

Policy promoting civility, prevention and resolution of conflicts and harassment situations at work



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1. Our Priority: Ensuring Safety and a Healthy Working Climate for Our Employees

The success of our projects and company depends on a high level of collaboration between team members. Scavengers wishes to ensure a healthy work climate for its employees to ensure this collaboration between the studio members. Beyond the psychological and sexual harassment elements identified in the law, we want to raise awareness of uncivil behaviour and gestures that could turn into psychological harassment.

This policy is based on the Charter of Human Rights and Freedoms, which recognizes the right of every human being to equality, dignity and just and reasonable working conditions. Our policy is also in line with the Act respecting Labour Standards which specifies that any form of psychological or sexual harassment constitutes a violation of the fundamental rights of individuals.

2. Our Tool: A Civility and Harassment Prevention Policy

Our policy has several objectives:

- Prevent soft skills issues (harassment, intimidation, uncivil acts) that could have an impact on relationships within our organization.
- Promote a healthy work climate by encouraging the denunciation of all forms of violence.
- Inform victims of conflict management and complaint handling mechanisms.
- Establish the different responsibilities of employees and managers.

3. Those Affected by Our Civility Policy

Our policy applies to all employees and the self-employed. It applies to all incidents that are related to work:

- In the workplace or outside the usual workplace.
- During and outside normal working hours.
- During business trips, conferences, meetings, receptions, and social activities organized by our company.

4. Commitments of the Parties

Management and managers must:

- Take reasonable measures to put an end, at the source, to all forms of incivility that could turn into psychological harassment.
- Not tolerate any form of violence: acts of incivility, intimidation, psychological or sexual harassment.
- Designate the people responsible for the application of this policy.

- Respect the time limits for handling complaints provided for in this policy.
- Ensure confidentiality in the handling of complaints.
- Make employees aware of their role in making their work environment healthy and free from incivility.

Employees Must:

- Contribute through their conduct to making the workplace free from the uncivil acts described in this policy.
- Respect the people with whom they interact in the course of their work.
- Not hesitate to approach an uncomfortable situation in relation to a colleague, a client, or a supplier.
- Discuss the problematic situation with the person concerned or management, rather than with your other colleagues. However, you may ask a colleague to accompany you in your process if you wish to do so.

5. Behaviours to Adopt for a Healthy Working Environment

Our Expectation: Civility

Civility is the set of good manners and behaviours to observe when meeting in a group or only with another person. These are all the standards, values, and rules of life such as politeness, courtesy, respect, good manners, and collaboration.

Expected Civilian Behaviour



Show Empathy and Openness Towards Others:

- Have a constructive attitude.
- Be attentive.
- Be open to different points of view.
- Have the desire to understand other people's motives.
- Communicate sensibly and with tact.
- Use respectful words and tone.
- Create contexts that are respectful to communicate.
- Choose the language others understand.

Maintain Good Relations:

- Use basic polite formulas.
- Be punctual at meetings.
- Offer help and collaboration.
- Participate in teamwork.

Use Good Judgment and Ethics:

- Be aware of the consequences of one's actions towards others.
- Say things as they are fairly and appropriately, based on facts.
- Try to understand the motives behind our actions or the actions of others.

Uncivil Behaviours to Avoid

As an employee, you agree to avoid certain uncivil or violent behaviours. Some are more serious than others, but a buildup of seemingly minor behaviours can also constitute harassment.



- Using sarcasm.
- Coarse language.
- Contempt, mockery.
- Ignoring or not greeting colleagues.
- Making derogatory remarks.
- Not using appropriate polite expressions.
- Cutting in when someone is talking.
- Negativism.
- Lack of discretion.

- Speaking ill of someone in their absence.
- Refusal to perform the requested work or negligence.
- Bringing false accusations.
- Spreading rumours.
- Aggression.
- Intimidating others.
- Blaming others rather than take responsibility.
- Sending a difficult message by email to avoid facing the person.
- Taking all the credit for teamwork.

6. Definitions

Not all problematic behaviours constitute psychological harassment. Often the acts or behaviours of incivility or intimidation can resemble them.

To be psychological harassment, the behaviour must meet the criteria set out in section 81.18 of the Act respecting Labour Standards. You must assess the presence of a vexatious behaviour, the repetitiveness of behaviours, words, gestures, hostile or unwanted acts.

Psychological Harassment

Psychological or sexual harassment at work is a vexatious behaviour that manifests itself in repeated behaviour, words, or actions that:

- Are hostile or unwanted, and
- Undermine the dignity or psychological or physical integrity of the employee, and
- Make the workplace harmful.

A single serious behaviour can also constitute psychological harassment if it causes such harm and produces a continuous harmful effect for the employee.

Harassment can result from the behaviours identified in the Behaviours to Avoid section. For example, being aggressive towards a colleague, making fun of them, or cutting them off systematically.

Sexual Harassment

The definition of the Act also includes sexual harassment in the workplace. For example, the following behaviours constitute sexual harassment:

- Any form of unwanted attention or advance with a sexual connotation, for example insistent solicitations, stares, kisses or touching, sexist insults, or coarse remarks.
- Any comments, jokes or images with a sexual connotation.

Discriminatory Harassment

Harassment can also be linked to one of the grounds contained in section 10 of the Quebec Charter of Human Rights and Freedoms. These motives are:

- Race or colour,
- Gender,
- Pregnancy,

- Sexual orientation,
- Marital status,
- Age (except to the extent provided by law),
- Religion or political beliefs,
- Language, ethnic or national origin,
- Social condition,
- Disability or the use of a means to overcome this handicap.

Intimidation

Intimidation is defined as “any behaviour, word, act or gesture, whether deliberate or not, of a repetitive nature, expressed directly or indirectly, including in cyberspace, in a context characterized by unequal power relations between the people concerned, having the effect of generating feelings of distress and injuring, hurting, oppressing or ostracizing.”¹ Intimidation can constitute harassment.

¹ *Education Act* (section 13, paragraph 1.1)

7. What Does Not Constitute Harassment or Intimidation

Certain stressful situations can take place in a workplace without being psychological harassment. Here are some examples.

Labour Disputes

Workplaces are no different from other living environments and conflicts can arise. In most cases, these conflicts do not constitute harassment. Differences of opinion either.

Management Rights

As an employer, our company has the right to direct employees and make certain decisions that affect them. This normal exercise of management rights does not constitute harassment. Here are some examples of this right:

- Task assignment,
- Day-to-day management of discipline,
- Management of work performance or absenteeism,
- Application of the gradation of sanctions.

Work-Related Stress or Difficult Working Conditions

Work-related stress generally does not constitute harassment. Normal work-related stress is assessed according to the position held by the employee.

Likewise, difficult working conditions and professional constraints do not constitute harassment. Economically or technologically justified organizational changes are not either if they do not affect the person arbitrarily.

Romantic or Sexual Relationships Between Consenting People

Romantic or sexual relationships between consenting people do not constitute harassment.

To avoid conflicts of interest between managers and their subordinates, employees in such a situation must notify the policy manager as soon as possible. The information provided will be subject to the rules set out in the Privacy Act.

8. What to Do in Case of an Issue

To prevent small uncivil acts from escalating, here is the procedure to follow to resolve problematic situations.

- At any time, you can contact the person responsible for the policy within the organization using the following contact details:

Daisy Lilly Best

Email: daisy@scavengers.ca

Telephone: (514) 209-8849

- If you prefer to speak in confidence, to a person who is impartial and independent from the organization, you can contact our Ombudsperson.

She will be able to listen to you and advise you on different ways to prevent the difficulties you are experiencing at work from escalating. She will also be able to offer you formal and informal conflict resolution mechanisms adapted to your situation. To find out more about her role, you can contact her or consult the terms of reference which explain her role.

Caroline Lemay

Email: scavengers.ombuds@omega-ombs.ca

Notify the Perpetrator of the Situation

If you believe you have been the victim of uncivil behaviour, you must tell the person that their behaviour does not, in your opinion, respect this policy, and that they must stop immediately. If the circumstances do not allow you to do so or if you do not feel able to act, go to the next step.

Notify Management or the Ombudsperson

Communicate verbally or in writing with the person responsible for the policy or the Ombudsperson to report the situation:

- In the event of recidivism, or
- If the circumstances do not allow you to tell the person that their behaviour is problematic and must stop.

Management or the Ombudsperson can offer an informal intervention to resolve the situation, for example by speaking to the person concerned or by organizing mediation. The intervention will only be implemented with the consent of the person reporting the problematic situation.

Submit a Formal Complaint

You can make a formal complaint, using the form provided for this purpose, to the person responsible for the policy or the Ombudsperson in the event of a repeat offence, or if the circumstances do not allow for an informal intervention.

If You Witness a Harassment Situation

You cannot file a complaint yourself if you are not the victim. If you witness a harassment situation, we encourage you to speak to the person being harassed to encourage them to resolve the issue. You can also report the situation to Management or contact the Ombudsperson for advice on how best to proceed.

9. How We Handle Complaints

Upon receipt of the complaint, Management or the Ombudsperson follows the following steps:

- They examine the complaint.
- They can meet with you or consult you, as well as the person involved.
- They decide whether the allegations constitute, at first glance, uncivil, intimidation or harassment behaviours or if further clarification is required.
- If the complaint is admissible, they inform the person involved in the complaint and ask them for their version of the facts.

If your complaint is not admissible, Management or the Ombudsperson will inform you. A complaint is not admissible if the allegations do not constitute uncivil acts, intimidation, or harassment. The non-admissibility of a complaint ends the formal process, but steps can be taken to prevent the escalation of existing tensions.

If the admissibility of the complaint is assessed by the Ombudsperson and it is determined that an investigation is required, the Ombudsperson forwards the results of their assessment to Management who will refer the complaint to a competent investigator.

Mediation

The person responsible for the policy or the Ombudsperson reserves the right to meet with you and the third party to offer you to participate in a mediation process if the circumstances allow it.

Investigation

Management determines who carries out the investigation, and whether it assigns it to an outside investigator. They can choose to appoint a member of a professional order and bound by professional secrecy, such as a lawyer, a psychologist, or a human resource professional (CRHP or CIRC).

The investigator follows the following steps:

- They begin their investigation within **10 business days** of receiving the file.
- They inform you of their role.
- They consult you or meet with you and the accused person.
- They obtain the names of witnesses and people involved. They have full freedom to meet with people who might shed some light on the investigation.
- They obtain written and signed statements from you, the respondent, witnesses, and people involved.

Within **30 business days** of receiving the file, the investigator must prepare an investigation report containing:

- A summary of the allegations and the evidence obtained,
- An analysis of the evidence.

If it is part of their mandate, they can say whether the complaint is in their opinion founded, unfounded, filed in bad faith or in a spirit of revenge.

Investigator's Decision

Management will notify you of the conclusion of the investigation as soon as possible after receipt of the report.

Administrative or Disciplinary Measures

Management decides on the measures to be taken, depending on the seriousness of the actions and other relevant circumstances. These measures may be of an administrative or disciplinary nature, or a combination of both aspects. They may be applicable during or after the investigation.

They may include the following measures:

- Temporary measures before and during the investigation (e.g., suspension with or without pay).
- Obligation to present a formal apology (verbal or written).
- Verbal or written notice (reprimand).
- Mandatory participation in a training session on appropriate workplace behaviour.
- Prohibition of access to the workplace.
- Suspension without pay for a fixed period.
- Dismissal.

Refusal or neglect to comply with these measures may constitute a violation of this policy and give rise to more severe measures.

You Have Other Remedies

The *Commission des normes, de l'équité, de la santé et de la sécurité au travail* invites you to use, as much as possible, the resource people designated by your employer and the mechanisms put in place in your organization.

Of course, you always have the right to turn to the courts to assert your rights:

- Concerning a question provided for by the Charter of Human Rights and Freedoms.
- To file a complaint under the Act respecting labour standards.

In addition, you retain the right to exercise all other remedies provided by law.

On the other hand, our company must have been informed of the harassment situation and have had the opportunity to act so that a court can deal with your complaint under the Act respecting Labour Standards.

You Are Protected If You File a Complaint

Any retaliation is prohibited. For example:

- Against a person who made a complaint in good faith,
- Against a person who collaborated in good faith in an investigation, or
- Against a person who has ties to a person who made a complaint or who was involved in an investigation.

Retaliation is a violation of policy and may be subject to disciplinary action. Retaliatory measures suffered must be reported to Management or the Ombudsperson so that the necessary steps can be taken to stop them.

You Can Be Penalized in the Event of a Complaint Made in Bad Faith

A complaint made in bad faith or in a spirit of revenge constitutes a fault. It can also be sanctioned by disciplinary measures. Anyone who participates in such a complaint (witness or other) may also be sanctioned. An inadmissible complaint cannot be presumed to be made in bad faith, unless there is compelling evidence to do so.

The Handling of Your Complaint Is Confidential

Making a complaint for psychological or sexual harassment is difficult. We protect the confidentiality of your complaint as much as the circumstances and the laws allow.

We therefore ensure the confidentiality of complaint files, meetings, interviews, investigation results and other documents related to your complaint.

10. Information, Awareness and Prevention

Scavengers is committed to assessing whether the elements of the policy are working as expected and to making any necessary changes. We can consult employees about the work climate and the application of this policy. Our consultations aim to maintain a healthy work environment free from harassment, intimidation, and uncivil behaviours, and when possible, prevent them.

Scavengers is committed to prevent situations of harassment, intimidation and incivility by informing and raising awareness of employees of its organization through various means:

- Presentation of the policy to new employees and annual review.
- Awareness training.
- FAQ section on the intranet site.
- Confidential access to the Ombudsperson who will listen, offer advice and, when desired, establish formal or informal conflict resolution mechanisms.