



AFNWA Workplace Violence and Harassment Policy

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POLICY STATEMENT

AFNWA is committed to the principles of human dignity and respect for all people within, and engaged in interactions with, AFNWA. AFNWA commits to a supportive, safe, and healthy workplace for all employees.

Harassment, sexual harassment, abuse of authority, bullying and/or discrimination (collectively, “offensive behaviour”) affect the well-being of individuals and the workplace and will not be tolerated. AFNWA has an obligation to take appropriate actions to protect employees as well as other individuals who interact with AFNWA and to end any such offensive behaviour of which they are made aware, whether or not a formal complaint has been filed.

Every employee has an obligation to treat all persons with respect and dignity and a right to receive the same treatment in return. Prevention and reporting of offensive behaviour is the responsibility of all employees. Employees are encouraged to take appropriate steps to ensure offensive behaviour does not occur, and where it does, is not condoned or tolerated.

Supervisors shall take all reasonable steps to ensure that employees do not behave offensively toward other employees, non-employees, or the public at large. Nothing in this policy restricts a supervisor’s authority and obligation to manage performance of an employee or to take appropriate disciplinary action when necessary.

All information regarding a complaint shall be treated as confidential and will be disclosed only on a “need to know” basis. Information received on a complaint, whether formal or informal, will not be held in an employee’s personnel file. Any disciplinary action which results from a Respectful Workplace Complaint will be held in an employee’s personnel file.

PURPOSE

The purpose of this Policy is to:

- Provide a work environment which promotes respect, dignity and freedom from all forms of offensive, harmful or violent behaviour;
- Educate employees and create understanding as to what is considered respectful, and by contrast, offensive, behaviours; and
- Provide a procedure which assists in preventing/limiting offensive behaviour and which provides support for employees where they are impacted by offensive behaviour.

RIGHTS AND DUTIES

All employees, service contractors and members of the public who interact with AFNWA are entitled to be treated with respect and dignity.

All employees, service contractors and members of the public who interact with AFNWA maintain the right to bring forward a complaint with AFNWA where they feel their right to dignity and respect has been violated. In addition, such parties maintain the right to file a complaint under applicable Human Rights legislation (*Canadian Human Rights Act or the Nova Scotia Human Rights Act or other similar provincial legislation*)

All matters of disrespect, harassment or bullying, whether explicitly defined or not in this Policy should be addressed within the procedures associated with this Policy.

An employee who is a Complainant or Respondent in a formal proceeding under this Policy is entitled to be assisted/accompanied by an employee of his/her choice.

Harassment, sexual harassment, abuse of authority, bullying or discrimination in any form or at any level are strictly prohibited and could result in disciplinary action up to and including termination of employment.

ACCOUNTABILITIES

1. The CEO, Personnel Committee, and Managers are responsible to:
 - Set an example by the treatment of all persons with dignity and respect;
 - Ensure employees are provided an opportunity to learn about their rights under this Policy;
 - Ensure actions are taken to create and maintain a respectful and safe environment free of offensive behaviour;
 - Implement appropriate disciplinary actions as necessary;
 - Ensure that direct complaints lodged under this process will be heard, investigated and resolved within an efficient timeframe, while at all times upholding the principles of dignity and respect of all involved parties;
 - Process complaints, conduct or direct the conduction of thorough investigations, and determine the appropriate corrective actions; and
 - Evaluate the effectiveness of this Policy and recommend changes as necessary.
2. Employees are responsible to:
 - Treat all persons with dignity and respect;
 - Attend training as directed; and
 - Cooperate with the respectful workplace processes as outlined in this Policy

DEFINITIONS

Bad Faith Complaint – a complaint which is malicious or vexatious in nature and/or which was made with the knowledge that it has no merit. A bad faith complaint may result in disciplinary action against the complainant. It is important to note that a complaint could ultimately be determined to be unfounded, but that does not necessarily mean it was made in bad faith.

Bullying – an action of aggression that involves physical, verbal or psychological abuse initiated by an individual/group that targets one or more individuals. Bullying is deliberate, repeated, vindictive, and disrespectful, and it is designed to victimize through humiliation, intimidation and/or disempowerment.

Complainant – an employee/contractor/member of the public who has brought forward/filed a complaint under this Policy, alleging that offensive behaviour has occurred.

Consultant/Mediator – a neutral person to help the parties to the dispute attempt to reach a mutually acceptable solution.

Dignity – the quality/state of being worthy of honour or respect.

Discrimination – making a distinction, intentional or not, based on a characteristic (either real or perceived), which is a protected ground under the Nova Scotia *Human Rights Act or other similar provincial legislation* or the *Canadian Human Rights Act*, and which distinction has the effect of imposing burdens, obligations or disadvantages on an individual/class of individuals which are not imposed upon others, or which withhold/limit access to opportunities, benefits and advantages available to other individuals.

Protected grounds include:

- Race.
- National, ethnic, Aboriginal origin,
- Colour
- Creed
- Religion
- Age
- Sex
- Sexual orientation,
- Gender identity or expression
- Marital status
- Family status
- Disability (physical or mental)
- Conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered
- Source of income
- Political belief/affiliation/activity
- Irrational fear of contracting an illness/disease

Formal Investigation – an investigation conducted under the direction of the Personnel Committee.

Harassment – any behaviour that demeans, humiliates or embarrasses a person, and that a reasonable person ought to have known would be unwelcome. It may include actions, comments, or displays. It may be a single incident or continue over time. For the purposes of this Policy, harassment in the workplace includes, but is not limited to, personal, sexualized, or racialized harassment which creates a hostile environment, discrimination, or which constitutes abuse of authority. While not an exhaustive list, harassment may include:

- Unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's race, body, national/ethnic origin, clothing, colour, religion, age, sex, marital status, family status, physical/mental disability, sexual orientation, gender identity, or other personal characteristics;
- Verbal abuse/threats;
- Physical abuse/ intimidation/assault, or unwanted physical contact, including touching, pushing, pinching, patting or hitting;
- Humiliating an employee;
- Patronizing or condescending behaviour;
- Display of sexually explicit, racist, sexist, or other offensive or derogatory material;
- Practical jokes causing embarrassment or insult;

- Vandalism of personal property;
- Unwelcome sexual remarks, invitations or request (including persistent unwanted contact after the end of sexual/romantic relationship);
- Abuse of authority;
- Stalking;
- Confinement;
- Innuendo, taunting, intimidation or belittling actions or comments that are directed either at a particular person, or at no person in particular but which could reasonably be seen to create an intimidating, demeaning or offensive work environment; and
- Any conduct which would be considered harassment under applicable human rights legislation.

Harassment is not:

- Routine supervision;
- Performance evaluations conducted in a reasonable fashion and based on work performance;
- Disciplinary action;
- A request/directive to do something that a reasonable person would consider as part of a job function;
- Grumpy/curt responses on an occasional basis. However, where such behaviour persists consistently over time such that a reasonable person would be offended, it could be found to constitute harassment;
- Denial of request for time off;
- Consensual banter or romantic relationships where the people involved are comfortable and agree that what is happening/has happened is not harassment;
- Other routine day to day interactions between employees, including occasional interpersonal or professional conflicts/disagreements. Severe and/or persistent conflict that is manifested in one employee's offensive behaviour toward another may be considered harassment.

Investigator – the person responsible to conduct investigations into allegations of matters as defined by this policy. It may be an individual internal or external to AFNWA, as determined by the Personnel Committee or CEO.

Non-employee – a person who is engaged in work activities at AFNWA who is not a direct employee. This may include, but is not limited to, visitors/guests, volunteers, contractors, and students on work terms.

Offensive Behaviour – includes harassment, sexual harassment, bullying, and discrimination.

Ought Reasonably to be Known – refers to an objective assessment of how a reasonable person would view or receive a specific behaviour/pattern of behaviour.

Respondent – an employee against whom a complaint of offensive behaviour has been made, either through formal or informal processes, and may include a supervisor who is alleged to have failed to take reasonable action to protect an employee from offensive behaviour.

Sexual harassment – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive work environment. Sexual

harassment includes comments/gestures or physical conduct that are not directed at a particular person, but that create an intimidating, demeaning or offensive work environment. Sexual harassment may include but is not limited to:

- Comments, humour, insults or behaviour based on sex, gender expression or identity or sexual orientation;
- Lewd, or sexually offensive written, graphical or behavioural displays;
- Inappropriate comment or innuendo, physical touching or leering that could reasonably be construed to be a sexual advance;
- Any implied/express reward for complying with a sexually oriented advance or request;
- Any reprisal/threat of reprisal against an individual for rejecting a sexual solicitation or advance.

Witness – persons who have personal knowledge of an incident or who may have information relevant to the investigation of a formal or informal complaint.

Workplace includes but is not limited to:

- The physical work site;
- Educational/professional development programs/events;
- Business travel;
- Conferences;
- Work-related social gatherings, whether on or off-site;
- Vehicles in their use during the course of employment;
- Social media when it is used in the course or, or where there is reference to, AFNWA; coworkers; clients, etc.

PROCEDURE

Speak Up

If an employee behaves in a way that offends, humiliates or degrades another person or group of people, the first step is to speak up. If possible, tell the person you are not comfortable with their behaviour and you want it to stop. This may be all you need to do to put a stop to the behaviour. You can speak with them directly or send them a written communication via email. In addition, tell someone you trust what is going on.

Document

Record all offensive behaviour. Write down what happened, when, where, how often, who else was present, and how it made you feel. Write down every incident. It is best to do this promptly while it is fresh in your memory.

Report It

If the offensive behaviour occurs again, or if you do not feel you can deal with it directly with the person, report it to your Supervisor, or if that person is involved, to the Personnel Committee. If for some reason you are unable to report harassment to anyone in the workplace, you can also contact the Human Rights Commission, or in cases of physical/sexual assaults or threats, the police.

Once a person reports offensive behaviour, the Supervisor/Manager or Personnel Committee (or designate) will inquire about what happened, when, where, how often and who else was present. They will keep notes of the conversation.

Informal Procedures – Self Help

You may wish to proceed informally at first. This means you can ask your Supervisor/Manager or Personnel Committee to help you communicate with the other person, or to speak with them on your behalf, without going through a formal complaint process. This informal approach may not always be possible, or successful, but when it is, it may help to resolve the situation quickly.

Formal Procedures – The Investigation

If you decide to go ahead with a formal complaint, the complaint must be in writing (Appendix A) and must name the Respondent, approximate date(s) and time(s) of the offensive behaviour, location, and names of witnesses, if any. The complaint will then be investigated, either by a specially trained person from within the organization, or by a Consultant engaged by AFNWA to investigate your complaint (see Appendix B). This person will conduct a thorough investigation of the complaint.

The assigned investigator will interview the Complainant, Respondent, and any witnesses. Interviews will be conducted in a private area. The purpose of the investigation is fact-finding, and no blame will be assigned during this process. All employees have a responsibility to cooperate in the investigation process. All employees involved will be provided summaries of their interviews to verify that the evidence documented by the Investigator is accurate.

The investigation will typically involve:

- Getting pertinent information from the Complainant;
- Informing the Respondent of the details of the complaint and getting their response;
- Interviewing witnesses; and
- Deciding whether, on a balance of probabilities, the harassment did occur.

Advisors

Advisors, whose role shall be to receive, investigate and determine complaints are:

- a) Chantal, Leblanc, Manager of Corporate Services – (902)-877-3813 or Chantal.leblanc@afnwa.ca
- b) James MacKinnon Interim Chief Operating Officer- (902)-401-3092 or james.mackinnon@afnwa.ca
- c) Verna Langley, Human Resources Coordinator– (902)-664-9912 or verna.langley@afnwa.ca

Rights of the Respondent

If you are the individual accused of offensive behaviour, you have the right:

- To be informed of the complaint;
- To be given a written statement of the allegations and to respond to them in writing if you choose;
- To have a person of your choice accompany you during the process;
- To be informed of the progress of the complaint; and
- To receive fair treatment throughout the process

Report of the Investigator

The assigned investigator will submit a written report to the CEO or Personnel Committee, within one (1) week of completion of the investigation.

Upon review of the investigator's report, the CEO, and/or the Personnel Committee, will determine appropriate next steps, which may include conducting follow-up interviews if deemed necessary.

Substantiated Complaints

Where the investigator determines the complaint is valid, the investigator's report will recommend appropriate remedies, potential disciplinary actions, and any other necessary actions.

The CEO, in collaboration with the Personnel Committee, will decide what actions to take, and will inform both parties of the decision, in writing.

If the Complainant or Respondent is not satisfied with the results of the investigation, they may request the matter be referred to the Personnel Committee who may choose to hire an external Consultant for a review of the matter. The decision to engage an external Consultant for a secondary investigation is solely at the discretion of the Personnel Committee and that decision is final and binding.

Unsubstantiated Complaints

If a person, in good faith, files a harassment complaint which is ultimately not found to be supported by evidence gathered during the investigation, that complaint will be dismissed, and no record of it will be put in the Respondent's file. As long as the Complaint was made in good faith, there will be no penalty to the person who complained, and no record in their file.

Complaints Made in Bad Faith

Where it is determined by the Investigator that a complaint was made in bad faith, that is, deliberately and maliciously filed knowing the complaint had no basis, the Complainant will be subject to disciplinary action. The CEO and/or Personnel Committee will take steps to restore the reputation of the Respondent, and will provide any necessary remedies.

Retaliation

Anyone who retaliates in any way against a person for their involvement or cooperation in an investigation under this Policy will be subject to disciplinary action as deemed appropriate by the CEO and/or Personnel Committee. This includes retaliation against any employee or supervisor.

HARASSMENT & VIOLENCE TRAINING

AFNWA will provide all its employees with a 1-day harassment and violence training course every 3 years. This course will cover:

- Elements of the workplace Harassment and Violence Prevention Policy
- The relationship between workplace harassment and violence and the prohibited grounds of discrimination under the *Canadian Human Rights Act*
- How to recognize, minimize and prevent workplace harassment and violence
- An annual refresher training session will be coordinated through such means as a Lunch and Learn (60 mins) or Webinar, this is a required training for all staff.

All new employees will receive training within 3 months after the day on which their employment begins and participate in the annual and extended training thereafter.

CONFIDENTIALITY

The AFNWA recognizes the reluctance of employees to come forward with complaints and the need for as much confidentiality as possible.

All complaints of harassment and reports on these complaints will be kept in strict confidence, except as required to investigate and respond to the complaints.

The person against whom the complaint has been lodged has the right to be advised accordingly and the right to respond to the allegations.

Confidentiality will be superseded by threats of a physical nature or behaviours that might compromise the safety of an individual, the security of the AFNWA property or reflect potentially harassing situation that demands management action. Where knowledge of a situation may result in personal liability on the part of an Advisor, they are obligated to contact the Manager of Corporate Services or Chief Executive Officer for guidance on managing the situation.

If the Complainant or Respondent wishes to share the report with their respective representatives that were part of the Informal and/or Formal Process, then they must provide written authorization to the Manager of Corporate Services or Chief Executive Officer for disclosure of the report. The other party must also approve the disclosure in writing.

If disciplinary action is taken, the disciplinary action will be advised to both parties, if and only if, each party provides written authorization to the Manager of Corporate Services or Chief Executive Officer consenting to disclosure of the disciplinary action to the other party.

Appendix A – Complaint Form

Name of Complainant _____

Details of Complaint

1. Name and Job Title of Person against whom this complaint is being made.
2. Please describe the conduct you believe to constitute harassment. Please indicate where and when it occurred. If you require more space, add a sheet to this form.
3. Full name of any potential witnesses.

Signature of Complainant _____ Date _____

Appendix B - Investigation Guidelines for HARASSMENT COMPLAINTS

Selection

The Investigator appointed by the CEO/Personnel Committee shall be impartial and unbiased. The Investigator must be capable of conducting an independent investigation in a thorough, discreet, and sensitive manner, in the language of the parties' choice, and should be trained in harassment investigation techniques.

Where possible and practical, the Investigator should be outside line management of both the complainant and respondent.

At times it may be necessary to appoint an Investigator from outside the organization. If such matters such as gender, disability, race, national/ethnic origin are factors, these should be taken into consideration when appointing an Investigator.

Roles and Responsibilities

The Investigator is responsible for all matters associated with the handling and conduct of the investigation as described in the terms as provided by the CEO/Personnel Committee, including but not necessarily limited to:

- a) Gathering, examining and recording of all relevant facts from available documentation;
- b) Identifying gaps in information, potential sources of additional information, and person who may be able to corroborate information;
- c) Preparation of a written report covering all significant points and an analysis of the facts and circumstances of the case;

Investigator's Report

The Investigator shall prepare a written Report. The Report shall be clear and concise. It shall contain a detailed and chronological description of the relevant facts, a description of the evidence gathered, an analysis and assessment of the findings to reach a conclusion as to whether harassment has occurred. All evidence gathered shall be included with the Report.

The Report shall be dated and signed by the Investigator and submitted to the CEO/Personnel Committee for decision on next steps.

Decision of the CEO/Personnel Committee

The CEO/Personnel Committee shall provide the Complainant and Respondent with a copy of the Report, and those individuals will have five (5) business days to provide any response in writing.

The CEO/Personnel Committee will assess the Report, and if satisfied as to the completeness of the report, may, in whole or part, accept, reject or vary the conclusion as to whether harassment has occurred. In any case, whether the CEO/Personnel Committee does not fully accept the Investigator's findings, they must provide written rationale for their conclusion. The CEO/Personnel Committee will determine the appropriate consequences arising from the Report.

Closure

The CEO/Personnel Committee shall inform the Complainant and Respondent of the final decision, the corrective actions taken, and the rationale behind those decisions.

The decision of the CEO/Personnel Committee is final.

Appendix C – Emergency Procedures

If a harassment and violence occurrence pose an immediate danger to the health and safety of an employee, or if there is a threat of such an occurrence, please contact 911 for emergency services (police, fire and ambulance).

Below is a summary of the emergency procedures that the AFNWA must implement in various types of situations.

Violence in the workplace

If you witness or experience violence at work:

- Remove yourself from the situation if you can;
- Inform your manager or seek help from a co-worker immediately;
- If your manager is the perpetrator, notify another manager in the line of authority;
- If your physical security or well-being is threatened, press your panic button and if possible call 911;
- Contact the AFNWA Safety and Security Coordinator as soon as you can.

If you are dealing with a violent person:

- Stay calm;
- Try to calm the other person or diffuse the situation (if you can);
- Avoid saying or doing anything that could aggravate the situation;
- Avoid eye contact or sudden movements that can be perceived as threatening;
- Respect the person's personal space;
- Continue the conversation with the person only if the person calms down;
- Tell the person that you understand the reason for their anger;
- If the behavior persists, end the conversation;
- Politely notify the person that you will leave the work area or ask them to do so;
- Notify your manager or seek help from a co-worker immediately (use the panic button if necessary);
- If the person refuses to leave the premises and the situation escalates call 911 and contact the Security Office.