

Workplace Harassment Policy

OVERVIEW

Section	Organizational
Area	Employee Health and Safety
Title	Workplace Harassment

POLICY STATEMENT

The management of Circle of Care believes in the prevention of harassment and is committed to a harassment free workplace in which all individuals are treated with respect and dignity, are able to contribute fully and have equal opportunities.

Any act of harassment committed by or against anyone, including any member of our workplace or member of the public is unacceptable conduct that will not be tolerated.

No employee, volunteer, or any other individual associated with Circle of Care shall subject any other person to workplace harassment or allow or create situations that allow workplace harassment to occur. Everyone is expected to uphold this policy and to work together to prevent workplace harassment.

Circle of Care, will ensure that this policy and the supporting program are implemented and maintained. Management confirms its commitment to investigate and deal with all incidents and complaints of workplace harassment in a fair and prompt manner.

Carey Lucki

Interim President

August 2016

POLICY

SCOPE

All Employees and Volunteers.

DEFINITIONS

Personal harassment: any unsolicited, unwelcome, disrespectful, or offensive behavior that has an underlying sexual, bigoted, ethnic, or racial connotation and can be typified as:

- ▶ Behaviour that is hostile in nature, or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, gender identity, gender expression, or any other protected ground under human rights legislation.
- ▶ Sexual solicitation or advance made by a person in a

position to confer, grant, or deny a benefit or advancement to the person, where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome;

- ▶ Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person.
- ▶ Unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, sex or sexual orientation, or religion;
- ▶ Suggestive or offensive remarks;
- ▶ Bragging about sexual prowess;
- ▶ Offensive jokes or comments of a sexual nature about an employee;
- ▶ Unwelcome language related to gender;
- ▶ Displaying of pornographic or sexist pictures or materials;
- ▶ Leering (suggestive persistent staring);
- ▶ Physical contact such as touching, patting, or pinching, with an underlying sexual connotation;
- ▶ Sexual assault:
- ▶ For the most part, victims of sexual harassment are female; however, conduct directed by female employees towards males or between persons of the same sex can also be held to constitute sexual harassment;
- ▶ Any actions that create a hostile, intimidating, or offensive workplace, which may include physical, verbal, written, graphic, or electronic means; and
- ▶ Any threats of physical violence that endanger the health and safety of the employee.

Racial/ethnic harassment: any conduct or comment which causes humiliation to an employee because of their racial or ethnic background, their colour, place of birth, citizenship, or ancestry.

Examples of conduct which may be racial or ethnic harassment include:

- ▶ Unwelcome remarks, jokes, or innuendos about a person's racial or ethnic origin;
 - ▶ Colour, place of birth, citizenship, or ancestry;
 - ▶ Displaying racist or derogatory pictures or other offensive material;
 - ▶ Insulting gestures or practical jokes based on racial or ethnic grounds which create awkwardness or embarrassment; and
 - ▶ Refusing to speak to or work with someone or treating
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someone differently because of their ethnic or racial background.

The following definitions are taken from the Occupational Health and Safety Act:

Workplace Harassment

- ▶ 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
- ▶ Workplace sexual harassment.

Workplace Sexual Harassment

- ▶ 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
- ▶ 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.

PROCEDURES

Application of Policy

This policy applies to all individuals working for the organization, including front-line employees, temporary employees, contract service providers, contractors, all managers, volunteers and senior team members.

Circle of Care will not tolerate any form of harassment or discrimination against job candidates, volunteers and employees on any grounds listed in the definitions for harassment, whether during the hiring process or during employment. This commitment applies to such areas as training, performance assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions. All Circle of Care employees and volunteers are personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination or harassing behaviours and to intervene immediately if they observe a problem or if a problem is reported to them.

For the purposes of this policy, harassment can occur:

- ▶ At the workplace;
- ▶ At employment-related social functions;
- ▶ In the course of work assignments outside the workplace;

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- ▶ During work-related travel;
 - ▶ Over the telephone, if the conversation is work-related; or
 - ▶ Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Report Incidents Immediately

Employees or Volunteers who feel they are being harassed must report it right away. If possible, tell the person harassing you that you are not comfortable with their behaviour, and you want it to stop. Document the behaviour including dates, times, locations, the names of any witnesses, and what happened. If the harassing behaviour occurs again, or if you are unable to deal directly with the person harassing you, report it to the designated person.

All employees and Volunteers have a responsibility to report harassment if they or someone else is being harassed. All employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

Employees and Volunteers reporting incidents of harassment or assisting in the investigation of a complaint will be protected from retaliation of any kind by either co-employees or supervisory staff.

Formal Investigation

All reports of harassment made to Human Resources will be investigated thoroughly in a fair and timely manner, respecting all employees' privacy as much as possible. Interviews will be conducted of the complainant, the alleged harasser, and any witnesses. All employees have a responsibility to cooperate in the investigation. If the investigation reveals evidence to support the harassment complaint, the harasser will be subject to disciplinary action. Disciplinary action will range from an apology to suspension, dismissal or, where applicable, termination.

The investigation will involve:

1. Getting all pertinent information from the complainant;
 2. Informing the alleged harasser of the details of the complaint, and getting her or his response;
 3. Interviewing any witnesses;
 4. Deciding whether, on a balance of probabilities, the harassment did take place; and
 5. Recommending appropriate remedies, penalties, or other action.
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All documents related to a complaint or incident of workplace harassment, including the written complaint, witness statements, investigation notes and reports, and documents related to the complainant will be maintained by Human Resources.

This policy applies to all activities that take place while an employee is carrying out business for Circle of Care whether or not the business takes place on properties owned or managed by Circle of Care.

Formal Procedure

If you believe you have been personally harassed, you may make a written complaint. The written complaint must be delivered to Human Resources. Your complaint should include:

- ▶ The approximate date and time of each incident you wish to report;
- ▶ The name of the person or persons involved in each incident;
- ▶ The name of any person or persons who witnessed each incident; and
- ▶ A full description of what occurred in each incident.

Investigating Reports of Discrimination or Harassment

Once a written complaint has been received, Circle of Care will complete a thorough investigation. Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

Circle of Care will ensure that all information obtained during the course of an investigation will not be disclosed, unless the disclosure is necessary for the purposes of investigating or taking corrective action, or is otherwise required by law.

For the purposes of this section the following definitions apply:

Complainant – The person who has made a complaint about another individual whom they believe committed an act of violence, discrimination, or harassment against them.

Respondent – The person whom another individual has accused of committing an act of violence, discrimination, or harassment.

The investigation will include:

- ▶ The respondent is invited to reply in writing to the complainant's allegations, and the reply will be made known

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- to the complainant before the investigation proceeds further.
- ▶ The Agency will protect from unnecessary disclosure the details of the incident being investigated and the identities of the complainant and the respondent.
 - ▶ During the investigation, the complainant and the respondent will be interviewed, as will any possible witnesses. Statements from all parties involved will be taken and documented, and a decision will be made.
 - ▶ If necessary, the Agency may employ outside assistance or request the use of legal counsel.
 - ▶ Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances of another employee or because they lodged a harassment complaint when they honestly believed they were being harassed.
 - ▶ Upon completion of the investigation, Circle of Care will inform both the complainant and respondent in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.
 - ▶ If the complainant decides not to lay a formal complaint, senior management may decide that a formal complaint is required (based on the investigation of the incident) and will file such documents with the person against whom the complaint is laid (the respondent).
 - ▶ If it is determined that harassment in any form has occurred, appropriate disciplinary measures will be taken as soon as possible.

Seeking Immediate Assistance

Canada's Criminal Code addresses violent acts, threats, and behaviours, such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor, student, vendor, visitor or client an immediate call to "911" is required.

The Right to Refuse Unsafe Work

The right to refuse unsafe work is a legal right of every worker provided by the Occupational Health and Safety Act. Circle of Care is committed to ensuring a safe workplace. If you wish to pursue this right, please refer to the Work Refusal Policy.

Special Circumstances

- ▶ Should an employee have a legal court order (e.g., a restraining order, or “no-contact” order) against another individual, the employee is encouraged to notify his or her supervisor, and to supply a copy of that order to the Human Resources department. This will be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at Circle of Care, in direct violation of the court order, so that Circle of Care may take all reasonable actions to protect the employee. Such information shall be kept confidential and protected in accordance with all applicable legislation.
- ▶ If any visitor to the Circle of Care workplace is seen with a weapon (or is known to possess one), or makes a verbal threat or assault against an employee or another individual, employee witnesses are required to immediately contact the police, emergency response services, their immediate supervisor, and Human Resources.
- ▶ All records of harassment and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.
- ▶ In cases where criminal proceedings are forthcoming, Circle of Care will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Fraudulent or Malicious Complaints

This policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded or frivolous allegations of personal harassment may cause both the accused person and the Agency significant damage. If it is determined by the Agency that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken.

Disciplinary Measures

If it is determined by the Agency that any employee has been involved in a violent behaviour, unacceptable conduct, or harassment of another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counselling, a formal warning, or dismissal.

Confidentiality

Circle of Care will do everything it can to protect the privacy of the

individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. Circle of Care will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by the Agency and will be proportional to the seriousness of the behaviour concerned.

Circle of Care will also provide appropriate assistance to any employee who is the victim of discrimination, or harassment.

Managing and Coaching

Counselling, performance appraisal, work assignment, and the implementation of disciplinary actions are not forms of harassment, and this policy does not restrict a manager’s or supervisor’s responsibilities in these areas.

COMPLIANCE	This policy applies to all activities that take place while an employee is carrying out business for Circle of Care whether or not the business takes place on properties owned or managed by Circle of Care.	
RELATED POLICIES	Workplace Violence, Anti-Bulling	
RESOURCES	Occupational Health and Safety Act	
REVISION LOG	Formatting changes and Scope	
Last Revision Approved By: VP, Human Resources	Review Period: Annually	Review Responsibility: Manager, Human Resources