

Respectful Workplace Violation Response Procedure

1. Introduction

The Safety Codes Council (Council) is responsible for promoting a respectful and safe work environment in alignment with Human Rights and Occupational Health and Safety legislation and best practices for human resource management. The Council supports a work culture that is based on mutual respect, dignity, and fairness, and an environment that is both diverse and inclusive.

The Council's commitment to a respectful workplace is articulated through the Council's Code of Conduct and Ethics Policy and Respectful Workplace Policy.

2. Purpose

The purpose of this procedure is to indicate the steps involved in the investigation of any alleged breach of the Council's Respectful Workplace Policy by **employees** and the key guiding principles that will inform any investigation. Breaches of the Council's Respectful Workplace Policy by **members** will be addressed by the Board of Directors (Board) Chair.

3. Definitions

complainant: means a person who makes a complaint.

discrimination: means any form of personal or organizational bias, inequity, or intolerance exhibited to an individual based on that individual's race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation.

disrespectful behaviour: means any rude, unpleasant, inappropriate, and unprofessional behaviour that causes hurt feelings and distresses, disturbs, and/or offends others.

employee: means a person engaged by the Council to perform a service in accordance with an employment agreement.

formal complaint: means a written complaint submitted about an alleged incident that may result in an investigation.

harassment: means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or activity by a person that the person knows or

ought to reasonably know will or would cause offence or humiliation of the **member** or **employee**, or adversely affects the **member** or **employee's** health and safety. This includes conduct, comments, bullying or action because of race, religious beliefs, colour, physical disability, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and a sexual solicitation or advance, but excludes any reasonable conduct of an employer or supervisor in respect of the management of **employees** or the workplace, or reasonable conduct of the Chair in respect of directing **members**.

informal complaint: means a discussion with relevant parties to receive information, explore options, and informally resolve a dispute; an **informal complaint** does not involve a **formal complaint** and investigation.

Management Director: means a director that is employed by the Council and reports directly to the President and Chief Executive Officer.

member: means an individual appointed to the Council by the Board or the Minister of Municipal Affairs.

respondent: means a person against whom a complaint has been made.

vexatious complaint: means a complaint without reasonable or probable cause or excuse or that is intended to harass or annoy or that is instituted maliciously or on the basis of improper motives.

witness: means a person who observes an event or incident relevant to a complaint.

workplace violence: means the threatened, attempted, or intentional conduct of a person that causes or is likely to cause physical injury.

4. Procedure

4.1. The Council will investigate, where appropriate, complaints against **employees** and **members** of **disrespectful behaviour**, **discrimination**, **harassment**, and **workplace violence** in accordance to the following principles and investigative procedures. Examples of what may constitute workplace **disrespectful behaviour**, **discrimination**, **harassment**, or **workplace violence** are provided in Appendix A of this procedure.

Principles

4.2. Investigations will be done in a fair manner that respects the rights of the **complainant** and the **respondent**.

4.3. All complaints which are vexatious and made in bad faith will not be tolerated. A **complainant** who makes a **vexatious complaint** in bad faith may be subject to discipline.

- 4.4. A **complainant** shall not be subject to any reprisal, discipline, or adverse treatment for making a complaint in good faith, and any such treatment may be the subject of a further complaint.
- 4.5. A **respondent** or anyone who retaliates against a person who makes a complaint, or against someone who participates in a complaint investigation, will be subject to discipline.
- 4.6. A **complainant** may discontinue a **formal complaint** at any point in the process; however, the Council reserves the right to further investigate a complaint when it has sufficient concerns about the alleged behaviour.

Informal Resolution

- 4.7. An **employee** or **member** who believes there has been a violation of the Council's Respectful Workplace Policy by another **employee** or **member** may seek an informal resolution by initiating an **informal complaint**. The **complainant** may verbally or in writing:
 - 4.7.1. ask the **respondent** to stop the behaviour; and/or
 - 4.7.2. in the case of **employees**, seek the assistance of their supervisor, a **management director** and/or a Human Resources representative to mediate and resolve the dispute, or
 - 4.7.3. in the case of **members**, seek assistance of the Board Chair.
- 4.8. If the complaint cannot be resolved to the satisfaction of the **complainant**, or if the nature of the alleged violation is considered sufficiently serious by the **complainant**, the **complainant** may initiate a **formal complaint** against the **respondent**.

Formal Complaints and Investigation

- 4.9. A **formal complaint** of **disrespectful behaviour, discrimination, harassment, or workplace violence** must be submitted by the **complainant**, as appropriate, to:
 - 4.9.1. the Board Chair (for **members**);
 - 4.9.2. the Manager, Human Resources (for **employees**); or
 - 4.9.3. the external service provider hotline where anonymous reports can be submitted (for both **members** and **employees**).

The identity of the member or **employee** will be kept in confidence and only disclosed where necessary to conduct the investigation or as required by law.

While reports may be submitted anonymously to the Council, in certain instances

the anonymity of a report may limit the Council's ability to conduct a thorough investigation.

- 4.10. The **formal complaint** must be submitted in writing, and must provide detailed information about the alleged conduct, who is alleged to have engaged in it, when and where it is alleged to have occurred, any **witnesses** to the incident(s), any action(s) that have been taken to resolve the issue, and the **complainant's** desired outcome.
 - 4.10.1. The complaint must be submitted by the **complainant** on the approved *Respectful Workplace Complaint Form* and disclosure forms provided by Human Resources.
 - 4.10.2. A **formal complaint** should be made by the **complainant** within one year of the alleged improper conduct. (In rare and extenuating circumstances, the Council may investigate conduct alleged to have occurred outside of this timeframe.)
 - 4.10.3. If the Manager, Human Resources is the subject of the complaint, the **complainant** must submit the **formal complaint** to the Director, Corporate Services.

Complaints Against Employees

- 4.11. The Manager, Human Resources will review a **formal complaint** submitted and determine whether an investigation is merited.
 - 4.11.1. If an investigation does not proceed, the Manager, Human Resources will contact the **complainant** and any other required parties and indicate the reasons for making this decision.
 - 4.11.2. If an investigation proceeds, the Manager, Human Resources will assemble an investigative team to examine the case further. The investigative team may consist of external experts.
- 4.12. The investigators will separately discuss with the **complainant** and **respondent** the allegation, the investigative process, and will provide each person with a copy of the Code of Conduct and Ethics Policy, the Respectful Workplace Policy and this procedure.
- 4.13. The investigators will separately interview the **complainant**, **respondent**, identified **witnesses**, and other relevant parties, and will gather all relevant information related to the case to clarify issues.

A **respondent** must comply with the investigation; a **respondent** who does not comply will be subject to disciplinary action.

- 4.14. The investigative team will submit a written report with findings and recommendations to the Manager, Human Resources.
- 4.15. The Manager, Human Resources will review the report and clarify any outstanding issues prior to finalizing the report.
- 4.16. The Manager, Human Resources will send the investigative report to the **respondent's** overseeing **Management Director**. The **Management Director** will determine the corrective action necessary.

If the **respondent** is a **Management Director**, the investigative report will be sent to the President and Chief Executive Officer (CEO) who will determine corrective action.

- 4.17. A **Management Director** will inform the **complainant** and the **respondent** of the decision in writing within ten (10) working days of a decision being rendered.

Corrective action may include: education and training, imposing workplace arrangements, written reprimand, suspension, demotion, or termination of employment.

- 4.18. The **complainant** or **respondent** may appeal a decision within ten (10) working days of the receipt of the decision.

- 4.18.1. Appeals of a decision made by a **Management Director** will go to the President and CEO.

- 4.18.2. Appeals of a decision made by the President and CEO will go to the Board Chair. The Board Chair's decision will be final and binding.

- 4.19. The Manager, Human Resources will arrange for the Council's Joint Health and Safety Committee to review the Council's **harassment** and violence prevention plans in response to an incident of **disrespectful behaviour, discrimination, harassment, or workplace violence** in the workplace.

The confidentiality of any information relating to an incident of **disrespectful behaviour, discrimination, harassment, and workplace violence** will be respected as per the *Freedom of Information and Protection of Privacy Act*.

Complaints Against Members

- 4.20. A complaint of **disrespectful behaviour, discrimination, harassment, or workplace violence** made against a **member** will be addressed by the Board Chair in a manner consistent with the Council's Code of Conduct and Ethics Policy and the Council's Bylaws.

5. Authority

This procedure is established under the authority of Corporate Governance Policy 1.4 which delegates authority to the President and CEO to establish policies and procedures for the management and operation of the Council regarding appeals, corporate operations, and operating programs.

6. Scope

This procedure applies to **employees** and **members**.

7. Related Policies and Procedures

- 1.3 Code of Conduct and Ethics Policy
- 1.3.3 Code of Conduct and Ethics Violation Reporting Procedure
- 3.2.2 Respectful Workplace Policy
- 3.2.2.2 Workplace Violence Response Procedure

8. Version History

Date	Notes
December / 01/ 2018	New procedure
January / 01/ 2019	Update for document format standards
July / 01 / 2020	Update for anonymous call option through a third party service provider and document format standards
October / 01 / 2020	Update for governance review and documentation standards

Appendix A

Examples of Discrimination, Harassment, and Workplace Violence

The following is a list of behaviours which may be considered disrespectful, discriminatory, harassing, or indicative of workplace violence. The list is meant to be representative and not comprehensive. Disrespectful behaviour has the following characteristics:

- it is vexatious, humiliating, offensive, and hurtful;
- it often involves repeated behaviour or a single incident of sufficient magnitude to disrupt the work environment; or
- it affects the employee's dignity, wellbeing, or physical integrity.

Discrimination, harassment, and violence are characterized by additional attributes.

Discrimination

Discrimination involves any discriminatory action that is prohibited by human rights legislation such as discrimination based on: race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, and sexual orientation.

Discriminatory behaviour may include:

- unwelcome remarks or jokes regarding a person's race, religion, sexual orientation, age, disability or any other protected ground;
- displaying sexist, racist, or other offensive pictures or posters; or
- denial of equitable treatment in hiring or in the terms, conditions, and benefits of employment.

Harassment

Harassment in the workplace can take many forms and includes sexual harassment and workplace bullying.

- Sexual harassment involves disrespectful comments and conduct such as unwelcome sexual advances, requests, physical conduct, or gestures. Sexual harassment may involve a power relationship where there is a threat of punishment for refusing to comply or inducement of a reward for agreeing to comply. Examples include:
 - unwelcome remarks, jokes, taunts, suggestions, or speculations about a person's body, and attire;
 - excessive leering and staring; or



- displays of pornographic or other sexual materials in the form of pictures, electronic mail, graffiti, cartoons, or sayings.
- Workplace bullying involves repeated efforts to abuse, intimidate, and/or dominate another employee; it may involve a power relationship. Examples include:
 - written or verbal conduct that is humiliating and belittling;
 - verbal and physical gestures which are aggressive in nature;
 - sabotaging an employee's work;
 - spreading false information about an employee's work;
 - withholding necessary information or purposefully giving the wrong information;
or
 - assigning unreasonable duties or workload which are unfavorable to one person (in a way that creates unnecessary pressure).

Workplace Violence

Workplace violence means the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical injury. Examples include:

- threats that give an employee reasonable cause to believe that there is a risk of injury to themselves or another person or damage to property;
- physical acts of violence:
 - sexual assault
 - assault using a weapon
 - punching and fighting
- workplace disturbances:
 - pushing and shoving
 - throwing objects.