

# SELKIRK & DISTRICT COMMUNITY FOUNDATION INC.

## Respectful Workplace Policy

At the Selkirk and District Community Foundation (SDCF) we are committed to providing a safe and respectful work environment for all employees, board members, donors, contractors, volunteers and vendors so far as reasonably practicable. No one, whether an employee, board member, donor, contractor, and vendor or any member of the public should be subjected to discrimination, harassment, bullying, disrespectful or violent behaviours, for any reason, at any time; and no one has the right to harass, discriminate against, bully, show disrespect or violence towards anyone else, at work or in any situation related to SDCF events or activities.

SDCF believes that diversity, acceptance of differences, and respect for others creates a working environment where people can have opportunities to make the best use of their skills, abilities and talents.

SDCF will not tolerate or condone any type of behaviour which contravenes this policy and will take necessary and appropriate action to address situations that occur which are a breach of this policy. It is the responsibility of every employee and board member to conduct themselves in a manner consistent with this policy.

The policy applies to all employees of SDCF and all board members, and includes:

- any location where the business of the organization is being carried out; and
- other locations and situations such as during business travel, attendance at conferences, work-related social gatherings or other locations where the prohibited behavior may have a subsequent impact on the work relationship, environment or performance.

This policy consists of the following sections:

- Section 1.* Harassment
- Section 2.* Discrimination
- Section 3.* Workplace Violence
- Section 4.* Rights and Responsibilities
- Section 5.* Complaint Process
- Section 6.* Confidentiality
- Section 7.* Records
- Section 8.* Appeals
- Section 9.* Education, Monitoring and Evaluation

## **1. Harassment**

### **1.1 Defining Harassment**

The SDCF Respectful Workplace Policy goes beyond the traditional Harassment Prevention requirements included under Human Rights laws and Safety and Health legislation.

There are three main types of harassment. One type includes inappropriate conduct in any form based on the prohibited grounds of discrimination under Manitoba's Human Rights Code. A second type relates to what is sometimes referred to as "bullying behavior and may include:

- repeated humiliation or intimidation that adversely affects an employee's psychological or physical well-being
- a single instance so serious that it has a lasting harmful effect on an employee.

The third type, sexual harassment is defined in section 1.4.

Harassment is defined as any, objectionable or offensive conduct, comment, action, gesture or display, directed at a person or group of persons that degrades, demeans, humiliates or embarrasses and that a reasonable person should have known would be unwelcome, thus creating an uncomfortable, hostile and/or intimidating work and learning environment. It is behavior that is unwelcome, vexatious, hostile, inappropriate and unwanted.

It also includes an improper use of power or authority inherent in a person's position, and that:

- threatens the health or safety of an employee
- endangers an employee's job or threatens the economic livelihood of the employee
- undermines the employee's job performance or negatively interferes with the employee's career in any other way
- adversely affects the employee's dignity or psychological or physical integrity
- results in a harmful workplace for the employee

Harassment may be a one-time event or series of incidents and may also exist systemically as part of the work environment.

Retaliatory behavior in response to a complaint is also considered to be harassment.

### **1.2 Harassment on Human Rights Grounds**

Harassment under Human Rights Law is defined as a course of offensive and unwelcome conduct or comment made on the basis of a person's:

- age
- ancestry, including color and perceived race

- ethnic background or origin
- gender-determined characteristics or circumstances
- marital or family status
- nationality, national origin or citizenship
- physical or mental disability
- physical size or weight
- political belief, political association or political activity
- record of offences for which a pardon has been granted
- religion, creed, religious belief, religious association or religious activity
- sex, including pregnancy, the possibility of pregnancy or circumstances related to pregnancy
- sexual orientation
- source of income, including funding, financial or economic status

Examples of Human Rights based harassment include, but are not limited to:

- insulting gestures, remarks, jokes, innuendoes or taunting based on any of the above prohibited grounds or about adornments and rituals associated with cultural or religious beliefs
- displaying racist, derogatory or offensive written or visual material
- racial or ethnic slurs, including racially derogatory nicknames
- unwelcome inquiries about a person's source of income or funding
- racially motivated threats, intimidation or physical force
- any action, verbal or physical, that expresses or promotes racial intolerance, prejudice, discord or hatred
- refusal to work with or cooperate with an employee or co-worker because of any of the above prohibited grounds
- any action, verbal or physical, that expresses or promotes racial intolerance, prejudice, discord or hatred

### **1.3 Personal and Psychological Harassment**

Personal and psychological harassment is also known as “bullying” and can include abuse of authority. This consists of abusive and unwelcome comments and behaviors or actions that offend, abuse, intimidate, humiliate, demean or cause loss of dignity to an individual and can often have the effect of interfering with a person’s work performance. Personal harassment can take place between peers and it can take place between individuals where there is a power imbalance.

“Bullying” occurs when the behavior criticizes or degrades an individual in a persistent manner or in the presence of others. It is abusive behavior that makes the recipient feel upset, threatened, humiliated or vulnerable.

“Abuse of authority” harassment occurs when a person in a position of authority uses their position unreasonably and with the intent to interfere with an employee or the employee’s

job through the use of humiliation, intimidation, threats or coercion. A “person in authority” is typically someone who has the ability to influence or impact the working conditions of others.

Examples of personal and psychological harassment include, but are not limited to:

- written or verbal abuse, threats and/or patronizing comments that are humiliating, demeaning or threatening
- condescending remarks or behavior which undermines self-respect
- misuse of authority such as deliberately punitive assignments
- reprimanding and belittling an individual publicly
- threats to one’s employment, working conditions or personal security
- dismissive gesture, or comments
- using patronizing behavior, language or terminology which reinforces stereotypes and undermines self-respect or adversely affects work performance or working/learning conditions
- practical jokes that cause awkwardness or embarrassment, that endanger an employee’s safety or negatively affect work performance
- spreading rumors or gossip about another individual
- displaying graffiti or other material which is racist, sexist, sexually explicit, ethnic-based, religious, offensive, degrading or derogatory
- unwelcome remarks, jokes, innuendoes, or taunting about a person's appearance, body, height, weight, attire, age, marital status, gender, ethnic background, race, religion, accent, sexual orientation or disability or any other prohibited ground.

#### **1.4 Sexual Harassment**

Sexual harassment is defined as any type of sexually-oriented conduct, comment or gesture whether intentional or not, that is unwelcome, offensive or unsolicited and has the purpose or effect of creating a work environment that is hostile or offensive. Examples of sexual harassment include but are not limited to:

- unwelcome sexual jokes, language, advances or propositions
- written or verbal abuse of a sexual nature, sexually degrading or vulgar words to describe an individual
- the display of sexually suggestive or pornographic objects, pictures, posters or cartoons
- unwelcome comments or taunting about an individual’s body, size, attire, sex or sexual orientation
- inquiries or comments about a person's sex life or sexual preferences;
- unwelcome touching, leering, whistling, brushing against the body, pinching, patting, kissing or suggestive, insulting or obscene comments or gestures
- sexual assault
- demanding sexual favors in exchange for favorable reviews, assignments, promotions, or continued employment, or promises of the same

- refusing to work with or have contact with workers because of their sex, gender or sexual orientation

### **1.5 Harassment is not:**

- appropriate performance reviews, counseling, coaching or discipline by a supervisor or manager
- day-to-day management or supervisory decisions involving work assignments, workplace assessments, and implementation of appropriate dress codes, provided they are carried out in a manner that is reasonable and not abusive
- physical contact necessary for the performance of the work using accepted industry standards
- conflict or disagreements in the workplace that are not based one of the prohibited grounds and would reasonably be considered as acceptable within a workplace setting
- occasional misunderstandings, thoughtlessness or poor communications
- reasonable words or actions related to isolated stress or frustrations encountered in the performance of work duties
- consensual banter or conduct, or romantic relationships, where the people involved do not find it offensive or unwelcome and consent to what is happening

## **2. Discrimination**

Discrimination in the workplace is described as treating people unfairly or differently based on the prohibited grounds listed in the various Human Rights Legislation. SDCF will not discriminate against any person in any aspects of employment\* based on the prohibited grounds listed in section 1.2 of this policy.

*(\* Unless there is a bona fide occupational requirement and we are unable to make accommodations based on undue hardship or the risk of health or safety dangers. Employment includes recruitment, selection, compensation, benefits, promotion, demotion, layoff, termination and all other terms and conditions of employment.)*

## **3. Workplace Violence**

### **3.1 Defining Workplace Violence**

Workplace violence is defined as the attempted or actual exercise of physical force by a person against an employee in a workplace that causes or could cause physical harm or injury to an employee or that gives an employee reasonable cause to believe that physical force will be used against the employee. It also includes the threat, real or perceived, of any act of physical force or aggression. If a risk of violence has been identified, management will put in place the necessary steps to eliminate and/or minimize the risk.

Examples of workplace violence include but are not limited to:

- physical violence (e.g.. kicking, shoving, striking with fists or an object, throwing things)
- direct threats or intimidation (e.g.. explicit statements, whether written or oral, such as "I'm going to kill you" or "I'm going to hurt you")
- conditional threats or intimidation (e.g. written or oral threats suggesting that the offender will "get even" with the victim if they don't yield to the offender's demand, such as "If you report me to the supervisor, you'll pay!")
- veiled threats or intimidation (e.g. body language or written or verbal statements which suggest that the offender is hostile toward or intends harm to the victim, surveillance of/ stalking or following an individual, profane or abusive language, aggressive horseplay, excessive blaming of others, unprovoked unreasonable conflict with or anger toward co-workers)
- deliberate destruction or desecration of property (e.g. deliberately causing damage to company or individual property, graffiti, etc.)
- possession of a weapon, firearm, ammunition, explosive or incendiary device of any type on company property, including in company vehicles, or at any company-sponsored event (except in an approved official capacity or as required in the conduct of company duties)
- having to deal with individuals who may be irate, expressing anger or threatening aggression
- having to deal with individuals who may be under the influence of drugs, alcohol or other substances

## **4. Rights and Responsibilities**

### **4.1 Employees**

All employees have the right to a harassment-free workplace. All employees are responsible for ensuring that the work environment is free from discrimination, harassment and violence. Employees are expected to work within the policy, to treat each other with respect and to speak up if they or someone else is being harassed, discriminated against or treated in a disrespectful or violent manner. All employees have a responsibility to report incidents of harassment, discrimination or violence to the appropriate person, and to cooperate in any investigations, should they occur. All employees are responsible for respecting the confidentiality of anyone involved in a complaint or an investigation.

Employees have the right to file a complaint directly with the Human Rights Commission.

If a complaint has been filed, the employee also has the right to refuse to work if the reported behavior substantially interferes with the employee's ability to perform his or her work and the employee reasonably believes the behavior will continue, or the employee's health or safety is jeopardized by continuing to work. If an employee refuses to work, they

must advise their supervisor identifying the reasons for refusing to work. A copy of this notification must be given to management. If it is determined that the employee does not have to work, they will be allowed to remain off-site, with pay, until disciplinary or other action has been taken, or reasonable alternative work arrangements have been made for the employee.

#### **4.2 Board Members and Executive Director**

All Board Members and the Executive Director are responsible for treating all employees, donors, volunteers and contractors with respect and for creating and maintaining a work environment that is free from discrimination, harassment, disrespectful behavior and violence. This includes ensuring that this policy is accessible and communicated to their employees. They are also responsible for setting an example for appropriate workplace behavior and ensuring that inappropriate behavior is not allowed, condoned or ignored. This includes taking preventive action to avert the development, escalation or recurrence of inappropriate behavior within their areas of responsibility and addressing situations of discrimination, harassment, disrespect or violence immediately on becoming aware of them, whether or not there has been a complaint. Board Members and the Executive Director are also responsible for assisting employees who turn to them for help with concerns or complaints that fall within this policy. Board Members and the Executive Director may be considered party to the complaint if they fail to take corrective actions, and could be disciplined.

In addition to the responsibilities outlined above, Board Members and the Executive Director are responsible for encouraging, supporting and providing training, plus the resources necessary for employees to fulfill their roles with respect to this policy.

Board Members and the Executive Director have the right to work within and apply this policy and to expect that all employees will abide by the policy. They also have the right to be protected from frivolous or malicious claims and to manage the affairs of their area of responsibility to meet the organization's objectives.

### **5. Complaint Process**

Employees have the right and are encouraged to take direct, assertive action should they experience discrimination, harassment, disrespectful or violent behavior. In many situations, simply informing the person that his or her comment or conduct is objectionable and/or unwelcome will resolve the issue.

An employee has the right to file a complaint with their provincial Human Rights Commission or their provincial Workplace Safety and Health Department. This policy is not intended to discourage or prevent employees from exercising any other legal rights.

All incidents and complaints will be taken seriously, but employees should remember that frivolous or unfair complaints are disruptive and unacceptable. Any employee, who is found to have filed a complaint that is considered frivolous, or that was filed with malicious intent, will be subject to disciplinary action, up to and including termination of employment.

### **5.1 Informal Process**

Tell the alleged offender you find the behavior offensive and unwelcome, and that they should immediately stop such behavior. This can be done either in person or in writing. Telling the person to “stop” may be difficult to do, but frequently it is the most effective means of eliminating the problem. Make a note of your discussion with the individual and keep it for future reference.

Where the above cannot be done, is inappropriate, or is unsuccessful, seek immediate assistance from the Executive Director or Board Chair/Vice Chair. They may suggest a mediated process or a meeting to discuss and get clarification around the events that have occurred. If the Executive Director is the alleged offender, seek assistance from the Board Chair or Vice Chair.

The complainant shall not be compelled to proceed with a complaint and shall have the right to withdraw a complaint at any point up to the initiation of the formal process. The Board of Directors may, however, determine to proceed with the complaint as an organizational response.

The complainant and the alleged offender may each be accompanied by a person of their choice, not directly involved in the complaint, during meetings conducted regarding a complaint.

### **5.2 Formal Process**

Where an informal process cannot be done, is inappropriate, or is unsuccessful, employees are to seek immediate assistance from the Executive Director or Board Chair/Vice Chair. Record the dates, times, locations, witnesses and nature of the incidents, particularly any incidents subsequent to the alleged offender being told the behavior is offensive. Executive Director or Board Chair/Vice Chair will take action on any complaint quickly and as confidentially as possible, and will let both parties to any complaint know the outcome of any investigation.

The following process will be followed:

- The employee making the claim should submit the complaint in writing to the Executive Director. Should the employee not feel comfortable submitting the complaint to the Executive Director, they should submit it instead to the Board Chair or Vice Chair. The written complaint should include the following information: what happened, when, where, what was said, who said what, witnesses, what you did at the time.
- The Executive Director or Board Chair/Vice Chair, will notify the alleged offender (Respondent) of the complaint, and will provide him/her with information concerning the circumstances of the complaint.
- The Respondent will be given an opportunity to respond to the allegations outlined in the formal complaint.
- The Executive Director or Board Chair/Vice Chair may attempt to resolve the matter through discussion, or may initiate a formal investigation.
- If necessary, a formal and confidential investigation will be conducted by either a representative of SDCF or by an outside, impartial investigator. Findings will be reported to the Executive Director or Board Chair/Vice Chair.
- The Executive Director or Board Chair/Vice Chair will inform the Complainant and the Respondent of the results of the investigation.

Reprisal or threat of reprisal against any person who files a complaint or who is called as a witness during an investigation of a complaint is unacceptable and will be subject to disciplinary action, up to and including dismissal.

### **5.3 Outcomes and Remedies**

If, based on the balance of probabilities, the evidence supports the complaint; Executive Director or Board Chair/Vice Chair will do whatever is necessary to stop the discrimination, harassment, disrespectful or violent behaviors. The discipline which is imposed on the offender will be recorded in his/her employee file. Any files regarding the complaint will be kept in a separate and confidential location.

Discipline may include, but is not limited to the following:

- a verbal or written reprimand
- training in appropriate workplace behaviors and/or counseling
- a suspension, with or without pay
- termination of employment

Remedies for the employee filing the complaint may include:

- a verbal or written apology from the offender and from Board of Directors
- payment of any wages or benefits lost
- granting of a position or promotion that was denied

If the investigation does not find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of any of the parties involved and no repercussions will occur for the person filing the complaint, if the complaint was filed in good faith.

#### **5.4 Timelines**

Complaints should be made as soon as possible, ideally within six months after the occurrence. If the situation is one where the harassment has been repeated humiliation or intimidation over time or a series of incidents, the complaint should be made, ideally, within six months of the last incident. The Executive Director or Board Chair/Vice Chair will have the discretion to consider incidents of longer than six months prior to the complaint.

Complaints will be resolved as quickly as possible, ideally within 90 days of the complaint being received.

#### **5.5 Third Party Complaints**

If a person is not directly involved in an incident of discrimination, harassment or disrespectful or violent behavior, but is a witness to and reports that incident the Executive Director or Board Chair/Vice Chair shall obtain all relevant facts from the witness and advise the witness that the information provided is strictly confidential. The Executive Director or Board Chair/Vice Chair shall also meet with the employee who was allegedly subjected to discriminatory, harassing, disrespectful or violent behavior to determine both the accuracy of the information and why no complaint has been submitted.

### **6. Confidentiality**

Confidentiality must be distinguished from anonymity. The complainant who wishes to seek a remedy must be prepared to be identified to the alleged offender. Details of the complaint from the complainant will be shared with the respondent. The Executive Director and Board of Directors will not disclose a complainant's or alleged offender's name, or any circumstances related to a complaint to anyone except as necessary to investigate the complaint or take disciplinary action related to the complaint, or as required by law.

The Executive Director and Board Chair/Vice Chair and all parties involved in a complaint or a subsequent investigation are required to keep all information confidential. It must be recognized that, to the extent that the parties choose to initiate proceedings or make

comments outside the company's internal harassment complaint process, confidentiality cannot be guaranteed.

**7. Records**

Sealed records of harassment complaints will be kept in a separate confidential and locked location.

**8. Appeals**

Employees may appeal any disciplinary process to the Chair of the HR Committee.

**9. Education, Monitoring and Evaluation**

SCDF commits to continuing education of all of its employees and board members relating to this policy and respectful workplace training in general. Copies of the policy will be included in orientation activities for new employees and board members. . SDCF will monitor and review this policy every three years, or as changes occur in the Manitoba Workplace Safety and Health Act and Regulations. If any employee has any concerns with this policy, please bring them to the attention of the Executive Director or Board Chair/Vice Chair.

This policy is to be reviewed every three years.

**ADOPTED at a meeting of the Board of Directors of the Foundation:**

**DATE:** December 13, 2016

**Chair** \_\_\_\_\_ **Kelly Lewis**

**Secretary** \_\_\_\_\_ **Michele Polinuk**