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Foundation of Canada

Fondation du développement
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SEXUAL EXPLOITATION AND ABUSE POLICY AND PROCEDURES

Owner	Human Resources
Approved by	Benoît André, Executive Director
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Review schedule	Annually
Applicable to	All CDF Canada employees, volunteers, partners, contractors and consultants
Related policies	Code of Conduct Workplace Harassment, Discrimination & Violence Policy
Related procedures	Employee Handbook
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1. Terms and definitions¹

Workplace harassment (WH) is defined as engaging in a course of vexatious comments or conduct against an individual in a workplace that is known or ought reasonably to be known as unwelcome workplace harassment or as workplace sexual harassment. It includes; but is not limited to, any unwelcome or objectionable physical, visual or verbal conduct, comment or display, whether intended or unintended, that is insulting, humiliating, offensive or degrading to another person, or creates an intimidating, hostile or offensive environment.

Sexualized violence (SV) is used as an umbrella term to include both sexual harassment and sexual assault. Sexualized violence can affect people of any sex, gender, sexual orientation, age, race, ethnicity, ability, etc. However, people with certain identities and social locations are disproportionately impacted (i.e. women, particularly young women and indigenous/racialized women; LGBTIQ+ people; and persons living with disabilities).

Sexual harassment (SH) is defined as any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature which might reasonably be expected or be perceived to cause offence or humiliation to another. Sexual harassment may occur when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment. It can include a one-off incident or a series of incidents. Sexual harassment may be deliberate, unsolicited and coercive. Both male and female colleagues can either be the victim or offender. Sexual harassment may also occur outside the workplace and/or outside working hours. Comment: Sexual Harassment does not necessarily imply a sexual act. If there is a sexual act, it might be considered sexual assault.

Sexual Exploitation (SE) is defined as any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Comment: “Sexual exploitation” is a broad term, which includes a number of acts described below, including “transactional sex”, “solicitation of transactional sex” and “exploitative relationship”.

Sexual abuse (SA) is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a minor is considered as sexual abuse. Comment: “Sexual abuse” is a broad term, which includes a number of acts described below, including “rape”, “sexual assault”, “sex with a minor”, and “sexual activity with a minor”.

Sexual and Gender based violence: An umbrella term for any harmful act perpetrated against a person’s will and is based on socially ascribed differences between males and females (i.e. gender), and individuals who do not conform to gender norms (non-binary, genderqueer, agender, etc.), as well as males and men who do not follow (or are perceived not to follow) dominant ideals of masculinity. It includes acts which inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty.

A trigger is content which may elicit a strong emotional and/or physical reaction (e.g. anxiety, panic attack, flashback, urge to self-harm) in people who have experienced trauma. A *trigger warning* (TW) provides advance notice to survivors of trauma, and an opportunity to choose to engage with or avoid the content to be presented and discussed.

¹ UNHCR Policy on Harassment, Sexual Harassment, and Abuse of Authority
IASC 2015.Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action

Survivor is a person who has experienced gender-based violence. The terms ‘victim’ and ‘survivor’ can be used interchangeably. ‘Victim’ is a term often used in the legal and medical sectors, while the term ‘survivor’ is generally preferred in the psychological and social support sectors because it implies resiliency. These Guidelines employ the term ‘survivor’ in order to reinforce the concept of resiliency

Social stigma is the negative perception and societal disapproval of survivors of sexualized violence, which can lead to feelings of shame and guilt (e.g. thinking that the violence was “deserved” or “provoked”). It prevents people from reporting their experiences and seeking support.

Rape culture refers to sociocultural attitudes and beliefs that trivialize the severity and impact of sexualized and gender-based violence and normalize this violence as tolerable and inevitable (e.g. saying “boys will be boys” as an excuse to justify male aggression).

Consent is an agreement to engage in sexual activity, which can be withdrawn at any time. It must be voluntary rather than coerced or forced through an abuse of power (granted by one’s position, identity, or physicality). Consent cannot be obtained from someone who is intoxicated or unconscious.

Enthusiastic consent is a clear verbal and/or physical manifestation of agreement to engage in sexual activity (e.g. yes, come closer, I like that, touch me here, keep going, do this, I want to, etc.). It goes beyond the absence of “no” as an indicator of consent. It involves a continuous process of checking in with one’s partner(s) during sexual activity.

Collaborators refers to individuals who work for CDF as non-staff members including consultants, holders of Agreements for Performance of Work (APW), Special Service Agreements (SSA) or letters of agreement, Temporary Advisers, Interns, and Volunteers, as well as third party entities such as vendors, contractors or technical partners who have a contractual relationship with CDF.²

Beneficiary Population refers to the people CDF works with and/or serves or seeks to assist across the world, who are typically in situations of vulnerability and dependence vis à vis CDF staff and collaborators. Beneficiaries are individuals who are direct or indirect recipients of international development or other CDF action in any duty station. Among such individuals, women and children are particularly at risk of sexual exploitation and abuse (SEA).³

Partners refers to an organization, through its personnel and collaborators, executing a project or undertaking any other work in the name of, under contract with, or for the benefit of CDF.⁴

Allegations refers to a claim or assertion that someone has done something illegal or wrong, typically one made without proof.

Confidentiality refers to a duty of an individual to refrain from sharing confidential information with others, except with the express consent of the other party. There are rules and regulations which place restrictions on the circumstances in which a professional may divulge information about a client or patient, and other situations may be deemed confidential by the use of a contract.

² https://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf?ua=1

³ https://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf?ua=1

⁴ https://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf?ua=1

Complainant refers to the individual who experiences an alleged act of workplace harassment and then places the official complaint against the person who allegedly committed the act of harassment.

Co-operative refers to an organization which is owned and run jointly by its members, who share the profits and benefits.

2. Policy Objective

This policy sets out CDF Canada's approach to preventing and addressing sexual harassment and sexual exploitation and abuse (SHEA) This includes:

- Our commitments to prevent SHEA and to ensure effective action is taken when problems occur;
- Principles upon which we will base our decisions making and actions;
- Our expectations of all those who work on behalf of CDF Canada.

Sexual Exploitation, Sexual Abuse and Sexual Harassment are serious violations of fundamental human rights and will not be accepted nor tolerated at CDF Canada.

We believe everyone has a responsibility to prevent and respond to sexual discrimination, sexual exploitation, sexual abuse, sexual harassment, gender-based harassment and a poisoned work environment.

All board members, employees, contractors, consultants, volunteers and interns of CDF Canada are expected to act with tolerance, sensitivity and respect for gender diversity.

All employees will be held accountable for failing to conduct themselves in a way which promotes mutual respect and non-discrimination, or for failing to report concerns of misconduct. In addition, CDF Canada is committed to ensuring the privacy and confidentiality of all individuals who report and commits to a response which is survivor-centered, comprehensive and timely.

Human rights, dignity for all and respect are at the heart of who CDF Canada are and what we do. We believe in, practice and are committed to:

- Gender-Equity
- Social Justice
- Trust
- Integrity
- Accountability
- Transparency
- Co-operation
- Sustainability

3. Policy Statement

CDF Canada has a zero-tolerance stand on exploitative and abusive relationships. We will not tolerate behaviour which endanger the security of employees or the organisation or brings either into disrepute. It follows, therefore, employees, volunteers, consultants, contractors, partners or anyone representing CDF Canada should have:

- No sexual contact with children under the age of 18 (mistaken belief of age being no defense)
- No transactional sexual contact with CODE beneficiaries, clients or staff of CODE partners.

4. Core Principles

CDF Canada will enforce a “zero-tolerance” policy for both involvement in or condoning any act of sexual exploitation and abuse.

CDF Canada adheres to the following principles relating to sexual exploitation and abuse.

- Sexual exploitation and abuse by CDF Canada personnel (employees, volunteers or consultants) constitute acts of gross misconduct and are therefore grounds for termination of employment/assignment.
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. Included is exchange of assistance due to beneficiaries because of the existence of a power position.
- Sexual relationships between personnel and beneficiaries are prohibited since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of development work.
- Where a member of personnel develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same organization or not, he or she must report such concerns by established organizational reporting mechanisms.
- Personnel are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of the code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

5. Scope of Policy

This policy applies globally to all employees, volunteers, consultants, contractors, partners or any other representative associated with the delivery of our programs during and outside normal working hours. This policy applies in all locations except in countries where the following policy contravenes local legislation, in such a case, local legislation must be followed. This policy does apply in the event that it is more stringent than local legislation.

All parties are prohibited from committing acts of sexual exploitation and abuse, and must respect, and never violate, the rights of vulnerable people. All parties also have a particular duty of care towards women and children.

6. Application

For the purpose of this policy, personnel include employees working at the national or international level, both Canadian and national staff, regular and temporary employees and interns (full or part-time). The term personnel also apply to volunteers, consultants, independent contractors and temporary staff providing services to CDF Canada.

7. Gender Equality

CDF Canada as an international development organization believe that Gender is the most persistent predictor of poverty and injustice in our world today. This is why CDF Canada understands that ending global poverty begins with women’s rights. CDF is committed to

challenging and changing the attitudes and behaviors that lie at the heart of inequality, and the laws, policies and government programs that sustain it.

Gender equality is where women and men enjoy the same status and have equal conditions, responsibilities and opportunities for realizing their full human rights and potential. It is about men and women having equal access and having equal value, while recognizing differences and similarities exist between men and women, girls and boys. It also implies equal access to and control over resources by women and men.

Recognizing the value of the skills and knowledge women have developed is essential to societies. Our world has everything to gain by committing to the equal access to opportunities and advancement of all peoples regardless of their sex.

CDF Canada is committed to achieving gender equality within the organization and in all of its programming. CDF Canada employees and contingent workers will work together to promote a gender sensitive environment within the organization.

8. Roles and Responsibilities

It is the responsibility of managers, employees, and anyone who works with, or, is affiliated with CDF Canada, to report occurrences of sexual exploitation and abuse being perpetrated by anyone. Managers and supervisors, in particular, are responsible for creating and maintaining an environment in which employees, volunteers and contractors know what CDF Canada expects from them and feel confident in reporting any suspicious or inappropriate behaviour.

CDF Canada is clear any partnerships we have with others is based on mutual respect for values and beliefs. When employees assess partner capacity to carry out projects this should include an assessment of the partner's capacity to meet our requirements in upholding this sexual exploitation and abuse policy and CDF Canada's Code of Conduct.

a) Executive Director / Human Resources

- Develop policies, standards of conduct and strategies to prevent and respond to Sexual Exploitation and Abuse.
- Incorporate standards on Sexual Exploitation and Abuse in all orientation materials and provide training for all personnel as described.
- Establish the Country Manager's responsibility, in the various countries where CDF Canada operate, who will be responsible to ensure compliance at all levels of this policy.
- Ensure Country Managers are trained and understand how to discharge their duties.
- Provide support and assistance to Supervisors and Country Managers.
- Investigate all reports of allegations of Sexual Exploitation and Abuse through Country Managers.
- Determine appropriate disciplinary action.
- Take swift and appropriate action against personnel who commit Sexual Exploitation and Abuse, including administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action which could lead to criminal prosecution.
- Liaise with the Country Manager and assist in establishing an agreed response in cases in which the alleged behaviour constitutes a criminal act in either the host country or the home country of the alleged perpetrator.
- Maintain written records of personnel who have been found to have violated this Policy.

b) Board of Directors /Senior Management Team

- Actively support and enforce this policy.
- Participate in relevant training on sexual exploitation and abuse.
- Are responsible, as well as all employees in a supervisory capacity, to ensure CDF Canada's workplaces are free from harassment, violence, discrimination and sexual exploitation and abuse.

c) Country Manager (or most senior CDF Canada in-country representative)

- Act as a regional representative to communicate and reinforce this policy and associated standards.
- Jointly disseminate relevant policy information to our partners and to the communities where we operate.
- Co-ordinate other activities, including training, monitoring mechanisms and investigation procedures to prevent and respond to reported Sexual Exploitation and Abuse allegations.
- Establish systems that respond appropriately, when an allegation of misconduct concerns a representative from a different organization, or where the individual or organization cannot be identified immediately.
- Establish accessible, safe and trusted complaint mechanisms.
 - Demonstrate commitment to confidentiality.
 - Be sensitive to age, gender, and culture.
 - Consider the safety and well-being of the victim as the paramount consideration.
 - Refer the victim to appropriate, confidential services, including medical, legal and psychological support.
 - Preserve the complainant's confidentiality and take appropriate action, to the best of their abilities, to protect persons from retaliation where allegations of Sexual Exploitation and Abuse are reported involving personnel.
 - Inform members of the communities where we work about the standards and ethical guidelines, about the assistance available to complainants and victims, and of how and to whom they can raise concerns confidentially.
 - Investigate allegations of Sexual Exploitation and Abuse in a timely and professional manner including using appropriate interviewing practice with complainants and witnesses or promptly engage a qualified third-party investigator to conduct the investigation.
 - Take appropriate disciplinary action for confirmed violations of the sexual exploitation and abuse Policy /Code of Conduct.
 - Establish an agreed response in cases in which the alleged behaviour constitutes a criminal act in either the host country or the home country of the alleged perpetrator.
 - Maintain written records of personnel who have been found to have violated sexual exploitation and abuse policy or CDF Canada's Code of Conduct, to increase the effectiveness of subsequent referral or recruitment checks.
 - Prevent proven perpetrators of sexual Exploitation and abuse from being rehired or redeployed.

d) CDF Canada HQ Managers

- Communicate and reinforce the sexual exploitation and abuse policy and standards (through written documents and dialogue) and regularly remind all personnel, both current and newly recruited, about the required standards of behaviour, based on explicit codes of

conduct and ethical guidelines. This applies to all personnel (national, international, volunteers and contractors).

- Ensure all personnel understand the need to report any concerns as soon as they are raised. Their obligation is to report possible violations, not to investigate the allegation.
- Immediately report all complaints to the HQ Director, Human Resources (Operations) and assist in managing the investigative process.
- Demonstrate commitment to confidentiality.
- Take appropriate disciplinary action when personnel are found to have committed an act of sexual exploitation and abuse.
- Prevent perpetrators of sexual exploitation and abuse from being rehired or redeployed.
- All personnel will undergo background and criminal reference checks.

e) Employees (national and international)

- Become aware and abide by the sexual exploitation and abuse standards.
- Agree to and sign CDF Canada policy acknowledgements and Code of Conduct.
- Participate in relevant training related to the sexual exploitation and abuse.
- Become aware of the relevant reporting mechanism for the sexual exploitation and abuse.
- Report any known or suspected case of Sexual Exploitation and Abuse to the Country Manager, HQ Manager, Programs, and/or the HQ Director, Human Resources (Operations).

f) CDF Canada Volunteers and Consultants

- Become aware and abide by the standards outlined in the sexual exploitation and abuse policy and Code of Conduct.
- Agree to and sign the CDF Canada sexual exploitation and abuse and Code of Conduct acknowledgements as an integral part of contracts with CDF Canada.
- Participate in relevant training related to sexual exploitation and abuse.
- Become aware of relevant reporting mechanism for the sexual exploitation and abuse.
- Report any known or suspected cases of sexual exploitation and abuse to the Country Manager, HQ Manager of Programs and/or the HQ Director, Human Resources (Operations).

g) CDF Canada In-Country Partners

- Become aware of and abide by CDF Canada's sexual exploitation and abuse policy and standards.
- Participate in training related to sexual exploitation and abuse.
- Become aware of the relevant reporting mechanism for sexual exploitation and abuse.
- Report any known or suspected case of sexual exploitation and abuse to the CDF Canada's Country Manager, HQ Manager, Programs, and the HQ Director, Human Resources (Operations).

9. Prevention, Monitoring and Tracking

a) Raising Awareness

CDF will prepare a communication strategy to support the dissemination and implementation of this policy and to raise awareness across CDF of the issue of SEA and its potential ramifications. The plan will include:

- Availability of this policy on CDF's Internet websites at all levels of the Organization.

- Communication material for staff across the Organization and raising awareness/ training program on SEA.
- Communication material to inform CDF collaborators and partner organizations of this policy, including measures such as introducing a specific clause relating to SEA and the external Integrity Hotline in standard contractual agreements.
- Communication campaign to inform CDF beneficiaries in CDF country and field offices, and in CDF programs and direct delivery mechanism managed by, operating in the name of, or funded by CDF.

b) Background Checks

No offer of appointment is made by CDF before the background check of an applicant has been completed. All applicants are required to truthfully answer standard questions concerning any existing history of criminal verdicts, questions about disciplinary measures or sanctions imposed by any existing or former employer of the applicant, and, where relevant, existing history of disciplinary sanctions imposed by disciplinary boards of professional organizations to which the applicant is or has been subject.

All applicants are required to disclose any criminal record or, if relevant, record of disciplinary sanctions he or she may have, with the exception of minor traffic offences. While employment will not be granted to candidates who fail to disclose this information, CDF treats the disclosure of inaccurate or incomplete information with regards to any acts of SEA as misconduct. CDF reserves the right to withdraw any offer of employment or to terminate any contractual engagement if the applicant is found to have provided untruthful information concerning any condemnation regarding acts of SEA.

CDF will maintain a record of staff members found to have been convicted for acts of SEA or who have received a disciplinary measure or sanction imposed by any existing or former employer, or by disciplinary boards of professional organizations to which the applicant is or has been subject. CDF reserves the right to disclose information about acts of SEA on record concerning an individual staff member if so, requested by a third party in a selection process.⁵

c) Training

As part of prevention of SEA, and in order to raise awareness, staff and collaborators will be required to undertake and successfully complete the SEA training module. Introduction to SEA issues will form part of the overall Ethics Training, and specific modules will be included in the CDF pre-deployment training.

Training will serve staff and collaborators to be aware of the ethical values referred to in the current policy, specifically with respect to vulnerable situations. Also, staff and collaborators will become aware of suspicious situations, as well as recognize the signs of SEA, and provide practical information on how to assist victims of SEA, if signs of SEA are identified or if a victim approaches them to complain about SEA.

10. Reporting

a) Mechanisms & Process

Making a Report

Anyone has the right to make a complaint about the behaviour of all parties associated with CDF Canada and its programs, including any inappropriate behaviour of employees, volunteers, or partners according to CDF Canada's policies and reporting.

⁵ https://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf?ua=1

Anyone who witnesses or suspects inappropriate behaviour or misconduct must immediately report and seek advice from the Country Manager, HQ Manager, Programs (Ottawa), or HQ Director, Human Resources (Operations).

Complaints from people external to CDF Canada will be dealt with through the Country Manager, with support from HQ Director, Human Resources (Operations). The complaint will be recorded and immediately acted upon in a confidential manner in accordance with the relevant policies and procedures.

CDF Canada will take the appropriate action to protect the victim from further incident, harm or reprisal during and following an incident or allegation.

It is recommended all complaints be made immediately but no more than three (3) months of an incident taking place. We recognise this may not always be possible with allegations of such a sensitive nature. An investigation can go ahead whether the alleged victim wishes to take an active part.

Reporting Guidelines

When a report is being made, CDF Canada requires the victim provide their name and contact information to ensure concerns are promptly addressed. If victims choose not to provide their name or contact information, a report may be filed anonymously, but note, anonymous reports are suspect as they have greater potential for abuse and may be subject to legal limitations.

Please be sure to include the following information with your complaint:

- All facts describing the alleged event, issue, or matter,
- The name and title of each person involved,
- Dates, times, frequency, and locations,
- Facts relevant to urgency, and
- Documentation, witnesses, or other evidence available to support the allegation, including any laws or policies believed to be breached.

Please keep in mind those who initially read your complaint or investigators may not be familiar with the local context or local laws and providing as much detail as possible is helpful.

Where to Report

CDF Canada encourages all staff members to first speak to their Manager or HQ Director, Human Resources (Operations) when they have concerns about a policy violation or misconduct, as this is typically the best method for addressing problems and allows the appropriate parties to take immediate action.

For suspected or alleged sexual exploitation or abuse, the person is required to report to the Country Manager. All managers who receive such a complaint must notify the HQ Director, Human Resources (Operations) immediately for guidance and next steps.

In exceptional cases where a person has been discouraged in some way from reporting an incident or concern to their local manager or may fear for his/her job or well-being, the HQ Director, Human Resources (Operations) or Executive Director is available to bypass the normal channels in a confidential manner.

If a person reporting to you is at risk of immediate harm, danger or threat as a result of CDF Canada staff or programs, you should find an immediate safety solution for the person reporting the incident. As soon as possible, this information must be reported to the HQ Director, Human Resources (Operations).

b) Confidentiality

Reports and complaints of workplace harassment will be received and investigated in a confidential manner. All reports and complaints of workplace harassment will be considered personal information *supplied in confidence*. The name of the reporter or complainant and the circumstances of the report or complaint will not be disclosed to any person except where disclosure is necessary to protect individuals, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

c) Retaliation

This policy strictly prohibits reprisals against a worker because he or she has brought forward a concern or has provided information regarding a concern under this policy. Any worker who commits or threatens reprisal against another worker for following this policy in good faith may be subject to progressive discipline, up to and including termination of employment or contract.

Workers are encouraged to assist CDF in its efforts to prevent and eliminate harassment and sexual harassment in the workplace by treating their co-workers with courtesy and respect at all times during their employment. CDF, in turn, will do its best to deal with complaints that may arise in a fair and objective manner. Any breach of this policy will result in progressive discipline up to and including termination of employment.

11. Responding – Investigation of Allegations

CDF will respond in a professional and timely manner to all concerns or allegations of sexual harassment, exploitation or abuse (SHEA). All concerns or allegations will always be taken seriously, and investigated and acted upon where appropriate, in line with our safeguarding principles listed below.

Investigations

CDF Canada shall apply a zero-tolerance policy where it has determined through an investigative process its staff, volunteers, contractors or representatives of CDF Canada have engaged in sexual exploitation and/or abuse. 'Zero-tolerance' means CDF Canada will pursue all allegations falling under the scope of this policy and appropriate sanctions will be applied where allegations are substantiated.

CDF will carry out independent, safe, and discreet investigations, through trained investigators working with CDF's safeguarding teams, recognizing the rights of and duty of care to everyone involved, including the complainant and/or survivor, witnesses and the subject of complaint.

Robust and accountable case management

CDF Canada will investigate all allegations of sexual exploitation and abuse involving staff, volunteers or partners in a timely and professional manner and will engage professional investigators or secure investigative expertise as appropriate if needed.

All allegations of SHEA, and subsequent follow-up, will be documented in a secure and confidential database to ensure accountability. The report will be officially acknowledged within 24 hours, and a safeguarding team will convene a case conference to assess immediate risks and next steps within 72 hours.

CDF Canada has procedures for carrying out investigations into allegations of sexual exploitation and abuse. Guidance and support to investigators and those managing investigations is essential and available from the HQ Director, Human Resources (Operations).

Investigations are an internal administrative process and would not necessarily involve the police or courts. Investigations are carried out so CDF Canada can gather comprehensive and factual information as much as possible to base its decisions concerning conduct and the consequences thereof.

CDF Canada may alert the appropriate authorities if, following an investigation, it is concluded:

- A crime has taken place,
- Confidentiality can be ensured,
- The victim is in agreement, and
- Those associated with the case will not be subject to further abuse, disrespect or violence.

Headquarters are permitted to handle a case without reporting it to anyone else in the country office when necessary. CDF Canada reserves the right to act or not to act on any information provided. The organization is not required to disclose its response or the actions resulting from any information which may be provided or reported. The safety of participants and colleagues will prevail. The intentional misreporting of information is subject to disciplinary action.

Victim Assistance

CDF Canada will pursue investigations and take the appropriate disciplinary measures. Victims will receive immediate support as necessary, in line with the wishes and needs of the victim and to levels appropriate locally.

Survivors of SHEA are entitled to specialized support services. CDF commits to refer survivors to competent support services as appropriate and available and according to the wants and the needs of the survivor. Support may include specialist psychosocial support such as counselling, medical assistance, legal counselling and access to CDF 's Employee Assistance Programs (where available). Assistance will be made available regardless of whether a formal internal response is carried out (such as an internal investigation).

12. Disciplinary Measures and Sanctions

CDF Canada shall enforce a range of disciplinary measures and sanctions for all substantiated cases of sexual exploitation and abuse, in accordance with applicable CDF Canada human resources policies as well as contractual provisions. Such measures may include termination and referral to the competent legal authorities when warranted.

CDF will take swift and appropriate action against CDF Employees and Related Personnel who are found to have committed SHEA. This may include administrative or disciplinary action, and/or referral to the relevant local authorities if appropriate and safe to do so. An independent and gender representative decision making panel will be assigned in every investigation to ensure impartiality, transparency, and accountability (e.g. for country cases the panel may include people from outside of country). The decision-making process will be subject to scrutiny by relevant SG leads and/or advisors.

Employees who contravene CDF Canada's clearly stated conduct expectations will be subject to disciplinary action, up to and including termination. Volunteers will have their relationship with CDF Canada permanently terminated. Contractors who contravene CDF Canada expectations will have their contract immediately ended.

CDF Canada shall take all possible steps to ensure the partner organization takes appropriate actions in a manner consistent with this policy, expectations must be clearly documented in partnership



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agreements or MOUs. Partners must disclose to CDF Canada if their employees contravene the Prevention of Sexual Exploitation and Abuse policy and are required to provide evidence an appropriate investigation has been conducted. Failure to do so may result in funding being withdrawn and their relationship with CDF Canada may be terminated.

As outlined above (in Investigations), the appropriate authorities, including the police or courts may be involved under certain circumstances.

Reporting: Mechanisms & Process

CDF Canada's Emergency Response Team (ERT)

The ERT is comprised of CDF Canada's Executive Director (ED), Director, of Operations/HR, a member of the Joint Health & Safety Committee (JHSC) and, where required, an Employee Assistance Program (EAP) representative e.g. crisis management representative and/or counsellor.

In all emergencies the ED must be immediately informed and will promptly call meeting of the ERT.

The ERT will immediately address the situation, formulate an action plan that includes short- and long-term resolution options.

Making a Report

Anyone has the right to make a complaint about the behaviour of all parties associated with CDF Canada and its programs, including any inappropriate behaviour of employees, volunteers, or partners according to CDF Canada's policies and reporting.

Anyone who witnesses or suspects inappropriate behaviour or misconduct must immediately report and seek advice from the Country Manager, HQ Manager, Programs (Ottawa), or HQ Director, Human Resources (Operations).

Complaints from people external to CDF Canada will be dealt with through the Country Manager, with support from HQ Director, Human Resources (Operations). The complaint will be recorded and immediately acted upon in a confidential manner in accordance with the relevant policies and procedures.

CDF Canada will take the appropriate action to protect the victim from further incident, harm or reprisal during and following an incident or allegation.

It is recommended all complaints be made immediately but no more than three (3) months of an incident taking place. We recognise this may not always be possible with allegations of such a sensitive nature. An investigation can go ahead whether the alleged victim wishes to take an active part.

Reporting Guidelines

When a report is being made, CDF Canada requires the victim provide their name and contact information to ensure concerns are promptly addressed. If victims choose not to provide their name or contact information, a report may be filed anonymously, but note, anonymous reports are suspect as they have greater potential for abuse and may be subject to legal limitations.

Please be sure to include the following information with your complaint:

- All facts describing the alleged event, issue, or matter,
- The name and title of each person involved,
- Dates, times, frequency, and locations,
- Facts relevant to urgency, and
- Documentation, witnesses, or other evidence available to support the allegation, including any laws or policies believed to be breached.

Please keep in mind those who initially read your complaint or investigators may not be familiar with the local context or local laws and providing as much detail as possible is helpful.

Where to Report

CDF Canada encourages all staff members to first speak to their Manager or HQ Director, Human Resources (Operations) when they have concerns about a policy violation or misconduct, as this is typically the best method for addressing problems and allows the appropriate parties to take immediate action.

For suspected or alleged sexual exploitation or abuse, the person is required to report to the Country Manager. All managers who receive such a complaint must notify the HQ Director, Human Resources (Operations) immediately for guidance and next steps.

In exceptional cases where a person has been discouraged in some way from reporting an incident or concern to their local manager or may fear for his/her job or well-being, the HQ Director, Human Resources (Operations) or Executive Director is available to bypass the normal channels in a confidential manner.

If a person reporting to you is at risk of immediate harm, danger or threat as a result of CDF Canada staff or programs, you should find an immediate safety solution for the person reporting the incident. As soon as possible, this information must be reported to the HQ Director, Human Resources (Operations).



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Annexes

SEXUAL EXPLOITATION AND ABUSE Acknowledgement Form

I hereby acknowledge I have been trained and have received a copy of the Sexual Exploitation and Abuse Policy.

I have read the Sexual Exploitation and Abuse Policy and understand its contents, including the zero-tolerance policy statement and understand CDF Canada considers any allegation of sexual exploitation or abuse to be an extremely serious matter.

I understand I should speak with my supervisor or the appropriate CDF Canada representative with regard to any questions I may have regarding the Sexual Exploitation or Abuse Policy.

I further understand CDF Canada has issued the Sexual Exploitation and Abuse Policy for guidance purposes only and it does not intend for the Policy to create a contract of employment or any type of binding obligation on CDF Canada.

CDF Canada may periodically review the Sexual Exploitation and Abuse Policy and reserves the right to amend or interpret the Policy as it deems appropriate in its sole discretion.

A copy of this acknowledgment form shall be placed and retained in the personnel records file.

Print Name Date

Signature CDF Manager Signature (Witness)

WORKPLACE VIOLENCE, HARASSMENT, AND DISCRIMINATION POLICY AND PROGRAM

PURPOSE

The Co-operative Development Foundation of Canada (CDF Canada) is committed to providing a safe work environment that is free from violence or the threat of violence, harassment, or discrimination, and in which all individuals are treated with respect and dignity. CDF Canada has a zero-tolerance policy for any form of violence (actual, attempted, or threatened), harassment, or discrimination in the workplace. CDF Canada treats all incidents seriously and promptly investigates all allegations of violence, harassment, and discrimination.

This Policy is intended to:

- Create and foster a work environment free from workplace violence, harassment, and discrimination,
- Assist all employees in identifying and preventing violence, harassment, and discrimination in the workplace,
- Establish and detail the responsibilities of all employees to maintain a workplace free from violence, harassment, and discrimination
- Ensure that incidents of workplace violence, harassment, and discrimination are reported as appropriate, and
- Ensure that incidents of workplace violence, harassment, and discrimination are investigated and resolved in a timely manner.

APPLICATION & SCOPE

This Policy applies to all employees, including all full-time and part-time employees, temporary and fixed-term employees, and employees on leave of absence. This Policy also applies to all persons who attend CDF Canada's workplace including, but not limited to, contractors, volunteers, interns, students, and members of the public utilizing CDF Canada's services.

This Policy applies to all activities that occur on CDF Canada's premises or while engaging in business activities or social events on behalf of CDF Canada. This includes:

- Work assignments outside of CDF Canada premises,
- Work-related conferences, training sessions, seminars, etc.,
- Work-related travel, and
- Work related social functions organized by CDF Canada.

REVIEW

This Policy is subject to annual review, and modifications will be made as deemed necessary to respond to current conditions and evolving needs.

DEFINITIONS

Workplace

The Occupational Health and Safety Act defines workplace as any land, premises, location or thing at, upon, in or near which a worker works

Workplace Harassment

The Occupational Health and Safety Act defines workplace harassment as:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- (b) workplace sexual harassment

Workplace Sexual Harassment

The Occupational Health and Safety Act defines workplace sexual harassment as:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of 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 where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

Discriminatory Harassment

The Ontario Human Rights Code prohibits discrimination and sexual harassment in the workplace. The Human Rights Code states:

- Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.
- Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.

Examples of discriminatory harassment may include, but are not limited to:

- Displays of offensive, derogatory, or sexually explicit pictures, photographs, cartoons, drawings, symbols and other material
- Unwanted touching or other suggestive physical contact
- Offensive remarks about sexual orientation
- Racist language, slurs, derogatory comments, stereotypes
- Telling racist or ethnic jokes that are by their nature embarrassing or offensive
- Threats or abuse based on colour, language or ethnic background

Workplace Violence

The Occupational Health and Safety Act defines workplace violence as:

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Examples of workplace violence include, but are not limited to:

- Stalking or criminal harassment,
- Shouting, spitting, swearing at an employee,
- Physical intimidation, bullying, mobbing, or threatening gestures,
- Leaving or sending threatening notes or e-mails to an employee, workplace or to external sources,
- Assault, sexual assault or the attempt or threat of an assault against an employee,
- Threatening the use of a weapon, unlawfully possessing or carrying a weapon while at work,
- Pushing, shoving or kicking an employee,
- Hitting or trying to hit an employee,
- Throwing an object at an employee,
- Kicking an object the employee is standing on such as a ladder

Sexual assault is any physical contact made of a sexual nature that is known or ought reasonably to be known to be unwelcome. Sexual assault may include, but is not limited to, any unwanted physical contact such as touching, kissing, patting, massaging, fondling or pinching.

Complainant

“Complainant” refers to an individual who has reasonable cause to believe that he or she has been the subject of workplace violence, harassment, or discrimination and who complains using the procedures outlined in this Policy.

Respondent

“Respondent” refers to the person against whom a complaint of alleged workplace violence, harassment, or discrimination has been made.

Workplace Violence, Harassment, and Discrimination

CDF Canada will not tolerate workplace violence, harassment, or discrimination committed by or against any person in the workplace and will take whatever steps are reasonable for the protection of our employees from workplace violence, harassment, and discrimination from all sources.

As the employer, CDF Canada will ensure that this Policy and Program are implemented and maintained, and that all employees have the appropriate information and instruction to protect themselves from violence, harassment, and discrimination in the workplace.

All new employees will participate in mandatory workplace harassment, violence, and discrimination training within 30 days of hire date. In addition, a copy of this Policy is reviewed and given to all new employees on the first day of work as well as being available to employees at all times on CDF Canada’s public (P) drive.

All employees must be dedicated to preventing workplace violence, harassment, and discrimination. All employees must work in compliance with this Policy and Program. All employees are encouraged to raise any concerns about workplace violence, harassment, and discrimination, and are required to immediately report any incidents or threats.

Employees who engage in conduct that contravenes this Policy will be disciplined, up to and including dismissal. Any employee who has authority to appropriately prevent, discourage, or intervene against

workplace violence, harassment, and discrimination will be held responsible for failing to exercise this authority. However, no one is expected to act in a way that puts his/her own personal safety at risk. Every employee of CDF Canada has the right to report any incidence or threat of violence, harassment, and discrimination without reprisal or threat of reprisal for so doing, so long as the employee is acting in good faith (i.e. the report is not frivolous, vexatious, or made in bad faith).

CDF Canada pledges to investigate and deal with all incidents and complaints of workplace violence, harassment, and discrimination in a fair and timely manner, respecting the privacy of all concerned as much as possible.

This Policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace. Appropriate supervisory or management actions, including but not limited to the directing or assigning of work, performance counselling, employee performance appraisals, conflict management, or discipline, are not considered workplace violence, harassment, or discrimination.

If an employee has questions regarding this Policy or Program, or requires further assistance, they may contact the Director, Operations (HR).

Domestic Violence

Any employee experiencing domestic violence outside of the workplace that may create a risk of danger to themselves or others in the workplace is encouraged to report such violence to their Supervisor or to Human Resources so that all reasonable preventative steps can be taken to ensure the safety of employees.

The Occupational Health and Safety Act defines workplace violence. Domestic violence is interpreted in a manner consistent with the workplace violence definition when it may occur in the workplace.

Guidelines

If CDF Canada becomes aware that domestic violence that would likely expose an employee to physical injury may occur in the workplace, CDF Canada shall take every precaution reasonable in the circumstances for the protection of the employee. Supervisors must promptly notify Human Resources of any such reasonable belief.

The document Recognizing Domestic Violence in the Workplace provides a more complete list of the signs of domestic violence.

CDF Canada will not tolerate acts of domestic violence perpetrated by or against any employee while in its office or while an employee is conducting CDF Canada business. This includes the display of any violent or threatening behavior by a perpetrator (verbal or physical) that is likely to result in physical or emotional injury or otherwise places a victim's safety or productivity at risk.

In response to a voluntary request by an employee who is a victim of domestic violence, CDF Canada through its Human Resources Department, will provide appropriate support and assistance. This includes identifying a person to whom an employee can go to seek help, resource and referral information, or leave as needed to obtain assistance.

CDF Canada is committed to working with employees who are victims of domestic violence to prevent abuse and harassment from occurring in the workplace. No employee will be penalized or disciplined in the workplace for being a victim of domestic violence or for reporting concerns regarding domestic violence to CDF Canada.

Employees who are identified as perpetrators of domestic violence will be encouraged to access services through the CDF Canada's Employee Assistance Program. They will be provided with information regarding counseling and intervention resources. CDF Canada will take any other actions as necessary, in accordance with this Policy, to ensure the safety of its employees and the workplace.

Any employee, who threatens, harasses, or abuses someone at the workplace, or from the workplace, using CDF Canada resources such as work time, workplace phones, fax machines, mail or other means is subject to corrective or disciplinary action, up to and including termination.

All employees are expected to take seriously the problem of domestic violence and its effects in the workplace. CDF Canada will take all reasonable measures to foster a safe working environment for all employees.

ROLES AND RESPONSIBILITIES

Employee Responsibilities

All employees are responsible for:

- reading and understanding the requirements and obligations of this Policy,
- upholding the principles set out in this Policy,
- maintaining a safe work environment,
- ensuring their own immediate physical safety in the event of workplace violence and summoning law enforcement (if necessary),
- not engaging in or ignoring violent, threatening, intimidating or other disruptive behaviours,
- acting respectfully towards others,
- co-operating with all efforts to investigate and resolve matters that violate this Policy,
- reporting promptly, as outlined in this Policy, any and all incidents where the employee is subjected to, witnesses, or has knowledge of workplace violence or the threat of violence, or where the employee has reason to believe that workplace violence may occur,
- reporting promptly, as outlined in this Policy, any and all incidents of harassment and discrimination,
- maintaining confidentiality relating to investigations under this Policy, and
- participating in education and training programs related to workplace violence, harassment, and discrimination and being able to respond appropriately to any incidents or threat of workplace violence, and incidents of harassment or discrimination.

CDF Canada's Responsibilities

CDF Canada is responsible for:

- promoting a safe and respectful workplace that is free from violence, harassment, and discrimination,
- upholding the principles set out in this Policy and implementing the Program,
- promoting compliance with this Policy,



- conducting a risk assessment of the workplace to determine the potential for the risk of violence situations, reassessing as often as necessary to ensure that this Policy and Program continue to protect employees, and sharing the results of the assessments with the JHSC,
- consulting with the JHSC in the maintenance of this Program,
- providing employees with the necessary information, including personal information, about a person with a history of violence behaviour if it is expected that the employee will encounter the person in the course of their work activities, and the risk of workplace violence is likely to expose the employee to physical injury. CDF Canada will not disclose more information than is reasonably necessary to protect an employee from physical injury,
- ensuring appropriate training and education of all employees, including supervisors, with respect to this Policy and Program,
- ensuring that supervisors are aware of their responsibilities under this Policy and Program, as well as the Occupational Health and Safety Act, and that they are able to clarify and communicate to employees what constitutes violence, harassment, and discrimination, and the reporting and investigation process,
- taking all reasonable precautions in the circumstances for the protection of any employee if CDF Canada becomes aware of a domestic violence situation that would likely expose an employee to physical injury in the workplace,
- taking all reasonable steps to deal with alleged workplace violence that it is aware of or should reasonably have been aware of (even if a direct complaint has not been made) in a timely fashion while maintaining confidentiality in accordance with this Policy,
- reviewing all reports made under this Policy and Program in a prompt, objective, and sensitive manner,
- documenting details on violence, harassment, and discrimination, actions taken, outcomes, and/or remedies implemented,
- responding immediately to all workplace violence related calls by immediately contacting police services or emergency services when appropriate, and
- facilitating medical attention or other support measures for employees who are directly or indirectly involved in an incident of workplace violence, harassment, and discrimination

Supervisory Responsibilities

All supervisors and managers are responsible for assisting CDF Canada in complying with its responsibilities outlined above, by:

upholding the principles set out in this Policy,

communicating and educating employees on this Policy,

educating employees on workplace violence risks and hazard controls specific to their work location,

not engaging in any behaviour contrary to this Policy,

not allowing or condoning any behaviour contrary to this Policy,

conducting 'hazard identification' and 'risk assessments' that identify the potential risks of workplace violence based on the nature of the work and the work environment,

implementing hazard controls to eliminate or minimize workplace violence risk as identified through investigations,

responding to employee concerns related to workplace violence, harassment, and discrimination,

immediately reporting all incidents of violence, harassment, or discrimination as outlined in this Policy,

addressing incidents and complaints of workplace violence, harassment, or discrimination in a timely manner,
ensuring that the Co-Chair of the relevant JHSC is informed of an incident of workplace violence within four (4) days of the incident occurring,
responding to work refusals in accordance with CDF Canada's Health & Safety Policy,
documenting details of the incident(s) of violence, investigative actions taken, outcomes and remedies,
taking prompt action to resolve situations, and
imposing discipline on employees that engage in violent conduct or behaviour.

Human Resources' Responsibilities

The Human Resources Department is responsible for assisting CDF Canada in complying with its responsibilities, as outlined above, by:

- upholding the principles set out in this Policy
- promoting compliance with this Policy,
- educating employees on the requirements of this Policy,
- providing education and training to all employees on what constitutes workplace violence, harassment, and discrimination, and how to prevent violence, harassment, and discrimination
- providing education and training to all employees on the Ontario Occupational Health and Safety Act,
- responding to complaints of workplace violence, harassment, and discrimination in a sensitive and timely manner,
- responding to, and conducting investigations into, workplace violence, harassment, and discrimination in accordance with this Policy,
- co-ordinating or conducting formal workplace violence threat assessment,
- preparing and implementing protection plans and/or security alerts,
- communicating protection plans to management of the affected area,
- recommending and assisting in the implementation of controls to minimize the risks of workplace violence,
- maintaining accurate records of all reported incidents of workplace violence, harassment, and discrimination,
- reviewing reports from department Manager on results of workplace violence hazard assessments, and the effectiveness of controls implemented to minimize or eliminate the risks of workplace violence,
- providing statistical reports on all incidents of violence committed against employees to the Executive Director,
- advising management staff on appropriate corrective action and discipline that arises from an employee's violation of this Policy, and
- participating in the review of this Policy for continuous improvement.

Joint Health and Safety Committee's Responsibilities

The JHSCs are responsible for:

- upholding the principles set out in this Policy,
- providing education and training to all employees on the Occupational Health and Safety Act,
- providing assistance to supervisors and management to identify workplace violence hazards, and how to eliminate or minimize those risks,



- providing recommendations to management to reduce or eliminate the risk of violence,
- recommending corrective measures for the improvement of the health and safety of workers,
- responding to employee concerns related to workplace violence and communicating these concerns to management
- recommending and assisting in the implementation of controls to minimize the risks of workplace violence,
- attending the investigation of work refusals involving workplace violence,
- liaising with the Ministry of Labour during their investigations or inspections related to workplace violence, including work refusals, and
- participating in the review of this Policy for continuous improvement.

WORKPLACE VIOLENCE, HARASSMENT, AND DISCRIMINATION PROGRAM

Summoning Immediate Assistance

If an incident is of an urgent and serious nature, employees should first ensure their safety and contact 911 if possible before following the steps below. First Aid measures should be taken if possible. Employees should be mindful of their personal safety and should not attempt to intervene in any act of physical violence.

As soon as it is safe to do so, employees who believe that they have been subject to, witnessed, have knowledge of, or have a reason to believe that workplace violence may occur should follow the reporting process outlined below.

Complaint Procedure

Reporting Workplace Violence, Discrimination, or Harassment

Employees are free to consult with Human Resources on a confidential basis at any time in the process set out below. Employees also have the right to file an Application directly with the Human Rights Tribunal of Ontario.

If it is safe and appropriate to do so, employees are first encouraged to attempt to resolve concerns through clear and direct communication with the person(s) engaging in the unwelcome conduct if they feel comfortable with such communication. Mediation and/or conflict resolution may be arranged where all parties are in agreement.

Any employee who becomes aware of, witnesses, or has been involved in an incident or a threat of workplace violence, or an incident of harassment or discrimination, must immediately report the matter in writing to the Director, Operations, even in circumstances where the police are conducting a criminal investigation into the incident. The Executive Director must be notified of the incident as soon as possible thereafter.

If there is a serious and immediate threat, employees will receive information and instructions from CDF Canada and, depending on the nature of the workplace threat or incident, the appropriate law enforcement agency may be summoned. CDF Canada will make every attempt to ensure there is no escalation of the situation and the safety of all involved is protected.

In situations where an employee fears for their safety and believes they require the services of the police, the employee is advised follow the procedure outlined above for summoning immediate assistance. It is important to note that an employee may involve the police at any time during the complaint process. Any employee who is a victim of a criminal act should directly contact the police to lay criminal charges.

The written report of the incident made to the Director, Operations should include the following information:

- The name of the employee who allegedly experienced workplace violence, harassment, or discrimination (the Complainant), and their contact information.
- The name of the individual allegedly responsible for the workplace violence, harassment, or discrimination (the Respondent), and their contact information, if known.
- The name of any witnesses or other individuals with relevant information to provide about the incident, and their contact information, if known.
- Details about what happened, including dates, frequency, and the location of the alleged incident(s), as well as:
 - Any supporting documents that the Complainant may have in their possession that is relevant to the complaint; and
 - A list of any documents that a witness or other individual with relevant information about the incident may have in their possession.

Investigation of Incidents of Workplace Violence, Harassment, and Discrimination

All reported incidents of workplace violence, harassment, and discrimination will be promptly investigated if the allegations constitute a violation of this Policy. However, a complaint alleging an incident that occurred more than six (6) months prior, or if there were a series of incidents, within six (6) months after the last incident in the series, will be dismissed, unless Human Resources and the Executive Director are satisfied that the delay was incurred in good faith.

Based on the nature and circumstances of each incident, the investigation may be conducted by the Director, Operations (HR) or by an external investigator as appropriate, at CDF Canada's discretion. Please note that the appropriate law enforcement agency, if any, may conduct its own independent investigation.

Where the Respondent is not a CDF Canada employee, the Director, Operations (HR) will co-ordinate the police response as required, and conduct the investigation into the incident.

CDF Canada pledges to investigate and deal with all incidents and complaints of workplace violence, harassment, and discrimination in a fair and timely manner, respecting the privacy of all concerned as much as possible, in accordance with the following process.

The Investigation Process

- The appointed investigator will investigate the complaint as soon as possible, generally within 90 days unless extenuating circumstances warrant a longer investigation e.g. illness, complex investigation. The investigation will be fact-based, neutral, fair, and thorough.
- The investigator will interview the Complainant, and if the Respondent is an employee (or where otherwise possible), the Respondent. The investigator must interview any relevant witnesses identified by the Complainant, the Respondent, or CDF Canada, or as necessary to conduct a

thorough investigation. Reasonable efforts must be made to interview any relevant witnesses who are not employed by CDF Canada. The Complainant and the Respondent each have the right to be accompanied by or represented by a person of choice.

- The investigator must collect and review any relevant documents.
- The investigator must take appropriate notes and statements during all interviews.
- The Respondent must be given the opportunity to respond to specific allegations raised by the Complainant. In appropriate circumstances, the Complainant should be given a reasonable opportunity to reply.
- The investigator must prepare a written report summarizing the allegations of the Complainant, the steps taken during the investigation, the response from the Respondent, the evidence of any witnesses, and the evidence gathered and reviewed. The report must set out findings of fact and come to a conclusion about whether the complaint is founded in whole, founded in part, or unfounded.
- Depending on the complexity of the investigation, the Complainant and the Respondent will be contacted within fifteen (15) working days about the status of the investigation and the action(s) being taken.

In circumstances where an employee may be criminally charged, or has been charged, and has refused to participate in an investigation, CDF Canada remains obligated to continue with its investigation to the extent possible and will make findings based on the information available to it at that time.

Pending the completion of an investigation, appropriate measures will be taken to ensure the workplace is free from violence, harassment, and discrimination. Such measures may include the Respondent being transferred to another department, re-assigned duties, suspended, and/or relieved of duty. Human Resources will consult with the Executive Director to determine the most appropriate course of action pending the completion of an investigation.

Confidentiality and Record-Keeping

CDF Canada understands that it is difficult to come forward with a complaint. We recognize both the Complainant's and Respondent's interest in keeping the matter confidential. To protect the interests of all parties involved, confidentiality will be maintained throughout the complaint process to the extent possible in the particular circumstances and except as required by law. However, confidentiality does not mean anonymity; the Respondent has the right to know the name of the Complainant and the details of the allegations being made against him/her.

Information will be disclosed during the complaint process only to the extent necessary to:

- (a) Protect the safety or security of any individual involved in a complaint, or any other CDF Canada employee,
- (b) Protect people not related to CDF Canada if any reasonable concerns for their safety are identified,
- (c) Conduct a proper and fair investigation, or
- (d) Comply with the law or litigation.

While the investigation is ongoing, the Complainant, the Respondent, and any witnesses must not discuss the incident, complaint, or the investigation with any other person, except to the extent necessary to obtain advice about their rights.

The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

CDF Canada will track and keep confidential records of all investigations. Records will be kept in a secure location, separate from any employee's personnel files, for as long as necessary, but at least one year. Records of any disciplinary action taken will be kept in the appropriate employee's personnel file.

Records of the investigation include:

- A copy of the complaint or details about the incident.
- A record of the investigation including notes.
- A copy of the investigation report.
- A summary of the results of the investigation that was provided to the employee who allegedly experienced unwelcome conduct.
- A copy of any corrective action taken to address the complaint or incident of workplace harassment, violence, or discrimination.

Investigation Results

The investigator may make a finding of:

- Sufficient evidence to support a finding that one or more allegations in the complaint amount to a violation of this Policy,
- Insufficient evidence to support a finding that one or more allegations amount to a violation of this Policy, or
- No violation of this Policy.

The investigator will prepare a written report, as detailed in the Investigation Process section above.

Within 10 days of the investigation being completed, the Complainant and the Respondent, if they are an employee of CDF Canada, will be informed in writing of the results of the investigation and corrective action taken or that will be taken by CDF Canada to address workplace violence, harassment, and discrimination.

Should the investigation conclude that the Respondent has engaged in workplace violence, harassment, or discrimination, management, in consultation with Human Resources, will determine what disciplinary measures, if any, are appropriate based on the severity and frequency of the misconduct, and any other relevant considerations.

Disciplinary measures may include, but are not limited to, warnings, suspensions, immediate termination of employment, or any combination of the above depending on the circumstances. Disciplinary decisions will be documented and placed in the culpable employee's personnel file.

Remedial Action

All employees involved or affected by an incident of workplace violence, harassment, or discrimination will be offered support from CDF Canada's Employee Assistance Program, together with any other remedial

measures deemed appropriate by CDF Canada. Where appropriate, remedial actions may be taken, such as training or education.

Frivolous, Vexatious, or Bad Faith Complaints

An investigation may determine that a complaint is not supported or that there is no breach of this Policy. Such a finding does not automatically mean that the complaint was frivolous, vexatious, or made in bad faith.

It is a violation of this Policy to put forward a vexatious and/or bad faith complaint. These include complaints that are filed:

- Without reasonable grounds,
- With the intention to embarrass or harass, and/or
- With no factual basis.

If it is proven in an investigation that an employee made a complaint in bad faith and/or the complaint was frivolous or vexatious, he or she will be subject to discipline, up to and including dismissal.

Reprisals

Regardless of the outcome of an investigation, if any, any person who reports an incident, or acts as a witness in good faith, is protected from reprisal, the threat of reprisal, and/or further violence, harassment or discrimination.

Reprisal is defined as an action with a negative impact that is taken, threatened, or suggested against a person, directly, indirectly, in whole or in part because that person:

- Files a complaint;
- Associates with a person who filed a complaint;
- Participates in any way in an investigation of a complaint;
- Reports any failure to follow through with a decision flowing from an investigation; or
- Takes any other action required or permitted by this Policy and Program

Reprisals are considered a serious disciplinary breach. Any employee who engages in reprisal against anyone who has filed a complaint or who is co-operating in an investigation of a complaint will be disciplined up to and including dismissal.

Work Refusals

Any work refusal that arises from an incident of workplace violence must be reported and shall be investigated by Human Resources and a member of the JHSC in accordance with CDF Canada's Work Refusal process.

Workplace Violence Response Team

The Workplace Violence Response Team consists of Human Resources, Senior Management, the Executive Director, a member of the JHSC and CDF Canada's Employee Assistance Program.

When circumstances warrant, and certainly in all emergencies, the Executive Director will promptly call a meeting of the Workplace Violence Response Team, and together the team will formulate an action plan to address the risks associated with the incident of workplace violence and the short-term and long-term



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resolution options. Circumstances that would warrant such a meeting include, but are not limited to, dealing with an incident of violence requiring ongoing attention, identifying persons with a history of violent behaviour or addressing situations with the potential to escalate into more serious workplace violence.



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CODE OF CONDUCT

CDF CANADA expects all its employees, and others working on behalf of or representing CDF CANADA, to act honestly and in good faith with a view to the best interest of CDF CANADA and to conduct themselves in a professional manner at all times.

In situations where there has been a violation of the procedures, appropriate corrective counseling will be undertaken to ensure employees know and understand the procedure and ensure it is not repeated.

This procedure does not prevent an employee from reporting and/or providing information directly to a law enforcement officer or agency.

In order to assist the above-mentioned in determining what inappropriate conduct is, the following procedures have been established.

EXPECTED EMPLOYEE BEHAVIOUR

The following conduct will be seen as misconduct, and will result in corrective counseling being undertaken, up to and including immediate termination.

- refusal or failure to follow instructions or perform work as assigned or countermanding a supervisor's direction without authorization (insubordination)
- violating or disregarding CDF Canada policies, rules and regulations
- unauthorized use of any CDF Canada property
- unauthorized posting, distributing, sale or circulation of any written materials in work areas
- leaving the workplace during the employees scheduled work hours without advising the employees supervisor
- suggesting that a token or gift is expected or required for CDF CANADA services
- failure to report dishonest employee conduct or activities
- failure to maintain standards of job performance
- disorderly conduct while at work
- unprofessional conduct or behaviours when representing CDF CANADA

The following conduct by an employee will be seen as gross misconduct and of a serious nature which may result in immediate termination of employment without prior discipline.

- possession or use of weapons or explosives in the workplace
- harassment in any form of another employee or guest at any time, including but not limited to, sexual advances or other unwelcome verbal or physical contact
- failure to report an incident of violence or harassment
- theft or misappropriation of CDF Canada funds or property, falsification of financial documents or work-related reports

- uttering, publishing or distributing false, vicious, profane or malicious statement to or about another employee or any other person, including but not limited to donors, guests, partners, volunteers
- knowingly making false statements including material omissions on personnel or other CDF Canada records
- willfully or negligently misusing, damaging, threatening to damage, or defacing or vandalizing CDF Canada property, including written materials
- soliciting, procuring or engaging in any immoral act in the office
- violations of any federal, provincial or local law, which in any way would reflect unfavorably on CDF Canada
- use or possession of alcoholic beverages, illegal drugs or any substance that could impair the employee's judgement during regular working hours
- The exception to possessing an alcoholic beverage in the workplace during regular working hours may be during an authorized CDF CANADA staff event, such as a Christmas party, or an approved celebration. In all cases, this must be with the knowledge and consent of the Executive Director.

In addition, the following may be considered violations of the Ontario [Occupational Health and Safety Act](#), and may be dealt with requiring via corrective counseling/discipline:

- creating or contributing to unsanitary, hazardous or poor housekeeping conditions
- fighting or using physical force against another person
- engaging in horseplay or otherwise causing a disturbance in the workplace
- failure to comply with safety or security rules and procedures or not reporting any safety/security problems or situations observed in the workplace
- failure to immediately report on the job injury

The preceding lists do not contain some issues pertaining to activities which could take place while employees are outside of the office workplace. For example, disclosure of confidential information concerning CDF CANADA is a violation of these provisions. Employee conduct where it involves other employees or situations which could negatively affect CDF Canada, or its employees must always be seen as exemplary and not open to scrutiny.

All employees are reminded certain situations may arise where an employee's activity or actions could reflect poorly on CDF Canada. This includes social situations involving sanctioned activities e.g. conferences, events etc. as they relate to the employee's position or the employee has been delegated to represent CDF Canada. In all cases, employees are expected to act in good faith with a view to the best interest of CDF Canada and to conduct themselves in a professional manner at all times.

Reporting Procedure

Individuals who have knowledge of wrongdoings should report their concerns to their immediate supervisor and Human Resources. Human Resources is responsible for investigating complaints of wrongdoing. If an allegation involves an individual's immediate supervisor, the employee should refer his/her complaint directly to Human Resources.

Below is a guide for reporting wrongdoing involving the following:

Wrongdoer	Report to...
Board Director	Chair of the Board
Executive Director	Chair of the Board
Director	Executive Director
Manager	Director of Operations / Human Resources
Non-management	Immediate Supervisor and Director, Human Resources (Operations)

The complainant will be asked to set out in writing the nature of the complaint and the specific allegations of wrongdoing and should refer his/her complain directly to the reporting lines as set above.

CDF Canada cannot guarantee allegations of wrongdoing will remain strictly confidential as it will depend on the severity of the complaint, the depth of the investigation required and/or whether information is required to be released by law.

Investigations of Wrongdoing

After a complaint of wrongdoing is received, it will proceed to investigation. The HQ Director, Human Resources (Operations) or appropriate designate will conduct the full investigation. This will include interviewing the employee and, only if applicable, any relevant witnesses. Only the people directly involved in the complaint will be informed of the undertaking of an investigation.

Investigations will be conducted in a timely manner, with every effort being made to conclude the investigation within **30** days.

Any destruction or concealment of evidence relevant to an investigation will result in disciplinary action up to and including termination.

At the conclusion of the investigation, a full report will be prepared, including a summary of the allegation of wrongdoing, the steps taken during the investigation, the evidence gathered from witnesses and documents, the findings of fact, and a conclusion about whether the complaint was founded in whole, founded in part, or unfounded. The complainant will be notified of the outcome of the investigation. The Executive Director, in consultation with Human Resources, will determine whether discipline is appropriate and, if so, the appropriate disciplinary penalty.

Where the employee has made a formal complaint in good faith and without malice, regardless of the outcome of the investigation, he/she will not be subject to any form of reprisal as a consequence of having taken such action. If, however, it is found the employee made a false complaint maliciously or in bad faith appropriate measures will be applied, up to and including termination.

