



# Workplace Discrimination, Harassment & Bullying Policy



# Objectives of Workshop

Administration Personnel Policies and Procedures should ensure each and every employee of the Administration is provided with a safe, fair and equitable working environment.



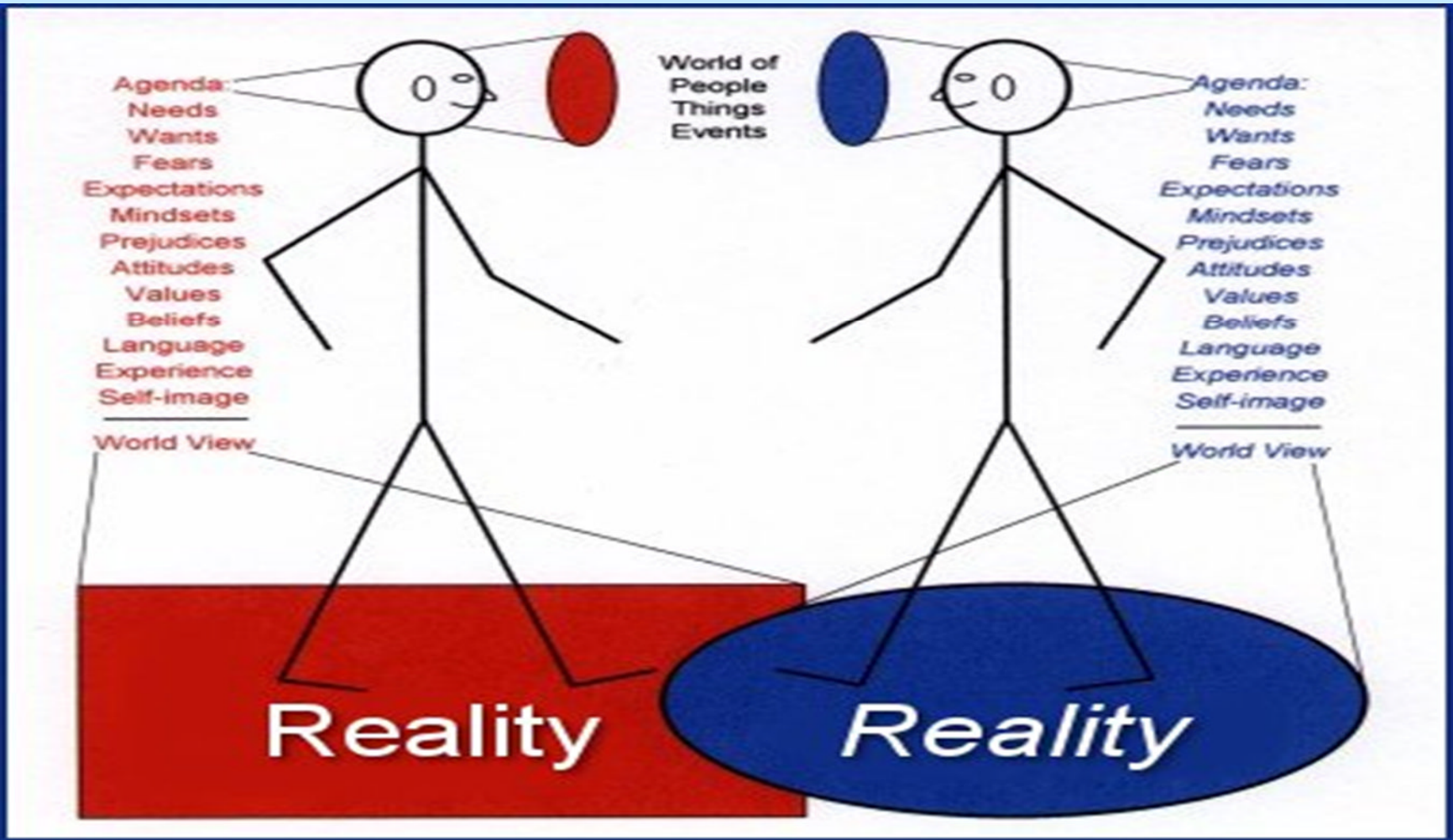
# Values in the Workplace

- ✦ Are specific beliefs about what is right and wrong around us.
- ✦ Values are about the culture we encourage, the standards we set, and the principles we have.
- ✦ They are essential to the building block of a strong organization.

# What makes a Great Organization


- ◆ The Organization needs strong team players to perform well. But what defines such people?
- ◆ A Workplace is made up diverse people with different ideas, values and ethics.
- ◆ Communication and Trust is the foundation of a safe workplace

# Perception





# Perception Test


1. If you believed in Reincarnation, what animal would you come back as? Describe with three adjectives
  2. What is your favorite Color? Describe with three adjectives
  3. What is your favorite Body of water? Describe in three adjectives?
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# Application

- ◆ The rules should apply to all staff, independent contractors, managers, supervisors (collectively referred to as “Employees”)
- ◆ The rules cover all forms of discrimination, harassment and bullying prohibited by the law.



# Policy Statement

- Zero Tolerance
  - The Administration is committed to maintaining a workplace that is free from all forms of discrimination, harassment and bullying.
  - Discrimination, harassment or bullying will not be tolerated by anyone within the workplace, including third parties.
  - Violations of the Rules will lead to disciplinary action, up to and including termination with cause.
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# Responsibility

- All employees are responsible for providing a work environment that is free from discrimination, harassment and bullying.
- This responsibility includes actively promoting a positive, harassment-free work environment and intervening when problems occur.



# Definitions

- Workplace
- Discrimination
- Harassment
- Sexual Harassment
- Bullying

# Workplace

- “Workplace” means anyplace where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions (social events, games, etc.), work assignments outside the Administration’s offices, work related travel and work-related conferences or training sessions.
- This applies not only during working time, but to any activities on or off Administration premises that could be reasonably be associated with the workplace (i.e. gatherings).



# Discrimination

- Means any unwelcome or objectionable conduct, comment, display or behavior that is directed at an Employee that is made on the basis of Employee's race, national or ethnic origin, color, origin, religion, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted, and that detrimentally affects the work environment or leads to adverse consequences for the Employee.
- Harassment is a form of discrimination




# Harassment

- Means any objectionable conduct, comments or display that:
  - Is directed at an Employee;
  - Is made on the basis of race, creed, religion, colour, sex, sexual orientation, family status, marital status, disability, age, nationality, ancestry, place of origin, receipt of public assistance or physical size or weight and
  - Constitutes a threat to the health or safety of the Employee.



# Harassment (cont.)

- Harassment also includes interfering with an individual's work performance, adversely affecting an individual's employment relationship; or denying an individual dignity and respect.
  - Harassment may result from one incident or series of incidents.
  - Harassment may be directed at specific individuals or groups.
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# Harassment (cont'd)

- Examples of harassment and discrimination conduct may constitute Workplace Harassment, include but are not limited to:
  - Humiliating another member in front of co-workers
  - The making of any work related decision (including matters of hiring, promoting, compensating, work assignment, evaluations, training or job security) not on the basis of merit, but on the basis of any prohibited grounds.
  - Comments which are intended, or that ought reasonably to be known, to promote stereotyping on any prohibited grounds.



# Harassment (cont'd)

- Jokes or comments which draw attention, for example, to a person's disability, age, ethnic, racial or religious background or affiliation or which draws attention to a person's gender or sexual orientation with the effect of undermining such person's role in the professional or business environment or that by their nature are known or ought reasonably to be known to cause embarrassment or offense.





# Sexual Harassment

- Is a conduct or comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any Employee or that might, on reasonable grounds, be perceived by that Employee as placing a condition of a sexual nature on employment or an opportunity for training or operation.
- Sexual Harassment includes, but is not limited to;
  - Any unwelcome sexual advances (oral, written or physical)
  - Request for sexual favours
  - Proposition of physical intimacy;
  - Unwelcome sexual or gender-related comments, innuendos, remarks, jokes, taunts;

# Bullying

- “Bullying” is usually seen as acts or verbal comments that could mentally hurt or isolated a person in the workplace
- It can also involve negative physical contact.
- It usually involves repeated incidents or pattern of behavior that is intended to intimidate, offend , degrade or humiliate a particular person or group of people.

## Bullying (Cont'd)

- ◆ Bullying can include 1 or more of the following:
  - Rudeness or hostility that disrespects the target
  - Spreading rumor and gossip
  - Blaming, scolding, criticizing and belittling
  - Withholding information or giving the wrong information
  - Physically abusing or threatening abuse.




# Bullying is NOT

- Enforcing the Policy
- Evaluating or measuring performance
- Providing constructive feedback
- Denying training or leave request with good reason
- Discussing disciplinary action in private, or
- Dismissing, suspending, demoting or reprimanding with just cause.



# Retaliation or Reprisals


- Retaliation or reprisals are prohibited against any Employee who has complained in good faith under the Policy, or has provided information regarding a complaint.
  - Any retaliation or reprisal are subject to immediate corrective action, up to and including termination for cause.
  - Alleged retaliation or reprisals are subject to the same complaint procedures and penalties as complaints of discrimination, harassment and bullying
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# Fraudulent or Malicious Complaints

- ◆ However, where a complaint is found to be fraudulent or malicious (as distinct from unfounded or unsubstantiated), the Employee who made the complaint may be subject to disciplinary action, up to and including termination for cause.



# Complaints

- No Employee shall cause or participate in the discrimination, harassment or bullying of another person in the workplace
  - All reports of discrimination, harassment or bullying or retaliation will be taken seriously by the Administration. The rights of all concerned will be respected.
  - Employees are encourage to use the steps set out in the complaint procedure under the Policy to address incidents of alleged discrimination, harassment, bullying and retaliation internally with the Administration.
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# Complaint Procedure

## ◆ Self Help

- Any Employee who believes that he or she has been subjected to discrimination, harassment, bullying or retaliation is encouraged to first clearly and firmly make it known to the alleged harasser that this conduct is objectionable and must stop.
- Keep a written record of the dates, time, details of the conduct and witnesses, if any.







# Complaint Procedure (cont'd)

## Management Support and Intervention

- If an Employee is not comfortable with confronting the harasser or if such confrontation has proven to be unfruitful or unsuccessful, the Administration encourages the reporting of all incidents of discrimination, harassment, bullying or retaliation, to a Manager, Supervisor or with Human Resources regardless of the offender's identity or position.
- (Siksika Administration set up an Ethics and Bullying Hotline with an outside service provider)



# Complaint Procedure (cont'd)

## ◆ Formal Complaint

- If informal attempts or resolving the issue are not appropriate, or proving to be ineffective, a formal complaint may be filed.
- Employees who believe they have experience discrimination, harassment, bullying or retaliation should file their written complaints with a Manager, Supervisor, Human Resources or, if appropriate, the Nation Manager before the conduct becomes severe or pervasive





## Complaint Procedure (cont'd)

Individuals should not feel obligated to file complaints with their immediate supervisor or manager first before bringing the matter to the attention of Human Resources or a Senior Manager. Any such report shall immediately be reported, in turn, to the Nation Manager.

# Complaint Procedure (cont'd)

– To file a formal complaint:

- ◆ Provide a signed and dated written letter of complaint containing details reporting the offensive incident (i.e. when it occurred, the person(s) involved and names of witnesses, if any) as well as remedy sought.
- ◆ File the complaint with a Manager or Supervisor, Human Resource or if appropriate Nation Manager
- ◆ Cooperate with those responsible for investigating the complaints.

# Complaint Procedure (cont'd)

- Early Reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of discrimination, harassment or bullying.
- The Administration will attempt to resolve allegations of discrimination, harassment or bullying quickly and fairly but can only do so with co-operation of its Employees.
- Any reported allegations of harassment, discrimination, bullying or retaliation will be investigated promptly, thoroughly and impartially.

# Complaint Procedure (cont'd)

- The Administration will notify the Alleged Offender of the circumstances of the complaints and undertake an investigation. The investigation may include individual interviews with the parties involved and with individuals who may have observed the conduct or have any relevant information
- Following the conclusion of the investigation, the Administration will inform the complainant and the alleged offender of the results of the investigation.

# Confidentiality

- ◆ The Administration will not disclose the identity of the complainant, the respondent, any witnesses or the circumstances of the complaint, except when disclosure is necessary for the purpose of investigating or taking disciplinary action in relation to the complaint, or where disclosure is required by law.



# Complaints against Third Parties

- The Administration recognizes that Employees may be subject to harassment by third parties who conduct business with the Administration.
- An Employee who believes that he or she has been subjected to harassment by a person who does not work for the Administration may seek advice of a Manager, Supervisor, Human Resource, or if applicable the Nation Manager who will take whatever action is practicable and appropriate in the circumstances.



# Disciplinary Action

- Where discrimination, harassment, bullying or retaliation has been substantiated the Administration will take appropriate corrective and/or disciplinary action, up to and including termination for cause, to resolve the complaint.
- Corrective action may include training, a referral to counselling or monitoring.
- Disciplinary action may include a warning, reprimand, reassignment or termination for cause as the Administration believes as appropriate under the circumstances.

# Disciplinary Action

- ◆ An unproven allegation does not mean that harassment did not occur or that there was a deliberate allegation. It simply means that there is an insufficient evidentiary basis to proceed or that while complainant may have genuinely had reason to believe that there was harassment, investigation has not borne out the complaint.



# Canadian Human Rights Act

- ◆ An Employee may also seek redress under the *Canadian Human Rights Act* for acts of discrimination