

## Editors' Association of Canada/Association canadienne des réviseurs Workplace Harassment Procedures

Effective date: June 2021

These are the procedures to implement the Editors' Association of Canada/Association canadienne des réviseurs *Workplace Harassment Policy*.

### Definitions

The definitions in the Editors' Association of Canada (Editors Canada) *Workplace Harassment Policy* apply to this procedures document.

Note that the terms "work," "worker" and "workplace apply to association staff, members and student affiliates.

### Where can harassment occur?

The scope of the policy applies to worker behaviours in the workplace or at any location or any event related to work, including while

- on travel status,
- at a conference where the attendance is sponsored by Editors Canada,
- at training activities/sessions sponsored by Editors Canada, and
- at events, including social events, sponsored by Editors Canada.

### What criteria have to be met to establish whether there was harassment?

Harassment is serious. To substantiate harassment allegations, it must be demonstrated that, according to the balance of probability, **each of these has occurred**.

- The respondent displayed an **improper and offensive conduct**, including objectionable acts, comments or displays, or acts of intimidation or threats, or acts, comments or displays in relation to a prohibited ground of discrimination under the *Canadian Human Rights Act*.
- The behaviour was **directed at** the complainant.
- The complainant was **offended or harmed**, including the feeling of being demeaned, belittled, personally humiliated or embarrassed, intimidated or threatened.
- The respondent **knew or reasonably ought to have known** that such behaviour would cause offence or harm.
- The behaviour occurred in the **workplace** or at any **location or any event related to work**, including while on travel status, at a conference where attendance is sponsored by the employer, at employer-sponsored training activities/information sessions and at employer-sponsored events, including social events.

- There was a **series of incidents or one severe incident** that had a lasting impact on the individual. Note that in the case of sexual harassment particularly, a single incident may be viewed to be more significant in circumstances when the relationship at work is one where the respondent has influence or power over you with regard to career advancement, performance review, absenteeism, day-to-day management of activities, work assignments and the carrying out of progressive disciplinary measures.

In order to make a finding of harassment, **each of the above elements must be present**. If even one of these elements cannot be proven, there will not likely be a finding of harassment.

### **Examples of what constitutes harassment when repeated or as one single severe event**

- Preventing a person from expressing themselves: yelling at the person; threatening; constantly interrupting that person; prohibiting the person from speaking to others.
- Unwanted sexual advances which may or may not be accompanied by threats or explicit or implicit promises.
- Making rude, degrading or offensive remarks.
- Making gestures that seek to intimidate.
- Engaging in reprisals for having made a complaint under this procedure and its related policy.
- Discrediting the person by spreading malicious gossip or rumours, ridiculing them, humiliating them, calling into question their convictions or their private life, shouting abuse at them.
- Compelling the person to perform tasks that are inferior to their competencies that demean or belittle them, setting the person up for failure, name-calling in private or in front of others.
- Isolating the person by no longer talking to them, denying or ignoring their presence, distancing them from others.
- Destabilizing the person by making fun of their beliefs, values, political and/or religious choices, and mocking their weak points.
- Harassing a person based on a prohibited ground of discrimination (as described in the *Canadian Human Rights Act* and contained in the *Editors Canada Workplace Harassment Policy*).

## Examples of what does not constitute harassment

- These are examples of the normal exercise of management’s right to manage (and therefore are the legitimate exercise of management’s authority):
  - the day-to-day managing of operations, performance at work or absenteeism
  - assigning tasks
  - performing reference checks
  - applying progressive discipline, up to and including termination

**Note:** While exercising normal managerial functions is not harassment, how such functions are exercised can risk giving rise to the potential for harassment or perceptions of harassment.

- Workplace conflict in itself does not constitute harassment but could turn into harassment if no steps are taken to resolve the conflict.
- Work-related stress in itself does not constitute harassment, but the accumulation of stress factors may increase the risk of harassment.
- Difficult conditions of employment, professional constraints and organizational changes do not constitute harassment.
- A single or isolated incident, such as an inappropriate remark or having an abrupt manner, does not constitute harassment.
- A social relationship welcomed by both individuals does not constitute harassment.
- Friendly gestures among co-workers, such as a pat on the back, do not constitute harassment.

## Incidents must be specific

The person who lodges a harassment complaint must, in all cases, present *specific* information about the incidents, the dates, where things happened, and if there were any witnesses present. The complainant must say why they think the behaviour constitutes harassment.

Here are some examples:

Specific	Too vague
This person keeps on putting their hand on my shoulder when we interact, even after I told them I was uncomfortable with their gesture.	This person touches me and it gives me the creeps.
The person berated me in front of colleagues and left slamming the door. I felt humiliated and embarrassed. Person X was present when this happened and they felt very uncomfortable too.	They went on a rant and slammed the door in my face.

## **If you believe you have been harassed**

If you believe that you have been harassed, you are encouraged to make it known to the other person as soon as possible in an attempt to resolve the problem. The earlier the problem is addressed and discussed, the better the chance of it being resolved and the inappropriate behaviour stopped.

If the problem is not resolved, or if you feel you cannot speak directly to the other person, you should notify the association executive director or one of the members of the national executive council with whom you are comfortable discussing the matter and who will treat the information confidentially, and follow up on the reported incidents or complaints in a timely manner. The executive director or the person on the national executive council with whom you have raised your concerns will investigate the allegations.

The goal is to have the complaint addressed objectively and investigated in an appropriate manner.

Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

## **Investigating incidents and complaints**

The person who investigates should not be involved in the incident and should not be under the direct control of the alleged harasser.

Some matters will not require a complicated investigation, while others might require more time. The length of time will depend on the nature of the circumstances and complexity of the incident or complaint. Some investigations may only take a few hours or days, while others may take longer (for example, up to 90 days). In exceptional cases, an investigation may take even longer.

In some rare cases, an external investigator may be called in to investigate (such as someone who specializes in workplace harassment investigations).

Investigations can be stressful for the person alleging harassment, the alleged harasser and even other workers. Investigations should therefore be done as quickly as possible, while allowing for sufficient time for a complete, thorough and fair investigation.

Some situations, such as those involving allegations of sexual harassment, may be more complex and need a rigorous investigation.

Stages in a more complex investigation typically include:

- a review of details of the incident or complaint, including any relevant documents;
- an interview or interviews with the worker alleging harassment;
- an interview or interviews with the alleged harasser, if they work for or are a member of Editors Canada;
- an interview or interviews with the alleged harasser, if they are not a worker or member of Editors Canada and if it is possible and appropriate;

- separate interviews with witnesses who can provide direct and relevant evidence to substantiate allegations of harassment;
- examination of relevant documents or other evidence that pertains to the investigation (such as emails, notes, photographs or videos);
- a decision about whether a complaint or incident is workplace harassment; and
- preparation of a report summarizing the incident or complaint, the steps taken during the investigation, the evidence gathered, findings and conclusions (such as whether workplace harassment occurred, did not occur, or that it was not possible to make a determination).

During the investigation, the person who complained about workplace harassment should be kept informed about the status of the investigation, as should the alleged harasser if they also work for the association or are a member/student affiliate.

### **Resolving the situation**

The goal is to have the complaint addressed objectively and investigated in an appropriate and timely manner.

Depending on the complexity and severity of the situation, if a determination of harassment has been established, the investigator will attempt to end the harassment to the satisfaction of the person who raised the complaint so they can feel respected and safe in continuing their work with the association.

If a determination of harassment has been established, and the person who raised the complaint is not satisfied that they will be respected and safe in continuing their work with the association, the association may take further steps to remove the alleged harasser from future association work.

If a determination of harassment has been established, and the investigator believes that applicable laws may have been broken, the investigator will escalate the investigation to the appropriate legal authorities.

Workers should use the process set out in this procedure document to deal with their concerns about harassment, where possible.

A worker may also seek resolution of a workplace harassment incident or complaint outside of the association's internal investigation procedure. For example, a worker may:

- contact the Human Rights Legal Support Centre for help, or the Human Rights Tribunal of Ontario directly, to file an application to have their matter heard if the alleged harassment is based on one of the grounds prohibited under Ontario's Human Rights Code (or similar bodies and legislation in their home province); or
- seek to resolve harassment issues through civil litigation, depending on the circumstances.

## Revisions

Substantive revisions to these procedures must be ratified by a vote of the association's national executive council.

Adapted from:

[www.labour.gov.on.ca/english/hs/pubs/harassment/schedulec.php](http://www.labour.gov.on.ca/english/hs/pubs/harassment/schedulec.php)

[www.labour.gov.on.ca/english/hs/pubs/wpvh/harassment.php](http://www.labour.gov.on.ca/english/hs/pubs/wpvh/harassment.php)

[www.tbs-sct.gc.ca/psm-fpfm/healthy-sain/prh/mibh-sjh-eng.asp](http://www.tbs-sct.gc.ca/psm-fpfm/healthy-sain/prh/mibh-sjh-eng.asp)