École nationale de police Québec

ANTI-HARASSMENT POLICY AND PROCEDURE

Refer to:
POL 05-04

SECTION I – PREAMBLE

Preamble

1. The Anti-Harassment Policy and Procedure (hereinafter referred to as "this policy") is derived from the Charter of Human Rights and Freedoms (R.S.Q., chapter C-12) and the Act respecting labour standards (R.S.Q., chapter N-1.1).

Definitions

2. The following definitions apply:

2.1. **Student**: A person enrolled in an advanced training activity at École nationale de police du Québec (hereinafter referred to as "ENPQ").

2.2. **Harassment**: Vexatious conduct manifested through repeated behaviours, words, acts, or gestures – whether hostile or unwanted –that undermines a person's dignity or psychological or physical integrity and creates a harmful work or learning environment for that person. A single serious act may also constitute harassment if it causes such harm and has a continuing detrimental effect on that person.

This definition includes all forms of harassment, including sexual harassment, psychological harassment and harassment based on a ground set out in section 10 of the Charter of Human Rights and Freedoms.

2.3. **Respondent**: Person against whom a complaint is made.

2.4. **Mediation:** Intervention of an impartial and independent third party, with the consent of the parties, to reach an amicable solution.

2.5. **Complaint**: A written expression of dissatisfaction by one person regarding another person under this policy.

2.6. **Complainant**: A person who files a complaint under this policy.

Purpose

3. The purpose of this policy is to provide ENPQ staff and students with a harassment-free environment, protecting their physical and psychological integrity and preserving their dignity.

Scope

4. This policy applies to all ENPQ staff and students.

SECTION II – GENERAL PROVISIONS

Objectives

5. ENPQ will:

5.1. Raise awareness, inform and train those concerned to prevent harassment.

5.2. Take reasonable measures to prevent harassment, and make it stop immediately when such behaviour is brought to its attention.

5.3. Provide the necessary support to those who believe they are victims of harassment by implementing support and recourse procedures.

5.4. Ensure that all complaints are handled fairly, equitably and impartially, while respecting the fundamental rights of people who may be affected by a decision by ENPQ.

Guiding principles

6. The guiding principles of this policy are the following:

6.1. Handle all complaints in a manner that respects the rights of both the complainant and the respondent, in accordance with applicable laws.

6.2. Ensure consistent handling of complaints while safeguarding the confidentiality of personal information, in accordance with the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1). Access to a complaint file is restricted to the parties involved, members of the Harassment Prevention Committee, the director of human resources or their representative, relevant managers, the director general and members of the Administrative Committee, unless disclosure would seriously harm the complainant.

6.3. Assist the complainant and inform them of the steps that will be taken to address their complaint.

6.4. Handle all complaints promptly.

6.5. Ensure that those involved have the right to be heard during the investigation.

6.6. Ensure that every person who files a complaint or is called as a witness may do so without harm or reprisal.

6.7. Inform the parties involved that they can be accompanied by a person of their choice at any stage of the process.

6.8. Protect, assist and defend by appropriate support and recourse procedures any person who believes they are being harassed.

6.9. Ensure that everyone understands that preventing harassment is both a collective and individual responsibility. All ENPQ staff and students are expected to behave in a manner free from discrimination, harassment or abuse at all times. They are also encouraged to intervene when they witness harassment in order to stop it.

6.10. Ensure that a person who believes to be harassed will not be deprived of any of their rights under the Charter of Human Rights and Freedoms (R.S.Q., c. C-12), the Act respecting labour standards (R.S.Q., c. N-1.1) or of their right to use any other recourse.

SECTION III – ASSISTANCE AND SUPPORT MEASURES

7. This policy does not limit discussions and exchanges between the complainant, the respondent, and any other person involved for the purpose of remedying the situation.

8. Staff members or students who feel that they have been harassed may seek assistance from the internal resources team.

Internal resources team

9. The internal resources team consists of two resource people appointed by the director general on the recommendation of the director of human resources. These resource people are selected based on their qualities and professional competencies.

10. Their role is to provide the people who believe to be victims of harassment with the necessary moral support and to inform them of the various resources and recourses available until a complaint is filed. They can also help these people to file a complaint.

11. When a person who believes they are victims of harassment decides, for personal reasons, not to file a complaint, the resource person must inform the director of human resources, in confidence, of the main elements relating to the case and inform the person who believes they are a victim of harassment of this step.

12. Any person who witnesses a harassment situation may report it to the internal resources team. The resource person must then report—in confidence—to the director of human resources the information obtained and inform the person who witnessed it of this step.

13. Under no circumstances may these resource people act as mediators or accompany the person as described in section 6.7 of this policy.

Harassment Prevention Committee

14. The Harassment Prevention Committee consists exclusively of ENPQ personnel, including a police instructor, a manager, a professional, a public servant, and an employee of the Human Resources Department. The Harassment Prevention Committee must include at least two women.

15. All these people are appointed by the director general upon the recommendation of the director of human resources. They are selected based on their personal qualities and professional competencies.

16. All members of the Harassment Prevention Committee are required to undergo training on the issue of harassment.

17. The quorum for Harassment Prevention Committee meetings is three members, including both male and female representatives.

18. The Harassment Prevention Committee holds at least two meetings per year and submits its annual activity report, along with its action plan for the coming year, to the director of human resources by June 30.

19. The Harassment Prevention Committee must:

    19.1. Identify and implement the necessary measures to enforce this policy.

    19.2. Determine and implement the necessary measures to inform and educate ENPQ staff and students to prevent all forms of harassment.

    19.3. Provide resource people with material to help them assist and support individuals who believe they are being harassed and make the names of these resource people known to ENPQ staff and students.

    19.4. Make recommendations to the director of human resources.

SECTION IV – FILING AND PROCESSING A COMPLAINT

20. A person who believes they're a victim of harassment may consult a resource person from the internal resources team. The resource person supports this person through the process and informs them of the resources and the various recourses available.

21. A person who believes they have been harassed may file a complaint with the director of human resources within ninety (90) days of the last occurrence of such conduct. A complaint may be made using the Harassment Complaint Form (FOR 05-12) attached to this policy.

If the director of human resources is the subject of the complaint, the complaint must be filed with the director general who will then assume the responsibilities of the director of human resources as set out in this policy.

22. The director of human resources must send an acknowledgement of receipt to the complainant within ten (10) days of receipt of a complaint.

23. The director of human resources must forward a copy of the complaint to the members of the Harassment Prevention Committee, the respondent, and any relevant person, and determine whether the complaint requires an administrative investigation.

24. Once the Harassment Prevention Committee has been informed of the complaint, it must recommend to the director of human resources an appropriate course of action to put an end to the harassment. When required, the director of human resources must notify the immediate and line supervisors of the respondent and complainant – or, the director of the relevant training program when the respondent or the complainant is a student – of the measures to be taken.

Mediation

25. Mediation is not mandatory and may be offered at any time.

26. For mediation to take place, the parties must consent to it jointly.

27. If the parties agree to mediation, the director of human resources will appoint a mediator.

28. The mediator will meet with the parties and attempt to bring them to an amicable settlement. When a settlement is reached, the parties will sign an agreement outlining the terms. The agreement remains confidential unless the parties agree otherwise. If one of the parties is required to fulfill certain commitments, the director of human resources will notify the immediate and line superiors of the person concerned – or the

director of the relevant program in the case of a student – so that they can ensure compliance with those commitments.

29. If the parties refuse mediation or if mediation fails, an administrative investigation will take place. If an investigation has already begun, it will continue.

Administrative investigation

30. When mediation is rejected or fails, or when the urgency of the situation demands it, the director of human resources may conduct an administrative investigation or request the services of an external consultant to conduct an administrative investigation regarding the complaint.

31. Within ten (10) days of receiving the investigation report, the director of human resources must forward a copy or part of the report and recommendations to the complainant, the respondent and any other person involved, in accordance with the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1).

Decision

32. Within twenty (20) days of receiving the investigation report, the director of human resources must render a written decision and forward it to the complainant, respondent, and any other person involved, so that remedial actions can be taken if necessary.

    If a member of management is the subject of a complaint, the director general must render a written decision.

    If the director general is the subject of a complaint, the Administrative Committee of ENPQ must render the written decision.

33. The director of human resources is responsible for enforcing and updating this policy.

34. This policy supersedes the policy of September 12, 2005.

Final section

35. POL 05-04 contains 35 sections.

The Director General,

Original signed by

_____

Michel Beaudoin

ANNEX

École nationale de police Québec

FOR 05-12
HARASSMENT COMPLAINT FORM

The information contained in this form will be handled confidentially.

GENERAL INFORMATION

PLEASE PRINT IN CAPITAL LETTERS.

Name of complainant	Title		
Status	Date of statement YY MM DD	Time h min	

DETAILS

For each event, write the date, time, location and name of each witness, if applicable.

DATE OF EVENT	TIME	LOCATION	WITNESS(ES)
YY MM DD	h min		
YY MM DD	h min		
YY MM DD	h min		
YY MM DD	h min		
YY MM DD	h min		
YY MM DD	h min		
YY MM DD	h min		
YY MM DD	h min		

PERSON(S) AGAINST WHOM THE COMPLAINT IS MADE

DESCRIPTION OF THE EVENT

To ensure that your complaint is handled fairly and equitably, we encourage you to describe the event as accurately as possible. Who did what, when, where, how?

It's best to avoid making judgments and interpretations regarding the actions and words involved. You should describe the event as it happened and report the words as they were spoken.

The following questions may assist you in preparing your complaint:

- Who did what, when, where, how?
- What were your reactions?
- Did you express your discomfort or objection regarding the person's behaviour?
- Were there any witnesses?
- How did you feel as a result of the behaviour?

DESCRIPTION OF THE EVENT

Complainant's signature	Date YY MM DD	Phone no.* Area code

* Please provide a phone number where we can reach you easily and confidentially.