

HARASSMENT POLICY

POLICY STATEMENT

CODC Construction Opportunities Development Council Inc. believes that all workers should be provided a work environment free from all forms of harassment. CODC is committed to the development of a harassment free workplace and strongly encourages its member unions and employers to adopt the following recommended policy. We believe that each and every employee has a right to be treated with dignity and respect.

DEFINITION OF HARASSMENT

Part One - Legal Definition of Harassment

In accordance with The Saskatchewan Human Rights Code and/or The Saskatchewan Occupational Health and Safety Act this policy prohibits harassment on the basis of a person's:

Race	Mental and Physical Disability
Creed	Physical Size or Weight
Religion	Age
Colour	Nationality
Sex	Ancestry or Place of Origin
Marital Status	Receipt of Public Assistance
Sexual Orientation	Family Status

In the Occupational Health & Safety Act, harassment is defined as any objectionable conduct, comment, display, action or gesture by a person that:

- 1) is directed at a worker;
- 2) is made on the basis of the aforementioned grounds; and
- 3) constitutes a threat to the health and safety of the worker.

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The second category is harassment that adversely affects the worker's psychological or physical well-being and that the person knows or ought to reasonably know would cause a worker to be humiliated or intimidated. Under this category the harassment must:

- involve repeated action or display; OR
- involve a single, serious occurrence that has been established to have caused a lasting harmful effect on a worker; AND
- not be any reasonable action that is taken by an employer or supervisor relating to the management and direction of the employer's workers or the place of employment.

Harassment may be verbal, physical, visual or psychological. It can include but is not limited to:

- Jokes that cause awkwardness or embarrassment
- Insulting comments and/or slurs
- Display of racist, sexist or other offensive material
- Sexually suggestive or obscene comments or gestures
- Offensive sexual advances or propositions
- Unwanted physical contact such as touching, patting or pinching
- Verbal abuse, threats or intimidation
- Physical assault, including sexual assault

Part Two - General Harassment

Harassment may also occur in the workplace which is not based on the list of protected characteristics (race, sex, religion, disability, etc.) outlined above. For example, two employees may dislike each other and this may result in behaviour that is unacceptable and likely to undermine work relationships and productivity.

Examples of unacceptable behaviour affecting work performance may include:

- Refusing to work/communicate with, or otherwise excluding/isolating someone
- Demonstrating a hostile attitude towards someone
- Bullying or berating someone

This type of behaviour can be referred to as general or personal harassment. The employer cannot and *will not* and employees *should not* condone this type of behaviour as it may have a negative impact on crew performance and project completion dates.

COVERAGE

This policy covers all employees at all levels.

Harassment will not be tolerated in any work-related setting, including work-related travel.

RESPONSIBILITIES

Employees

Employees must refrain from harassing other employees in the workplace, which includes any actions, behaviours, or comments which could be offensive or demeaning to other employees. Employees are encouraged to immediately report any incident of harassment to their supervisor, the senior person responsible for corporate safety or to a senior company official.

All information provided to management will remain confidential and will only be used as required in conducting an investigation.

Harassment is a serious offense and where harassment has been substantiated, disciplinary action will be taken against the offending party. This may include termination for cause. Where harassment has not been substantiated, no action will be taken against a worker who has made a complaint in good faith.

Supervisors and Management

Supervisors and Managers must ensure a harassment-free work environment and will make every reasonably practicable effort to ensure that no worker is subjected to harassment. Supervisors and Managers also have the responsibility to immediately deal with issues of harassment when they become aware of an incident.

Actions should be originated and undertaken in accordance with procedural steps outlined below.

HARASSMENT COMPLAINT PROCEDURES

STEPS IN THE PROCESS

When an employee believes that a fellow employee is behaving in a manner which he or she deems to be harassment or when he or she observes an incident of harassment that is not being dealt with, the following steps may be used to confront the situation:

1. Raise the issue directly with the person whose behaviour is a problem and tell that person that the behaviour is unwelcome and ask that it be stopped.
2. Inform your supervisor, the senior person responsible for safety in the organization, or the person designated in the harassment policy guide, and ask him or her to discuss the situation with the alleged harasser.
3. File a written complaint with a supervisor, the senior person responsible for safety in the organization, or the person designated in the harassment policy guide.

COMPLAINT INVESTIGATION GUIDELINES

Once a written complaint has been originated, it is important that it be quickly addressed. The person responsible for undertaking the investigation should take immediate action as outlined below.

Confidentiality

Any complaint of harassment will be kept in confidence, except as necessary to investigate and resolve the situation.

Investigation Procedures

Stage One

1. Assure the person making the complaint that the matter will be dealt with quickly and fairly. Assure the individual that their complaint is being taken seriously.
2. Assure the person of the confidentiality of your discussion, subject to the necessary disclosures to effectively initiate an investigation.

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3. The investigation should be carried out by a two-person team. The complainant should be asked if the individuals on the investigation team are acceptable to him or her.
4. The key goals of the investigation are to find out what has happened and to decide if what has happened constitutes harassment as defined by the CODC Policy.
5. The investigators should listen carefully to what the complainant has to say about the incident or incidents. Detailed notes should be kept of the interviews. These notes should be reviewed with the complainant at the end of the interview.
6. Discuss the steps in the process and a projected time-line with the complainant. Make the complainant fully aware that a key step in the process is an interview with the alleged harasser. Advise the complainant that the nature of the complaint will be discussed with the alleged harasser.

Stage Two

1. If you are not the supervisor of the complainant, and if the supervisor of the complainant is not the alleged harasser, advise the complainant's supervisor that an investigation is underway. Identify the need for confidentiality.
2. Advise the supervisor of the alleged harasser of the complaint and that an investigation of the incident is underway. Ask him/her for any assistance which may be required in your investigation.
3. Contact the alleged harasser and let him/her know that a complaint has been filed and provide him/her with a written outline of the complaint.
4. Review the organization's Harassment Policy and Procedures with the person. Provide him/her an opportunity to respond to your written statement and to prepare a written response if he/she wishes. Advise that person where he/she may obtain assistance in this regard. Encourage the person to tell their supervisor about the complaint so that the supervisor may be able to assist in the investigation.
5. Advise the alleged harasser that he or she can take no action against the complainant.
6. Conduct interviews with witnesses to the alleged harassment. Identify the steps in the process and the need for confidentiality to the witnesses.

Stage Three

1. After speaking with the alleged harasser, the investigator should advise the complainant of the alleged harasser's response.

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2. If a meeting between the complainant and the alleged harasser is appropriate and, if the complainant and the alleged harasser agree, set up a meeting to discuss the complaint and try to achieve an understanding that will stop the offending behaviour.
3. If this is successful, the investigators should prepare a complete report outlining the details of the understanding, and provide a copy to both parties.

Stage Four

1. If a meeting at stage three does not occur or, if it does occur and an understanding is not achieved, the investigators should undertake a complete review of the case, including a review of pertinent information provided by the affected parties, witnesses, and supervisors.
2. Based on factual information to the best of their ability, the investigators should make an objective determination of the incident and recommend to the senior management representative what, if any, further actions including disciplinary action may be necessary.
3. A decision will then be made and communicated to the complainant and the respondent. If either the complainant or respondent is not in agreement with the outcome of the investigation, they should be apprised of their rights under the terms and conditions of the Collective Agreement (if applicable), or of appropriate federal or provincial legislation.

GENERAL

This policy is meant to provide an effective redress mechanism. However, the policy is not intended to discourage or prevent a complainant from exercising any other legal rights pursuant to any other law and every employee also can seek additional assistance through the Saskatchewan Human Rights Commission or the Occupational Health and Safety Division of The Department of Labour.

NOTE

In implementing the preceding policy, users should also add or include information identifying other additional sources where assistance may be obtained. Other additional sources may include specific individuals within the organization, unions, or any private resource agencies or organizations.

INVESTIGATION GUIDE

PROCEDURES FOR INVESTIGATION RELATING TO THE HARASSMENT POLICY

The purpose of this document is to describe the process triggered by a claim under the CODC Harassment Policy and Harassment Complaint Procedures.

In the event you are contacted with such a claim or possible claim, you should be certain to carefully review the CODC Harassment Policy and Harassment Complaint Procedures and familiarize yourself with its precise terms.

You should listen carefully to the complainant's comments or questions and prepare a written record of the allegations. You should then give the complainant an opportunity to review and sign the allegations. You should also ask for a copy of any written notes prepared by the complainant relating to the matter.

Following receipt of the harassment claim, the appropriate company officials should be made aware of the claim. A team of two should then be assigned to investigate the allegations on behalf of the company.

During the investigation process, the following steps will generally be taken:

- Confirm the name and position of the complainant.
- Identify the alleged harasser.
- Thoroughly ascertain all facts that explain what happened. Questions should be asked in a non-judgmental manner.
- Determine the frequency/type of alleged harassment and, if possible, the dates and locations where alleged harassment occurred. Also, determine whether, to the knowledge of the complainant, the alleged harasser may have been involved in such incidents in the past.
- Find out if there were witnesses who observed the alleged harassment.
- Ask the complainant how he/she responded to the alleged harassment.

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- Determine whether the complainant consulted anyone else about the alleged harassment and, if so, take note of who else was consulted and their response to the disclosure.
- Develop a thorough understanding of the professional relationship, degree of control, and amount of interaction between the alleged harasser and the complainant.
- Determine whether the alleged harasser has carried out any threats or promises directed at the complainant.
- Determine whether the complainant knows of or suspects that there are other individuals who have been harassed by the alleged harasser.
- Determine whether the complainant informed other supervisors of the situation and, if so, what response the complainant received from those individuals.
- Ask the complainant what action he/she would like the Company to take as a consequence of the alleged harassment.
- Meet with the alleged harasser and inform him/her of the harassment claim. Provide a short written outline of the claim to assist the harasser in understanding what has been alleged.
- Record the response of the alleged harasser in detail. The harasser may request time to prepare a written response or to review the harassment claim.
- When interviewing the alleged harasser, remind him/her that the CODC Policy prohibits retaliation against anyone who makes a claim of harassment.
- Interviews should also be conducted with any witnesses to the alleged harassment including witnesses suggested by either complainant or the alleged harasser.

After completing an investigation of a claim, the investigators may feel they can work out a solution between the parties. If this is the case, the option of holding a meeting between the complainant and alleged harasser should be considered.

The investigating team should prepare a written report summarizing the allegations, their investigation and any factual findings.

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If the investigation team determines that harassment has occurred, it shall recommend sanctions, including, at a minimum, a written reprimand and maintenance of a written record. This recommendation will be communicated to both parties. If its recommendations are acceptable to both parties, a statement of the matter, including the name of the alleged harasser and the nature of the recommendations, will be made to the principals of the Company for ratification.

If the review committee finds that no harassment has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner. The existence of the claim and its disposition will be reported to the principals of the Company in writing.

Both the complainant and the alleged harasser should also be informed that in the event any issues remain or the parties are unable to reach a satisfactory resolution, the matter can be referred to the appropriate government body. In Saskatchewan this could be Occupational Health and Safety or the Human Rights Commission.

**HARASSMENT INVESTIGATION
REPORTING FORM A**

Complainant Information

1. Confirm the name, position and employer of the complainant.

2. Identify the alleged harasser (name and position).

3. Thoroughly ascertain all facts that explain what happened.
Questions should be asked in a non-judgmental manner.

a.

b.

c.

d.

e.

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4. Determine the frequency/type of alleged harassment and, if possible, the dates and locations where alleged harassment occurred. Also, determine whether, to the knowledge of the complainant, the alleged harasser may have been involved in such incidents in the past.

5. Find out if there were witnesses who observed the alleged harassment.

6. Ask the complainant how he/she responded to the alleged harassment.

7. Determine whether the complainant consulted anyone else about the alleged harassment and, if so, take note of who else was consulted and their response to the disclosure.

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8. Develop a thorough understanding of the working relationship, degree of control, and amount of interaction between the alleged harasser and the complainant.

9. Determine whether the alleged harasser has carried out any threats directed at the complainant.

10. Determine whether the complainant knows of or suspects that there are other individuals who have been harassed by the alleged harasser.

11. Determine whether the complainant informed other workers or supervisors of the situation and, if so, what response the complainant received from those individuals.

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12. Ask the complainant what action he/she would like the employer to take as a consequence of the alleged harassment.

Interview Information:

Date: _____

Location: _____

Interviewer(s): _____

Signed by Interviewer(s)

**HARASSMENT INVESTIGATION
REPORTING FORM B**

Respondent Information

1. Confirm the name, position and employer of the respondent.

2. Outline the situation. Harassment has been alleged and it is the interviewer's role to investigate the complaint and to hear the "other side" of the story. Interviewer should make it clear that this is a confidential investigative process. (Interviewer should note key points in his/her outline, prior to the interview).

3. Outline the nature of the complaint including the time(s) and date(s) of the alleged incidents and the person alleging that harassment occurred. (Interviewer should note key points in his/her outline, prior to the interview).

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4. Ask the respondent to provide his/her recollection of the incident(s).
Interviewer should listen and record the information as presented.

5. Ask if there were witnesses who observed the alleged harassment.

6. Ask the respondent if the complainant raised any concerns at the time of the alleged incident(s).

7. Develop a thorough understanding of the working relationship, degree of control, and amount of interaction between the respondent and the complainant.

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8. Ask the respondent if there are any other points he or she would like to raise at this time.

9. Remind the respondent that there should be no discussion on this issue with the complainant and no repercussions to the complainant for filing the complaint.

Interview Information:

Date: _____

Location: _____

Interviewer(s): _____

Signed by Interviewer(s)