



# Harassment Policy

## Policy Statement

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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 policy. Each and every worker has the right to be treated with dignity and respect in the workplace.

## Application of this Policy

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This policy applies to all workers of any organization that voluntarily adopts this policy. This includes full and part-time, casual, contract, permanent, temporary employees and job applicants. This policy applies to all behaviour that is in some way connected to work, including during off-site meetings, training and business trips, or through online interactions.

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 Saskatchewan Department of Labour Relations and Workplace Safety.

## Definition of Harassment

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### Part One – Legal Definition of Harassment

In accordance with The Saskatchewan Employment Act, the legal definition of harassment is as follows:

*(l) "harassment" means any inappropriate conduct, comment, display, action or gesture by a person:*

*(i) that either:*

*(A) is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or*

*(B) subject to subsections (4) and (5), adversely affects the worker's psychological or physical well-being and that the person knows or ought*



*reasonably to know would cause a worker to be humiliated or intimidated;  
and*

*(ii) that constitutes a threat to the health or safety of the worker;*

Under Section (B) 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.

### **Part Two – General Harassment**

Workplace related harassment can also include harassment which is not based on the list of protected characteristics (race, sex, religion, disability, etc.) outlined above. For example, two workers 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 (whether at work, after hours, or online)

This type of behaviour is referred to as general or personal harassment. The employer, and workers, cannot and *will not* condone this type of behaviour as it may have a negative impact on crew performance, project completion dates, and the health and safety of the impacted individual.

### **Part Three – Practical Examples of Harassment**

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
- The purposeful isolation or exclusion of others
- 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

Harassment may not always be in person or at the workplace. Any behavior that fits the definitions above, regardless of where or when it takes place, is considered harassment under this policy. This includes actions that take place online, including on social media, off-duty, off-site, and actions that are perceived to be cyberbullying.

### Part IV – What Harassment is Not

Harassment does not include minor conflicts that arise because of differences in work or communication styles, general disagreements, and general challenges.

Harassment also does not include performance management and other manager or supervisor activities that are part of a manager's or supervisor's responsibilities and are performed for legitimate business purposes.

Nothing in this policy prevents managers and supervisors from engaging in appropriate supervision and performance management.

## Responsibilities

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### Workers

Workers must refrain from causing or participating in the harassment of others in the workplace, which includes any actions, behaviours, or comments which could be perceived as offensive or demeaning to other workers. Workers are encouraged to immediately report any incident of harassment to their supervisor or union representative.

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

Harassment is a serious offense and where harassment has been substantiated, disciplinary action, up to and including termination, will be taken against the offending party. The following actions are also grounds for disciplinary action: interfering with the resolution of a harassment complaint; retaliating against an individual for filing a harassment complaint; retaliating against an individual for being a witness to a harassment complaint or filing an unfounded harassment complaint intended to cause harm.

Where harassment has not been substantiated, no action will be taken against a worker who has made a complaint in good faith. However, should it be found that a worker filed a vexatious or frivolous complaint, disciplinary action may be warranted.

### Supervision

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.

Supervisors also have the responsibility to maintain current knowledge of their responsibilities under applicable legislation and under this policy.

Actions should be originated and undertaken in accordance with procedural steps outlined in the 'Harassment Complaint Procedure'. Supervisors and managers have the responsibility to keep all information confidential, unless disclosure is required during the investigation process. Supervision also has the responsibility to remain impartial during the investigation procedure.

## **CODC**

The CODC is responsible for ensuring this policy remains up-to-date with current legislation, case law, and best practises. The CODC is also happy to advise on policy interpretation. Should you have any questions about this policy, please contact our offices at (306) 347-7299 or [info@codc.ca](mailto:info@codc.ca).

## **How to Report Harassment**

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Should you believe that a fellow worker is behaving in a manner which you believe to be harassment or you observe an incident of harassment that is not being dealt with, the following steps may be used to confront the situation:

1. If possible, 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. Keep a record of these discussions (date, times, locations, possible witnesses, what happened, your response). You do not have to have a record of events in order to make a complaint but a record can strengthen your case and help you remember details over time.
2. Inform your supervisor or union representative and ask them to discuss the situation with the alleged harasser. They will have a verbal conversation with the alleged harasser.
3. If a worker is unable to resolve the matter informally or if the worker does not feel comfortable discussing the issues with the alleged offender, they should bring forward a formal complaint to the attention of their immediate supervisor, manager, union representative, or human resources.
4. Once a formal complaint is received, it may trigger an investigative process in accordance with this policy.
5. Should a formal investigation be required, the precipitating complaints will be treated in an unbiased, confidential, and timely manner.



6. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
7. Following the completion of an investigation, an investigation report will be prepared by the investigator which shall outline the investigator's findings with respect to the allegations made.

## Harassment Complaint Procedure

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### Timeliness

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

Due to the sensitive nature, any complaint of harassment should be kept in confidence, except as necessary to investigate and resolve the situation. This should be communicated to all parties during the investigation. No documentation is to be placed on the complainant's file when the complaint has been made in good faith, whether or not there was a finding of harassment. If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser either.

### Investigation Process

1. If management or supervision determines that an investigation is necessary, investigating personnel (whether a member of human resources, a supervisor, or an external investigator) will carry out an investigation into the circumstances surrounding the complaint.
2. The complainant will be advised of those persons who will conduct the investigation, and will be asked if they are acceptable.
3. The purpose of the investigation will be to determine whether harassment, as defined under this policy, has occurred.
4. During the course of the investigation, the investigating personnel will make reasonable efforts to interview, or have available for interview, all witnesses to the incident(s) on which the complaint is founded, as well as any other person as might be necessary for a proper investigation. It will be disclosed in advance to any persons being interviewed whether the information provided will be confidential or whether it might be disclosed to any other person.



5. Any person being interviewed as part of this process may have a union representative present during the interview.
6. The investigating personnel will record the names, addresses, and telephone numbers of those persons interviewed in the course of the investigation.
7. An investigation shall be initiated within a reasonable time of an investigating personnel being appointed. The investigator will be responsible for establishing the investigation procedure, subject to the requirements of this policy. The investigator will complete their investigation within a timely manner.
8. At the conclusion of the investigation, both parties to the complaint will be advised in writing of the findings of the investigation and any decisions stemming from findings of the investigation shall be made in a timely manner.

#### **NOTE**

In implementing the above 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.