

Harassment and Violence Prevention Policy

Purpose

The Canadian Home Builders' Association is committed to building and preserving a safe working environment for its employees. In pursuit of this goal, the Canadian Home Builders' Association does not condone and will not tolerate acts of harassment and/or violence against or by any of the Canadian Home Builders' Association employees.

This policy extends to volunteer members of the Association, and as such, board of directors, committee and council members and any other members participating in Association events and functions or otherwise engaging with Association staff.

Workplace: is any place where business or business-related activity of the Association is carried out, during regular business hours or outside of regular business hours. It includes, but is not limited to, the office, office-related social functions, Association assignments outside the office, Association-related travel, and Association-related conferences, meetings, training sessions and events.

It is a violation of the Canadian Home Builders' Association's Harassment and Violence Policy for anyone to make knowingly a false complaint of harassment or violence, or to provide false information about a complaint.

Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment, or in the case of volunteer members, removal of office and/or banning from Association functions.

Harassment and Violence Prevention Policy

The workplace harassment policy is not meant to stop free speech or to interfere with everyday social relations.

However, what one person finds offensive, others may not. Generally, harassment is considered to have taken place if the person knows, or should know, that the behavior is unwelcome. Usually, harassment can be distinguished from normal, mutually acceptable socializing.

Harassment is offensive, insulting, intimidating, and hurtful. It creates an uncomfortable work environment and has no place in employee relationships.

Definitions

In this policy the following definitions apply:

- i. **Personal harassment (including sexual harassment)** is any unsolicited, unwelcome, disrespectful or offensive behavior (e.g. deliberate or unintentional bullying, gestures, comments, improper jokes, slurs) that has an underlying sexual, bigoted, ethnic or racial connotation and can be typified as:
- an implied or expressed threat of reprisal for refusal to comply with a sexually oriented request;
 - a demand for sexual favours in return for (continued) employment or more favourable employment treatment;
 - unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation and/or based on religion;
 - Suggestive or offensive remarks;
 - Bragging about sexual prowess;
 - Offensive jokes or comments of a sexual nature about an employee;
 - Unwelcome language related to gender;
 - Displaying of pornographic or sexist pictures or materials;
 - Leering (suggestive persistent staring);
 - Physical contact such as touching, patting, or pinching, with an underlying sexual connotation.

ii. **Racial Harassment Ethnic Harassment**

Racial or ethnic harassment is defined as any conduct or comment which causes humiliation to an employee because of their racial or ethnic background, their colour, place of birth, citizenship or ancestry.

Examples of conduct which may be racial or ethnic harassment includes:

- Unwelcome remarks, jokes or innuendos about a person's racial or ethnic origin, colour, place of birth, citizenship or ancestry;
- Displaying racist or derogatory pictures or other offensive material;
- Insulting gestures or practical jokes based on racial or ethnic grounds which create awkwardness or embarrassment;
- Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background.

iii **The Canadian Home Builders' Association strictly prohibits violence in the workplace.**

We are committed to providing a safe and healthy work environment free from violence, threats of violence, harassment, intimidation and disruptive behaviour for all our employees. The Canadian Home Builders' Association firmly believes that by

working together with our employees, the risk of workplace violence can be minimized.

“workplace violence” means:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker, in a workplace, that causes or could cause physical injury to the worker;
- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that causes or could cause physical injury to the worker.

In the event that an employee is either directly affected by or witness to any violence in the workplace, it is imperative for the safety of all the Canadian Home Builders’ Association employees that the incident be reported promptly.

- Report any violence or potentially violent situations immediately to an immediate supervisor or senior management;
- All reports shall be kept confidential;
- All reports shall be investigated, and dealt with appropriately;
- Any Canadian Home Builders’ Association employee who threatens, harasses or abuses another employee, or any other individual at or from the workplace shall be subject to disciplinary action, up to and including termination of employment, and the pursuit of legal action;
- Violent action, threats and harassment are serious criminal offences, and shall be dealt with appropriately.

- iv. **Managing and/or coaching** that includes counselling, performance appraisal, work assignment, and the implementation of disciplinary actions, is not a form of personal harassment, and the policy does not restrict a manager’s/supervisor’s responsibilities in these areas.

Application of this policy

This policy applies to all those working for the organization including front-line employees, contract service providers, managers, officers or directors. The organization will not tolerate personal harassment whether engaged in by fellow employees, managers, officers, directors, member participants at Association events or contract service providers of the organization.

The Canadian Home Builders’ Association will not tolerate any form of harassment or discrimination against job candidates and employees on any grounds mentioned above, whether during the hiring process or during employment. This commitment applies to such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

All Canadian Home Builders' Association employees are personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination or harassing behaviour, and to intervene immediately if they observe a problem or if a problem is reported to them.

Procedure for Reporting Discrimination or Harassment

Informal Procedure

If you believe you have been personally harassed you may:

- confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or
- discuss the situation with the harasser's supervisor, your supervisor or any other supervisor other than your own.

Any employee who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the facts directly to their supervisor or Senior Management.

Formal Procedure

If you believe you have been personally harassed you may make a written complaint. The written complaint must be delivered to the Canadian Home Builders' Association. Your complaint should include:

- the approximate date and time of each incident you wish to report;
- the name of the person or persons involved in each incident;
- the name of any person or persons who witnessed each incident;
- a full description of what occurred in each incident.

Once a written complaint has been received, the Canadian Home Builders' Association will complete a thorough investigation. Harassment should not be ignored. Silence can, and often is, interpreted as acceptance.

The investigation will include:

- informing the harasser/s of the complaint;
- interview the complainant, any person involved in the incident and any identified witnesses;
- interview any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.

A copy of the complaint, detailing the complainant's allegations, is then provided to the respondent(s).

- The respondent is invited to reply in writing to the complainant's allegations and the reply will be made known to the complainant before the case proceeds further;

- The Canadian Home Builders' Association will do its best to protect from unnecessary disclosure the details of the incident being investigated and the identity of the complaining party and that of the alleged respondent;
- During the investigation, the complainant and the respondent will be interviewed along with any possible witnesses. Statements from all parties involved will be taken and a decision will be made;
- If necessary, the Canadian Home Builders' Association may employ outside assistance or request the use of its legal counsel;
- Employees will not be demoted, dismissed, disciplined or denied a promotion, advancement or employment opportunities because they rejected sexual advances of another employee or because they lodged a harassment complaint when they honestly believed they were being harassed;
- Where it is determined that harassment has occurred, a written report of the remedial action will be given to the employee concerned.

If the complainant decides not to lay a formal complaint, Senior Management may decide that a formal complaint is required (based on the investigation of the incident) and will file such document(s) with the person(s) against whom the complaint is laid (the respondent(s) and the Canadian Home Builders' Association).

If it is determined that personal harassment has occurred, appropriate disciplinary measures will be taken as soon as possible.

Disciplinary Measures

- If it is determined by the Canadian Home Builders' Association that any employee has been involved in personal harassing of another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counselling, a formal warning and could result in immediate dismissal without further notice.
- This Anti-Harassment and Violence Policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded/frivolous allegations of personal harassment may cause both the accused person and the Canadian Home Builders' Association significant damage. If it is determined by the Canadian Home Builders' Association that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

Special Circumstances

Should an employee have a legal court order (e.g. restraining order, or "no-contact" order) against another individual, the employee is encouraged to notify his or her supervisor, and to supply a copy of that order to the Senior Management. This will likely be required in instances where the employee strongly feels that the aggressor may

attempt to contact that employee at the Canadian Home Builders' Association, in direct violation of the court order. Such information shall be kept confidential.

If any visitor to the Canadian Home Builders' Association workplace is seen with a weapon (or is known to possess one), makes a verbal threat or assault against an employee or another individual, employee witnesses are required immediately to contact the police, emergency response services, their immediate supervisor, and the Senior Management.

All records of harassment and violence reports, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, the Canadian Home Builders' Association will assist police agencies, attorneys, insurance companies, and courts to the fullest extent.

Confidentiality

The Canadian Home Builders' Association will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. The Canadian Home Builders' Association will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by the Canadian Home Builders' Association and will be proportional to the seriousness of the behaviour concerned. The Canadian Home Builders' Association will also provide appropriate assistance to any employee who is victim of discrimination or harassment.

Employee/Supervisory Roles in Maintaining a Positive Work Environment

As an employee of the Canadian Home Builders' Association, you have the following responsibilities to our workplace. We trust that all of our employees will help us eliminate harassment from our workplace.

Co-worker's Role

If you are a co-worker who has witnessed harassment in the workplace:

- Inform the harassed person that you have witnessed what you believe to be harassment and that you find it unacceptable. Support is often welcome. If that person does not feel that they have been harassed, then normally the incident should be considered closed;
- Inform the harasser(s) that you have witnessed the act(s) and find it unacceptable; (See Frequently Asked Questions below)

- Encourage the harassed person to report the incident to their Manager.

Senior Managements and Management's Role

- Legally, Senior Management is responsible for creating and maintaining a harassment-free workplace;
- Senior Management must be sensitive to the climate in the workplace and address potential problems before those problems become serious;
- If Senior Management becomes aware of harassment in the workplace and chooses to ignore it, the members of Senior Management and the Canadian Home Builders' Association risk being named co-respondent in a complaint and may be fined under the Occupational Health and Safety Act.

When an employee has asked their immediate supervisor to deal with a harassment incident, the manager should:

- Support the employee without prejudging the situation;
- Work with the employee and document the offensive action(s) and have the employee sign a complaint;
- Contact Senior Management and provide details of the incident on behalf of the employee.

Frequently Asked Questions

- **What happens to the people who complain of harassment in the workplace just to retaliate against someone they don't like or get along with?**
This is a very unusual situation and more likely to occur when employees are not informed about the definition(s) of workplace harassment. An explanation of the complaint procedure would discourage this type of complaint. Frivolous complaints could result in disciplinary procedures.
- **What protection is there for me if I am falsely accused of sexual harassment? My career and reputation could be ruined.**
The procedure for investigation is clearly laid out and investigations are to be done confidentially and impartially. If there is no merit to a complaint, this will be documented by report. It is important to understand the philosophy of the sexual harassment policy. The Canadian Home Builders' Association is required under the Occupational Health and Safety Act to keep the work environment free of sexual harassment. All reasonable complaints must be investigated. Retaliation against any employee as a result of a complaint will not be tolerated. If you feel you are being treated unfairly after the initial complaint, you may complain of retaliation through the same procedure. Confidentiality is emphasized in every case to ensure protection of your reputation.
- **How can the investigation be kept confidential if everyone knows what is going on?**

Confidentiality is identified as a major concern in all interviews carried out as part of an investigation of any harassment complaint. Any breach of confidentiality by any participant may result in disciplinary action. The employee grapevine is a part of every organization and certainly beyond our ability to control. It is the responsibility of the investigator to discuss the complaint only with those who might have knowledge of the situation. Please recognize if a complaint has no merit, there can be damage done to an individual who has been accused. We require those with information to support the complaint process and then to leave the conclusions to the investigators.

- **If someone tells a dirty or ethnic joke, is that harassment?**

Yes, inappropriate humor is a form of unacceptable behaviour that would be considered harassment. Humour is cherished in our society and no one likes to be accused of not having a sense of humour. If someone objects about the sexual nature of jokes, they have a right to complain. They should use discretion and keep humour appropriate to a work environment. A person has to be offended for a joke to be harassment. Use common sense.

- **Is a picture of a nude woman/man in my locker or desk considered sexual harassment?**

Yes, such pictures have no place in a work situation. Employees, clients or visitors may see it and be offended or humiliated by it, as they not only may be offensive but also reflect poorly on the organization's image.

- **How serious is sexual harassment in our Organization? Why is this kind of emphasis being put on the subject?**

Harassment, of any kind, may occur in any organization and we will not tolerate this behaviour. This comprehensive policy is meant to ensure that every employee knows what to do if incidents occur. We believe the problem is best dealt with by education for both management and employees.

- **If I'm accused of sexual harassment, may I hire a lawyer?**

You may wish to consult with a lawyer. If you cooperate during the investigation, you should be able to expect fair treatment by the Canadian Home Builders' Association. Employees who ignore or abuse the investigative process will be subject to disciplinary action.

- **Could I be sexually harassed by someone of the same sex?**

Yes. Sexual harassment is not gender specific.

- **What about an employee who wears revealing or provocative clothing? Aren't they asking for it?**

This concern is misplaced. No employee should be subjected to harassment under any circumstances.

- **So far my supervisor has only harassed me once. I told him/her to stop and he/she hasn't done it again yet. Is this harassment?**

If the supervisor has stopped the practice you are objecting to, you should consider the incident over. If it starts in the future, you may wish to pursue a complaint.

- **If someone else is being harassed, do I have to get involved as a witness? It's their problem, not mine.**

You cannot be compelled to become involved. However, we trust all employees will help us eliminate harassment of any kind from our workplace. A positive respectful workplace benefits everyone and we must all be proactive.

- **How do you decide if it's sexual harassment if there were no witnesses and it's just one person's word against another?**

Many sexual harassers repeat their actions with other employees. Investigations can include former employees who have experienced this behaviour. Witnesses are not always required to establish what has occurred.