

PREVENTION OF HARASSMENT IN THE WORKPLACE

POLICY STATEMENT:

The Society is committed to providing a work environment that is free from workplace harassment and that promotes mutual respect, self-esteem and dignity. The Organizational Leadership Team (OLT) is ultimately responsible for the safety of all individuals at the Society, and will take every reasonable effort to provide for a fair, impartial and thorough investigation of any report of harassment, complaint or concern without fear of reprisal, as long as the report or complaint is not found to be frivolous or vexatious.

It is incumbent upon all employees, volunteers and delegates engaged with the Society not to condone or tolerate behaviour which constitutes workplace harassment. There is a duty upon all individuals to prevent workplace harassment by discouraging inappropriate activities and reporting all incidents of harassment including when such incidents may be by third parties (i.e. suppliers).

All employees, volunteers and delegates are reminded of their obligation to uphold The Canadian Red Cross Society's Fundamental Principles, to treat others with mutual respect, and to adhere to policies and procedures aimed at promoting a positive work environment for all individuals and the highest level of care for our clients.

The Society will *not* tolerate any acts of harassment perpetrated against or by employees, volunteers, delegates, students, clients, third party contractors, suppliers or visitors to the Society for any reason. An individual that subjects another person to harassment or otherwise violates this Policy may be subject to disciplinary action, up to and including immediate termination for just cause.

NOTE: During times of disaster response, expedited processes may be required, in consultation with People Services.

PURPOSE:

The purpose of this Policy is to define what constitutes and what does not constitute workplace harassment and to provide direction for reporting and investigating workplace harassment.

Refer to *Annex A – Procedures for Reporting Workplace Harassment* for detailed information regarding the steps to follow when reporting workplace harassment.

SCOPE:

This Policy applies to all acts of harassment perpetrated against or by employees, volunteers, delegates, students, clients, third party contractors, suppliers or visitors to The Canadian Red Cross Society.

DEFINITIONS:

Abuse of power occurs when an individual abuses or misuses their power and discretion for personal benefit, or for the benefit of another person. Abuse of power, for the purposes of this Policy, includes situations involving a minor, situations that involve a reporting relationship, or any situation that includes an accusation from a client against an individual who is working on behalf of the Society, and who is providing a service upon which the client depends.

Bullying is offensive, cruel, intimidating or humiliating behaviour, whether intended or not, potentially including the misuse of power or position. Bullying behaviour, whether physical or verbal, direct or indirect, undermines the individual's right to dignity.

The **complainant** refers to the individual who experiences an alleged act of workplace harassment and then places the official complaint against the person who allegedly committed the act of harassment.

Incivility refers to problematic behaviours and does not meet the definition of harassment. It falls under performance management and/or problem resolution and may include; one-time nonverbal innuendo (raising of eyebrows, making faces), a minor verbal affront such as a snide remark, lack of openness, abrupt responses, undermining, etc..

A **minor** is a person who is not an adult, is younger than the age of majority and is considered a "minor child." The age of majority in Canada is provincially determined.

The **reporter** refers to the individual who either witnesses or is aware of an alleged act of workplace harassment and places an official complaint against the person who allegedly committed the act of harassment.

The **respondent** refers to the individual accused of committing an act of workplace harassment by a complainant or a reporter.

Vexatious comment or conduct refers to the intentional act of purely attempting to cause annoyance, frustration, or embarrassment to another individual, without grounds.

Workplace, for the purposes of this Policy, includes any location in which employees, volunteers or delegates are engaged in Society business activities necessary to perform their duties. This includes, but is not limited to, Society buildings and grounds, Society organized social events, field locations, clients' homes, and off-site business-related functions including travel.

Workplace harassment is defined as engaging in a course of vexatious comments or conduct against an individual in a workplace that is known or ought reasonably to be known as unwelcome workplace harassment or as workplace sexual harassment. It includes; but is not limited to, any unwelcome or objectionable physical, visual or verbal conduct, comment or display, whether intended or unintended, that is insulting, humiliating, offensive or degrading to another person, or creates an intimidating, hostile or offensive environment.

Workplace harassment that has a physical element may meet the definition of workplace violence. Refer to *3.2 – Prevention of Violence in the Workplace*.

Examples of workplace harassment include, but are not limited to:

- conduct or comments intended to create, or have the effect of creating, an intimidating, hostile or offensive environment;
- threats made or perceived, that are malicious, vexatious or based on any prohibited grounds under Human Rights legislation;
- remarks, jokes, innuendoes or other comments that demean, ridicule, intimidate or offend;
- derogatory written or verbal communication or gestures that are malicious or vexatious, application of stereotypes or generalizations, actions that are offensive, cruel or humiliating, whether physical or verbal, direct or indirect;
- leering, unwelcome gifts, unwanted attention or inappropriate requests;
- Workplace Sexual Harassment (as defined below);
- Bullying or aggressive behaviour; or
- Abuse of Power.

Workplace sexual harassment is:

- i. engaging in a course of vexatious comment or conduct against an individual in a workplace 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;
- 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 individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

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

- persistent unwelcome or uninvited invitations or requests;
- displaying or circulating sexually offensive or derogatory pictures, cartoons or other material in print or electronic form;
- unwelcome questions or sharing of information regarding a person's sexuality, sexual activity or sexual orientation.

Workplace investigation is a process conducted by the Society or a qualified third party professional on behalf of the Society that is focused on what has occurred in the workplace, with a view to enlightening and grounding the employer's actions and decisions with respect to a complaint or to circumstances.

What does not constitute Workplace Harassment:

- i. a reasonable action taken by an employer or supervisor relating to the management and direction of employees, volunteers or delegates in the workplace;
- ii. behaviours/actions that do not fit the harassment criteria and fall under performance management and/or problem resolution.

Examples that do not constitute workplace harassment include, but are not limited to:

- providing corrective feedback or describing performance in negative terms, even though the comments may be received as unwelcomed, such comments are permitted when delivered respectfully in the context of performance management;
- redesigning the office due to business requirements;
- incivility does not meet the definition of harassment and falls under performance management and/or problem resolution; however, workplace harassment is often preceded by incivility and these problematic behaviours need to be addressed immediately as they are unacceptable in a work environment that promotes mutual respect, self-esteem and dignity;
- interpersonal conflicts between individuals that do not fit the harassment criteria and fall under performance management and/or problem resolution.

PROCEDURE AND APPLICATION:

The Society is obligated to take all complaints and reports of workplace harassment seriously by:

- upholding its obligation of due diligence to take reasonable measures to provide a workplace that is free of harassment;
- taking all harassment complaints seriously and responding;
- following the process as defined within *Annex A – Procedures For Reporting Workplace Harassment* without bias to look into all complaints of harassment while maintaining an appropriate level of confidentiality; and
- documenting information gathered from the first disclosure to the final resolution of all reported harassment complaints and acts.

There will be no negative repercussion or disciplinary action taken towards an employee, delegate or volunteer who seeks assistance in a situation where he/she is being, or believes they are being harassed by another individual.

In accordance with provincial legislative requirements, this Policy will be posted in a conspicuous area in all Society locations.

A. Rights:

Everyone has the right to:

- an environment that is free from workplace harassment;
- file a complaint when the environment is not free from workplace harassment and a prompt investigation of the complaint without fear of embarrassment or reprisal;
- be informed of harassment complaints made against them;
- confidentiality to the degree possible under the circumstances (refer below to Section K; Confidentiality); and
- if desired, to seek guidance from a third party to provide support during the investigation (at the individual's sole cost).

B. Training:

All employees, delegates and volunteers, upon hiring or engagement with the Society, will receive orientation/training regarding this Policy.

C. Obligations:

i. **Employees, volunteers, and delegates** are responsible for:

- contributing to a positive work environment and for identifying and discouraging comments or activities that are contrary to this Policy, *3.2 - Prevention of Violence in the Workplace* and *2.1 - Code of Conduct*;
- where a situation of possible harassment occurs, or where an employee, volunteer, or delegate believes a situation has occurred, reporting the situation to their supervisor or People Services;
- if a situation occurs which involves their supervisor, or if they believe their supervisor does not intervene appropriately, the employee, volunteer, or delegate may report the situation to their second level supervisor or People Services (refer below to Section F; Reporting Workplace Harassment);
- fully co-operating with any efforts to investigate and resolve matters arising under this Policy.

ii. **Supervisors** are responsible for:

- eliminating any aspects of the work environment that are not in keeping with standards of interpersonal respect (refer to *2.1 – Code of Conduct*), whether or not a report or complaint has been made;
- responding to complaints by employees, volunteers, or delegates in a timely manner and in consultation with People Services;

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- implementing this Policy, under the direction of the applicable member of the Organizational Leadership Team (OLT) in consultation with People Services.
- iii. **People Services** is responsible for:
- advising parties of the process and legislative parameters;
 - facilitating communication between parties with a view to resolving conflict;
 - ensuring the process is followed within a prescribed time frame;
 - arranging for appropriate resolution measures, coordinating follow-up action as required;
 - maintaining original copies of all documentation pertaining to the resolution of differences;
 - educating employees, delegates, and volunteers on the application of this Policy, as appropriate to their roles;
 - developing and maintaining a written program with measures and procedures to implement the workplace harassment policy;
 - review the program at least on an annual basis;
 - in jurisdictions that require engagement of Joint Occupational Health and Safety committees in the development of the policy and procedures, People Services and the OLT will work in consultation with those committees.
- iv. **Joint (Occupational) Health and Safety Committees (JOHSC)**, where applicable, are responsible for:
- working in consultation with People Services and OLT to ensure a workplace harassment policy and procedure is established;
 - in some jurisdictions the JOHSC will be responsible for providing feedback relative to trend review/statistical analysis during meetings and/or training;
 - in other jurisdictions where the JOHSC is not tasked with this requirement it will be carried out by People Services.

D. Preventative Measures:

Prevention is the first line of defence against occurrences of workplace harassment. Workplace harassment, if left unchecked, can escalate to physical violence. Preventative measures undertaken by the Society include, but are not limited to:

- i. **Expectation of Mutual Respect:**
All employee, volunteers and delegates need to be aware of the fact that interpersonal behaviours can dramatically affect the work environment and increase the possibility of workplace harassment. Relations among all those in the Society, including clients, should include mutual respect for one another and an awareness of the importance of dignity.
 - ii. **Policies and Procedures:**
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The Society has developed clear policies and procedures on workplace harassment for which all employees, delegates, and volunteers will be familiarized with the measures and procedures contained in this Policy upon hiring or engagement with the Society.

iii. Code of Conduct Policy:

All employees, volunteers and delegates are required to read, sign and abide by *2.1 - Code of Conduct*.

iv. Employee Assistance Program (EAP):

The EAP program (Lifeworks) has excellent resources on their website and is available to all employees, volunteers and delegates. Additional one-on-one support is available to employees and delegates and should be encouraged as the first line of support and intervention when distressed. This additional support is also available to volunteers on an as needed basis and supervisors are requested to consult with People Services.

E. Dispute Resolution:

Where there is interpersonal conflict between individuals, refer to *2.4 – Workplace Problem Resolution* for guidance to resolve the matter before the conflict escalates.

F. Reporting Workplace Harassment:

Employees, volunteers and delegates who believe they have been subjected to workplace harassment are encouraged whenever possible to attempt to resolve their concern by communicating directly with the respondent to make it clear that such behaviour is unwelcome. If the individual is unable or unwilling to confront the respondent or the concern is not resolved, the complainant is to advise their supervisor and/or People Services either verbally or in writing.

In addition, the Society provides a confidential third party, **Clearview Connects**, to receive reports. Reports to Clearview Connects can be made in English, French or Spanish. Should another language be required Clearview Connects will provide translation upon request. Reports can be made through Clearview Connects in the following ways:

- i. Online through a secure website at **<http://www.clearviewconnects.com>**
- ii. Within North America call to:
Canadian Red Cross dedicated toll-free number: 1 (866) 284-7015
- iii. Outside North America call collect to: **1 (905) 280-1510**

- iv. By mail through the confidential post office box at:
P.O. Box 90505
Toronto, Ontario
M1J 3N7

You do not need to provide your name, simply identify yourself as Canadian Red Cross.
Refer to 2.3 – Integrity Protection Policy

G. Alternative Dispute Resolution Measures:

If required, alternative dispute resolution measures such as mediation, conflict resolution coaching or training may be considered for resolving complaints of workplace harassment.

In some jurisdictions, the Ministry of Labour may also direct impartial third party investigators, with the appropriate skills and knowledge, to investigate should it be deemed necessary.

H. Harassment Incidents Involving Clients:

For further information regarding harassment involving clients, refer to 3.9 – Protection of Vulnerable Clients. Individual programs may also have further procedures regarding harassment included in their Standard Operating Procedures (SOPs).

I. Minors:

As the Society deals with minors, express reference is made to the fact that this Policy will apply to minors. All incidents of suspected child abuse must be reported directly to the child welfare authorities and/or the police of the jurisdiction within which the incident arises.
Refer to 3.10 - *Child Protection* for more information.

J. Investigation information:

No documents/information regarding the investigation of harassment will be kept on the employee, volunteer or delegate's personnel file, with the exception of official disciplinary/termination papers. Workplace harassment investigation information will be protected in a separate file in accordance with record retention standards of People Services or as required or permitted under applicable law.
Refer to 2.13 – *Human Resources Records Retention* for more information.

K. Confidentiality:

Reports and complaints of workplace harassment will be received and investigated in a confidential manner in accordance with the process as defined in *Annex A – Procedures for Reporting Workplace Harassment*. In addition, refer to 2.3 – *Integrity Protection* for more information as the Society provides a confidential third party, **Clearview Connects**, to receive

reports in a variety of methods and language preferences (refer above to Section F; Reporting Workplace Harassment).

All reports and complaints of workplace harassment will be considered personal information *supplied in confidence*. The name of the reporter or complainant and the circumstances of the report or complaint will not be disclosed to any person except where disclosure is necessary to protect individuals, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

L. Human Rights Commission:

Nothing in this Policy will be deemed to limit the right of an employee, volunteer or delegate to make a complaint to or to seek assistance from a provincial or territorial Human Rights Commission or Tribunal.

M. Allegations Involving Certain Positions:

Where allegations of workplace harassment involve the following positions, reporting protocol will be as follows:

i. Allegations involving People Services Department:

In the event that any of the parties to an allegation is an employee, volunteer or delegate of the People Services Department, the reporter or complainant may, at their option, elect to have a member of the General Counsel's office fulfill the role of the Chief of Staff as defined in this Policy and in *Annex A – Procedures for Reporting Workplace Harassment*. All other provisions in the Policy and *Annex A – Procedures for Reporting Workplace Harassment* will remain in effect.

ii. Allegations involving a member of the Organizational Leadership Team (OLT):

In the event that any of the parties to an allegation is against a member of the OLT, the report or complaint will be addressed to the President and Chief Executive Officer (CEO).

iii. Allegations involving the President and CEO:

In the event that any of the parties to an allegation is the President and CEO, the report or complaint will be addressed to the Chair, Board of Directors.

N. Legal Parameters:

Nothing in this Policy will be deemed to limit the right of an individual to seek advisement and/or report an incident of workplace harassment to external parties.

O. Criminal Activity:

Where the conduct involves, or may involve criminal activity, the Society reserves the right to report the incident to the police.

BREACH OF POLICY:

Workplace harassment by an employee, volunteer or delegate is a serious offence. If a report or complaint of workplace harassment is substantiated, the respondent will be subject to immediate disciplinary action, up to and including termination of employment or engagement with the Society.

Intentionally accusing someone of harassment, known to be false, is a serious offence and is subject to disciplinary action. The Society reserves the right to discipline those whose reports or complaints are frivolous or vexatious.

Any interference with the conduct of an investigation, or retaliation against a reporter, complainant, respondent or witness, may itself result in disciplinary action.

RESPONSIBILITIES:

1. All individuals within the Society have the responsibility to respect one another, apply the Fundamental Principles, 2.1 – *Code of Conduct*, and exercise common sense towards ensuring the health and well being of all individuals associated with the Society.
2. The Chief of Staff is responsible for advising stakeholders, maintaining, monitoring, and revising this Policy, and for maintaining a confidential record of workplace harassment reports and complaints received, the nature of these reports and complaints, the outcome of the investigations, corrective action taken, and reporting the results to the President and CEO.
3. Members of the Organizational Leadership Team (OLT) are responsible for applying and implementing this Policy in each of their respective areas.

INQUIRIES:

Questions regarding the application or interpretation of this Policy are to be referred to People Services.