





SUN COUNTRY HEALTH REGION & AFFILIATES

Section: HR: Human Resources		Policy & Procedure # HR-25-10
Sub-section: HR-25: Workplace Management		Page: 1 of:6
Subject: Workplace Harassment Policy		
Issued:	August 2015	
Evaluated/Revised:		
Initiated By:	 Regional Director, Employee Health and Support Services	
Authorized By:	 John Knoch Interim Vice President, Human Resources	

1.0 Policy

The Sun Country Health Region is committed to a Workplace that is free of harassment. Every person is entitled to a Workplace free of harassment. All Workers are expected to foster and maintain respectful relationships by ensuring their conduct toward others is in keeping with SCHR code of conduct. The Sun Country Health Region will not tolerate harassment in the Workplace. Complaints of harassment will be dealt with seriously, promptly, objectively and in compliance with SCHR policy; *The Saskatchewan Human Rights Code*; *The Saskatchewan Employment Act*; and where applicable, the Practitioner Staff Bylaws and collective bargaining agreement(s). Where harassment is found to have occurred, corrective action will be taken.

2.0 Purpose

The purpose of this policy is to:

- 2.1 Provide a safe work environment,
- 2.2 Communicate the expected standard of conduct as it relates to Workplace interactions and relationships,
- 2.3 Encourage prevention of harassment and early resolution of harassment incidents,
- 2.4 Provide an effective system of reporting, investigating and resolving incidents of Harassment, and
- 2.5 Comply with provincial legislation.

3.0 Application

For the purpose of this policy and its accompanying procedure, the following terms are defined:

- 3.1 **Complainant** – is any Worker (as defined in this policy) who makes a Complaint of Harassment under this policy.

3.2 Complaint of Harassment or Complaint– is a complaint alleging harassment in the Workplace made by a Complainant against a Respondent in accordance with this policy and procedure.

3.3 Leader – is an OOS Leader or a Medical Leader, as appropriate.

3.4 Medical Leader – includes a section head, department head, physician medical director, senior medical officer, vice president in charge of physician services and associate dean, College of Medicine, University of Saskatchewan.

3.5 OOS Leader – includes manager, director, executive director, vice president and chief executive officer.

3.6 Respondent – is any Worker (as defined in this policy), recipient of a health care service, visitor to a SCHR facility or other person under the direction of the SCHR against whom a Complaint of Harassment is made under this policy.

3.7 Worker – is any employee, student, volunteer, board member, contract worker or privileged practitioner staff (including contract or fee-for service physicians) who provides a service for the SCHR.

3.8 Workplace – any work-related setting including but not limited to, the physical worksite, washrooms, cafeterias, training sessions, business travel, field locations, conferences, events offered by the SCHR as an employer, work-related social gatherings or any other place where a Worker is required to be in service to the SCHR.

4.0 Key Principles

4.1 All OOS Leaders/Medical Leaders/In-scope Supervisors are responsible for fostering a work environment free of harassment.

4.2 All Workers are responsible for creating and maintaining a respectful Workplace and being aware of the process for addressing concerns regarding harassment.

4.3 Harassment can exist even where there is no intention to harass or offend another.

4.4 Early problem-solving mechanisms, such as mediation, are preferred approaches to resolve problems at the outset where appropriate. These restorative approaches focus on conflict resolution rather than on blame or punishment.

4.5 The best resolutions are those developed with the direct participation of those concerned.

4.6 Complaints of Harassment shall be dealt with in a timely manner.

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4.7 Interference with the resolution of a Complaint by threats, intimidation or retaliation; breaches of confidentiality; or complaints filed in bad faith will not be tolerated.

4.8 Corrective action must be appropriate and timely.

5.0 Definition of Harassment

5.1 **Harassment is defined in this policy** as it is defined in Occupational Health and Safety, Part III, *The Saskatchewan Employment Act*.

The following is the definition of “harassment” in the Act:

“3-1(1) (l) “harassment” means any inappropriate conduct, comment, display, action or gesture by a person:

(i) That either:

(A) Is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or

(B) Subject to subsections (4) and (5), adversely affects the worker’s psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and

(ii) That constitutes a threat to the health or safety of the worker.

(4) To constitute harassment for the purposes of paragraph (1) (l) (i) (B), either of the following must be established:

(a) Repeated conduct, comments, displays, actions or gestures;

(b) A single, serious occurrence of conduct, or a single, serious comment, display, action or gesture that has a lasting, harmful effect on the worker.

(5) For the purposes of paragraph (1) (l) (i) (B), harassment does not include any reasonable action that is taken by an employer, or a manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer’s workers or the place of employment. It is recognized that managerial actions must be carried out in a manner that is reasonable and not abusive.

5.2 **Specific categories of Harassment** included within the Act definition are harassment based on prohibited grounds, sexual harassment and personal harassment:

(a) Harassment based on Prohibited Grounds – is inappropriate conduct, comment, display, action or gesture by a Respondent directed at a Complainant in a Workplace that:

(1) Is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; and

(2) Constitutes a threat to the health or safety of the Complainant.

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It includes objectionable acts, comments or displays that demean, belittle, or cause personal humiliation or embarrassment, and acts of intimidation or threat made on the basis of prohibited grounds. Harassment can be a form of discrimination.

(b) Sexual Harassment - is unsolicited, unwelcome conduct, comment, display, action, gesture or physical contact of a sexual nature by a Respondent directed at a Complainant in a Workplace that is offensive, unsolicited or unwelcome to the Complainant. It may include, but is not limited to:

- any implied or expressed threat of reprisal for refusal to comply with a sexually oriented request,
- unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person’s body, attire, sex or sexual orientation,
- displaying pornographic or sexually explicit pictures or materials,
- unwelcome physical contact such as touching, patting or pinching, cornering and close body contact, with an underlying sexual connotation,
- unwelcome invitations or requests, direct or indirect to engage in behavior of a sexual nature, and
- refusing to work with or have contact with a Worker on-the-job because of his or her sex, gender or sexual orientation.

(c) Personal Harassment – is inappropriate conduct, comment, display, action or gesture by a Respondent directed at a Complainant in a Workplace that:

- (1) Adversely affects the Complainant’s psychological or physical well- being, and
- (2) Which is known or ought reasonably to be known to cause the Complainant to be humiliated or intimidated.

Personal harassment may involve repeated conduct. It may also involve a single, serious incident that causes a harmful effect on the Complainant. Examples of personal harassment include:

- verbal or written abuse or threats,
- insulting, derogatory or degrading comments, jokes, or gestures,
- bullying,
- personal ridicule or malicious gossip,
- refusing to work or co-operate with others, and
- interference with or vandalism of personal property.

5.3 The definition of “harassment” in an applicable collective bargaining agreement continues to apply to the extent that it is broader than the definition of harassment in this policy.

Harassment on the basis of union membership and/or activity is prohibited.

5.4 Harassment is not:

- normal social contact and friendly relations between Workers and/or others that are part of the work environment, based on an objective view of mutual consent,

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- day to day managerial/supervisory functions, decisions and activities involving work assignment, performance management and instruction, workplace inspections,
- implementation of appropriate dress codes or disciplinary action, unless these functions are performed in a manner which constitutes harassment as defined in this policy,
- normal physical contact necessary for performance of the work using acceptable industry standards,
- conduct that all parties agree is welcome and not offensive, unless it is within the context of prohibited grounds, or
- conflict, rudeness or disagreement in the Workplace, where it does not meet the definition of harassment in this policy.

5.5 Nothing in this policy precludes a Worker from accessing his or her rights pursuant to:

- a collective bargaining agreement,
- *The Saskatchewan Human Rights Code*,
- *The Saskatchewan Employment Act* which includes requesting the assistance of an occupational health officer,
- *The Workers' Compensation Act, 1979*, or any other legal avenue available.

6.0 Responsibilities

6.1 Each **Worker** is responsible to:

- Refrain from causing or participating in the harassment of another person,
- Cooperate in identifying, reporting, and investigating harassment in the Workplace,
- Take personal responsibility for his or her own actions,
- Whenever possible, speak up if he or she is subject to harassment by directly telling the offending person to stop or by reporting the incident in accordance with this policy and procedure, and
- Maintain confidentiality in accordance with this policy when involved in any aspect of a harassment allegation.

6.2 In addition to their responsibilities as Workers, each **OOS Leader/Medical Leader** is responsible to:

- Ensure Workers under his or her direction are aware of this policy and the process to report a Complaint of Harassment,
- Ensure workplace conduct of those under his or her direction is appropriate and compliant with this policy,
- Foster a work environment consistent with the values of the organization where harassing behavior is not tolerated,
- Set a good example by being a positive role model,
- Respond at the first indication of a harassment incident by following this policy and procedure,
- Treat all allegations of harassment seriously,
- Maintain confidentiality in accordance with this policy when handling a Harassment Complaint, and

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- Take corrective action where harassment has occurred in the Workplace.

6.3 The Employer is legally responsible to:

- The Act indicates that every employer has a general legal obligation to ensure, as much as reasonably practicable, that workers are not exposed to harassment with respect to any matter or circumstance arising out of employment. This duty extends to:
 - Incidents that occur at the workplace or during work hours
 - Conduct perpetrated by another employee (i.e. co-worker or supervisor) or the employer
 - Incidents that occur outside of the usual workplace or after work hours that arise out of or are connected to a worker’s employment, such as a work-sponsored social event or conference
 - Conduct perpetrated by someone other than an employee, but with whom the worker is required to be in contact with, including clients, the public or people from contracting businesses

7.0 Confidentiality

Complaints of Harassment will be handled in a confidential manner in accordance with the requirements of Occupational Health and Safety, Part III, *The Saskatchewan Employment Act*, applicable privacy legislation and the SCHR’s policies.

The SCHR will not disclose the name of a Complainant or Respondent or the circumstances related to the Complaint to any person except where disclosure is:

- (a) necessary for the purpose of investigating the Complaint or taking corrective action with respect to the Complaint; or
- (b) required by law or an applicable collective bargaining agreement.

No one involved will discuss or share the information outside the investigative, restorative or corrective process. Information is shared on a “need to know” basis and must not be shared further. Failure to maintain the confidentiality of information acquired during the process, except as noted, may result in disciplinary action up to and including dismissal.

8.0 Revision History

This policy supersedes and replaces:

SCHR and Affiliates Policy #HR-25-10 Harassment in the Workplace

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Sun Country Health Region

Workplace Harassment – Complaint Resolution Procedure

Effective June 1, 2015

If a Worker feels that he or she is being harassed based on the definition of harassment in the Workplace Harassment Policy, the following procedure will be used to resolve the issue:

Resolution Process:

1. Can the Complainant resolve the issue directly?

The Complainant is encouraged to approach the Respondent(s) to address the issue directly if comfortable in doing so.

The Complainant may make it known to the Respondent(s) that the behavior is objectionable and must stop. A person may not be aware that his or her behavior constitutes harassment. Often, simply informing a person that his or her behavior is offensive is enough to end it.

If the conflict can be resolved by those directly involved, it reduces the disruption in the Workplace and contributes to better relationships in the future.

2. Can someone else help the Complainant to resolve the issue?

If the Complainant is unable to approach the other person or the discussion does not improve the situation, the Complainant may seek assistance from a Leader or a union representative, where appropriate.

In consultation with Labour Relations, Practitioner Staff Affairs and/or a union representative, as appropriate, the Leader will assist in resolving the issue as appropriate in the circumstances. The use of coaching, performance management, critical conversations, mediation and/or facilitation can resolve the issue and prevent it from escalating. Any of these options may resolve the issue without the requirement of a formal complaint.

The Leader will keep documentation of the incident and actions taken.

3. Submitting a formal Complaint - Where the circumstances warrant it and cannot otherwise be resolved, the Complainant may complete a *Report of Harassment* form - Appendix A and submit it to a Leader or in confidence to the attention of Employee Health and Support Services (“EH&SS”) at Human Resource Services. Submission of the *Report of Harassment* commences a formal Complaint. EH & SS will be responsible for:

- a) Record a formal Complaint within 2 working days of receipt of the Complaint;
- b) The process management of a formal Complaint;
- c) Oversight of the mediation process, where used; and
- d) The conduct or oversight of external investigation of a formal Complaint.
- e) Consideration of interim measures: *Upon notice of Complaint*

The most directly responsible Leader(s) of the Complainant and of the Respondent (the “Responsible Leader(s)”) will consider whether any interim measures are necessary to ensure the

ongoing safety of the Complainant and Respondent. Consideration will include, but not be limited to:

- the nature of the alleged harassment;
- the prevailing circumstances in the Workplace; and
- the request and/or circumstances of the Complainant and the Respondent.

The Responsible Leader(s) will consult with Labour Relations, Practitioner Staff Affairs and/or the union(s) of the Complainant and Respondent. If separation is required, generally the Respondent will be separated from the Complainant. Separation may include shift rearrangement, reassignment of duties, transfer or access to leave provisions.

(c) **Withdrawal of the Complaint:**

The Complainant may withdraw the formal Complaint at any stage by forwarding a written request EH & SS. EH & SS will confirm the withdrawal with the Complainant and notify the Respondent and Responsible Leader(s).

Withdrawal of a Complaint does not prohibit the SCHR from investigating the incident further if it is determined to be necessary.

4. Consultation meeting with the Complainant

(a) EH & SS will acknowledge receipt of the Complaint and schedule a consultation meeting with the Complainant. *Within 5 working days of receipt of Complaint*

(b) When arranging a consultation meeting, EH & SS will advise an in-scope Complainant that he or she may be supported by a union representative or an out-of-scope Complainant that he or she may be supported by a labour relations representative or legal counsel at his or her own expense.

(c) The purpose of the consultation meeting with the Complainant is to:

- i) review the Complaint for completeness;
- ii) Provide information on the definition of harassment; the Workplace Harassment Policy and this Procedure;
- iii) Complete the *Complainant Consultation Checklist* at Appendix B; and
- iv) Discuss resolution options including mediation and investigation.

(d) At the conclusion of the consultation meeting, the Complainant will elect one of the following resolution processes: *Within 3 working days of consultation meeting*

(i) Take no further action: the Complainant may decide not to proceed with a Complaint under this policy.

(ii) Resolve through Informal Process – the Complainant may choose to proceed through a mediation process with the Respondent. If the Respondent agrees, EH & SS will coordinate the mediation. Whenever possible the parties are encouraged to attempt mediation prior to resorting to the formal investigation process.

(iii) Formal Investigation Process – the Complainant may decide to proceed through the formal investigation process.

Preliminary Screening of the Complaint: *Within 5 working days of receiving the Complaint for screening*

Where the Complainant elects to proceed with a formal investigation, EH & SS will provide the Complaint to the Vice President, Human Resources (VP-HR) or their designate. The VP-HR, will review the written Complaint to determine the following:

If the circumstances detailed in the Complaint are proven to be true, would the Complaint constitute harassment as defined in the Policy?

The VP-HR will provide a written conclusion to EH & SS in the *Preliminary Screening* form at Appendix C.

If the Complaint meets the criteria, will continue with a formal investigation of the Complaint. If the Complaint does not meet the criteria:

- will advise the Complainant of the outcome of the preliminary screening in writing;
- the Complaint is resolved; and
- Where appropriate, the issue raised will be addressed through other problem-solving mechanisms outside of the policy.

5. Notification of the Respondent

(a) If the Complainant elects to proceed with mediation, EH & SS will initiate a consultation meeting with Respondent prior to a preliminary screening of the Complaint.

(b) If the Complainant elects to proceed by formal investigation, EH & SS will initiate a consultation meeting with the Respondent once the Complaint passes a preliminary screening.

(c) When arranging a consultation meeting, EH & SS will advise an in-scope Respondent that he or she may be supported by a union representative or an out-of-scope Respondent that he or she may be supported by a labour relations representative or legal counsel at his or her own expense.

(d) The purpose of the consultation meeting with the Respondent is to:

- (i) Review and provide a copy of the Complaint;
- (ii) Provide information on the definition of harassment; the SCHR Workplace Harassment Policy and this Procedure;
- iii) Complete the *Respondent Consultation Checklist* at Appendix D; and
- iv) Where appropriate determine if the Respondent is willing to participate in a mediation process.

6. Resolution

(a) **Mediation:** *Within 10 working days of agreement*

Where the Complainant and Respondent agree to mediate, EH & SS will engage a mediator to guide the process.

Mediation may be undertaken at any stage of the Complaint resolution process. The objective is to resolve the Complaint as soon as possible in a fair and respectful manner without resort to the formal investigation process.

The mediation process does not involve an investigation, a report or an official decision on the merit of the Complaint. It provides a confidential, non-confrontational, facilitated opportunity for the Complainant and Respondent to openly communicate about the issue and focus on a mutually

acceptable resolution. If resolution is not possible, the Complaint may be withdrawn by the Complainant or forwarded to a formal investigation.

If resolution is achieved, no further action is required. EH & SS will advise the EH&S representative and the Responsible Leader(s) that the Complaint has been resolved through mediation.

(b) Investigation of the Complaint: *Within 3 working days of the preliminary screening*

(i) Assignment of the Investigation after preliminary screening:

(1) Internal investigation:

where no conflict of interest exists, EH & SS may assign the investigation to a qualified Human Resources staff member or a joint employer-union panel as provided in the applicable collective bargaining agreement.

the qualified Human Resources staff member or joint panel will investigate the Complaint.

upon completion, the report will be delivered to the EH&SS representative for distribution.

(2) External investigation

If an investigation is to be done by an external investigator, EH & SS will assign the Complaint to an external investigator.

(ii) Investigation process (whether done internally or externally):

(1) The investigation will:

give the Complainant an opportunity to explain the Complaint;

allow the investigator to interview others who have information directly relevant to the Complaint or the response; and

allow the Respondent an opportunity to respond to the allegations in the Complaint and those which may arise as part of the investigation.

(2) The Investigation report: *Within 14 working days of assignment of the Complaint*

At the conclusion of the investigation, the investigator's report shall include the following:

the Complaint;

the Respondent's response;

a list of witness interviewed;

a summary of relevant witness statements;

relevant documents;

factual findings of the investigation;

the investigator's conclusion respecting each allegation indicating whether the Complaint was founded, unfounded or made in bad faith.

(3) Distribution of the Investigation Report

The investigator will submit the investigation report to the EH&SS representative who will distribute the investigation report to:

the Complainant and union representative as applicable;

the Respondent and union representative as applicable;

- the Responsible Leader(s); and
- VP-HR.

In the event of multiple Complaints, only the details pertaining to an individual Complainant will be provided to that Complainant. In the event of multiple Respondents, only the details of the report pertaining to the individual Respondent will be provided to that Respondent.

(iii) Challenge for Thoroughness: *Within 5 working days of receiving the investigation report*

Either the Complainant or the Respondent may request a one - time review of the investigation for thoroughness. The challenge must be submitted in writing in *Challenge for Thoroughness* form at Appendix E to the VP-HR or designate and specify, in detail, what aspect of the report is considered inadequate or inaccurate and why. This review will consider only thoroughness of the information gathered through the investigation. It shall not otherwise be open to challenge the findings of fact or conclusions of the investigator.

If the VP-HR or designate determines it to be necessary, he or she may direct the investigator to provide a response to the challenge and/or to do anything he or she deems appropriate to ensure the report is thorough.

The outcome of the review and any amendment to the report that may result will be provided to the following in writing:

- the Complainant and union representative as applicable;
- the Respondent and union representative as applicable;
- the Responsible Leader(s); and
- EH&SS representative.

iv) Outcome

Upon receipt of the final investigation report, each Responsible Leader shall determine the appropriate course of action to be taken which may include:

- education including a review of the SCHR's Values;
- referral to the Employee and Family Assistance Program;
- conflict resolution or other mediation to assist in reconciliation of the Complainant and Respondent or others;
- performance expectations; and
- corrective discipline.

7. Confidentiality

The SCHR will not disclose the name of the Complainant or Respondent or the circumstances related to the Complaint to any person except where disclosure is necessary as part of the resolution process, including the outcome, or required by law or an applicable collective bargaining agreement.

No one involved in the circumstances of the Complaint or the resolution process will discuss or share the information outside of the process. Information is shared on a "need to know" basis and

must not be shared further except as required by law. Failure to preserve the confidentiality of information may result in disciplinary action, up to and including dismissal.

8. Record Retention:

Human Resource Services is responsible to retain all documents related to a Complaint for seven years following the conclusion of the Complaint.

No record of the Complaint will be kept on the personnel file of the Complainant or Respondent unless corrective discipline results.

Any corrective discipline records kept on personnel files are subject to the adverse report provisions in any applicable collective agreement.