

**HARASSMENT**  
**PREVENTION**  
**AND INTERVENTION**  
**POLICY**

# **Harassment Prevention and Intervention Policy**



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# 1. Introduction and goals of this policy

## 1.1. Introduction

Projet Montréal (hereinafter, the party or PM) is deeply attached to its progressive roots and stands out from the other municipal parties due to the democratic life of its organizations and the emphasis it puts on quality of life and on citizen involvement and participation.

Since its founding, the party has attracted Montrealers who are committed to building a city on a human scale in a way that does not discriminate based on sex, age, origin, religion, sexual orientation, political affiliation or functional limitations. True to these fundamental principles of inclusion and equality, PM is introducing, through this *Harassment Prevention and Intervention Policy* (hereinafter, “this policy”), a set of directives for preventing harassment and for intervening in cases of harassment, whether the harassment is psychological, sexual or criminal.

Projet Montréal does not tolerate harassment in any form. The party recognizes that all of its members, volunteers, staff, elected officials and candidates, as well as all those participating in its activities, have the right to enjoy a safe and inclusive environment.

This policy is complementary to the standards, provisions, policies and regulations in the Working Conditions Policy, the Code of Ethics of the Governing Council, the Projet Montréal Constitution and all other official documents governing the conduct of our members. The *Constitution and Bylaws* document remains the party’s ultimate reference.

## 1.2. Principles and values

This *Harassment Prevention and Intervention Policy* is intended to be complementary to the legislative provisions of Quebec’s *Charter of human rights and freedoms*, the *Act respecting occupational health and safety* and the *Act respecting labour standards*, which govern the rights, obligations and responsibilities related to human rights.

This policy is based on the following two fundamental principles:

1. All people have the right to be treated equitably, with dignity and with respect for their physical and psychological integrity;
2. All people have the right to be treated equally, without discrimination or harassment based on their sex, their “race”<sup>1</sup>, their colour, their ethnic or national origin, a

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<sup>1</sup> To acknowledge the social understanding of racism, quotation marks are used for references to the notion of “race” in this document, as a reminder of the social construction process behind the

disability, their religion, their gender identity and expression, their sexual orientation, or any other unlawful motive for discrimination.

These principles are the basis of the party's obligations with regard to the handling of complaints. Projet Montréal is responsible for:

1. Ensuring that all the parties involved in the handling of a complaint are treated equitably;
2. Ensuring that people who file complaints or are witnesses do not suffer any harm or reprisals due to their testimony made in good faith. A complaint that is deemed frivolous, vexatious or in bad faith will be considered to be contrary to this policy;
3. Recognizing that all presumed victims of harassment have recourse available to them under the law;
4. Handling every complaint with diligence in an impartial manner.

Finally, this policy is in keeping with the party's values and principles promoting the participation and fulfilment of women, Indigenous persons, racialized persons, LGBTQ+ persons, those with functional limitations and all marginalized groups.

### **1.3 Objectives of the policy**

This policy aims to allow all those involved in Projet Montréal to benefit from an environment that is free of violence and harassment. To accomplish this, it has set the following objectives:

1. To affirm the party's commitment to condemning and promptly dealing with any kind of threat to the physical or psychological integrity of a person;
2. To promote an inclusive and open party culture that respects diversity;
3. To affirm the party's commitment to carrying out awareness-raising, informative and educational activities on harassment for members, staff, volunteers, elected officials, candidates and all those participating in a party entity or activity;
4. To provide the necessary support to victims of harassment by establishing support and assistance procedures for cases of harassment.

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categorization of individuals into "races" based on certain characteristics. In the same way, the adjective "racialized" designates groups and individuals who are victims of this process.

## 1.4 Projet Montréal's commitments

Based on the premise that harassment constitutes a violation of human rights and on the objectives of the policy, PM undertakes to take the following necessary measures:

- Encourage a healthy, respectful and safe atmosphere at all levels of involvement in the party;
- Defend the physical and psychological integrity of all people who participate in a party entity or activity;
- Display zero tolerance of harassment;
- Provide support and assistance to victims of harassment;
- Ensure that complaints are handled confidentially;
- Help to raise awareness of, provide information on and prevent harassment in all its forms among its members, volunteers, staff, elected officials and candidates and those taking part in a party activity, whether in a workplace or at any of the events and activities organized by the party.

## 2. Definitions of terms

“Complainant”: Refers to a person who has suffered harm and who is lodging a complaint.

“Criminal harassment”: Any act or behaviour towards another person, knowing that the other person is harassed or recklessly as to whether the other person is harassed, that causes that other person to reasonably to fear for their safety or the safety of anyone known to them.

“Discrimination”: Any difference in treatment, whether intentional or not, that disadvantages or puts a burden on a person or group of people, or that leads to the refusal of a benefit to a person or group of people, based on prohibited grounds of discrimination. The difference in treatment must result in the perpetuation of prejudice or the reinforcement of stereotypes.

“Entities”: According to the *Constitution and Bylaws* of the party, the official entities are: the Convention, the General Council, the Governing Council, the Executive Committee, the local associations, the local councils, the caucus of elected officials and the Conciliation Commission.

“Parties”: The person who lodges a complaint (complainant) and the person who is the subject of the complaint (respondent);

“Party activity”: Any internal or external activity organized by one or several of the party’s entities, including but not limited to: work sessions, meetings, fundraising activities, the candidate nomination process, conventions, general council meetings, coffee meetings, door-to-door canvassing, etc.

“Person in a position of authority”: A person involved in the party who has official status and who represents a form of authority in his or her relationship with other persons involved in the party. Representatives with the following positions are generally (but not solely) considered to be people in positions of authority: elected officials, candidates, members of entities, directors, political staff and party staff.

“Psychological harassment”: Any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects another person’s dignity or psychological or physical integrity. A single serious incidence of such behaviour that has a lasting harmful effect on a person may also constitute psychological harassment.

“Respondent”: The person accused of having committed an act of harassment by the person making the complaint.

“Sexual harassment”: Any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to a person, or that might, on reasonable grounds, be perceived by a person as placing a condition of a sexual nature on employment, involvement, or an opportunity for promotion.

## **3. Application of the policy**

### **3.1. Scope of this policy**

This policy applies to the activities of the party, including:

- The administrative activities of the permanent staff;
- Member activities related to the internal life of the party in all its political entities, such as meetings of committees, sub-committees, the Governing Council and local borough associations;
- Public and private events such as conventions, leadership races, candidate nominations, coffee meetings, fundraising events, speeches or information evenings and the other events organized by an entity of the party;

- Electoral or partisan activities such as phone banking, door-to-door canvassing or other public activities such as consultations.

It concerns:

- PM staff;
- Volunteers recruited to support party activities;
- Members of an entity of the party;
- Projet Montréal elected officials and candidates;
- Those who are members of a campaign team, including volunteers and contract employees recruited in the context of an election campaign;
- Persons in a position of authority;
- Any person who participates in an activity organized by the party.

This policy addresses complaints of harassment as defined in the section above. To be covered by this policy, complaints must concern actions that took place in the context of party activities.

Everybody has the right to invoke this policy without fear of reprisal, unless the claim is made with the intention to mislead by means of a false statement.

Confidentiality must be maintained by all those involved until such time as the committee has made a decision, except for exceptional reasons provided by law.

## **3.2. Complaint handling procedures**

### **3.2.1 Resolution committee**

The Director General is responsible for establishing a resolution committee to evaluate and decide on each complaint lodged. The committee must receive the management support required for it to carry out its mandate (access to internal or external resources as needed). The resolution committee is temporary and is made up of up three people:

- One member of the permanent staff of the party;
- Two members of the Conciliation Commission.

The Conciliation Commission determines which of its members will sit on the resolution committee. At least one of the people on the committee must be a woman. The

composition of the committee must also, where possible, include representation of the diversity in the case to be handled.

If the Director General or one of the members of the Conciliation Commission is in a conflict of interest situation, a member of the Governing Council will take his or her place on the resolution committee

### **3.2.2 Lodging of a complaint**

To lodge an official complaint, the complainant must contact the Director General or the President by telephone, by email or in person. If an employee or a member of one of the entities of Projet Montréal becomes aware of a harassment situation, including informally, he or she must provide the presumed victim and/or the complainant with all the information needed so that the person can formally lodge the complaint.

### **3.2.3 Examination process**

Once the complaint has been received by the Director General, the resolution committee confirms the admissibility of the complaint.

To be admissible, the complaint must be lodged within the two years following the last manifestation of the prohibited behaviour. The complaint must concern an act that took place in the context of a party activity.

Based on the initial examination, two decisions can be made by the resolution committee.

1. If the complaint is deemed inadmissible, the committee informs the complainant that the complaint is not admissible and follows up with the complainant afterwards;
2. If the complaint is deemed admissible, the resolution committee informs the respondent of the proceedings and collects testimony (from the presumed victim, the respondent, witnesses, etc.) and any information required for the inquiry.

During the process, the committee must also advise the stakeholders that interim measures may be taken to facilitate the process and to ensure a safe environment for the presumed victim, as well as for the complainant, if the complainant is a different person.

If necessary, the resolution committee may consult with the other members of the Conciliation Commission or an external expert for support in carrying out the work, while ensuring that the identities of the complainant, the presumed victim and/or the respondent are kept confidential.

If the complaint involves several presumed victims or several respondents, the Conciliation Commission can decide to expand the resolution committee to 4 or 5 people sourced from

either the permanent staff, the Governing Council or the Conciliation Commission, so that they can support the inquiry and resolution process.

The complaint examination process must be completed within 90 days.

### **3.2.3.1 Mediation**

At any point in time during the process, mediation can be offered to the two parties by the resolution committee.

If mediation is accepted by both parties, a mediator is appointed by the resolution committee. This person cannot be a member of the resolution committee and must have officially recognized accreditation.

For a complaint to be considered to have been settled through mediation, the mediator must offer an amicable settlement agreement with clear terms to the parties, and the presumed victim and the respondent must sign the amicable settlement agreement.

Once signed, a copy of the settlement agreement is sent to the Director General, who is responsible for archiving it and seeing that it is applied.

The parties may withdraw from mediation at any time. If so, the resolution committee continues the official complaint handling process.

### **3.2.4 Resolution process**

Based on its inquiry, the resolution committee makes a report to the Governing Council and suggests the type of measures to be taken. These measures must take into account the gravity of the acts, whether they were repeated, and the relationship of authority between the parties.

Depending on the nature of the complaint, four types of measures are possible:

#### **1. No measure taken**

If the examination of the complaint makes it impossible to conclude that any harassment took place, no action may be necessary. Some actions may still be recommended in order to ensure that the parties involved have a good environment.

#### **2. Non-restrictive measures**

If the complaint is determined to be minor in terms of gravity, the respondent must make a written commitment to cease the harmful behaviour. The complaint can be resolved by means of non-restrictive measures if they have received the approval of the

presumed victim. The measures must then be the subject of a written resolution signed by the respondent.

Examples of non-restrictive measures:

- The respondent acknowledges the actions that gave rise to the complaint and his or her responsibility;
- The respondent delivers a written apology to the victim;
- The respondent agrees to participate in information or awareness-raising sessions on harassment.

### **3. Restrictive measures**

If the complaint is deemed to be moderate or major in terms of gravity, restrictive measures may be recommended. These sanctions must help create a safe and respectful environment for the victim and for others involved in the party and, if necessary, provide them with some distance from the problematic person in an appropriate manner. These measures may be temporary or permanent.

Examples of restrictive measures:

- Banning the person from certain entities of the party;
- Suspension of member status for a certain period of time;
- Expulsion from the party and withdrawal of member status.

### **4. External measures**

If the complaint consists of circumstances that are potentially serious or criminal, the resolution committee must direct the complainant to contact the police or other relevant external resources.

In addition, the resolution committee may suggest measures to the Director General and the Governing Council for protecting the presumed victim's physical and psychological safety.

This policy does not replace legal reporting steps. The presumed victim can decide to opt for a formal accusation process and, in such case, must receive the party's support in doing so.

#### **3.2.4.1 Resolution of a complaint**

Once the report and recommendations have been submitted to the Governing Council by the resolution committee and the Governing Council confirms the measures to be taken, the presumed victim and the respondent are informed of the decision within 30 days.

The Director General and/or the President ensure that the decision is applied and followed.

Finally, the Director General archives the file with the party. The complaint is then considered resolved.

### **3.2.4.2 Withdrawal of a complaint**

The complainant can decide to withdraw his or her complaint at any time by informing the resolution committee. The complaint resolution process is then halted.

The Director General, the Governing Council and the respondent are informed of the end of the complaint handling process.

The Director General archives the file. The complaint is then considered resolved.

### **3.2.5 Appeal process**

A request for an appeal can be sent to the chair of the Governing Council within 30 days after the decision if the complainant, the presumed victim or the respondent feels that one of the following is true:

- The measures chosen are not in keeping with the seriousness of the situation;
- The resolution committee did not act impartially;
- Procedural errors or errors in the application of this policy adversely affected the process;
- Significant new information has come to light;
- Any other exceptional situation.

The members of the Governing Council evaluate the request for appeal and decide if it is admissible. If the request is deemed admissible, a new resolution committee made up of three different people from the initial committee is created and a new resolution process is begun. The decision following the appeal process is final and no other means of appeal exists.

## **4. Prevention**

Under this policy, PM acknowledges its obligation to actively combat harassment in all its forms. Accordingly, the party is developing a range of prevention measures. For the purposes of this policy, "prevention" refers to all of the actions taken by the party in the aim

of avoiding and eliminating cases of harassment, as well promoting a healthy, open and inclusive environment that respects diversity.

Prevention measures may include, without limitation:

- **Information:** Promotion of this policy, proactive communications to members, summary of this policy during conventions and general councils.
- **Awareness-raising:** Distribution of information on harassment, targeted awareness campaigns.
- **Training:** Training given to party members and staff, promotion of existing courses, sessions and organizations in Montréal.
- **Monitoring:** Annual report to members and regular evaluation of this policy.

PM must also post in plain sight, on its website, in its communications and during party events, the methods for lodging a complaint (telephone number and email address).

## **5. Final provisions**

### **5.1. Adoption of the policy**

This policy enters into force upon its adoption by the Governing Council, that is, on June 12, 2019.

### **5.2. Review of the policy**

This policy will be reviewed every four (4) years. The Director General is responsible for assigning a member of the permanent staff to that task and, if amendments are deemed necessary, the staff member will submit recommendations to the Governing Council.