

## KOL AMI HARASSMENT AND BULLYING POLICY

Kol Ami is committed to providing its employees, members, volunteers and guests with an environment that is free from harassment, bullying and unacceptable behaviour including without limitation social media, Zoom, email, or any other congregational setting. All individuals are required to conduct themselves in a professional manner while performing work or any volunteering activity and refrain from engaging in harassing or bullying behaviour. This policy applies to all incidents of bullying, harassment, and violence, including sexual harassment, discrimination and sexual violence.

The term “**bullying**” means persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence, and which may cause them to suffer stress.

Bullying can include, but is not limited to any of the following behaviours:

- Spreading malicious rumours, gossip, or innuendo.
- Excluding or isolating someone socially.
- Intimidating a person.
- Undermining or deliberately impeding a person's work.
- Physically abusing or threatening abuse.
- Establishing impossible deadlines that will set up the individual to fail.
- Withholding necessary information or purposefully giving the wrong information.
- Making jokes that are obviously offensive by spoken word or e-mail.
- Intruding on a person's privacy by pestering, spying, or stalking.
- Assigning unreasonable duties or workload which are unfavourable to one person (in a way that creates unnecessary pressure).
- Underwork – creating a feeling of uselessness.
- Yelling or using profanity.
- Criticizing a person persistently or constantly.
- Belittling a person's opinions.
- Unwarranted (or undeserved) punishment.

Ontario’s Human Rights Code (Code) defines harassment as “a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. A very similar definition is used in Ontario’s Occupational Health and Safety Act (hereinafter, “OHSA”) to define workplace harassment i.e., the term “**harassment**” shall have the meaning of the term “workplace harassment”, which also includes” workplace sexual harassment”, as defined under OHSA as follows:

“Workplace Harassment” means,

- a. engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- b. workplace sexual harassment.

“Workplace Sexual Harassment” means,

- a. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b. 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

**Harassment can include, but is not limited to any of the following behaviours:**

- spreading rumours or gossip about an individual or group
- cyber bullying (threatening, spreading rumours or talking negatively about an individual online)
- threats made over the phone, by email, or through other medium to an employee, including from an (ex)partner or family member
- making offensive jokes or remarks
- playing unwanted practical jokes
- socially excluding or isolating someone
- stalking or inappropriately following a person
- impeding a person's work in any deliberate way
- persistently criticizing, undermining, belittling, demeaning or ridiculing a person
- intruding on a person's privacy
- public ridicule or discipline
- unwelcome physical contact
- sexual innuendo or insinuation
- unwanted and inappropriate invitations or requests, including of a sexual nature
- displaying offensive posters, cartoons, images, or other visuals
- making aggressive, threatening, or rude gestures
  
- behaviour that is hostile or disrespectful in nature, or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, gender identity, gender expression, or any other protected ground under human rights legislation

This list is illustrative only, and not exhaustive. No form of harassment including sexual harassment will be tolerated.

Kol Ami prohibits and will not tolerate any form of harassment and bullying by any employee, member, volunteer, or guest regardless of whether it is verbal, physical, visual (for example, displaying derogatory or sexually suggestive posters, cartoons) or online (for example, sexually suggestive postings in any social media platform including Facebook, Twitter, Instagram, Snapchat, etc.).

Kol Ami commits to providing a safe environment and incidents of harassment and bullying will not be ignored. Everyone must be treated with dignity and respect.

All Kol Ami employees, members, volunteers, and guests have a role in preventing harassment and bullying and are responsible for treating everyone with dignity and respect and not engaging in unacceptable behaviour. Each individual can and should, in all confidence and without fear of reprisal, report any incidents (experienced, witnessed or have been told about) of harassment to the Kol Ami HR Committee Chair.

Kol Ami will make every reasonable, practicable effort to ensure that no employees, members, volunteers or guests are subjected to any form of harassment or bullying. If Kol Ami becomes aware of a potential incident of harassment or bullying, it will investigate the incident in a fair, timely and confidential manner, in accordance with Kol Ami's harassment and bullying investigation procedures (attached). Kol Ami is committed to taking appropriate corrective measures to stop any harassment and/or bullying and avoid future incidents.

Any violation of this Harassment and Bullying Policy or The Harassment and Bullying Investigation Procedures (attached) may be grounds for disciplinary action such as verbal warning, written warning, temporary loss of certain membership privileges (e.g., participation in events, programs, or committees), suspension of duties up to and including termination of staff member's employment, withdrawal of all membership privileges and exclusion of volunteers or guests.

This Harassment and Bullying Policy applies to all Kol Ami employees, members and volunteers and guests at any location where engaged in any form of work, collaboration, volunteering or related activities for Kol Ami.

This Harassment and Bullying Policy is not intended to discourage or prevent employees, members, volunteers, and guests from exercising any other rights, actions or remedies that may be available at law including without limitation pursuing recourse under the *Ontario Human Rights Act* with the Ontario Human Rights Commission or pursuing a recourse under the *Criminal Code*.

Any questions about this policy or its related procedures should be directed to the Chair of the HR Committee of Kol Ami.

This Harassment and Bullying Policy and its related procedures will be reviewed annually and updated whenever there is a change that affects its effectiveness in preventing harassment.

## **HARASSMENT AND BULLYING INVESTIGATION PROCEDURES**

Kol Ami has developed specific procedures for reporting and investigating any incident of harassment and/or bullying (hereafter “Incident”).

### **Complaint Procedure**

Any employee, member, volunteer, or guest who is the subject of or otherwise becomes aware of an Incident at Kol Ami can and should report the matter, as soon as possible to the Kol Ami HR Committee.

Kol Ami will conduct a formal investigation into the incident.

### **Harassment and Bullying Investigations**

Kol Ami is committed to investigating Incidents in a timely, impartial and objective manner when it becomes aware of an alleged Incident in our community.

The Incident investigation will be conducted by the Kol Ami HR Committee. Both the complainant and the alleged perpetrator shall be given the opportunity to participate and cooperate in the investigation along with any relevant witness(es).

Confidentiality will be maintained, consistent with the needs of the investigation. Confidential information will only be disclosed for the purpose of the investigation, as required to take corrective action or as required by law.

The investigation will be completed in a timely manner, generally within ninety (90) days, unless extenuating circumstances warrant a longer investigation. Within 30 days after completion of the investigation, the complainant and the alleged perpetrator will be notified of the outcome of the investigation and any corrective action taken.

### **Corrective Action**

If the Incident is substantiated, reasonable corrective action will be taken to prevent future incidents. Appropriate corrective action may range from requesting a formal apology from and requiring education of the perpetrator, to termination of staff members employment, withdrawal of membership privileges and exclusion of volunteers or guests.

The HR Committee has the power to make and enforce determinations of corrective action, except for termination of employment or expulsion of membership. Termination of employment or expulsion of membership recommendations will be brought by the HR Committee to the Executive Committee of the Board for consideration and final determination.

### **Records**

Kol Ami will keep records of the harassment/bullying investigation including:

- A copy of the complaint or details about the incident.
- A record of the investigation including notes.
- A copy of any investigation report.
- A copy of any corrective action taken to address the complaint or Incident.

All records of the investigation will be kept confidential for a period of 5 years, after which time all records will be permanently deleted. The investigation documents, including the investigation

report will not be disclosed unless necessary to investigate an Incident or complaint of workplace harassment/bullying, take corrective action or otherwise as required by law.

### **Reprisals Prohibited**

No reprisal or penalty will be taken against a person for bringing forward a harassment and/or bullying complaint in good faith or participating in a harassment and/or bullying investigation.

Any person who makes a harassment and/or bullying complaint in bad faith, maliciously or without a reasonable and probable basis, engages in a reprisal against another person for filing a harassment complaint or interferes with a harassment/bullying investigation will be subject to the same corrective actions as described above.

### **Contact Information**

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