



FEDERATION  
OF CANADIAN  
MUNICIPALITIES

FÉDÉRATION  
CANADIENNE DES  
MUNICIPALITÉS

## HARASSMENT POLICY

The Federation of Canadian Municipalities (FCM) is committed to providing a work environment in which all individuals are treated with respect and dignity, free of harassment, violence and discrimination. This philosophy supports our values and ensures that FCM is meeting the human rights and occupational health and safety legislation where employees, Board and committee members are free from harassment and promotes equal opportunities.

### 1. PURPOSE

FCM has adopted a policy to make clear that harassment, which includes violence in the workplace, will not be tolerated at FCM. Individuals, regardless of seniority or position within FCM and on the Board of Directors and committees, found to have engaged in conduct constituting harassment will be subject to discipline. More specifically, this Policy is intended to:

- Maintain a working environment that is secure and free from harassment;
- Identify types of behaviours that constitute harassment; and
- Establish and set out the mechanisms to deal with both informal and formal complaints of harassment.

### 2. APPLICATION OF POLICY

This Policy applies to all FCM employees, Board and Committee members including, without limitation, full-time, part-time, contract, hourly or permanent staff and to all business-related interactions between employees and third parties who deal with the organization (consultants, contractors, service-providers, volunteers and members).

The Policy covers all forms of harassment prohibited by the Ontario Human Rights Code or other applicable statute (“Discriminatory Harassment”) including harassment based upon race, colour, ancestry, place of origin, ethnic origin, citizenship, creed (religion), age, record of offences (including pardoned conviction), marital status, family status, same-sex partnership status, sex (gender), including pregnancy and childbirth, sexual orientation, gender identity and gender expression, and disability (“prohibited grounds of discrimination”). This Policy also covers harassment in the form of psychological or personal harassment (bullying), which falls under the Ontario Health & Safety Act (“Personal Harassment”).

Anyone who works at FCM or who is on the Board of Directors or a Board committee and believes that he or she has been harassed in the FCM workplace or has experienced or is at risk of workplace violence may use the procedures set out in this Policy.

For the purpose of this Policy, FCM’s workplace includes any place where the business of FCM is being conducted or where social or other functions of FCM occur (i.e. at the office, outside the office, at office-related social functions, on the internet and through social media, in the course of work assignments outside the office, during missions, at work-related conferences or training sessions, during Board meetings and during work-related travel).

### 3. RESPONSIBILITIES

Every employee, Board and Committee member of FCM have a responsibility to play a part in promoting a safe and positive workplace and ensuring that the work environment is free from harassment of any type. This responsibility is to be discharged by not engaging in, allowing, condoning or ignoring behaviour that constitutes harassment and violates this Policy.

Every employee is responsible for his or her own behaviour. However, supervisors and managers, have an additional obligation to oversee and correct the behaviour of other employees, by leading by example and by taking action whenever they become aware of any potential breach of this Policy. Taking action may involve performance management or speaking to the Director, Human Resources, or the Department Director.

The Chief Executive Officer (CEO) together with the Director, Human Resources (HR) are responsible for:

- a) Discouraging and preventing harassment; this is a continuing responsibility, whether or not formal written complaints of harassment have been brought to the attention of the management of FCM;
- b) Investigating every formal written complaint of harassment and workplace violence;
- c) Imposing appropriate disciplinary and/or rehabilitative measures, when a complaint of harassment is found to have been substantiated, regardless of the seniority or position at FCM of the offender;
- d) Doing all in their power to support and assist any employee of FCM who complains of harassment by a person who is not an employee of FCM (i.e. consultant, contractor, service provider, volunteers and representatives of FCM's members);
- e) Providing guidance and support to persons who are subjected to harassment;
- f) Where harassment is found to have taken place, formally acknowledging such harassment to the person harassed;
- g) Regularly reviewing the procedures of this policy to ensure that they adequately meet the policy objectives;
- h) Maintaining records as required by this policy;
- i) Making all employees of FCM aware of the problem of harassment and workplace violence and the existence of the procedures available under this policy.

The Chair of the Board of Directors Human Resources Committee is responsible for:

- a) Ensuring that an investigation is conducted into every formal written complaint of harassment by a Board or Committee member;
- b) Ensuring the appropriate disciplinary and/or rehabilitative measures is imposed, when a complaint of harassment is found to have been substantiated, regardless of the seniority or position of the offender;
- c) Doing all in their power to support and assist any Board and Committee member of FCM who complains of harassment;
- d) Providing guidance and support to persons who are subjected to harassment;
- e) Where harassment is found to have taken place, formally acknowledging such harassment to the person harassed;

In compliance with the Code of Ethical Conduct for Officers, Directors, Board & Committee Members, must avoid all forms of discrimination and/or harassment. They are expected to act with integrity, holding to the highest ethical standards, and to lead by example, taking action whenever they become aware of any potential breach of this Policy.

## 4. DEFINITIONS

**4.1 Discriminatory Harassment** includes being subjected to comment or physical conduct related to one or more of the prohibited grounds of discrimination, which is intimidating, offensive, embarrassing or humiliating, interferes with work performance or job security, or creates an intimidating, hostile or offensive working environment, by someone who knows, or ought reasonably to know, that the comment or conduct is unwelcome.

It is not possible to identify each and every act that constitutes Discriminatory Harassment. By way of example, Discriminatory Harassment can include:

- Comments or conduct which disparages or ridicules a person's race, ethnicity, colour, language, religion;
- Stereotyping;
- Racial, ethnic or religious jokes, slurs, nicknames, or mimicry (oral, written or graphic);
- Persisting with comments or jokes after becoming aware that the behaviour is unwelcome; and
- Refusing to work with people because of a prohibited ground of discrimination.

**4.2 Personal Harassment** means being subjected to objectionable conduct or comment, which serves no legitimate work purpose, and creates an intimidating, humiliating, hostile or offensive work environment. Personal harassment includes workplace harassment as defined in the Ontario's Occupational Health and Safety Act and is defined as 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 is not possible to identify each and every act that constitutes Personal Harassment. By way of example, Personal Harassment can include:

- Spreading malicious rumours, gossip, or innuendo that is not true;
- Intimidating a person, verbal abuse, threats, belittling or humiliating a person;
- Deliberately not speaking to someone thereby ostracizing them;
- Yelling or using profanity;
- Refusal to work with a person;
- Unwarranted (or undeserved) punishment;
- Tampering with a person's personal belongings or work equipment;
- Making jokes, that are obviously offensive (written or oral);
- Undermining or deliberately impeding a person's work; and
- Other objectionable behaviour designed to torment, pester or abuse someone.

It is sometimes hard to know if Personal Harassment is happening in the workplace. It is important to remember that normally, when a manager or supervisor with the proper authority, gives appropriate/objective guidance, feedback or instruction in the workplace, or takes appropriate disciplinary action or performance management, that will not be considered Personal Harassment, but rather this is intended to assist employees with their work.

**4.3 Sexual Harassment** is a specific form of discriminatory harassment related to the prohibited grounds of sex (gender), gender identity, gender expression or sexual orientation. Sexual harassment includes any unwelcome sexual advances, requests for sexual favours; when such conduct might reasonably be expected to cause insecurity, discomfort or humiliation to another person; when submission to such

conduct is made either explicitly or implicitly a condition of employment; when submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, compensation, job security or benefits affecting the employee); when such conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment, or when such conduct is demeaning to a person.

It is not possible to identify each and every act that constitutes Sexual Harassment. By way of example, Sexual Harassment can include:

- Unwelcome flirtations, advances, propositions, requests for sexual favours, lewd or suggestive comments or other vocal activity such as catcalls, whistles and kissing sounds;
- Vulgar or sexual jokes (oral, written or graphic);
- Continuing to express sexual interest after becoming aware that the interest is unwelcome;
- Unwanted physical touching, blocking or impeding movements; and
- Indecent exposure or sexual assault.

Harassment typically involves a course of conduct or a pattern of behaviour, including more than one incident. However, one single incident, if sufficiently serious, can constitute harassment.

**4.4 Workplace Violence** is defined as the following under the Occupational Health and Safety Act:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- 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.

## **5. NO RETALIATION FOR USING THIS POLICY**

All employees, Board and Committee Members of FCM have a right to make a complaint or enforce their rights under this Policy without retaliation or threat of retaliation.

Retaliation against a person who makes a complaint or who enforces any right under this Policy or who takes part in an investigation under this Policy will be treated in the same manner as harassment and be subject to the same disciplinary actions if the allegations of retaliation are confirmed.

Retaliatory behaviour could include:

- The failure to extend to a person (or others of the same group or with the same characteristics) opportunities available to others;
- The refusal to work with a person or others of the same group or with the same characteristics as the complainant; and
- The breach of the confidentiality requirements of this Policy.

## **6. WHAT TO DO ABOUT HARASSMENT AND WORKPLACE VIOLENCE**

This Policy outlines both informal and formal options available to any employee, Board or Committee Member who believes that he or she has been harassed by any other employee, Board, or Committee member, or third party. Workplace violence will always be formally investigated.

FCM encourages reporting of all allegations of harassment, regardless of who the offender may be. While FCM is committed to resolving harassment concerns internally, nothing in this Policy precludes an employee, Board or Committee member from filing a complaint with the Ontario Human Rights Tribunal or as provided under any other applicable statute or having criminal charges laid in appropriate cases.

## 7. INFORMAL RESOLUTION OPTIONS

In many situations, simply informing the person that his or her comment or conduct is unwelcome will resolve the issue. A person who considers that she or he has been subjected to harassment is encouraged to bring the matter to the attention of the person responsible for the conduct. The employee, Board or Committee member should keep notes for themselves of the discussion including dates, times, location and names of any witnesses.

If the individual finds it too difficult to speak to the person directly (or if the individual has spoken to the person but the unwelcome comment or conduct persists, or if the individual feels that as a result he or she has been subjected to retaliatory behaviour) the individual is encouraged to make a written record of the date, time, details of the conduct, and witnesses (if any) and discuss his or her concerns with their Director or a contact in the Human Resources department if an employee of FCM. Board and Committee members are encouraged to speak to a Table Officer or a member of FCM's senior management.

Next steps after the employee's discussion with his or her Director or HR:

- The employee may wish to have his or her Director speak to an HR Representative to address the matter informally by speaking with the colleague whose behaviour is unwelcome or accompanying the employee in doing so.
- The HR representative may, with the employee's agreement and with the agreement of the alleged harasser, mediate a discussion in an attempt to resolve the matter.
- In cases where the alleged harasser is the HR Director, the employee can inform their Department Director or the CEO. The CEO will speak to the HR Director to resolve the matter. The CEO may, with the employee's agreement and with the agreement of the HR Director, mediate a discussion in an attempt to resolve the matter.
- In cases where the alleged harasser is the CEO, the HR Director will speak to the CEO to resolve the matter. If the matter cannot be resolved at the staff level, the President will be brought into the discussion. The HR Director or President may, with the employee's agreement and with the agreement of the CEO, mediate a discussion in an attempt to resolve the matter.
- In cases where the alleged harasser is the President, the CEO will address the matter informally with him or her. If the matter cannot be resolved at the staff level, the Chair of the Board HR Committee will be brought into the discussion. They may, with the employee's agreement and with the agreement of the President, mediate a discussion in an attempt to resolve the matter.
- In cases where the alleged harasser is a Board or Committee member, the CEO will address the matter informally with him or her. They may, with the employee's agreement and with the agreement of the alleged harasser, mediate a discussion in an attempt to resolve the matter.
- In cases where the alleged harasser is a third party, the Department Director, with the assistance of the Director, HR, will investigate and resolve the matter.
- The employee may wish to make a formal written complaint (see below – **Formal Complaint Option**). The employee may seek the assistance of the HR Representative in drafting the formal complaint.

Next steps after the Board or Committee member's discussion with a Table Officer or member of FCM's Senior Management:

- The Board or Committee member may wish to have the Table Officer or member of FCM Senior Management speak to the Chair of the HR committee or the CEO to address the matter informally by either speaking with the individual whose behaviour is unwelcome or by accompanying the Board or Committee member in doing so.
- The Chair of the HR Committee or CEO may, with the Board or Committee member's agreement and with the agreement of the alleged harasser, mediate a discussion in an attempt to resolve the matter.
- In cases where the alleged harasser is a Table Officer, the Board or Committee member can inform another Table Officer or a member of FCM's senior management; the Chair of the HR Committee or the CEO will address the matter informally to resolve the matter. They may, with the agreement of both parties, mediate a discussion in an attempt to resolve the matter.
- In cases where the alleged harasser is the CEO, the President will speak to the CEO to resolve the matter, although the Chair of the HR Committee will be informed. If the matter cannot be resolved, the Table Officers will be brought into the discussion. The President may, with the Board or Committee member's agreement and with the agreement of the CEO, mediate a discussion in an attempt to resolve the matter.
- In cases where the alleged harasser is the President, the CEO will address the matter informally with him or her, although the Chair of the HR Committee will be informed. The CEO may, with the Board or Committee member's agreement and with the agreement of the President, mediate a discussion in an attempt to resolve the matter.
- In cases where the alleged harasser is an FCM employee, the CEO and the Human Resources Director, will address the matter informally with him or her. They may, with the Board or Committee member's agreement and with the agreement of the alleged harasser, mediate a discussion in an attempt to resolve the matter.
- In cases where the alleged harasser is the Chair of the Human Resources Committee, the CEO will speak with him or her to resolve the matter. If the matter cannot be resolved, the President will be brought into the discussion. The President and CEO may, with the Board or Committee member's agreement and with the agreement of the Chair of the HR Committee, mediate a discussion in an attempt to resolve the matter.
- In cases where the alleged harasser is a third party, a member of FCM's senior management, with the assistance of the HR Director, will investigate and resolve the matter. The Chair of the Board HR Committee may be informed if the incident involves a municipal employee.
- The Board or Committee member may wish to make a formal written complaint (see below – **Formal Complaint Option**).

The employee, Board or Committee member may wish to withdraw from any further action in connection with the complaint. However, in particularly serious circumstances, for example, where there are previous complaints or incidents involving the person complained of or in cases involving allegations of inappropriate physical contact, the CEO, President or Director, HR may still initiate a formal investigation of the matter (see below – **Investigation of Formal Complaint**) despite the fact that the person has withdrawn from any further action if it is believed that continued investigation is appropriate in the interest of ensuring that FCM is free from harassment.

In every case where the matter is addressed informally, the employee, Board or Committee member will be kept apprised of how the matter is being addressed and of any proposed resolution initiatives. This informal procedure will be completed as soon as possible, normally within 14 days of the complaint being made, unless a longer period is appropriate in the circumstances. In this case, an HR Representative or the CEO will notify the employee, Board or Committee member of the proposed time frame.

It is incumbent upon all employees to advise the Director, HR of any known serious harassment incident or allegation. Board and Committee members must advise a member of FCM's senior management or a Table Officer of any known serious harassment incident or allegation.

## **8. FORMAL COMPLAINT OPTION**

The employee may decide to make a formal written complaint to the Director, HR. In the case of Board or Committee members, the written complaint would go to the President or Chair of the HR committee, depending on the situation.

A formal written complaint may be made, whether or not the individual has already spoken to the Director, HR, CEO or Table Officer in an attempt to deal with the matter by way of the informal process.

The employee, Board or Committee member may also make a formal written complaint in the event that the informal process does not resolve the matter to the person's satisfaction.

Upon receipt of a formal written complaint, the Director, HR or Chair of the Board HR Committee shall determine whether the conduct falls within the scope of this Policy and in the event that it does not, shall advise the person making the complaint (the "complainant") accordingly and shall take no further steps under this Policy.

Where a formal written complaint falls within the scope of this Policy, the Director, HR shall report the complaint to the CEO and Departmental Director if it pertains to another employee, and/or to the President and the HR Board Committee should the complaint be about the CEO, Board or Committee member.

## **9. INVESTIGATION OF FORMAL COMPLAINT**

The Director, HR, President or Chair of the HR Committee will initiate an investigation whenever he or she receives a formal written complaint, which falls within the scope of this Policy, or if directed to initiate an investigation by the CEO, whether or not a formal complaint has been made.

The Director, HR, President or Chair of the HR Committee may also initiate an investigation in other circumstances where an investigation would be appropriate in the interest of ensuring that FCM is free from harassment and workplace violence. An investigation might be appropriate where the Director, HR or Chair of the HR Committee becomes aware of a serious allegation or incident by a person who does not wish to make a complaint (formal or informal), but who describes a very serious allegation or incident (for example, where there are previous complaints or incidents involving the person complained of or in cases involving allegations of inappropriate physical contact).

In the case of an FCM employee, the investigation will ordinarily be conducted by the Director, HR, and any other person(s) that may be designated by the Director, HR to assist in the investigation. If the Director, HR chooses to designate other person(s) to assist in the investigation, these individuals will usually be another member of the Human Resources team, management or, in some cases, could be someone external to FCM, with due regard being given to the nature of, and parties to, the complaint.

In certain circumstances, the Director, HR, in consultation with the CEO, may designate someone external to FCM to conduct the entire investigation. In all circumstances with complaints against Board or Committee Members, formal investigations will be done by an external investigator.

If the complaint is against the Director, HR, the complaint must be made in writing to the CEO who will designate someone external to FCM to investigate the matter in accordance with the formal procedure. In this instance, the confidential record of the proceedings and the result will be retained by the CEO.

If the complaint is against the CEO by an employee, it must be made in writing to the Director, HR. The Director, HR will provide a copy to the President. The Director, HR, in consultation with the President, will

designate someone external to FCM to investigate the matter in accordance with the formal procedure. In this instance, the President will receive the investigative findings and follow through with the procedure identified in this section. If the complaint is made by a Board or Committee member, it will be made in writing to the President and the Board HR Committee will be informed.

If the complaint is against the President, it must be made in writing to the HR Director (or to the Chair of the HR committee if the complaint is by a Board or Committee member), who will provide a copy to the CEO and the Chair of the HR Committee. The Director, HR in consultation with the CEO and Chair of the HR Committee will designate someone external to FCM to investigate the matter in accordance with the formal procedure. The Chair of the HR Committee, CEO and Director, HR (in the case of an employee complaint) will receive the investigative findings and follow through.

If the complaint is against a Table Officer, Board Member, or Committee Member by an employee, it must be made in writing to the Director, HR, who will provide a copy to the CEO and the President. If the complaint is from another Board or Committee member, the written document is given to the Chair of the HR Committee. The Director, HR,(if employee based) in consultation with the President and CEO, may designate someone external to FCM to investigate the matter in accordance with the formal procedure. The President, CEO and HR Director will receive the investigative findings and follow through. If the formal complaint is Board or Committee based, an external investigator will be used and the report will be provided to the Chair of the HR Committee.

If the complaint is by an employee against a third party, it must be made in writing to the Director, HR, who will provide a copy to the Department Director and CEO. Depending on the severity of the issue, the Director, HR, in consultation with the Department Director, may designate someone external to FCM to investigate the matter in accordance with the formal procedure. The CEO, Department Director and HR Director will receive the investigative findings and follow through. If the complaint is made by a Board or a Committee Member against a third party, it must be made in writing to the CEO. The Chair of the Board HR Committee may be advised if a municipal employee is involved. An investigation may be undertaken by an external consultant. The CEO will receive the findings.

For employees, the investigation will be completed and the appropriate resolution decided upon 30 days of the Director, HR (or CEO in the event that the complaint is made against the Director, HR or President in the case where the complaint is made against the CEO) receiving a formal written complaint or upon the Director, HR electing to, or being directed to, initiate a complaint, unless a longer period is appropriate in the circumstances. In this case, the Director, HR will notify the complainant as well as the person against whom the complaint is made (the "respondent") of the proposed time frame.

At any stage during the process, the complainant has the right to withdraw from any further action in connection with the complaint. The Director, HR, or Chair of the HR Committee however, remains obligated to pursue the matter if he or she believes that continued investigation is appropriate in the interest of ensuring that FCM is free from harassment (for example, if there are concerns that withdrawal of the complaint occurred as a result of possible retaliatory behaviour by the respondent or others, or in the cases where there are previous complaints or incidents involving the respondent, or in cases involving allegations of inappropriate physical contact).

All procedural and administrative matters arising during the course of the investigation will be facilitated by the Director, HR, unless the complaint is made against the Director, HR, in which case such matters will be facilitated by the CEO or his/her designate.

In the course of the investigation, the investigative team will:

- Interview the complainant regarding the written complaint;
- Give a copy of the written complaint to the respondent or advise the respondent in writing of the allegations;
- Provide the respondent with an opportunity to respond to the complaint orally or in writing and give a copy of any written response or a written summary of the oral response to the complainant;

- Investigate the complaint by speaking to the complainant, respondent and other individuals where appropriate;
- The individuals involved may, during the discussion, have a friend, family member or work colleague present; and
- Provide a report of the investigative findings to the Director, HR (unless the complaint is made against Director, HR) and CEO (or President, in the case that the complaint is against the CEO). The Chair of the HR Committee will receive a copy if the complaint is against the President or a Board or Committee member, and the President will get a copy of the report if it pertains to the Chair of the HR Committee.

Upon receipt of the report, the Director, HR (or CEO, Chair of the HR Committee or President, as the case may be) will:

Where the complaint is substantiated:

- Advise the complainant and respondent of the outcome of the investigation;
- Initiate appropriate disciplinary or rehabilitative action;
- Lodge a confidential record of the investigative proceedings and the result with the Director, HR, which will be kept in the employee file or Board file.

Where a complaint is not substantiated:

- Take no further disciplinary action against the respondent;
- Advise the complainant and respondent of the outcome of the investigation;
- Lodge a confidential record of the investigation proceedings and the result with the Director, HR.

## **10. DISCIPLINARY AND REHABILITATIVE ACTION**

Disciplinary and rehabilitative action arising out of the informal resolution process or resulting from a formal complaint and subsequent investigation may include one or more of the following:

For employees, as determined by the Director, HR and the CEO:

- A formal apology;
- Counseling and/or attendance at educational seminars on harassment;
- A verbal warning delivered to the person who was deemed to have engaged in the harassment (and documentation of the conversation kept in Human Resources)
- A written warning delivered to the person who was deemed to have engaged in harassment (and placed in that person's personnel file);
- The suspension with or without pay of the employee; and/or
- The termination of the employee.

For Officers, Directors and Committee Members:

- A verbal warning by the Chair of the HR Committee delivered to the person who was deemed to have engaged in the harassment; documentation of the conversation kept in Human Resources; and an apology to the complainant;
- A written warning by the Chair of the HR Committee delivered to the person who was deemed to have engaged in harassment (and a copy of the documentation kept in Human Resources). With Executive Committee approval, may inform the Provincial or Territorial Association's Board of

Directors through the Executive Director's office or the member municipality's Council through the city/town clerk's office;

- Requested by the Executive Committee to resign from the FCM Board and/or Committee and requested not to attend FCM related events, with formal notification to the Provincial or Territorial Association's Board of Directors through the Executive Director's office or the member municipality's Council through the city/town clerk's office, or
- On the recommendation of the Board, vote by the membership at a special meeting to remove the individual from the Board of Directors as per section 3.12 of FCM's Bylaws.

The disciplinary actions may not follow the order as it is listed above, as it will depend upon the severity of the issue and/ or if the behaviour is repeated. In all cases where disciplinary or rehabilitative action is warranted, the Director, HR (or designate) is responsible for taking all reasonable measures to ensure that there is no retaliatory behaviour.

## **11. CONFIDENTIALITY**

FCM understands that it is difficult to come forward with a complaint of harassment and recognizes a complainant's interest in keeping the matter confidential.

To protect the interests of the complainant, the person complained against and any others who may report incidents of harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

Where a complaint has been made, the complainant, the alleged harasser and all those involved in the process have an obligation to maintain the confidentiality of the matter and not disclose any details pertaining to the complaint and the fact of the complaint except to the Director, HR and any other persons investigating the complaint on behalf of FCM.

All records of complaints, including contents of meetings, interviews, results of investigations and other relevant material will be kept confidential by FCM, except where disclosure is required by a disciplinary or other remedial process.

## **12. PROCEDURE WHERE AN EMPLOYEE, BOARD OR COMMITTEE MEMBER BELIEVES THAT A COLLEAGUE HAS BEEN HARASSED**

Any employee, Board or Committee member of FCM, who believes that a colleague has experienced or is experiencing harassment, or retaliation for having brought forward a complaint of harassment, is encouraged to notify the Director, HR, Chair of the HR Committee or the CEO.

Where a person believes that a colleague has experienced or is experiencing harassment (or retaliation for having brought forward a complaint of personal/sexual harassment) and reports this belief to the Director, HR or Chair of the HR Committee, they shall meet with the person who is said to have been subjected to harassment and shall then proceed in accordance with the established procedures in sections 7 and 9 above.

If FCM becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, FCM will take every precaution reasonable in the circumstances for the protection of the worker.

## **13. HARASSMENT BY PERSONS OUTSIDE OF FCM**

FCM recognizes its responsibility to support and assist any employee, Board or Committee member who believes that he or she has been harassed by a person outside FCM during the course of their business-related interaction with FCM. This includes volunteers, consultants, contractors, and service providers.

If an employee believes that he or she has been harassed by a person outside FCM in the course of his or her business-related interaction with that person, the employee may bring his or her concerns to the attention of the Director, HR. The Director, HR, in consultation with the CEO will ultimately be responsible for appropriately investigating and resolving the matter for FCM staff; the Chair of the HR Committee will be responsible for dealing with Board and Committee related issues.

#### **14. PROVISION OF INFORMATION TO A WORKER AT RISK**

Directors will provide information, including personal information; to a worker related to a risk of workplace violence from a person with a history of violent behaviour if, the worker can be expected to encounter that person in the course of his or her work and the risk of workplace violence is likely to expose the worker to physical injury. In these circumstances, the disclosure of personal information will be limited to what is reasonably necessary to protect the worker from physical injury.

#### **15. COMPLAINTS MADE IN BAD FAITH**

In the event that the complaint was made in bad faith - in other words, the person making it had absolutely no basis for the complaint and deliberately and maliciously filed the complaint - that person will be disciplined and a record of the incident will be put in her or his file.

Disciplinary actions for someone who complains in bad faith will be the same as for a case of violence, harassment and discrimination and will depend on the seriousness of the situation.

Compensation for the person falsely accused may include steps to restore any lost reputation, and any of the remedies that would be available in a case of violence, harassment and discrimination.

#### **16. POLICY REVIEW**

This policy shall be reviewed annually or sooner by the Director, Human Resources and the Chair of the Board Human Resources Committee as may be necessary.