

COMMONWEALTH GAMES CANADA WORKPLACE HARASSMENT & DISCRIMINATION POLICY

Purpose

Commonwealth Games Canada (CGC) is committed to maintaining a respectful and courteous working environment for all its employees and clients.

Scope

This policy applies to all employees, visitors, contractors and suppliers of and to Commonwealth Games Canada.

CGC has zero tolerance for any form of harassment or discrimination. Discrimination is defined as negative, prejudiced, biased or less than equal treatment. CGC adheres to the Ontario Human Rights Act which specifically prohibits harassment or sexual harassment.

Policy

1. Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offenses, marital status, family status, or handicap.
2. Every employee has a right to freedom from harassment in the workplace by the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offenses, marital status, family status, handicap or sex.
3. Every person has a right to be free from:
 - a. a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
 - b. a 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.
4. These rights are protected in every aspect of the workplace environment (extending to workplace functions both on and off site). This includes job applications, recruitment, training, transfers, promotions, day-to-day working conditions, dismissals, layoffs, employer/employee parties, social functions, retreats and during the Commonwealth Games or any other events.
5. Harassment can exist in many different forms and is defined as conduct that is known or ought to be known to be unwelcome. CGC considers any sort of intentional or unintentional behaviour that insults, intimidates or humiliates another person to be a violation of this policy. Types of unacceptable behaviour include, but not limited to:
 - a. Offensive language – racial, ethnic, sexual or religious.
 - b. Unwelcome remarks, of colour jokes, sexual innuendoes or sexual advances.
 - c. Practical jokes of a sexual nature which cause awkwardness or embarrassment endanger an individual's safety, negatively affect work performance, or lower self-esteem in others.
 - d. Displaying pornographic pictures or other offensive material.
 - e. Leering or staring suggestively or other gestures that may be offensive.

- f. Inappropriate written comments including emails and graffiti.
 - g. Unnecessary physical contact such as touching, patting or pinching.
 - h. Intimidation or threats.
 - i. Condescension, paternalism or patronizing behaviours which undermine self- respect or adversely impact work performance or working conditions.
 - j. Physical assault.
 - k. Firing or demotion of a staff member because the employee has refused a sexual proposition.
6. Allegations of harassment and/or discriminatory behaviour will be addressed with urgency and seriousness. In the event of a complaint or concern, CGC has established a procedure to investigate and resolve all employee or client issues.
 7. Harassment does not include management disciplinary actions related to performance issues which are conducted according to the CGC's procedures.
 8. The employer will make every effort to accommodate an employee who is adversely impacted under the grounds specified by the Human Rights Code.
 9. Management will make every effort to maintain confidentiality on a "need to know" basis or to the extent possible to ensure the preservation of dignity, privacy and reputation of all concerned. All documented incidents maintain confidentiality within the requirements of the law.
 10. Every step will be taken to prevent any reoccurrence of the harassment. Proven breaches of this policy will result in severe disciplinary action including termination of employment.

Procedures

1. Every employee has a right to make a complaint or enforce their rights under this policy without reprisal or threat of reprisal.
2. An employee who feels he/she has been harassed should select the appropriate course of action that best meets their needs. Options include:
 - a. Ask the harasser to stop. Inform the harasser that their behaviour is unwelcome. An individual may not realize that they are being offensive, and a simple conversation may resolve the problem.
 - b. File a complaint with management. If the harasser is a co-worker or a supervisor, complain to someone who has authority over the harasser, e.g. their CEO. Ask the person to take steps to stop the harassment.
 - c. File a complaint with the Human Resources Committee or President.
 - d. Take the matter to the Ontario Human Rights Commission (OHRC) when the alleged incident falls under the mandate of the OHRC.
 - e. Where the incident is serious enough to be considered a criminal offence, go directly to the police.
 - f. Keep a record of the harassment which should include the following:
 - The facts of the matter
 - The time of the incident
 - Where the incident occurred

- Who was involved in the incident
- What happened
- Who witnessed the incident
- How you responded.

Failure to keep a diary of the events will not invalidate your complaint; however, a record will reinforce it.

- g. Any complaint of harassment and/or discrimination should be filed within 6 months of the occurrence unless extenuating circumstances exist.

3. Complaint Process:

- a. Informal Complaint – employees are encouraged to speak or write to the person responsible for causing their discomfort if they are comfortable doing so. Employees may seek the advice and support of a manager and/or HR Committee.
- b. Formal Complaint:
 - I. Should be made in writing and signed by the complainant as soon as possible after the alleged incident.
 - II. May be filed with any manager, HR Committee or CEO. If the complaint is about the CEO, it should be filed with the HR Committee or the Board of Directors.
 - III. The following steps will be taken following a formal complaint:
 - Written acknowledgement of receipt of complaint by the manager and/or HR Committee.
 - A summary of the complaint to be sent to the respondent.
 - HR Committee investigates the complaint or the CEO appoints a qualified neutral investigator.
 - The manager and/or HR Committee will notify the respondent and complainant.
 - IV. Third Party Complaint – an employee who is not directly involved in an incident but who is a witness of discrimination and/or harassment should report the incident to a manager, HR Committee or the CEO. HR Committee and/or the CEO will determine whether to conduct an investigation.
 - V. Anonymous Complaint – management will use discretion to check out anonymous complaints received, respecting due process.

4. Communications following the investigation

- a. HR Committee and/or the CEO will meet with the employee who initiated the complaint to provide appropriate information on the outcome of the investigation.
- b. If the complaint is proven, the CEO will meet with the employee who violated the policy to discuss appropriate discipline, up to and including termination.
- c. If the complaint is not proven, the CEO will meet with the employee who was the subject of the investigation to provide appropriate information on the outcome.

5. Appeals Process

- a. If an employee is not satisfied following the investigation, they have an opportunity to review the complaint at a higher level. The investigative report will be forwarded to the CEO who will review the report and determine the appropriateness of the action and/or remedy.

Persons bringing forward complaints or persons who are witness to a complaint shall not be subjected to reprisal actions.

Related Policies, Procedures:

- CGC Human Resources Policy
- CGC Workplace Violence – Bill 168
- CGC Conduct Policy

Legislation:

- Ontario Human Rights Code: <http://www.ohrc.on.ca/en>