

Policy & Procedure Manual

HARASSMENT PREVENTION – HR-III-19

POLICY:

NOTE: For purposes of this policy, employee shall include students and volunteers.

OPTIONS NORTHWEST is committed to maintaining a workplace that provides every employee with freedom from harassment, virtual harassment, sexual harassment, and virtual sexual harassment in the workplace. **OPTIONS NORTHWEST** promotes civility and respect and a work environment where employees are respectful and considerate in their interactions with one another, as well as with people receiving service and members of the public. Management is also committed to violence prevention and will take all reasonable steps to address violent behaviour, as outlined in the Violence Prevention Policy.

Workplace harassment and workplace sexual harassment is any form of unwelcome conduct based on the Occupational Health and Safety Act or one of the prohibited grounds under the Human Rights code that interferes with work performance and impacts on the employment relationship. Any such conduct will not be tolerated.

All reported incidents of harassment shall be taken seriously and shall be fully investigated by management as soon as possible, in an impartial and confidential manner.

OPTIONS will take whatever action is necessary to correct a situation found to be harassment. Any employee conduct which is found to be harassment will be cause for discipline up to and including termination of employment.

The Ontario Human Rights Code specifically states:

“Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.”

POLICY (continued):

And

“Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity, gender expression, by his or her employer or agent of the employer or by another employee.”

“Every person has a right to be free from:

- (a) 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; or**
- (b) a 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.”**

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- (a) Engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome.**
- or**
- (b) Workplace sexual harassment**
 - (i) engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, 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**
 - (ii) 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.**

NOTE: The occupational Health and Safety Act also states the following:

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Harassment may include:

- verbal harassment such as inappropriate comments, jokes and/or offensive personal references;
- unwelcome, demeaning, insulting, intimidating comments, or remarks about subjects related to gender, race, religion, disability, age etc.;
- unwelcome jokes, innuendoes or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, gender, age, sexual orientation, etc.
- displaying of sexist, racist, or other offensive or derogatory pictures, calendars, objects, posters, photographs or literature;
- practical jokes that cause awkwardness or embarrassment;
- unwelcome invitations or requests, whether indirect or explicit, or intimidation;
- leering or other suggestive remarks, or gestures;
- condescension that undermines self-respect (belittlement, personal humiliation);
- unnecessary physical contact such as touching, patting, pinching, punching;
- physical assault, including sexual assault;
- implied or expressed threats, including those of reprisals for discrimination/harassment complaints;
- demeaning, insulting, and/or intimidating, written, or recorded messages.

PURPOSE:

1. To maintain a workplace that provides every employee with freedom from harassment, including sexual harassment.
2. To foster an environment where all employees can work free from intimidation, aggression, coercion and victimization.
3. To eliminate and prevent any/all forms of harassment.
4. To inform all employees of OPTIONS NORTHWEST that they are responsible for helping ensure that people supported do not suffer from any form of harassment.
5. To provide all employees with information and guidelines for reporting a complaint, and to receive effective remedial action from management.
6. To respond quickly and effectively to remedy any harassment or sexual harassment, or otherwise and to prevent its recurrence.

POSTING:

The Supervisor/Manager/Director of each work area shall ensure that this policy is and remains posted in a conspicuous place in each work location within their supervision. The Coordinator, Health and Safety shall ensure posting of this policy on the Health and Safety Board for the Administrative office.

PROCEDURE:

While in the course of their employment, any employee who believes that another person's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible.

1. Ask the offender to stop. Immediately inform the harasser that the comment(s) and/or conduct are unacceptable and not welcome, i.e.: "I do not appreciate your comments, please stop now!" or "I find your behaviour to be offensive, please stop now" (A person supported may not realize that he/she is being offensive.) As necessary, seek immediate assistance by contacting your immediate Supervisor or any available management personnel. If you feel threatened, call 911.
2. In a situation of harassment that leads to unwanted physical threats or assault, call or direct another person to call 911 for immediate police assistance or emergency responders as required. Seek first aid/medical attention as required.
3. Document the incident in detail on an Incident Report Form (see Appendix A) where possible. Include date, time, place, name(s), what was said, and describe the behaviour in question, as well as names of any witnesses.

Report to a designated person (as outlined below) assigned to investigate allegations of harassment.

Designated Persons to Contact to make a Complaint:

- Any Supervisor//Manager/Director,
- Manager, Human Resources or Human Resources Coordinator
- Executive Director

NOTE: Unionized employees may contact their union for support, as the union also has a duty to ensure a harassment free workplace.

The person, to whom the complaint is reported, shall ensure receipt of the detailed Incident Report, document your discussion with the complainant in detail and advise the Executive Director and Manager of Human Resources immediately.

PROCEDURE (continued):

The designated person shall ensure that the person reporting is supported by offering available service options. (I.e.: counseling via EAP) The Manager, Human Resources will lead, assist with or delegate HR assistance with the investigation.

If the alleged harasser is a Supervisor, Manager, Director or the employer, the complainant may opt to report incidents of harassment to any member of the Board of Directors.

The Board members shall ensure receipt of the report and determine an appropriate method to ensure the complaint is thoroughly investigated and documented.

4. All complaints will be thoroughly investigated in a consistent fashion, the results documented, and confidentiality respected. This will include interviewing employees involved, including witnesses, who may have another affiliation with the agency.

Information obtained about an incident or complaint of workplace harassment, including identifying information about any person supported involved will not be disclosed, unless the disclosure is necessary for the purpose of investigating or taking corrective actions with respect to the incident or complaint, or is otherwise required by law.

5. Where harassment, including sexual harassment has been substantiated, the employer will determine the appropriate disciplinary action to be taken. Disciplinary action may include, but is not limited to a verbal or written warning, transfer to another work area/assignment, suspension and/or termination of employment. For non-employees, the employer will determine the appropriate course of action, up to and including severing the working relationship.

Following the investigation, the employer will meet separately with the complainant and the alleged offender and inform them of the results of the investigation and only corrective actions there have been or will be taken as result of the investigation. Such results and any corrective actions shall be provided in writing.

NOTE: Disciplinary action taken for a specific person supported will not be shared by the employer

6. Follow-up counseling for the complainant and/or the offender shall be offered through the available internal and external supporting services (ie: EAP), as appropriate.
7. Follow-up assistance/debriefing for any others involved will be offered as required.

Responsibilities

Complainant

It is the responsibility of the complainant to make their disapproval and/or unease immediately known to the offender. If this action is difficult, ask for assistance from a designated person. Keep track of each incident of harassment, where and when it occurred, what was said and done, and the names of any witnesses.

Offender

It is the responsibility of the offender to stop the offending action immediately. The designated persons are available to answer any questions or concerns. Any retaliation towards the complainant or any witnesses will be considered grounds for disciplinary action.

Designated Persons

It is the responsibility of the designated persons to immediately attend to the matter. If necessary, provide flexibility in work schedule or work area to reduce contact between the complainant and the offender. The designated persons are available to assist with any formal complaint procedure, and must advise the Manager, Human Resources of any incidents of harassment.

Management Personnel

It is the responsibility of all management personnel to establish, and maintain a work environment that is free from harassment, and be a role model for accepted behaviour. Management personnel are to recognize incidents that are, or could lead to discrimination or harassment. Whether brought to their attention or personally observed, immediate and appropriate action must be taken. The situation shall be handled confidentially and in compliance with policy. Under no circumstance shall a legitimate complaint be dismissed, or downplayed, or the complainant told to deal with it personally.

Employees

It is the responsibility of every employee to understand the Harassment Prevention Policy and Procedure, and to help ensure that the workplace is free of harassment. This includes conduct toward all others, including Supervisors.

OPTIONS NORTHWEST

It is the responsibility of OPTIONS NORTHWEST to provide a harassment free workplace. It is the responsibility of the Employer to ensure that all employees are informed of this policy and that Supervisors/Managers/Directors are aware of the proper procedures to follow if they are involved in or witness an incident, or receive a complaint of harassment. They shall ensure that all complaints are investigated promptly and in confidentiality, and that there are no reprisals against either the complainant or witnesses. When a complaint has been substantiated, appropriate disciplinary measures shall be applied, regardless of the seniority or position of the offender. All OPTIONS NORTHWEST management and supervisory employees have an obligation to report any complaint received from an employee with respect to all forms of harassment to the Executive Director immediately.

Union

It is the responsibility of unions to ensure a harassment free workplace. It is the union's responsibility to reinforce this policy to employees.

Instruction and Training

1. New employees will read and sign off on this policy and will participate in the Violence and Harassment Prevention training as part of their initial training with the agency. Annually thereafter, employees shall complete a WHMIS 2015, including GHS and Health & Safety Awareness Quiz, which shall include questions on Violence and Harassment Prevention.

Confidentiality

All harassment complaints shall be kept in strict confidence to ensure effective enforcement of this policy. The name of the complainant, and the offender, and the circumstances related to the complaint, will be disclosed only where it is: a) necessary to investigate the complaint, b) take disciplinary action, or c) respond to any legal proceedings that may arise out of the complaint.

Prohibition Against Reprisals:

1. The Human Rights Code expressly prohibits “reprisal or the threat of reprisal” against an employee seeking to enforce his or her statutory rights. It is a criminal act to retaliate in any way against those who exercise their rights.
2. OPTIONS prohibits any form of retaliation against employees bringing forth bona fide complaints, or providing information about harassment. The law protects those who file charges, testify, or otherwise participate in any human rights action.
3. Reprisals or threats of reprisals shall be considered a serious violation of employee rights, and will be treated as serious misconduct.
4. Alleged offenders shall also be protected from any retaliatory action from the complainant or other employees.
5. Regardless of the outcome of a complaint made in good faith, the complainant, as well as anyone providing information, shall be protected from any form of retaliation by either co-workers or superiors. This includes demotion, denial of opportunities within the Agency, as well as harassment of the person supported as a result of his/her having made a complaint or having provided evidence.

RECOMMENDED BY: Manager, Human Resources

APPENDICES: 0

OPERATIONAL ACCOUNTABILITY: Administration, Finance, Human Resources, Supportive Living Services (all)

ORIGINAL POLICY DATE: June 2003

AUTHORIZED BY: Executive Director

SIGNATURE: _____

