any supporting documents (emails, handwritten notes, photographs etc.) that the worker who complains of harassment may have in his/her possession that are relevant to the complaint;
- A list of any documents that a witness, another person or the respondent may have in their possession that are relevant to the complaint; and
- The date and the signature of the worker who has filed the complaint.

### **Investigation Process**

Upon being notified of an incident or complaint of workplace harassment and/or violence, the Executive Director of the Chair of the Board will facilitate a timely investigation that is appropriate in the circumstances. The investigation will generally be completed within ninety (90) days, unless there are extenuating circumstances warranting a longer investigation.

Company will choose an appropriate investigator based on the nature of the incident or complaint. An investigator may include the Executive Director, one or more members of the Board or, if the circumstances warrant it, an external person.

The investigator(s) will not disclose any details about the complaint or the related investigation except where such disclosure is necessary to investigate the incident, take corrective action, or that is otherwise required by law.

The worker who experienced the alleged workplace harassment or workplace violence, the respondent and relevant witnesses may be interviewed by an appropriate investigator, as will any individuals who may be able to provide relevant information. The investigator will remind the parties of their confidentiality obligations prior to commencing the interviews. The respondent may be given the opportunity to respond to the specific allegations raised by the complainant. In some circumstances, the complainant, or the worker who experienced the conduct (if s/he is not the complainant) may also be provided with a reasonable opportunity to reply.

If the investigator finds that workplace harassment or workplace violence has occurred, appropriate remedial action will be taken as well as steps to prevent any recurrence. Any worker that breaches this Policy and Program will be subject to disciplinary action, up to and including termination of employment. The appropriate action to be taken will depend on the seriousness of the violation, previous discipline and a review of the circumstances and evidence. Corrective action taken against a worker may include disciplinary action up to and including termination of employment pursuant to Company's disciplinary policy.

If the investigation is inconclusive or if it is determined that there has been no violation of this Policy and Program, the Company may still recommend appropriate preventive action relating to incidents or complaints of workplace harassment and violence.

Upon the completion of the investigation, the investigator will prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the complainant, the respondent's response, the evidence of any witnesses, and the evidence gathered overall. The report will set out findings of fact and come to a conclusion about whether workplace harassment and/or workplace violence was found to have occurred.

The investigator(s) will notify the complainant and the respondent (if s/he is a worker of Company) in writing of the results of the investigation, which will be kept confidential and will not be disclosed further, unless such disclosure is necessary or otherwise required by law. The investigator(s) will also inform the

complainant and the respondent (if s/he is a worker of Company) in writing of any corrective action taken, or that will be taken, in response to the workplace harassment and/or workplace violence.

## **SPECIAL CIRCUMSTANCES**

### Work Refusal

A worker who has reason to believe s/he may be endangered by workplace violence has the right to refuse the work in accordance with applicable law.

### Domestic Violence

Any worker who believes that domestic violence may occur in the workplace that would likely expose the worker or another worker to physical injury should report the matter to the Executive Director. Workers who believe that they are at risk of being subjected to domestic violence will be supported by the Company and will be provided with appropriate and confidential outside support, as appropriate.

Should a worker have a legal court order (e.g. restraining order, or “no-contact” order) against another individual, the worker is encouraged to notify his or her supervisor, and to supply a copy of that order to the Executive Director. This will likely be required in instances where the worker is concerned that the aggressor may attempt to contact that worker at Company in direct violation of the court order. Such information shall be kept confidential to the extent that it is possible.

### Notification of Workers at Risk

If a supervisor or reporting contact is aware that a worker can be expected to encounter a person with a history of violent behaviour, and the risk of workplace violence by that person is likely to expose the worker to physical injury, or if an actual incident of workplace violence has occurred, or if an incident of workplace violence is reasonably expected to occur, Company will take the following steps to ensure the safety of all workers:

- The Executive Director will advise the workers who are at risk and will also coordinate a review of current procedures to minimize risk.
- Information about the source of workplace violence will be provided to the workers who are at risk and their supervisors.
- Appropriate steps will be taken to protect workers.

In doing so, Company will limit its disclosure of personal information to what is necessary to protect workers from physical injury.

### Recommendation to get medical help

Workers who have been the victim of workplace violence will be:

- Encouraged to get medical help;
- Given the opportunity to be examined by a physician; and

- Provided with transportation if required.

Regardless of the outcome of a workplace harassment complaint made in good faith, the worker lodging the complaint, as well as anyone providing information, will be protected from any form of reprisal.

### **Confidentiality**

Information about incidents and complaints shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment and/or workplace violence, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, investigate the incident, or take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced the workplace harassment or violence, 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.

### **Recordkeeping**

Company will keep records of the investigation, including but not limited to:

- 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, and any corrective action taken, that was provided to the complainant and the respondent (if s/he is a worker of the employer);
- A copy of any corrective action taken to address the incident or complaint 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 and/or violence, take corrective action or otherwise as required by law.

Records will be kept for: Six (6) years from date of creation.

### **Posting**

A copy of this Policy and Program will be provided to all workers and may be posted on the Company's web site or otherwise made available electronically to workers or the public.

**Policy and Program Review**

Company will review this Policy and Program at least every two years or as often as is necessary to reduce the risk of workplace harassment and workplace violence. Individuals who have questions or concerns about this Policy should speak with the Executive Director or the Chair of the Board.

ADOPTED BY THE BOARD OF DIRECTORS

DATE: \_\_\_\_\_