

ANTI-HARASSMENT POLICY [DRAFT]

CHMA is committed to a healthy, harassment-free and violence-free environment for all our volunteers and contractors. CHMA has developed a policy intended to prevent and respond to workplace harassment and violence of any type, and effectively address any incident that might occur.

Application

This policy applies to all volunteers, contractors, Board members and employees at CHMA who are engaged in work, work-related activities or work-related relationships. It applies to volunteers, contractors and employees carrying out station duties both on and outside of station property. This policy applies to all incidents of workplace harassment and violence, including sexual harassment and sexual violence, third party violence, and online harassment between volunteers, contractors, Board members and employees at CHMA.

Definition of harassment and violence

The *Canada Labour Code* (the Code) defines harassment and violence at subsection 122(1) as “any action, conduct or comment, including of a sexual nature that can reasonably be expected to cause offense, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.”

Harassment

Harassment can include but is not limited to any of the following acts or attempted acts:

- spreading rumours or gossip about an individual or group
- cyber bullying (threatening, spreading rumours or talking negatively about an individual online)
- threats made over the phone, by email, or through other medium (e.g., texts, instant messaging, etc.) to a volunteer or contractor including from an (ex) partner or family member
- making offensive jokes or remarks
- playing unwanted practical jokes
- socially excluding or isolating someone
- stalking or inappropriately following a person
- tampering with someone’s work equipment or personal belongings
- vandalizing or hiding personal belongings or work equipment
- impeding a person’s work in any deliberate way
- persistently criticizing, undermining, belittling, demeaning or ridiculing a person
- intruding on a person’s privacy
- public ridicule or discipline

- unwelcome physical contact
- sexual innuendo or insinuation
- unwanted and inappropriate invitations or requests, including of a sexual nature
- displaying offensive posters, cartoons, images or other visuals
- making aggressive, threatening or rude gestures

Misusing authority, including:

- constantly changing work guidelines
- restricting information that a person needs to perform their duties
- setting impossible deadlines that lead to failure
- blocking applications for leave, training or promotion in an arbitrary manner
- engaging in any of the actions, conduct and comments outlined above against a person because of that person's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, disability, interaction between you, or any of the other prohibited grounds that the Canadian Human Rights Act lists

Harassment is not any of the following:

- consensual workplace banter and interactions (unless it includes hurtful remarks about others, especially if they pertain to any of the prohibited grounds listed above)
- reasonable management action carried out in a fair way, such as day-to-day actions by a supervisor or manager related to: performance, absenteeism, assignments, discipline, and even dismissal (unless it is abusive or discriminatory)

Workplace disagreement or conflict that is poorly-handled or left unresolved can lead to harassment. All volunteers, contractors, Board members and employees at CHMA have a responsibility to resolve workplace conflict in good faith, and in a timely manner.

Violence

Violence can include but is not limited to the following acts or attempted acts:

- verbal threats or intimidation
- verbal abuse, including swearing or shouting offensively at a person
- contact of a sexual nature
- kicking, punching, scratching, biting, squeezing, pinching, battering, hitting, spitting at, or wounding a person in any way
- attack with any type of object or weapon
- slander of character in any digital format
- following/"stalking"

Role of CHMA

The role of CHMA in relation to harassment and violence prevention includes:

- committing to preventing harassment and violence in the workplace
- jointly reviewing and, when necessary, updating this policy at least once every 3 years or following any change to an element of this policy. This responsibility will fall to the **Harassment and Violence Prevention (HVP) team**, defined typically as the Executive Director, the HR Representative of the Board, and the Board Chair unless otherwise assigned
- making available to all volunteers, contractors & employees information related to support services
- jointly developing or identifying harassment and violence prevention training with the **HVP team**
- delivering harassment and violence training to all volunteers and contractors and the designated recipient
- jointly reviewing and, when necessary, updating the training with the **HVP team** at least once every 3 years and following any change to an element of the training

Role of the HVP Team

Under this policy, the Harassment and Violence Prevention (HVP) team will act as the recipient of all complaints. In the event that a complaint is lodged against a member of the HVP Team, that member will be suspended from their role indefinitely during the active complaint process. The role of the HVP Team in relation to harassment and violence prevention at CHMA includes:

- Responding in writing to all notices of an occurrence within 7 days of receiving the notice
- initiating negotiated resolution with the complainant within 45 days after the day on which the notice of an occurrence is received
- reviewing every notice of an occurrence with the Complainant against the definition of harassment and violence outlined subsection 122(1) of the Code
- making every reasonable effort to resolve an occurrence for which a notice has been provided
- allowing the Complainant and Respondent the option of participating in conciliation if they both agree to participate and on who will facilitate the conciliation
- providing notice of an investigation to the principal and responding parties if the principal party requests an investigation

Role of volunteers, employees and contractors

The role of all volunteers, employees and contractors in relation to harassment and violence prevention at CHMA include:

- refraining from committing harassment and violence
- where appropriate and safe, informing a person committing harassment and violence that their actions are inappropriate and unwelcome
- reporting all occurrences of harassment and violence to their supervisor or the HVP team when they experience or witness it
- where appropriate, making every reasonable effort to resolve an occurrence of harassment and violence through negotiated resolution if they were a party to an occurrence
- cooperating with an investigator and the investigation process related to an occurrence

- refraining from retaliatory behaviour against the principal party, responding party, witnesses and any other individuals who are involved in the resolution process of an occurrence
- respecting the confidentiality of the information shared throughout the resolution process of an occurrence

Notice of an occurrence

You are encouraged to notify the **HVP Team** if:

- you are a volunteer/employee/contractor who experience harassment and violence in the workplace, or
- you are an individual (employees or non-employees) who witnessed an occurrence of harassment and violence in the workplace

Notify the Executive Director by email at: station@chmafm.com. Alternatively, you can reach out to the board at board@chmafm.com. Please consider that all board members, but not the Executive Director, have access to the board email address. The board has a designated Health and Safety Director that will be listed in the About section of www.chmafm.com.

There is also a complaint form, located in the About section of our website [here](#) that is directly submitted to the Executive Director. The form should be filled out to include the following information:

- the name of the Complainant(s) and the Respondent(s) (if known)
- the date of the occurrence
- a detailed description of the occurrence

If the individual is not able to provide this information in written form, they may provide this information to the HVP Team verbally. The HVP Team will then transcribe the information for them on the form. Following transcription, the Complainant will be given the opportunity to review the transcription to ensure their intended meaning has been accurately reflected in the document. This step must be completed before moving on with the resolution process.

Please note that, in order to proceed with the resolution process, it is mandatory to provide the name or identity of the Respondent who was involved in the occurrence. If you do not provide the name or identity of the Respondent, the occurrence will not be further reviewed.

CHMA cannot reveal the identities of the parties involved in the resolution process for an occurrence to the health and safety representative without the consent of Complainant(s) and Respondent(s). However, the identities of the parties may be revealed to each other as part of the resolution process.

Negotiated resolution

Negotiated resolution is an informal process where the Complainant and the employer discuss an incident, clarify its details, and attempt resolution. The HVP Team facilitates this process, assessing whether the incident meets harassment and violence criteria. If it doesn't, the incident is deemed resolved. If there's disagreement, the complainant can either continue negotiations or opt for conciliation or investigation. If negotiations continue, the HVP Team organizes several

meetings, potentially including the responding party, based on the main party's preference. The meetings can involve only the main party and an HVP Team member, both parties and a team member, or separate meetings for each party with a team member.

Conciliation

A Complainant and Respondent may engage in conciliation at any time during the resolution process. However, conciliation can only proceed if both the principal party and the responding party agree to engage in conciliation. They must also agree on the person who will facilitate the conciliation. However, conciliation can only proceed if an investigator has not provided their final investigation report.

The Complainant and Respondent are required to inform the HVP Team of their desire to participate in conciliation. The HVP Team will then facilitate discussion around the selection of a conciliator who is agreeable to both parties. The HVP Team will also schedule time for both parties to meet with the conciliator. The NCRA (National Campus and Community Radio Association) has acted in the capacity in the past.

Investigation

The Complainant may request an investigation at any time during the resolution process. If the Complainant wishes to proceed with an investigation, they must inform the HVP Team.

The HVP Team will then:

- provide notice of an investigation to the principal and responding party, and
- select an investigator from the list that has been jointly developed with the health and safety representative.

The selected investigator will investigate the occurrence and provide CHMA a report outlining:

- a general description of the occurrence
- their conclusion, and
- their recommendation to eliminate or minimize the risk of a similar occurrence

CHMA will then provide a copy of this report to the Complainant, Respondent and the HVP Team.

The report will not reveal, directly or indirectly, the identity of the persons who were involved in the occurrence or the resolution process for the occurrence.

CHMA will then meet to determine which of the recommendations in the investigator's report are to be implemented. CHMA will implement those recommendations within 1 year of receiving the notice of occurrence.

CHMA may take into consideration the findings in an investigator's report when applying disciplinary measures. However, disciplinary measures will also depend on the findings from a separate administrative investigation that the HVP Team will conduct in some circumstances.

CHMA cannot use the findings in an investigator's report for any of the following purposes:

- replenishment of sick leave
- granting of any additional paid or unpaid leave
- monetary remuneration for damages

Representation

At any time during the resolution process, a volunteer, employee or contractor may be accompanied or represented by a:

- friend
- partner
- colleague, or
- person of their choosing

Protection against reprisal

Parties involved in an occurrence are forbidden from seeking retaliation. If you experience any retaliatory action or threat of retaliatory action from the responding party, witnesses, management, or other people within or outside the organization, please inform the HVP Team immediately.

Workplace assessment

The HVP Team will review and update the workplace assessment if an individual submits a notice of an occurrence and the resolution process cannot proceed for any of the following reasons:

- the Complainant chooses to end the resolution process at any point during the resolution process but the occurrence is not resolved
- the Complainant is not a volunteer, employee, contractor or the employer (e.g., the responding party is a member of the public, a volunteer, or an (ex)-partner or family member)

The purpose of the review and update of the workplace assessment is to:

- determine what happened, taking into account the circumstances of the occurrence
- determine whether all risk factors have been appropriately identified
- develop new preventive measures, if needed, to mitigate the risk of a similar occurrence.

Emergency procedures

If a harassment and violence occurrence poses an immediate danger to the health and safety of a volunteer or contractor, or if there is a threat of such an occurrence, please call 911 immediately for emergency services (police, fire and ambulance).

Below is a summary of the emergency procedures that CHMA must implement in various

types of situations.

Hostile Individuals / Violence in the Workplace

Responding to an incident involving a hostile individual causes all of us concern. Hostile individuals are unpredictable and we are often uncertain how to best respond to their aggressive behaviour. While each incident is unique and will require modifications as the level of hostility increases, there are general safety considerations and interventions that have proven effective.

If you witness or experience violence at work:

1. Remove yourself from the situation if you can.
2. Inform both CHMA Executive Director and Mount Allison University security, and seek help from a co-worker or fellow volunteer if possible
3. If your CHMA contact is the perpetrator, notify a representative of the Board of Directors. If your physical security or well-being is threatened, call 911.

If you are dealing with a violent or escalated person:

1. Model control, don't demand it. Project a calm professional demeanor. By keeping your emotions in check, you increase your chances of decreasing anger and emotional turmoil in others. This leads to an increased ability of the other person to respond to logic rather than emotion. If you lose your temper, the chances of the incident ending in violence rapidly escalate.
2. Listen, listen, listen – let them talk. If an angry individual is willing to talk, let them. Do not interrupt. Talking is an easy and face saving way for an angry person to calm down. If the behavior persists, end the conversation. Use silence to your advantage.
3. Let them save face. Everyone appreciates a way out. Think of providing choices as you listen. Be reassuring. Repeat back to confirm what you have heard. Break a problem into smaller pieces and often step-by-step solutions. Be honest and do not offer what you cannot deliver. Do not tell the person to calm down. Do not criticize. Empathize. Let the person know they are being heard.
4. Maintain eye contact. Remember that a person can move several metres in less than a second. Don't stare but keep the person or persons in sight at all times.
5. When possible, keep a barrier between you and the individual. Barriers decrease the chances of assault.
6. Respect the person's personal space, and allow a clear exit for the aggressor. If the aggressor chooses to leave, allow them to go. Make sure they have a way out. If possible, politely notify the person that you will leave the work area. Do not fight. Walk or run away if necessary.
7. If the violent person refuses to leave the premises, and the situation escalates, call 911.

Document the incident and notify Mount Allison security, followed by the RCMP if deemed necessary, then contact Station management after you are safe or the incident has been resolved.