

Human Resources

Discrimination & Harassment Prevention Policy	Section: Human Resources
Effective Date: April 2014	Original Date: 04/2014 Revision Dates: 12/2015, 07/2016, 06/2020

Purpose

Headwaters values all members of our Workplace and feels that everyone has a right to expect a respectful, harmonious work environment free from discrimination, harassment and bullying. Headwaters is committed to providing a work environment that is supportive of the productivity, dignity and self-esteem of every member.

This policy provides definitions of discrimination and harassment and outlines the procedures for reporting and responding to complaints and allegations.

Policy

As an organization, Headwaters believes and is committed to providing an inclusive Workplace free from Discrimination and Harassment and remains intolerant towards all forms of Discrimination and Harassment in our Workplace.

All Staff Members have the right to be treated fairly, respectfully and with dignity in a Workplace that is free from Discrimination and Harassment, and they share in the responsibility to treat others in the same manner. Headwaters will make every reasonable effort to ensure that no Staff Member is subjected to Discrimination or Harassment. Furthermore, Headwaters will not tolerate any behaviour in our Workplace from visitors/guests, independent contractors and/or other affiliates that conflicts with this policy and applicable laws.

Any complaint or allegation regarding Discrimination or Harassment will be investigated promptly and appropriate action will be taken.

This Discrimination & Harassment Prevention Policy applies to all Staff Members and pertains to their interactions in a variety of settings on or off company premises which could reasonably be considered the Workplace. This policy also applies to any communications by Staff Members on social media, email, instant messages, cell phones, websites or other technology.

All Staff Members are expected to familiarize themselves with this policy and apply its principals as we strive toward the collective goal of preventing Discrimination and Harassment in our Workplace.

Definitions

For the purpose of this policy:

Headwaters: “we” or “us” means: Headwaters Health Care Centre

Complainant: means: The Staff Member(s) who lodges a complaint

Respondent: means The Staff Member(s) against whom a complaint has been lodged

Discrimination: means any form of unequal treatment based on the following grounds: age, ancestry (colour, race), citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, record of offences, sex (including pregnancy and breastfeeding), sexual orientation or any other ground protected by the Ontario Human Rights Code, that results in a disadvantage.

Harassment: means engaging in a course of vexatious comments or conduct that is known, or ought reasonably to be known, to be unwelcome and based on a ground of Discrimination. It can involve words or actions that are known or perceived as being offensive, embarrassing, humiliating, demeaning or unwelcome. For the purpose of this policy, Harassment also includes Psychological Harassment, Sexual Solicitation and Workplace Bullying and Harassment.

Psychological Harassment: means any vexatious behaviour in the form of repeated, hostile or unwanted conduct, verbal comments, actions or gestures that affect a Staff Member’s dignity or psychological or physical integrity and produces a harmful work environment for the Employee. A single serious incidence of such behaviour that has a lasting harmful effect on a Staff Member may also constitute Psychological Harassment.

Workplace Bullying and Harassment: means engaging in a course of vexatious comment or conduct against a Staff Member in a Workplace that is known or ought reasonably to be known to be unwelcome or cause the Staff Member to be humiliated or intimidated. To be considered Workplace Bullying and Harassment, the conduct does not need to be based on a ground of Discrimination. It includes any inappropriate conduct or comment by a person towards another person that the person knows or reasonably ought to have known would cause the person to be humiliated or intimidated.

Sexual Harassment/ Solicitation: occurs when a person receives unwelcome sexual attention from another person, whose comments or conduct is known or should reasonably be known to be offensive, inappropriate, intimidating, hostile or unwelcome. Sexual harassment may include but is not limited to gender based jokes or unwelcomed remarks, comments or conduct emphasizing the sex or sexual orientation of a person, unwelcomed solicitation, touching, petting, pinching, leering, display of sexually offensive pictures or materials, sexually suggestive gestures or sexual advancement from someone in a position of authority towards another person in a position of lesser authority. Sexually related solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient, where this is known or ought to reasonably be known to be unwelcome. This includes managers and supervisors, as well as co-workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also prohibited.

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Workplace Violence: is the exercise of physical force by a person against a Staff Member, in a workplace, that causes or could cause physical injury to the Staff Member; an attempt to exercise physical force against a Staff Member, in a workplace, that could cause physical injury to the Staff Member; an action, statement (or series of statements), or behaviour that it is reasonable for a Staff Member to interpret as a threat to exercise physical force against a Staff Member, in a workplace, that could cause physical injury to the Staff Member; bringing a weapon of any kind to the Workplace or possessing a weapon of any kind while carrying out company business, or threatening to bring a weapon to the Workplace.

Staff Member(s): include Board of Directors of the corporation, employees, physicians/medical/midwifery/dental staff, volunteers, students.

Our Workplace: means any place where Headwaters business or work related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions (parties, golf-games, etc.), work assignments outside of Headwaters facilities, work-related travel, conferences and/or training sessions.

Examples for Clarification

<p>Harassment may include but is not limited to:</p> <ul style="list-style-type: none"> • Making remarks, jokes or innuendos related to a Staff Member’s race, gender identity, sex, disability, sexual orientation, creed, age or any other ground; • Displaying or circulating offensive pictures or materials in print form or using e-mail or other electronic form; • Singling out a Staff Member through humiliating or demeaning “teasing” or jokes because they are a member of a protected group; • Repeated offensive or intimidating phone calls or e-mails; • Comments ridiculing an individual because of characteristics, dress, accent etc. that are related to a ground of discrimination; or • Unwelcome physical contact, propositions of physical intimacy, bragging about sexual prowess, questions or discussions about sexual activities. 	<p>Harassment is NOT:</p> <ul style="list-style-type: none"> • Normal and appropriate exercise of supervisory responsibilities, including performance management, training, work assignment and discipline. • Normal social interaction, good-natured joking and appropriate humor in our Workplace.
<p>Bullying IS but not limited to:</p> <ul style="list-style-type: none"> • Repeated physical or verbal behavior which undermines the Staff Member’s right to dignity in the workplace • Belittling, demeaning or patronizing • Public humiliation, “nit-picking”, isolation • Observed behaviors can include: <ul style="list-style-type: none"> ➢ Yelling and screaming ➢ Making unreasonable job demands ➢ Insult and put down others ➢ Criticize others’ abilities ➢ Start rumors to harm others 	<p>Bullying is NOT:</p> <ul style="list-style-type: none"> • Action by manager/direct supervisor/employer that is part of normal job function even if there are sometimes unpleasant consequences for a Staff Member. For example: <ul style="list-style-type: none"> ➢ Raising practice concerns ➢ Overseeing work performance ➢ Performance reviews ➢ Discipline ➢ Objective comments intended as constructive feedback

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Responsibilities

Human Resources (HR)

HR is responsible for implementing and maintaining the organization's Discrimination & Harassment Prevention Policy. The HR department responsibilities in this regard include the following:

1. Providing advice and guidance to Staff Members in relation to specific workplace conflict issues involving discrimination & harassment
2. As required, assisting Leadership in conducting or coordinating investigations into claims of discrimination or harassment issues;
3. As requested, providing informal facilitation or mediation assistance to parties who are attempting to resolve a discrimination or harassment issue;
4. Providing advice and guidance to Staff Members regarding the interpretation or administration of this Policy;
5. Ensuring that all Staff Members are aware of their rights and responsibilities under this Policy; and
6. Ongoing communications through various sources including the employee orientation program, leadership development opportunities, online learning systems, internal communications vehicles, and the Headwaters website.

Staff Members

All Staff Members at Headwaters are required to be familiar with this Policy and are expected to conduct their work in a way which is consistent with the provisions and spirit of the Discrimination & Harassment Prevention Policy. Staff Members will treat one another with dignity and respect. Staff Members will report any violations of this Policy.

Staff Members in supervisory or managerial positions have an additional responsibility and accountability to:

1. Monitor the work environment to ensure a harmonious work environment free from discrimination, harassment and bullying;
2. Take timely action pursuant to this Policy when they receive a complaint, and;
3. Take immediate action pursuant to this Policy when they become aware of a violation of this policy, either within or outside their area of responsibility.

If it is believed to be a workplace violence incident, please refer to the Violence Prevention Policy

Procedure

Prevention

All Staff Members, and particularly those in management positions, are responsible for ensuring Discrimination and Harassment are not tolerated and, where possible, are addressed.

All supervisors, managers, senior managers, directors, executives and officers have an overall managerial and leadership responsibility for promoting and maintaining a harassment-free Workplace. This includes leading by example in matters of appropriate Workplace behaviour, implementing bullying

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and harassment awareness and prevention training programs, and maintaining a positive and professional work environment.

1. Informal Complaint Resolution Process

Management recognizes that workplace conflict may occur. Given this, it is important that Staff Members have access to a process for ensuring that a valid discrimination or harassment concern will be addressed in a sensitive, effective and timely manner for all concerned. A Staff Member who is subjected to behavior they feel violates this policy, the “Complainant”, is encouraged to identify the offending behavior directly to the person who has exhibited it, the “Respondent”, and use an informal process to resolve the issue. If the behavior changes upon the request of the individual, there is no requirement for additional intervention.

If the behavior does not change, or if the Complainant is not able to address the Respondent, the Complainant can move to the formal complaint resolution process.

2.0 Formal Complaint Resolution Process

When the nature of the complaint has failed to resolve at informal resolution or the Complainant is not comfortable approaching the individual directly, the Complainant shall complete a formal written complaint utilizing the Discrimination and Harassment Complaint form (Appendix A). The form shall be submitted to their own Direct Supervisor and Human Resources. The completed complaint form shall be provided to their Director Supervisor and Human Resources no later than 7 calendar days from the date of the incident(s) giving rise to the complaint.

The Direct Supervisor and Human Resources will exercise their discretion as to whether an internal investigation is warranted and will determine its scope. Where appropriate, the Direct Supervisor and Human Resources may conduct an investigation even if the Staff Member refuses to submit a written complaint.

Should the substance of the complaint warrant, the Direct Supervisor and Human Resources will interview the Complainant, Respondent and any witnesses documenting their discussions during these meetings with a view of trying to resolve the issues. The specific details of the complaint will be provided to the Respondent and given full opportunity to respond. The Complainant, Respondent and witnesses may choose to be accompanied by a Union Representative at any or all steps of this procedure (non-union employees may have a peer support person attend with them). Human Resources may review alternative provisions pending the investigation. i.e. When a person alleging harassment and the alleged harasser work together or near one another, the employer may consider moving one of the parties to another location or may be necessary to place one or the other on a paid leave of absence until the matter has been resolved.

At the conclusion of this investigation, Human Resources will advise the Complainant, Respondent and any other parties who may have a right to know the results of the findings in writing. Access to the investigation notes and file will be restricted to the Investigator and Human Resources.

In the case of a substantiated claim of harassment, Headwaters will take the appropriate action.

This policy does not prevent a Staff Member from consulting with a Direct Supervisor, Union Representative or a Human Resources representative in order to constructively respond to an issue before a complaint is raised.

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It is the responsibility of ALL parties involved in an alleged incident of discrimination or harassment to:

- Participate in the attainment of a resolution in a timely manner
- Cooperate with Management, Human Resources, and investigators in the course of investigating the complaint of harassment
- Participate fully in the informal and/or formal investigation process, including participation in any investigatory meetings or interviews
- Respect and maintain confidentiality during and after the resolution process.

Investigations will:

- Be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances
- Be fair and impartial, providing both the Complainant and the Respondent equal treatment in evaluating the allegations
- Be focused on finding facts and evidence such as emails or notes and will include interviews with the Complainant, the Respondent, and any witnesses
- Incorporate, where appropriate, any need or request from the Complainant or Respondent for assistance during the investigation process

Records of all formal complaints involving staff are maintained in the HR Department in a confidential file. Complaint records are not placed in Staff Members' files. If the complaint results in discipline, only the discipline will be placed in the Staff Member's file.

False claims of workplace harassment or discrimination that are found to be vexatious and made in bad faith will not be tolerated and may lead to disciplinary action up to and including termination of employment.

2.1 External Mediation/Investigation

Discrimination and Harassment investigations at Headwaters will be conducted internally by the Direct Supervisor and Human Resources. Human Resources will solicit the assistance of an external investigator if the Respondent is a senior leader of the organization or a member of the HR team. The Director of Human Resources or their designate will determine the appropriate process to select the investigator and to whom the investigator should report their findings.

2.2 Take Action to Restore the Workplace

All parties will work collaboratively and in good faith to resolve the complaint. Headwaters will take all steps necessary to resolve the complaint, including coaching and training for individual(s) where applicable, and progressive discipline if applicable. If the complaint is of a serious nature the normal progression of discipline may be accelerated up to the point of termination of employment. The Supervisor and Director of HR or delegate will ensure fair and equitable application of this policy and ensure that issues are resolved, behaviour is corrected and that preventative measures are working well.

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2.3 Physician Process

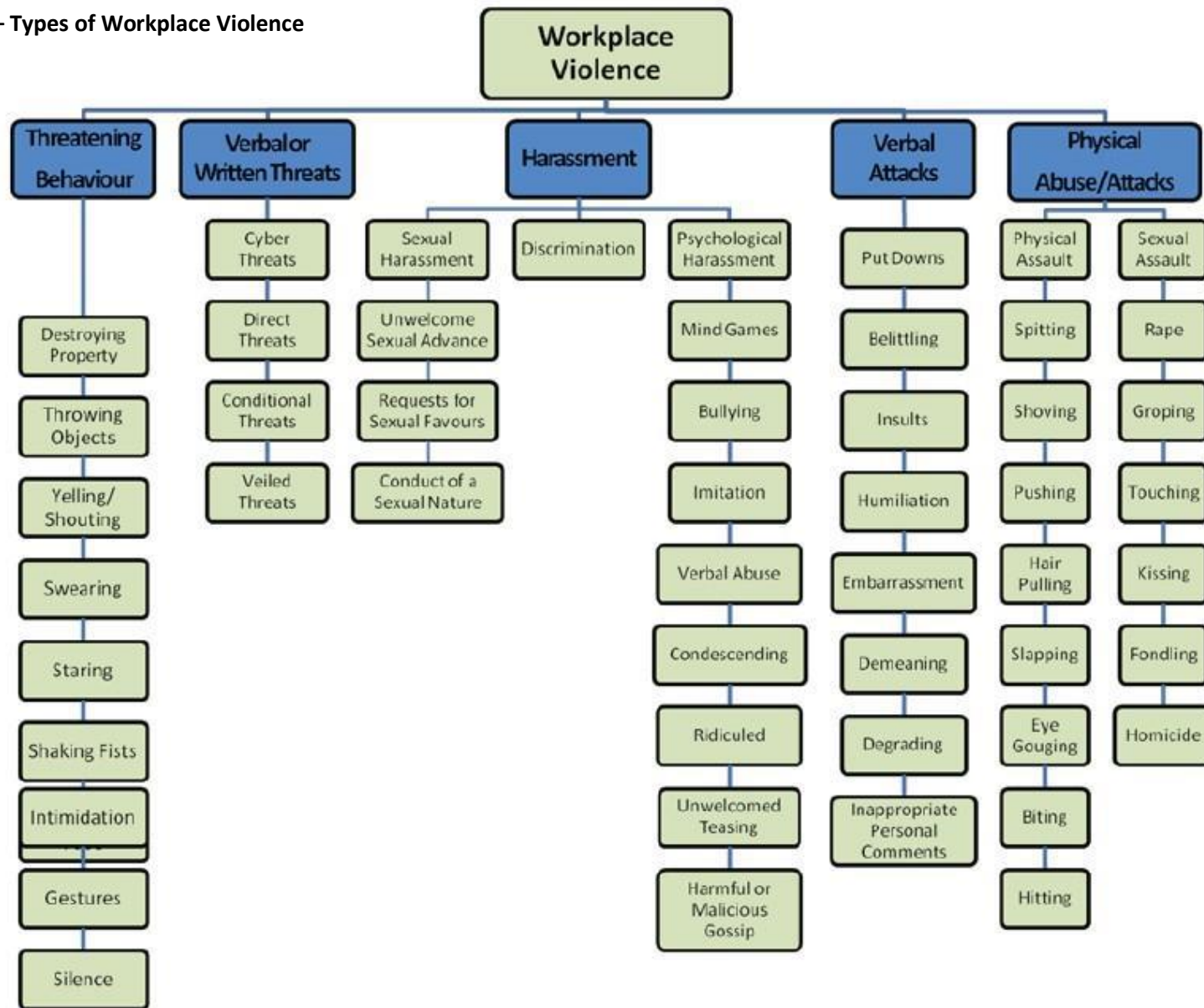
Any formal complaint involving a physician will require the involvement of the Chief of Staff and Chief of Service in all steps of the formal complaint process along with Human Resources where a Staff member other than a physician is involved. Ultimately the complaint may be heard at the MAC if it remains in dispute or it has the potential to affect physician privileges. All documentation of formal complaints involving physicians will be maintained in the Chief of Staff's office.

Related Policy Reference:

1. Workplace Violence Prevention Policy
2. Code White Policy
3. Code of Conduct

Approval Date	Approval Body	Approval Signature:
Feb 2020	Endorsed: Operations Committee, JHSC	Kim Delahunt, President & CEO
Feb 2020	Senior Leadership Team	[mm/yy]

Appendix A – Types of Workplace Violence



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Discrimination & Harassment Prevention Policy Form

Information about you (the Complainant)

First Name: _____

Last Name: _____

Preferred Method of Contact (Phone # or E-mail): _____

Information about the Respondent:

First Name: _____

Last Name: _____

(Please add additional names if more than one Respondent).

Additional Information

What is your relationship to the HHCC staff member about whom you are making a complaint?
(e.g., works within the same department, supervisor etc..)

Has this complaint been reviewed in the past at HHCC? Yes _____ No _____

If yes, what was the resolution at the time?

Details of Occurrence

Describe in detail what transpired including names, dates, times, how often (if more than one occurrence), and where the incident(s) transpired:

Date and Time	Location	Incident/Event

Please attach any documentation which may support your complaint.

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Your complaint (continued)

Please list the name(s) and contact information of any witness or anyone who may be able to provide further information.

What remedy are you seeking as a result of your complaint?

Acknowledgement, consent and signature

I have read and I understand the following:

- I understand that my statement will be used to address my complaint and will only be given to those identified as a Respondent or are helping to resolve this complaint.
- I agree to Headwaters sharing and providing copies of information and documents that it receives from me with the Respondent.
- I understand that Headwaters may not be able to process my complaint without supporting documents and a complete statement. I have attached copies of documents that relate to my complaint.
- I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Date signed

Signature of Complainant

No record of this complaint will be placed in your personnel file. You have the right to make a complaint and have it dealt with promptly and without fear or embarrassment or reprisal. You have the right to representation during the complaint process.

Your union representative or a Human Resources Representative can help you complete this form.

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