



Northlands College Policy Anti-Harassment

POLICY STATEMENT

Northlands College is committed to building and preserving a safe, productive and healthy working environment for its employees based on mutual respect. In pursuit of this goal, Northlands College does not condone and will not tolerate acts of harassment against or by any employee of Northlands College.

Our Anti-Harassment Policy is not meant to stop free speech or to interfere with everyday interactions however, what one person finds offensive, others may not. Generally, harassment is considered to have taken place if the person knows, or should know, that the behaviour is unwelcome. Harassment is often defined as “engaging in a course of upsetting comment or conduct that is known or ought reasonably to be known to be unwelcome”.

This Policy is in compliance with the [Saskatchewan Employment Act, Section III](#), the [Saskatchewan Human Rights Act](#), and Article 22 of the Collective Agreement between Northlands College and the Saskatchewan Government and General Employees’ Union.

DEFINITIONS:

Definition sourced from the [Saskatchewan Employment Act](#).

“**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.

The Saskatchewan Employment Act further articulates that:

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.

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.



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Personal Harassment is sometimes referred to as “bullying”. Personal harassment typically involves repeated occurrences. A single incident may also constitute harassment if it is serious or severe and is shown to have a lasting harmful effect on a worker. Personal harassment may include:

- Verbal or written abuse or threats
- Insulting, derogatory or degrading comments, jokes or gestures
- Personal ridicule or malicious gossip
- Unjustifiable interference with another’s work or work sabotage
- Refusing to work or co-operate with others
- Interference with or vandalizing personal property

GUIDELINES

Northlands College will not tolerate any form of harassment, bullying or discrimination against job candidates and/or employees on any grounds, whether during the hiring process or during employment. Northlands College will make every reasonably practicable effort to ensure that no employee is subjected to harassment. This commitment applies to such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

All complaints shall be taken seriously, and investigated appropriately. Staff members that submit a report or complaint of harassment or bullying shall not be subject to any form of reprisal or retaliation as a result of the complaint.

All employees are personally accountable and responsible for enforcing this Policy and must make every effort to prevent discrimination or harassing behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.

It is also a violation of Northlands College’s Anti-Harassment Policy for anyone to knowingly make a false complaint of harassment or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

This Policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence. Reprisal is defined as any act of retaliation, either direct or indirect.

Northlands College will ensure that all employees are trained and educated on violence and harassment and that they are clear about the roles and responsibilities as well as this policy and its procedures. In addition a copy of this policy will be made available to all employees.



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In accordance with workplace rights set out by the Saskatchewan Human Rights Commission under the Human Rights Act, every employee has a right to freedom from:

1. 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. A sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome;
3. A reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

Sexual or racial harassment can be defined as any behaviour, in the form of words, gestures, or actions, generally repeated, that has undesired sexual or racial connotations, that has a negative impact on a person's dignity or physical or psychological integrity, or that results in the person being subjected to unfavourable working conditions.

Usually, harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember it is the perception of the receiver of the potentially offensive message be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome that determines whether something is acceptable or not.

Harassment 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 employee relationships.

Upon request, an employee involved in a harassment case shall be entitled to counselling at no cost to the employee within the terms of the Employee Family Assistance Program.

A joint union/management committee composed of equal representation from Union and Management will work collectively to establish and maintain a harassment-free work environment. The parties will endeavour to achieve equal gender and minority group representation. The chairperson of the committee shall rotate from meeting to meeting and committee decisions shall be by consensus.

The College will not tolerate violence or personal harassment. This policy applies to all individuals working for the organization including individuals on short-term and consultant's contracts. Members of the general public who engage in harassing behaviour on college premises shall be informed by the person experiencing the harassment that their behaviour is offensive or unacceptable and that it should stop immediately. If warranted, the alleged harasser may be directed to leave the College facility immediately. The complainant must inform the appropriate director of the incident. If the alleged



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harasser is an employee of another organization, the Director shall report the incident to the employee's supervisor.

For the purposes of this policy, harassment can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;
- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

This harassment policy does not extend or apply to:

- Day to day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, and disciplinary action.
- Harassment that occurs outside of work. For example, harassment that occurs during a union meeting or while attending a social gathering after work is not covered. However, harassment that occurs while attending a conference or training session at the request of the employer would be covered within this policy.
- Conduct which all parties agree is inoffensive or welcome;
- Normal social contact between people based on a position of equality and/or mutual consent does not for these purposes constitute harassment;
- Occasional conflict or disagreements in the workplace.

Employer's Commitment

The College, its Managers and Supervisors will take all complaints of harassment seriously and is committed to implementing this policy and to ensuring it is an effective means to prevent and stop harassment and create a productive and respectful workplace.

This commitment includes:

- Informing all persons of their rights and obligations, a copy of the policy will be provided to all employees, be posted on the bulletin board and be available in visible work locations.
- Training all persons in implementing this policy, information meetings will be held periodically, annually at a minimum, to explain the policy. New employees will receive the policy during their orientation and senior management, directors and supervisors will be asked to set a good example and foster a respectful workplace.
- Assigning responsibility for implementing this policy as detailed in the procedures included in the policy.



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- Protecting employees from reprisal or embarrassment for trying to stop or prevent harassment, all complaints will be held in the strictest confidence except where disclosure is necessary for investigation or corrective action or as required by law.
- Promptly taking the action necessary to stop and prevent harassment when it occurs or has occurred, appropriate action will be taken against persons who are or were engaged or participated in harassment. This action should be sufficient to ensure the harassment stops and does not happen again.
- Informing students, clients or other visitors to the workplace that certain conduct will not be tolerated or allowed to continue.

Employee's duty

All employees of the College shall:

- Refrain from causing or participating in the harassment.
- Cooperate with any person investigating harassment complaints.

PROCEDURES

Stage 1 – Inform the Alleged Harasser

- The person experiencing harassment should immediately inform the alleged harasser that the behaviour is unwelcome, or perceived to be inappropriate, and that it should stop immediately.
- An employee who feels unable to approach an alleged harasser, should ask his/her immediate out-of-scope Supervisor or the HR manager for assistance in speaking with the accused. If the alleged harasser is the immediate out-of-scope supervisor, the employee should contact the next higher out-of-scope supervisor, or the HR Manager for assistance.
- Both the alleged harasser and the complainant should be informed of how the process works if the problem persists.
- The HR Manager must be consulted as a resource person during Stage 1.

Stage 2 – Informal and Formal Complaints

Formal or informal harassment complaints can be made to the supervisor, out-of-scope manager, Human Resources Manager, union official, President & CEO or designate.

This policy sets out three types of complaint procedures that may be used. They are procedures that apply where:

- no alleged harasser is named, and an informal resolution is sought,
- an alleged harasser is named, and an informal resolution or mediation is sought, or
- an alleged harasser is named, and an investigation is required.



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No alleged harasser named – informal resolution sought

Step 1: An individual reports an incident or concern to the supervisor or anyone designated to receive harassment complaints.

Step 2: The person receiving the complaint:

- reviews the complaint procedures with the complainant, and
- informs the out-of-scope director of the complaint.

Step 3: The manager takes action appropriate and necessary to address the complaint. Such action may include:

- having staff meetings to discuss and review the policy, and
- providing workshops, videos or written information on the prevention of harassment.

The director informs the complainant of the action that will be taken to address the complaint or concern.

Note: Following this action, where the complainant indicates that the harassment has not ended, the director counsels the complainant to pursue an alternate resolution process, including a formal investigation.

Alleged harasser named – informal resolution or mediation sought

Step 1: An individual reports an incident or concern to their supervisor or anyone designated to receive harassment complaints. The complaint should be recorded in writing. Where an informal resolution is sought, the complainant should indicate the type of resolution and resolution process s/he is seeking. Examples include: an apology, supervisory counseling, a facilitated meeting with the alleged harasser, workshop or training sessions, and mediation.

Step 2: The person receiving the complaint:

- reviews the complaint procedures with the complainant,
- informs the out-of-scope director and the Human Resources Manager of the complaint (where it is alleged that the director is involved in the harassment, the person receiving the complaint refers the matter to another out-of-scope director),
- the out-of-scope Director and Human Resources Manager meet privately with the alleged harasser to review the complaint and determine whether there is agreement on a resolution or a resolution process.

Step 3: Where there is agreement on the resolution or resolution process to be used, the out-of-scope director and Human Resources Manager will facilitate the agreed upon resolution or resolution process.



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Step 4: The complainant is informed that he or she may move to the formal complaint procedure if:

- the complainant, the alleged harasser, or the director do not agree to a resolution process, or
- if the resolution process does not resolve the matter to the complainant and director's satisfaction.

Step 5: Where the complainant and alleged harasser agree to a resolution, the out-of-scope Director and Human Resources Manager follow up with the complainant to ensure the agreed resolution was effective in stopping and preventing further harassment.

Where the complainant indicates that the harassment has not ended, the director will counsel the complainant to pursue an alternate resolution process, including a formal investigation.

Alleged harasser named – investigation required

Step 1: An individual reports an incident or concern to their supervisor or anyone designated to receive harassment complaints. The complaint should be in writing, be dated and contain the following information:

- the name and job title of the complainant and contact information.
- the name and job title of the alleged harasser and available contact information.
- a description of the conduct, display or events considered objectionable, including dates and location of events; the details of the complaint should describe the behaviour that is being objecting to. What was said or done? When? How often? Where? Circumstances surrounding the incident(s). Describe what has been done in response to the behaviour.
- the names and available contact information of any possible witnesses.
- a description of the basis of the alleged harassment. (e.g., sex, age, ancestry, disability, physical size, marital status, adverse effect on a person's well-being) the remedy sought.
- other information or material the complainant considers relevant.
- the signature of the complainant.

Step 2: The person receiving the complaint:

- reviews the complaint procedures with the complainant,
- provides a copy of the written complaint to the out-of-scope director and human resources manager (where it is alleged the director is directly involved in the harassment, the person receiving the complaint refers the matter to another out of scope director),
- the out-of-scope director and human resources manager provide a copy of the written complaint to the alleged harasser, and review the complaint procedures with the alleged harasser, if the alleged harasser is an in-scope employee union representation will be present



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Step 3: The person receiving the complaint, the Director, and Human Resources Manager review the complaint and determine:

- whether the conduct complained about falls within the harassment policy, and
- whether there are resolution options, other than investigation, that are available and acceptable to the complainant and alleged harasser, or if an investigation is required.

Step 4: The Human Resources Manager will conduct an initial investigation to determine whether a formal investigation by a third party is required. If necessary, the College will appoint an investigator who is trained in conducting investigations and who has no apparent bias or interest in the outcome of the investigation. The investigator will have the authority to gather a pertinent documentation, conduct interviews as required, and determine if a case of harassment has occurred.

Where the complainant or the alleged harasser objects to the appointment of an investigator, on the basis of bias or conflict of interest, the College will appoint another investigator.

Step 5: The investigator(s) conducts an investigation in accordance with the following guidelines:

- The investigation commences and concludes as soon as reasonably possible.
- Witnesses are interviewed separately, and written witness statements are prepared.
- Witnesses are asked to review and sign their written statements.
- Witnesses are advised to keep the investigation and the identity of the complainant and alleged harasser in confidence, unless they are required to disclose them by law.
- The complainant and alleged harasser are entitled to be accompanied by a union representative during the interview and investigation process.
- During the investigation process, both the complainant and the alleged harasser are entitled to be informed of all the allegations made against them, and are allowed the opportunity to make a full answer and defense.

This does not mean that either party is entitled to see or receive copies of the complete statements. Both are entitled, however, to see or receive an adequate summary of the evidence to make a full answer and defense.

Step 6: Once the investigation is complete, the investigator(s) will prepare a written report setting out:

- a summary of the evidence,
- a description of any conflict in the evidence,
- the investigator's conclusions on the facts and reasons for reaching that conclusion, and
- any recommended corrective action where harassment has been found to have occurred.



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The Human Resources Manager will review the Investigator's report and will provide copies of the report to the out-of-scope Director, the complainant, the alleged harasser, and union representative(s). The report is marked as confidential and delivered with the notation that it should be kept in confidence unless disclosure is required by law or is necessary to implement corrective action or other legal remedies.

Step 7: The College:

- takes corrective action that the College considers appropriate and effective.
- informs the complainant and harasser of the corrective action. Where the corrective action is different from the action recommended in the investigator's report, the College should provide reasons for not taking the investigator's recommended action.
- informs the complainant of his/her right to file a complaint with The Occupational Health and Safety Division and/or The Saskatchewan Human Rights Commission.

Step 8: The College, after the corrective action has been taken, follows up with the complainant to ensure that the corrective action was effective in stopping and preventing harassment. If the complainant indicates that harassment has not ended, or that he or she has suffered reprisal as a result of making the complaint, the College should take additional or alternative corrective action to resolve the complaint.

Disclosure of investigation documents

All documents and statements obtained during the course of the investigation, including the names and copies of witness statements, should not be disclosed to any person unless required by law.

Confidentiality

The College or anyone acting on behalf of the college should not disclose the name of the complainant or the alleged harasser, as well as any information that may identify the complainant or alleged harasser. The disclosure of such information may be necessary, however, to conduct the investigation, implement corrective action, or pursue other legal remedies.

Summons for Immediate Assistance

Canada's Criminal Code deals with matters such as violent acts threats and behaviours such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor, student, vendor, visitor or client/customer then an immediate call to "911" is required.



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Employees Rights

All employees of Northlands College have the right to:

- request the assistance of an Occupational Health Officer to resolve a complaint of harassment.
- file a complaint with the Saskatchewan Human Rights Commission, respecting discriminatory practices.
- exercise any other legal rights pursuant to any other law.

Fraudulent or Malicious Complaints

It is important to realize that unfounded/frivolous allegations of harassment may cause both the accused person and the College significant damage. If it is determined by the College that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

Disciplinary Measures

If, through the investigation process, it is determined that any employee has been involved in the harassing of another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counselling, a formal warning and could result in immediate dismissal without further notice.

Policy Originated: February 1996	Approved by: President & CEO
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