

THUNDER BAY REGIONAL HEALTH RESEARCH INSTITUTE STATEMENT of POLICY and PROCEDURE			
Manual:	Human Resources	SPP No.	HR-2.10
Section:		Issued:	2008
Subject:	General and Sexual Harassment	Effective:	
Issue to:	All Manual Holders	Page:	1 of 6
		Replaces:	Feb 1, 2015
Issued by:	Chief Operating Officer	Dated:	May 1, 2015

POLICY

Policy:

Thunder Bay Regional Health Research Institute (TBRHRI) is committed to providing a work environment free of personal and sexual harassment and will make every reasonable effort to ensure that no employee or person under the Research Institute's direction is subjected to personal or sexual harassment. The Research Institute will take such disciplinary measures as it deems appropriate, up to and including discharge where applicable, against any employee or person under its direction who subjects another employee to sexual or personal harassment.

Definitions:

For the purposes of this Policy:

Employee shall be deemed as any person under the TBRHRI direction and/or any person who performs any work or supplies any service to the TBRHRI. This includes all staff, privileged staff, contract employees, volunteers, and students who are here for either wages or educational purposes.

Sexual Harassment is any verbal, visual or physical conduct, comment, gesture or contact of a sexual nature that:

1. Is likely to cause offence or humiliation.
2. Is known or ought to be known to be unwelcome.
3. Might reasonably be perceived as placing a sexual condition on employment, training or promotion.

It may include but is not limited to the following:

- Unwelcome remarks, jokes, innuendoes, leering, propositions, or taunting/commenting about a person's body, attire, sex or sexual orientation.
- An implied or expressed threat of reprisal for refusal to comply with a sexually oriented request.
- Displaying of pornographic or sexist pictures or materials.
- Physical contact such as touching, patting, pinching, etc. with an underlying sexual connotation.
- Sexual assault.
- Refusing to work with someone because of their sex or sexual orientation.

It can be a first time incident or a continuous series of incidents. Sexual harassment is not only male to female, but can be male to male, female to female, or female to male.

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Personal Harassment is any unwelcome behaviour, conduct or communication, directed at an individual that is offensive to that individual and is based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability. It is persistent and creates an intimidating work environment.

It may also include objectionable conduct or comment directed towards a specified person(s), which serves no legitimate work purpose, and has the effect of creating an intimidating, humiliating, hostile or offensive work environment. Examples of personal harassment may include but are not limited to: threats, bullying, coercion, verbal assault, taunting or ostracising, malicious gestures or actions that create a poisoned work environment as described above.

Harassment should not be confused with legitimate management intervention which may include comments, advice and criticisms regarding standards of work, workplace behaviour, feedback on employee performance appraisals, counseling and discipline.

Harassment is not limited to interaction between specific relationships. For example, it is not only employee to employee or manager/supervisor to employee, it can also be employee to manager/supervisor, volunteer to manager/supervisor, physician to employee, etc.

Employee Rights and Responsibilities:

It is the employee's right to work in an environment that is free from harassment. It is the responsibility of all employees to ensure that proper standards of conduct are upheld. Employees who are aware of harassment are encouraged to bring it to the attention of their Supervisor.

Complainants Rights:

The complainant has the right to:

- File a complaint and have it dealt with promptly without fear of embarrassment or reprisal,
- Make sure that no record of the complaint is placed on their personnel file, as long as it was made in good faith,
- Be informed about the progress of the complaint,
- Be informed of the type of corrective measures that will result from the complaint,
- Receive fair treatment.

Respondents Rights:

The respondent has the right to:

- Be made aware of and respond to all complaints made against them,

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- Have the complaint dealt with promptly,
- Make sure that no record of any unsubstantiated complaint is placed on their personnel file,
- Be informed about the progress of any investigation being undertaken in response to a complaint,
- Be informed of the type of corrective measures that will be taken as a result of a substantiated complaint,
 - Receive fair treatment.

Employer's Responsibilities:

Human Resources will:

- Ensure the intent and guidelines of this policy are communicated to all existing and new employees,
- Investigate complaints promptly and determine the appropriate response,
- Advise employees that reprisals are prohibited against those who make complaints in good faith under this policy,
- Inform complainants and respondents of the final outcome of the complaint.

Managers and Supervisors will:

- Ensure that the workplace within their jurisdiction is free from harassment as defined herein,
- Inform Human Resources of any complaints received,
- Protect confidentiality.

Recommended Procedure for Employees who believe they are/have been harassed:

1. Tell the individual his/her behaviour is unwelcome and ask him/her to stop.
2. If the behaviour does not stop, report the situation, as soon as possible, to your immediate Supervisor, or Human Resources.
3. Prepare a written record of the incident(s), including date, time, location, possible witnesses, what occurred, etc.

It is recognized that in certain circumstances, an employee may not be able to confront the harasser. Employees should be aware that they can express their concerns to the people outlined in number 2 above.

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Formal Resolution Process

1. Initiation of Complaint:

- a. A complainant may choose to file a formal complaint by submitting a signed, written complaint to Human Resources.
- b. Following the receipt of a complaint, Human Resources shall evaluate the complaint to determine whether the allegations raise an issue of violation of the General and Sexual Harassment Policy, and shall have the discretion to conduct a fact finding investigation in that regard. Human Resources will notify the COO that a complaint has been filed.
- c. If the complaint does not raise an issue of a violation of the General and Sexual Harassment Policy Human Resources will dismiss the complaint.
- d. If, after evaluating the complaint, the COO and Human Resources determines that the allegations in the complaint raise an issue of a violation of the General and Sexual Harassment Policy, Human Resources will send a copy of the complaint to the respondent and shall afford the respondent reasonable time to prepare a written response.

2. Investigation:

- a. If the COO and Human Resources deems it appropriate to proceed with the complaint, an investigation will be conducted as expeditiously as possible to ensure that a full and fair investigation has been completed. This investigation may be completed internally, or at the discretion of the COO, in consultation with the CEO, may elect to have a third party investigator complete the fact finding mission.
- b. The respondent will be given a reasonable opportunity to be heard, orally and/or in writing, with respect to the complaint and to furnish names of witnesses along with information pertaining to their knowledge of the matters set forth in the complaint.
- c. Upon completion of the investigation Human Resources will report in writing to the COO. This report will set forth the steps taken in the investigation process and the findings of the investigation.
- d. The COO and CEO will review the report of the investigation to make a determination whether further investigation is required.

3. Findings:

- a. The CEO shall assign the COO and Human Resources the duty to communicate the investigation report findings to the complainant and respondent involved within a reasonable timeframe. i. Human Resources has the discretion to redact the names of witnesses in order to maintain confidentiality.

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- b. Once the investigation is complete Human Resources will prepare a written response to both the complainant and respondent outlining the investigation findings.

If the COO and Human Resources determines that a respondent has not engaged in harassment, both complainant and respondent will be notified in writing of the investigation findings.

If the COO and Human Resources determines the respondent has engaged in harassment, Human Resources shall send a memorandum of preliminary determination and all of the written documents pertaining to the case to the CEO.

1. This preliminary determination shall constitute a recommendation of a finding of prohibited harassment, and may include a recommendation concerning corrective action and/or disciplinary action.
2. Human Resources will send a copy of the memorandum of preliminary determination to the complainant and the respondent.

- c. The complainant and respondent will be given a reasonable amount of time to prepare a response and then have an opportunity to be heard orally or in writing by the COO and Human Resources.

4. Corrective and Disciplinary Action:

- a. If the investigation determined a violation of the General and Sexual Harassment Policy, the COO and Human Resources will then, in consultation with the CEO, determine the appropriate corrective action.
- b. Disciplinary action, up to and including discharge, may be taken against an employee who has violated the General and Sexual Harassment Policy.
- c. Corrective and disciplinary actions will be determined on a case-by-case basis.
- d. Human Resources shall notify the respondent of the appropriate corrective action that will be taken, including any disciplinary action and/or termination action that affects the respondent.

**All affected parties will treat the complaint with strict confidence.

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All employees have the responsibility to co-operate in the investigation; the investigator will need to know:

- The complainants name and position;
- The name and position of the alleged harasser;
- Details of what happened;
- Dates, times and how often these things occurred;
- Where they happened;
- The names of any witnesses;
- Any documentary or physical evidence .

Confidentiality

All parties will treat any complaint with the strictest confidence; information will not be placed in either the complainant's nor the alleged offender's personnel file, but retained in a locked confidential file, accessible only to those who need to know, and upon approval of the Manager, Human Resources.

All records of complaints will remain confidential except where disclosure is required by a disciplinary or other remedial process.

Harassment is a serious offence. Any employee who engages in harassing behaviour is subject to disciplinary measures up to and including termination of their relationship with the Institute.

Retribution or retaliation in any form as a result of making a complaint will not be tolerated and will be subject to discipline.

Malicious complaints will not be tolerated and complainants may be disciplined.

Furthermore, any disciplinary actions against an employee as a result of violation of this policy will be reported to their respective professional college where applicable.