

HARASSMENT IN THE WORKPLACE POLICY

1.0 Policy Statement:

1.1 The objective of this policy is to prevent harassment and to provide procedures for the making and resolving of complaints.

1.2 The Guild will not tolerate harassment of any kind and will respond expeditiously as harassment violates the fundamental rights, dignity, integrity of the individual, and is illegal under the *Occupational Health and Safety Act of Prince Edward Island*. All employees and representatives of The Guild must take appropriate action to protect against harassment in the workplace.

1.3 Employees of the Guild have the right to make complaints under this policy and have their case investigated in a sensitive manner. The Employee also has the right to consult and/or file a complaint with the Prince Edward Island Human Rights Commission. Incidents that are of a criminal nature will be referred to Charlottetown Police Services for investigation purposes.

1.4 Confidentiality is essential at all levels of the process, including the investigative and resolution stages. In the interests of both the complainant and the respondent, information will only be shared with parties involved on a strictly confidential and “need to know” basis. If a complainant decides to proceed with a complaint, the respondent will be informed.

1.5 Retaliation of any sort against an Employee who makes a complaint, or against a person who investigates a complaint, is prohibited and will be subject to disciplinary action.

2.0 Scope

2.1 This policy is applicable to all the Employees, Board, Volunteers, and any other person representing The Guild.

3.0 Definitions:

3.1 Harassment

Harassment includes any objectionable conduct, comment or display made that would be considered to violate the fundamental rights, dignity, and integrity of an individual. It encompasses but is not limited to harassment on the bases of race, nationality, ethnicity, religion, age, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, and conviction for an offense for which a pardon has been granted or in respect of which a record suspension has been ordered.

Harassment also includes the abuse of authority where an individual improperly uses the power and authority inherent in a position to intimidate, threaten a person's economic livelihood, undermine the performance of the person's job, or in any way interfere with a person's career. Harassment is the exercise of this authority in a manner that ought to be known as inappropriate.

3.1.1 Examples of harassment include but are not limited to:

- a) such acts that intimidate, threaten, coerce or belittle an individual including "bullying".
- b) any discrimination or jokes about an individual's race, ethnic origin, physical characteristics, sexual orientation, or disability which can damage a person's self-esteem.
- c) acts that exclude or marginalize an individual from workplace activities.
- d) verbal attacks, including swearing, which are threatening to the individual.

3.2 Sexual Harassment

3.2.1 Sexual harassment includes but is not limited to:

- a) any conduct, comment, gesture, or contact of a sexual nature that on reasonable grounds might be considered to cause humiliation to any person.
- b) any action imposing a condition of a sexual nature on employment, training or promotion, or participation in any Guild activity.

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3.2.2 Examples of behavior that can be considered sexual harassment include but are not limited to:

- Verbal abuse, intimidation, or threat of a sexual nature
- Leering, staring, or making sexual gestures
- Display of pornography or other sexual materials
- Offensive pictures, graffiti, cartoons, or sayings
- Gender-based jokes that cause embarrassment
- Inquiries or comments regarding a person's sex life
- Physical touching of a sexual nature

3.3 The Complainant

The complainant is the Employee or any other person representing The Guild who has been harassed by the respondent.

3.4 The Respondent

The respondent is the person or any other person representing The Guild who is alleged to have been harassed by the complainant.

4.0 Responsibility and Accountability:

4.1 The CEO is responsible for the operation of the policy and procedure.

4.2 CEO, Managers, and Supervisors are responsible for fostering a work environment that is free of harassment, responding immediately, ensuring the investigation is carried out promptly, and disciplining those found to be engaged in harassment.

4.3 CEO is responsible for arranging the investigation of complaints, participating in the decision on a formal complaint, and advising Managers on the action to be taken.

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4.4 CEO, Board Chair, or External Human Resources will normally render the decision on a complaint. If the CEO acting on behalf of The Guild is involved in the complaint, an appropriate third party will be appointed to make a decision on the complaint.

4.5 Human Resources and consultants may be assigned to assist with formal and informal complaints.

4.6 Employees or any other person representing The Guild are responsible for reporting any incidents of harassment.

5.0 Complaints Made in Bad Faith:

5.1 To falsely accuse someone of harassment is a serious offense. When the allegation is determined to be malicious, disciplinary action deemed appropriate will be taken against the individual making the malicious allegations.

6.0 Complaints Made in Good Faith:

6.1 No disciplinary action will be taken against the employee for making a complaint of harassment in good faith, whether or not the claim is substantiated.

7.0 Resolution of Complaints:

7.1 Complaints may be reported and resolved on an Informal or Formal basis.

Informal Basis- The complaint should be written and may be resolved through mediation or a facilitated conversation between parties.

Formal Complaints- The Written complaint is resolved following investigation, referral to the appropriate decision-maker, and the corrective action and/or discipline to remedy the situation.