

SUBJECT SEXUAL HARASSMENT POLICY	ITEM HR-8-12-1	
	REF BOD 27/92	REVISION DATE 09/16/92
SECTION 4 HEALTH AND SAFETY	SPONSORED BY WOMEN'S SERVICES COMMITTEE	

POLICY STATEMENT:

Sexual harassment in any situation is reprehensible. In the COSTI community, it can jeopardize the rights of clients, staff and volunteers. COSTI will not tolerate any form of sexual harassment and will endeavour to provide an environment that is free from it.

Anyone providing a service on behalf of COSTI is obligated to abide by this policy and treat his/her colleagues and clients professionally and with respect.

This policy applies to all current COSTI employees. The harassment must have taken place in the workplace, as herein defined, and complainants can include former clients or former employees.

An individual who feels that he/she has been sexually harassed by a COSTI employee may: lodge a complaint as outlined in the procedures of this policy; grieve, if a member of C.U.P.E. Local 2221, pursuant to Article 9 of the Collective Agreement; or lodge a complaint with the Ontario Human Rights Commission.

FUNDAMENTAL PRINCIPLES:

In establishing a policy and procedure for dealing with allegations of sexual harassment, COSTI is guided by the following principles:

1. This policy shall not restrict employees' rights as defined by the Ontario Human Rights Code or, where applicable by the C.U.P.E. Local 2221 Collective Agreement.
2. The prevention of sexual harassment through a process of educating and informing all employees of COSTI, is a necessary and important element of this policy.
3. In keeping with its legal and social responsibilities as an employer, the management of COSTI shall treat any complaint of sexual harassment as a serious matter and with the strictest confidence.

SUBJECT SEXUAL HARASSMENT POLICY	ITEM HR-8-12-2	
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FUNDAMENTAL PRINCIPLES - Continued

4. A spirit of fairness to both parties must guide the process. This includes the respondent's right to know both the allegations and the identity of the complainant, as well as the rights of both parties to a fair and impartial hearing.
5. Confidentiality must be maintained in order to protect both the complainant and the respondent against unsubstantiated claims which might result in harmful or malicious gossip. However, in order to seek a remedy or a sanction through this process, the complainant must be prepared to be identified to the respondent and other individuals included in the process of resolution.
6. Only the Human Rights Officer shall keep copies of the written complaint, record of resolution and other relevant material which shall be maintained in complete confidence.

DEFINITIONS:

"SEXUAL HARASSMENT"

Sexual harassment is defined as any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to an employee; or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

"WORKPLACE"

The workplace is not confined to the offices and buildings of COSTI. It includes any premises in which COSTI business is being conducted.

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DEFINITIONS - Continued

"EMPLOYEE" An employee, in the context of this policy is an individual who provides service on behalf of COSTI, regardless of whether the activity is compensated monetarily or not. This includes full-time, part-time, contract and temporary staff, volunteers, and student placements.

"COMPLAINANT" The complainant is the individual who is alleging that he/she has been sexually harassed.

"OFFICER" The Human Rights Officer is the individual designated with the responsibility to conduct an investigation pursuant to this policy.

**RESPONSIBILITIES:
HUMAN RIGHTS
OFFICER:**

The HUMAN RIGHTS OFFICER is responsible for:

- interviewing both the complainant and the alleged offender as soon as possible;
- interviewing any witnesses;
- documenting the situation accurately and completely;
- notifying the parties concerned of any decisions arrived at as a result of the investigation;
- treating all material as confidential and not divulging such material to unauthorized persons.

SUBJECT SEXUAL HARASSMENT POLICY	ITEM HR-8-12-4	
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**COMPLAINANTS
PROCEDURES:**

A) Mediation

Step 1: An individual may not realize that he or she is being offensive, therefore, it is important to inform the individual harasser that his or her behaviour is unwelcomed and against COSTI Policy. As an alternative, the complainant may consult with the Human Rights Officer for advice or assistance in dealing with the alleged offender including using the Officer to act as an intermediary in bringing the offence to the attention of the alleged offender.

Step 2: If the harassment continues, the complainant shall report the problem to the Human Rights Officer. (Name and telephone number can be obtained from the staff list or the Human Resources Officer) If the complainant is a client, the problem shall be reported to the accused's supervisor and the investigation may be conducted jointly with the Officer. If the harasser is a client, the complainant shall report problem to his/her Supervisor for action.

Step 3: Following consultation with the Officer, the complainant may:

a) make a written complaint (the complainant shall provide the Officer with a written statement giving details of the alleged harassment, and with authorization to attempt a resolution of the complaint).

or

b) take no further action (if the complainant decides to take no further action, the officer shall not proceed with the complaint).

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**COMPLAINANTS
PROCEDURES
CONTINUED:**

Step 4: Upon receipt of the written complaint, the officer shall inform the respondent of the allegation(s) and shall provide the respondent with a copy of the written complaint.

Step 5: The Officer shall discuss the allegation with the complainant and respondent with a view to reaching a resolution.

Step 6: If a resolution acceptable to both the complainant and respondent is reached, the matter will proceed no further, except that the Officer may assist in bringing about whatever administrative or other action is needed to implement the resolution.

Step 7: A Resolution Report shall be signed by the complainant and the respondent, unless both parties agree that no Resolution Report shall be signed.

If the complainant is supported and if an acceptable solution is found, the complaint and the agreed upon solution will be recorded and retained by the Officer in a sealed confidential file. If no further complaint involving the respondent is received during a two (2) year period from the date of this complaint, the file will be destroyed. Where a second complaint is supported against the respondent, his/her supervisor shall be informed and discipline may include notes to the respondent's Personnel File. In any matter judged sufficiently serious by the Human Rights Officer, she may, with the consent of the complainant, refer the matter at any stage of the mediation process to the Formal Hearing.

SUBJECT SEXUAL HARASSMENT POLICY	ITEM HR-8-12-6	
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**COMPLAINANTS
PROCEDURES
CONTINUED:**

Step 7: During this two (2) year period, references to the sealed file may be made by the complainant, the respondent, and the Officer. However, if at this stage it is established that no blame is attached to the respondent, a file will not be compiled unless the respondent requests that such a file be established. Such file will be maintained by the Officer for a two (2) year period.

Step 8: If no resolution is achieved, the complainant may:

- a) ask the Officer to initiate a Formal Hearing; or
- b) withdraw or abandon the complaint.

B) Formal Hearing

Step 9: The Executive Director and a member of the Board of Directors as chosen by the Officer and the Executive Director, shall constitute a Hearing Panel. The Formal Hearing shall be convened within ten (10) working days from the time the complainant has requested a Formal Hearing in writing, unless both the complainant and respondent agree to the extension of the time limit.

Step 10: The Formal Hearing process shall be concluded within fifteen (15) working days, unless both the complainant and respondent agree to the extension of the time limit.

The Hearing Panel shall receive and examine oral and/or written submissions from the complainant and the respondent and may call witnesses relevant to the case.

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**COMPLAINANTS
PROCEDURES
CONTINUED:**

Step 11: If the Hearing Panel finds the respondent guilty of sexual harassment, it may impose penalties proportionate to the gravity of the harassment. Such penalties may include oral or written reprimand, suspension, or dismissal. Penalties shall be imposed in accordance with established policies and procedures and by the terms of existing contracts of employment or the Collective Agreement.

In addition to any penalties imposed, the Hearing Panel may order that the respondent meet with the Officer for educational counselling regarding sexual harassment.

Notwithstanding the above, it is fully understood by all parties, that should the above process not meet the satisfaction of the complainant, that he/she may approach the Ontario Human Rights Commission to file a formal complaint with the understanding that there will be no reprisals.

- REFERENCE:**
- MANAGER'S SEXUAL HARASSMENT MANUAL
 - EMPLOYEE'S SEXUAL HARASSMENT MANUAL

