The Canadian Association of Journalists
L'Association Canadienne des Journalistes

RESPECT IN THE WORKPLACE

Policy intent

The CAJ is committed to ensuring the safety and security of all employees, volunteers, board members, committee members, and interns. The CAJ is committed to creating a climate of understanding and mutual respect where all people are treated equally and fairly.

Policy responsibility

Board of directors

Policy purpose

The purpose of this policy is to assist all individuals involved in the work of the CAJ in identifying and preventing harassment, discrimination, bullying, and violence in the workplace and to provide procedures for handling and resolving complaints.

This policy is intended to promote workplace respect, prevent harassment, or violence of any type, and to ensure complaints of harassment, bullying, discrimination, or violence are dealt with promptly, objectively, and in compliance with this policy as well as all Occupational Health and Safety and human rights legislation across Canada, without fear of retaliation.

Any act covered under this policy committed by any representative of the CAJ is deemed as unacceptable conduct. To ensure this, the CAJ has a zero-tolerance rule for harassment, bullying, discrimination, or violence in the workplace and in any setting deemed as work of the CAJ. Where any such act has taken place, disciplinary action, up to and including termination of the individual's role with the CAJ, may be taken against the individual.

Policy

1. **Contents of the policy** - The CAJ is committed to ensuring a safe and respectful working environment. To ensure the safety of all those involved in the work of the CAJ, this policy will outline the following:
   a) Definitions relative to this policy
   b) Responsibilities of parties involved
   c) Hazard assessment
   d) Prevention plans
   e) Incident investigation and reporting
   f) Worker training

2. Definitions

2.1. ***Complainant**:* an individual who has brought forward or filed a complaint pursuant to the terms of this policy, alleging that unacceptable conduct has occurred.

2.2. ***Respondent**:* an individual who is alleged to have committed unacceptable conduct against another individual.

2.3. ***Investigator**:* a qualified person named by the CAJ to investigate formal and/or informal complaints of unacceptable conduct.

2.4. ***Harassment**:* In this policy, harassment means: a single or repeated incident of objectionable or unwelcome conduct, comment, bullying, or action intended to or ought

to have reasonably known would intimidate, offend, degrade, or humiliate a particular person or group. This definition includes all forms of sexual, personal, and/or psychological harassment. Harassment is a serious issue and creates an unhealthy work environment resulting in psychological harm to all involved. This includes:

a) Conduct, comments, bullying or actions because of race, ancestry, place of origin, colour, ethnic origin, citizenship or immigration status, creed (religion), sex (including pregnancy), sexual orientation, gender identity, gender expression, marital status (including same sex partners), family status, physical disability, mental disability, neurodiversity, medical condition, age, size, source of income, class, or political beliefs; and
b) A sexual solicitation or advance.

2.4.1. Harassment and harassment behaviours may include, but is not limited to:

a) Gossiping, rumour spreading, or cyberbullying;
b) Email chains with jokes about specific individuals;
c) Excluding or isolation of others;
d) Reviewing work unfairly or trivial fault-finding; and
e) Belittling behaviour or comments;
f) Deliberate misgendering (i.e., referring to a person using terms or pronouns that do not align with the person's affirmed gender);
g) Frequent angry shouting/yelling or blow-ups;
h) Regular use of aggressive profanity and abusive or violent language;
i) Physical, verbal, or digital threats, intimidation, bullying;
j) Unsubstantiated criticism, unreasonable demands; and
k) Insults, name calling, harmful jokes, public humiliation.

2.4.2. Harassment is <u>not</u>:

a) Reasonable actions taken by an employer, supervisor, or colleague while managing and/or directing another's work, according to role descriptions. Reasonable actions considered to be part of work functions include:
    i) Changing work assignments, scheduling, assessing, and evaluating work performance;
    ii) Inspecting work places;
    iii) Making work-related judgement calls as a supervisor (whether for employees, volunteers, or interns);
    iv) Implementing health and safety measures; and
    v) Taking disciplinary action such as dismissing, suspending, demoting, or reprimanding with just cause.
b) Differences of opinion between co-workers are also not generally considered to be workplace harassment but can turn into harassment if no steps are taken to resolve the conflict.
c) Difficult conditions of employment such as professional practice limitations, organizational changes, or financial restrictions are not considered harassment.
d) Work-related stress, on its own, does not constitute harassment however, an accumulation of stress factors resulting from harassing behaviours such as those described in the previous section may result in a harassment situation.

2.5. ***Discrimination****:* the prejudicial treatment of an individual or group based on race, ancestry, place of origin, colour, ethnic origin, citizenship or immigration status, creed (religion), sex (including pregnancy), sexual orientation, gender identity, gender expression, marital status (including same sex partners), family status, physical

disability, mental disability, neurodiversity, medical condition, age, size, source of income, class, or political beliefs. Discrimination can be intentional or non-intentional.

2.6. ***Sexual and gender-based harassment****:* any unwelcome sexual behaviours that adversely affects, or threatens to affect, directly or indirectly, a person's paid or unpaid role security, working conditions or prospects for promotion or earnings; or prevents a person from getting a position within the organization. Gender-based harassment refers to behaviour that reinforces traditional heterosexual gender norms, and includes gender identity, gender expression, and sexual orientation. Sexual harassment can include but is not limited to:

2.6.1. Verbal, written, physical actions that are viewed by any party as sexual in nature, whether done directly or indirectly, and can include:

a) Pinching, patting, rubbing, or leering;
b) "Dirty" jokes;
c) Pictures or pornographic materials;
d) Comments, suggestions, innuendoes, requests, or demands of a sexual nature;
e) It may also not be overtly sexual in nature, and can be used to create personal humiliation and/or embarrassment.

2.7. ***Bullying****:* a repeated pattern of negative behaviour aimed at a specific person or group. Though it can include physical abuse or the threat of abuse, bullying usually causes psychological rather than physical harm. Much of the acts and behaviours associated with bullying are those that also occur under discrimination and harassment.

2.8. ***Violence****:* "Workplace Violence," whether at a work site or work related, is defined as the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm. It can include:

a) physical attack or aggression
b) threatening behaviour
c) verbal or written threats
d) domestic violence
e) sexual violence

2.8.1. Canada's Criminal Code specifically lays out matters such as violent acts, sexual assault, threats, and behaviours such as stalking. In the event of any of the above, the CAJ will immediately contact the police.

2.9. ***Retaliation****:* any action with a negative impact taken, threatened, or suggested against an individual because that person:

a) files a complaint pursuant to this policy
b) associates with the person who filed a complaint pursuant to this policy
c) participates in any way in an investigation of a complaint pursuant to this policy
d) reports any failure to follow through with a decision flowing from an investigation pursuant to this policy

2.9.1. Examples of retaliation include but are not limited to:

a) threat of or actual demotion
b) negative changes in terms or conditions of employment
c) denial of opportunities including training or project opportunities
d) intentionally negative and/or malicious performance evaluation
e) denial of standard employee benefits (e.g., use of vacation, time in lieu, etc.)
f) exclusion from organization's social activities or participation in a group setting
g) exclusion from team decisions or intentionally withholding important work information

h) verbal abuse or unfair ridicule

2.9.2. Regardless of the outcome of a complaint made in good faith, the individual lodging the complaint, as well as anyone providing information, will be protected from any form of retaliation. Retaliation is a breach of this policy and any individual engaged in retaliation may be subject to disciplinary action up to and including termination from their role with the CAJ. Anyone involved with the work of the CAJ should report any incidents of retaliation immediately to the executives of the organization.

2.10. ***Frivolous or vexatious complaints****:* complaints where there is no foundation that would suggest a breach of this policy and where the complaint is filed with false information or for the purpose of bringing an adverse consequence to the respondent or another individual of the CAJ. These complaints are a breach of this policy and any individual engaged in the filing of such a complaint may be subject to disciplinary action up to and including termination.

2.10.1. An investigation may determine that a complaint is not supported, is not presented in good faith, or that there is no breech of this policy. Such a finding may or may not be determined to mean that the complaint was frivolous or vexatious.

3. Supervisorial/managerial duties

3.1. Nothing in this policy will limit the abilities of supervisors and managers to complete their duties provided they perform them in a respectful, professional manner in good faith. The exercise of supervisorial/managerial authority could include:

a) Supervising employees, volunteers, board members, or interns, including setting out their performance expectations and providing feedback (both positive and constructive) about their work performance
b) Taking measures to correct performance, including using performance improvement plans
c) As necessary, taking disciplinary action
d) Assigning work to employees, volunteers, board members, or interns and directing to them how and when it should be done
e) Requesting updates or reports on the progress of the work
f) Managing time off requests, including either approving or denying requests
g) Where deemed necessary, asking for medical documentation to support work absence(s)

4. Responsibilities

4.1. The CAJ is responsible to make sure all those involved with the work of the CAJ are not subject to harassment, discrimination, bullying, and violence (unacceptable conduct) in the workplace. The CAJ must also ensure they do not participate in it.

4.2. Supervisors must make sure the workers they are supervising are not subject to harassment, discrimination, bullying, and violence in the workplace.

4.3. Employees, volunteers, board members, and interns must ensure they do not take part in the unacceptable conduct covered by this policy at any time.

4.4. Lack of awareness of the policy is not a defense for unacceptable conduct. Nothing in this policy precludes an individual's right to seek action under any applicable jurisdictional harassment acts or to contact law enforcement officials.

5. Conducting a hazard assessment and prevention plans

5.1. As a federally regulated organization, the CAJ must follow the Canada Occupational Health and Safety Regulations. In accordance with these regulations, the CAJ will conduct a hazard assessment for violence and harassment every three years, or when any major change in the working environment has taken place (i.e., hiring, dismissal, etc), whichever comes sooner. When conducting the risk assessment, the CAJ will take into consideration specific factors that may contribute to the risk of unacceptable conduct such as working alone or in isolation with few others consistently. Examples of risks related to the working environment for the CAJ can be found in most provincial handbooks related to occupational health and safety, such as the Handbook for Alberta employers and workers.

5.2. Based on the hazard assessment, the CAJ will put prevention measures in place to mitigate the hazards.

6. Emergency procedures

6.1. If you require immediate assistance following an act of violence, are being threatened, or consider yourself to be in imminent danger, contact the police/emergency services immediately by dialing "911" and follow department/facility emergency response procedures (where relevant).

6.2. If you are unable to phone 911 right away, you should:

a) Yell for help.
b) If in a vehicle, honk the horn repeatedly, turn on hazard lights and lock all vehicle doors.
c) If possible, use the vehicle's emergency alarm.
d) Immediately move to a safe location.
e) Contact a manager/supervisor.

6.2.1. Canada's *Criminal Code* specifically lays out matters such as violent acts, sexual assault, threats, and behaviours such as stalking. In the event of any of the above, the CAJ will immediately contact the police.

7. Making a complaint / complaint investigation process

7.1. Employees, volunteers, board members, and interns must:

7.1.1. Immediately report any incident of unacceptable conduct covered by this policy they are subject to or witnesses to management

7.1.2. Participate as required in internal and external investigations concerning incidents of unacceptable conduct.

7.2. At the CAJ, complaints regarding unacceptable conduct may be brought forward to:

7.2.1. The executive committee. The option of whom to report to is left up to the complainant, dependent on whether or not the complaint involves any of those in the executive committee.

7.2.2. Immediately upon receipt of a complaint, an investigation will begin, and additional information and context will be sought. The investigation may include:

a) An initial review of the details of the incident;
b) A decision as to whether the incident warrants third-party investigation;
c) Separate interview(s) with the parties involved and any witnesses, conducted either by internal or external investigators;
d) Examination of any relevant documents, emails, notes, photographs, or video;
e) A decision about whether the complaint meets the criteria outlined in this policy; and

f) The preparation of a report which summarizes the incident, the steps of the investigation, the evidence collected, and any findings

7.3. The individual who disclosed the complaint, as well as the respondent, will be kept up to date on the investigation and will be notified of the results of the investigation and any subsequent actions to be taken.

7.4. Supervisors/Managers must:

7.4.1. Take appropriate action(s) upon receipt of a complaint of workplace harassment or violence or when aware that workplace harassment or violence is occurring such as investigate incidents

7.4.2. Prevent it from happening again

7.4.3. Prepare investigation reports and retain them for at least 2 years

7.4.4. Impose appropriate disciplinary measures in response to substantiated claims of unacceptable conduct.

7.5. All members of management who are aware, or who ought reasonably to be aware, that incidents of unacceptable conduct are occurring or are thought to be occurring are obligated to take appropriate action to stop the offending behaviours and actions, even in the absence of a formal complaint.

8. Confidentiality during and after the investigation

8.1. The CAJ will ensure that it protects the privacy of any persons involved in:

8.1.1. An occurrence; and/or

8.1.2. The resolution process for an occurrence.

8.2. The CAJ will ensure that information and documents regarding a complaint or incident will not be disclosed except to the extent necessary to protect those working within the organization, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

8.3. All parties involved in a complaint, including Complainants, Respondents, witnesses, management, and support persons, are expected to treat the matter and any information they become aware of as confidential. No party shall discuss the matter or associated details with others. An individual may face disciplinary action if it is determined that they have failed to adhere to these confidentiality expectations.

8.4. All investigation notes and full reports will be retained in a separate file and are not to be saved in personnel files. Investigation outcome letters and disciplinary action will be saved in applicable files only when the complaint has been verified and is found to be in breach of this policy.

9. Breaches of policy

9.1. Any individual who is found to have breached this policy by engaging in unacceptable conduct; who breaches confidentiality expectations; fails to cooperate with an investigation; makes a complaint in bad faith or supplies falsified information will be subject to appropriate disciplinary action.

9.2. Disciplinary action may range from training, counselling, written warning, suspension, and termination of employment, depending on individual circumstances. Additionally, the organization may pursue criminal charges where warranted.

10. Review and update of this policy and procedures

10.1. This policy will be reviewed annually or as often as necessary to properly protect those involved in the organization's work from the risk of unacceptable conduct. This policy

and program will be reviewed after any incidents to determine if changes are necessary.

11. Training on violence and harassment

11.1. Individuals involved in the work of the CAJ will receive instruction and training on the contents of this policy and the procedures contained within for complaints and investigations.

Related References, Policies, Procedures and Forms:

This Policy References:

No other policies

This Policy is Referenced by:

No other policies

Forms and documents:

Hazard Assessment Form

Policy History:

Original Approval Date: October 2022
Last Review Date: October 2022
Review by Date: October 2024