

**Respect in the Workplace****Document owner:**

People and Culture, Legal Services

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**Applicable to:**<sup>1</sup>CMA Enterprise staff, elected and appointed members<sup>2</sup>, contractors, students and visitors.**A. Commitment**

Everyone has the right to work in a dignified and respectful environment which is free from workplace harassment, discrimination and violence. The Canadian Medical Association (CMA) and the CMA Group of Companies (collectively “the CMA Enterprise”) are committed to fostering a respectful environment and workplace where all levels of staff, elected and appointed members, contractors, students and visitors are treated with respect and dignity. The CMA Enterprise will not tolerate any person’s inappropriate behavior toward another or discrimination, harassment or violence against another.

1. The CMA Enterprise abides by all freedom from harassment provisions contained in applicable statutes and laws (the “applicable statutes”).
2. It is the policy of the CMA Enterprise to address any form of inappropriate behavior, harassment, discrimination or violence in the “workplace” which includes any place where the CMA Enterprise’s business is conducted (see detailed definition below). Harassment, discrimination and violence in the workplace will not be tolerated by the CMA Enterprise under any circumstances.  
Inappropriate behavior, harassment, discrimination and violence in the workplace undermines:
  - a) Our ability to be exceptional in all facets of our work; and
  - b) The CMA Enterprise’s established reputation of fairness, equity and integrity in all our dealings.

**3. Application of Policy**

- a) This Policy applies to all staff, elected and appointed members, contractors, students and visitors, including participants at events/ activities hosted by the CMA Enterprise (collectively “CMA Participants”);
- b) This Policy recognizes that harassment, discrimination and violence may occur in the workplace between (i) CMA Participants, (ii) CMA Participants and their domestic/intimate partners; and (iii) CMA Participants and external parties;

<sup>1</sup> CMA Enterprise means the Canadian Medical Association, the CMA Foundation, and CMA Impact Inc.

<sup>2</sup> This policy applies to any person elected to office or appointed to a committee or other body by the CMA Enterprise.



- c) This Policy applies to all work-related activities that occur both during and outside of regular business hours;
- d) This Policy applies to all forms of harassment in the workplace prohibited by any applicable statutes and includes sex or sexual orientation, gender identity, gender expression, race, ancestry, nationality, place of origin, colour, ethnic origin, language, citizenship, creed, religious beliefs, political beliefs, age, record of offences, marital status, family status, civil status, same-sex partnership status, social condition, source of income and disability; and
- e) The domestic violence provisions of this Policy apply where domestic violence occurs in the workplace.

## C. Definitions

### Personal Information:

Personal Information means any information, recorded in any form, about an identified individual, or an individual whose identity may be inferred or determined from the information. Personal Information as used in this policy does not include information, recorded in any form, about more than one individual where the identity of the individuals is not known and cannot be inferred from the information (“Aggregated Information”).

### Workplace:

For the purposes of this Policy, “workplace” includes any place where the business of the CMA Enterprise is conducted or where social or other functions of the CMA Enterprise occur (e.g. without limiting the generality of the foregoing, at the office, outside the office, at organizational/business-related social functions, in the course of work assignments outside the office, at work-related conferences, meetings, etc. or training sessions and during work-related travel).

### Workplace Harassment:

- a) Making a single seriously vexatious comment or engaging in a course of vexatious comments (verbal or written) or engaging in an action or conduct directed against anyone in the workplace that is known, or ought reasonably to be known, to be unwelcome, offensive, humiliating, or demeaning. This includes making remarks, jokes or innuendos that demean, ridicule, intimidate or offend;
- b) Displaying or circulating pictures or material which could reasonably be expected to be offensive or unwelcome, in print or electronic form;
- c) Obtaining, retaining, or circulating someone’s Personal Information without their consent, except where required or permitted by law;
- d) Sexual harassment including inappropriate sexual touching, advances, suggestions or requests;
- e) Psychological harassment;
- f) Racial harassment; and



- g) Any kind of inappropriate coercive behavior including bullying and repeated offensive or intimidating comments, communications such as phone calls or emails.

Reasonable action or conduct by the CMA Enterprise's management/policies that is part of a normal work process is not considered Workplace Harassment. Examples could include but are not limited to changes in work locations or assignments, evaluations, implementation of dress codes and/or any appropriate disciplinary action.

#### Workplace Sexual Harassment:

- a) Engaging in a course of vexatious comment or conduct against an individual in a workplace because of their sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- b) Making a sexual solicitation or advance in the workplace where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the employee and the person knows or reasonably ought to know that the solicitation is unwelcome.

*Workplace Sexual Harassment* includes, but is not limited to:

- Remarks, jokes, or innuendos about sex or sexual orientation where the speaker has been advised, or should otherwise be aware, that they are offensive or where they are by their nature offensive;
- Leering or other offensive or sexually suggestive or obscene gestures;
- Derogatory or degrading remarks used to describe or which are directed toward members of one sex or sexual orientation;
- The display or distribution (either mechanically or through the use of electronic media and e-mails) of sexually explicit material or material which otherwise could reasonably be expected to be offensive;
- Refusing to work with people because of their sex or sexual orientation, gender expression;
- Unwelcome advances, invitations or propositions of a sexual nature or repeated invitations after previous requests have been refused;
- Persistent unwanted contact or attention after the end of a consensual relationship;
- Any advances, invitations or propositions of a sexual nature, the acceptance or refusal of which might, on reasonable grounds, be perceived as placing a condition on a person's employment, work assignment, or on any opportunity for training or promotion;
- Unwarranted inquiries or comments about a person's personal life;
- Unwanted physical contact, including touching, patting, etc.;
- Verbal abuse or threats of a sexual nature; and
- Indecent exposure or sexual assault

#### Workplace Racial Harassment:

A form of harassment in the workplace that includes the adverse differential treatment of an individual based upon their race, ancestry, nationality, place of origin, ethnic origin, colour, language, citizenship, creed or religion.



*Workplace Racial Harassment* includes, but is not limited to:

- Comment or conduct which disparages or ridicules a person's race, ancestry, nationality, place of origin, ethnic origin, colour, language, citizenship, creed or religion;
- Insulting gestures or jokes which relate to race, ancestry, nationality, place of origin, ethnic origin, colour, language, citizenship, creed or religion;
- Mimicking a person's accent, speech or mannerisms;
- The display or distribution (including use of electronic media) of derogatory material which relate to race, ancestry, nationality, place of origin, ethnic origin, colour, language, citizenship, creed or religion; and
- Refusing to work with people because of their race, ancestry, nationality, place of origin, ethnic origin, colour, language, citizenship, creed or religious background.

Workplace Psychological Harassment:

A form of Workplace Harassment that includes any vexatious behavior in the form of repeated or hostile or unwanted conduct, verbal comments, actions or gestures, that affect a worker's dignity or psychological or physical integrity and that results in harmful work environment for that individual.

Workplace Bullying:

Workplace Bullying is an intense form of Workplace Harassment. It includes comments or conduct that constitutes Workplace Harassment and/or Workplace Violence but that are generally repeated, persistent and aggressive. Workplace Bullying behaviour is generally intended to cause (or should reasonably be known to cause) fear, distress, intimidation, humiliation, psychological harm and/or physical harm to a person's body, feelings, self-esteem and/or reputation. It often occurs in a context where there is a real or perceived power imbalance.

Workplace Discrimination:

Workplace Discrimination occurs when a person experiences adverse differential treatment or results in the workplace, based upon a prohibited ground rather than on personal merit. Workplace discrimination may be intentional or unintentional and may occur in many forms, which may be obvious or very subtle.

*Workplace Discrimination* includes but is not limited to:

- Refusing to employ or continue to employ any individual based on a prohibited ground of discrimination; or
- In the course of employment, to differentiate adversely in relation to a CMA participant based on a prohibited ground of discrimination.

Workplace Violence:

- a) The exercise of physical force by a person against a CMA participant in the workplace, that causes or could cause physical injury to the individual;
- b) An attempt to exercise physical force against a CMA participant, in the workplace, that could cause physical injury to the individual; and/or



- c) A statement or behaviour that can be reasonably interpreted as a threat to exercise physical force against a CMA participant in the workplace that could cause physical injury to the individual.

*Workplace Violence* includes:

- Verbally threatening to attack anyone in the workplace;
- Leaving threatening notes at or sending threatening e-mails or other communications to someone in the workplace;
- Shaking a fist in anyone's face in the workplace;
- Hitting or trying to hit anyone in the workplace;
- Throwing an object at anyone in the workplace; or
- Sexual violence against anyone in the workplace.

Domestic Violence:

A pattern of behavior used by one individual to gain power and control over another with whom they have or had an intimate relationship. Examples of domestic violence include stalking, physical violence, emotional and psychological intimidation and verbal abuse. Domestic Violence which occurs in the workplace is considered Workplace Violence.

## D. Responsibilities

- (a) **CMA Participants** are responsible to always act respectfully in the workplace and in compliance with the provision of this Respect in the Workplace Policy; immediately report to management or People and Culture or the Chair of the Board (as the case may be) any concerns, incidents and/or knowledge of any breach of this Respect in the Workplace Policy; and, follow the measures and procedures set out in the Respect in the Workplace Reporting and Resolution Procedure.
- (b) **The Human Resources and Compensation Committee ("HRCC") and the CEO** are responsible for overseeing the implementation of this Policy, making its contents known to staff and elected and appointed members, ensuring that all complaints are pursued promptly and confidentially, and to report any formal complaints to the respective Board Chairs, for information.
- (c) **Management** is responsible for ensuring a dignified and respectful workplace free from workplace harassment, workplace discrimination, and workplace violence. This includes: ensuring CMA Participants are provided with appropriate information and instruction on the contents of this Policy and any other related programs with respect to the prevention of Workplace Harassment, Workplace Discrimination and Workplace Violence; reviewing the efficacy of the Respect in the Workplace Reporting and Resolution Procedure on a regular basis; taking reasonable precautions for the protection of a CMA participant if management is aware of circumstances which may reasonably expose the individual to workplace violence; and, pursuing and dealing with all concerns, complaints or incidents of breaches of this Policy in a timely manner.
- (d) The **Joint Health and Safety Committee (JHSC)** will conduct workplace violence risk assessments, (see Workplace Risk Assessments), as required, taking into consideration circumstances existing at the CMA and CMA Group of Companies offices, with the aim of mitigating existing workplace violence risks.



- (e) **People and Culture and Legal Services**, in conjunction with the Joint Health and Safety Committee will reassess the risks of workplace violence as often as is necessary, and at least annually, to ensure the continued protection of individuals from workplace violence.
- (f) **People and Culture** is responsible for ensuring that this Policy and the corresponding Respect in the Workplace Reporting and Resolution Procedure are communicated to all CMA Participants and to support any CMA participant by providing information and referral to outside support as required.

## E. Incident process

All complaints by a CMA participant that there has been a breach of this Policy will be addressed in accordance with the Respect in the Workplace Reporting and Resolution Procedure.

## F. No Retaliation for using this Policy

All CMA Participants have the right to make a complaint or enforce their rights under this policy without retaliation or threat of retaliation.

Retaliation against a complainant, an individual who enforces their right under this policy or who takes part in the process under this policy (“retaliatory behavior”) is prohibited. Retaliatory behavior includes, but is not limited to:

- Unwarranted criticism of a person’s job performance; and
- The arbitrary reassignment of a person to a different department, job or set of responsibilities.
- The breach of the confidentiality requirements of this Policy.

## G. Posting and Reporting Requirements

This policy will be posted on the CMA Enterprise’s intranet site and on other appropriate channels across the enterprise to ensure appropriate distribution and knowledge.

### Related policies and Procedures

1. Respect in the Workplace Reporting and Resolution Procedure
2. Integrity Action Line
3. Civility Standard Policy
4. Workplace Risk Assessments