



## **BACKGROUND**

At JAZZ.FM91, we believe that everyone deserves to be treated with dignity and mutual respect.

In 2019, JAZZ.FM91 became a signatory to the Canadian Creative Industries Code of Conduct to Prevent and Respond to Harassment, Discrimination, Bullying and Violence (“ReadTheCode”), which is a set of voluntary commitments developed by a coalition of Canadian creative industry stakeholders. As a signatory, we committed “to shift the culture, to prevent and respond to harassment including sexual harassment, discrimination, bullying and violence and to ensure every workplace is one where safety, respect and professionalism are the norm.”

Accordingly, JAZZ.FM91 adopted the principles in ReadTheCode, including the establishment of confidential processes for Reporting and Complaint Resolution.

In addition to demonstrating the industry’s commitment to shared action, ReadTheCode was intended to be a living document to be regularly informed by best practice.

JAZZ.FM91 has now updated its Code of Conduct Policy to reflect enhanced best practices and processes that are pertinent to the station.

# **CODE OF CONDUCT**

## **INTRODUCTION**

At JAZZ.FM91, we believe that everyone deserves to be treated with dignity and mutual respect. JAZZ.FM91 commits to provide a workplace free from any type of harassment (including sexual harassment), discrimination, workplace violence, and abuse of power, where all Staff Members are treated with respect and dignity.

Harassment (including sexual harassment), discrimination, workplace violence, and abuse of power cannot be tolerated in any JAZZ.FM91 workplace. These can affect individuals at every level of the radio station, weaken team spirit and create an unhealthy and toxic environment. All Staff Members must be able to work in a safe and respectful workplace and must know the relevant procedure when it is necessary to report, without fear of reprisal, cases of harassment (including sexual harassment), discrimination, workplace violence, and abuse of power or any other behaviour that contributes to an unhealthy workplace environment.

Everyone has a responsibility to build safe and respectful workplaces. The principles espoused in this Code of Conduct are applicable to all workplaces and forms of communication.

As a Staff Member of JAZZ.FM91, you agree to the terms and procedures of this Code of Conduct and that your conduct will adhere to this Code of Conduct. All Staff Members will uphold the highest standards of respect. Staff Members acknowledge they are responsible for the good faith reporting of complaints of harassment (including sexual harassment), discrimination, workplace violence, and abuse of power, and for cooperating in the investigation of such complaints.

JAZZ.FM91 commits to periodically review this Code of Conduct so that it can evolve and respond to the needs of Staff to eliminate all types of harassment (including sexual harassment), discrimination, workplace violence, and abuse of power.

## **OBJECTIVES**

The objectives of this Code of Conduct are:

- to provide a workplace:
  - free from any type of harassment (including sexual harassment), discrimination, workplace violence, and abuse of power for its Staff Members;
  - where Staff Members acknowledge and apply this policy;
  - where Staff Members can raise concerns about violations of this Code of Conduct or make a complaint without fear of reprisal;
- to provide clarity on acceptable conduct under this Code of Conduct:
  - refer to JAZZ.FM91 Code of Conduct Definitions for descriptions of Harassment, Discrimination, Workplace Violence, Abuse of Power;
- to provide a complaint process for reporting violations of this Code of Conduct that:
  - is professional, transparent and effective;

- provides a mechanism whereby the Respondent(s) are given the opportunity to respond to the specific allegations raised. In some circumstances, the Complainant(s) will be given a reasonable opportunity to reply;
- keeps the parties that are directly involved informed of the complaint's progression, the conclusions of the investigation, and whenever possible, the decisions resulting from the complaint and the investigation;
- in the case of a substantiated complaint, implementing, as soon as possible, appropriate measures to respond to the specific situation, including disciplinary action up to and including termination of applicable Staff, and taking appropriate steps to prevent a similar incident from occurring; and
- provides Staff Members with a process to handle complaints and solve the problem internally, without preventing the Complainant from pursuing another recourse if they deem it appropriate.

## **COMPLAINT PROCESS**

### **Submitting a Complaint:**

The following are the steps to be followed to file a complaint:

1. Communicate with your immediate supervisor/manager.
2. If the complaint is regarding or involves your immediate supervisor/manager, communicate with Dana Wigle, General Manager.
3. If the complaint is regarding or involves the General Manager, communicate with Chair - Board HR Committee, the designated board member responsible for confidentially receiving Code of Conduct complaints. Currently Sandra Caswell is Chair - Board HR Committee and he can be reached at (416) 846-0778 or [scaswellconsulting@gmail.com](mailto:scaswellconsulting@gmail.com).
4. Where the complaint involves a board member, complainants may communicate with JAZZ.FM91's designated independent external advisor. Maurice Green is the designated independent external advisor. Mr. Green is a labour law/human rights lawyer who serves or served on the Ontario Labour Relations Board (since 2012), and at the Ontario Human Rights Tribunal (2013 – 2018). Mr. Green can be reached on a confidential basis at 647-390-3525 or [maurice.green44@gmail.com](mailto:maurice.green44@gmail.com). Fees for contacting Maurice Green will be paid by JAZZ.FM91.

Please use the attached form to file your complaint or use this form as a guideline for required information. All information, including names of persons involved in the complaint, will be kept Confidential as outlined by the Confidentiality provisions below.

### **Complaint Resolution Process:**

- Commitment to Investigate - Upon receipt of a complaint, JAZZ.FM91 will ensure that an investigation appropriate in the circumstances is conducted.
- Who Will Investigate - JAZZ.FM91 will determine who will conduct the investigation into the complaint. For greater certainty:

- If the complaint involves the General Manager or a member of the Board of Directors, JAZZ.FM91 will refer the investigation to the designated independent external advisor, Maurice Green, to conduct an impartial investigation.
  - All other complaints will be investigated internally. Where a complaint is managed internally and cannot be satisfactorily resolved through internal investigation, and where the situation warrants based on the recommendation of the Chair, Board HR Committee, the investigation will be referred to an external investigator chosen by the Chair, Board HR Committee, in consultation with the Board of Directors, from the active roster of the Ontario Labour Management Arbitrators' Association.
- Timing of the Investigation - The investigation must be completed in a timely manner and generally within 90 days or less, unless there are extenuating circumstances (e.g. illness, complex investigation) warranting a longer investigation. The Complainant(s) and the Respondent(s) will be provided with periodic updates on the progress of the investigation, including notification of the completion of the Final Report (but not necessarily access to this report due to confidentiality provisions).
  - Final Report: Whether the complaint is conducted internally or externally, a report will be prepared summarizing the allegations, steps taken during the investigation and the evidence gathered. The report may make findings of fact and issue recommendations to the Board for further action and / or consideration.
  - Implementing Recommendations: In the case of a substantiated complaint, JAZZ.FM91 will implement, as soon as possible after the Final Report, appropriate measures to respond to the specific situation, including disciplinary action up to and including termination of applicable Staff Member(s), and taking appropriate steps to prevent a similar incident from occurring. Complainants will not be penalized where a complaint is determined to be unfounded unless there is compelling evidence to show that the complaint was maliciously filed with deliberate intent to injure or mislead.

### Confidentiality:

As part of its complaint process, JAZZ.FM91 will put in place the necessary parameters to ensure, whenever possible, confidentiality and privacy of information related to a complaint.

The name of the Complainant and Respondent, circumstances of the complaint, investigation reports, complaints, witness statements and other documents or information produced in accordance with this Code of Conduct will be kept strictly confidential, except when disclosure to and/or beyond the Complainant or Respondent is necessary as part of the investigation or is required by law.

All involved parties in a complaint must respect the confidentiality of information of other parties involved, must refrain from discussing the complaint except with those that need to be informed and must act with professionalism and discretion during the complaint process.

### Retaliation:

JAZZ.FM91 prohibits retaliation or reprisal against Staff Members under any of the following circumstances:

- for fulfilling their obligation to report, in good faith, any possible violation of this Code of Conduct through any of its reporting channels;
- for exercising their legal right to communicate a possible violation of the Code of Conduct; or
- for cooperating with or participating in any investigation or proceeding conducted by JAZZ.FM91 or a government authority.

Any Staff Member who attempts (directly or indirectly) to intimidate or retaliate against anyone who makes such a report will face disciplinary action, up to and including termination of employment. As such, if a Staff Member in good faith suspects a violation of this Code of Conduct, they are expected to report the situation pursuant to this Code of Conduct.

**ACKNOWLEDGEMENT**

I have read, understand, and agree to abide by the terms of this Code of Conduct and the definitions attached hereto. I agree that my conduct will adhere to this Code of Conduct.

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Signature

Date

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Please print name

## **JAZZ.FM91 CODE OF CONDUCT**

### **DEFINITIONS:**

1. **HARASSMENT REFERS TO:** The act of engaging in a course of vexatious comments or conducts, intimidation or threats against someone in a workplace when they know or ought reasonably to know that these comments or conducts are unwelcomed. Harassment in the workplace also includes sexual harassment on grounds of sex, sexual orientation, gender identity or gender expression. Therefore, everybody has the right to be free from:
  - a. sexual solicitations or advances made by a person in a position to grant or deny a benefit or a promotion if the person making the solicitations or advances knows or ought reasonably to know that it is unwelcomed;
  - b. reprisals or threats of reprisal for refusing sexual solicitations or advances made by a person in a position to grant or deny a benefit or a promotion.
2. **DISCRIMINATION REFERS TO:** The act of treating a group or an individual within a group differently, based on prejudice or negative attitudes. Discrimination on grounds of race, ancestry, birthplace, color, ethnicity, citizenship, beliefs, sexual orientation, gender identity, gender expression, age, criminal record, marital status, family status or disability, or any other factor protected by the applicable provincial law regarding human rights is prohibited.
3. **WORKPLACE VIOLENCE REFERS TO:** The use or attempted use of physical force against a staff member in a workplace that causes or might cause physical harm. It also refers to comments or behaviours in a workplace that might reasonably be constructed by a staff member as a threat of physical force which could cause him or her physical damage.
4. **UNHEALTHY WORKPLACE ENVIRONMENT REFERS TO:** A workplace where an activity or a behaviour, not necessarily directed at anyone in particular, creates a hostile or offensive work environment.
5. **ABUSE OF POWER OR AUTHORITY REFERS TO:** The act, by a person in a position of power, of inappropriately using the authority and power inherent in their position or functions to endanger someone's job, undermine their performance, put their livelihood at risk, or in any way interfere with their career or job. It refers to authority in a manner which serves no legitimate work purpose and ought reasonably to be known to be inappropriate. Abuse of power is included in a broader definition of harassment.
6. **STAFF OR STAFF MEMBER REFERS TO:** JAZZ.FM91 staff, whether they are full-time, part-time, occasional, contractual, permanent, temporary, and regardless of the contractual relation with JAZZ.FM91 and includes members who volunteer from time to time at the station and the members of the Board of Directors
7. **WORKPLACE REFERS TO:** Any place where employees work or perform tasks related to their functions. Production sites or meeting places outside of JAZZ.FM91 head office are also included in the definition of workplace. Electronic communications and meetings are also considered a Workplace.
8. **COMPLAINANT REFERS TO:** The alleged victim of harassment, violence or discrimination.
9. **RESPONDENT REFERS TO:** The person who is alleged to have committed an offense by the complainant.

**JAZZ.FM91**  
**Code of Conduct Complaint Form**

Submitting a Complaint<sup>1</sup>:

The following are the steps to be followed to file a complaint:

1. Communicate with your immediate supervisor/manager.
2. If the complaint is regarding or involves your immediate supervisor/manager, communicate with Dana Wigle, General Manager.
3. If the complaint is regarding or involves the General Manager, communicate with Chair - Board HR Committee, the designated board member responsible for confidentially receiving Code of Conduct complaints. Currently Peter von Schilling is Chair - Board HR Committee and he can be reached at (416) 274-4262 or [pvonschilling@gmail.com](mailto:pvonschilling@gmail.com).
4. Where the complaint involves a board member, complainants may communicate with JAZZ.FM91's designated independent external advisor. Maurice Green is the designated independent external advisor. Mr. Green is a labour law/human rights lawyer who serves or served on the Ontario Labour Relations Board (since 2012), and at the Ontario Human Rights Tribunal (2013 – 2018). Mr. Green can be reached on a confidential basis at 647-390-3525 or [maurice.green44@gmail.com](mailto:maurice.green44@gmail.com). Fees for contacting Maurice Green will be paid by JAZZ.FM91.

Please use this form to file your complaint. If you are unable to complete this form, please use as a guideline for the information that will be required for the station to launch an investigation into a complaint. All information, including names of persons involved in the complaint, will be kept Confidential as outlined by the Confidentiality provisions of the Code of Conduct Policy.

Complaint:

1. Complainant (your name) and contact information:

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2. Did you experience or witness<sup>1</sup> a JAZZ.FM91 Code of Conduct violation:

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3. Name of alleged harasser(s) and contact information, if available:

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<sup>1</sup> A complaint can be lodged by a person experiencing or witnessing a violation of JAZZ.FM91's Code of Conduct.

4. Details of the Code of Conduct complaint. Please describe information relevant to your complaint including (attach additional pages if required)

- a) the names of the parties involved;
- b) details about the incident(s) (behaviour and/or words used);
- c) the location, date and time of the incident(s);
- d) any witnesses to the incident(s);
- e) any additional details.

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5. Relevant Documents/Evidence - Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_