



# POLICY

## Workplace Prevention of Psychological and Sexual Harassment and Complaint Resolution Process

### 1) OBJECTIVE

The objective of this policy is to assert the St-Anne Farmers' Market commitment to prevent and put an end to any and all psychological or sexual harassment within its organization, including all types of discriminatory harassment. It also establishes the resolution process that will be undertaken when a complaint or a report of intimidation is lodged with the employer or its representative.

### 2) SCOPE

This policy applies to all personnel, at all levels, specifically in the following places and context:

- workplace areas;
- common areas;
- any other places where a person needs to be as part of their job (ex.: meetings, training, traveling, social activities organised by the market);
- all means of communications, technological or other.

### 3) DEFINITION

Labour Law defines psychological harassment as follows<sup>1</sup>:

"Improper conduct by an individual, that is directed at and offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat. For added precision, psychological harassment also includes such misconducts as words, gestures or acts of a sexual nature.

It also includes harassment within the meaning of the Canadian Human Rights Act (i.e. based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction).

Harassment is normally a series of incidents but can be one severe incident which has a lasting impact on the individual.

Harassment must be differentiated from other interpersonal conflicts such as a stress-related work issues, difficult professional constraints or the rights of management to perform its duties (workplace attendance management, work organisation, disciplinary measures, etc.).

### 4) POLICY STATEMENT

The St-Anne Farmers' Market will not tolerate any form of psychological or sexual harassment within its organization, be it:

- by managers towards employees or volunteers;
- between market vendors;
- by employees or volunteers towards their managers;
- from any person associated with the market: representative, client, user, supplier, visitor or other.

Any behavior considered to be intimidation can lead to disciplinary measures up to firing the salaried individual, canceling a vendor's contract with their exclusion from the market and the removal of any benefits accorded to a volunteer and his exclusion from any further involvement in any market related activities.

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<sup>1</sup> See Annex 1 of the current policy for more information.



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The Ste-Anne Farmers' Market commits to taking all reasonable means at its disposal in order to:

- offer a workplace free of any form of harassment to protect a person's dignity and their psychological and physical wellbeing;
- transmit the policy so that all may have access to it, by posting it in a place where everyone at the market can read it, putting it on the market website, giving a copy to all employees and volunteers in paper or by email, attached to the work contract if necessary.
- prevent or stop harassment by:
  - a) having a complaints and report resolution process for psychological and sexual harassment,
  - b) making sure the policy has been understood by all concerned,
  - c) promoting respect between individuals,
  - d) having themed posters with information displayed during market hours,
  - e) making the policy available on the website,
  - f) making policy available at the information kiosk,
  - g) putting the hyperlink to the policy in the weekly newsletter and on the themed posters.

### 5) STAFF EXPECTATIONS

All staff members and volunteers are responsible for creating and maintaining an environment free of psychological or sexual harassment through their own conduct.

### 6) COMPLAINTS AND REPORTS RESOLUTION PROCESS

When possible, the person who feels they are the victim of psychological or sexual harassment must first inform the other party that their conduct is inappropriate and must stop. They should also note the date and details of the incident and what steps were taken to resolve the situation.

If this first intervention is not possible or if the harassment continues, the person should report the situation to a member of the board of directors ([msabquestions@gmail.com](mailto:msabquestions@gmail.com)) so that the misconduct can be identified and corrective steps communicated to both the person responsible for the harassment and the victim.

A complaint can be lodged verbally or in writing. The misconduct and details of the incident must be recorded with as much precision as possible for a speedy resolution of the conflict.

The designated responsible persons<sup>2</sup> by the board of directors are:

*Caroline Begg, President*  
McGill University  
[msabquestions@gmail.com](mailto:msabquestions@gmail.com)

*Helen Fyles, Secretary*  
McGill University  
[msabquestions@gmail.com](mailto:msabquestions@gmail.com)

Someone who witnesses a harassment situation is also invited to report it to one of the designated persons.

### 7) INTERVENTION POLICY

The Sainte-Anne Farmers' Market commits to:

- take charge of the complaint or the report as soon as possible;
- keep the dignity and the private life of all involved parties intact, meaning the plaintiff, the witnesses and the person charged with the offense;

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<sup>2</sup> More information on the roles of the designated persons is described in Annex 2.



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- make sure all concerned people are treated with fairness, objectivity and humanity and that appropriate support is given to all;
- protect the confidentiality of the intervention process, specifically all information related to the complaint or the report;
- offer to meet the concerned parties, with their approval, in order to find a possible resolution;
- investigate rapidly and objectively or give the responsibility to an external representative. The concerned parties will be informed of the results of this step. If the investigation cannot establish that there was inappropriate behavior, all material proof will be kept for two years and destroyed thereafter;
- take all reasonable measures to resolve the situation including applying appropriate disciplinary measures.

Any behavior considered to be intimidation will lead to appropriate disciplinary measures. The chosen measures will reflect the gravity and consequence(s) of the intimidation as well as any previous records reported for the same individual.

Someone reporting false accusations will also be penalized and liable to the same disciplinary measures as with intimidation.

While the process and resolution of a work-related intimidation complaint is ongoing, none of the involved parties will be discriminated or disciplined by the board of directors or the people chosen to represent them.

A volunteer at the Market can also lodge a complaint if they feel they have been the victim of psychological or sexual harassment in relation to their work by going directly to the Committee on Standards, Equity, Health and Safety (CNESST). The maximum deadline to do so is two (2) years starting the last harassment incident. The complaint can be sent online:

[https://www.cnt.gouv.qc.ca/services-en-ligne/plaintes-en-ligne-sur-les-normes-du-travail/index.html?no\\_cache=1](https://www.cnt.gouv.qc.ca/services-en-ligne/plaintes-en-ligne-sur-les-normes-du-travail/index.html?no_cache=1)

or by phone at 1 844 838-0808. A person's choice to address the issue with their employer does not negate their choice to also lodge a complaint with the CNESST.



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### ANNEX 1 – HOW TO RECOGNIZE SEXUAL OR PSYCHOLOGICAL INTIMIDATION

Labour Laws give some conditions to determine what can be considered psychological or sexual harassment like:

- vexatious behaviour (hurtful, humiliating);
- which manifests itself repeatedly or during one single and serious act;
- in a hostile way (aggressively, menacingly) or undesired;
- undermining the dignity or integrity of a person;
- resulting in a harmful work environment (harmful, hurtful).

These conditions include sexual words, acts or gestures.

Discriminatory behaviour based on one or the other motives listed in article 10 of the Charters for Human Rights and Freedoms can also be considered intimidation: race, skin colour, sex, pregnancy, sexual orientation, civil statute, age except as provided by law, religion, political views, language, national or ethnic origin, social status, handicap or the use of a means to overcome a handicap.

As an example, the following could be considered as being intimidating behaviours if they meet all the Law's criteria.

#### **Behaviours that can be the cause of psychological intimidation**

- intimidation, cyber intimidation, threats, isolation;
- offensive or defamatory talk or gestures towards someone or about their work,
- verbal violence;
- belittle someone or their work.

#### **Behaviours that can be the cause of sexual intimidation**

- Any type of unsolicited attention with sexual overtones, for example:
  - repeated solicitation,
  - looks, unwanted kisses or touches,
  - sexist insults, vulgar talks with sexual overtones;
- Talk, jokes or images with sexual overtones sent by all means, technological or otherwise.



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### ANNEX 2 – DESIGNATED RESPONSIBLES PERSONS

The Sainte-Anne Market

- will make sure the designated persons are duly trained and will have access to the necessary tools to process and follow up complaints or reports;
- if necessary, will free the designated persons from their other projects or responsibilities at the market to give priority to the resolution of the complaint or report so that they can be resolved in a timely fashion.

The following persons have been designated to take responsibility of the Workplace Prevention of Psychological and Sexual Harassment and Complaint Resolution Process for the Ste-Anne Market:

*Caroline Begg, President  
McGill University*

*Helen Fyles, Secretary  
McGill University*

These designated responsible persons will principally:

- inform all personnel on the market policy concerning the sexual and psychological harassment;
- intervene informally in order to try and resolve any complaint or report;
- receive the complaints or reports;
- recommend the necessary steps to be taken to stop intimidation.