



Name of Manual:	Human Resources	Policy #14.0	Page 1 of 4
Procedure Title:	<b>POLICY FOR WORKPLACE HARASSMENT OR DISCRIMINATION</b>	Original Date:	September 2000
Prepared by:	Resources Committee	Reviewed Date:	January 2020
Approved by:	Board of Directors	Approval Date:	May 2020

**1. PURPOSE**

The North Lambton CHC is committed to providing a work environment in which all individuals are treated with respect and dignity.

Workplace harassment will not be tolerated from any person in the workplace or anyone visiting the workplace. Everyone in the workplace must be dedicated to preventing workplace harassment. Team Leaders, employees, volunteers, clients, program participants and visitors are expected to uphold this policy and will be held accountable by the Executive Director and the North Lambton CHC Board of Directors.

**2. SCOPE**

This policy applies to all employees and volunteers of North Lambton CHC.

**3. POLICY**

**3.1 DEFINITIONS:**

**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.

**Sexual Harassment:** one, or a series of, comments or conduct of a gender-related or sexual nature that is known, or ought reasonably to be known, to be unwelcome/unwanted, offensive, intimidating, hostile, or inappropriate.

**Discrimination:** unequal treatment because of an individual’s race, ancestry, place of origin, racial origin, ethnic origin, citizenship, religion, creed (religion), colour, sex (including pregnancy and gender identity), sexual orientation, age, record of offences (in employment), marital status, family status (being in a parent-child relationship), receipt of public assistance (in accommodation), disability, or any other grounds prohibited under the Ontario Human Rights Code.

**Investigator:** Occupational Health and Safety Representative, Team Leader or Executive Director

Examples of Harassing Behaviour:

- Written or verbal abuse or threats
- Unwelcome remarks, jokes, comments, or innuendos about a person regarding any discriminatory subject

- Displaying pornographic, racist, or other offensive/derogatory pictures or graffiti on North Lambton CHC premises
- Practical jokes that cause awkwardness or embarrassment
- Leering, whistling, or other gestures
- Unwanted physical contact – such as patting, pinching, or touching
- Implied or expressed threat of reprisal for refusal to comply with a sexual request

Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code.

The Ontario Human Rights Codes states that it is public policy in Ontario to recognize the dignity and worth of every person and to provide equal rights and opportunities without discrimination. The aim is to create a climate of understanding and mutual respect for the dignity and work of each person so that each person feels a part of the community and feels able to contribute to the community.

Employers have a responsibility to:

- provide a working environment that is free from harassment and discrimination; and,
- deal effectively, quickly, and fairly with any situations involving claims of harassment or discrimination that come to their attention.

This policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace. Management and supervision that includes counseling, coaching, performance appraisal, work assignment, and the use of disciplinary actions is not a form of harassment.

Workers are encouraged to report any incidents of workplace harassment. There will be no negative consequences for reports of workplace harassment made in good faith. All persons involved in the complaint and its investigation will be protected from reprisal and not penalized in any manner.

The Executive Director or designate will investigate and deal with all concerns, complaints, or incidents of workplace harassment in a fair and timely manner while respecting workers' privacy as much as possible. Whenever possible, the person investigating the complaint should not be in a position of direct authority over any of the people involved in the complaint. The person investigating the complaint should report to the Executive Director to make decisions and have them enforced. The person investigating the complaint will ensure the investigation process is, and remains, confidential

Nothing in this policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's Human Rights Code within one year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available.

## **MEASURES AND PROCEDURES:**

### **3.2 Workers to Report Incidents of Workplace Harassment**

Anyone who feels that they have been harassed or discriminated against in the workplace may discuss the situation with a North Lambton CHC staff member who is familiar with this policy – such as a Certified Representative of the Occupational Health & Safety Committee, a Team Leader, or the Executive Director. A person who has been accused of harassment or discrimination in the workplace may also discuss the situation with a North Lambton CHC staff member who is familiar with this policy – such as a Certified Representative of the Occupational Health & Safety Committee, a Team Leader, or the Executive Director.

### **3.3 Investigation of Incidents and Complaints of Workplace Harassment**

1. In most cases, investigation will start immediately after an investigator is chosen and will conclude within ninety (90) days.
2. Everyone involved in the process of resolving the situation should make and keep written notes about the events leading to the complaint – including: what happened, when it happened, where it happened, and who saw it happen.
3. Any other documents or materials, such as letters, notes, offensive pictures, etc., that may have something to do with the complaint should be kept for presentation during the investigation.
4. Both parties will be informed by the Risk Management Team Lead of who will investigate, how long the process is likely to take, who will decide what action the employer will take, and what solutions or results are possible.
5. For complaints not settled through internal investigation and its resulting decisions, the person making the complaint will be advised that a grievance may be filed through the North Lambton CHC's Human Resource Policies and/or may be filed with the Human Rights Commission.
6. If it is determined that the harassment complaint was submitted in a vexatious, frivolous, or insincere manner, the employee laying the complaint will be subject to disciplinary action up to, and including, termination of employment. **(Refer to Policy 13.0 Frivolous and Vexatious Complaints).**

**Policy Reviewed and Adopted by Resources Committee:**

Date: 12 May 2020

Resources Representative:

*[Handwritten Signature]*

**Policy Reviewed and Adopted by Board of Directors:**

Date: 26 May 2020

Board of Directors Representative:

*[Handwritten Signature]*

Procedure Approved by:	Signature:	Date:
Executive Director	<i>Karya Bueso</i>	7-13-20
Quality & Chronic Disease Team Lead	<i>Lilimse</i>	7-3-20
Data Management Team Lead	<i>Kennie Maxfield</i>	June 30/20
Finance Team Lead	<i>[Signature]</i>	June 25/20
Health Promotion Team Lead	<i>[Signature]</i>	July 8/20
Risk Management Team Lead	<i>[Signature]</i>	July 17/20
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