

**POLICY ON PROMOTING CIVILITY AND PREVENTING PSYCHOLOGICAL AND
SEXUAL HARASSMENT AND VIOLENCE**

EN CŒUR FOUNDATION

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Preamble

Since its inception, the En Cœur Foundation (hereinafter the “**Foundation**”) has placed respect for human dignity and the well-being of every individual at the heart of its priorities.

Aware of the impact it has on its beneficiaries across Quebec, the Foundation aims to make the prevention of harassment and violence one of its fundamental pillars. It aims to adopt a proactive approach, thereby helping to create a work and collaborative environment free from inappropriate behavior, where every person is treated with dignity, as the Foundation recognizes that the psychological safety and well-being of all those involved in its mission are essential to its success.

The Foundation is therefore committed to establishing clear mechanisms for the prevention, awareness-raising, reporting, and handling of situations involving harassment or violence, and to providing a safe environment for all individuals associated with the Foundation so that they can perform their work, participate in activities, and interact with the public without experiencing harassment or violence.

For ease of reading, this Policy on the Promotion of Civility and the Prevention of Psychological and Sexual Harassment and Violence (hereinafter the “**Policy**”) uses gender-neutral language.

1. General Objectives

This Policy has the following objectives:

- To affirm the Foundation’s commitment to fostering an environment of respect where all Foundation Stakeholders are treated with dignity and respect, and to preventing all forms of psychological, sexual, or discriminatory harassment.
- Establish the necessary mechanisms for prevention, the prompt handling of complaints, and the resolution of related issues.
- Define the responsibilities of each of the bodies and individuals involved.
- Secure the commitment of all community members to prevent and counter harassment.
- Promote the realization of the Foundation’s full potential under conditions conducive to the optimal achievement of these objectives.

2. Definitions

For the purposes of this Policy, the defined terms shall have the meanings set forth in this section.

“Beneficiaries”: Children with congenital heart defects and their families.

“Civility”: This term refers to the set of behaviors aimed at maintaining customary standards of respect in the workplace. It is reflected in rules of conduct that all community members must adopt to ensure respect, collaboration, politeness, courtesy, and good manners in all interactions within the Foundation.

“Community” or “Community Members”: This term refers to all individuals associated with the Foundation in addition to its beneficiaries.

“Individuals associated with the Foundation”: This term refers to all individuals working with the Foundation, including board members, staff, volunteers, ambassadors, spokespersons, partners, members of the Young Philanthropists Committee, and consultants.

“Psychological harassment”: The *Act respecting labour standards*¹ (hereinafter **“ALS”**) defines psychological harassment as follows:

“Harassment manifested by repeated behavior, words, acts, or gestures—whether hostile or unwanted—that undermine an employee’s dignity or psychological or physical integrity and create a hostile work environment for that employee. For greater clarity, psychological harassment includes such conduct when it manifests itself through words, acts, or gestures of a sexual nature.

A single serious act may also constitute psychological harassment if it causes such harm and produces a continuous adverse effect on the employee.”²

This definition includes discriminatory harassment, which occurs when the criteria for psychological harassment are met, but are related to one of the grounds set out in section 10 of the *Charter of Human Rights and Freedoms*³ (hereinafter **“Quebec**

¹ RLRQ, c. N-1.1.

² Section 81.18 ALS.

³ RLRQ, c. C-12.

Charter”) or section 15 of the *Canadian Charter of Rights and Freedoms*⁴ (hereinafter “**Canadian Charter**”).

This definition also includes sexual harassment (see the following definition).

Thus, for the purposes of this Policy, the term “harassment” or “psychological harassment” includes sexual harassment and discriminatory harassment.

Harassment must be distinguished from situations such as interpersonal conflicts, work-related stress, professional pressures, or the normal exercise of managerial authority (including managing attendance, organizing work, implementing disciplinary measures, managing workload, or performance evaluation).

“**Sexual harassment**”: This term refers to any behavior, remark, gesture, or contact of a sexual nature that:

- Is likely to offend, hurt, or humiliate a person.
- Creates an intimidating or hostile work environment.
- Or, reasonably, can be perceived as making employment, training, or career advancement contingent upon sexual conduct or favors.

Sexual harassment can occur, whether as a single incident or repeated conduct, particularly in the following situations⁵:

- Persistent and unwanted displays of sexual interest.
- Inappropriate advances or invitations (direct or indirect), promises, threats, intimidating remarks, or any insinuations that could be interpreted as a request for sexual favors.
- Repeated comments, jokes, insinuations, or sarcasm regarding a person’s physical appearance, sex, gender identity, or gender expression.
- Unsolicited physical contact such as intentional touching, pinching, or brushing against someone.
- Displaying or distributing sexually explicit or degrading images.
- Any sexual assault or imposition of non-consensual intimate contact.

⁴ Part I of the Constitution Act, 1982 [Schedule B to the Canada Act 1982, 1982, c. 11 (U.K.)].

⁵ CNESST, « Psychological or sexual harassment in the workplace », online:

<<https://www.cnesst.gouv.qc.ca/en/prevention-and-safety/healthy-workplace/harassment-workplace/psychological-or-sexual-harassment-workplace>> ; EDUCALOI, « Sexual Harassment at Work »,

online: < <https://educaloi.qc.ca/en/capsules/sexual-harassment-in-the-workplace/> >

This list of examples is not exhaustive.

“Violence”: This term refers to any behavior, statement, act, or omission that may harm, intimidate, humiliate, control, exclude, or otherwise infringe upon, directly or indirectly, a person’s physical or psychological well-being. It may occur on a one-time or repeated basis, in an overt or subtle manner, and includes threats, physical assaults, intimidation, coercive actions, insults, abuse of power, or any other form of abusive behavior⁶.

“Workplace violence”: This type of violence can be physical or psychological, including domestic, family, or sexual violence. Violence may occur at the workplace, in the course of work, or in connection with work.

3. Guiding Principles and Commitments

The Foundation prohibits all forms of harassment and violence within its organization and maintains a zero-tolerance policy in this regard. It is committed to taking all reasonable measures to ensure a healthy work environment free from harassment and violence, to prevent such situations, and, if they occur, to put an end to them as soon as they are brought to its attention.

Any behavior involving incivility or harassment may result in disciplinary or administrative measures, up to and including dismissal for all individuals associated with the Foundation or exclusion from Foundation activities for its beneficiaries.

Anyone who believes they have been a victim of harassment or violence may file a complaint or take steps to do so without fear of retaliation or harm.

Any complaint related to harassment or violence will be handled promptly and impartially. Unless the complaint is resolved through informal discussion or mediation, a formal investigation will be conducted. All information related to the complaint, including the identities of the individuals involved, will be treated confidentially by all parties involved, to the extent possible. However, certain information may be disclosed if this is necessary to review the complaint, conduct the investigation, or implement appropriate administrative or disciplinary measures.

⁶ CNESST, « Glossary », online: <<https://www.cnesst.gouv.qc.ca/fr/lexique#V>>; ORGANISATION MONDIALE DE LA SANTÉ, « Rapport mondial sur la violence et la santé », online : <<https://www.who.int/fr/publications/i/item/9241545615>>

4. Expected behaviors and responsibilities

The Foundation is committed to taking the following reasonable measures:

- Provide an environment free from all forms of harassment and incivility, thereby protecting the dignity and psychological and physical well-being of all community members.
- Make the Policy accessible to all individuals associated with the Foundation, its beneficiaries, and the public by publishing it on its website and presenting it to every new employee upon hiring or upon assuming a position within the Foundation.

The Foundation prioritizes a swift and effective approach to resolving problematic situations and has established a specific procedure for handling complaints, with the aim of promptly restoring a respectful environment. In this regard, the Foundation is committed to:

- Take appropriate corrective measures in each situation.
- Act impartially and promptly in handling complaints related to this Policy.
- Ensure that all individuals associated with the Foundation and its beneficiaries understand and comply with this Policy.
- Promote mutual respect among all community members.
- Offer or support awareness-raising and training activities.

The Foundation asks all individuals associated with the Foundation to lead by example and ensure that this Policy is understood and followed, so that the desired objectives are achieved. All individuals associated with the Foundation are responsible for adhering to the expected standards of conduct set forth in this Policy. They are strictly prohibited from engaging in conduct that could be construed as harassment, whether toward other individuals associated with the Foundation, beneficiaries, or the public. Everyone must actively contribute to maintaining an environment free from harassment and violence.

When an individual associated with the Foundation is a victim of or witnesses inappropriate behavior, it is their responsibility to intervene appropriately to ensure compliance with this Policy.

Anyone who believes they are a victim of behavior covered by this Policy must, to the extent possible, clearly express their disapproval to the perpetrator and ask them to

stop immediately.

If the behavior persists despite this warning, or if the person concerned does not feel able to address the perpetrator directly, they must report the situation to the chair of the Board of Directors as soon as possible.

All individuals associated with the Foundation are required to act in good faith when applying this Policy or filing a complaint under it. No form of retaliation will be tolerated against anyone who reports a violation or exercises their rights in accordance with this Policy.

5. Handling Cases of Harassment and Violence

Procedure

The Foundation requires that complaints be filed within a reasonable time and no later than twenty-four (24) months after the incident or incidents that gave rise to them, in accordance with Section 123.7 ALS.

Complaints must be submitted in writing to the chair of the Board of Directors. Even in the absence of a written complaint, the chair of the Board of Directors may initiate an investigation at any time if he or she has reasonable grounds to believe that a situation of harassment exists.

A complaint must contain specific allegations, the name of the person or persons who are the subject of the complaint, a dated description of the incident or incidents, and, if applicable, the names of witnesses.

The chair of the Board of Directors who receives the complaint shall presume the complainant's good faith and ensure that the complaint is handled confidentially. The Board of Directors may decline to proceed with the investigation of the complaint under the following circumstances, in which case it shall notify the complainant in writing:

- If the Board of Directors determines that the complaint is not based on reasonable grounds or that it is made in bad faith.
- If the Board of Directors determines that the complaint is abusive, frivolous, vexatious, or manifestly unfounded.

A complaint is considered frivolous—regardless of the complainant's intent—when it is manifestly without merit, or vexatious.

Any complaint that is false, misleading, or made with the intent to cause harm to others may be subject to severe disciplinary measures, including termination of employment or termination of the relationship with the Foundation.

At every stage of the complaint process, the chair of the Board of Directors keeps the other board members informed of any new developments or decisions made in connection with the complaint.

The Board of Directors has a duty to treat the situation or complaint as a serious matter and, to the extent possible, with confidentiality.

All written complaints will be destroyed after being scanned, with the digital version retained by the Board of Directors.

Investigation

The Board of Directors must ensure that an investigation is launched as soon as a complaint is filed and that the investigation does not last longer than two (2) months. To this end, the Board of Directors is responsible for appointing a competent and impartial individual to conduct the investigation. This role may be assigned to an internal or external investigator, depending on the circumstances (hereinafter the “**Investigator**”).

The Investigator must:

- initiate the investigation within a reasonable time.
- meet with the parties, obtain the names of witnesses, and interview them.
- obtain written and signed statements from the parties and witnesses.
- respect the right of the person who is the subject of a complaint to be heard.
- prepare an investigation report containing a summary of the allegations and the evidence, an analysis of the evidence, and a conclusion as to whether the complaint is substantiated in part or in full or is merely vexatious.

The Investigator may, at any time, call upon external advisors to assist with their work.

The investigation is conducted with the utmost confidentiality, and the personal information of witnesses, other individuals associated with the Foundation, and other beneficiaries will be used solely for the purpose of gathering additional information when necessary.

Both the person claiming to be a victim of harassment and the person against whom the complaint is filed are treated fairly. They are kept informed of the progress of the

case and of the decisions made regarding the handling of the situation.

The Investigator may terminate the review of a complaint at any stage of the process if it appears that the complaint is frivolous.

Mediation

With the consent of the parties, the Investigator may, at any time, propose a mediation session with the aim of informally resolving the alleged harassment.

If an agreement is reached, the parties sign a document summarizing the terms of the settlement, without specifying the details, unless otherwise agreed. When the implementation of this agreement requires the Foundation's involvement, the Foundation participates at the time of signing and must give its consent.

This document remains confidential, unless the parties agree to share its contents. However, if it results in the imposition of a disciplinary measure, it is added to the file of the person concerned and may be considered in the event of a repeat offense.

Investigator's Decision

Prior to the submission of the investigation report, the Investigator may, at any time, recommend the implementation of preventive measures to ensure the protection of the complainant or to put an end to any situation of harassment or violence that persists during the investigation.

Once the report is submitted, the Foundation informs the parties concerned, as soon as possible, of the decision to uphold or dismiss the complaint. If the complaint is deemed valid, the chair of the Board of Directors determines the corrective measures to be taken, including, where appropriate, disciplinary sanctions or administrative measures deemed appropriate.

6. Expected Behaviors and Responsibilities

In all its activities, the Foundation does not tolerate any behaviour that may undermine a person's dignity or psychological or physical integrity, particularly where such behaviour is based on grounds of discrimination such as age, social status, disability, gender identity or expression, language, sexual orientation, race, color, ethnic origin, religion, political beliefs, sex, or any other ground described in the Quebec Charter or the Canadian Charter.

To ensure the implementation of the guiding principles and commitments set forth in

this Policy, the Foundation requires that each community member adopt the following behaviors:

- Respect all members of the Foundation’s community in all their diversity.
- Demonstrate open-mindedness, be attentive to the needs of others community members, and be able to adapt to each person’s circumstances.
- Challenge the status quo in a constructive and positive manner, and question existing processes and practices that may not promote equity, diversity, and inclusion.

The Foundation will not tolerate any act of harassment or violence against a member of its community. The Foundation therefore requires that all of its community members behave toward other community members, and the public in a manner free from any form of harassment or violence. It is therefore the responsibility of all community members to take preventive action and to report any form of harassment or violence covered by this Policy.

7. Scope of Application

This Policy applies to all community members, as well as any other members of the general public.

The Foundation is also committed to implementing this Policy at all levels of its organizational structure.

This Policy applies to all incidents related to the Foundation’s work and activities, whether they occur at the usual workplace or elsewhere, during or outside normal working hours, in the context of, for example, conferences, meetings, receptions, or social events, when such activities are organized by the Foundation. This Policy also applies to communications via email and social media.

8. Legal Context

This Policy supplements the legal provisions governing the rights and freedoms of individuals, such as:

- The Quebec Charter;
- The Canadian Charter;

- *The Civil Code of Québec*⁷;
- *The Act respecting labor standards*⁸, particularly the provisions concerning psychological harassment ;
- *The Occupational Health and Safety Act*⁹;
- *The Act respecting industrial accidents and occupational diseases*¹⁰.

It does not limit the application of the Foundation's internal regulations, policies, or management rights.

9. Application of this Policy

Overall responsibility for implementing this Policy rests with the Board of Directors of the Foundation. The Board of Directors will also be responsible for ensuring the ongoing training of staff and volunteers and will conduct regular evaluations of the Foundation's practices and services.

10. Effective date and revision

This Policy was adopted by the Board of Directors of the Foundation on February 25, 2026, and took effect on the same day.

The Foundation also commits to reviewing this Policy at least once every five (5) years.

⁷ RLRQ, c. CCQ-1991.

⁸ See note 1.

⁹ RLRQ, c. S-2.1.

¹⁰ RLRQ, c. A-3.001.