

# Anti-Harassment Policy Statement

## Ensuring a safe and harassment-free working environment in the Canadian Federation of Medical Students



### Who this policy applies to

Canadian Federation of Students (CFMS) members, executive members, staff, representatives, visitors and all others conducting business with the CFMS.

**Date:** August 30, 2005

### Our commitment

The CFMS is committed to providing a safe and respectful work environment. No one has to put up with harassment within the CFMS, for any reason, at any time. And no one has the right to harass anyone else. This policy is one step toward ensuring that the CFMS office, meetings and electronic discussion forums are comfortable places for all of us.

### Harassment is against the law

The Canadian Human Rights Act, the Canada Labour Code and various other provincial Codes protect us from harassment. The Criminal Code protects us from physical and sexual assault. You have a right to live and work without being harassed, and if you are harassed, you can do something about it.

### Members' responsibilities

All CFMS members, executive members, staff, representatives, business associates and visitors have the responsibility to treat each other with respect, and to speak up if they or someone else is being harassed. All individuals have a responsibility to report harassment to the appropriate person. All individuals under this policy are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

### Executive Members' and Representatives' responsibilities

Each executive member and representative is responsible for striving for a safe working environment, free of harassment. Executive members must set examples for appropriate behaviour, and must deal with situations of harassment immediately on becoming aware of them, whether or not there has been a complaint. Courts may impose penalties on the CFMS or its executive members, even if they were not actually involved in or aware of the harassment but should have known about it. An executive member that did nothing to prevent harassment or to mitigate its effects may find her or himself facing financial and legal consequences.

### The Responsibility of the CFMS

As a volunteer organization and an employer, the CFMS also has a responsibility to be aware of what is happening within its places of work, be they meetings or in online discussion forums. The CFMS will treat all incidents of harassment seriously and will act on all complaints and to ensure that they are resolved quickly, confidentially and fairly. CFMS will discipline anyone who has harassed a person or group of people or who retaliates in any way against anyone who has complained of harassment, given evidence in harassment investigations or been found guilty of harassment. CFMS will also discipline executive members who do not act properly to end harassment. The CFMS will not put up with harassment.

Ashley Waddington  
President, CFMS

## **Appendix A – Definitions and Procedures**

### **1. What is harassment?**

Harassment is any behaviour that demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions, comments, or displays. It may be a single incident or continue over time.

Some examples of harassment include:

- unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a sexual relationship);
- displays of sexually explicit, sexist, racist, or other offensive or derogatory material;
- written or verbal abuse or threats;
- practical jokes that embarrass or insult someone;
- leering (suggestive staring) or other offensive gestures;
- unwelcome physical contact, such as patting, touching, pinching, hitting;
- patronizing or condescending behaviour;
- humiliating an employee in front of co-workers;
- abuse of authority that undermines someone's performance or threatens her or his career;
- vandalism of personal property; and/or
- physical or sexual assault.

Harassment can take place between anyone, including people of the opposite sex or of the same sex, and no matter what their status or relationship may be with CFMS.

### **2. What isn't harassment?**

Consensual banter or romantic relationships, where the people involved agree with what's happening, are not harassment. Appropriate performance reviews and constructive criticism of staff, representatives, and executive members are not harassment.

### **3. Where harassment happens**

Harassment can take place at meetings of the CFMS or outside of meetings in a situation that is in some way connected to the CFMS.

## **4. COMPLAINT PROCEDURES**

### **Speak up**

- If you believe you are being harassed, speak up right away. If possible, tell the person that you are not comfortable with their behaviour, and want it to stop. Usually, that will be all you need to do. You can speak to them directly, or write them a letter (date it and keep a copy). In addition, tell someone you trust what is going on.

### **Keep notes**

- Record all unwelcome or harassing behaviour. Write down what has happened, when, where, how often, who else was present, and how you felt about it. Write down every instance of harassment.

### **Report it**

- If the harassing behaviour occurs again, or if you are unable to deal directly with the person harassing you, report it to the person designated to receive complaints. Within the CFMS, the designated anti-harassment person is the President. If that person is involved in the complaint, please see the Vice President Education. If for some reason you are unable to report harassment to someone at the CFMS, you may go to the General Manager or to the police (for a case of sexual or physical assault). You may also go directly to the Canadian Human Rights Commission.

- Once a person reports harassment, the designated anti-harassment person will ask questions such as what happened, when, where, how often and who else was present, and will keep notes of this conversation.

### **Informal procedures**

- You may want to proceed informally at first. This means you can ask the designated anti-harassment person to help you communicate with the other person, or to speak to them on your behalf, without going through actual mediation or a formal complaint. The informal approach may not always be possible or successful, but when it is, you may be able to resolve the situation quickly.

### **Mediation**

- It may be appropriate to attempt to resolve the complaint through mediation before going to a formal investigation. If a qualified person from outside the organization is available to act as a mediator, and the complainant and alleged harasser agree, that person will attempt to help the parties settle the complaint. If no one is available, the designated person may help settle the complaint, if the parties agree. The mediator should not be involved in investigating the complaint, and should not be asked to represent the CFMS at any stage of any proceedings related to the complaint.
- Either party has the right to refuse mediation. You are the only one who can decide if mediation is appropriate for you. Do not agree to it if you feel pressured into it, or feel that you are at a disadvantage or vulnerable because of your age, sex, race, colour, religion, sexual orientation, economic position, or for any other reason. If someone suggests mediation but you are uncomfortable with it, you can say so, and it will not be part of the complaint process. If mediation does become part of the process, each person has the right to be accompanied and assisted during mediation sessions by someone they choose.

### **The Investigation**

- If you want to go ahead with a formal complaint, it will be investigated, either by a specially trained person from within the CFMS or a consultant. This person will investigate the complaint thoroughly. He or she will interview the complainant, the alleged harasser and any witnesses. All employees and executive members have a responsibility to co-operate in the investigation.
- Both you and the alleged harasser have the right to be accompanied by someone with whom they feel comfortable during any interviews or meetings.

An investigation will involve:

- getting all pertinent information from the complainant;
- informing the alleged harasser of the details of the complaint, and getting her or his response
- interviewing any witnesses;
- deciding whether, on a balance of probabilities, the harassment did take place; and,
- recommending appropriate remedies, penalties, or other action

If there is not enough evidence to support an allegation of harassment, the investigator will not recommend any penalties or remedies.

### **Substantiated complaints**

- If the investigator decides the complaint is valid, he or she will report in writing to the President, ideally within a week of completing the investigation. The investigator will recommend appropriate remedies and disciplinary action, and any other necessary action. The President will decide what action to take, and will inform both parties of the decision, in writing, ideally within a week of the report being submitted.

### **Remedies for the Victim**

Remedies for a person who has been harassed will include any of the following, depending on the nature and severity of the harassment:

- an oral or written apology from the harasser and the CFMS;
- Corrective action for harassers

Corrective action for harassers will include any of the following, depending on the nature and severity of the harassment:

- a written reprimand;
- an arrangement to ensure the people involved are no longer working together;
- a suspension, with or without pay or dismissal (staff);
- initiation of procedures for suspension, censure, expulsion or dismissal from CFMS (member or executive member); or,
- the severance of a business relationship

### **Complaints made in bad faith**

- In the event the complaint was made in bad faith, i.e., deliberately and maliciously filed knowing it had absolutely no basis, the complainant will be subject to the same penalties as a harasser. The person unjustly accused of harassment will have her or his reputation restored, and will be given the benefit of any necessary remedies that would be given in a case of harassment.

### **Retaliation**

- Anyone who retaliates in any way against a person who has been involved in a harassment complaint, will be subject to the same penalties as a harasser.

### **Confidentiality**

- The CFMS will not disclose any information about a complaint, except as necessary to investigate the complaint or to take disciplinary action or as required by law. Executive members and representatives will respect confidentiality in the same way.

### **Time limits**

- Executive members and representatives have a responsibility to make sure harassment ends as soon as they become aware of it. Complaints will be resolved as quickly as possible, ideally within one month of being made. Complainants should be aware that there is a one-year time limit for filing a complaint with the Canadian Human Rights Commission.

### **Other options**

Any member of the CFMS who is not satisfied with the result of a harassment complaint can consult the Canadian Human Rights Commission. Information on filing a complaint can be obtained by phoning the Commission's toll-free number 1-888-214-1090. If the harassment involves physical or sexual assault, which are criminal offences, the police are the appropriate avenue.

## **5. POLICY CHANGES**

If there are questions or comments about the policy or its application, please speak with the President of CFMS. Changes to the policy will be made as necessary, and the policy will be reviewed regularly.

## **Appendix B: Legislation Supporting this Policy Statement**

### **The Canadian Human Rights Act**

**14** (1) It is a discriminatory practice,

- (a) in the provision of goods, services, facilities or accommodation customarily available to the general public,
- (b) in the provision of commercial premises or residential accommodation, or
- (c) in matters related to employment, to harass an individual on a prohibited ground of discrimination.

(2) Without limiting the generality of subsection (1), sexual harassment shall, for the purposes of that subsection, be deemed to be harassment on a prohibited ground of discrimination.

### **Canada Labour Code, Part III**

Division XV.1

Sexual Harassment

247.1 In this Division, "sexual harassment" means any conduct, comment, gesture or contact of a sexual nature

- (a) that is likely to cause offence or humiliation to any employee; or
- (b) that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

247.2 Every employee is entitled to employment free of sexual harassment.

247.3 Every employer shall make every reasonable effort to ensure that no employee is subjected to sexual harassment.

247.4 (1) Every employer shall, after consulting with the employees or their representatives, if any, issue a policy statement concerning sexual harassment.

(2) The policy statement required by subsection (1) may contain any term consistent with the tenor of this Division the employer considers appropriate but must contain the following:

- (a) a definition of sexual harassment that is substantially the same as the definition in s.247.1;
- (b) a statement to the effect that every employee is entitled to employment free of sexual harassment;
- (c) a statement to the effect that the employer will make every reasonable effort to ensure that no employee is subjected to sexual harassment;

(d) a statement to the effect that the employer will take such disciplinary measures as the employer deems appropriate against any person under the employer's direction who subjects any employee to sexual harassment;

(e) a statement explaining how complaints of sexual harassment may be brought to the attention of the employer;

(f) a statement to the effect that the employer will not disclose the name of a complainant or the circumstances related to the complaint to any person except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation thereto; and

(g) a statement informing employees of the discriminatory practices provisions of the Canadian Human Rights Act that pertain to rights of persons to seek redress under that Act in respect of sexual harassment.

(3) Every employer shall make each person under the employer's direction aware of the policy statement required by subsection (1).