

Policy Name	ANTI-HARASSMENT		
Policy #	602	Category	HEALTH & SAFETY
Steward	Human Resources	Date Approved	July 1, 2023
Next Review Date		Date Reviewed or Revised	

POLICY

All employees, workers, learners and board of governors at Suncrest College (the “College”) are entitled to work and learn in an environment free from harassment. To this end, the College is committed to making every reasonably practicable effort to ensure that no employee, worker or learner is subjected to harassment in the workplace. The College’s commitment includes informing and training all employees, workers and learners of their rights and obligations under this policy. The College’s commitment also includes taking corrective action, including disciplinary actions, up to and including termination of employment, with any employee, worker, learners, or person under the College’s direction who subjects a college employee, worker or learner to harassment in violation of this policy.

The purpose of this policy is to establish clear guidelines about what harassment is and to provide procedures as to how the College responds to harassment allegations.

Everyone has the right to file a complaint with the Saskatchewan Human Rights Commission. This Policy is not intended to discourage or prevent anyone from exercising any other legal rights, actions or remedies available to them pursuant to any other law.

SCOPE

This policy applies to all persons involved in the operation of the College and the entire College community, including learners, in-scope and out-of-scope employees, workers, including supervisors and co-workers as well as any person doing business with or for the College, and Board members, while participating in College-related activities in any location. This includes any College-related activity (such as social, recreational or travel) outside the workplace. This policy also applies at any third-party location where College-related activities are performed. Please note that individuals may also be subject to and required to comply with the harassment or respectful workplace policy of a third-party.

DEFINITIONS

Board of Governor

Refers to a member of the College Board of Directors.

Employee / Worker	Refers to all “workers” as defined by <i>The Saskatchewan Employment Act</i> (the “SEA”) including managers, supervisors and executives, volunteers, learners and independent or dependent contractors) and Board members of the College.
In-Scope	Refers to an employee who is included in the scope of an applicable Collective Agreement.
Out-Of-Scope	Refers to an employee who is not included in the scope of an applicable Collective Agreement.
President	The President and Chief Executive Office of the College
Retaliation	Refers to any adverse action against an individual because the individual has complained about or resisted unlawful harassment, discrimination or reprisal, or has cooperated in an investigation pursuant to this policy. Any acts of retaliation will not be tolerated and may also result in disciplinary action up to and including dismissal.
Learner	Refer to all individuals enrolled as students at the College.
Supervisor	Refers to an employee who is responsible for directing the day-to-day work of an Employee.

What Constitutes Harassment

Harassment is defined in section 3-1(l) of *The Saskatchewan Employment Act* and encompasses harassment based on prohibited grounds and personal harassment:

3-1(l) “harassment” means:

- (i) any inappropriate conduct, comment, display, action or gesture by a person towards a worker:
 - (a) that either:
 - (l) is based on any prohibited ground as defined in *The Saskatchewan Human Rights, 2018* or on physical size or weight; or

- (II) subject to subsections (4) and (5), adversely affects the worker's psychological or physical wellbeing and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and
- (b) that constitutes a threat to the health or safety of the worker;
- (ii) any conduct, comment, display, action or gesture by a person towards a work that:
- (a) is of sexual nature; and
- (b) the person knows or ought to reasonably to know is unwelcome.
- (4) To constitute harassment for the purposes of paragraph (1)(I)(i)(A)(II), 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.
- (5) For the purposes of paragraph (1)(I)(i)(A)(II), 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.

Harassment is also prohibited pursuant to *The Saskatchewan Human Rights Code, 2018*, and Sections 9 to 19 outline the discriminatory practices.

In general terms, all forms of harassment are unwelcome behaviours which the harasser knows, or should have known, would be objectionable or inappropriate. It is not necessary that the behaviours be intentional for them to be considered harassment. Harassment, including discriminatory harassment or bullying, is strictly prohibited. Examples of harassment may include, but are not limited to, the following:

- 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
- racial / ethnic
- gender
- personal
- sexual orientation

Harassment of a sexual nature may also be referred to as **sexual harassment** and is also
Anti-Harassment

strictly prohibited. Sexual harassment may include, but is not limited to, the following:

- a person in authority asking an employee for sexual favours in return for being hired or receiving promotions or other employment benefits
- sexual advances with actual or implied work-related consequences
- unwelcome remarks, questions, jokes or innuendo of a sexual nature including sexist comments or sexual invitations
- verbal abuse, intimidation or threats of a sexual nature
- leering, staring or making sexual gestures
- display of pornographic or other sexual materials
- offensive pictures, graffiti, cartoons or sayings
- unwanted physical contact such as touching, patting, pinching or hugging
- physical assault of a sexual nature

PROCEDURES

The College will ensure that an investigation is conducted into any incident of workplace harassment, in accordance with this Policy.

1. Informal Process

1.1 Individuals are encouraged to address alleged incidents of harassment internally and make their objections known to an alleged harasser.

1.2 An individual who believes that they have been subjected to harassment is encouraged, if comfortable, to clearly and firmly make known to the alleged harasser that the behaviour is objectionable and must stop.

1.3 Where circumstances prevent an individual from internally addressing alleged incidents of harassment, or the action taken is unsuccessful, the individual should report the alleged harassment to the Human Resources Manager. If the allegations of harassment involve the Human Resources Manager, the individual should direct the report to the President. If the allegations of harassment involve the President, the individual should direct the report to the Board Chairperson. Learner reports of alleged incidents should be reported to the Manager, Learner Services.

1.4 Depending on the nature and severity of the alleged harassment, the person receiving the report shall ensure that an investigation is conducted into any incident of workplace harassment and may recommend to the individual reporting the alleged harassment to attempt to resolve the issue informally. Informal procedures may include mediation facilitated by a trained and experienced mediator appointed by the College.

1.5 Mediation must be consented to by the individual reporting the alleged harassment and

the alleged harasser. If the parties involved agree to mediation, the appointed mediator will determine the mediation process which is most appropriate to the situation. The mediation process should take no longer than ten (10) business days.

1.6 The outcome of the mediation will be reported by the mediator to the person receiving the report. There will be no disciplinary record resulting from the mediation pursuant to this policy on the personnel or learner files of the parties involved. All documentation created as part of an informal resolution process will be maintained in a confidential file by the person receiving the report of alleged harassment.

1.7 Where the individual reporting the alleged harassment and the alleged harasser agrees to a mediated resolution, the person receiving the report will follow up with the individual reporting the alleged harassment to ensure that the resolution was effective and that there is no continuing harassment. Where the individual reporting the alleged harassment reports to the Human Resources Manager or the President that the informal process was unsuccessful or that they would like to forego mediation and file a formal report of harassment, the formal process will be followed.

2. Formal Process

2.1 Formal reports of harassment should be made in writing and signed by the individual making the report.

2.2 A formal report of harassment should contain the following information and should be remitted in the following format:

- (a) Name and of individual(s) making the report
- (b) Home and work phone number of the individual(s) making the report
- (c) Date
- (d) Workplace: *Location and Department (if applicable)*
- (e) Nature of report of harassment: *Racial, gender, ethnic, sexual, bullying etc.*
- (f) Respondent(s): *Name(s) of alleged harasser(s)*
- (g) Details of incidents: *Describe incident(s) detailing behaviour, what was said, date(s), location(s), circumstances surrounding the incident(s), and names of any witnesses*
- (h) Objections made known: *Have you previously told the respondent(s) that you object to the behaviour of told an appropriate person in authority of your concerns? If so, please detail.*

(i) Consent: Pursuant to the principles of natural justice, the respondent(s) has a right to be made aware of the allegations put forth against them. *Do you authorize the release of information about the report to the respondent(s)?*

(j) Signature

2.3 Individuals should provide the formal report of the alleged harassment to the Human Resources Manager. If the allegations of harassment involve the Human Resources Manager, the individual should direct the report to the President. If the allegations of harassment involve the President, the individual should direct the report to the Board Chairperson. Learner reports of alleged incidents should be reported to the Manager, Learner Services.

2.4 Upon receipt of the formal report, the person receiving the formal report will review it and determine whether or not the conduct alleged falls within the scope of this policy.

2.5 The College will ensure that an investigation is conducted into any incident of workplace harassment, in accordance with this Policy.

2.6 The College will carry out a formal investigation into the conduct contained in the formal report in a thorough, prompt, fair and impartial manner. The College will ensure that the investigator has investigation training. Where the circumstances warrant, the investigator may be an external third party. The investigator will have the authority to gather all pertinent documentation, conduct interviews as required, and determine if the allegations of harassment and related misconduct are substantiated.

2.7 The person receiving the formal report or designate will inform the individual who makes the report and any respondents regarding the appointment of the investigator, the investigation process and the expected timeline. In circumstances where harassment allegations being investigated involve allegations of harassment conducted by any in-scope employees, the union will be notified.

2.8 This policy does not preclude any in-scope employees who are participants in the formal process from having a union representative or support person of their choice present during any interviews. This policy does not preclude any learner from having a support person of their choice present during this process. The investigator will notify participants of their rights to have union representation or a support person present, as applicable.

2.9 Submission of the investigator's written report to the Manager, Human Resources (Manager, Learner Services for learner allegations) should occur within thirty (30) working days of the appointment of the investigator. Extensions, under extenuating circumstances may be granted upon written request to the Manager, Human Resources.

2.10 After the investigation is concluded, the individual who reported the alleged harassment

and the alleged harasser will be informed as to the results of the investigation, which must be maintained in strict confidence by its recipients. It is the responsibility of the College to decide on any action to be taken as a result of the findings of an investigation to restore a healthy working and / or learning environment.

2.11 If an in-scope complainant or responder is not satisfied with the investigator's ruling, she / he may initiate action under the terms of the Collective Bargaining Agreement.

2.12 Where harassment by employees or workers is substantiated, the College will take appropriate corrective action or disciplinary action up to and including termination of employment. Where harassment by learners is substantiated, disciplinary action pursuant to the Discipline Procedure in the College Learner Manual may follow. Where harassment is not substantiated, no action will be taken against an individual who made the allegation of harassment in good faith, and the College will take necessary steps to ensure a safe and respectful work environment is maintained. Where, however, a report of harassment is determined to be fraudulent, malicious, or otherwise made in bad faith, the individual who made the allegation of harassment may be subject to disciplinary or other action, up to and including termination of employment.

2.13 All written reports, response statements, witness statements, interview notes and other documentation gathered as part of an investigation will be securely stored in a separate, confidential investigation file and will not be disclosed unless disclosure is necessary to investigate the allegation of harassment, to take corrective action or otherwise as required by law.

3. Temporary or Interim Measures

In the event of an allegation of harassment, the College has full discretion to take temporary interim measures that it deems appropriate to ensure the College remains a safe and productive environment or to facilitate an investigation into said harassment including, but not limited to, removing an individual from the workplace.

4. Variation for the Procedures

4.1 The steps set out above and the way an investigation is carried out are intended to be flexible to permit the College to respond to the specific circumstances at issue in each case. The College reserves the right to engage in a different procedure as it deems appropriate in any given circumstance.

4.2 If an individual does not proceed with a formal report of harassment or decides to later withdraw a written report, the College will still initiate an investigation of the conduct reported to ensure the health and safety of persons at the College and to comply with applicable laws.

5. External Sources of Harassment

5.1 Members of the public who engage in harassing behavior on College premises should be informed by the person experiencing the harassment that their behavior is unacceptable and that it should stop immediately. If it is unsafe to do so or if the harassing behaviour does not stop, management should be contacted for assistance in requesting that the member of the public be asked to leave the premises.

5.2 In all circumstances involving harassing behaviour from members of the public, employees experiencing or observing the harassment must inform their out-of-scope supervisor, another manager or the Human Resources Manager of the incident. If the alleged harasser is an employee of another organization, the College may report the incident to that person's employer.

6. Responsibility to Report

Employees and learners are obligated to report to their out-of-scope supervisor, to the Human Resources Manager or to the Manager, Learner Services, as may be the case, any incidents they have observed that may involve harassment. It is misconduct for employees, supervisors, and management who are aware of behaviours constituting harassment not to take immediate action or to report the harassment to the Human Resources Manager.

7. Non-Disclosure

The College will not disclose the names of individuals who bring forward reports of harassment pursuant to this policy or the names of respondents, or the circumstances related to the report of harassment to any person except where disclosure is necessary for the purposes of investigation or taking corrective action, or as required by law.

8. Rights of Persons Affected by Harassment

This policy is not intended to discourage or prevent employees from exercising any other legal rights. Discriminatory practices are also prohibited by sections 10, 16, 17, 18, and 31 of *The Saskatchewan Human Rights Code, 2018*. Employees within the scope of the bargaining unit have the rights provided to them under the Collective Bargaining Agreement, including the right to the grievance process. All Employees have the right to file complaints with the Saskatchewan Human Rights Commission. Employees also have the right to request the assistance of an occupational health and safety officer to resolve an allegation of harassment in accordance with the harassment provisions and sections 3-1, 3- 8, 3-9, 3-10, and 3-54 of *The Saskatchewan Employment Act*.

9. Risk Assessment

The College, in consultation with the occupational health committee and OHS representatives, has conducted a risk assessment in preparation of this policy to eliminate or minimize the risk of harassment. This consultation considered the following potential risks:

- Previous incidents of harassment in the workplace;
- Situations where employees interact with members of the public;
- Integrity of site security;
- Effectiveness of emergency procedures; and
- Procedures for releasing contact phone numbers, names and addresses of employees only to authorized individuals.

LEGISLATIVE AND COLLECTIVE AGREEMENT REFERENCES

- *The Saskatchewan Employment Act*, section 3-1- harassment definition and policy requirements.
- *The Occupational Health and Safety Regulations, 1996*, section 36
- Collective Bargaining Agreement: Article 22- Anti-Harassment

LINKS TO OTHER RELATED POLICIES, DOCUMENTS, AND WEBSITES

- Fair Notice Policy
- Violence Threat Risk Assessment (VTRA) Policy