



CLIMATE EQUITY REFERENCE  
P R O J E C T  
C A N A D A 

# ANTI-BULLYING AND ANTI-HARASSMENT POLICY

Version 1.0  
22 April 2019

## 1. THE POLICY STATEMENT

Climate Equity Reference Project Canada (CERP Canada) International is committed to providing a safe and respectful environment for all its workers, free from bullying and harassment, including sexual harassment. Every employee, contractor, volunteer and intern, is entitled to be treated with respect as an individual. Any unwelcome behaviour, physical or verbal, or conduct that creates an intimidating, hostile or offensive work environment is prohibited. All bullying and harassment is prohibited wherever it takes place, including in the workplace, during events, conferences, social events, business trips and training sessions.

CERP Canada will adopt a zero-tolerance approach for any form of harassment or bullying. Any allegation of harassment or bullying will be dealt with in a robust and timely manner with fairness and sensitivity. Any person found to have bullied or harassed another will face disciplinary action, up to and including dismissal from employment. Actions such as these should be reported without any fear of retaliation. All complaints of bullying and harassment will be taken seriously and treated with respect and in confidence. This policy may be subject to change through resolution of the CERP Canada Board or Annual General Assembly.

## 2. DEFINITIONS

### 2.1 DEFINITION OF BULLYING

Bullying is behaviour directed either against an individual or a group of individuals that creates a threatening or intimidating environment undermining the confidence and self-esteem of the recipient(s). It could be an abuse or misuse of power that humiliates or injures the recipient(s).

Examples of bullying may include:

- Repeated criticism of work without balancing this with positive feedback or potential solutions, criticising in front of others, devaluing work or performance, blaming recipient for circumstances beyond their control.
- Criticism that focuses on a personal characteristic rather than work performance.
- Exclusion or victimisation.
- Criticising a colleague to others in a way that encourages them to criticise.
- Aggressive behaviour towards others, including unreasonable anger or shouting.
- Persistently setting objectives with impossible deadlines or unachievable tasks, persistently ignoring concerns regarding workload, stress and expectations, deliberately or excessively changing work hours, schedules and other agreed arrangements.
- Using unnecessary levels of excessive supervision and interfering with the small detail of work.
- Deliberately withholding work information or unreasonably blocking promotion or training opportunities.
- Gaslighting or other forms of psychological manipulation.
- Using knowledge about a person's private life to negatively impact their work life.

The above is not exhaustive and can only be used as a guide for examples of bullying.

## 2.2 DEFINITION OF HARASSMENT

Harassment means verbal, non-verbal or physical conduct, which meets the following three criteria:

- Is related to a person's characteristics, whether they are actual or perceived, which include: age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, caste, indigeneity, ethnicity, country/region of origin or residence, religion or belief, sex, sexual orientation, and class or economic background.
- Is unwanted.
- Has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive work environment for that person.

Bullying and harassment can often come together and can be indistinguishable.

Examples of harassment can include any kind of behaviour including:

- Spoken or written words or abuse
  - Any "jokes", banter, insults, taunts or gibes which focus on personal or physical characteristics as defined above.
  - The general use of racist language or racist terminology, sexually explicit or provocative language or homophobic language
  - Insulting or ridiculing the way someone dresses, speaks or behaves.
  - Unwelcome or offensive questions, remarks or suggestive comments about a protected characteristic.

- Imagery
  - Display or circulation of any offensive or pornographic material, graffiti or racist literature; or sexually suggestive pictures, objects or written materials.
- Physical gestures
  - Facial expressions
  - Persistent or unwanted attention or physical contact or similar.
  - Mimicry
- Pranks
- Excluding people because of a personal characteristic.
- Other acts which affect a person's surroundings or other physical behaviour.

## 2.3 DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents, and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

### Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- The use of job-related threats or rewards to solicit sexual favours

### Verbal conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (over phone/text messages, email, social media, etc.)

### Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

Anyone can be subjected to sexual harassment, regardless of their sex and of the sex of the harasser. CERP Canada recognises that sexual harassment may also occur between people of

the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

CERP Canada recognises that sexual harassment is often a manifestation of power relationships and regularly occurs within unequal relationships in the workplace, for example between manager or supervisor and worker.

## **2.4 SURVIVORS, COMPLAINANTS, BYSTANDERS**

The person who it is alleged has been the subject of bullying, harassment, or sexual harassment is called the survivor. The person who raises a complaint (this may or may not be the survivor) is called the complainant.

Bystanders or witnesses to any of the behaviour described above are encouraged to inform those subjected to the behaviour about the steps they can take to address it according to this policy. CERP Canada recognizes that one of the results of bullying or harassment can be the inability of those who are subject to such behaviour to recognize it. It is thus a moral responsibility of all staff, contractors, volunteers and interns to help create a supportive, safe workplace, and to call out bullying and harassment where they witness it.

## **3. COMPLAINTS PROCEDURES**

CERP Canada recognises that bullying and harassment may occur in unequal relationships (i.e. between a supervisor and their supervisee) and that it may not be possible or safe for the person that is subjected to the bullying or harassment to inform the alleged person.

Complainants should approach the designated staff members responsible for receiving complaints of bullying and harassment (Executive Director) and/or one or both of the designated Board focal points.

When a designated person receives a complaint of bullying or harassment, they will:

- immediately record the dates, times and facts of the incident(s), including a brief description of the incident(s) by the complainant
- ascertain the views of the complainant, and as appropriate the survivor, as to what outcome they want
- ensure that the complainant understands the organization's procedures for dealing with the complaint
- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the complainant from pursuing a formal complaint if they are not satisfied with the outcome
- treat all cases of harassment or bullying with strict confidentiality
- Keep a confidential record of all discussions
- respect the choice of the survivor to determine course of action

- ensure that the complainant knows that they can lodge the complaint outside of the organization through the relevant country/legal framework, where such possibilities exist.

Throughout the complaints procedure, the complainant and the survivor are entitled to be supported by a counsellor. An assessment on a case-by-case basis will be done to identify appropriate counselling options within or outside the network. Recognizing that a case-by-case approach may not be suitable to all situations, especially where counselling might be required before a complaints procedure is even initiated, CERP Canada will endeavour to retain a counselling service, for example through an Employee Assistance Programme, to be available to employees, contractors, volunteers and interns.

In any case, CERP Canada will ensure that training is provided to focal points inside the organization to enable them to assist those subject to bullying and harassment. CERP Canada recognises that because bullying and harassment often occurs in unequal relationships within the workplace, those subject to it often feel that they cannot come forward. CERP Canada understands the need to provide support in making complaints.

### **3.1 INFORMAL COMPLAINTS MECHANISM**

If the complainant wishes to deal with the matter informally, the designated person will (subject to agreement of the complainant, and, as appropriate, the survivor):

- give an opportunity to the alleged person to respond to the complaint
- ensure that the alleged person understands the complaints mechanism
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, and, as appropriate, the survivor, or refer the matter to a trained mediator within the organization, or a mutually agreed third party to resolve the matter
- ensure that a confidential record is kept of what happens
- ensure that the above is done speedily and at the maximum within 30 days of the complaint being made
- follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped.

It is also possible to make complaints anonymously. However, anonymous complaints limit the steps that the designated person receiving the complaints can undertake to remedy the situations, especially if the complaint does not include information about the remedy that the complainant is seeking. Nonetheless, anonymous complaints can be useful in establishing records of unwanted behaviour while complainants are considering future steps to be taken.

### **3.2 FORMAL COMPLAINTS MECHANISM**

If the complainant wishes to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the complainant, the formal complaint mechanism should be used to resolve the matter. The formal complaint mechanism involves a formal

investigation, which may be carried out by the designated person who initially received the complaint, by another suitable person from the CERP Canada staff or board of directors<sup>1</sup>, or by a committee of at least two others in accordance with this policy.

The person carrying out the investigation will:

- interview the complainant and the alleged person separately
- interview other relevant third parties separately, including, as appropriate, the survivor
- assess whether or not the complaint of bullying or harassment should be upheld,
- produce a report detailing the investigations, findings and any recommendations,
- ensure that the above is done as quickly as possible and in any event within 30 days of the complaint being made,
- if the investigation concludes that the complaint should be upheld, the person carrying out the investigation shall make a formal recommendation to the Board of Directors on the appropriate remedy for the complainant, in consultation with them and, as appropriate, the survivor (i.e. an apology, a change to working arrangements, a promotion if there was a demotion as a result of the bullying or harassment, training for the alleged person, discipline, suspension, and dismissal).
- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the complainant, and, as appropriate, the survivor, is satisfied with the outcome
- if it cannot determine whether the complaint should be upheld, they may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- treat all cases with strict confidentiality, and ensure that the records concerning the matter are kept confidential

#### **4. SANCTIONS, DISCIPLINARY MEASURES, AND RESTORATIVE JUSTICE**

Anyone who has been found to have bullied or harassed another person under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning
- adverse performance evaluation
- transfer
- demotion
- administrative leave with pay
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the bullying and harassment. Suitable deterrent sanctions will be applied to ensure that incidents of harassment are not treated as trivial. Certain serious cases, including physical violence, will result in immediate dismissal, and may lead to legal prosecution under the law of the country where the action took place.

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<sup>1</sup> A list of the members of the board of directors can be found at: <https://climateequityreference.org/board/>

Furthermore, CERP Canada recognizes the importance of restorative justice in cases where bullying or harassment has taken place. However, restorative justice processes should, where appropriate and desired, be established on a case-by-case basis and are therefore not defined in this policy.

## **5. FOR THOSE BEING BULLIED OR HARASSED AT WORK**

Individuals subject to bullying or harassment should refer to workplace bullying policy and complaints procedure above, keep a diary of the unwanted behaviour, documenting everything that happens, including their own measures taken to try stopping it, if applicable. This information can help when making a complaint.

Individuals should also consider getting support from trusted colleagues or contact support services, if appropriate (otherwise, local help services hotlines are available in many countries). If it feels safe to do so, individuals may choose to assert that the behaviour is unwanted and not acceptable vis-à-vis the person concerned. Otherwise, they should seek advice from one of the designated persons to follow the informal or formal complaints mechanism, or from a colleague or manager. While this policy is intended to prevent such a situation to arise, it is possible that the unwanted behaviour continues despite complaints, or that the individual subject to it does not feel safe to approach any of the designated persons named in this policy or any other CERP Canada staff. In such a case they are encouraged to seek outside information and advice.

## **6. IMPLEMENTATION OF THIS POLICY**

CERP Canada Secretariat will ensure that this policy is disseminated to all CERP Canada staff, volunteers, interns and contractors. It will be included in the organization's internal handbook. All new workers must acknowledge that they have read and understood the content of this policy (as standalone or as part of the Code of Ethics and Conduct) as part of their induction into the organization. All levels of managers and supervisors are responsible for familiarizing themselves with this policy, and ensure the people they manage are fully aware of it.

CERP Canada will require all workers to attend a training/refreshers course on the content of this policy and other relevant updates in the Code of Ethics and Conduct on a regular basis. Additionally, CERP Canada will require management and workers to attend sensitivity and diversity trainings.

## **7. MONITORING AND EVALUATION**

CERP Canada recognises the importance of monitoring this anti-bullying and anti-harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

Senior Management and those responsible for dealing with bullying and harassment cases will report to the Board (and, if adequate, other interested parties within the organization) on

compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done at the minimum on a yearly basis. As a result of this report, the organization will evaluate the effectiveness of this policy and make any changes needed.

ADOPTED: Board of Directors, April 22, 2019

FOR REVIEW: Board of Directors, March-May, 2021