

[Company]

Workplace Harassment Policy

Approval Date	Effective Date	Last Review Date
Pending	Pending	April

Policy Number:	
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Approved by:	xx Executive Board
Responsibility:	xx Executive Board
Applies to:	xx Employees, xx Executive Board, xx Members

1. PURPOSE

- a. The purpose of this policy is to provide guidelines for employees who have been harassed or discriminated against or who have witnessed harassment and wish to attempt to resolve the problem.
- b. This policy implements and illustrates the complaint process for employees who have been harassed.

2. APPLICATION OF THE POLICY

- a. This Policy and Procedure applies to all employees and individuals associated with the [company] and all other persons entering the [company] workplace.

3. DEFINITIONS

- a. xx Employees
 - i. Persons hired or appointed by the Business Manager or Authorized Designate to perform work related explicitly to servicing the membership and who receive remuneration in the form of a payroll check from the Local Union.
- b. Executive Board Members
 - i. Persons elected by the membership or otherwise appointed to the Executive Board as may be permitted by the IUOE Constitution or By-Laws of the Local Union.
- c. xx Members

- i. Persons associated with [company] in various capacities, mainly through membership, in many cases through agencies or individual level. [Company] is mandated by virtue of its core values to defend and promote social justice for its members.
 - d. Harassment
 - i. Any interaction between individuals characterized as unwelcome, intimidating, insulting, humiliating, malicious, degrading, bullying, offensive, or violent. Harassment from different sources will result in different dynamics that may require different reporting and investigation procedures.
 - di. Workplace Harassment
 - i. Engaging in the course of vexatious comment or conduct against an employee in a workplace, known or ought reasonably to be known to be unwelcome.
 - dii. Sexual Harassment
 - i. Unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature when:
 1. Submitting to or rejecting this conduct is used as the basis for making decisions that affect the individual; or
 2. Such conduct has the purpose or effect of interfering with an individual's performance; or
 3. Such conduct creates an intimidating, hostile, or offensive environment.
 - diii. Complaint
 - i. An individual who believes they have been harassed.
 - div. Respondent
 - i. An individual alleged to be the harasser.
 - dv. Workplace
 - i. In or on the property of the [Company] office or away from the [company] office if the employee is engaged in work-related activities.
 - ii. The workplace also extends to sites where employees are involved in work-related functions and/or activities.

4. RESPONSIBILITIES

- a. All employees of the [company] have a responsibility to play a part in ensuring an environment free from harassment. This means not engaging in, allowing, condoning, or ignoring behaviour contrary to this Policy. No employee is required to tolerate harassment or abuse for any reason at any time. No one has

the right to harass, violate, or abuse anyone else at work or in any employment-related situation. All employees are expected to uphold this Policy and will be held accountable by the Employer.

- b. Workers are expected to report any incidents of workplace harassment to a member of the Designated Advisor Committee without fear of threat, retaliation, or reprisal. Should an employee have a legal court order (i.e., restraining order or “no-contact” order against another individual), the employee is to notify and supply a copy of that order to the Human Resources Manager or designate. Such information shall be kept confidential. All individuals are responsible for respecting the confidentiality of anyone involved in a complaint.
 - i. All employees are responsible for attending any training or information sessions provided by the [company] to eliminate harassment in the workplace.
 - ii. All employees are expected to cooperate as required during investigations related to workplace harassment.
- c. All individuals associated with the xx and all other persons entering the xx workplace are expected to conduct themselves in accordance with this Policy.
- d. Each manager and supervisor are responsible for fostering a safe working environment free from harassment and abuse. Managers and supervisors must set an example for appropriate workplace behaviour and deal with situations immediately upon becoming aware of them, regardless of whether there has been a complaint.
- e. The Designated Advisor Committee is responsible for investigating and dealing with all concerns, complaints, or incidents of workplace harassment in a fair and timely manner while respecting individuals’ privacy as much as possible.
- f. The Employer has the responsibility to take measures to prevent harassment, provide procedures to handle complaints, resolve problems, and remedy situations when a violation of this Policy occurs. The [company] will continue educating all employees and increasing awareness of this issue throughout the organization.
- g. The xx is responsible for the annual review of this Policy and conducting regular risk assessments ensuring compliance with applicable legislation. The xx will recommend required changes to the Employer as necessary.
- h. The xx will recommend to the Employer to develop, establish, and provide training in harassment prevention measures and procedures.

5. REFERENCES AND RELATED STATEMENTS OF POLICY AND PROCEDURE

- a. Designated Advisor Committee
 - i. Designated Advisors

1. TBD
 2. TBD
 - ii. Associate Advisor
 1. TBD
- If individuals are uncomfortable utilizing designated advisors, they may consult with the Associate Advisor, who will present details to the Designated Advisors on their behalf.
- b. Nova Scotia Human Rights Act
 - c. Nova Scotia Occupational Health and Safety Act and its Regulations
 - d. Workplace Safety and Insurance Act and its Regulations
 - e. Canada's Criminal Code
 - f. Canada Labour Code
 - g. xx P&P No. 1 – Code of Conduct
 - h. xx P&P No. HS 25 – Workplace Violence

6. PROCEDURE

- a. A person who experiences harassment in the workplace should consult with a member of the Designated Advisor Committee as soon as possible after the occurrence.
- b. Members of the Designated Advisor Committee shall inform the complainant of the following:
 - i. The options for pursuing an informal resolution of his/her complaint.
 - ii. The right to lay a formal written complaint under this Policy when an informal resolution is inappropriate or not feasible
- c. Informal Resolution
 - i. Informal resolution may be achieved by enlisting the assistance and support of a Designated Advisor Committee member.
 - ii. The Designated Advisor will obtain details surrounding the incident of harassment.
 - iii. The Designated Advisor will determine if further investigation is required before moving toward resolution actions.
 - iv. The Designated Advisor will consult with the complainant on the course of action.
 - v. The Designated Advisor will meet with the respondent to discuss the complaint (attendance of the complainant is voluntary and will be discussed and determined at the consult level outlined in d) above.
 - vi. After meeting with both the complainant and respondent, a determination will be made if a violation of the Policy exists.

- vii. If a violation is decided to exist, appropriate disciplinary and/or corrective actions will be determined.
- d. Formal Complaint – If the matter cannot be resolved informally or an informal complaint process is not appropriate, then the complainant can file a formal complaint.
 - i. A written complaint must be filed within six months of the incident complained of, or where the matter complained of consists of a series of related incidents within six months of the most recent incident. Complaints filed with the Human Rights Tribunal on matters related to Newfoundland and Labrador’s Human Rights Code must be filed within one year of the last alleged incident.
 - ii. Written complaints will warrant investigation, and findings will be discussed amongst the Designated Advisor Committee to determine if a violation of the Policy exists.
 - iii. If it is agreed that a violation exists, appropriate disciplinary actions will be discussed and determined.
- di. Formal or informal investigations may be conducted in the absence of a Complainant in circumstances where it is deemed appropriate to do so.
- dii. Unionized staff, complainant, or respondent have the right to consult with a union representative and are entitled to union representation at meetings throughout the
- diii. Discipline – Where there is a finding of harassment by an employee of the [company] or where it has been determined that a complaint has been made in bad faith, the Business Manager will be consulted on appropriate disciplinary action.
- div. Corrective actions may include any of the following:
 - i. Formal apology
 - ii. Counselling
 - iii. Written warning documented in the employee’s personnel file
 - iv. Change of work assignment
 - v. Suspension or discharge of the employee
 - vi. Discharge
 - vii. Legal action
 - viii. Any other corrective action, financial or otherwise, deemed to be appropriate in the circumstance; and/or
 - ix. Any combination of the above
- dv. The [company] recognizes that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly convicted of harassment. The xx recognizes the interests of both the Complainant and Respondent in keeping details of any complaints confidential.

- j. All reported incidents are documented and kept on file. Documents will be included in individual personnel files in incidences where harassment has been determined to have occurred or that a complaint has been made in bad faith.
- k. The effectiveness of this Policy will be reviewed at least annually or when such circumstances require immediate review.
- l. New employees will receive an appropriate orientation to the Workplace Harassment Policy. All employees will receive an annual review of the Policy's general and site-specific components.

7. ATTACHMENTS

- a. Harassment Complaint Form

SIGN-OFF ([Company] - Workplace Harassment Policy)

Employee / Executive Board Member
(Please Print)

Employee / Executive Board Member
(Signature)

Witness

Date