

Kingston & Frontenac Housing Corporation Human Resources Policy

Standards of Conduct– SC 4.9

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WORKPLACE HARASSMENT PREVENTION POLICY

All Employees

Issued: BOD - 2010

Effective June 10, 2010

Replaces: POL 9
Review & Revised
March 2018

WORKPLACE HARASSMENT PREVENTION POLICY

Purpose

The purpose of this policy is to foster a respectful workplace through the prevention and prompt resolution of harassment.

KFHC's Commitment

At KFHC, we are committed to providing a safe and respectful work environment for all staff and clients. No one, whether a manager, an employee, a tenant, a contractor, or a member of the public, has to put up with harassment at KFHC, for any reason, at any time. And no one has the right to harass anyone else, at work or in any situation related to employment. This policy is one step toward ensuring that our workplace is a comfortable place for all of us.

Harassment is Against the Law

The *Ontario Human Rights Code* and *Ontario's Occupational Health and Safety Act* protect us from harassment. The *Criminal Code* protects us from physical and sexual assault. You have a right to live and work without being harassed, and if you are harassed, you can do something about it.

Employees' Responsibilities

All employees have the responsibility to treat each other with respect, and to speak up if they or someone else is being harassed. All employees have a responsibility to report harassment to the appropriate person. All employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

Managers' and/or Supervisors' Responsibilities

Each manager or supervisor is responsible for fostering a safe working environment, free of harassment. Managers and supervisors must set an example for appropriate workplace behaviour, and must deal with situations of harassment immediately upon becoming aware of them, whether or not there has been a formal complaint. Courts may impose penalties on the employer and the manager/supervisor, even if neither of them was actually involved in or aware of the harassment, but should have known about it.

KFHC's Responsibilities

As an employer, KFHC has a responsibility to be aware of what is happening in the workplace. KFHC will treat all incidents of harassment seriously, and will act on all complaints to ensure that they are resolved quickly, confidentially, and fairly. KFHC will discipline anyone who has harassed a person or group of people or who retaliates in any way against anyone who has complained of harassment, given evidence in harassment investigations, or been found guilty of harassment. KFHC will discipline managers who do not act appropriately to end harassment.

What is Workplace Harassment?

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According to Ontario's *Occupational Health and Safety Act* "workplace harassment" means 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." It may be a single incident or continue over time. Harassment can take place between coworkers, between a manager and an employee, between people of the opposite sex or of the same sex, between an employee and a client, or between an employee and a job applicant.

"Workplace" means any land, premises, location or thing at, upon, in or near which a worker works. Work-related harassment can take place in the workplace itself, or outside of the workplace in a situation that is in some way connected to work. For example, employees are protected from harassment during delivery trips, off-site meetings, business trips, and any other event or place related to employment or when the employee is present in the course of employment.

Some Examples of Harassment Include:

- unwelcome remarks, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a sexual relationship);
- displays of sexually explicit, sexist, racist or other offensive or derogatory material;
- written or verbal abuse or threats;
- practical jokes that embarrass or insult someone;
- leering (suggestive staring) or other offensive gestures;
- unwelcome physical contact, such as patting, touching, pinching, hitting;
- patronizing or condescending behaviour;
- humiliating an employee in front of coworkers;
- abuse of authority that undermines someone's performance or threatens his or her career;
- vandalism of personal property; and/or
- physical or sexual assault.

The *Ontario Human Rights Code* protects employees and customers from discrimination and harassment that is related to their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy and gender identity), sexual orientation, disability, age, marital status (including same sex partners), family status, record of offenses.

Disrespectful behaviour, known as "personal" harassment, is also covered in this policy. While it also involves unwelcome behaviour and demeans or embarrasses an employee, this behaviour is not based on one of the protected grounds named in Ontario's *Human Rights Code*.

What Is NOT Harassment?

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Appropriate direction of work, performance reviews, counseling, or discipline by a supervisor or manager is not harassment. Romantic relationships, where the people involved agree with what is happening, are not harassment.

COMPLAINT PROCEDURE

Speak Up

If you believe you are being harassed, speak up right away. Tell the person that you are not comfortable with their behaviour, and want it to stop. You can speak to them directly, or write them a letter (date it and keep a copy). In addition, tell someone you trust what is going on. Often this is sufficient to stop the unwelcome conduct or comment.

Keep Notes

Record all unwelcome or harassing behaviour. Write down what has happened, when, where, how often, who else was present, and how you felt about it. Write down every instance of harassment.

Informal Procedures

You may want to proceed informally at first. This means you can ask the General Manager to help you communicate with the other person, or to speak with them on your behalf, without going through actual mediation or a formal complaint. The informal approach may not always be possible or successful, but when it is, you may be able to resolve the situation quickly.

Report It

If the harassing behaviour occurs again, or if you are unable to deal directly with the person harassing you, report it to the person designated to receive complaints. At KFHC, the designated anti-harassment person is the General Manager. If the General Manager is the person being complained about, report to the Chair of the Board of Directors. If for some reason you are unable to report harassment to someone at KFHC, you might be able to go to your union, or the police (for a case of sexual or physical assault). You may also go directly to the Human Rights Tribunal of Ontario. The process for reporting a complaint is as follows:

Step 1: Submit a complaint in writing, including your signature, to the General Manager (or to the Chair of the Board of Directors if the General Manager is the subject of the complaint). This must be done within 1 year of the alleged harassment leading to the complaint. The complaint must include the nature of the allegations, the name of the respondent(s) alleged to have committed the harassment, the date and a description of the incident(s) complained of, a list of relevant documents and the names of witnesses, if any.

Step 2: Upon receiving the complaint, the General Manager (or Chair of the Board of Directors if the General Manager is the subject of the complaint) will screen the complaint to ensure that it has been filed within 1 year of the alleged harassment and includes the information noted in Step 1. If these criteria are met, the General Manager will inform the respondent(s) that a complaint has been

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submitted and will provide the respondent(s) with a copy of the complaint. If the allegations are criminal in nature, the police will be notified.

Mediation

It may be appropriate to resolve the complaint through mediation before going to a formal investigation. However, either party has the right to refuse mediation. You are the only one who can decide if mediation is appropriate for you. If someone suggests mediation but you are uncomfortable with it, you can say so, and it will not be part of the complaint process.

Investigation

If you want to go ahead with a formal complaint, it will be investigated either by a specially trained person from within the organization, or a consultant. This person will investigate the complaint thoroughly. He or she will interview the complainant, the alleged harasser, and any witnesses. All employees have a responsibility to cooperate with the investigation.

All investigations will involve:

- getting all pertinent information from the complainant;
- informing the alleged harasser of the details of the complaint, and getting her or his response;
- interviewing any witnesses;
- reviewing relevant documents; and
- deciding whether, on a balance of probabilities, the alleged harassment did take place.

The investigator will report in writing to the General Manager or Chair of the Board of Directors, as appropriate.

Unsubstantiated Complaints

If there is not enough evidence to support an allegation of harassment, there will be no penalty to the alleged harasser and no remedy for the complainant.

Substantiated Complaints

If the investigator decides the complaint was valid, KFHC will inform both parties of the outcome of the investigation, and will decide what action to take.

Corrective Action for Harassers

Corrective action for harassers may include the following, depending on the nature and severity of the harassment; discipline up to and including discharge, anti-harassment training/coaching.

Complaints Made in Bad Faith

In the rare event that the investigator concludes that the complaint was made in bad faith (deliberately and maliciously filed knowing it had absolutely no basis) the complainant will be subject to discipline up to and including discharge.

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Retaliation

Anyone who retaliates in any way against a person who has been involved in a harassment complaint will be subject to discipline up to and including discharge.

Confidentiality

KFHC will not disclose any information about a complaint except as necessary to investigate the complaint or to take disciplinary action, or as required by law. KFHC requests employees and managers to respect confidentiality in the same way.

Time Limits

Managers and supervisors have a responsibility to take steps to make sure harassment is addressed when they become aware of it. Complaints will be addressed as quickly as possible, ideally within one month of being made. Complainants should be aware that there is a one-year time limit from the last alleged incident for filing a complaint with the Human Rights Tribunal of Ontario.

Other Options

An employee of KFHC who is not satisfied with the result of a harassment complaint can consult the Human Rights Tribunal of Ontario. If the harassment involves physical or sexual assault, which are criminal offenses, the police are the appropriate avenue. Members of the bargaining unit can also access remedies under the Collective Agreement and/or speak to a Union representative.

POLICY CHANGES

If you have any questions or comments about the policy or its application, please speak to your supervisor or the General Manager. KFHC will make changes to this policy as necessary, and will review it annually.

This policy replaces and previous KFHC policy in respect of Harassment in the Workplace.