

# Pinnguaq Association Sexual and Gender Based Harassment Policy

## 1) Pinnguaq Association Statement

Pinnguaq Association has a commitment to maintaining a fair and equitable environment free of sexual and gender-based harassment, and will not tolerate it.

Sexual Harassment can include:

- Sexual solicitation and advances (a teacher asks for sex in exchange for a passing grade)
- A poisoned environment (pornographic images in the workplace)
- Gender-based harassment (targeting someone for not following sex-role stereotypes)
- Violence (if inappropriate sexual behaviour is not dealt with, it may move to more serious forms, including sexual assault and other violence).

## 2) The Ontario Human Rights Code:

Sections 7(1) and (2) set out a person's right to be free from harassment based on sex and inappropriate gender-related comment and conduct in housing and employment.

Section 7(2) states: Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.

Section 7(3)(a) prohibits sexual solicitation by a person in a position to confer a benefit, etc. It states: Every person has a right to be free from a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.

## 3) Prohibited Forms of Discrimination

The following are prohibited grounds of discrimination listed in the Code.

- Race
- Colour
- Ancestry
- Creed (religion)
- Place of Origin
- Ethnic Origin
- Citizenship
- Sex (including pregnancy, gender identity)

- Sexual Orientation
- Age
- Marital Status
- Family Status
- Disability
- Receipt of Public Assistance

#### 4) Definitions:

**Sexual Harassment** is “engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome.”

**Gender Based Harassment** is “any behaviour that polices and reinforces traditional heterosexual gender norms”.

#### 5) Poisoned Work Environment

Creating or allowing a poisoned environment means that certain people face terms and conditions of employment, tenancy, education, etc. that are quite different from those experienced by people who are not subjected to the comments or conduct. Examples include:

- a supervisor, teacher or housing provider telling an employee, student or tenant: “women should be barefoot and pregnant in the kitchen, not in the boardroom/classroom/living alone,” etc.
- comments, signs, caricatures or cartoons displayed in a workplace, common living area, educational facility, service environment (such as a store or restaurant), etc. that show women in a demeaning way
- sexualized or gender-related graffiti or images that are tolerated and not promptly removed by an employer, housing provider, educator or other responsible party
- sexual or gender-related remarks, jokes or innuendo about an employee, client, student, customer, tenant, etc. In addition, sexual or gender-related remarks, jokes or innuendos made about other people or groups may create worry for bystanders that similar views are held about them.

#### 6) Unacceptable Behaviors:

- demanding hugs
- invading personal space
- making unnecessary physical contact, including unwanted touching, *etc.*
- using language that puts someone down and/or comments toward women or men, sex-specific derogatory names
- leering or inappropriate staring
- making gender-related comments about someone’s physical characteristics or mannerisms

- making comments or treating someone badly because they don't conform with sex-role stereotypes
- showing or sending pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online)
- sexual jokes, including passing around written sexual jokes (for example, by e-mail)
- rough and vulgar humour or language related to gender
- using sexual or gender-related comment or conduct to bully someone
- spreading sexual rumours (including online)
- making suggestive or offensive comments or hints about members of a specific gender
- making sexual propositions
- verbally abusing, threatening or taunting someone based on gender
- bragging about sexual prowess
- demanding dates or sexual favours
- asking questions or talking about sexual activities
- making an employee dress in a sexualized or gender-specific way
- acting in a paternalistic way that someone thinks undermines their status or position of responsibility
- making threats to penalize or otherwise punish a person who refuses to comply with sexual advances (known as reprisal).

## 7) Individuals Governed by this Policy:

This policy applies to employees, employers, board members, third party service providers, clients, pupils, and people peripherally involved in the work we do (teachers, family members, etc.)

## 8) Internal Complaints and Process

Internal complaints should be referred to the employee's direct manager, unless the direct manager is the cause of the complaint or the employee is not comfortable bringing up the issue with them. In that case, employees should speak with board members Nicolas Polito (ndpolito@gmail.com) or Zoltan (Hal) Timar (hal@iqsolutionsgroup.ca):

The recipient of the complaint will handle it in an independent manner. Confidentiality will be maintained at all times. The complainant will be protected from reprisal or threat of reprisal. The receiver of the complaint will try to resolve it in as equitable manner as possible, bearing in mind that **our priority is a safe workspace for all employees**. If necessary, the employer will provide Alternative Dispute Resolution, such as mediation, to resolve a complaint.

Until the complaint is resolved, the complainer will not be asked to work with the complaine.

If the complaint can be resolved internally, the process should not take any longer than a week. If an external mediator or legal advice is required then the process may take longer.

Complaints will be investigated on a case-by-case basis, always with the human rights of the employee as a priority.

External assistance is also available from the Human Rights Legal Support Centre:

<http://www.hrlsc.on.ca/en/contact-hrlsc>

## 9) Remedies

Remedies available if a claim of sexual harassment is proven include disciplinary measures taken towards the accused such as a verbal warning, letter of reprimand, or termination, depending on the seriousness of the claim.

## 10) Alternative Courses of Action

At any point, if the employee is not satisfied with the internal process, they may file a human rights application with the Human Rights Tribunal of Ontario at any time during the internal process. They may also file a complaint under the Occupational Health and Safety Act, if applicable, a grievance under a collective agreement, if applicable, or criminal charges, if applicable.

## 11) Time Limitations

You must file your application within **one (1) year** of the date on which the discrimination happened, or if there was a series of events, within **one (1) year** of the last event, according to the Human Rights Code.