

Mitik Workplace Anti-harassment Policy and Procedures

1. Policy Statement

Mitik is committed to fostering a harassment-free workplace/classroom where all employees/students are treated with respect and dignity.

The *Canadian Human Rights Act* protects employees/ Students from harassment based on race, national or ethnic origin, color, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Harassment at **class room/ work place** is not tolerated. Employees/students who are found to have harassed another individual may be subject to disciplinary action. This includes any employee/student who: interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm.

2. Application

This policy applies to all current employees/ students of **Mitik** including full and part-time, casual, contract, permanent and temporary employees/students. This policy also applies to job applicants.

This policy applies to all behaviour that is in some way connected to class, work, including during off-site meetings/works, training, conferences and on field trips.

3. Reason for Policy

The reason for this Policy is to:

- Provide guidance, assistance and support to members of the program who have experienced sexual assault/any other harassment or who have received a disclosure of sexual assault/any other harassment;
- Set out a consistent process for responding to sexual assault/any other harassment that ensures that:
 - (i) Members of the program understand their respective rights and obligations when reporting or responding to a sexual assault/any other harassment.
 - (ii) Those who experience sexual assault/any other harassment are treated with dignity and respect and that their rights are respected;
 - (iii) Those who are accused of committing sexual assault/any other harassment are treated fairly and in a manner that ensures due process; and

- The program is compliant with relevant legislation, including **The Human Rights Code (Manitoba)**, and **The Workplace Health and Safety Regulation (Manitoba)**.

4. Definitions

4.1 Harassment is:

- offending or humiliating someone physically or verbally;
- threatening or intimidating someone;
- making unwelcome jokes or comments about someone's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

4.2 Sexual harassment is:

- offensive or humiliating behaviour that is related to a person's sex;
- behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment; or
- behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

5. Responsibilities and Expectations

5.1 Mitik is responsible for:

- providing all employees/students a harassment-free classroom/workplace.

5.2 Larry Harper, Manager is responsible for:

- ensuring that this policy is applied in a timely, consistent and confidential manner;
- determining whether allegations of harassment are substantiated; and
- determining what corrective action is appropriate where a harassment complaint has been substantiated.
- the administration of this policy;

- reviewing this policy annually, or as required; and
- making necessary adjustments to ensure that this policy meets the needs of the program.

5.3 Supervisors are responsible for:

- fostering a harassment-free environment and setting an example about appropriate workplace/classroom behaviour;
- communicating the process for investigating and resolving harassment complaints made by employees/students;
- dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made;
- taking appropriate action during a harassment investigation, including separating the parties to the harassment complaint, when appropriate; and
- ensuring harassment situations are dealt with in a sensitive and confidential manner.

5.4 Employees and Trainees are responsible for:

- treating others with respect in the workplace;
- reporting harassment to **Supervisors**
- cooperating with a harassment investigation and respecting the confidentiality related to the investigation process.

5.5 Employees and Trainees can expect:

- to be treated with respect in the workplace/classroom;
- that reported harassment will be dealt with in a timely, confidential and effective manner;
- to have their rights to a fair process and to confidentiality respected during a harassment investigation; and
- to be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

6. Procedures for Addressing a Harassment Complaint

6.1 Filing a Complaint

An employee/student may file a harassment complaint by contacting **your supervisor**. The complaint may be verbal or in writing. If the complaint is made verbally, **ensure your supervisor** records the details provided by the employee/student.

The employee/student should be prepared to provide details such as what happened; when it happened; where it happened; how often and who else was present (if applicable).

Complaints should be made as soon as possible but no later than within **six months** of the last incident of perceived harassment, unless there are circumstances that prevented the employee/student from doing so.

Your Supervisor will tell the person that the harassment complaint has been made against, in writing, that a harassment complaint has been filed. The letter will also provide details of the allegations that have been made against him or her.

Every effort will be made to resolve harassment complaints within **30 days**. The **supervisor** will advise both parties of the reasons why, if this is not possible.

If either party to a harassment complaint believes that the complaint is not being handled in accordance with this policy, he or she should contact **Larry Harper, Manager**

7. Mediation

Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation.

Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the harassment complaint.

The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in investigating the complaint.

Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

8. Investigation

If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience. In some cases, an external consultant may be engaged for this purpose.

The investigator will interview the person who made the complaint, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

The investigator will prepare a report that will include:

- a description of the allegations;
- the response of the person the complaint was made against;
- a summary of information learned from witnesses (if applicable); and
- a decision about whether, on a balance of probabilities, harassment did occur.

This report will be submitted to **Larry Harper, Manager**. Both parties to the complaint will be given a copy.

9. Substantiated Complaint

If a harassment complaint is substantiated, **Larry Harper, Manager** will decide what action is appropriate.

Remedies for the employee/student who was harassed may include: an oral or written apology; compensation for lost wages/stipend; compensation for hurt feelings/ anything caused due to the harassment.

Corrective action for the employee/student found to have engaged in harassment may include: a reprimand; a suspension; a demotion; and/or dismissal.

Both parties to the complaint will be advised, in writing, of the decision.

10. Other Redress

An employee/trainee who is not satisfied with the outcome of the harassment complaint process may file a discrimination complaint with the Canadian Human Rights Commission by calling a toll free number at **1-888-214-1090** or emailing at info.com@chrc-ccdp.gc.ca. He/ She can also file a complaint by sending a regular mail at **Canadian Human Rights Commission, 344 Slater Street, 8th Floor Ottawa, Ontario K1A 1E** (complain form can be found at <https://www.chrc-ccdp.gc.ca/sites/default/files/2018-complaint-form.pdf>).

11. Privacy and Confidentiality

All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.

Mitik and all individuals involved in the harassment complaint process will comply with all requirements of the **Freedom of Information and Protection of Privacy Act (FIPPA)** to protect personal information.

12. Review

Mitik will review this policy and procedures on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all employees/ students.

13. Enquiries

Enquiries about this policy and related procedures can be made to **Larry Harper, Manager**

14. Cross References

This Policy should be cross referenced to the following relevant Governing Documents, legislation and/or forms:

- RWLE and Sexual Assault Procedure;
- Respectful Work and Learning Environment Policy;
- Criminal Code, RSC 1985, c C-46;
- The Human Rights Code, C.C.S.M. c. H175;
- The Workplace Safety and Health Regulation 217/2006.

15. Important Contact Number

- Larry Harper, email- larrybharper@live.ca, Phone- 204 881 - 4683
- Ernie Harper, email- h31n73@gmail.com, Phone- 204 290-7571

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