

Section	Procedure Number
Human Resources Procedure	RCJTC AP.05.10
Procedure Title	
Workplace Harassment	
Date	Revised
November 16, 2015	

1. The General Manager will be responsible for the implementation of this procedure.
2. The General Manager (or designate) will make every effort to investigate workplace harassment incidents promptly and take appropriate corrective action.
3. The General Manager (or designate) will inform employees of the RCJTC's Workplace Harassment policy and procedure and reporting mechanism established by the RCJTC as outlined under this policy and will ensure staff is aware of their right to report workplace harassment.
4. All reported incidents of workplace harassment will be considered confidential.
5. All parties involved in any incident of workplace harassment under investigation by the General Manager (or designate) will be advised to respect the confidentiality of the case and the confidentiality of any discussion and any documentation related to the investigation.
6. The General Manager (or designate) will make every effort to provide fair and due process for all parties involved in the reported incident(s) before, during, and after the investigation.
7. Disciplinary actions will be subject to the related provisions of applicable collective agreements, and terms and conditions of employment.

DEFINITIONS:

1. For the purpose of this procedure, “harassment” is defined as a course of vexatious comment or conduct, which is known or ought to reasonably be known by the perpetrator to be unwelcome, cruel or humiliating behaviour. Harassment may, dependent upon the circumstances, consist of a single action or a series of incidents.

Types of Workplace Harassment

Bullying

2. Bullying is defined as any planned behaviour whose purpose is to embarrass or humiliate and that attempts to undermine or erode a person’s dignity or respect.

...Providing safe, efficient, effective transportation to our students

3. Bullying may include any act of persistent, offensive, and abusive, intimidating or insulting behaviour, abuse of power and/or unfair punitive sanctions which makes the recipient feel upset, threatened, humiliated and/or vulnerable, that undermines the recipient's self-confidence and/or reduces the recipient's feelings of self-esteem and self-worth and/or which may cause the recipient to suffer undue stress.
4. Bullying behaviours may include, but are not limited to, unwelcome acts, innuendoes or comments, either written, spoken and/or by electronic messaging, use of physical gestures to mock or disadvantage a person that are intended to harm them psychologically or physically.

Gender-based Harassment

5. Gender-based harassment is any unsolicited and/or unwanted statement, comments, or actions that may include:
 - (a) remarks, jokes, or innuendoes of a sexual nature;
 - (b) persistent objectionable looks at a person's body;
 - (c) crude and unwanted remarks about a person's clothing, body, or social activities;
 - (d) unnecessary and unwanted physical contact; and
 - (e) a sexual solicitation or unwelcome advance with or without direct reference to a person's job or employment status.

Inappropriate/Disrespectful Behaviour

6. Inappropriate or disrespectful behaviour among staff means behaviour that is or ought reasonably to be known to be objectionable and/or unwelcome to an individual, or group, which diminishes the dignity of any person(s) and can create a poisoned or hostile work environment. Examples of inappropriate/disrespectful behaviour include, but are not limited to written or verbal comments, actions, gestures, behaviours or "jokes" which would reasonably be perceived as unwelcome, humiliating, offensive, hurtful, or belittling; bullying or intimidating behaviour; abuse of authority; yelling, shouting, screaming, or swearing; deliberately excluding or isolating a person from relevant work activities or decision making; stereotyping or making inappropriate assumptions about an individual based on an individual's personal qualities, characteristics or role; and devaluing or trivializing a person's successes, contributions or concerns.

Inappropriate/Disrespectful Behaviour

7. Inappropriate or disrespectful behaviour does not include the reasonable and appropriate exercise of supervisory responsibilities, including training, direction, instruction, performance appraisal, and discipline; or acceptable and appropriate social interaction, good-natured and appropriate humour or joking in the workplace.

Racial/Ethnocultural Harassment

8. Racial/Ethnocultural harassment may take the form of written, verbal, electronic messaging and/or physical actions that are perceived as derogatory statements, prejudicial actions, bigotry and/or hatred for a person or a group of persons based on their race, ancestry, place of origin, colour, ethnic origin, citizenship or belief. Racial/Ethnocultural harassment can be overt or subtle, intentional or unintentional, and may include, but is not limited to, the following behaviours:

- (a) physical or verbal abuse or threat;
- (b) demeaning comments, jokes, remarks, innuendoes;
- (c) display or distribution of racist pictures, graffiti or other derogatory material;
- (d) practical jokes or insulting gestures; and
- (e) exclusion, avoidance or condescension.

Sexual Harassment

9. Sexual Harassment is deliberate, unsolicited, unwelcome and personally offensive behaviour, comments, gestures or physical conduct of a sexual nature that creates discomfort, interferes with work effectiveness, invades the privacy or threatens the livelihood or status of an individual.

Reporting an Incident or Complaint of Workplace Harassment to the Employer

1. It is understood that all employees making a harassment complaint as outlined under the following redress procedure will do so without fear of reprisal.
2. Although employees are encouraged to use the following redress procedure, all employees have the right to file a complaint with their immediate Supervisor or the General Manager at any time.
3. The General Manager or Supervisor will immediately investigate the alleged incident and take any necessary appropriate action to protect the health and safety of the employee.
4. Employees also have the right to file a complaint with the Human Rights Commissioner or seek redress through any other legal means at any time.
5. The General Manager and/or designate will assist and advise all concerned parties throughout the redress procedure.
6. Both the complainant and the alleged offender have the right to ask a person of their choice to be with them throughout the redress procedure.
7. Where a harassment complaint may result in disciplinary measures, the complainant should seek advice from her/his union/association representative.
8. Movement from one step in the redress procedure to the next will occur at the request of the complainant if he/she is not satisfied that all concerns have been addressed.

Redress Procedure

Step 1 - Informal Discussion and Counselling

9. The complainant will attempt to resolve the incident informally and will keep a personal record of any such efforts for future reference.
10. Informal measures may include:
 - i) where possible, making the objection, disapproval and/or unease known to the alleged offender in a clear manner, and politely but firmly requesting that it stop;

- ii) discussing the case and how it might be resolved with the complainant's supervisor, or with the next higher level of management, if the alleged offender is the complainant's supervisor; and
- iii) requesting that the supervisor convene and preside over a meeting of the complainant and the alleged offender to discuss and resolve the matter informally.

Step 2 - Immediate Supervisor Intervention/ General Manager Decision

11. If the complainant is not satisfied that all concerns have been addressed at Step 1, the complainant will submit a written report of concern to the General Manager. The report will include the name of the complainant, the name of the alleged offender, place, date, time, witnesses (if any) and details of the offensive behaviour.
12. The immediate supervisor, receiving the report of concern, will immediately:
 - i) notify in writing the alleged offender of the report of concern;
 - ii) advise the alleged offender of the right to submit a written statement regarding the case and of the right to representation as per applicable collective agreements;
 - iii) conduct a thorough documented investigation of the complaint, including a summary of efforts to resolve the situation, interviewing the complainant, alleged offender and any witnesses, and investigating all aspects of the case; and
 - iv) prepare a written report including findings and, where appropriate, recommendations for disciplinary action, to the General Manager.
13. The General Manager reviews the information, renders a decision and advises all parties involved.

Step 3 - Appeals Process

14. If the complainant is not satisfied that all concerns have been addressed at Step 2, the complainant may submit a written letter of appeal to the Board of Directors.
15. The Board of Directors will appoint an Administrative Team to review all related documentation in an attempt to resolve any outstanding issues.
16. The decision of the Administrative Team will be considered final and binding.

Disciplinary Action

17. Formal disciplinary action can be applied after Step 2 or 3, when it has been determined that harassment has occurred. Formal disciplinary action will include, but is not limited to:
 - i) counselling and oral reprimand;
 - ii) written reprimand;
 - iii) suspension with or without pay;
 - iv) demotion and/or relocation; and
 - v) recommendation for termination.
18. An offender may be suspended with or without pay before all aspects of the case have been fully resolved in cases of alleged severe harassment.
19. All of the above disciplinary actions will be subject to the related provisions of applicable collective agreements, and terms and conditions of employment.

Prevention

20. All employees will make every effort to encourage a harassment-free workplace by becoming familiar with the RCJTC's policy on Workplace Harassment; ensuring their conduct is in accordance with RCJTC policy; and following designated RCJTC procedures, should a harassment incident occur.
21. Supervisors at all levels will make every effort to enforce the RCJTC's policy on harassment, including: ensuring employees are fully aware of the RCJTC's policy towards harassment and designated administrative procedures; ensuring employees are aware of their rights under the Ontario Human Rights Code as it relates to harassment.
22. Managers and Supervisors will make every effort to prevent harassment; and investigating promptly and taking appropriate corrective action as per these procedures, should they become aware that an employee is being harassed.

Related RCJTC Policy

P.05.10 Workplace Harassment Policy

Related RCJTC Forms

F.05.10.1 Workplace Harassment: Informal Resolution