



HALIBURTON COUNTY FARMERS' MARKET ASSOCIATION

Haliburton County Farmers' Market Association Procedure for Handling Harassment Complaints

1. **Direct Resolution:** The complainant communicates directly with the alleged harasser, either verbally or in writing, stating clearly that the offensive behaviour is neither welcome nor appropriate and that it must not reoccur, and the alleged harasser concurs with this request.
2. **Mediation:** If direct resolution is not possible or successful, or the complainant is uncomfortable confronting the alleged harasser, the complainant shall report the harassment allegation to the Market Manager. The Market Manager shall communicate with the alleged harasser as soon as possible to inform them that their actions were not welcome. If the complainant and alleged harasser are willing to meet to discuss the situation the Market Manager will act as mediator. Should both parties come to a mutually agreeable resolution the issue shall be deemed resolved. Should a mutually agreeable resolution not be attained via the Market Manager's intervention an investigation shall be initiated. At this point the complainant will be asked to report the harassment allegation in written form, outlining the events, dates, times, behaviours, evidence (e.g., letters, memos, notes that have been received from the alleged harasser), and the names of any witnesses. The report shall be submitted to the Market Manager who will immediately pass it to a member of the Human Resources Committee of the HCFMA Board.
 - a. Upon receipt of the written allegation, the Human Resources Committee will acknowledge, in writing, receipt of the complaint.
 - b. The Human Resources Committee may request further information from the complainant to confirm details in preparation for a mediation meeting.
 - c. The alleged harasser will be notified of the complaint by the Human Resources Committee, through a meeting either in person or by telephone. The alleged harasser will be asked to put in writing the details his/her experience of the allegations under consideration, and any associated issues, and make this available to the Human Resources Committee.
 - d. In addition to considering the written material the Human Resources Committee may also interview both parties separately as well as any witnesses. During such interviews the same questions will be asked of both the complainant and alleged harasser and both the questions and answers shall be written down.
 - e. The Human Resources Committee will coordinate a mediation meeting between the complainant and the alleged harasser.
 - f. The Human Resources Committee may perform the roles of facilitator/mediator and notetaker in the mediation meeting. If requested by either the complainant or alleged harasser an independent third party mediator may be employed. The complainant and the alleged harasser are expected to participate actively in the mediation process, that is, they are expected to try to reach an agreed-upon understanding of the situation under investigation and to generate ideas about what would mitigate the harm that has been done and ensure that it will not recur.
 - g. If the complainant and the alleged harasser can come to a mutually satisfactory resolution that the Human Resources Committee or third party mediator finds acceptable, the Human Resources Committee or third party mediator will summarize in writing the conversation and conclusions of the mediation meeting and make it available to the complainant and the harasser.
 - h. All written material will be kept in a confidential file accessible only to members of the Human Resources Committee, and destroyed when both the complainant and the harasser are no longer involved with the organization.
3. **Investigated resolution:** When mediation was not satisfactory or successful, or further information is required (e.g., some evidence that the behavior is not limited to the incident under consideration), an investigation will be initiated.
 - a. The Human Resources Committee will report to the Board in a closed meeting of their inability to reach a mediated resolution (whether the failure is evident in the meeting itself, or in an unsatisfactory implementation of the agreed-upon resolution). The report is in summary form and will identify the complainant and alleged harasser, the timing and nature of the complaint, and the



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nature of the failure to reach or implement a mediated resolution. They will request that the Board engage someone external to the organization with an appropriate skill set to work with the Human Resources Committee as an investigating body to investigate the situation and recommend a resolution.

- b. In addition to considering the written material generated in the attempt to reach a mediated resolution, the investigating body may also interview other people who could be sources of relevant information, giving due diligence to respecting the privacy of the individuals directly involved (i.e., sharing information externally on a strictly need-to-know basis). The investigating body may again interview the complainant and the alleged harasser. This information will be summarized in written form.
 - c. The investigating body will ascertain whether or not harassment occurred, and, if so, the nature of the harassment. The standard of proof in assessing the evidence will be the balance of probabilities (i.e., it needs to be established that it was more likely than not that the harassment did occur).
4. **Corrective action:** The investigating body will also make a recommendation for corrective action/s, the intent of which is to create a working environment that is and is perceived to be safe, in that harassing behavior will not recur.
- a. If it is determined that harassment or discrimination did occur, corrective action may include any or all but is not limited to the following:
 - i. An apology from the harasser to the complainant and to any other person;
 - ii. Additional education and or training for the harasser;
 - iii. Counseling for the harasser and/or complainant;
 - iv. Disciplinary action for the harasser in keeping with his/her role in the organization, the nature of the incident, the attitude of the harasser, and contextual elements.
 - b. The investigating body will also make recommendations for any corrective actions that would repair the damage that may have been done to the organization, such as
 - i. Broad-based training / education about the nature and cost of harassment;
 - ii. Identifying and addressing any policies or practices, or lack thereof, that systematically allow or even encourage harassment;
 - iii. On-going vigilance to identify and address harassment in early stages and reinforce with action the training / education about harassment.
 - c. If a person, in good faith, files a harassment or discrimination complaint that is not supported by evidence gathered during an investigation, the complaint will be dismissed.
 - i. As long as the complaint is seen as being in good faith, there will be no penalty to the person who complained.
 - ii. If the complaint is seen as not being in good faith, it should itself be treated as an incident of harassment or bullying.
 - d. The findings and recommendation of the investigating body are final.
 - e. If either the complainant or alleged harasser feel that the conclusions and recommendations of the investigating body are not appropriate they should be directed to the Ontario Human Rights Tribunal.
 - f. All written material of incidents, whether substantiated or not, will be kept in a confidential file accessible only to members of the Human Resources Committee, and destroyed when both the complainant and the harasser are no longer involved with the organization.

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