

Violence and Harassment Policy
Adoption Date: November 10 2020
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Author: Executive Director
This policy applies to: ☒ Employees ☒ Others in a work context which may include guests, volunteers, independent contractors, consultants, facilitators, or artists.
References: • Canadian Human Rights Commission – Anti-Harassment Policies for the Workplace: An Employer’s Guide • Ontario Human Rights Commission - Policy on Preventing Sexual and Gender-based Harassment • Transformative Justice: A Brief Description, by Mia Mingus • Community Accountability: Emerging Movements to Transform Violence, edited by Alisa Bierria, Mimi Kim, and Clasissa Rojas • The Revolution Starts at Home: Confronting Intimate Violence Within Activist Communities, edited by Ching-In Chen, Jai Dulani, and Leah Lakshmi Piepzna-Samarasinha • Occupational Health and Safety Act - Understand the law on workplace violence and harassment

OPERATIONAL POLICY

M4BJ (operating as Black Lives Matter Canada and Wildseed Centre for Art & Activism) is committed to fostering a safe, dignified and respectful work environment for all who share the space within and beyond our community hub, including employees, guests, and volunteers. Whether you are a director, a board member, a contractor, or a member of the public, M4BJ is committed to proactively responding to any and all instances of violence, abuse, harassment or harm at work or in any situation related to employment. This policy is one step toward ensuring that our workplace is not only comfortable for all, but that it also fosters a community infrastructure in which safety, transparency, support, and care are prioritized.

The Canadian Human Rights Act protects employees, guests and volunteers from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity, marital status, family status, disability or pardoned conviction. Employees, guests and volunteers have a right to live and work without being harassed. If they are harassed, they can do something about it.

All incidents of workplace violence, abuse, harassment and harm within our organization are

treated very seriously. We commit to act on all complaints – formal and informal – to ensure that they are resolved quickly, confidentially, and fairly. Anyone who has been identified as having harassed a person or group of people in relation to work that is under the scope of and purview of M4BJ will be required to participate in a resolution process rooted in community accountability, of restorative and transformative justice.

By addressing violence, harassment, abuse, and harm through community accountability measures, we can create safety, justice, reparations, and healing with new social agreements without relying on police, prisons, childhood protection services, or any other state systems.

DEFINITIONS

Harassment - any comment or 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. Examples include:

- unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, gender, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- insulting gestures or practical jokes of a nature which cause awkwardness or embarrassment;
- offensive comments and/or actions which demean, humiliate or threaten an individual or group;
- refusing to work with or talk to
- written, verbal, sexual or physical abuse, assault or threats;
- patronizing, condescending or humiliating an employee in front of other co-workers.
- a person by reason of any of the prohibited grounds; demands for sexual favours or unwanted sexual overtures;
- unnecessary physical contact, such as touching, patting or pinching;
- sexual assault;
- domestic violence;
- physical assault;

Sexual harassment - any behaviour in which someone engages in a course of vexatious comment or conduct based on sex, which is known or ought to be known as unwelcome. Examples include:

- asking for sex in exchange for a benefit or a favour;
- calling people sex-specific derogatory names;
- unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a sexual relationship);
- saying or doing something because you think a person does not conform to sex-role stereotypes;
- posting or sharing pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online).

- implied or expressed promise of reward for complying with a sexually oriented request; or
- c. implied or expressed threat of reprisal, actual reprisal or the denial of opportunity for the refusal to comply with a sexually oriented request; or

Complainant - someone at the Wildseed Centre for Art and Activism, who has disclosed or reported an incident of violence, abuse, harassment or harm by another individual at the shared space.

Respondent - someone against whom an allegation of violence, abuse, harassment or harm has been made.

Work-related harassment can take place in the workplace itself, or outside of the workplace in a situation that is in some way connected to work. For example, employees (and guests) must be protected from harassment during delivery trips, off-site meetings, business trips, and any other event or place related to employment or when the employee is present in the course of employment.

COMPLAINT PROCEDURES

HARASSMENT COMPLAINTS

An employee, volunteer, or others who share space who allege that they have been subject to discrimination, harassed, harmed or threatened may submit a complaint.

The employee may request that contact with the alleged harasser be discontinued during the period in which the complaint is being investigated. Upon such a request, the direct supervisor shall ensure such separation. Where separation occurs the Employee with the complaint shall suffer no penalty or interference in her/his/their working conditions. Should separation impact the work of another employee the separation shall not be considered for disciplinary action.

Within ten (10) working days of receipt of the complaint, the Anti-Harassment Advisor or appropriate supervisor shall convene a meeting with the complainant. M4BJ must respond in writing to the employee within ten (10) working days of the meeting on a resolution to the grievance.

At M4BJ, the Board Chairperson is the designated Anti-Harassment Advisor. If that person is involved with the complaint, complaints can be made to the Safety Representative, who is appointed by staff.

Once a harassment report is open, the designated Anti-Harassment Advisor will ask questions such as what happened, when, where, how often and who else was present and will keep notes of this conversation. All documentation of complaints are to be kept in a secure, password protected location.

INFORMAL PROCEDURES

A complainant may wish to proceed informally at first. If this is the case, they have the option to approach the person engaging in unwanted behaviour themselves, the complainant may ask the Anti-Harassment Advisor to help them communicate with the person engaging in unwelcome or harassing behaviour, or have the Anti-Harassment Advisor speak with the respondent on their behalf. Through an informal procedure, the complainant may choose to resolve their complaint without going through a formal mediation or process.

MEDIATION

Alternatively, the complainant may wish to resolve the matter through mediation. If a qualified person from outside the organization is available to act as a mediator, and the complainant and alleged respondent agrees, that person will attempt to help the parties settle the complaint. If no one is available, a designated person may help settle the complaint, if the parties agree.

Either party has the right to be accompanied and assisted during mediation sessions by someone they choose, and they also have the right to refuse mediation.

INVESTIGATION

If an employee feels they have been harassed and notifies M4BJ, the Anti-Harassment Advisor or appropriate supervisor shall conduct an investigation regardless of whether a formal complaint has been filed. The investigation process shall take no longer than fourteen (14) working days unless otherwise agreed upon by the employee and the Executive Director or appropriate supervisor. The Anti-Harassment Advisor shall then decide upon next steps in consultation with the Board. The employee shall be informed of the decision within five (5) working days following the investigation.

COUNSELLING DURING INVESTIGATION

The employee shall be offered counselling or leave (with pay) during the investigation.

TIME LIMITS

Managers and the Board have a responsibility to make sure harassment ends as soon as they become aware of it. Complaints will be resolved with the utmost urgency, ideally within one month of the complaint being made.

Complainants should be aware that there is a one-year time limit for filing a complaint with the Canadian Human Rights Commission.

PERSONAL COMPLAINT

There may be instances in which a direct supervisor or Anti-Harassment Advisor is made aware of harm, threats, violence, or harassment outside of the workplace or Wildseed Centre. In the event this occurs, supervisors and/or Advisors are encouraged to support the individual with the creation of an individual safety plan for the worker, board member, or volunteer. The development of the safety plan can be immediately enforced or used for future reference. Safety plans are to be led by the individual experiencing harm, who may choose to communicate adaptation or revocation at any time.

CONFIDENTIALITY

M4BJ 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. It encourages employees and managers to respect confidentiality in the same way.

MONITORING THE POLICY

If you have questions or comments about the policy or its application, please speak to the designated Anti-Harassment Advisor or your direct supervisor. M4BJ is open to making any required changes or amendments to its policies, and commits to an annual policy review.