

Policy Title: Workplace Harassment Prevention and Resolution	Policy Owner: Human Resources	
	Approval by: CEO	
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POLICY

St. Thomas Elgin General Hospital (STEGH) is committed to maintaining a workplace where all workers and volunteers are treated with dignity and respect.

STEGH will adhere to the all applicable legislation governing workplace harassment including, but not limited to, the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*.

Disrespectful behaviour, discrimination, sexual harassment and harassment in connection with the workplace are unacceptable and will not be tolerated. To foster prevention, STEGH will promote the benefits of a workplace that is free from harassment, discrimination and systemic discrimination.

Where conflict occurs, STEGH will encourage a problem-solving approach through informal means and, where needed, will undertake a fair and timely formal process. Disrespectful behaviour, discrimination and harassment by workers is subject to discipline up to and including termination of employment.

Workplace harassment is defined as engaging in a course of vexatious comment or conduct against a worker, in a workplace – behaviour that is known or ought reasonably to be known to be unwelcome.

Examples of workplace harassment includes, but is not limited to:

- offensive or intimidating comments or jokes;
- displaying or circulating offensive pictures or materials;
- communication that is demeaning, insulting, embarrassing, humiliating or bullying;
- excluding or shunning;
- spreading malicious gossip, including negative blogging/posts or cyberbullying
- impeding work performance or sabotaging;
- inappropriate staring;
- workplace sexual harassment including unwelcome advances from a manager or supervisor
- isolating or making fun of a worker because of gender identity.

Workplace harassment is not meant to prevent employers from disciplining or managing employees.

Workplace harassment does not include:

- Performance management;
- Exercise and delegation of management authority;
- Operational requirements or directives;
- A disagreement or misunderstanding;
- Work related change e.g. change of location, co-workers, job assignment;
- Discipline;
- Less than optimal management;

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- A single comment or action, unless it has serious, harmful and lasting effects;
- Rudeness, unless it is extreme and repetitive.

Harassment also includes the meaning under the Canadian Human Rights Act based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction.

Harassment is normally a series of incidents but can be one severe incident which has a lasting impact on the individual.

PROCEDURE

1.0 Roles and Responsibilities

1.1 ***All Workers are responsible and will be held accountable for:***

- 1.1.1 Contributing to a workplace that is free from harassment by treating colleagues with dignity and respect;
- 1.1.2 Participating in training initiatives concerning this policy;
- 1.1.3 Taking action if they believe they are experiencing harassment;
- 1.1.4 Completing the harassment complaint form and submitting it to Human Resources for circumstances where confronting the individual is not effective or not appropriate;
- 1.1.5 Promptly reporting incidents of harassment of which they are aware to their supervisor or manager;
- 1.1.6 Acting in a manner that reduces and does not exacerbate existing conflict or disputes when these occur in the workplace;
- 1.1.7 Participating fully in any investigation related to harassment; and
- 1.1.8 Strictly maintaining the confidentiality and privacy rights of individuals involved in harassment complaints to the fullest extent possible in the circumstances

1.2 In addition to the responsibilities outlines in section 1.1 of this policy for all workers, ***Union Representatives are responsible and accountable for:***

- 1.2.1 Dealing with allegations of harassment in a timely and confidential manner;
- 1.2.2 Ensure timely availability for meetings and hearings; and
- 1.2.3 Notifying Human Resources of any complaints of harassment or discrimination and details of such complaint in a timely manner.

1.3 In addition to the responsibilities described in section 1.1 of this policy for all workers, ***Managers are responsible and accountable for:***

- 1.3.1 Promoting the early resolution of conflicts and seeking advice from Human Resources;
- 1.3.2 Dealing immediately and appropriately with any situation of conflict, harassment or discrimination that they are aware of, whether or not a complaint has been made;
- 1.3.3 Assisting with an investigation and any action required to resolve a complaint, as may be required;
- 1.3.4 Ensuring that there is no reprisal for invoking this policy in good faith

1.4 In addition to the responsibilities described in section 1.1 of this policy, ***Human Resources is responsible and accountable for:***

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- 1.4.1 Providing advice and support, through the manager on appropriate informal conflict resolution measures;
 - 1.4.2 Referring conflicts back to the manager for resolution, when appropriate;
 - 1.4.3 Receiving formal written complaints via the harassment complaint form and determine the appropriate course of action under this policy;
 - 1.4.4 Advising parties of an investigation, and that they may be accompanied by a Union representative during the investigation;
 - 1.4.5 Ensuring information obtained about the incident or individuals involved will not be disclosed unless the disclosure is necessary for investigating, taking corrective action, or by law;
 - 1.4.6 Overseeing internal investigations under this policy and/or recommending the use of a third party investigator;
 - 1.4.7 Recommending to the Executive Leader remedial or disciplinary actions following the investigation;
 - 1.4.8 Communicating with the parties involved information about the investigation findings and outcomes including any remedial or disciplinary action taken;
 - 1.4.9 Providing training to workers, supervisors and new employees on this policy.
- 1.5 In addition to the responsibilities described in section 1.1 of this policy, ***The Executive Team is responsible and accountable for:***
- 1.5.1 Ensuring policies, procedures and programs are developed and implemented to prevent and address harassment and discrimination in the workplace;
 - 1.5.2 Ensuring that all workers and supervisors receive training and information about this policy;
 - 1.5.3 Approving any remedial or disciplinary actions as recommended following the investigation; and
 - 1.5.4 Approving the need for a third party investigation.
- 1.6 In addition to the responsibilities described in section 1.1 of this policy, ***Occupational Health, Safety & Wellness is responsible and accountable for:***
- 1.6.1 Posting this policy in the workplace, both electronically and on the JHSC board;
 - 1.6.2 Providing training to workers, supervisors and new employees on this policy;
 - 1.6.3 Ensuring this policy is reviewed by the JHSC at least annually; and
 - 1.6.4 Ensuring this policy continues to meet legislation as prescribed under the Occupational Health and Safety Act.
- 2.0 **No Reprisal**
- 2.1 This policy prohibits reprisal against individuals, acting in good faith, who report incidents of harassment or discrimination under this policy or who participate in the investigation process.
 - 2.2 Reprisal is defined as any act of retaliation either direct or indirect.
- 3.0 **Anonymous Complaints**
- Anonymous complaints will be reviewed by Human Resources; however, no action or investigation will result from such complaint.
- 4.0 **Informal Complaint Process**
- 4.1 Any worker who believes they are being subject to harassment should make their disapproval clearly known to the alleged offender if they can, in an attempt to

resolve the situation informally. The complainant should make notes in case the matter is not resolved satisfactorily.

- 4.2** If the perceived harassment persists, the complainant should seek immediate assistance from their Manager, unless the Manager is the alleged offender then they should seek assistance from the next higher level of management.

5.0 Informal Conflict Resolution

- 5.1** Conflict resolution means a confidential process, entered into voluntarily by both parties to help resolve the conflict and find a mutually acceptable solution.
- 5.2** A written complaint is not necessary to initiate conflict resolution. However, where conflict resolution is desired by both parties, it will be considered feasible when both parties agree in writing that they:
- 5.2.1** Consent to entering into a facilitated mediation process; and
 - 5.2.2** Agree with the mandate given to the facilitator.
- 5.3** Human Resources will formulate the mandate in consultation with the parties. Use of an external facilitator will be initiated with the recommendation of Human Resources and approval by the Chief People Officer.
- 5.4** At the conclusion of the conflict resolution process, the facilitator will prepare an agreement to be signed by both parties.
- 5.5** If conflict resolution fails to resolve the conflict, or is not otherwise feasible, the complainant may initiate the formal complaint process.

6.0 Formal Complaint Process:

- 6.1** If a worker feels that they are being or have been subject to harassment and they are not comfortable bringing the matter forward under the informal process or conflict resolution, the complainant may make a formal complaint in writing under this policy.
- 6.2** A formal complaint must:
- 6.2.1** Be filed using the [harassment complaint form](#); and
 - 6.2.2** Contain the name of the respondent, the date(s), time(s), location(s) and details of the offending conduct.
- 6.3** The formal complaint must be submitted to Human Resources either directly or through the complainant's Manager or Supervisor.
- 6.4** Human Resources will confirm receipt of the harassment complaint form to the complainant within two business days.
- 6.5** Human Resources will assess the formal complaint and an investigation will be initiated unless:
- 6.5.1** It is determined that an informal process or conflict resolution would be more appropriate;
 - 6.5.2** It is apparent that the complaint does not relate to harassment as defined by this policy;
 - 6.5.3** There is clear evidence that the complaint is frivolous, vexatious or made in bad faith.
- 6.6** If an investigation is to proceed, Human Resources will:
- 6.6.1** In conjunction with the Chief People Officer, determine if an external investigator is necessary;
 - 6.6.2** Notify the parties in writing, without delay, of the decision to investigate internally or externally; and
 - 6.6.3** Notify the respondent of the nature and details of the allegations of the complaint.

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- 6.7** All persons associated with the complaint must recognize the serious nature of such cases and respect the sensitivity and confidentiality required by refraining from discussing the complaint with fellow employees or individuals.
- 6.8** All staff have a duty to cooperate when asked to give evidence as witnesses.
- 6.9** The specific investigation protocol will depend on the circumstances of the particular matter being investigated. However, the following steps are common to most investigations and are expected to be applied unless the circumstances dictate otherwise:
 - 6.9.1** Both parties will be interviewed and the respondent will have an opportunity to respond in writing;
 - 6.9.2** The investigator will determine which information and witnesses are directly involved;
 - 6.9.3** The investigator will advise the investigation coordinator if any party fails to cooperate fully in the investigation; and
 - 6.9.4** Complete the investigation as quickly as is reasonable under the circumstances considering the complexity of the complaint. In any event, the investigator will endeavour to complete the investigation within 90 days unless there are extenuating circumstances.
- 6.10** At any time during the investigation, a mediated resolution may be attempted. If successful, the investigation will cease and a description of the resolution documented.
- 6.11** When the investigation is completed, a final report will be prepared including, but not limited to background information, allegations and supporting evidence, responses, reference to any relevant documents, and evidence provided by witnesses.
- 6.12** The final investigation report will be provided to Human Resources and the Chief People Officer if completed by a third party.
- 6.13** Based on the findings of the investigation, Human Resources may recommend appropriate remedial or disciplinary action to be reviewed by the Executive leader. The Executive leader may:
 - 6.13.1** Decline to take any further action;
 - 6.13.2** Impose a measure including, but not limited to, monitoring, training, mediation, discipline, suspension from the workplace, withdrawal of privileges or termination of employment; and
 - 6.13.3** Delegate decision-making authority to the Manager and Human Resources.
- 6.14** Human Resources will:
 - 6.14.1** Communicate to the employees, in writing, within 10 days of the conclusion of the investigation, the results of the investigation and any corrective action;
 - 6.14.2** Inform the respondent in writing if a form of remedial or disciplinary action will be taken;
 - 6.14.3** Inform the complainant of the results and of any corrective action that has been, or will be, taken; and
 - 6.14.4** Remind the parties that the results of the investigation must be maintained in strict confidence.
 - 6.14.5** Provide a workplace restoration meeting between the parties to ensure that harmonious working relationships have been established or re-established and to prevent similar situations from occurring again in the future.

- 7.0** The complainant or respondent may submit a written appeal of the decision to the Chief People Officer or the CEO within 14 calendar days of the issuing of the results. The appeal must include grounds for appeal and the remedy sought. A decision on the appeal will be determined within 30 calendar days of the receipt of the written appeal.
- 8.0** Record Keeping
- 8.1** The final investigation report and associated documentation will be maintained by Human Resources in a segregated file.
- 8.2** Information and records pertaining to the investigations, and any associated documents and report will not be disclosed to any external third parties, except as required by law or in accordance with requirements under Professional Standards.
- 9.0** Bad Faith Complaints:
- 9.1** Where a complaint is found to be vexatious or made in bad faith, disciplinary action will be taken, up to and including termination of employment. Instances of vexatious or bad faith complaints will be subject to the investigation procedures outlined in this policy.

DEFINITIONS

Complainant: The worker who brings forward a complaint or report of harassment.

Executive Team: Management group at St. Thomas Elgin General Hospital consisting of Vice Presidents, Chief Financial Officer, Chief People Officer, Chief of Staff and the President/Chief Executive Officer (CEO).

Respondent: The individual against whom a complaint/report is made.

Worker: Any person who performs work or supplies services for monetary compensation, and any student who performs work for no monetary compensation as part of an authorized placement. For the purposes of this policy, staff, physicians, residents, students, volunteers and contracted staff are considered “workers”.

Workplace Harassment: Engaging in a course of vexatious comment or conduct against a worker, in a workplace – behaviour that is known or ought reasonably to be known to be unwelcome.

A reasonable action taken by an employer or supervisor relating to the management and direction of its workplace is not workplace harassment.

Workplace Sexual Harassment: Engaging in a course of vexatious comment or conduct against a worker 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; or

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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

REFERENCES

- [Employee & Family Assistance Program \(EFAP\)](#) 1-800-265-8310
- [Violence Against Women Services Elgin County](#) (519)-633-0155 or (800)-265-4305
- [Victims of Violence](#) 1-888-606-0000
- [Victim Services Elgin](#) (519) 631-3182 email: info@victimserviceselgin.com
- [Ontario Occupational Health and Safety Act PART III.0.1 \(Violence and Harassment\)](#)
- [Bill 132 - An act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters](#)
- [Code of Conduct Policy](#)
- [Domestic Violence Policy](#)
- [Collective Agreements](#)
- [Confidentiality Agreement](#)
- [Employee Corrective Action Policy](#)
- [Ontario Human Rights Commission](#)

APPENDIX

[Workplace Harassment / Discrimination / Code of Conduct Complaint Form](#)

Workplace Harassment / Discrimination / Code of Conduct Complaint Form

Complainant Information

Name:	Phone Number:
Position:	Supervisor:

Refer to the ***Workplace Harassment Prevention and Resolution Policy*** and the ***Code of Conduct Policy***, and indicate the type of complaint:

☐ **Harassment**

 ☐ **Discrimination**

 ☐ **Code of Conduct**

In order to facilitate a timely review and treatment of your complaint, it is important to provide detailed information.

Person or person(s) you believed have harassed you or violated the Code of Conduct (respondent information):
Please explain in detail the behaviours or the conduct that led to this complaint:
List the date(s), time(s), and place(s) where the incident(s) took place:
Did anyone witness the incident? <input type="checkbox"/> Yes <input type="checkbox"/> No
Please list any witnesses and their respective role in the incident:
Did you relay your unease to the person(s) offending you? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, how and when was it done? What was the result? If no, please explain your reasons.

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<p>Do you know of any documents that may be relevant to this matter?</p> <p>Yes (please attach) No</p>	
<p>Have you discussed this complaint with anyone else?</p> <p>Yes (list name and contact information below) No</p>	
<p>Please describe your desired outcome.</p>	
<p>I hereby certify that to the best of my knowledge, the above-mentioned information is true, accurate and complete. Making accusations that are in bad faith are false or frivolous may result in disciplinary actions as per this policy.</p> <p>Furthermore, I realize that by filing this complaint, an inquiry will be initiated, the respondent notified, and details of the allegation will be provided.</p>	
<p>_____ Signature of the Complainant</p>	<p>_____ Date</p>
<p>Received By:</p>	<p>Date:</p>
<p>Human Resources:</p>	<p>Date:</p>

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