



CIUT
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Workplace harassment practice

DRAFT: August 5, 2020

University of Toronto Community Radio Inc., operating as CIUT FM 89.5, is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment, violence, and sexual harassment will not be tolerated from any person in the workplace including staff or volunteers, supervisors or management, guests, vendors, or other members of the public. Disciplinary measures will be taken against any person who subjects any individual to workplace harassment, violence or sexual harassment.

The workplace harassment program applies to all workers including managers, supervisors, temporary employees, students and subcontractors.

1. Workplace harassment

Workplace harassment and violence means any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.

Workplace sexual harassment means any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee; or 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.

See CIUT's workplace harassment policy for more information.

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

2. Reporting workplace harassment

A. How to report workplace harassment and violence

Workers can report incidents or complaints of workplace harassment, violence or sexual harassment verbally or in writing. When submitting a written complaint, please use the workplace harassment complaint form (see attached). **When reporting verbally, the reporting contact, along with the worker reporting the alleged workplace harassment, violence or sexual harassment, will** fill out the complaint form.

The report of the incident should include the following information:



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- i. Name(s) of the worker who has allegedly experienced workplace harassment or violence and contact information
- ii. Name of the alleged harasser(s), position and contact information (if known)
- iii. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- iv. Details of what happened including date(s), frequency and location(s) of the alleged incident(s), including:
 - a. Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint.
 - b. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

B. Who to report workplace harassment to

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report a workplace harassment incident or complaint to Ken Stowar, station manager. If the person engaging in the workplace harassment is the worker's employer, supervisor or reporting contact, **contact Michael McDougall, chair of the Board of Directors.**

Management and/or a Human Resources consultant shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is thorough, impartial, and appropriate in the circumstances. If the incident or complaint involves a member of management or the Board, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complaints of workplace harassment or violence shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

3. Investigation

A. Commitment to investigate



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CIUT will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

B. Who will investigate

The station manager or chair of the Board will determine who will conduct the investigation into the incident or complaint of workplace harassment or violence. They will ensure that the investigation is conducted by an impartial and competent individual. If the allegations of workplace harassment or violence involve a member of management or the Board, the investigation will be referred to an external investigator to conduct an impartial investigation.

C. Timing of the investigation

When an incident of harassment or violence is purported, CIUT will respond within 7 days to the complainant to confirm receipt of the complaint and inform them of the next steps in the investigation and resolution process. The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

D. Investigation process

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

- i. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. The investigator must thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- iii. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.
- iv. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- v. The investigator must collect and review any relevant documents.



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- vi. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
- vii. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not. The report will protect the privacy of the individuals involved in the incident of harassment or violence.

E. Results of the investigation

Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment or violence and the alleged harasser, if he or she is a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment.

F. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

G. Handling complaints

In the period after a complaint has been received and before its investigation has been completed, the management may take steps to reduce the workplace contact between the individuals involved, up to and including non-disciplinary suspension of one or more of the individuals' responsibilities with the station.



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Where the investigation finds that harassment has indeed taken place, management will discipline the harasser with the requirement of an apology, education, counseling, shift changes, reprimands, suspension, job transfer, or termination, depending on the nature or severity of the behaviour and the circumstances.

Where the investigation either finds that harassment has taken place or identifies a significant gap in the station's workplace harassment policy, management may take broader action which may include requiring training for everyone in the workplace or in a department on what is unacceptable behaviour in the workplace.

4. Record keeping

The station manager will keep records of the investigation including:

- a. a copy of the complaint or details about the incident;
- b. a record of the investigation including notes;
- c. a copy of the investigation report (if any);
- d. a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
- e. a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report, should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law. If the investigation report is required by law to be disclosed it will not include any information that could establish the identity of the complainant, the responding party, any witnesses or any other person involved in the occurrence or resolution process.

CIUT will abide by the requirements set out in the law to provide the Labour Program with an annual report containing specified information about workplace harassment and violence, including the number and location of occurrences.

Records will be kept for at least three years.

Date this practice was created: August 5, 2020

Annual review date: October 17, 2020



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Signed and Approved by:

Ken Stowar,
Station Manager

Michael McDougall
President of the Board of Directors