

## Preventing Workplace Harassment – B-P-001

### Board of Health Policy

#### 1.0 Policy Statement

The North Bay Parry Sound District Health Unit (Health Unit) is committed to providing an environment in which everyone is treated with civility, dignity, and respect. Workplace harassment (including discrimination and bullying) is against the law and will not be tolerated from anyone, including personnel, clients, and members of the public.

#### 2.0 Purpose

This Policy describes the Health Unit's ongoing commitment to provide an environment in which all employees are free from workplace harassment by:

- Defining workplace harassment, workplace sexual harassment, and reprisal;
- Outlining the responsibilities of personnel to prevent workplace harassment; and,
- Outlining a process for addressing unwelcome comment or conduct as it applies to this Policy.

#### 3.0 Scope

**3.1** The Policy applies to all personnel. Personnel includes all employees, students, volunteers, contracted services, and Board of Health members.

**3.2** This Policy applies to all conduct that occurs in the work environment. The work environment is any place where work-related activities are conducted. It includes but is not limited to:

- the physical work premises of the Health Unit;
- work-related social functions; and
- work assignments outside of the office including travel in vehicles, conferences and training sessions, and offsite visits to client homes, or other business premises.

**3.3** The process for formally reporting and managing workplace harassment is covered under [WI-HU-OHS-153](#), Reporting and Managing Workplace Harassment.

**3.4** Issues of workplace violence are covered under Board Policy [B-P-009](#) - Preventing Workplace Violence.

**3.5** These Policy requirements do not preclude an individual from exercising any rights under the *Ontario Human Rights Code*, *Occupational Health and Safety Act*, their respective Collective Agreement/Employment Policy, or from utilizing other options contained herein if it is felt that workplace harassment has occurred.

## 4.0 Definitions

### 4.1 Workplace Harassment

Workplace harassment is defined as engaging in a course of vexatious comment or conduct against an individual in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment. (MOL, 2016). It includes but is not limited to:

- any action that endangers another individual's continued employment, negatively affects his/her work performance or undermines his/her sense of personal identity;
- all forms of harassment covered by the governing Human Rights legislation (discrimination);
- retaliatory action as a result of an individual reporting an incident of harassment;
- poisoned work environment and abuse of authority;
- vexatious comment or conduct is behaviour that is humiliating, offensive, or abusive for the person who is subjected to such behaviour, that undermines his/her self-esteem or that causes him/her torment (bullying);
- remarks and behaviour which may reasonably be perceived to create a negative psychological and emotional environment for work.

### 4.2 Workplace Sexual Harassment

Workplace sexual harassment is defined as:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. (MOL, 2016).

### 4.3 Reprisal

Reprisal is punishment or retaliation against an individual for exercising his/her rights under this Policy or for participating in the harassment investigation process. Reprisal, in any form, against any party involved in a harassment investigation is prohibited. Reprisal may itself become an incident of workplace harassment and could result in disciplinary action up to and including termination of employment for just cause.

### 4.4 Workplace Harassment is not:

- A reasonable action taken by the Employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment. (MOL, 2016)

Expanded definitions and examples are outlined in [WI-HU-OHS-153](#), Reporting and Managing Workplace Harassment.

## 5.0 Responsibility

The Board of Health through the Medical Officer of Health/Executive Officer ensures that this Policy is followed.

- 5.1** Management is responsible for ensuring that this Policy is implemented and is effective. Management is also responsible for providing assistance to personnel administering this Policy, if required.
- 5.2** All personnel are responsible for performing their duties and responsibilities in accordance with this Policy and their competency profile.
- 5.3** Within the scope of individual and professional roles, personnel are also expected to:
- become familiar with this Policy and seek clarification from their supervisor or Human Resources, if required;
  - complete any training related to this Policy as required by the employer;
  - treat others with civility, dignity, and respect;
  - refrain from engaging in behaviours that would constitute workplace harassment as defined in this Policy; and
  - immediately address and/or report instances of workplace harassment as outlined in [WI-HU-OHS-153](#), Reporting and Managing Workplace Harassment.
- 5.4 The Supervisor (includes Managers and Executive Team Members):**
- sets and enforces standards of appropriate workplace conduct and treating others with civility, dignity, and respect;
  - ensures that personnel are aware of their rights and responsibilities under this Policy;
  - in consultation with Manager, Occupational Health & Safety and Professional Development, identifies hazards that may present situations of workplace harassment using the internal Hazard Analysis process ([WI-HU-OHS-041](#)); and,
  - takes all reasonable steps to deal with incivility and reports of workplace harassment of which they are aware or reasonably ought to be aware in a timely fashion.
- 5.5 The Manager, Occupational Health & Safety and Professional Development (Manager, OHS and PD)/delegate:**
- ensures that all personnel are provided with training about workplace harassment and are aware of this Policy;
  - ensures this Policy is reflective of legislated requirements and reviewed by the Joint Health and Safety Committee, Executive Team, and Board of Health at least annually and when changes are required;
  - in consultation with supervisors, identifies hazards that may present situations of workplace harassment using the internal Hazard Analysis process ([WI-HU-OHS-041](#)),
  - takes corrective action and/or implements measures to protect anyone from workplace harassment or in a workplace harassment situation from further harm; and,
  - ensures appropriate signage to communicate the intent of this policy is displayed in identified client-service areas and Occupational Health and Safety bulletin boards.

## 6.0 Procedure

- 6.1** Personnel may refer to resources on the Health Unit's intranet about maintaining a culture of civility, dignity, and respect as a means to prevent workplace harassment.
- 6.2** Personnel are encouraged to immediately address unwelcome comment or conduct from others, regardless of whether or not they feel it meets the specific definition of workplace harassment. This may be done verbally, in which case it is wise to have another person

witness this action; or in writing, retaining documentation related to the unwelcome behaviour (dates, location, witnesses, emails, and any other pertinent information).

- 6.3 Personnel who are not comfortable addressing the person(s) on their own, may request intervention from their supervisor and/or the Manager, OHS and PD/delegate.
- 6.4 If the unwelcome comment or conduct continues and/or meets the definition of workplace harassment as defined in 4.0 Definitions, personnel must report it following [WI-HU-OHS-153](#), Reporting and Managing Workplace Harassment, and may do so without fear of reprisal.
- 6.5 Reports of workplace harassment are confidentially investigated as appropriate in the circumstances in a fair and timely manner following [WI-HU-OHS-153](#), Reporting and Managing Workplace Harassment.
- 6.6 Confirmed reports of workplace harassment may result in disciplinary action up to and including termination of employment for just cause.
- 6.7 Personnel must complete training related to workplace harassment when required by the Employer.
- 6.8 A summary report of workplace harassment incidents and related grievances, filed in the previous year, is presented to the Personnel Policy, Labour/Employee Relations Committee annually. All personally identifiable information regarding harassment complaints shall remain confidential as per 6.9.
- 6.9 Information about a report of workplace harassment will not be disclosed except to the extent necessary to protect workers, conduct an investigation, take corrective action, or as otherwise required by law. (MOL, 2016).
- 6.10 This Policy will be reviewed by Human Resources, the Joint Health and Safety Committee, the Executive Team, and the Board of Health at least annually or when changes are required.

## 7.0 Records Retention

All records relating to this Policy are retained in accordance with the Records Retention and Management work instruction ([WI-HU-108](#)).

## 8.0 References

### Internal References

- a) North Bay Parry Sound District Health Unit, [Board of Health Bylaws](#).
- b) Preventing Workplace Violence Policy – [B-P-009](#)
- c) Occupational Health and Safety Policy – [B-P-004](#)
- d) [Quality Assurance Manual](#) (1999).
- e) Records Retention and Management – [WI-HU-108](#)
- f) Reporting and Managing Workplace Harassment – [WI-HU-OHS-153](#)
- g) Hazard Analysis – [WI-HU-OHS-041](#)

## External References

- a) *Health Protection and Promotion Act*, R.S.O., 1990, c H.7. [Ontario E-Laws Website](#)
- b) *Municipal Act*, 2001, S.O. 2001, c. 25. [Ontario E-Laws Website](#)
- c) *Canadian Human Rights Act* (R.S.C., 1985, ch-6) [Ontario E-Laws Website](#)
- d) *Ontario Human Rights Code*, R.S.O. 1990, CH 19. [Ontario E-Laws Website](#)
- e) *Canada Labour Code* (R.S.C., 1985, c.L-2)
- f) Human Rights Tribunal of Ontario
- g) City of Toronto – [Human Rights and Anti-Harassment Policy](#), 2011
- h) Dunk and Associates, Workplace Violence and Harassment Prevention Awareness Program, 2011
- i) [Public Service Health and Safety Association \(PSHSA\), Bullying in the Workplace: A Handbook for the Workplace, August 2010](#)
- j) Human Resources Professionals Association (HRPA), Preventing and Investigating Harassment and Violence in the Workplace workshop materials, April 2011
- k) Ontario Ministry of Labour (MOL), [Code of Practice to Address Workplace Harassment Under Ontario's Occupational Health and Safety Act](#), September 2016
- l) Ryerson University, [Guide to Civility](#), November 2016
- m) Canadian Centre for Occupational Health and Safety, [Respect: Everyone Deserves It](#) (Poster), May 2019

## 9.0 Summary of Revisions

2019-05-31 – Revision to item 5.5 to add reference to signage and updated references.

## 10.0 Board Policy Development Details

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