



Policy Name  <b>WORKPLACE HARASSMENT, DISCRIMINATION AND VIOLENCE PREVENTION POLICY</b> <b>Combines TSA Policy 7907 and Agape policies 1009a, 1009b, 1050</b>		Policy Number: <b>1009</b>
		Effective Date: <b>September 1, 1996</b>
Approved By: Management Committee	Drafted by: Employee Relations	Date Revised: <b>October 24, 2018</b>
Classification: Human Resources		Page No: <b>Page 1 of 7</b>

## **POLICY INTENT**

Canadians have the right to be treated fairly in workplaces free from discrimination with laws and programs to protect this right. It is public policy in Canada to recognize the dignity and worth of every person and to provide for equal rights and opportunities free of discrimination.

In accordance with The Salvation Army (TSA) policy, Agapé Hospice “is committed to providing a work environment that is free from harassment, discrimination and violence where all workers are treated with dignity and respect.” All workers including officers, employees, volunteers, and other individuals affiliated with Agape Hospice are expected to uphold this policy by maintaining a respectful work environment where all staff work together to prevent harassment, discrimination, and violence. Acts of violence, harassment, abuse, bullying, or violence against or by any Agapé Hospice staff member will not be tolerated.

In accordance with applicable legislation and regulations, the Workplace Harassment, Discrimination and Violence Policy will be reviewed annually, revised appropriately and available to all staff members in the Lily Pad and on the health and safety bulletin boards in the Main Fax Room, Kitchen, and Basement. The following complaint forms will be placed with the policy to ensure that staff members have access to appropriate complaint tools when required: EMAC Complaint Form, Complaint Management Form, and the Respect in the Workplace – Formal Complaint Form.

In accordance with workplace rights set out by the Canadian Human Rights Act every staff member has a right to (*Government of Canada, 2018*):

1. Freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences for which a pardon has been granted and not revoked, marital status, family status or disability;
2. Freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee;
3. Claim and enforce his or her rights under this Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing.



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## **SCOPE**

This Policy applies to all individuals working for Agapé Hospice, including full time, part time, and casual employees, temporary employees, volunteers, contract service providers, contractors, all managers, officers or directors. Further, this Policy applies to areas such as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

## **PURPOSE STATEMENT**

The purpose of this policy is to:

1. Establish and maintain a workplace that is free from harassment, discrimination, and violence.
2. Outline types of workplace behaviour considered to be harassing, discriminatory, abusive, bullying, and/or violent.
3. Ensure that all workers are aware that harassment, discrimination and violence in the workplace are unacceptable and will not be tolerated. Any worker, who is found to be in violation of this policy, may be subject to discipline.
4. Establish a structure for the receipt of complaints.
5. Provide a process for notification about allegations of violations to this policy.

## **GENERAL GUIDELINES**

It is not the intention of this policy to interfere, prevent or stop free speech with everyday interactions.

Harassment, Discrimination, Abuse, Bullying and/or Violence is offensive, insulting, intimidating, and hurtful and does include unacceptable behaviour related to violence or bullying. It creates an uncomfortable work environment and has no place in, or outside of, the workplace.

**NOTE: A complaint that is filed in accordance with this policy must be submitted within one year after the alleged incident(s) took place. The one-year period starts the day after the date on which the incident(s) occurred or when the complainant becomes aware of the incident(s). For help calculating the one-year period, contact Employee Relations at Agapé Hospice.**



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## **DISCIPLINARY MEASURES**

If it is determined by this organization that any staff member has been involved in the harassment, discrimination, abuse, bullying, or violence of another staff member, immediate disciplinary action will be taken, up to and including termination.

## **FRAUDULENT OR MALICIOUS COMPLAINTS**

Unfounded, frivolous or fraudulent allegations of personal harassment cause both the accused staff member and this organization significant damage.

If it is determined by this organization that any staff member has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken and may include immediate termination.

## **SPECIAL CIRCUMSTANCES**

All records of harassment, discrimination, abuse, bullying, or violence, and subsequent investigations, are considered confidential and are strictly prohibited from being disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, Agapé Hospice will assist police agencies, lawyers, insurance companies, and courts to the fullest extent of the law.

## **CONFIDENTIALITY**

The Agapé Hospice Executive Team 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. This privacy will be respected provided it remains consistent with the enforcement of this policy and adherence to the law.

Neither the name of the individual 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.

Disciplinary action shall be determined by this organization and will be proportionate to the seriousness of the situation.

Appropriate assistance will be provided to any staff member who is victim of harassment, discrimination or violence.



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## **ROLES & RESPONSIBILITIES**

It is our expectation that all staff members will work together to support us in eliminating harassment, discrimination, abuse, bullying, or violence from our workplace, and as such, Agapé Hospice staff are required to comply with the following responsibilities.

### **Co-worker**

If you are a co-worker who has witnessed harassment, discrimination, abuse, bullying, or violence in the workplace:

- Inform the staff member that you have witnessed what you believe to be harassment, discrimination, abuse, bullying, or violence and that you find it unacceptable. Support is often welcome. If that individual does not feel that they have been victimized, normally the incident should be considered closed.
- Inform the perpetrator that you have witnessed the act(s) and find it unacceptable.
- Encourage the staff member who has been victimized to report the incident to their Manager.

### **Management**

- Management has a legal responsibility for creating and maintaining a workplace that is free of harassment, discrimination, abuse, bullying, or violence.
- Managers must be sensitive to the climate in the workplace and address potential problems before they become serious.
- If a manager becomes aware of harassment, discrimination, abuse, bullying, or violence in the workplace and chooses to ignore it, that Manager and this organization risks being named co-respondent in a complaint and may be found liable in legal proceedings brought about by the complainant and/ or local human rights' authorities.

When staff member has asked their manager to deal with an incident, the manager shall:

- Support the staff members without prejudice.
- Work with the staff member and document the offensive action(s) and have the staff member complete and sign a complaint form.
- Contact their superior and/or the Executive Team to provide details of the incident on behalf of the staff member.



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## **DEFINITIONS**

**Abuse** - to treat a person/animal with cruelty or violence, especially regularly or repeatedly

**Abuse of authority** occurs when a person uses authority unreasonably to interfere with an employee or the employee's job. It includes humiliation, intimidation, threats, and coercion. It does not include normal managerial activities, such as counselling, performance appraisals, and discipline, as long as these are not done in a discriminatory manner.

**Bullying** – the use of force, threat, or coercion to abuse, intimidate

**Challenging behaviours** – culturally abnormal behaviours of such intensity, frequency, or duration that the physical safety of the person or others is placed in serious jeopardy, or behaviour which is likely to seriously limit or deny access to the use of ordinary community facilities.

**Disrespectful behaviour** – involves unwelcome behaviour that demeans or embarrasses an employee.

**Discrimination** is defined as a distinction, whether intentional or not, based on protected grounds relating to personal characteristics of a worker or group of workers. This distinction has the effect of imposing burdens, obligations, or disadvantages on an individual or group of workers. It could also include the withholding or limiting of access to opportunities, benefits, and advantages available to other workers. The prohibited grounds of discrimination include:

- race, colour, ancestry, citizenship, ethnic origin or place of origin
- creed, religion
- age
- sexual orientation
- family, marital or same sex or common law partnership status
- disability or perceived disability (including the dependence on alcohol or drugs)
- gender, gender identity or gender expression
- any other prohibited ground of discrimination under applicable human rights legislation

**Domestic Violence** is defined as any actual, attempted or threatened exercise of physical force against a worker in a workplace by a person who is or was in a domestic relationship with the worker (for example, spouse, former spouse, current or former partner or family member) that could cause physical harm to a worker at the workplace.



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**Workplace Violence** is defined as any actual, attempted or threatened exercise of physical force against a worker in a workplace that could cause physical harm, or where it is reasonable for a worker to interpret a threat:

- physical attacks e.g. hitting, shoving, pushing, kicking and biting
- threatening behaviour e.g. shaking fists, destroying property or throwing things
- verbal or written threats e.g. a threatening phone call to a worker's home, or any expression of intent that could reasonably be interpreted as potential for physical harm

**Harassment** – a form of discrimination. It includes any unwanted physical or verbal behavior that offends or humiliates you. Generally, harassment is a behavior that persists over time. Serious one-time incidents can sometimes be considered harassment. Harassment occurs when someone:

- Makes unwelcome remarks or jokes about your race, religion, sex, age, disability or any other of the grounds of discrimination;
- Threatens or intimidates you because of your race, religion, sex, age, disability or any other of the grounds of discrimination;
- Makes unwelcome physical contact with you, such as touching, patting, or pinching.

**Sexual Harassment** includes offensive or humiliating behaviour that is related to a person's sex, as well as behaviour of a sexual nature that creates an intimidating, unwelcome, hostile, or offensive work environment, or that could reasonably be thought to put sexual conditions on a person's job or employment opportunities. Sexual harassment is frequently more about power than about sex. It occurs in situations where there is unequal power between the parties involved, and is an attempt by one person to assert power over the other and is defined as:

- (a) 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
- (b) 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.
- (c)

**Workplace Harassment** is defined as a vexatious course of comment or conduct against a worker in a workplace that is known, or ought reasonably to be known, to be unwelcome. It may include unwelcome, unwanted, offensive, or objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work



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environment, thereby adversely affecting an individual's employment relationship and/or denying an individual dignity and respect. It may be directed at specific individuals or groups.

**Complainant** is defined as any worker(s) that makes a complaint under this policy.

**Investigator** is the individual assigned to investigate the complaint. This could include but not be limited to a senior employee, an officer, or a contracted third party. In certain jurisdictions, a Government Inspector has the legal authority to require the employer to hire an independent third-party Investigator to conduct an investigation at the expense of the employer.

**Respondent** is defined as any worker(s) against whom a complaint is being brought against under this policy.

**Workers** includes officers, employees, volunteers and other individuals affiliated with The Salvation Army.

**Workplace** is defined as any place where a worker performs work for the organization  
**Note:** "workplace" can include vehicles, off-site business-related function locations (conferences, trade shows), social events related to work, and clients' homes.

## **CROSS REFERENCE**

[Agape Hospice Employee Handbook: Conduct & Behaviour](#)

[The Salvation Army Operating Policy #7907 – Respect in the Workplace](#)