

## Council Policy

Policy Name	<b>Respectful Work Policy for Members of Council</b> Understanding, preventing and addressing harassment, discrimination, and violence among and by members of Council
Issue Date	<b>September 23, 2021</b>
Revision Dates	<b>December 6, 2024</b>

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### Overview

This Policy is adopted to advance OAA's commitment to creating and maintaining a respectful work environment for all stakeholders, including its members of Council, and to comply with OAA's obligation to provide members of Council, volunteers and staff with a healthy work environment, free from discrimination, harassment and violence.

The OAA will take all reasonable steps to ensure that all members of Council are aware of their rights and responsibilities relating to maintaining a harassment, discrimination, and violence-free work environment. This policy will be reviewed as often as necessary and at least once every three years.

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### Application

This policy applies to all members of Council when they engage in conduct, regardless of location and expressly including conduct occurring in virtual environments, that is in furtherance of their duties as Council members or that may reflect on the OAA's perception by the public.

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### Prohibited Conduct

The following types of conduct are prohibited under this policy:

#### a) Harassment

"Harassment" means a course of comment or conduct that is known, or ought reasonably to be known, to be unwelcome. Harassment can take many forms but often involves conduct or comment that is insulting, intimidating, humiliating, demeaning, or otherwise causes offence, discomfort, or embarrassment to a person or group of persons. It may be intentional or unintentional.

Although "harassment" usually describes a pattern of behaviour, in some cases, a single incident will be serious enough to constitute harassment.

Harassment can include, but is not limited to:

- Offensive remarks, jokes, or gestures whether spoken in-person or online;
- Spreading malicious rumours or gossip.

Specific types of harassment include:

- I. Grounds-based harassment – This type of harassment includes behaviour that targets an individual because of one or more of the “Protected Grounds” set out in human rights legislation, such as: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

Examples:

- Mimicking someone who has a disability;
- Making offensive comments about members of a racialized group;
- Disparaging a particular religion;
- Refusing to use a person’s preferred gender pronouns.

- II. Psychological harassment (sometimes known as personal harassment) – This type of harassment is not related to a particular “Protected Ground” but is nonetheless damaging to a person’s dignity or psychological and/or physical well-being. It has the effect of tormenting, ostracizing, or humiliating an individual.

Examples:

- Making remarks, jokes or innuendos that demean, ridicule, intimidate or offend;
- Displaying or circulating offensive pictures or materials;
- Isolating, shunning, or excluding.

- III. Sexual harassment – This type of harassment involves behavior that relates to one’s sex, sexual orientation, and gender identity or gender expression. It also includes making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the person and the person knows or ought to reasonably know that the solicitation or advance is not welcome.

Because “sexual harassment” is a kind of harassment based on a “Protected Ground” (namely, sex, sexual orientation, gender identity and/or gender expression), it is also prohibited under human rights legislation.

Examples:

- Making unwelcome sexual or romantic advances or propositions;
- Sexually suggestive gestures;
- Comments about a person’s body or appearance;
- Offensive comments about sexual orientation or gender identity;
- Sexual jokes, sexually explicit conversation, and/or intrusive sexual questions;
- Inappropriate touching;
- Physical assault;
- Inappropriate staring.

## **b) Discrimination**

“Discrimination” means any form of unequal treatment based on a “Protected Ground” (see above) whether imposing extra burdens or denying benefits. It may be intentional or unintentional.

Discrimination can be obvious or it can occur in very subtle ways.

Examples:

- Against her wishes, a female member of Council is not spoken to at Council or committee meetings regarding finance-related decisions because others assume that she’s not good at math because of her sex;
- A member of Council is not selected for a particular position because of their religious background.

## **c) Abuse of authority**

“Abuse of authority” is a kind of harassment that occurs when a person misuses the power inherent in his or her position to unfairly endanger another person’s job, undermine them, threaten their economic livelihood, or in any way



improperly interfere with their career. It should not be confused with the legitimate exercise of their duties, even when someone believes that they have exercised them improperly - it is more than a flawed administrative decision.

Examples:

- Using a position of power to intimidate, threaten, mistreat, or blackmail others;
- Unjustifiably withholding information so as to compromise another's ability to do their job;
- Reprimanding or otherwise humiliating a worker in front of others.

#### **d) Workplace violence**

"Workplace violence" refers to any of the following:

- An exercise of physical force by a person against a worker, in the work environment, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker in the work environment, 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 the work environment, that could cause physical injury to the worker;
- Domestic violence situations wherein a person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partners – physically harms, attempts or threatens to physically harm that worker in the work environment.

Examples:

- Threatening to harm someone, either verbally or in writing
- Hitting or attempting to hit someone
- Throwing an object at someone

#### **e) Reprisal**

"Reprisal" means to threaten or take retaliatory action against someone for exercising their rights under this policy, or under human rights or health and safety legislation.

No one will be penalized, punished, or subjected to negative treatment of any kind for bringing an incident of discrimination, harassment, or violence to the OAA's attention, or for participating in an investigation or resolution of an incident or complaint.

If any Member of Council is exposed to or observes any the Prohibited Conduct, even if the Prohibited Conduct is not directed at that member of Council, it is nevertheless Prohibited Conduct and must be addressed.

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### **Responding to Prohibited Conduct**

Anyone may report incidents of Prohibited Conduct to the Chief Operating Officer or the President of Council (or, if the conduct concerns the President of Council, it may be reported to one or two Vice-Presidents of Council).

Any such reports will be received under and addressed in accordance with, the OAA's Policy for Compliance with Duties of Members of Council.

