

## 8.6 Harassment Policy

### Policy:

The Lifesaving Society – Manitoba Branch (the “Society”) seeks to provide an environment, which encourages mutual respect, cooperation and understanding and is free of abuse.

### Reason for policy:

The Society is committed to providing opportunities for every individual within the lifesaving community to reach his or her potential in skill and excellence. In keeping with the spirit of this statement, the Society is committed to providing a work and recreational environment in which all individuals are treated with respect and dignity and one that promotes equal opportunities and prohibits discriminating practices.

### Guidelines:

1) To whom does this policy apply?

- all employees,
- contract employees,
- volunteers,
- board members, and
- other representatives of the Society.

2) What is considered harassment?

Harassment is any conduct, comment or gesture, either overt or subtle that is likely to offend an individual. Harassment is often related to one of the eleven grounds of discrimination prohibited by Canadian law:

- Race
- Religion
- Sex
- National or ethnic origin
- Marital status
- Family status
- Colour
- Age
- Disability
- Pardoned conviction
- Sexual orientation

The Society's policy prohibits personal harassment on the basis of any of the above grounds.

3) Examples of harassment

You are being harassed if someone:

- abuses you verbally or physically;
- threatens or intimidates you or makes derogatory remarks, jokes, objectionable gestures, innuendoes or taunts;
- makes practical jokes – including displaying pornographic, racist or offensive material – that make you feel awkward or embarrassed;
- continually uses abusive language towards you;
- repeatedly makes unwelcome invitations or requests of a sexual nature, whether indirect or explicit, including an offer of a job, advancement or another opportunity in exchange for a sexual favour;
- touches or pats you in a way that makes you feel uncomfortable;
- punches or pinches you;
- continually acts in a condescending or paternalistic manner towards you; or
- makes a derogatory reference to your sexual orientation.

4) Where and what activities does this policy refer to?

- the workplace or
- activities that are connected with the Society such as work sites, washrooms, committee meetings, fundraising events, competitions, training sessions, business travel, conferences and work related social gatherings.

5) What kind of relationships does this policy apply to?

- relationships between colleagues,
- relationships between managers and employees, volunteers, clients, or members,
- relationships between board members and employees, volunteers, members, or clients, and
- relationships between staff and volunteers, members, or clients and
- relationships between volunteers and clients or members.

6) What to do if you are being harassed

- Say no – Inform the person that you find the behaviour offensive and ask that it be stopped.
- If you are uncomfortable approaching your harasser, bring forth the situation to the Executive Director.
- Keep track of the incidents – Be sure to document the specific incidents, dates and any witnesses if the behaviour continues.
- If you are unable to resolve the situation with the Executive Director, contact the Human Resources Chair.

- If you have done everything possible without satisfactory resolution, you can refer your complaint to the Manitoba Human Rights Commission.
- 7) How can managers prevent harassment?
- inform employees that harassment will not be tolerated;
  - educate and train all supervisors and employees;
  - orient all staff to the Harassment Policy;
  - initiate action quickly when the manager believes harassment is occurring;
  - support a work environment based on respect;
  - model appropriate behaviour; and
  - monitor the workplace to ensure no harassment occurs.
- 8) What is a manager's responsibility regarding harassment?
- support a respectful work environment that is free from harassment;
  - seek to prevent harassment;
  - shall record in writing all reported incidents;
  - will discuss the situation with the individuals involved in order to stop the behaviour;
  - The manager communicates with the complainant by:
    - listening and taking the issues seriously;
    - discussing the process to be followed;
    - informing and supporting as the process unfolds;
    - informing of the outcome of the complaint; and
    - advising that the matter is confidential during the investigation.
  - The manager communicates with an alleged harasser by:
    - informing of the complaint;
    - advising of their right to have a representative present;
    - providing an opportunity to explain their side and listening carefully;
    - directing that the matter be kept confidential; and
    - informing of the outcome of the investigation.
  - if the complainant believes the resolution is unacceptable, an investigator (preferably a person experienced in harassment matters and investigation techniques) will be chosen to further investigate;
  - the President, Human Resources Chair, Executive Director and other Board Members as deemed appropriate will review all materials related to the incident and decide what disciplinary action, if any shall be taken.
- 9) When establishing appropriate disciplinary action ("Disciplinary Action"), the following factors will be considered:
- nature and severity of the harassment;

- whether the harassment involved any physical contact;
- whether the harassment was an isolated incident or ongoing;
- nature of the relationship between the complainant and harasser;
- whether the harasser had been involved in previous harassment incidents;
- whether the harasser admitted responsibility and expressed a willingness to change;
- whether the harasser retaliated against the complainant.

10) In arriving at appropriate Disciplinary Action, the following alternatives, singly or in combination depending on the nature and severity of the harassment, may be applied:

- verbal apology;
- written apology;
- letter of reprimand from the organization;
- a fine or levy;
- referral to counseling;
- removal of certain privileges of membership or employment;
- temporary suspension with or without pay;
- termination of employment or contract;
- expulsion from membership.

Failure to comply with Disciplinary Action shall result in automatic suspension in membership or employment from the Society until such time as the Disciplinary Action is fulfilled.

Notwithstanding the procedure set out in this policy, any member of the Society who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference or sexual assault, shall face automatic suspension from participating in any activities of the Society for the period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by the Society in accordance with this policy and permitted by law.

11) What is involved in investigating harassment?

In some situations, it may be appropriate to conduct an investigation to further determine the facts of a particular case. This most often would occur when there is denial of the allegations or in situations where it is likely that disciplinary action will be taken. The policy of the Society would direct at this point to seek the services of an independent professional in harassment matters to conduct the investigation who would in turn provide findings to the initial committee of the Executive Director, the President, the Human Resources chair and other Board Members that may have been deemed appropriate (if parties not involved in the complaint).

The expectations of the appointed harassment professional would be:

- to interview the complainant,
- meet with the alleged harassers and their representatives to present the complaint and receive a response,
- interview any witnesses,
- determine an appropriate response based on the facts, and
- provide findings to the initial investigation committee (Executive Director, President, Human Resources Chair and others deemed appropriate).

12) Possible conclusions of an investigation

- If evidence (always tested on the balance of probabilities) shows that harassment occurred, an appropriate course of Disciplinary Action shall be determined.
- If evidence shows that harassment did not occur, action may still be recommended such as mediation in the workplace or harassment education.
- If evidence shows that the accusation was vexatious and malicious, discipline against the complainant may be recommended.
- If evidence was insufficient to draw a conclusion, actions could be recommended including education and debriefing.

13) False Allegations

If the investigation proves that the complaint was made for frivolous or vindictive reasons, the complainant may be subject to discipline. This does not apply to complaints made in good faith but which are not proven.

14) Are harassment complaints kept confidential?

To the extent of using their utmost discretion, the Executive Director, the President, the Human Resources Chair and all other parties involved will keep the parties involved in a sexual harassment investigation confidential, however there are limitations as follows:

- every complaint must be addressed by the Executive Director (or a board member).
- the alleged harasser must be informed about the nature of the complaint.
- witnesses may need to be interviewed.
- in the case where Disciplinary Action is taken, the alleged harasser may seek further action by contacting the Manitoba Human Rights Commission with the expectation of a changed outcome.
- in the case where Disciplinary Action is not taken, the complainant, if not satisfied could contact the Manitoba Human Rights Commission with the expectation of a changed outcome.

#### 15) Summary of Protocol

- At the option of the complainant, the complainant may approach harasser to resolve the issue.
- If unsuccessful or uncomfortable with approaching the harasser, advise the Executive Director and/or Human Resources Chair.
- If matter is not resolved after approaching the Executive Director and/or Human Resources Chair, the matter will be referred to the committee.
- The committee will resolve the matter or refer it to an outside professional.
- If matter has still not been resolved satisfactorily, harasser or complainant may contact the Manitoba Human Rights Commission.

#### 16) Further Information

- The Society encourages all those to which this policy applies to refer to further educational materials on harassment available in the Society office.