

## Council Policy

Policy Name	<b>Respectful Work Policy for Members of Council</b> Understanding and addressing harassment, discrimination, and violence among and by members of the Council
Issue Date	<b>September 23, 2021</b>
Revision Dates	<b>N/A</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 the Council, and to comply with OAA's obligation to provide members of the Council with a healthy work environment, free from discrimination, harassment and violence.

The OAA will take all reasonable steps to ensure that all members of the 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 the Council. Under this policy, discrimination, harassment and violence will not be tolerated from anyone, including other employees, customers, guests, visitors, or domestic partners who enter the work environment.

The work environment is defined broadly and includes any environment or situation that has a connection to, or adverse impact on, the dynamics and relationships of members of the Council in the course of their work with the OAA. Whether incidents occur in a built environment or virtual environment, including online, if there are negative repercussions for the affected individual member of the Council in the course of their work with the OAA, it will be addressed by this policy.

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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 the Council is not spoken to regarding finance-related decisions because others assume that she’s not good at math because of her sex;
- A member of the 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 a member of the Council
- 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 member of the Council 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 the Council is exposed to or observes any the Prohibited Conduct, even if the Prohibited Conduct is not directed at that member of the Council, it is nevertheless Prohibited Conduct and must be addressed.

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**Responding to Prohibited Conduct**

There are three ways in which complaints about Prohibited Conduct under this policy may be dealt with: Emergency response, Informal approach, and Formal approach.

**a) Emergency response (mandatory where violence is imminent or has occurred)**

If a member of the Council feels that an incident of workplace violence has or is likely to occur, they must report this incident immediately, and contact emergency services (i.e. 911) if appropriate (for example, in the case of an immediate threat of physical harm). Where an imminent threat of harm exists, a member of the Council should be mindful of their personal safety and should not interfere except to summon emergency assistance. As soon as the



imminent threat has subsided, or following any incident of workplace violence, the member of the Council must report the incident through the “Formal approach” (see below).

**b) Informal approach**

Members of the Council with non-violent, minor concerns, and/or who feel comfortable resolving their concerns on their own, are encouraged to do so informally prior to seeking formal resolution. Wherever possible, they should speak or write to the person engaging in the concerning behaviour one-on-one to let them know that their conduct is unwelcome and to ask them to stop immediately.

If the problem is not resolved, or if one of the parties feels he or she cannot speak directly with the other person, other options such as a facilitated dialogue or mediation can be explored.

In these cases, the member of the Council should make detailed notes about what happened, when it happened, who was involved, and who may have witnessed the incident. These details may be needed to refresh one’s memory in the event that the problem is not corrected and the matter needs to be pursued further.

**c) Formal approach**

If a member of the Council feels uncomfortable or unsafe addressing the issue on their own; if they are unsuccessful in resolving the issue informally; or if they experience an incident of workplace violence (and the immediate threat has subsided), they should bring the incident to the Manager, HR or President of Council as soon as possible and the matter will be addressed in accordance with the Policy for Compliance with Duties of Members of the Council.

