

Attic Broadcasting Co. Ltd.'s

Sexual Harassment Policy

Approved by: Attic Broadcasting Co. Ltd. BOARD OF DIRECTORS

Approval date: MARCH 29, 2005

Effective date: MARCH 29, 2005

Revised: ---

Administered by: The Board Of Directors

1 – Purpose

- 1.1 Attic Broadcasting Co Ltd. firmly believes that every employee and volunteer is entitled to a workplace free from sexual harassment.
- 1.2 The purpose of this policy is to ensure that Attic Broadcasting Co. Ltd. is in compliance with Division XV.1 of Part III of the *Canada Labour Code*, which establishes an employee's right to employment free of sexual harassment and requires employers to take positive action to prevent sexual harassment in the work place.
- 1.3 Attic Broadcasting Co Ltd. will make every reasonable effort to ensure that no employee or volunteer is subjected to sexual harassment and will take disciplinary measures against any person under its direction who subjects any employee or volunteer to sexual harassment.

2 – Definitions

- 2.1 “Sexual Harassment”
Any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee or volunteer that might, on reasonable grounds, be perceived by that employee or volunteer as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.
- 2.2 “Investigator”
All reported incidents of Sexual Harassment will be investigated internally by either the Station Manager or Ombudsperson who shall herein be referred to as the Investigator.

3 – Making A Complaint

- 3.1 Complaints of sexual harassment must be brought to the attention of the Station Manager or the Ombudsperson for Attic Broadcasting Co. Ltd. within 12 months of the last alleged incident.
- 3.2 All employees of Attic Broadcasting Co. Ltd. also have a right to make a complaint under the *Canadian Human Rights Act*.

4 – Obligation To Investigate

- 4.1 Prior to investigation, all complaints must be made in writing and signed by the complainant. Complaints should be as specific and complete as possible.
- 4.1 Having received a signed complaint, it is the obligation of Attic Broadcasting Co. Ltd. to carry out an investigation.

5 – Advising The Complainant

- 5.1 The Investigator shall immediately:
 - a) advise the complainant of his/her rights under the Canadian Human Rights Act and that these proceedings will not jeopardize his/her right to take further action against either the employer and/or the respondent, whether through the Canadian Human Rights Commission or the legal system;
 - b) explain the process of the investigation, including providing a copy of this document. The manager should also ask for comments or suggestions on procedure that might allow a more expedient investigation;
 - c) advise him or her of his or her right to have counsel or an advocate with him or her at all meetings during the investigation which he or she are invited to attend.
 - d) advise the complainant that his or her participation in the investigation is voluntary;
 - e) review the complaint fully, request names of possible witnesses and remedy sought;
 - f) advise the complainant that a copy of the complaint will be provided to the respondent;

6 – Notification Of The Respondent

- 6.1 After meeting with the complainant, the Investigator shall notify in writing the individual accused of sexual harassment that a complaint has been lodged against him/her, giving to him or her a copy of the complaint or details of the complaint.
- 6.2 The notification should:
- a) notify him/her of the complaint;
 - b) advise him/her of his or her right to counsel or an advocate at all meetings with the investigator; and
 - c) request a meeting with the respondent.

7 – Meeting With The Respondent

- 7.1 Upon meeting with the respondent, the Investigator shall:
- a) advise him/her of the complainant's rights under the Canadian Human Rights Act, and that his/her participation in the investigation will not jeopardize the rights of either the complainant or respondent to further action under the Canadian Human Rights Commission or the courts;
 - b) explain the process of the investigation, including providing a copy of this document. The Investigator should also ask for comments or suggestions on procedure that might allow a more expedient investigation.
 - c) advise him/her of their right to have counsel or an advocate with him/her at all meetings during the investigation which he/she is required to attend.
 - d) advise the complainant that his or her participation in the investigation is voluntary.
 - e) advise him/her that the investigation will continue regardless of his/her willingness to participate.
 - f) review the complaint and hear the respondent's response.
 - g) ask the respondent to provide the names of possible witnesses.

8 – Reporting To The Board

- 8.1 If a resolution is reached after meeting with both the complainant and respondent, the Investigator shall prepare a report, including documentation and recommendation(s), which shall be forwarded to Attic Broadcasting Co. Ltd's Board of Directors.

- 8.2 If a resolution is not reached after meeting with both the complainant and respondent, or should the respondent refuse a meeting, the Investigator shall continue the investigative process, including, at a minimum:
- a) interviews with any witnesses;
 - b) accurate and complete documentation of the evidence concerning the complaint; and
 - c) a finding and recommendation(s), to be made in writing.

9 – Role Of The Board Of Directors

- 9.1 The Board of Directors shall appoint a committee of three board members to review all material submitted to it, shall provide copies of the Investigator's report to the complainant and respondent, and shall meet with all involved parties to discuss the Investigator's report.
- 9.2 If both the complainant and the respondent agree to the Investigator's report and recommendations, the Board may approve the report and direct the implementation of the recommendations.
- 9.3 If either the complainant or the respondent object to the report and/or recommendations of the Investigator, the Board shall proceed as follows:
- a) A hearing shall be held by the Board in the presence of the complainant, the respondent and their advocates;
 - b) The Board will ask the complainant and/or the respondent to state why the facts and recommendations are not agreeable;
 - c) The meeting will proceed under the direction of the Chair based on the responses to (b) above;
 - d) Any questions to anyone present are to be directed to the members of the Board, who shall determine whether the question is to be asked and, if so, of whom;
 - e) The respondent and the complainant have the right to remain silent on any questions asked to him/her by members of the Board; and
 - f) Witnesses, if any, will be excluded from the hearing until called. There will not be any swearing or cross examination of witnesses. Questions will be directed by the members of the Board only. In particular, the Chair will require prior notice as to witnesses.
- 9.4 Once the requirements contained in this policy have been satisfied, the Board shall decide upon a course of action, taking into consideration all of the facts of the case and the recommendation forwarded by the Investigator.

- 9.5 The Board shall inform all the individuals concerned of the decision taken. Should sexual harassment be found to have occurred, the Board shall decide upon disciplinary sanctions and measures for remedying or mitigating any employment harm or disadvantage suffered by any person(s) as the result of the incident(s) of sexual harassment.
- 9.6 The Board may also make recommended changes in station policy and procedure indicated by the investigation.

10 – Confidentiality

- 10.1 Attic Broadcasting Co. Ltd. will not disclose the name of the complainant or the circumstances related to the complaint to any person unless disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation to the complaint.
- 10.2 Attic Broadcasting Co. Ltd. will not disclose the name of the respondent or the circumstances related to the complaint to any person unless disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation to the complaint.
- 10.3 Physical copies of information relating to an incident will be kept in a locked cabinet or in offices to which access is restricted for a period of 12-months from the date of the incident.
- 10.4 Electronic copies of information relating to an incident shall be stored only on computers or in computer systems that are password protected for a period of 12-months from the date of the incident.
- 10.5 Access to information relating to an incident will only be provided to persons who need to have access in order to do their jobs.