

4.5 Workplace Anti-Harassment/Bullying Policy

Intent

The employer is committed to ensuring a safe, productive and healthy working environment which is based on mutual respect. In pursuit of this goal, the employer does not condone and will not tolerate acts of harassment/bullying against or by any employee.

Our workplace anti-harassment/bullying policy is not meant to stop free speech or to interfere with everyday interactions. Usually, harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember it is the perception of the receiver of the potentially offensive message be it spoken, a gesture, a picture or some other form of communication that determines whether something is acceptable or not.

Making a false complaint or providing false information about a complaint is prohibited and a violation of this Anti-Harassment/Bullying Policy. Individuals who violate this policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

Scope

This policy applies to all individuals working for the organization including front line employees, temporary employees, contract service providers, contractors, management, officers or directors.

Unionized employees shall also be subject to the requirements of this policy, but may be subject to the Union's grievance process for the filing of a formal complaint. Unionized employees are requested to refer to their current Collective Agreement for further information. Where the Collective Agreement is silent, bargaining members shall refer to the contents of this policy. In situations where the directions of this policy cover issues also in the Collective Agreement, the Collective Agreement will be the final authority.

Guidelines

The employer will not tolerate any form of harassment or discrimination against anyone at anytime, on any grounds. This commitment applies to all areas including hiring, training, performance assessment, promotions, transfers, layoffs, remuneration, guest services and all other employment practices and working conditions.

All employees are personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination or harassing behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.

Canada's Criminal Code deals with matters such as 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 anyone on any property feels threatened, then an immediate call to 911 is required.

It is important to realize that unfounded/frivolous allegations of personal harassment may cause both the accused person and the company significant damage. If it is determined by the company that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal.

Definitions

Personal Harassment - is any unsolicited, unwelcome, disrespectful or offensive behaviour or comment with an underlying sexual, bigoted, ethnic or racial connotation and can be typified as:

- Behaviour that is hostile in nature, and/or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, and/or any other Human Rights protected grounds.
- Sexual solicitation or advance made by a person able 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 able to confer, grant or deny a benefit or advancement to the person.
- Unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation and/or religion;
- Suggestive or offensive remarks;
- Bragging about sexual prowess;
- Offensive jokes or comments of a sexual nature;
- 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;
- For the most part, victims of sexual harassment are female. However, conduct directed by female employees towards males and between persons of the same sex can also be held to constitute sexual harassment.
- Any actions that create a hostile, intimidating or offensive workplace. This may include physical, verbal, written, graphic, or electronic means.
- Any threats of physical violence that endangers the health and safety of the employee.

Racial and Ethnic Harassment - is defined as 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;
- Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background.

Workplace Violence or Bullying - is the exercise of physical force by a person against a colleague, that causes or could cause physical injury to the colleague and/or a statement or behaviour that is reasonable for a person to interpret as a threat to exercise physical force against them, that could cause physical injury to the employee.

If you believe you have been personally harassed, you should make a written complaint to management. The written complaint should include:

- the approximate date and time of the incident you wish to report
- the name of the person or persons involved in the incident
- the name of any person or persons who witnessed the incident
- a full description of what occurred in the incident

Once a written complaint has been received, the employer will complete a thorough investigation. Where a union is in operation, the employer shall work with the union and provide the union with the results of the investigation upon written request. Harassment will not be ignored; silence can, and often is, interpreted as acceptance.

The investigation will include:

- informing the harasser/respondent of the complaint
- interviewing the complainant, any other person involved in the incident and any identified witnesses
- interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents

A copy of the complaint, detailing the complainant's allegations, is then provided to the respondent(s).

- The respondent is invited to reply in writing to the complainant's allegations and the reply will be made known to the complainant before the case proceeds further.
- The Company will do its best to protect from unnecessary disclosure the details of the incident being investigated and the identities of the complaining party and that of the alleged respondent.
- During the investigation, the complainant and the respondent will be interviewed along with any possible witnesses. Statements from all parties involved will be taken and a decision will be made.
- If necessary, the Company will employ outside assistance or request the use of legal counsel.
- Where it is determined that harassment has occurred, a written report of the remedial action will be given to the employees concerned.
- A copy of the complaint will be put in the personnel files of everyone involved in the incident.

Even 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 document(s) with the person(s) against whom the complaint is laid (the respondent(s)).

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

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 Company and will be proportional to the seriousness of the behaviour. The employer will also provide appropriate assistance to any employee who is a victim of discrimination or harassment.



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.