



The Lee Wiggins Childcare Centre ANTI-DISCRIMINATION AND ANTI-HARASSMENT IN THE WORKPLACE

Commitment Statement

The Lee Wiggins Childcare Centre (LWCC), the health and safety of our employees is paramount. Priority is given to protecting our employees and our visitors from harassment and discrimination. Such conduct interferes with everyone's ability to perform their job and is not in keeping with the Centre's philosophy of trust and mutual respect.

By working together, and giving the utmost attention to the safety and well-being of each other, we will meet our shared objective of a healthier and safer working environment for all.

LWCC employees and clients are entitled to be treated with dignity and respect and have a work environment free from harassment and discrimination as prescribed the *Occupational Health and Safety Act*. This policy applies to all employees and agents/representatives of The LWCC while in the workplace, during work related field trips or travel, or during any work-related and/or social functions.

Employees are expected to assist The LWCC in its attempts to prevent and eliminate harassment in the workplace. The LWCC will treat any form of harassment that occurs in the workplace seriously irrespective of the alleged perpetrator's position.

Nothing in this policy limits an individual's right to file a complaint with the Human Rights Commission or the Ministry of Labour should they feel the situation warrants such action.

LWCC is committed to fostering a work environment that is free from discrimination and harassment based on race, creed, colour, national origin, political or religious affiliation, sex, sexual orientation, age, marital status, family relationship, and disability. The Centre recognizes that a harassment and discrimination free workplace allows all employees, parents and children to develop to their full potential.

Definition

The *Occupational Health and Safety Act* defines workplace harassment 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."

Harassment and discrimination can take the following forms including:

1. Discrimination-based Harassment

Includes any verbal or physical conduct, that may reasonably be perceived as denigrating or showing hostility or aversion toward an individual because of the individual's race, colour, religion, gender, sexual orientation, national origin, age, disability, or other status protected by law, or because of the protected status of the individual's relatives, friends, or associates. This type of harassment includes, but is not limited to:

- a) Epithets, slurs, negative stereotyping, demeaning comments, including comments pertaining to a person's dress, accent or other cultural differences, or intimidating acts that are based on an individual's protected status; and/or
- b) Written or graphic material (whether by printed or electronic media) circulated within or posted within the workplace that shows hostility toward or is demeaning to an individual or group because of his or her protected status.



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2. Sexual Harassment

Generally, there are two types of sexual harassment:

- a) Repeated sexual advances or solicitations made by a person where such person knew or ought reasonably to have known that the advance was unwelcome; and/or
- b) A reprisal or threat of reprisal for the rejection of a sexual solicitation or advance made by a person who is in a position to grant or deny a benefit.

Behaviours Constituting Harassment

- Differential treatment of employees or co-workers based on race, gender, ethnicity, etc.
- Verbal or written comments, jokes, teasing, and/or other communication of a sexual nature;
- Demeaning language based on gender or sexual preference;
- Graphic comments about an individual's body;
- The use of sexually degrading words to describe an individual;
- The display of sexually suggestive objects and/or pictures in the workplace;
- Foul or obscene language and/or gestures;
- Unwanted physical conduct such as patting, pinching, and/or brushing up against another person's body;
- A promise of better treatment in return for sexual favours; and/or
- Indirect or expressed threats for refusal of a sexual request.

Responsibilities of Board Members, Managers and the Coordinator

- Promote a harassment-free workplace;
- Provide employees with information and instruction regarding the workplace policy and program with respect to workplace harassment including appropriate steps to be taken and investigation procedures;
- Take every reasonable precaution for the protection of the worker;
- Ensure employees understand who to contact regarding concerns about the policy or when to report an incident;
- Model behaviour, which helps support a positive work environment;
- Ensure the workplace is free from harassment and discrimination;
- Respond to complaints brought to their attention.
- Respect the confidentiality and sensitivity of such issues;
- Document all information and investigation results;
- Request that an investigation into allegations of harassment be conducted where appropriate;
- If witnessing harassment or elements of a poisoned work environment, take action.

Responsibilities of Employees

- Compliance with this policy is the responsibility of all employees;
- Employees must avoid any behaviour or conduct that could reasonably be interpreted as a violation of this policy;
- Employees must maintain a work environment free from discrimination, and harassment;



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Process for Making Harassment Complaints

For less serious incidents of harassment, if employees have witnessed or experienced conduct which they believe to be inconsistent with this policy, they have a responsibility to:

Step 1:

- Make the objection clearly known to the offender.
- Ask the individual to stop the behaviour.
- Where an employee approaches another employee with a workplace harassment complaint/concern, s/he should clearly state that the perceived action/behaviour is viewed as harassment under the terms of the Centre's policy.

Step 2:

- In certain circumstances, it may be inappropriate or the employee may feel uncomfortable in asking the individual to stop. In this case, the behaviour should be directly reported to the Coordinator.
- If the behaviour continues after making the objection known, or is more serious in nature, contact your Coordinator.
- A written record of the action/behaviour and complaint should be provided to your Coordinator including the dates, times, nature of the action/behaviour, and witnesses (if any).

Investigation Process by the Coordinator or Board of Directors

- All complaints will be investigated promptly.
- All those directly involved and witnesses will be spoken with.
- Notes/statements will be prepared during each interview, reviewed by the person(s) being interviewed and signed for accuracy.
- Records or other documents relevant to the incident being investigated (this may include work schedules, complaints and observation notes and may involve taking pictures of the scene) will be reviewed.
- Relevant collective agreement or employment contract language or organizational policies/procedures will be reviewed.
- Depending on the scope of the investigation, employees may need to seek the assistance of the Coordinator.
- A final summary/report of the investigation will be prepared. Records will be kept on file and submitted to any agency or person as requested.

Corrective Action

Any employee found to have engaged in conduct that violates this policy will be subject to discipline, up to and including termination of employment. Because allegations of harassment are very serious, frivolous complaints found to have been made for improper purposes will result in disciplinary action being taken against the complainant.

If any employee receives a complaint of harassment or is otherwise aware of or informed of a harassing situation, he or she must inform the Coordinator or the Board of Directors immediately. ECE employees should note that harassment findings could be considered "professional misconduct" under the regulations of the Early Childhood Educators Act, 2007 as this definition includes "acting in disgraceful, dishonourable or unprofessional manner" and "conduct unbecoming of a member", among other things. As such, upon receiving a written complaint, additional recourse against a member of the College could occur under the complaints and disciplinary provisions of the Act.

Confidentiality

Employees should feel secure in knowing that their concerns will be handled discreetly and sensitively. As such, employee issues will usually remain between the employee, and their Coordinator. On occasion, however, an investigation may require consulting with another employee or Coordinator or the Board, in order to ensure an appropriate resolution. In such cases, the employee will be consulted prior to involving others.



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If an employee receives a harassment complaint, or is otherwise aware or informed of a harassing situation, she/he must inform the Coordinator immediately.

Reprisals

This policy strictly prohibits reprisals against an employee because s/he has brought forward a legitimate concern or has provided information regarding a concern under this policy. Any employee who commits or threatens reprisal against another employee for following this, or any of the Centre's policies in good faith, may be subject to discipline, up to and including dismissal for cause.

All employees are encouraged and expected to assist the Centre in its attempts to prevent and eliminate harassment in the workplace by promptly reporting known incidents of harassment and discriminatory conduct and by treating your co-workers with courtesy and respect. The Centre, in turn, will do its best to deal with complaints that may arise in a fair, objective and concise manner. Any proven allegations of misconduct under this policy will result in severe discipline up to and including immediate dismissal from employment.