

## POLICY

### | Policy on the Prevention of Harassment and Violence

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#### GOAL

The Pierre Elliott Trudeau Foundation (the “**Foundation**”) is committed to providing a safe environment for all employees, managers, administrators, Scholars, Mentors and Fellows (collectively, “**the Foundation Actors**”) to perform their work, participate in activities, and engage with other members of the community free of harassment and violence. This policy also extends to all other participants in Foundation activities.

The Foundation acknowledges that factors including career status, age, and gender can create power dynamics between individuals, which can make some people more vulnerable to harassment and violence.

Through its activities and programs, the Foundation encourages the leaders within its community to challenge themselves, to engage in healthy academic debate, and to discuss difficult subjects. The Foundation strives to create a safe and respectful environment in which these debates and discussions can take place. The objectives of the policy are as follows:

- to create a professional environment in which Foundation Actors are treated with dignity and respect and are free from all forms of harassment or violence;
- to prevent harassment and violence to the greatest extent possible through awareness and education so as to ensure all are treated fairly, without discrimination, harassment or violence.
- to adopt a zero-tolerance policy vis à vis harassment and violence in the workplace;
- to encourage reporting of any situation that constitutes or may constitute harassment or violence in the community;
- to implement a process for dealing with complaints that is accessible and impactful and, in particular, will allow Foundation Actors who believe they have been victims of harassment to assert their rights with their confidentiality protected and without fear of retaliation; and
- to set out reasonable measures that will serve to put an end to situations involving harassment and sanction wrongful behaviour.

The following policy includes a reporting process that allows Foundation staff and members of the community to file complaints with an external individual or agency (the “**third-party external**”), engaged by and answerable to the Foundation, who will handle the complaint and offer assistance to those who have experienced situations outlined within this policy.

#### DEFINITIONS

Harassment is a vexatious type of conduct characterized by repeated and hostile or unwanted behaviour, words, actions or gestures that harm the dignity or the psychological or physical integrity of an individual and results in a learning or working environment becoming harmful for that individual. A single harmful act may constitute harassment if it harms the dignity or psychological or physical integrity of an individual

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and produces a lasting harmful effect on that person. Harassment can take the form of jokes, comments, or threats; or other forms of behaviour when they are offensive and inappropriate.

This definition also includes sexual harassment, that is, a specific form of harassment involving behaviour that is sexual in nature. Sexual harassment can be verbal, non-verbal or physical. It is characterized by any behaviour, speech, gesture or contact which, on a sexual level:

- offends, hurts or humiliates another person;
- creates an atmosphere of intimidation in the workplace; or
- may reasonably be interpreted as making employment, or training, or advancement conditional on behaviour of a sexual nature.

Sexual harassment, may, for example, be present in the following situations, whether manifested in single or repeated incidents:

- persistent or abusive demonstrations of unwanted sexual interest;
- inappropriate advances or suggestions (direct or indirect), promises, threats or intimidation, or any comment that can be interpreted as a demand for sexual favours;
- persistent remarks, insinuations or sarcasm relative to the physical appearance, sex, or gender identity and expression of an individual;
- physical contact such as caressing, pinching or brushing against someone in a deliberate and unwanted way;
- degrading images of a sexual nature; or
- any physical assault of a sexual nature or the imposition of unwanted sexual intimacy.

The above list is not intended to be exhaustive. In this policy, the terms “harassment” or “psychological harassment” include sexual harassment.

Foundation Actors work in a dynamic setting and are called upon to make decisions that sometimes generate conflictual situations. The Foundation has put in place a policy that is intended to depersonalize the debates that can be associated with such situations and promote outcomes based on the best interests of Foundation Actors and the Foundation’s partners. It expects Foundation Actors to respect the guiding principles and the procedures created by this policy for managing situations involving conflict, or situations that can appear to be conflictual, and which may result either in one of the forms of harassment described herein or the appearance of harassment.

The normal exercise of management’s authority, normal workplace disagreements, work-related stress, or challenging work conditions and professional constraints are not generally considered to constitute psychological harassment.

Violence is defined as any action, threat or gesture on the part of one person towards another person that is likely to cause them damage, harm, injury, or illness. Violence can be non-verbal or verbal, physical or psychological.

## **SCOPE**

The present policy applies to all Foundation Actors, including managers and staff, whether permanent or not, whether full-time or part-time, and to any professionals contracted for a finite period or on a

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consulting basis, in dealings amongst themselves or with clients of the Foundation, suppliers of goods and services, and any member of the public at large.

The Foundation applies a zero-tolerance policy: any act of harassment or violence against a Foundation Actor will not be tolerated. The Foundation therefore requires that all Foundation Actors behave, vis-à-vis each other and the public, in a manner free of harassment or violence. It is therefore incumbent on all Actors to take responsibility for preventing or, as the case may be, reporting all forms of harassment and violence envisioned in the present policy.

The present policy applies to any incidents related to the work and activities of the Foundation, whether they occur within the regular workplace or outside of that workplace, whether within normal work hours or during extended work hours, for example, in the context of business trips, conferences, meetings, receptions or social gatherings, where such activities are organized by the Foundation. The present policy also applies to communications via email or social media.

## **THE POLICY**

Harassment and violence are prohibited, and the Foundation will not show any tolerance toward such behaviour. Therefore, the Foundation will engage all reasonable efforts in order to ensure a workplace environment free of harassment and violence, to prevent harassment, and, as the case may be, to put an end to such behaviours when a situation involving them is brought to its attention.

This policy should in no way limit the authority of managers and supervisors in areas like performance evaluation, the management of labour relations with Foundation Actors, the application of administrative or disciplinary measures, the organisation of workloads or the distribution of work assignments.

The Foundation will use a problem-solving approach that is rapid and effective, and a specific procedure to handle complaints, with a view to quickly restoring a healthy workplace environment.

Any person who believes they have been subjected to harassment or violence will be able to file a complaint or initiate a procedure without fear of suffering any prejudice or retaliation whatsoever.

Any complaint alleging harassment will be treated promptly and in an impartial manner. Unless a complaint can be resolved in an informal way or through mediation, a formal inquiry will be held. All information relative to a complaint as well as to the identities of the individuals involved will be kept confidential, to the extent possible, by all parties, except where the disclosure of such information is needed for the processing of the complaint, the conduct of an inquiry or the imposition of administrative or disciplinary measures.

## **1. RIGHTS AND RESPONSIBILITIES**

### **1.1 Foundation Actors**

All Foundation Actors must apply and promote the standards of behaviour set out in this policy. Foundation Actors must not engage in any behaviour that would constitute harassment, whether in dealings with other Actors or with the public in general. They must also contribute to maintaining a workplace environment that is free of harassment. Foundation Actors have a duty to take appropriate

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measures when they are victims of, or witnesses to, any incidence of harassment or violence, so as to ensure that this policy is applied and adhered to.

Any Foundation Actor who believes they have been a victim of behaviour described in this policy must notify the other person involved that the behaviour is not acceptable and ask the other person to put an end to it immediately.

Subsequently, if the behaviour continues despite the victim having voiced their objection, or if the victim is not able to confront the other person involved, the Foundation Actor who is the victim must as soon as possible notify their relationship manager or the third-party external (insert name, email, and phone number of the representative individual or organization). The third-party external is a human resource professional or agency with appropriate training to manage the complaint process.

Foundation Actors must at all times act in good faith when they avail themselves of the present policy and of its complaints procedure. Foundation Actors are forbidden from carrying out any type of retaliation toward a Foundation Actor who brings to light a violation of this policy or avails themselves of the policy. Any Foundation Actor who carries out such reprisals may face disciplinary action up to and including dismissal or the termination of their relationship with the Foundation.

### **1.2 Responsibility for Implementing the Policy**

The Chair of the Board of Directors delegates responsibility to the President and CEO who, in turn, delegates responsibility to the Policy Manager, who is responsible for the internal application of the policy. An Action Plan will be developed in order to ensure that the Policy is fully implemented. The Foundation aims to implement the Policy by January 2019.

Thomas Ledwell, Senior Director, Leadership Programs and Global Development, is the acting Policy Manager. The Policy Manager may delegate the overseeing of the complaints procedure to a person they designate the third-party external.

The Policy Manager is responsible for:

- ensuring that necessary training is provided to Foundation Actors;
- annually distributing a copy of the policy to Foundation Actors;
- creating awareness among Foundation Actors of their responsibility to contribute to the health of the workplace and community and seeking their individual involvement and commitment;
- steering Foundation Actors towards specialized resources that can offer them support, where needed;
- working with the third-party external to prepare an annual activity report for the Foundation President which, while maintaining the confidentiality of individuals involved in complaints, catalogues complaints received, how they were dealt with and the result of the complaint procedure. With respect to complaints found to be justified, the report will indicate the measures taken to put an end to a situation involving harassment or violence, including disciplinary action, as the case may be;
- ensure that Foundation Actors know the policy and the procedure for handling complaints;
- provide guidance to Foundation Actors on how to prevent harassment and on the complaint's procedure; and

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- frequently remind Foundation Actors of the existence of the policy and carry out any appropriate follow-up.

### **1.3 Managers' Responsibility**

The Foundation expects its managers to lead by example and ensure that this policy is widely known, and complied with, in order that its objectives may be achieved. Managers have a duty to take appropriate measures when they witness harassment, regardless of where the incident takes place. When a manager is not in a position to intervene in such a situation, they must immediately advise the Policy Manager.

## **2. PROCEDURE FOR HANDLING COMPLAINTS**

The Foundation requests that complaints be filed in a timely manner and within 24 months of the incident or incidents that give rise to them, in accordance with Quebec law. Complaints must be addressed to the Policy Manager or the third-party external. A complaint must contain specific allegations, as well as the name(s) of the person or persons who are the objects of the complaint, a description of the incident(s), the date(s), and the names of witnesses, if any.

A complaint can be brought using the form found in Appendix 1 of this policy. Even when there is no written complaint, the Policy Manager may at any time launch an inquiry if they have reasonable grounds to believe that a case of harassment exists.

Written complaints will be destroyed after having been digitized, with the digital format being kept by the office of the President and Chief Executive Officer in accordance with the Foundation's confidentiality and Access to Information policies.

## **3. INVESTIGATING THE COMPLAINT**

The Policy Manager or third-party external, as the case may be, must ensure that an inquiry is carried out as soon as a complaint is filed and lasts no more than two months. To that end, the Policy Manager or third-party external must mandate a competent and objective person to lead the inquiry. The mandate may be given to either an internal or external investigator, depending on the circumstances. The individual heading the inquiry is hereafter known as "the Investigator".

The Investigator must:

- launch an inquiry within a reasonable timeframe;
- meet the parties, obtain the names of witnesses and also meet them;
- obtain written and signed declarations from the parties and the witnesses;
- allow the party who is the object of the complaint to be heard;
- prepare a report, summarizing the allegations and the proof, analyzing the proof and rendering a ruling, that is, a determination of whether the complaint is founded in whole or in part or is simply vexatious.

The Investigator may, at any time, call upon the services of external consultants, with only the facts of the case being presented and the anonymity of the complainant being protected throughout this consultation process.

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The inquiry shall be conducted in a confidential manner, to the extent possible, and the personal information of the witnesses and other Foundation Actors shall only be used in order to obtain additional information, when such information is required.

The individual who believes they have been harassed, as well as the individual who is the object of the complaint, shall be treated with impartiality, and informed of the progress of the file and of any decision relating to the management of the issue.

The Investigator may end the inquiry at any stage in the process, when it appears that complaint itself is abusive. A complaint may be deemed abusive, whatever the intent of the complainant, if it is obviously unfounded, frivolous or vexatious. Any false or misleading complaint, or one brought with the intent to harm another, may result in serious disciplinary action against the complainant, up to and including dismissal or the termination of their relationship with the Foundation.

### **4. MEDIATION**

If the parties agree, the Investigator may, at any time, bring them together in order to attempt to find a solution to the alleged situation through mediation.

If the parties come to an understanding, they shall sign an agreement so declaring, but without further details unless they agree to include such details. If any action is required on the Foundation's part, it shall intervene when the agreement is signed and add its assent. The agreement is confidential unless the parties decide otherwise. The document will, however, go into the file of the individual who was the object of the complaint if a disciplinary measure has been imposed; and it may be invoked as a precedent if there is a recurrence of such behaviour.

### **5. INVESTIGATOR'S RULING**

At any time prior to the filing of their report, the Investigator may implement temporary preventative measures in order to protect the complainant or in order to put an end to any situation of harassment or violence that is continuing as the inquiry goes on.

Subsequent to the filing of the report of inquiry, the Foundation must, as soon as possible, inform the parties of the upholding or dismissal of the complaint. If the complaint is held to be well-founded, the Policy Manager or third-party external, as the case may be, shall decide on remedial and/or disciplinary measures that are to be applied as well as any appropriate administrative measures.

### **6. UPDATING THE POLICY**

This policy shall be regularly revised and re-evaluated, and the necessary alterations shall be made in order to respond to changes in the context or needs of the Foundation.

If you have any questions regarding this policy, please contact Thomas Ledwell, Senior Director, Leadership Programs and Global Development at [TLedwell@fondationtrudeau.ca](mailto:TLedwell@fondationtrudeau.ca) or 514.938.0001 #227.

## **7. ACKNOWLEDGEMENT**

I, \_\_\_\_\_, acknowledge having read and understood the provisions of this policy, which was made available to me on \_\_\_\_\_.

I promise to comply with, and ensure the compliance with and the application of, this policy.

I understand and accept that the Foundation may, at its sole discretion, change, eliminate or add to any provisions of the policy and I promise to keep myself apprised of any such modifications.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date and location

# APPENDIX 1

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## COMPLAINT FORM

I, the undersigned \_\_\_\_\_ wish to file a complaint against:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

### Incident

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

Witnesse(s): \_\_\_\_\_

Is this the first incident? Yes –  No –

If no, what has been the frequency of the incidents? \_\_\_\_\_

List the dates of all incidents: \_\_\_\_\_

### Detailed description of incident

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