

## 2.50 HARASSMENT

### Human Resources

#### **SUMMARY:**

The Corporation is committed to ensuring our work place is free of any form of harassment. Harassment can occur in many forms including sexual harassment, harassment based on other human rights grounds and personal harassment. Harassment violates fundamental rights and personal dignity. Therefore, allegations of harassment are considered a serious matter and will be dealt with in a fair, unbiased and timely manner.

To accomplish the goal of a work place free of harassment, employees are encouraged to talk openly about the policy to fully understand how to use the procedures. It is crucial any employee who alleges a case of harassment be given full support and guidance. As well, the rights of all employees will be respected and protected.

#### **Definitions:**

##### **Sexual Harassment**

Canada's highest court has defined sexual harassment as:

"...unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victims of harassment."

That means that sexual harassment occurs when a person receives unwanted sexual comments or conduct, and it creates a harmful work environment, or it leads to harmful consequences if a person does not go along with sexual requests or favours.

Examples of sexual harassment may include, but are not limited to:

- Unwelcome sexual remarks, jokes, innuendo, or gestures
- Requesting sexual favours as an implied or explicit condition of employment
- Nude or suggestive, sexually-oriented pictures or graffiti
- Leering or staring
- Using sexually degrading words to describe someone
- Unwelcome intimate questions about a person's private life
- Unnecessary physical contact such as hugging, kissing, touching, pinching, cornering, or patting
- Unwanted calls, messages, faxes or e-mails

## Harassment based on Human Rights ground

In addition to sexual harassment, harassment can occur on any of the grounds listed under the B.C. Human Rights Code. They include:

- Race
- Colour
- Ancestry
- Place of Origin
- Political Belief
- Religion
- Marital Status
- Family Status
- Physical or Mental Disability
- Sex
- Sexual Orientation
- Age
- Unrelated Criminal Conviction

Harassment can occur when a person receives unwelcome attention based on any of the grounds listed above and has the effect of creating a harmful work environment. Harassment under any of these grounds is a form of discrimination and is against the law.

Examples of such behaviour may include, but are not limited to:

- Unwelcome remarks, jokes, innuendo, or gestures
- Verbal abuse, intimidation or threats
- Offensive pictures, graffiti, cartoons or sayings
- Unwanted calls, messages, faxes or e-mails

### **Personal Harassment**

Personal harassment is defined as:

Objectionable and unwelcome comment or conduct that creates a hostile, intimidating, or offensive work environment and serves no legitimate work-related purpose.

Example of personal harassment may include, but are not limited to:

- Demeaning or sarcastic remarks about a person or their work abilities
- Yelling at an employee for workplace errors
- Intimidation

However, personal harassment does not occur when a supervisor corrects or disciplines

an employee for legitimate workplace reasons.

Harassment may occur during one incident or over a series of incidents including single incidents which, in isolation, would not necessarily constitute harassment.

Reprisal or threat of reprisal against any person who complain about harassment under this policy will in itself be considered harassment.

## **OBJECTIVE**

### **POLICY**

Harassment will not be tolerated in the work place, at Corporate social functions or by third parties. Third parties are those individuals who the Corporation conducts business with, such as, retailers, vendors, customers, guests, couriers, etc. Contact with these individuals may be in person or by telephone. This means the work place will be a hostile free environment and any pattern of unreasonable conduct will be dealt with. Necessary disciplinary steps will take place if a case of harassment affecting someone's employment was to occur.

Given the serious nature of harassment the Corporation, through the Human Resources Department, will ensure that all allegations of harassment are immediately investigated and due process is carried out consistently in each case.

An employee alleging harassment will be encouraged to follow through until a satisfactory remedy is found.

### **1.0 Due Process**

Allegations of harassment shall be dealt with in a fair, unbiased and timely manner. All parties shall be advised of the procedures available to them. Persons who have been accused of harassment shall be advised of the allegations made against them and shall be given the opportunity to provide comments in support of their own position.

### **2.0 Confidentiality**

Allegations of harassment, particularly sexual harassment, may involve sensitive disclosures. Confidentiality is required so that those who may have been harassed feel free to come forward and are reassured that reputations will be protected throughout the process.

All information is considered confidential, with disclosure only to employees involved in the investigation.

### **3.0 Procedures**

## 1. Who To Contact:

An employee filing a complaint of harassment is free to contact either their supervisor, any member of the Human Resources Department or one of the listed Arbitrators. Upon receiving the complaint, the Human Resources Department must be notified immediately to ensure that an investigation is conducted.

## 2. How the Investigation is Handled:

Any complaint of harassment will be investigated using all of the following procedures:

i) When a complainant alleges harassment they will be fully advised of the procedures under the policy. They will be advised the matter can be resolved either through mutual agreement of the complainant and the alleged harasser, or through a more formal investigation. The method of resolution is dependent upon the complainant's wishes and the seriousness of the allegation.

ii) The complainant will be asked if they have told the alleged harasser that their behaviour is unwelcome and must be stopped. If the complainant has not done so, then the complainant will be encouraged to confront the harasser and tell them that the behaviour is unwelcome. Should the complainant require guidance, the Human Resources Department will provide assistance and support. If the two parties concur the situation is resolved, the matter will end with no disciplinary action taken.

iii) If the complainant had already confronted the harasser about their behaviour and the harassment persisted, or if the complainant does not wish to confront the harasser, then a more formal investigation and action, as outlined below would be appropriate.

- A written statement will be taken from the complainant by a member of the Human Resources Department. Information will include the name of the alleged harasser, when the harassment occurred and whether or not any witnesses were present.
- If witnesses were present, they will be interviewed next.
- The alleged harasser will then be interviewed, given a chance to give their side of the story and the names of witnesses they believe may be interviewed.

All information is considered confidential, with disclosure only to employees involved in the investigation.

## 3. Action Taken:

In the case of a matter resolved through mutual agreement between the complainant and the harasser, no disciplinary action may be necessary.

The Human Resources representative will follow up with the complainant to ensure the behaviour has stopped.

In more severe cases where it has been determined there was inappropriate behaviour, appropriate disciplinary measures will be applied, such as:

- a formal apology; or
- a written warning; or
- a suspension without pay; or
- dismissal.

Finally, the Human Resources representative will follow up with the complainant to ensure that no further harassment has occurred.

## SCOPE

## COMPLIANCE

## ROLES AND RESPONSIBILITIES

<b>IMPLEMENTATION:</b>	
<b>POLICY OWNER:</b>	Manager, HR Services
<b>CHANGE AUTHORITY:</b>	VP, Human Resources

<b>EFFECTIVE DATE:</b>	October 16, 2001
<b>REVISION HISTORY:</b>	October 16, 2001 May 2, 2007 (reviewed)
<b>REFERENCES:</b>	