

WORKPLACE HARASSMENT AND WORKPLACE SEXUAL HARASSMENT

Category: General Corporate
Application: All employees, volunteers and directors
Responsible Office: Human Resources

Let's Talk Science is committed to providing and maintaining an environment for employees and volunteers that is free of discrimination and harassment. Harassment affects the person's dignity or psychological integrity and results in a poisoned (negative) work environment which affects productivity, and is counter to the core values of the organization. Harassment of any description will not be tolerated.

Harassment imposed on any Let's Talk Science representative in the course of their work by a person who is not affiliated with Let's Talk Science, including a customer, supplier, or program participant is also not acceptable and will not be tolerated.

Harassment is generally repeated conduct that is inappropriate, offensive, hostile or unwanted and can be in the form of words, gestures or actions.

Let's Talk Science believes that its interests are best served in these matters not merely by complying with the law but with the total elimination of all forms of discrimination or harassment in the workplace based on personal characteristics which are unrelated to a person's ability to do the job.

Definitions

“Workplace harassment” means:

engaging in a course of vexatious (not having sufficient reason and/or seeking only to annoy or irritate) comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

“Workplace sexual harassment” means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender, 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 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.

What Isn't Harassment

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- measures to correct performance deficiencies, such as placing someone on a performance improvement plan;
- imposing discipline for workplace infractions; or,
- requesting medical documents in support of an absence from work.

It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

The Test of Harassment

It does not matter whether you intended to offend someone. The test of harassment is whether you knew or *should have known* that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case you must immediately stop that behaviour.

Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

The following are some examples of harassment, but not a complete list:

Workplace Harassment	Workplace Sexual Harassment
Written or verbal abuse or threats	Sexual advances
Invasions of personal space or physical intimidation	Communications of a sexual nature – verbal, written, or electronic
Inappropriate jokes, teasing, making fun of someone	Standing too close or brushing up against someone
Setting someone up to fail	Inappropriate, unwanted touching
Vandalism, graffiti	Comments about a person's romantic or sex life, or their sexual orientation
Threatening, humiliating, or demeaning pictures or websites	Unwanted, flirtatious comments or compliments
Pranks, or practical jokes that demean a person or their role	Graphic or pornographic pictures and images
Exclusion or isolation of someone (shunning)	Staring or ogling, at body parts, using "elevator eyes"
Scapegoating – excessive blame centred on someone	Stalking
Damaging one's reputation through gossip or innuendo	Touching a person's hair, clothing, or body
Yelling, swearing directed at someone	Touching oneself sexually around another person
Extreme micromanaging	Exerting undue influence

Roles & Responsibilities

It is important to note that corporate liability for harassment may be extended to individual employees and volunteers (other than the harasser) if they were in a position to correct the situation but took no action to do so. Any person who has the authority to prevent or discourage harassment can be held responsible for any failure to exercise this authority.

Responsibilities of Let's Talk Science

Let's Talk Science is committed to, among other things:

- Resolving situations of harassment to the best of our ability including having a competent person conduct an investigation to arrive at conclusions and recommendations for corrective action (if applicable).
- Using the necessary amount of resources to prevent and to respond to incidents of workplace harassment.
- Providing support for employees and volunteers affected by workplace harassment.
- Doing what is reasonable to achieve a harassment free workplace.

Role of Manager/Supervisor

Managers, including Volunteer Coordinators, are responsible for understanding and upholding this policy and for preventing harassment by:

- Not engaging in behaviour contrary to this policy.
- Communicating the corporation's objective to provide and maintain an environment that is free of harassment.
- Not condoning behaviour that is contrary to this policy.
- Taking all complaints seriously and taking appropriate action to resolve them.

Role of Employee/Volunteer

Employees/Volunteers are required to, among other things:

- Treat individuals at the workplace with respect.
- Report any incidents of harassment in the workplace, experienced or observed, to a member of Management or Human Resources.
- Co-operate in the investigation and resolution of matters involving harassment in the workplace.

Procedure for Reporting Harassment

Let's Talk Science employees and volunteers that experience any form of harassment should react promptly and, depending upon the circumstances of the situation, deal with it in the following manner:

1) Request the harasser to stop. If you believe that you are being harassed on any grounds, make it known to the perpetrator, personally or in writing that the behaviour is offensive and unwelcome.

2) Make notes. If you are being harassed, keep a record, briefly describing the behaviour in question, including time, dates, witnesses if any, etc.

3) Seek assistance. If the unwelcomed behaviour is repeated or continues, or if you are not comfortable in directly confronting the harasser, relay your concerns to your manager, supervisor, or Volunteer Coordinator. If your concern relates to your manager, supervisor or Volunteer Coordinator, proceed to the next level of notification outlined in Step 4 below.

4) Notification of Management

- If, as a Supervisor, or colleague you are approached with such a complaint it is expected you will notify the President, relevant Vice President or Human Resources with this concern.

- If, as Volunteer Coordinator working outside the National Office, you are approached with such a complaint it is expected you will notify the National Office.
- If as a Volunteer Coordinator working within the Let's Talk Science staff you are approached with such a complaint, it is expected you will notify a member of the Senior Leadership Team or Human Resources with this concern.

Where a complaint involves the President of the organization, Human Resources may use discretion in involving the Let's Talk Science Board Chair in addressing the complaint.

5) Third parties/witnesses. If you feel you have witnessed harassment or discrimination of a fellow employee or volunteer you have a legal obligation to report the incident in confidence to the President or Human Resources.

6) Reprisal

Employees or volunteers who experience harassment, or whom are witnesses to harassment are specifically protected under the various provincial Human Rights statutes and have the right to file their complaint with their provincial Human Rights Commission without fear of reprisal.

Procedure for Receiving Complaints

Responsibility of Those Advised of Harassment

To provide a workplace and volunteer environment free of discrimination and harassment, it is essential to intervene when problems occur. The following guidelines are to assist in meeting this obligation and to assist the employee or volunteer who asks for your assistance.

- Receive the complaint in a sympathetic, neutral manner.
- Assure the employee or volunteer of confidentiality.
- Record the details on the Workplace Harassment Complaint Form. The details must include the following information:
 - a) Name(s) of the worker who has allegedly experienced workplace harassment and contact information;
 - b) Name of the alleged harasser(s), position and contact information (if known);
 - c) Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known);
 - d) Details of what happened including date(s), frequency and location(s) of the alleged incident(s);
 1. Any supporting documents the worker who complains of harassment may have in his//her possession that are relevant to the complaint;
 2. List any documents a witness or other person has in their possession that are relevant to the complaint.

Notify the President or Human Resources of the workplace harassment incident or complaint so they can ensure an investigation is conducted that is appropriate in the circumstances.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect employees and volunteers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

Procedures for Investigations

Let's Talk Science is committed to ensuring an investigation appropriate in the circumstances is conducted when a manager, supervisor, the President or Human Resources becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

Human Resources will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the incident or complaint involves a member of the Senior Leadership Team, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws may be retained to conduct the investigation.

Timing

All investigations must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances; such as illness or complex investigation warranting a longer investigation.

Process

The person conducting the investigation whether internal or external to Let's Talk Science will, at a minimum, complete the following:

1. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
2. The investigator must thoroughly interview the employee or volunteer who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is an employee or volunteer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
3. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the employee or volunteer. In some circumstances, the employee or volunteer who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.
4. The investigator must interview the victim, the harasser, any relevant witnesses, and anyone else as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed at Let's Talk Science if they are identified.
5. The investigator must collect and review any relevant documents.
6. The investigator must take appropriate notes and statements during interview with employees and volunteers who allegedly experience workplace harassment, the alleged harasser(s) and any witnesses.

7. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, and the allegations of the employee or volunteer who allegedly experienced the workplace harassment, the response from the alleged harasser(s), the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

Results of the investigation

Within 10 days of the investigation being completed, the employee or volunteer who allegedly experienced the workplace harassment and the alleged harasser, if he or she is an employee or volunteer of Let's Talk Science, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by Let's Talk Science to address workplace harassment.

Handling Complaints

Let's Talk Science is committed to treating all parties involved in a complaint in a fair and respectful manner, after the complaint is received and during the investigation.

If Let's Talk Science determines through the investigative process that any employee or volunteer has been involved in personal harassing of another employee and/or volunteer, immediate disciplinary action will be taken. Such disciplinary action may involve counselling, a formal warning, suspension and could result in immediate dismissal without further notice.

This Workplace Harassment Policy must never be used to bring fraudulent or malicious complaints against employees or volunteers. It is important to realize that unfounded/frivolous allegations of personal harassment may cause both the accused person and the company significant damage. If it is determined by the company 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.

Record Keeping

Let's Talk Science will keep records of the investigation including:

- a) A copy of the complaint or details about the incident;
- b) A record of the investigation including notes;
- c) A copy of the investigation report (if any);
- d) A summary or the results of the investigation that was provided to the employee or volunteer who allegedly experiences the workplace harassment and the alleged harasser, if an employee or volunteer;
- e) A copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including the completed report should not be disclosed unless necessary to investigate an

incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept for at least one year.

All records of the investigation will be kept confidential.

Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint or workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect employees and volunteers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the employee or volunteer who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other employees, volunteers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.



Approved by: _____
President

Date: April 1st, 2017

Employee Acknowledgment and Agreement

I, _____, acknowledge that I have read and understand the Workplace Harassment and Workplace Sexual Harassment Policy, and I agree to adhere to its requirements. I understand that if I violate the rules set forth by this policy, I may face disciplinary action, up to and including termination of employment.

Name: _____

Signature: _____

Date: _____

Date Adopted: 07/17/2000	Last Modification Date: 04/01/2017	Last Reviewed Date: 04/01/2017
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