

Subject: **HARASSMENT AND DISCRIMINATION POLICY**

Section: **All**

Approved By: **Senior Management Committee**

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Policy Number: **HR-290**

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## **PURPOSE**

To promote and maintain a work environment, free from discrimination and harassment in accordance with the Human Rights Code and the Occupational Health and Safety Act.

## **POLICY**

As an employer, Fairhaven is committed to providing a work environment in which all individuals are treated with respect and dignity.

Fairhaven is responsible for the prevention of harassment and discrimination.

## **DEFINITIONS**

Harassment and discrimination, on the basis of any of the following prohibited grounds under the Human Rights Code: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, sex, marital status, family status or disability.

For the purposes of this policy, harassment in the workplace also includes personal and sexual harassment, sexual violence, domestic violence, poisoned work environment, and abuse of authority.

Workplace harassment is defined as a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. It includes objectionable conduct, comment, or display made on a continuous basis that demeans, belittles, or causes personal humiliation or embarrassment.

### **Sexual Harassment:**

Sexual harassment means any conduct, comment, gesture, or contact of a sexual nature, whether on a one time basis or a series of incidents:

- a) That might reasonably be expected to cause offence or humiliation; or
- b) That might reasonably be perceived as placing a condition of a sexual nature on employment, an opportunity for training or promotion, receipt of services or a contract.

Examples of behaviour can include but are not limited to:

- Unwanted touching, patting or leering;
- Sexual assault;
- Inquiries or comments about a person's sex life
- Telephone calls with sexual overtones
- Gender based insults or jokes causing embarrassment or humiliation
- Repeated unwanted social or sexual invitations

### **Poisoned Work Environment:**

A poisoned work environment is characterized by an activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive workplace. Examples of a poisoned work environment include but are not limited to: graffiti, sexual, racial, or religious insults or jokes, abusive treatment of an employee, and the display of pornographic or other offensive material.

### **Application:**

This policy is applicable to all Fairhaven employees, Committee of Management, residents, contractors, volunteers, students and visitors. When a complaint is validated, discipline will be enforced up to and including termination.

## **GUIDELINES**

1. Harassment in the workplace will not be tolerated and managers must take appropriate action to protect their employees and others in the workplace. Harassment in the workplace constitutes a disciplinary infraction and shall be dealt with appropriately.
2. The abuse of one's authority or position, to intimidate, coerce, or harass is forbidden. All managers and supervisors are responsible for their employee's work environment.
3. This policy is not intended to limit or constrain the employer's right to manage.
4. A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.
5. Performance reviews, work evaluation and disciplinary measures taken by the employer for any valid reason do not constitute harassment in the workplace.
6. There will be no retribution from the manager/supervisor or co-workers for reporting incidents of harassment.

## **PROCEDURES**

1. All parties in a harassment complaint have the right to fair and due process, and to confidentiality.
2. When feasible and advisable, parties shall be encouraged and assisted in settling the complaint at the earliest possible stage, by talking to each other.
3. If talking to the person directly does not work, a verbal or written complaint should be presented to the Human Resource Manager or designate.
4. If the Supervisor of the complainant is the alleged harasser, the complaint should be forwarded to Human Resources or the Executive Director.
5. If the Executive Director is the alleged harasser, the complaint should be forwarded to the Chair of Fairhaven's Board of Directors.
6. If the Manager of Human Resources is the alleged harasser, the complaint should be forwarded to Fairhaven's Executive Director.
7. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.
8. A formal Incident Investigation Form can be used as a guide by the complainant and submitted to the Human Resource Manager or designate. The form is located in the the staff file cabinet on the first floor, and on the Q drive> *Master Forms\Incident Forms\Harassment and Discrimination\Incident Investigation Form Workplace Harassment and Discrimination*.
9. The Human Resource Manager or designate will conduct an investigation with an unbiased manager/or designate by compiling witness statements and any other relevant documentation.
10. Investigation feedback will be given to the complainant once the investigation is complete. Full details may not be revealed due to privacy issues, but feedback and acknowledgement from the original complainant that resolution has been achieved is the goal.
11. A worker who has allegedly experienced workplace harassment, and the alleged harasser, if he or she is a worker of the employer, will be informed, in writing, of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.
12. New employees are given harassment and discrimination training as part of their orientation and annually thereafter. All employees sign the Annual Policy and

Procedure Tracking Form, which is kept in their personnel record indicating that they have read and understood the policy.