

Centre de la petite enfance de McGill
McGill Child Care Centre

**Psychological Harassment Prevention and
Complaint Processing Policy**

Approved by the Board of Directors: 2007
Last Updated: 2019

Notification to Staff Members, Parents and Service Providers:

Subject: Policy against Psychological Harassment

CPE McGill has amended its policy concerning psychological harassment, a copy of which is attached hereto.

CPE McGill has always set high standards in regard to the quality of our working atmosphere. The principle that everyone is to respect one another has always been an integral part of our centre's culture.

The policy does not result from an assessment of an existing situation, but is rather a tool offered to employees. It ensures that employees have the right to express themselves freely when subjected to psychological harassment and provides the mechanism to follow through with immediate measures.

We ask you to read the policy and return a signed copy of the Acknowledgment of receipt to the Executive Director. Please do not hesitate to contact the Executive Director or Assistant Director if you have any questions.

The Board of Directors

Encl.

POLICY ON THE PREVENTION AND RESOLUTION OF VIOLENCE AND HARASSMENT

The Objectives of management:

CPE McGill (the “Centre”) has always expressed the firm willingness to tolerate no form of harassment and to ensure to all a respectful and safe working environment that is free of any form of violence or threats, be they verbal, physical, psychological or sexual.

In line with our commitment to ensure an environment that is free of all forms of psychological harassment or behavior that could lead to harassment or violence, we have adopted a policy on the prevention and resolution of violence and harassment.

All staff members, parent-users and service providers must behave with respect and dignity towards one another. Each of us is responsible for ensuring that the Centre remains free from violence or harassment. This policy provides you with the means to maintain a respectful environment.

Field of application:

The policy applies to all staff of the organization, whether male or female. It addresses the relation between management and employees, between staff and clientele and among colleagues. It also applies, with some modification, to sub-contractors, suppliers, users, visitors and clients.

The policy applies regardless of the nature of the relationship between the victim and the person adopting the violent or harassing behavior. Moreover, it applies in the work setting or for any activity related to the employment.

Definitions:

Behavior that is insistent or irritating does not necessarily qualify as harassment. Management, for example, has the role to request, and sometimes with insistence, the accomplishment of certain tasks in the interest of the Centre. However, harassment as such is of another order. The definition of harassment is as follows:

Psychological Harassment

Persecutory (hurtful) conduct manifests through repeated behavior, words, acts or gestures that are hostile or undesired that harms the dignity or psychological or physical integrity of the employee and that results in a destructive working environment for the latter.

One isolated incident of severe conduct can also constitute psychological harassment if the conduct brings about similar harm or has a continued harmful effect for the employee.

Sexual Harassment:

Conduct that manifests through repeated words, acts or gestures with sexual connotations that are undesired and harmful to the dignity or the physical or psychological integrity of the person or that are such as to result in unfavorable working conditions for the latter.

Abuse of power or authority:

Form of harassment in which a person abuses his or her position of authority or power with the goal of compromising the employment of a person, harming that person's work performance or threatening their means of livelihood. It can include intimidation, threats and blackmail.

The definition of abuse of power or authority must not restrict the authority of persons with management positions in fulfilling their responsibilities in regard to work relations, performance evaluations or the implementation of disciplinary regulations.

Violence, threats and intimidation

All acts, words or gestures that harm the dignity or the physical or psychological integrity of a person, or that are susceptible of making a person act against their will through force, threats or intimidation. The violence can be physical, verbal or psychological.

Responsibilities:

1. Responsibility of the employer:

The Centre holds the position that all employees have a right to a working environment free of harassment and violence. To fulfill this legal and moral responsibility, it undertakes to:

Ensure that no employee is the subject of harassment or violence

Take corrective measures, up to and including dismissal, against an employee found guilty of harassment or violence

If the complaint is in respect of a third party, namely a parent-user or service provider, take corrective measures that could include prohibiting access to the premises or terminating the childcare or service agreement

2. Responsibility of the Centre administrator:

The administrator must ensure, to the extent possible, that the working relations in the Centre are harmonious and free of all forms of violence or harassment.

The administrator must treat complaints submitted to her with diligence and confidentiality. For assistance in this matter, she can utilize the services of the inquiry committee or an ombudsperson, if the board has appointed one.

3. Responsibilities of the employee who is the victim of harassment or violence and of the person who is witness to the harassment:

An employee considering themselves to be the victim or witness of harassment must clearly express their disapproval to the presumed harasser and ask them to stop the behavior. If the

situation is not settled or if violence is involved, the victim or the witness has the responsibility to notify the administrator. With the assistance of the administrator, the victim must then file a complaint in accordance with the regulations of this policy. Should the complaint involve the administrator, the chairperson of the board will be notified and an ombudsperson will be appointed.

4. Responsibilities of the ombudsperson

The ombudsperson has a role of support and assistance for complainants and witnesses. He or she must, among other tasks, ensure confidentiality throughout the entire process, except in cases where the disclosure of certain elements is necessary to proceed with the inquiry or disciplinary or administrative actions.

The ombudsperson should also advise, inform and guide the complainant or witness.

5. Responsibilities of the inquiry committee :

Receive the complaint, evaluate the pertinence and treat it as soon as possible

Recommend the implementation of provisional measures, if appropriate for the situation

Meet with all persons involved

Submit a report to the concerned managers, including, if necessary, recommendations on the administrative or disciplinary measures that could be applied.

Assistance to the complainant or the witness:

A person who believes herself or himself to be a victim of violence or harassment at the workplace can contact the Centre administrator. The latter meets with and accompanies the complainant until the problem has been resolved or until an official complaint has been filed.

The individual receiving the complaint (administrator or ombudsperson) must:

Remain impartial and proceed with diligence and utmost confidentiality

Analyze the situation in order to correctly identify the nature of the problem

Support the complainant in writing the formal complaint and, if need be, in expressing the complainant's understanding of the facts

With the consent of the complainant, meet the person targeted by the complaint in a perspective of conciliation. If the complainant so wishes, the complaint file may be immediately transferred to the inquiry committee

Provide the complainant with all the pertinent information, particularly concerning the implementation of the policy and the handling of formal complaints.

The witness of a situation of harassment or violence may also have recourse to the assistance of the ombudsperson.

The ombudsperson is: (to be determined per case if warranted)

Name:

Address and phone number:

Email address:

You will be notified of any change concerning this appointment.

The complaint:

The internal complaint procedure of this policy in no way deprives a person of the right to file a complaint with the Labor Standards Commission or to act directly through the courts.

A complaint concerning a situation of violence or harassment must be submitted in writing and addressed to the Centre administrator or the ombudsperson.

All information relating to a complaint as well as the identity of persons involved is treated confidentially by all the parties concerned, unless the disclosure of such information is required for the processing of the complaint or the implementation of administrative or disciplinary measures. No information is entered in the personnel file of the person believing to be the victim of harassment or violence when the latter has acted in good faith.

For persons accused of harassment or violence, information is only entered in their file if the complaint is justified.

Any conduct of harassment or violence by a staff member is subject to a disciplinary sanction that could include:

administrative measures;
a written warning;
suspension; or
dismissal.

If a parent-user or service provider is found to have harassed or behaved in a violent manner towards an employee, sanctions could include:

a written warning;
refused access to the premises;
termination of the childcare or service agreement.

The employer can proceed with an inquiry on a situation of harassment or violence even if no written complaint has been filed.

The inquiry:

Appointment:

- a. The board of directors appoints, for a period of two years, renewable, a president of the inquiry committee as well as a vice president. The vice president acts as president of the inquiry committee when the president is not available.
- b. The inquiry committee is formed once a complaint has been filed or upon the request of the administrator or ombudsperson and shall consist of the appointed president, vice president and Centre administrator or ombudsperson, as circumstances warrant. Alternates can be named by the board, should circumstances warrant.

Functions of the inquiry committee:

The functions of the inquiry committee are to:

Ensure that the complaints submitted to it lie within its competence

Gather the elements concerning the complaints

Establish the facts of the situation of violence or harassment submitted to it by meeting the parties involved as well as the potential witnesses

Obtain from the consulted parties and witnesses a written declaration containing the communicated facts

Write a follow-up report of the inquiry, to be forwarded to the Chair of the board

Issue recommendations concerning administrative or disciplinary measures

The inquiry committee should begin the inquiry within seven days following the submission of the complaint or the request of the administrator or ombudsperson. A report should be completed as fast as possible and no later than three weeks after the beginning of the inquiry. In exceptional situations, a report may be completed at a later date; in that case, the Chair of the board must be informed.

Decisions concerning sanctions and their implementation in no case lie with the inquiry committee and are the exclusive responsibility of the board.

The Centre and the inquiry committee commit to keep confidential all the information concerning the complaint file. Information will only be disclosed for disciplinary or administrative purposes, for hearing or when required by law.

Administrative and Disciplinary Measures:

The board commits to take proper administrative and/or disciplinary measures to sanction all conduct that contravenes this policy. The measures taken against an employee, parent-user or service provider whose conduct has been deemed harassing, violent or inappropriate depends in particular on the nature, circumstances and severity of the case in question.

Once management has made its decision, it ensures that the problem is resolved and that it will not recur.

Generally, a second founded complaint against the same employee will result in dismissal.

A disciplinary measure can also be taken against the complainant if the inquiry reveals that the complaint was filed in bad faith or with the intention to harm.

Revision

This policy will be revised every two years or as required.

Acknowledgement of Receipt

All staff of CPE McGill must acknowledge receipt of this policy and declare to have well understood its meaning and implications.

I _____ acknowledge receipt of the Policy

Against Violence and Harassment in the Workplace that is in effect at CPE

McGill. I hereby declare to have read the policy and to have well understood its

content. I declare to be in accordance with the stated principles and am aware

that any contravention to the policy can lead to administrative or disciplinary

measures, possibly leading to dismissal.

Signed in Montreal on this _____ day of _____, 20_____.

Employee signature

Acknowledgement of Receipt

All parent-users of CPE McGill must acknowledge receipt of this policy and declare to have well understood its meaning and implications.

I _____ acknowledge receipt of the Policy Against Violence and Harassment in the Workplace that is in effect at CPE McGill. I hereby declare to have read the policy and to have well understood its content. I declare to be in accordance with the stated principles and am aware that any contravention to the policy can lead to administrative measures, possibly leading to a prohibition for the parent-user to access the premises or the termination of the childcare agreement.

Signed in Montreal on this _____ day of _____, 20_____.

Parent signature

Acknowledgement of Receipt

All service providers of CPE McGill must acknowledge receipt of this policy and declare to have well understood its meaning and implications.

I _____ acknowledge receipt of the Policy Against Violence and Harassment in the Workplace that is in effect at CPE McGill. I hereby declare to have read the policy and to have well understood its content. I declare to be in accordance with the stated principles and am aware that any contravention to the policy can lead to administrative measures, possibly leading to a prohibition for the individual to access the premises or the termination of the service agreement.

Signed in Montreal on this _____ day of _____, 20_____.

Service provider signature