

**CENTRAL EGLINTON CHILDREN'S CENTRE  
SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY**

**Date Policy and Procedures Established: July 26, 2022**

**Date Policy and Procedures Updated: January 31, 2023, March 6, 2024**

**Sexual Violence and Harassment – CECC's Obligation**

**CECC complies with the Government of Ontario's action plan to stop Sexual Violence and Harassment. CECC, like the government, has zero tolerance of sexual violence or sexual harassment, in order to protect its employees from their devastating impact.**

All CECC staff benefit from living without the threat and experience of sexual violence, sexual harassment and other forms of abuse, and all staff have a role to play in stopping them.

All employees/student teachers/volunteers will be required to read this policy and to sign an acknowledgement form prior to commencing work with CECC or shortly thereafter, when policies change and every year after.

**DEFINITION**

**Sexual Violence**

"Sexual Violence" means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. (Sexual Violence and Harassment Action Plan Act, Bill 132 -2016)

**"Workplace Sexual Harassment"**

- Engaging in a course of vexatious comments 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
- 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. (Occupational Health and Safety Act 2016)

It is sometimes difficult, however, to determine when simple friendliness turns into sexual harassment. For example, a key criterion is whether the victim feels the behaviour is embarrassing or intrusive. Another criterion is whether the employee's job is threatened by failure to respond to a sexual advance. Sexual harassment will be considered to have taken place if a reasonable person ought to have known that such behaviour was unwelcome.

Sexual violence and harassment may be verbal, physical, deliberate, unsolicited or unwelcome. It may be one incident or a series of incidents.

**While the following list is not exhaustive, sexual violence and harassment may include:**

- i. Gender-related comments about an individual's physical characteristics or mannerisms.
- ii. Unwelcome physical contact.
- iii. Suggestive or offensive remarks or innuendoes about members of a specific gender.
- iv. Propositions of physical intimacy.
- v. Gender-related verbal abuse, threats, or taunting.
- vi. Leering or inappropriate staring.

**While the following list is not exhaustive, sexual violence and harassment may include:**

- vii. Bragging about sexual prowess.
- viii. Demands for dates or sexual favours.
- ix. Offensive jokes or comments of a sexual nature about an employee, client.
- x. Display of sexually offensive pictures, graffiti, or other materials.
- xi. Questions or discussions about sexual activities.
- xii. Paternalism based on gender which a person feels undermines his or her self-respect or position of responsibility.
- xiii. Rough and vulgar humour or language related to gender.

**CECC's Responsibilities – Employee Rights**

The Board of Directors and the Centre's Directors are responsible for ensuring that the conduct of employees, both direct and non-direct, is in no way discriminatory. In the same way, it is essential that they ensure that printed material, which could cause offence, will not be permitted on bulletin boards or otherwise posted on the Centre's premises or equipment.

**Filing a Complaint**

If you believe that you have been subjected to sexual harassment or other forms of inappropriate gender-related comments or conduct, you should seek to resolve the problem through CECC's internal policies or resolution mechanisms.

Discipline could range from a verbal warning to dismissal and criminal charges, but disciplinary action will only be taken after all the information has been properly presented and is accurately recorded.

**Complaint Procedure- Reporting**

**You should immediately report the incident to the following:**

- If it involves someone other than a colleague - e.g., a parent or another person in the facilities – the Directors
- If it involves a colleague - the Directors
- If it involves the Directors or Chairperson of the Board.

When making the complaint, you may ask a fellow employee to accompany you. CECC's open door policy allows you to speak confidentially with the directors//board members without fear of reprisal or disciplinary action.

The Directors or Chairperson of the Board receiving your complaint will promptly arrange interviews with you, the alleged harasser and any witnesses. The information will be recorded in letter form, and will be stored in your file, in a locked filing cabinet, in CECC's office. The Directors//Chairperson of the Board will follow with you. No circumstances related to you will be disclosed to any person except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures.

## **Reprisals**

If you complain of sexual violence or harassment your career will not be affected in any way as a result of your complaint. In fact, please be aware that you are assisting in our overall efforts to maintain a wholesome, professional work atmosphere by bringing inappropriate behaviour to the attention of the Board and Directors.

Please be clear, a charge of sexual violence or harassment is very serious. If you make a charge against another employee, parent or individual and the charge is found to be recognizably facetious, and/or untrue, you may expose yourself to disciplinary action.

## **Redress**

Any individual or group of individuals with reasonable grounds for believing that a person is engaging in or has engaged sexual violence or harassment, may file a complaint with the Canadian Human Rights Commission in order to seek redress. A complaint filed with the Commission may be withdrawn at any time during the complaint process. The Commission has the discretion to refuse to deal with certain complaints, where the matter: (1) can be more appropriately dealt with under another provincial statute; (2) is "trivial, frivolous, vexatious or made in bad faith"; (3) is not within the Commission's jurisdiction or (4) is based on facts which are more than six months old.

In certain circumstances, if you have suffered damages, whether mental or physical, you may be able to bring a civil action against the individual or organization that caused the damages.

In cases of physical assault, the threatened use of force, or intimidation, you can report the incident to the police or to a justice of the peace in order to take action under the criminal code.

## **Actions to be taken:**

- The targeted person will immediately be supported. The Directors/Chairperson of the Board of Directors will meet with you and any witnesses. They will document any incidents, indicating who was involved, using first names only, the person documenting will include as much detailed information as possible. They will also discuss resolutions and further actions that the targeted person may pursue.
- The Directors//Chairperson of the Board of Directors will interview the perpetrator informing them of the consequences of such actions and the steps to resolution of the incident.

## **Consequences for Perpetrators**

- If the allegations of sexual violence or harassment are factual, the perpetrator will be subject to CECC's progressive discipline or termination of employment depending on the severity of the situation.

## **Progressive Discipline/Termination of Employment**

### **Verbal Warning**

- If an employee violates a work policy i.e., Sexual Violence and Sexual Harassment, they will be taken aside privately and made clearly aware that the Centre will not tolerate their behaviour. Suggestions will be made, and goals will be set at this time.
- Further violation will lead to disciplinary action, which, depending on the seriousness, may result in termination.
- The discussion will be documented and placed in the employee's human resources file.

### **Written warning #1**

When there is a reoccurrence of sexual violence or harassment, the employee will receive a formal "warning" letter, if the previously discussed incident(s) reoccur. A date will be set to review their performance. They will acknowledge the letter with their signature and will be given a copy and one will be kept for reference in the employee's human resources file. If the employee chooses not to sign the letter, the Directors will request a signature from a witness, i.e., chairperson of the Board's Human Resources Committee.

### **Written warning #2**

If there are still concerns, the employee will receive a second warning letter which acts as formal notice that a re-occurrence will result in a suspension or immediate dismissal. Again, a date will be set to review progress or concerns.

### **Suspension**

Suspension without pay is a significant form of discipline and is only to be used in serious or progressive circumstances such as proven sexual violence or harassment of others. The suspension period will be typically three (3) days. The employee will be given a letter indicating the severity of the problem and the consequences of any future violations.

### **Termination**

If there are still concerns at any time, the employee will be terminated immediately as outlined in warning letter #2. All notices of dismissal will be given in writing.

If employees feel that they were terminated unfairly, they may appeal the decision to the Board of Directors within twenty-four (24) hours.

### **Duty to Report**

Any incidents that involve an employee's violation of CECC's Sexual Violence, Sexual Harassment Policy, will be dealt with by the Director or designate, or by the Board of Directors if the incident involves the Director. If the incident involves an investigation, suspension or sanctions of duty, or termination, or if the employee resigns while an investigation is in process, CECC will report the employee to the College of Early Childhood Educators, as per its duty to report.