

Harassment/ Discrimination Complaint Policy

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POLICY

Emakina believes in the necessity of providing safeguards for its members and for its counterparts in the frame of their working relationships against harassment and discrimination. This includes harassment and discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, gender identification, sexual orientation, age, marital status, family status and handicap (disability).

That duty includes a responsibility on the part of all supervisors, to strive to create an environment free of harassment and discrimination in their area of responsibility. Included within the ambit of that responsibility is an awareness of what constitutes harassment and discrimination based on human rights grounds, a knowledge of the procedure that is in place for dealing with allegations of harassment and discrimination, and cooperation in the processing of complaints made under this procedure.

It also means that supervisors will not condone or ignore activities within their areas of responsibility which violate the rights of Staff members nor Business relations. It means that they will ensure that all those for whom they have responsibility are aware that any form of harassment and discrimination based on the grounds enumerated above or analogous grounds, in all its manifestations is prohibited. They will ensure that any complaints will be attended to immediately and effectively.

This document assumes that a centralized procedure is necessary to ensure uniformity and fairness in dealing with complaints, whether they are made by employees or business relations. The Procedure is designed, in part, to prevent harassment and discrimination by educating members of Emakina as to what constitutes such behaviour. It is also intended to provide a framework which is accessible to complainants in the sense of protecting their anonymity and ensuring that, as far as possible, the initiation and pursuit of a complaint will not be an intimidating experience.

Thus, the emphasis is on informal resolution, using facilitation/negotiation, save where the nature of the matter necessitates a more formal process. It is intended that the existence of this document should help create the kind of environment which nurtures and supports the work of the company.

Business excellence can only be achieved when all employees of our company and our business relations are free to work in an environment which does not exclude or discriminate against them. This policy and procedure have been formulated to ensure the protection of these essential elements of our company's freedom.

EMAKINA

DEFINITIONS

Emakina recognizes that all business relations and employees have the right to be free from harassment and discrimination. This includes sexual harassment, harassment based on gender, race, ethnicity, religion, creed and sexual orientation or analogous grounds. Such harassment and discrimination has the purpose or effect of unreasonably interfering with an individual's or a group's work or academic performance, or of creating an intimidating, hostile or offensive working, living or academic environment. Individuals or groups who are not the direct target of the conduct in question may also suffer harassment and discrimination as a result of being present when such conduct takes place.

It should be noted that personal/workplace harassment which is not based on one of the grounds enumerated above, is not covered under the following procedure.

Harassment and discrimination are exacerbated where:

- (a) submission to such conduct is made or threatened to be made either explicitly or implicitly a term or condition of an individual's employment.
- (b) submission to or rejection of such conduct is used or threatened to be used as a factor in employment or other decisions affecting that individual or as the basis for any other form of advantage or reprisal.

Section 1.01 Definition of Race and Racism

By racism we mean the negative valuing, stereotyping, and discriminatory treatment of individuals and groups on the basis of their race.

- (a) Racism directed at any individual or group is unacceptable. In this Procedure, the term race is intended to focus on racial minorities and First Nations peoples.
- (b) Racism can be detected by its effects. Racism can be manifested in both personal attacks and insults, and in the structure of social institutions. There is a well-known distinction between personal racism (insults, harassment and discrimination directed at an individual), and institutional or systemic racism (the conventional practices or structures of institutions which have the effect of excluding, or discriminating against individuals or groups, or of creating a hostile environment.) Thus, racism can be present in hostile acts, as well as in apparently neutral arrangements.

(c) Racism may be intentional or unintentional. It can be the result of activity or arrangements that set out to discriminate or harm, or it can result from ignorance or inadvertence.

(d) Racism involves carrying into effect one's prejudices, resulting in discrimination, inequality or exclusion.

(e) Racism may include, but is not limited to:

i) Behaviour such as the dissemination of hate literature, graffiti, racial slurs and jokes, derogatory remarks and gestures, and physical attacks,

ii) Bias in administrative decisions, employment and workplace practices, tenure, promotion, appointment, leave, and salary increases,

iii) Bias in business decisions such as supplier selections, product selections

iv) Behaviour which could reasonably be interpreted as offensive and patronizing, and as undermining self respect or adversely affecting performance or working conditions,

v) Discrimination in the provision of goods and services, or access to premises, accommodation and other facilities.

Section 1.02 Definition of Sexual Harassment

Sexual harassment means engaging in comment or conduct of a sexual nature which is known or ought reasonably to be known to be unwelcome. It includes but is not limited to:

(a) Sexual solicitations, advances, remarks, suggestive comments and gestures.

(b) The inappropriate display of sexually suggestive pictures, posters, objects or graffiti.

(c) Physical contact of a sexual nature (including sexual assault under the Criminal Code.)

(d) Sexual conduct that interferes with an individual's dignity or privacy such as voyeurism, and exhibitionism.

Section 1.03 Definition of Hetero sexism

Heterosexism is the negative valuing, stereotyping, and discriminatory treatment of individuals and groups who are lesbian, gay, bisexual or trans-identified, those perceived to be so, and those affiliated with them.

(a) The expression of dislike, hate or fear based on heterosexism is known as homophobia. When directed at women it is referred to as lesbophobia. When directed at bisexual women and men it is referred to as biphobia.

(b) Heterosexism can be detected by its effects. Heterosexism can be manifested in both personal attacks and insults and in the structure of social institutions. There is a distinction between personal heterosexism (insults, harassment and discrimination directed at individuals), and in institutional or systemic heterosexism (the conventional practices which have the effect of excluding or discriminating against lesbians, gay men, bisexuals and trans-identified people as individuals and as groups, and which may create a hostile environment.) Thus, heterosexism can be present in hostile acts or comments, as well as in apparently neutral arrangements.

(c) Heterosexism may be intentional or unintentional. It can be the result of activity or arrangements that set out to discriminate or harm, or it can result from ignorance or inadvertence.

(d) Heterosexism involves carrying into effect one's prejudices, resulting in discrimination, inequality and exclusion.

(e) Examples of heterosexism include, but are not limited to:

i) Behaviour such as the dissemination of hate literature, graffiti, name calling, derogatory remarks, jokes and slurs, gestures and physical attacks,

ii) Bias in administrative decisions, employment and workplace practices, promotion, appointment, tenure, leave and salary increases,

iii) Bias in academic decisions such as grades, marks, and in the choice of curriculum and course content,

iv) Behaviour, language or terminology which could reasonably be interpreted as offensive and patronizing and as undermining self respect or adversely affecting performance or working conditions.

v) Discrimination in the provision of goods and services, or access to premises, accommodation and other facilities.

Section 1.04 Definition of Transphobia

Transphobia is the negative valuing, stereotyping and discriminatory treatment of individuals who do not conform in appearance and/or identity, to conventional conceptions of gender. Trans-identified (transgendered) individuals, lesbians, gay men, bisexuals and their supporters are typically the targets of transphobia.

(a) Transphobia can be detected by its effects. Transphobia can be manifested in both personal attacks and insults, and in the structure of social institutions. There is a distinction between personal transphobia (insults, harassment and discrimination directed at individuals) and institutional, or systemic, transphobia (conventional practices which have the effect of excluding or discriminating against individuals or a group). Thus transphobia can be present in hostile acts as well as in apparently neutral arrangements.

(b) Transphobia may be intentional or unintentional. It can be the result of activity or arrangements that set out to discriminate or harm, or it can result from ignorance or inadvertence.

(c) Transphobia is more than prejudice; it involves carrying into effect one's prejudices, resulting in discrimination, inequality and exclusion.

(d) Examples of transphobia include, but are not limited to:

i) Behaviour such as name-calling slurs and jokes, derogatory remarks, gestures and physical attack.

ii) Bias in administrative decisions, employment and workplace practices, promotion, appointment, tenure, leave and salary increases.

iii) Behaviour, language or terminology which could reasonably be interpreted as patronizing and as undermining self-respect or adversely affecting performance or working conditions.

iv) Discrimination in the provision of goods and services, or access to premises, accommodation and other facilities.

COMPLAINT PROCESS

The procedure for the Complaint Process is as follows:

- a) The incident can be reported by email or by an informal report to any member of Emakina Board of Directors or at comdir@emakina.com. Reports can not be anonymous but confidentiality will be ensured.
- b) Should the complaint directly involve one of the directors, the incident could be reported to any other member of the Board. Consequently, the incriminated director will be notified and kept out of the procedure.
- c) A document will be drafted explaining the incident and signed for approval or validated by email confirmation. The report should clearly indicate the exact nature of the objectionable conduct, as well as a recommendation for resolution.
- c) The Board of directors will review the complaint report and recommend resolutions / sanctions as required.
- e) If the Board agrees that a breach of the Code of Conduct has occurred, they have the authority to resolve the complaint which may include:
 - A formal letter of caution or reprimand. This should be considered a warning. Subsequent minor violations may lead to more severe consequences.
 - Request for formal apology in writing, by a specified time deemed reasonable by the President. Copies may be required to individuals associated with the incident(s).
 - Request for resignation.
 - Removal from position.

Declaration of the individual as a Member Not in Good Standing, with the result of nullifying the rights of membership as described in the constitution.

- f) The decision of the Board will be communicated in writing, and will be distributed as follows: The individual(s) involved directly with the complaint, the Board of Directors. Individuals receiving knowledge of resolutions are expected to maintain confidentiality.