

VIPASSANA FOUNDATION OF EASTERN CANADA

**VIPASSANA MEDITATION CENTRE
810 AZELIE ROAD
MONTEBELLO, QUEBEC**

*Policy to prevent
psychological or sexual harassment in the workplace
and complaint handling*

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Policy to prevent psychological or sexual harassment in the workplace and complaint handling

1) OBJECTIVES

The purpose of this policy of the Vipassana Foundation of Eastern Canada (hereinafter referred to as the "Foundation") is to affirm that everyone has the right to be treated with dignity and respect and to be free from psychological and sexual harassment within their organization, including any form of discriminatory harassment.

It also aims to establish the principles of intervention that are applied in the organization when a complaint of harassment is filed or a situation of harassment is reported to the Foundation or to its representatives.

Harassment, in all its forms, is contrary to the high standards of conduct that the Foundation imposes from all its officers, teachers, members of the Board of Directors, managers, salaried employees or volunteers in its service (hereinafter referred to as "staff members").

Staff members must observe basic rules of courtesy and behave respectfully towards each other regardless of their hierarchical level or contractual status.

All must strive to prevent psychological or sexual harassment and take effective and prompt protective measures as soon as they become aware of a harassment situation in order to put an immediate end to it.

2) SCOPE

This policy applies to all Foundation property, including the following locations and contexts :

- Workplaces;
- Common areas (e. g., main building, meditation pavilion, outdoor dormitories);
- Dwelling houses provided to staff members by the Foundation;
- Any other place where staff members must be in the course of their service (e.g., meetings, training, travel, activities organized by the Foundation);
- Communications by any means, technological or other (e.g., social media, emails, text messages, postings, letters, etc.).

3) DEFINITION

The Act Respecting Labour Standards describes psychological harassment as follows :

"Vexatious conduct manifested either by repeated behaviors, words, actions or gestures, which are hostile or unwanted, which violates the dignity or psychological or physical integrity of the employee and which results in a harmful work environment for the employee. For greater certainty, psychological harassment includes such conduct when it manifests itself in such sexual words, acts or gestures.

A single serious conduct may also constitute psychological harassment if it causes such damage and has a continuous harmful effect on the employee. »

The definition includes discriminatory harassment related to one of the grounds set out in the *Charter of Human Rights and Freedoms*.

The notion of harassment must be distinguished from other situations such as interpersonal conflict, work-related stress, difficult professional constraints or the normal exercise of management rights (attendance management, work organization, disciplinary action, etc.).

For the purposes of this policy, the definition of psychological harassment mentioned above for employees within the meaning of the Act Respecting Labour Standards applies to all staff members.

Behaviors that may be related to psychological harassment:

- Intimidation, cyberbullying, threats, isolation;
- Offensive or defamatory words or actions directed at a person or their work, by any means of communication, technological or other.
- Verbal abuse;
- Denigration.

Behaviors that may be related to sexual harassment:

- Any form of unwanted attention or advances with a sexual connotation, including:
 - Insistent solicitation;
 - Looks, kisses, touching, pinching or any other form of physical contact;
 - Sexist insults, rude language.
- Comments, jokes, images with a sexual connotation, transmitted by any means of communication, technological or other.

Sexual verbal behavior may include, but is not limited to:

- Sexual comments about physical appearance;
- Requests for sexual favors;
- Repeated suggestions for a private social activity after it was clearly indicated that such requests and suggestions were not welcome.

Examples of offensive verbal behavior may also include:

- Inappropriate flirtation;
- Obscene remarks;
- Comments on a person's sexual orientation;
- Sexually connoted remarks, such as the direct expression of a sexual interest.

4) POLICY STATEMENT

Psychological or sexual harassment within the Foundation is unacceptable behavior that will not be tolerated, either by:

- Officers, teachers and members of the Board of Directors;
- Managers;
- Salaried employees or volunteers.

Sexual harassment may come from a superior or may occur between salaried and/or voluntary employees, for example :

- The hierarchical superior offers better conditions of employment or service to the person concerned in exchange for sexual favors or, on the contrary, threatens to take measures that would adversely affect his or her work or service situation if he or she refuses the requested sexual favors;
- Many salaried employees and/or volunteers submit a person to comments with a sexual connotation that are so shocking and incessant that they have harmful consequences for the person being harassed.

The Foundation gives the highest priority to the prevention and elimination of psychological or sexual harassment in the workplace, as harassment can have serious physical and psychological consequences for the person being harassed, affect staff morale and disrupt the environment.

The Foundation would like to emphasize that all complaints of harassment will be closely examined and, if necessary, will result in disciplinary action up to and including dismissal.

The Foundation is committed to taking reasonable measures to :

- Provide a work or service environment free of any form of harassment in order to protect the dignity and psychological and physical integrity of individuals;
- Disseminate the policy in a way that makes it accessible to all employees by :
 - Posting it in places accessible to all staff members;
 - Giving copies to staff members;
 - Integrating it into the Foundation's website.
- Prevent or, as the case may be, put an end to harassment by :
 - Establishing a procedure for handling complaints and alerts related to psychological or sexual harassment situations;
 - Ensuring that all people understand and respect the policy;

- Promoting respect between individuals.

5) EXPECTATIONS OF STAFF MEMBERS

It is the responsibility of all staff members to adopt behavior that promotes the maintenance of an environment free of psychological or sexual harassment.

6) HANDLING OF COMPLAINTS AND ALERTS

The Foundation encourages staff members to try to resolve psychological or sexual harassment issues through dialogue and informal conflict resolution. A person who believes he or she is being subjected to psychological or sexual harassment should first notify the person concerned that his or her behavior is undesirable and unacceptable and that the person concerned must stop it. The reprehensible behavior must then cease immediately.

It is recommended that any person who believes that he or she is or has been the victim of psychological or sexual harassment should write down the facts in question as soon as possible after they have occurred, noting the date and place, briefly describing what happened and indicating the names of any witnesses and any third party to whom the incident could have been reported.

If this first intervention is not desired or if the harassment continues, the person concerned should report the situation to one of the responsible persons designated by the Foundation, in order to identify the problematic behaviors and the means required to stop them.

A complaint can be made verbally or in writing and signed by the victim. A verbal complaint must be put in writing and signed by the victim. The behavior complained of and the details of the incidents must be described as accurately as possible, so that an intervention can be carried out quickly to stop the situation.

The person who witnesses a situation of harassment is also invited to report it to one of the responsible persons designated by the Foundation.

The persons designated by the Foundation to receive and process complaints are the following :

Joëlle St-Germain
Legal Affairs Committee
Cellular: 514- 884-6419

Roger Gosselin
Legal Affairs Committee
Cellular: 514- 777-4817

The persons designated by the Foundation are the only ones authorized to receive and process complaints. All complaints will be treated confidentially.

A written complaint should be sent to the following e-mail address : affaires-juridiques@sut-tama.dhamma.org.

If one of the persons designated by the Foundation were to be the subject of a complaint, he or she would be excluded from the procedure for handling the complaint.

7) PRINCIPLES OF INTERVENTION

The Foundation is committed to :

- Taking charge of the complaint or report as soon as possible;
- Preserving the dignity and privacy of the persons concerned, i.e. the person who made the complaint, the person who is the subject of the complaint and the witnesses;
- Ensuring that all persons concerned are treated with humanity, fairness and objectivity and that adequate support is provided;
- Protecting the confidentiality of the intervention process, including information related to the complaint or report;
- Offering the persons concerned to hold, with their agreement, a meeting between them to settle the situation – either party may refuse mediation;
- Ensuring that each party can be accompanied and assisted by a person of their choice at each step of the complaint resolution process;
- Conducting an investigation, if necessary, in a timely and objective manner;
- Informing the person alleged to have harassed that a complaint has been filed against him or her and provide him or her with a copy of the complaint;
- Upon delivery of a copy of the complaint, the Foundation may require the person against whom the complaint was filed to agree not to disclose the existence of the complaint and its content or the identity of the person making the complaint, other than for the purpose of enforcing his or her rights as provided herein;
- Meeting with the people concerned and informing them of the conclusion of this process – if the investigation does not establish that there was unacceptable behavior, all physical evidence will be retained for two years and destroyed thereafter;
- Reviewing the recommendations made following the investigation and take all reasonable measures to resolve the situation, including appropriate disciplinary action.

The choice of the applicable measure will take into account the seriousness and consequences of the action as well as the previous record of the person who performed them. The disciplinary action imposed could range from a letter of apology, a warning, a reprimand, a blame, a dismissal to a ban on entering the Foundation's property.

A person who lays false accusations with the aim of causing harm is also liable to appropriate disciplinary measures.

In the course of dealing with and resolving a situation involving psychological or sexual harassment, no one shall be prejudiced or subject to reprisals by the Foundation or a member of its staff.

8) *RECOURSE OF THE PERSON MAKING THE COMPLAINT*

A person who believes that he or she is being or has been subjected to psychological or sexual harassment in connection with his or her volunteer work may file a complaint with the Vipassana Foundation of Eastern Canada or the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) if he or she believes he or she have been discriminated against under the Charter of Human Rights and Freedoms.

A salaried and non-unionized employee who believes that he or she is being or has been subjected to psychological or sexual harassment in relation to his or her work may file a complaint with the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST). In this case, the maximum time limit for doing so is two (2) years from the last occurrence of harassment. The complaint can be filed online or by phone at 1-844-838-0808.

A person's choice to contact the Foundation first will not prevent him or her from also filing a complaint with the CDPDJ or the CNESST.

9) *APPENDICES:* The appendices related to the present policy form an integral part of it.

Adopted by resolution of the Board of Directors on December 8th 2019.

APPENDIX 1

RECOGNIZE PSYCHOLOGICAL OR SEXUAL HARASSMENT

The Act Respecting Labour Standards provides criteria for determining what can be considered psychological or sexual harassment, such as :

- Vexatious (hurtful, humiliating) conduct;
- Which manifests itself repeatedly or during a single and serious act;
- Hostile (aggressive, threatening) or unwanted;
- Violating the dignity or integrity of the person;
- Leading to a harmful (detrimental, damaging) work environment for the person.

These conditions include words, actions or gestures of a sexual nature.

Discrimination on any of the grounds listed in section 10 of the Charter of Human Rights and Freedoms may also constitute harassment : race, color, sex, pregnancy, sexual orientation, marital status, age except to the extent provided by law, religion, political belief, language, ethnic or national origin, social condition, disability or the use of a means to overcome this disability.

For example, the following behaviors could be considered vexatious conduct constituting harassment if they meet all the criteria of the law.

Behaviors that may be related to psychological harassment

- Intimidation, cyberbullying, threats, isolation;
- Offensive or defamatory words or actions directed at a person or their work;
- Verbal abuse;
- Denigration.

Behaviors that may be related to sexual harassment

- Any form of unwanted attention or advances with a sexual connotation, including :
 - Insistent solicitation;
 - Looks, kisses or touching;
 - Sexist insults, rude language.
- Comments, jokes or images with a sexual connotation, transmitted by any means of communication, technological or other.

APPENDIX 2

RESPONSIBLE PERSONS DESIGNATED BY THE FOUNDATION

The Vipassana Foundation of Eastern Canada appoints the following persons to be responsible for the application of the Policy on the Prevention of Psychological or Sexual Harassment in the Workplace and the Handling of Complaints:

Joëlle St-Germain
Legal Affairs Committee
Cellular: 514-884-6419

Roger Gosselin
Legal Affairs Committee
Cellular: 514-777-4817

These persons are responsible mainly for the following purposes :

- Inform staff members about the Foundation's policy on psychological or sexual harassment;
- Intervene informally in an attempt to resolve situations;
- Receive complaints and alerts;
- Provide mediation to the parties and investigate if required;
- Recommend to the Foundation's Board of Directors the nature of the actions to be taken to stop the harassment.

Commitment of the responsible persons

I hereby declare my commitment to comply with this policy and I affirm that my intervention will be impartial, respectful and confidential.

Joëlle St-Germain Date

Roger Gosselin Date

APPENDIX 3

PSYCHOLOGICAL OR SEXUAL HARASSMENT COMPLAINT FORM

I formally file a complaint of psychological or sexual harassment before the Vipassana Foundation of Eastern Canada and ask it to analyze the situation.

I allege being a victim of :

Psychological harassment

Sexual harassment

My contact details :

Last name : _____ **First name :** _____

F u n c t i o n _____ :

Work number : _____ **Home number:** _____

Cell phone : _____

I agree to give access to the content of this complaint to the person or persons to whom the facts are reproached.

I declare that the information contained in this questionnaire is true and expressed to the best of my ability and that I am making this complaint in good faith.

Signature

Date

Person(s) subject of the complaint :

Last name : _____ **First name :** _____

Function : _____

Phone number, if known : _____

Last name : _____ **First name :** _____

Function : _____

Phone number, if known : _____

Summary of the alleged act(s) :

Event(s) that prompt(s) you to initiate this formal process :

Allegations : At this stage, you must list all the incidents that are part of your complaint in a precise and concise manner. Each allegation (incident) must be listed separately in the format below.

You must reproduce this page for each allegation reported.

ALLEGATION # *(enter a number for each one of your allegations)*

WHEN? *(specify the dates of the different events)*

- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

Action(s) taken prior to the present complaint :

I have tried to resolve the situation with the person(s) involved :

- yes
- no

If yes, specify when and in what manner :

I have explained to this person(s) the effect his or her (their) behavior had on me :

- yes
- no

What were the results?

What would you like to do to resolve this situation?

- I would like to undertake a mediation process
- I would like the Foundation to initiate an investigation process

If you have evidence to add to this complaint, attach it to the present form.

For example :

- Letter(s) received from the person(s) concerned
- E-mail(s) / text messages received

Other proof of evidence : *(Specify)*

I wish to resolve this situation in another manner : *(Specify)*

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RESOLUTION

The English and French versions of the attached Policy to prevent psychological or sexual harassment in the workplace and complaint handling are adopted.

In the event of any discrepancy between the two versions, the French version shall prevail.

The appendices on the complaint handling process and the complaint form may be amended by the members of the Legal Affairs Committee, if necessary.

The members of the Legal Affairs Committee appointed for the application of this policy, in collaboration with the Management and Coordination Council (MCC), may appoint one or more staff members to assist them in the performance of their duties.

Suggested by : _____

Supported by : _____

Date : _____