HEADWATERS
Health Care Centre

Human Resources

Respectful Workplace - Discrimination & Harassment Prevention Policy	Section: Human Resources
Effective Date: July 27 2016	Original Date: 04/2014 Reviews/Revisions: December 16, 2015

PURPOSE

HHCC 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. HHCC 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.

DEFINITION or TERMS OF REFERENCE

For the purpose of this policy:

"HHCC", "we" or "us" means:
Headwaters Health Care Centre

"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 comment 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.

Harassment may include, but is not limited to:

- Making remarks, jokes or innuendos related to an individual'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 an individual 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, 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.

Reasonable action taken by a manager or supervisor relating to the management of a Staff Member or the Workplace is NOT a form of Harassment.

“Psychological Harassment” means:
Any vexatious behaviour in the form of repeated, hostile or unwanted conduct, verbal comments, actions or gestures that affect an Employee’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 an Employee may also constitute Psychological Harassment.

“Senior Leader” refers to:
Any member of the Senior Leadership Team (President/Chief Executive Officer, Chief of Staff, Vice President of Patient Services and/or Vice President of Corporate Services), any member of the Board of Directors and any member of the Medical Advisory Committee.

“Sexual Solicitation” means:
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.

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

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

“Workplace Bullying and Harassment” is:
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 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.

“Workplace Violence” is: see Appendix A

SCOPE

This Respectful Workplace 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.

POLICY

As an organization, HHCC 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. HHCC will make every reasonable effort to ensure that no Staff Member is subjected to Discrimination or Harassment. Furthermore, HHCC will not tolerate any behaviour from visitors/guests, independent contractors and/or other affiliates that conflicts with this policy and applicable laws.

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

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

1.0 Informal Complaint Resolution Process

Management recognizes that workplace conflict may occur. Given this, it is important that employees have access to a process for ensuring that a valid respectful workplace concern will be addressed in a sensitive, effective and timely manner for all concerned. Once a complaint is raised, management at HHCC is obligated to conduct an investigation and take steps to ensure that any violations of this Policy are addressed. When appropriate, complainants are recommended to address inappropriate behaviour directly to the offender as the first step in an informal complaint by telling the person who is acting in a discriminatory manner that it is offensive, and unwelcome and request the she/he immediately stop.

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 Respectful Workplace Complaint form (Appendix B). The form shall be submitted to the MRP listed in the chart below:

Complainant	Submit to Most Responsible Person (MRP):	Notify of Report to:
Board of Directors	Vice President of Corporate Services	Chair/CEO/Chief of Staff
Employee	Manager/Direct Report	Director/Vice President
Volunteer	Vice President of Corporate Services	Pres. Volunteer Assoc./CEO
Students	Manager	Educ. Placement Coordinator/Professional Practice/Director
Medical Students/Residents	Chief of Service	Chief of Staff
Physician	Chief of Service	Chief of Staff/ CEO
Supplier/Contractor	Manager	Director/Senior Director
Leadership/Medical Advisory Council	Vice President of Corporate Services	CEO/Chief of Staff

The completed complaint form shall be provided to the Most Responsible Person (MRP) no later than 7 calendar days from the date of the incident(s) giving rise to the complaint. The MRP will in-turn notify Human Resources Director ("HR").

The MRP is responsible to ensure that any person(s) identified as being the cause or origin of the offending conduct is immediately provided with a copy of the complaint; is given full opportunity to respond; and is kept informed of the status of the complaint. The Staff Member may be accompanied by a Union Representative if applicable or a non-union staff representative of his/her choice at any or all steps of this procedure.

2.1Screening the Complaint

The MRP **must** take all complaints seriously.

The MRP will exercise its discretion as to whether an internal investigation is warranted and to determine its scope. Where appropriate, the MRP may conduct an investigation even if the Staff Member refuses to submit a written complaint. To proceed with a full investigation in conjunction with HR, the MRP must be able to answer "No" to the following questions:

Does the complaint …	If yes, do the following:
Fall outside this procedure?	Address in the appropriate forum.
Seem frivolous, petty, vengeful or spiteful? Seem untimely, referring only to events long past?	Consult with HR to determine if the complaint should be dismissed and addressed in another forum. If so, advise the complainant of this decision.
Fall under another process that is already underway, such as grievance or a complaint at the Human Rights Commission?	Consult with the parties to consider if the complaint process should be suspended or terminated.

2.2 Try to Resolve the Complaint

Within a reasonable time frame of receiving the complaint, the MRP will meet with the respondent to ensure he/she has a complete understanding of the allegations. The respondent must provide a written response to the complaint within seven working days.

2.3 External Mediation/Investigation

Most investigations at HHCC will be conducted internally by the MRP or HR. HR will solicit the assistance of an external investigator if the respondent is a senior leader of the organization or if any member of the HR team is a respondent of a complaint. At no time will a MRP actively investigate a complaint related to their direct supervisor. The HR Director or their designate will determine the appropriate process for including who will be assigned as the investigator and to whom the investigator should report their findings.

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 accused harasser, and any witnesses
- Incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process

The outcome of the investigation will be shared with the complainant and respondent.

2.4 Take Action to Restore the Workplace

The MRP will take all steps necessary to resolve the complaint, including coaching and training for individuals 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 MRP will work closely with the HR Director or delegate to ensure fair and equitable application of this policy. The MRP and HR Director or delegate will follow up to ensure that issues are resolved, behaviour is corrected and that preventative measures are working well.

2.5 Physician Process

Any formal complaint involving a physician will require the involvement of the Chief of Staff and Chief of Service along with the MRP in all steps of the formal complaint process. Ultimately the complaint may be heard at the MAC if it remains in dispute or it has the potential to affect physician privileges. All investigative files concerning physicians will be retained in a separate file from the Credentialing file. Any formal discipline for a physician under the Respectful Workplace Policy in connection with Workplace Bullying and Harassment will be removed following an eighteen month timeframe if the behaviors are not repeated.

RESPONSIBILITIES

HR Director

HR is responsible for implementing and maintaining the organization's Respectful Workplace 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 and workplace issues that are not necessarily issues related to a respectful workplace environment;
2) As required, assisting Leadership in conducting or coordinating investigations into claims of personal harassment and other respectful workplace issues;
3) As requested, providing informal facilitation or mediation assistance to parties who are attempting to resolve a respectful workplace 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 HHCC website.

Staff Members

All Staff Members at HHCC 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 Respectful Workplace Policy. Employees will treat one another with dignity and respect. Employees will report any violations of this Policy.

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

a. Monitor the work environment to ensure a respectful workplace,
b. Take timely action pursuant to this policy when they receive a complaint, and
c. 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.

The procedure for responding to inappropriate behaviour is outlined below.

3.0 ADMINISTRATIVE REQUIREMENTS

3.1 Confidentiality

All concerns relating to Discrimination and Harassment will be dealt with as confidentially as reasonably possible. HHCC staff, physicians and representatives will inform parties to a complaint under this procedure that all aspects of the complaint must be kept confidential. Information will be given only to those affected by the complaint, and to those helping to resolve it or to others as required by law. Employees who are not parties to the complaint are interviewed only if an external investigation is conducted or if the parties to the complaint agree that a third party may provide witness testimony that can assist in resolving the complaint.

3.2 Discipline and Reprisal

HHCC's response to violations of this policy will vary depending on all of the circumstances including the nature and impact of the violation. Discipline will range from a verbal or written reprimand, suspension or dismissal.

HHCC may take other steps to remediate a violation of this policy, including requiring an Employee to participate in counseling and/or training. In appropriate circumstances, employees may be referred to the Employee Assistance Program (EAP).

If a Staff Member raises a concern relating to Discrimination and Harassment in good faith, he or she will not be subject to retaliation nor reprisal for bringing forward the concern.

Any person who threatens or takes actions against a Staff Member for invoking this policy and/or for participating in the investigation process will be subject to discipline up to and including termination of employment.

A Staff Member who makes a false complaint or otherwise abuses this policy may be disciplined up to an including dismissal from employment. Such discipline is not reprisal or breach of this policy.

3.3 Legitimate Management Actions

Nothing in this procedure prevents the exercise of management's rights and responsibilities including addressing work performance issues, conducting performance assessments/appraisals and carrying out routine supervisory duties including the delegation of work assignments.

3.4 Representation, Support and Advice

Every person involved in a complaint, including the complainant, the respondent, and the witnesses, has the right to representation. The HR department is responsible for notifying the union, which will be **fully** involved unless the employee refuses union representation. Staff Members can change their minds at any time and ask for union representation at any stage in this procedure. Management and non-union represented staff can choose their own representative or ask the HR department to arrange for an acceptable representative.

3.5 Timeliness

The MRP, and the union are responsible for ensuring complaints are handled as quickly as possible. Where practical, complaints that do not involve external processes should conclude within 30 working days from when the complaint is dated and complaints that involve an external mediation or investigation should conclude within 45 working days from the date this external process begins.

3.6 Record Keeping

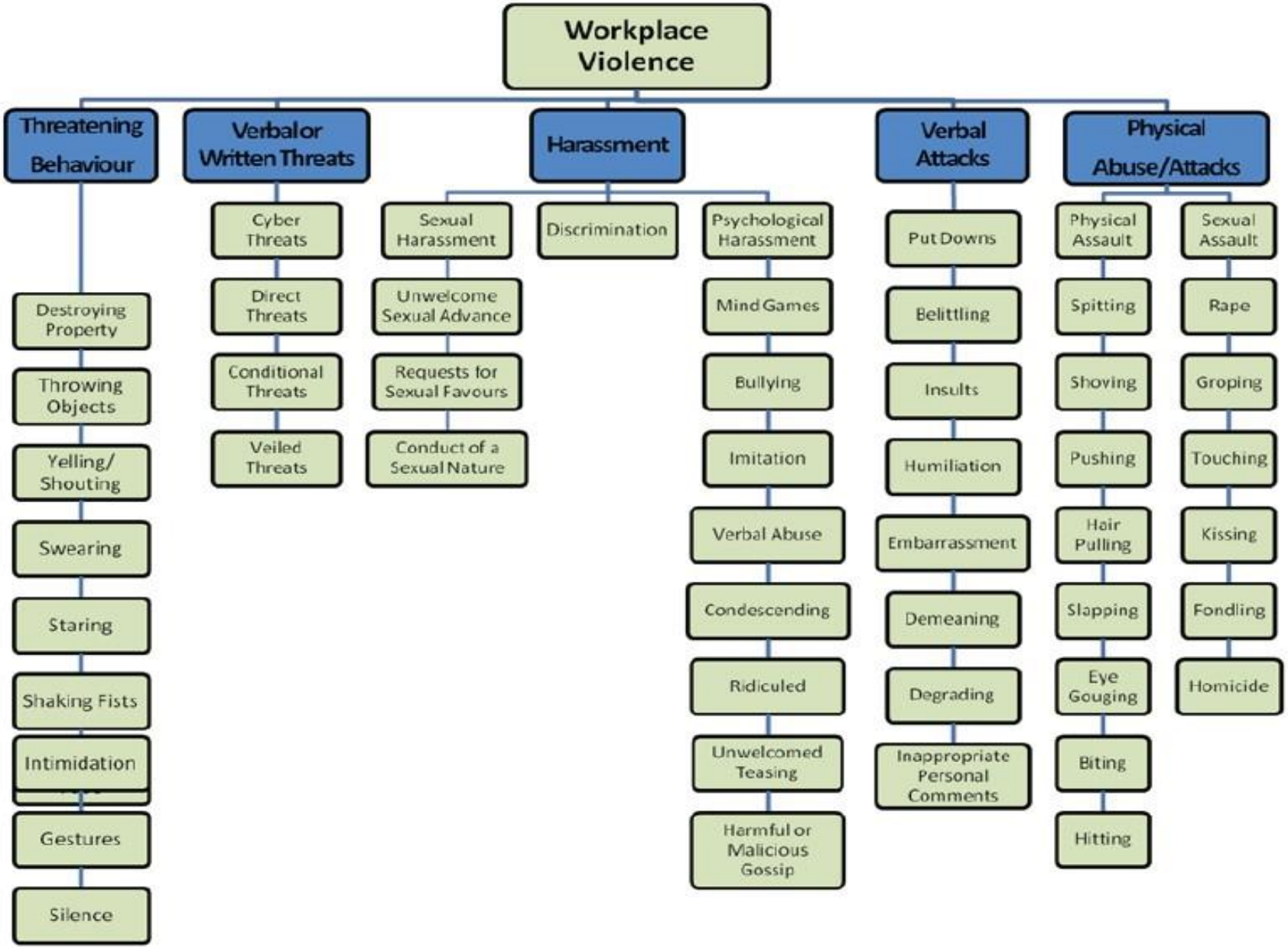
Records of all formal complaints involving staff and volunteers are maintained in the HR Department in a confidential file. All formal complaints involving physicians will be maintained in the Chief of Staff's office. Complaint records are not placed in HR files. If the complaint results in discipline, only the discipline may be placed in the individual's file.

Related Documents

Workplace Violence Policy
Code White Policy

Approval Date	Approval Body	Approval Signature:
July 2016	Endorsed: Leadership, JHSC	
July 27 2016	Senior Leadership Team	
		Liz Ruegg, President & CEO

Appendix A – Types of Workplace Violence



Appendix B

HEADWATERS Health Care Centre

Respectful Workplace Complaint Form

Information about you (the Complainant)

First Name: _____

Last Name: _____

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

Information about the HHCC Staff member you are complaining about:

First Name: _____

Last Name: _____

(Please add additional names if more than one person is being complained about).

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?

Your complaint

Please tell us about your complaint. Please include a chronological history of the events including the date, time and location on which specific events occurred.

(Please note: this information will be provided to the staff member you are complaining about)

Date and Time	Location	Incident/Event

Please list the documents you are sending and provide copies of the documents. If it is alleged that more than one section of the Respectful Workplace Policy has been breached then the supporting documentation should be clearly labeled as to which allegation(s) it supports.

(Please note: Copies will be provided to the staff member you are complaining about. Do NOT send originals. If originals are needed, they will be requested at a later date.)

_____

_____

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 the Human Resources Department of HHCC will share all of the information and documents it receives from me with the applicable union representing myself and the staff member(s) complained about in order to complete a full investigation.
- I agree to HHCC sharing and providing copies of information and documents that it receives from me with the staff member complained about.
- I understand that HHCC will 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.

Date signed

Signature of Complainant

If you have any questions about how to file your complaint, please call the Human Resources department at extension #2019