

**THE HOSPITAL FOR SICK CHILDREN FOUNDATION  
POLICY & PROCEDURE**

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<b>SUBJECT:</b>	Respect in the Workplace
<b>NUMBER:</b>	4.2.1
<b>CATEGORY:</b>	Human Resources
<b>ISSUED BY:</b>	Senior Management Team
<b>APPROVED BY:</b>	Board of Directors
<b>DATE:</b>	June 13, 2019

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## **1.0 Policy**

The Hospital for Sick Children Foundation (the “Foundation”) is committed to providing a safe, respectful, collaborative work environment for all. The Foundation is committed to working with all those associated with the Foundation to maintain a safe work environment free from Workplace Harassment including Sexual Harassment; Workplace Violence including threats of violence and intimidation; as well as all forms of Disrespectful Behavior.

For the purposes of this policy, the term “Unacceptable Behaviour” will encompass all forms of Workplace Harassment, Sexual Harassment, Violence and Disrespectful Behaviour as defined in the Definitions section. This policy applies to “internal representatives”, which includes all employees, students, volunteers and Board Members, as well as “external stakeholders”, which encompasses all donors, event participants, vendors/suppliers, contractors, The Hospital For Sick Children (“SickKids Hospital”), partners and any other people who are connected or doing business with the Foundation.

The Foundation will treat any complaint of Unacceptable Behaviour of an internal representative or an external stakeholder in our Workplace as a serious matter, which, if substantiated, constitutes a serious offence and will not be tolerated or condoned.

## **2.0 Definitions**

**Workplace** means the working or work-related environment of the Foundation that consists of:

- the Foundation’s premises and worksites, including washrooms and vehicles;
- locations where Foundation business is being conducted with external stakeholders;
- SickKids Hospital;
- venues where internal representatives have gathered for employment/volunteer responsibilities for Foundation events;
- third party events in support of the Foundation where an internal representative has been asked by their leader to attend or their attendance on behalf of the Foundation has been expressly authorized by their leader; and
- other locations where Foundation business that has been expressly authorized is being conducted.

**Unacceptable Behaviour** Unacceptable behavior includes that outlined below. It should be note that these behaviours may can be in-person, or remotely through communication, including, without limitation, phone, email, messaging applications, video-calling, and social media.

a) **Disrespectful Behaviour** is defined as engaging in the workplace any unwarranted and unnecessary comment or act that is known or ought reasonably be known to cause offence, distress or psychological or physical harm. It includes, but is not limited to, the following:

- Sudden and unpredictable angry outbursts;
- Rude or abusive comments or conducts;
- Unjust, persistent criticism of a person; or
- Spreading false and malicious rumours, gossip or innuendos.

b) **Workplace Harassment** is defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, and includes, for the purposes of this policy, one or a series of unwanted, unsolicited actions, behaviours, remarks or communications in any form, directed toward an individual or group, and which are related to any of the prohibited grounds of discrimination in the *Ontario Human Rights Code*. Workplace Harassment includes, but is not limited to the following, in the Workplace:

- Unwelcome remarks, jokes, innuendos or taunting about a person's racial or ethnic background, colour, place of birth, religion, citizenship or ancestry;
- Display of posters or literature of a racist nature;
- Refusal to work or converse with a person because of race, sexual orientation, ethnic background or religion;
- Imitation of a person's accent or mannerisms;
- Mocking a person's appearance;
- Workplace bullying consisting of repeated, persistent and continuous behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people.

Workplace Harassment does not include:

- Good-natured jesting and bantering which is mutually acceptable;
- Managing and/or coaching that include counseling, performance review, constructive feedback, work assignment and the implementation of disciplinary action. This is not a form of Harassment and the policy does not restrict a leader's responsibilities in these areas.

c) **Workplace Sexual Harassment** is defined as follows:

- Engaging in a course of vexatious comment or conduct against an internal representative 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;
- 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 internal representative and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; and/or
- A reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person. Types of behaviour which constitute Workplace Sexual Harassment include, but are not limited to:

- Sexist jokes causing embarrassment or offence;
- Leering (suggestive staring), unwanted touching;
- Sexually derogatory or degrading remarks directed towards members of one sex or one sexual orientation;
- Sexually suggestive or obscene comments or gestures;
- Unwelcome inquiries or comments about a person's sex life;
- Unwelcome sexual flirtations, advances, propositions;
- Openly displaying printed material of a suggestive or sexually offensive nature;
- Persistent unwanted contact or attention after the end of a "consensual" relationship;
- Persistent unwelcome social invitations;
- Requests for sexual favours;
- Verbal abuse or threats; and
- Sexual assault.

**d) Workplace Violence** as defined by the *Occupational Health and Safety Act* is the exercise of physical force or an attempt to exercise physical force by a person against an internal representative, in a workplace that causes or could cause physical injury to the internal representative. It may also include statements or behaviors that are reasonable for an internal representative to interpret as a threat to exercise physical force against an internal representative that causes or could cause physical injury to the internal representative. Workplace Violence includes, but is not limited to the following:

- Verbally threatening to attack an internal representative;
- Leaving threatening notes or sending threatening messages to the Workplace;
- Throwing objects at an internal representative;
- Shaking a fist in an internal representative's face; and
- Hitting or trying to hit an internal representative.

### 3.0 Responsibilities

Everyone must work together to create a safe, respectful, collaborative work environment.

**External stakeholders** are responsible for:

- Treating all internal representatives in a respectful and professional manner;
- Refraining all forms of Unacceptable Behaviours, including Disrespectful Behaviours, Workplace Harassment including Sexual Harassment; and Workplace Violence; Bringing forward a complaint regarding any incident of Unacceptable Behaviour towards an internal representative; and
- Co-operating in any investigation into incidents of Unacceptable Behaviour.

**The Foundation** is responsible for:

- Providing a safe work environment;
- Providing appropriate assistance to any internal representative who is a victim of any form of Unacceptable Behavior;
- Supporting and providing appropriate resources to the Human Resources Department for carrying out its responsibilities; and

- Where it has a legal and/or ethical responsibility to take action, even if the complainant has decided not to file a formal written complaint, enable appropriate action if evidence warrants further investigation.

**Human Resources Department** is responsible for:

- Advising internal representatives of their rights and responsibilities with respect to Unacceptable Behavior in the Workplace;
- Advising internal representatives in confidence of the options available to them for dealing with their issues regarding any form of Unacceptable Behaviour in the Workplace;
- Advising and supporting leaders in taking appropriate action in a timely manner;
- Recommending informal options to resolve issues whenever appropriate;
- Responding to formal complaints in a timely manner and conducting an investigation when deemed appropriate by the Director, Human Resources;
- Providing community support information to internal representatives;
- Developing a Workplace safety plan in partnership with an affected internal representative to ensure that he/she is protected at the Workplace (may include alternative work arrangements);
- Providing training in collaboration with the Joint Health, Safety and Wellness Committee to all departments in the Foundation and advising new internal representatives of this policy during their Foundation orientation; and
- Reviewing this policy annually or as changes to the environment occurs.

**Leaders are responsible for:**

- Creating and maintaining a safe workplace free from Unacceptable Behaviour;
- Take reasonable precautionary steps to prevent Unacceptable Behaviour.
- Being sensitive to the climate in the Workplace and addressing potential problems before those problems become serious;
- Educating internal and external representatives on this policy;
- Responding to all internal representatives concerns about Unacceptable Behaviour in a timely manner;
- Exploring informal means of resolving issues whenever possible and appropriate;
- Ensuring that investigations are conducted, and appropriate action taken; and
- Applying remedial or disciplinary measures as appropriate.

**The Joint Health, Safety & Wellness Committee** is responsible for:

- Reviewing the Workplace Violence Risk Assessment results and providing recommendations to management to reduce or eliminate the risk of violence;
- Reviewing all reports forwarded to the Joint Health, Safety and Wellness Committee regarding Workplace violence and incidence of Workplace Harassment with a potential for violence or threat of personal injury, property damage, or police involvement;
- Participating in the investigation of critical injuries in the workplace (e.g., incidents that place life in jeopardy, result in substantial blood loss, fracture of leg or arm, etc.) and may participate in the investigation of reported incidents that result in personal injury or have the potential to result in injury;
- Recommending corrective measures for the improvement of the health and safety of internal representatives in the workplace; and
- Responding to internal representative concerns related to Workplace Violence & Harassment and communicating these to Human Resources and/or management.

**Internal representatives with the Foundation are responsible for:**

- Ensuring that the workplace is a safe environment, free from Unacceptable Behaviour;
- Refraining from all Unacceptable Behaviour;
- Bringing forward a complaint regarding any incident of Unacceptable Behaviour including that of an external stakeholder - whether for oneself or a colleague; and
- Co-operating in any investigation into incidents of Unacceptable Behaviour.

**Special Circumstances – Domestic Violence**

If the Foundation is aware that domestic violence is likely to expose an internal representative to a Workplace physical injury, every reasonable precaution will be implemented to protect the individual. The Foundation recognizes its duty to provide information, including personal information, related to a risk of Workplace Violence from a person with a history of violent behaviour if:

- a) An internal representative can be expected to encounter that person in the course of her/his work; and
- b) The risk of Workplace Violence is likely to expose the internal representative to physical injury.

The Foundation will only disclose personal information that is deemed reasonably necessary to protect the internal representative from physical harm.

Should an internal representative have a legal court order (e.g. restraining order, or “no-contact” order) against another individual, the internal representative is encouraged to notify the leader, and to supply a copy of that order to Human Resources if the internal representative strongly feels that the aggressor may attempt to contact that internal representative at work, in direct violation of the court order. Such information shall be kept confidential and only shared with those on a need to know basis further to this Policy.

## **4.0 Complaint Process**

In the event that there is a threat to a person’s immediate safety, the internal representative, if possible, should remove themselves from the unsafe situation and relocate to a secure location and call the police. Otherwise:

### **Tell the Person to Stop**

Any internal representative who considers that he or she has been subjected to Unacceptable Behaviour or retaliation related to a complaint is encouraged to bring the matter to the attention of the person apparently responsible for the conduct, advising the person that the conduct is unwelcome and ask the person to discontinue and/or not repeat the conduct.

### **Keep a Record**

Prepare a written record of the nature of the apparent Unacceptable Behaviour or retaliation, relevant dates, times and circumstances, and the names of any witnesses.

### **Report the Incident**

Where it is difficult for the complainant to bring the matter to the attention of the alleged person, or where such an approach is attempted but does not produce a satisfactory result, the complainant should bring forward the matter to the attention of a Foundation leader, or a person in the Human Resources

Department with whom he or she feels comfortable or provide their complaint to the Foundation's Human Resources Department by submitting their complaint to [respectintheworkplace@sickkidsfoundation.com](mailto:respectintheworkplace@sickkidsfoundation.com). Where the Complainant prefers to refer the matter directly to the Chair of the Audit & Finance Committee, they may also alternatively follow the process outlined in the **Whistleblower Policy 2.4.3**.

Board members are encouraged to bring the matter to the attention of the Board Chair. In the event that an individual's concern involves the Board Chair or rises to the level that he/she reasonably believes that notice to the Board Chair, will be disregarded or otherwise not fairly considered, the individual may report violations or suspected violations directly to the Chairs of either the Foundation's Compensation/Resource Management Committee or Audit and Finance Committee.

The initial complaint may be verbal or written. Subsequently the Complainant is to submit a letter of complaint that contains a brief account of the incident(s), when and where it occurred, the person(s) involved and the names of witnesses (if any). This letter should also be signed and dated by the person making the complaint.

### **Conducting an Investigation**

Each case is unique, but the Foundation will handle any allegation reported pursuant to this Policy respectfully and with discretion. Once a written complaint has been received, the Foundation's Human Resources Department, Chief Operating Officer, Board Chair or applicable Committee Chair will assign an appropriate investigator. The investigator will complete a thorough investigation and may seek further information from any employee, officer, director, volunteer or external stakeholder. In the case of an external stakeholder, SickKids Foundation's Human Resources Department, will, as appropriate, contact the external stakeholder's employer and inform them of the complaint. The investigation may include all or some of the following:

- Informing the alleged Respondent of the complaint:
  - A copy of the complaint, detailing the Complainant's allegations, is then provided to the Respondent(s);
  - If the Respondent is an external stakeholder, a copy of SickKids Foundation's Respect in the Workplace Policy will be provided and reviewed with the Respondent; and
  - The Respondent is invited to reply in writing to the Complainant's allegations and the reply will be made known to the Complainant before the case proceeds further.
- Interviewing the Complainant, any person involved in the incident and identified witnesses as required;
- Interviewing any others who may have knowledge of the incidents related to the complaint or any other similar incidents;
- Statements taken from all parties involved;
- If necessary, the investigator may also collaborate and consult with legal counsel, consult with a member of the leadership team or employ outside assistance;

If the allegations are substantiated, the Foundation will impose appropriate corrective action. This corrective action will vary depending on the circumstances. If the Respondent is an internal representative, disciplinary action commensurate to the severity of the offence can include: requirement for an apology, additional training, note to the Respondent's file, suspension, and if appropriate, termination of employment.

In the case of a complaint against an external representative, the investigator will consult with the appropriate leader, the Chief Operating Officer and the Chief Executive Officer as appropriate, and the complainant to decide on the appropriate action to be taken. If the Respondent is an external stakeholder, dependent on the nature and severity of the behavior, appropriate action may include, but not limited to:

- an apology;
- a request for a new representative from the Vendor/Supplier/partner;
- a transfer of the internal representative
- severing the relationship with the external stakeholder.

The outcome of the investigation and any resulting disciplinary action will be recorded in the Respondent's file as appropriate (i.e. HR File, KYDs database). If the Foundation deems it necessary, the Foundation may report matters to law enforcement authorities. If charges are not substantiated, there will be no negative consequences drawn against the Respondent, Witnesses or Complainant and no record of the complaint will appear in any representative's file.

Both the Complainant and Respondent will be advised of the outcome of the investigation and any corrective action taken, by the investigator.

### **No Reprisals**

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of Unacceptable Behavior, or who act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further Unacceptable Behaviour.

**No internal representative will be dismissed, demoted, receive disciplinary action, be denied promotion, advancement or opportunities because they rejected the sexual advances of another internal representative or an external stakeholder, or because they lodged a complaint in good faith, with the honest belief that Unacceptable Behaviour occurred.**

### **Confidentiality**

**Confidentiality** - The Foundation will make every effort to protect the identity of a Complainant with an appropriate regard for confidentiality, with the understanding that the details may need to be shared with others in order to investigate such complaints properly.

**Anonymous Allegations** - Thorough investigation often depends on an ability to gather additional information. The Foundation encourages complainants to put their names to allegations of wrongdoing. The Foundation will explore anonymous allegations to the extent possible; but will weigh the prudence of continuing an investigation against the likelihood of confirming the alleged facts or circumstances from attributable sources.

### **Report to the Senior Management Team and the Board**

The Foundation will keep a record of any allegation of Unacceptable Behavior received and shall inform its Senior Management Team and the Board at least annually of the aggregate number, type and status/outcome of complaints received, but not disclose in the report any personally identifiable information.

## **5.0 Cross-References**

*Ethics Policy 1.1.6.*

*Whistleblower Policy 2.4.3.*

*Occupational Health and Safety Policy 4.2.7*

*Pre-visit Community Assessment Checklist*

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