



INTRODUCTION

NANA recognizes that in all organizations, there is a risk of workplace-based violence and workplace-based harassment on the basis of gender. NANA acknowledges the multiple and intersecting forms of discrimination and its impact on experiences of violence and harassment, and that gender-based violence and harassment disproportionately affects women and girls.

This Policy is intended to set out NANA's guidelines for recognizing and assessing the risks of workplace-based violence and harassment on the basis of gender. It also addresses ways to report incidents of potential or actual incidents of workplace-based violence and harassment on the basis of gender.

SCOPE

This Policy applies to all NANA workers as well as NANA's agents, guests, customers, vendors, and other third parties. This Policy applies to conduct in the workplace and in any work-related settings outside the workplace, such as during business trips, tours and NANA-sponsored or authorized social events and other functions.

DEFINITIONS

In this policy the following terms have the following meanings:

- **Bystander** is a person who is present at/a witness of an incident of violence or harassment but does not take part. A Bystander approach is used to promote victim empathy and notions of how the workplace community is responsible for preventing sexual harassment. An empowered bystander is somebody who observes an act of violence, discrimination or other unacceptable or offensive behaviour and takes action (e.g. speak out against violence and harassment; intervene to support a colleague being targeted; talking privately to a colleague exhibiting this behavior).
- **Impacted individuals** may include the target/victim/affected individual as well as witnesses and persons who intervene in the situation involving inappropriate behaviour and possible violence and harassment.
- **Report** refers to formal and/or informal reporting unless otherwise specified.
- **Sexual harassment** is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in the workplace or in connection with work. While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered.

Sexual harassment can take a variety of forms – from looks and words though to physical contact of a sexual nature. Examples of sexual harassment (non-exhaustive list) include:

- Unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against another person
- Staring in a sexually suggestive manner
- Repeatedly asking a person for dates or asking for sex
- Rating a person's sexuality
- Making sexual comments about appearance, clothing, or body parts
- Name-calling or using slurs with a gender/sexual connotation
- Making derogatory or demeaning comments about someone's sexual orientation or gender identity
- Sending sexually suggestive communications in any format
- Sharing sexual or lewd anecdotes or jokes
- Making inappropriate sexual gestures, such as pelvic thrusts
- Sharing or displaying sexually inappropriate images or videos in any format
- Attempted or actual sexual assault, including rape

Target/victim/affected individual is the person or persons in the workplace or in connection with work towards whom the conduct constituting possible harassment and violence is directed.

Offender/alleged offender is the person or persons in the workplace or in connection with work whose conduct constitutes harassment and violence, if established under applicable policies.

Violence and harassment in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment. Gender based violence and harassment, including sexual harassment, means violence and harassment directed at persons because of their sex or gender or affecting persons of a particular sex or gender disproportionately.

Worker includes employees, independent contractors and consultants who provide services to NANA.

Workplace means any land, premises or location in or for which a worker works.

Workplace violence means: (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; and (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.

Workplace harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Harassment also includes discriminatory, abusive, or offensive verbal, visual, or physical conduct directed at a person due to their gender, gender identity or sexual orientation. Examples of behaviours that may be considered harassment include, but are not limited to, direct or indirect comments, actions, or tactics such as verbal or psychological abuse used to harm an individual or an attempt to harm an individual. Harassment or bullying can involve repeated incidents or can be one single incident

WORKERS' RIGHTS AND RESPONSIBILITIES

Workers are entitled to work free from workplace violence and workplace harassment.

Workers are responsible for working together in a professional manner and resolving issues in a non-violent manner.

Formal reports of possible violence and harassment may be made by persons who consider that they were the targets/victims/affected individuals or by persons who have direct knowledge of possible violence and harassment or by any third-party. Formal reports may be made anonymously and are not subject to deadlines.

Targets/victims/affected individuals may prefer and are encouraged to discuss their situation with a confidential informal resource, such as [e.g. confidential provider of advice/assistance] who can assist the targets/victims/affected individuals by explaining the applicable legal framework and the options available under NANA's policies and practices and indicate resources available for support purposes.

Workers who observe or become aware of inappropriate behaviour or a situation of possible violence and harassment should, with training, ideally be able to support the affected individual with unbiased listening, information and referrals; confidentially report the incident or incidents to human resources unit, and take other actions that could help mitigate hostility in the environment or harm to individuals.

Workers should cooperate in the investigation of a violent or harassing incident. Anyone who gives evidence or information in an investigation or is involved in the process, must keep this information confidential, except when it is necessary to deal effectively with the issue. Appropriate steps will be taken to ensure the safety of the worker in the workplace. Workers shall complete all workplace violence or harassment training required of them by NANA

MANAGEMENT'S RESPONSIBILITIES

Management must ensure, as much as reasonably possible, that no workers are subjected to workplace violence or harassment.

Targets/victims/affected individuals who believe they may have been subject to inappropriate behaviour or instances of possible violence and harassment may raise this with their supervisor or other workers in their workplace if the situation allows, and they feel comfortable doing so. Any manager approached by a target/victim/affected individual shall provide to the person confidential advice, assistance and information about the options available under the NANA's legal framework.

Managers should provide advice, assistance and/or information in a timely, sensitive and impartial manner. The intervention may allow for the matter to be addressed promptly at the managerial level. A record will be maintained consistent with and as specified in the NANA's policy about the matter, and any managerial intervention taken.

Management will not disclose the name of a complainant or the circumstances of the complaint to anyone except where disclosure is: (i) necessary to investigate the complaint; (ii) required to take corrective action; or (iii) required by law.

Management will ensure that all workers are aware of the risks of workplace violence and harassment and are properly trained and equipped to protect themselves.

Management will undergo regular training on violence and harassment, including on raising awareness about the issue within the workforce, communicating commitments to supporting employees, spotting and acting on warning signs, building trust, and providing confidential, non-judgmental listening, workplace supports and referrals.

POLICY

1. All workers are prohibited from engaging in violence or harassment as defined in this Policy and are expected to report all incidents of violence or harassment.
2. All workers are prohibited from any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

3. In the event that a worker is subjected to actual or threatened harassment or violence in the workplace, the worker can report to the following:
 - a. a trusted manager or supervisor;
 - b. human resources;
 - c. Nothing in this policy prohibits the worker from making a report or complaint directly to a human rights tribunal or commission, a court, or another applicable external administrative body within the jurisdiction of employment
4. Management must inform the target/victim/affected individual that the information will be handled as confidentially as possible, but that it must be disclosed to the extent necessary to conduct an appropriate investigation. Management must act promptly and decisively to investigate and stop any known or suspected violence or harassment that occurs within their unit. Management must not ignore or otherwise condone any act of violence or harassment.
5. Agents, guests, customers, vendors and other non-workers are also prohibited from engaging in violence or harassment as defined in this Policy. Workers may refuse to work with any non-worker who engages in violence or harassment. Any non-worker who, in the sole opinion of NANA, violates this Policy, may be barred from NANA's premises and NANA may seek to terminate its relationship with the offender.
6. Any worker who is determined to have engaged in violence or harassment will be subject to disciplinary action, up to and including suspension without pay and/or termination of employment. Records of all disciplinary action will be retained in the worker's personnel file. In addition, the offender may be required to participate in appropriate training or counselling.
7. Complaints may be written or verbal and may be made in person, by email, or other means. Every complaint will be investigated and resolved as expeditiously as possible, having regard to such things as the nature of the complaint, the number of witnesses and whether the investigation should be conducted internally or externally. Where the conduct complained of is extremely serious, or where the conduct is alleged to have been made by senior management, an external and independent investigation will be preferred. In the event that there were witnesses to the complained about behavior, witnesses will be interviewed. Every effort will be made to prevent disclosure of confidential and/or sensitive information, while at the same time ensuring that each incident is carefully and completely investigated. In particular, any party interviewed during an investigation will be reminded in writing prior to their interview of the need to keep the investigation and their evidence confidential, as well as the fact that retaliation is strictly prohibited.
8. Subject to the laws of the jurisdiction where the alleged conduct takes place, consideration may be given to shifting the burden of proof to the alleged harasser.
9. The target/victim/affected individual as well as the alleged offender will be provided with updates from time to time through the investigation process. Both parties will be advised in writing of the results of the investigation as well as next steps, at the conclusion of the investigation
10. NANA will not tolerate any retaliation against a worker who makes a good faith report of violence or harassment under this Policy or anyone providing information on a good faith basis as part of any related investigation, even if after the investigation no violence or harassment is found to have occurred. Any worker who subjects another worker to such retaliation will be subject to disciplinary action, up to and including termination of employment. Likewise, a known or proven false accusation of violence or harassment will not be tolerated and any individual who makes a false accusation may be subject to disciplinary action, up to and including termination.
11. In the event of harassment or violence against a worker, NANA will inform the worker about all available support during and after the complaints process.
12. The target/victim/affected individual has the right to be accompanied by a staff member or other third party in accordance with the NANA's policy during the formal or informal processes provided such person is reasonably available for the provision of support to the target/victim/affected individual.
13. NANA will provide training to all managerial and supervisory workers with respect to understanding how to handle complaints.
14. This Policy does not affect the rights of workers to pursue complaints under the relevant laws of the appropriate jurisdiction.
15. A complaint can be made at any time. There is no statute of limitations.
16. In the event of any questions in relation to this Policy, please contact Human Resource Unit.

Data and monitoring

- Collect gender disaggregated data for informed decision-making.
- Monitoring the uptake and effectiveness of control measures through safety inspections, seeking feedback from workers and analysis of incident reports.
- Evaluate the quality and uptake of the referral services; adjust partnerships or service providers accordingly.
- Collect post-training feedback and use it to enhance future training.