

## **6-3 ANTI-HARASSMENT**

### **POLICY STATEMENT**

VISION TV (VISION) is committed to providing a working environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices.

The purposes of this policy are:

- to maintain a working environment free from harassment by discouraging and preventing its incidence, and mitigating or avoiding its consequence if it does occur;
- to alert all employees that harassment in the workplace is an offence under the law;
- to make all employees aware of the potential for harassment and the existence of the procedures available under this policy;
- to set out the types of behaviour that may be considered offensive;
- to establish a mechanism for receiving complaints of harassment and to provide a procedure by which VISION will deal with these complaints; and
- to provide an example of the steps a responsible employer can take towards maintaining a working environment and work culture in which employees treat each other with mutual respect.

The procedures of this policy will be reviewed regularly to ensure that they adequately meet the purposes of the policy set out above.

This policy is not intended to constrain social interaction between people in VISION.

Harassment is a form of discrimination and is a violation of the Canadian Human Rights Act. It is also contrary to the policy of VISION as set out here and in other parts of the policy manual.

The Act specifies that it is unlawful for any employer to discriminate based on the following grounds: race, national or ethnic origin, colour, religion, age, sex (including pregnancy and childbirth), marital status, family status, pardoned conviction, physical or mental disability (including dependence on alcohol or drugs) and sexual orientation.

The Canadian Human Rights Act deals with discriminatory behaviour in the forms of:

- differential treatment of an individual or a group of individuals based on a prohibited ground;
- all forms of harassment;
- systemic discrimination - a seemingly neutral policy or practice that in fact is discriminatory.

All forms of harassment on the basis of prohibited grounds are offensive, degrading and threatening. VISION takes seriously its responsibility to ensure that all members of staff work in an environment that is free of harassment and discrimination. Harassment and discrimination will not be tolerated; they are cause for disciplinary action, up to and including dismissal.

Under the Canadian Human Rights Act, the employer is responsible for any harassment that occurs in the workplace. Any act of harassment committed by an employee or an agent of the employer in the course of employment is considered to be an act committed by that employer, unless it can be established that the employer exercised all due diligence to prevent the harassment and to mitigate its effect.

Notwithstanding the existence of this policy, every person continues to have the right to seek assistance from the Canadian Human Rights Commission, even when steps are being taken under this policy.

#### **SCOPE OF POLICY**

This policy applies to all those working for VISION including full-time and part-time permanent employees, employees on employment contracts, independent contractors on long- and short-term contracts, temporary help and volunteers. VISION will not tolerate harassment by persons at any level of responsibility whether they be coworkers, supervisors or managers, and will impose strict disciplinary measures when a complaint of employment-related harassment is found to have been substantiated, regardless of the seniority of the offender.

VISION recognizes that its employees may be subjected to harassment by others who conduct business with or perform paid or volunteer services for VISION. In these circumstances VISION acknowledges its responsibility to do all in its power to support and assist the person subjected to such harassment.

VISION encourages reporting of all incidents of harassment, regardless of who the offender might be and will provide advice and support to persons who are subjected to harassment.

Every employee of VISION has a responsibility to play a part in ensuring that the working environment is free from harassment. This responsibility is to be discharged by avoidance of any conduct which might constitute harassment. In addition, any employee who believes that a colleague has experienced or is

experiencing harassment, or retaliation for having brought forward a complaint of harassment, is encouraged to notify the Advisors appointed under this policy.

For the purposes of this policy, protection against acts of harassment extends to incidents occurring at or away from the workplace, during or outside normal working hours provided such acts are committed within the course of employment. Situations in which such acts may occur include:

- at the workplace;
- outside the workplace;
- at work-related social functions;
- in the course of work assignments outside the workplace;
- over the telephone;
- on location;
- at work-related conferences or training sessions;
- during work-related travel.

#### **DEFINITIONS AND EXAMPLES**

Harassment is any unwanted or unwelcome physical or verbal conduct that offends or humiliates someone. It is a type of discrimination. When it is based on any of the grounds prohibited by the Canadian Human Rights Act (race, national or ethnic origin, colour, religion, age, sex, marital status, family status, pardoned conviction, physical or mental disability and sexual orientation) it is against the law and contrary to the policy of VISION.

Harassment can consist of a single incident or several incidents over a period of time and can take many forms including:

- threats, intimidation, or verbal abuse;
- unwelcome remarks, jokes, taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, etc.;
- displaying of pornographic, racist or other offensive or derogatory pictures or posters;
- practical jokes which cause awkwardness or embarrassment;
- unwelcome invitations or requests, whether indirect or explicit, or intimidation;
- sexually suggestive remarks, gestures or leering;
- unnecessary physical contact, such as touching, patting, pinching or punching;
- physical assault, including sexual assault.

To be considered harassment a practice must be reasonably perceived to insult, humiliate, or intimidate an individual, to interfere with job performance, or to jeopardize promotional or training opportunities, or continuation of employment.

Harassment can create a negative or hostile work environment which can interfere with job performance and result in one being refused a job, a promotion or a training opportunity. Harassment will be considered to have taken place if a reasonable person ought to have known that such behaviour was unwelcome.

### **SEXUAL HARASSMENT**

Sexual harassment is a form of harassment that has been deemed to be discrimination based on sex.

Many of the types of behaviour which constitute sexual harassment are included in the examples of harassment given above. Other examples include, but are not limited to:

- sexist jokes causing embarrassment or offence, told or carried out after the teller has been advised that they are embarrassing or offensive, or that are by their nature clearly embarrassing or offensive;
- derogatory or degrading remarks directed toward members of one sex or one sexual orientation;
- unwelcome inquiries or comments about a person's sex life;
- unwelcome sexual flirtations, advances, propositions;
- persistent unwanted contact or attention after the end of a consensual relationship;
- requests for sexual favours.

Sexual harassment can occur in the form of behaviour by men towards women, by women towards men, between men or, between women.

### **NON-RETALIATION**

Because of VISION's commitment to an harassment-free workplace, it will treat any incidence of retaliation for bringing a complaint under this policy as seriously as harassment itself and will deal with it in accordance with the provisions of this policy. All forms of retaliation are prohibited including retaliation because an individual has made a complaint, or for having been associated with that individual or for having participated or cooperated in any investigation under the policy.

### **FALSE OR MALICIOUS COMPLAINTS**

Because of the seriousness with which VISION views the issue of harassment, complaints found to be false, malicious or made in bad faith will be treated as seriously as complaints of harassment which are found to be true.

### **COMPLAINTS PROCEDURE**

An employee who is harassed is encouraged to take the following steps:

- make it clear to the alleged harasser that his or her actions are not welcome;

- document the case by keeping a written record of the incidents, including times, places and witnesses; and
- seek the advice of an Advisor identified in this policy.

The Executive Management Team will appoint Advisors from among its employees and provide the training and resources for them to fulfil their responsibilities under this policy. Advisors shall have access to one another's notes and records and are responsible to the Chief Operating Officer.

VISION will maintain records as required by this policy while maintaining confidentiality throughout any investigatory process to the extent practicable and appropriate and keep all records of complaints including contents of meetings, interviews, results of investigations and other relevant material confidential except where disclosure is required by a disciplinary or other remedial process.

Where someone reports an alleged incident of harassment to an Advisor, the Advisor shall meet with the person alleged to have been harassed and shall then proceed with Step 1 of the process set out below.

If the complaint of harassment involves a person who is not an employee of VISION, the Advisor will take whatever action is necessary to ensure that VISION fulfills its responsibility to support and assist the person subjected to such harassment.

### **Step 1: Advice and Consultation**

The Advisor will discuss the matter with the employee to ascertain the facts of the case.

The Advisor will advise the employee of his or her rights under the policy to proceed to a resolution of the situation; of the availability of counseling and other support services provided by VISION; of the right to withdraw from the complaint; of the time lines that apply to each possibility; and of the employee's right to avenues of recourse outside VISION including the Canadian Human Rights Commission.

If the employee and the Advisor, after discussing the matter, agree that the conduct in question does not constitute harassment as defined in this policy, the Advisor will take no further action and make no record in any file.

Depending on the facts of the case, the employee may request, or the Advisor may suggest, that the Advisor assist in achieving an informal resolution to the matter instead of, or prior to, filing a formal written complaint. This may involve the Advisor speaking to the person whose conduct has caused offense, or

arranging a meeting between the two parties and the Advisor to discuss the matter and find a resolution.

If the employee wishes to file a formal complaint, the Advisor will assist him or her in drafting the complaint, which must be signed by the employee, and the matter will proceed to the next Step.

In the event that the employee does not wish to file a formal complaint, but the Advisor is persuaded that the evidence requires a formal written complaint be laid in order to discharge the employer's legal responsibilities, the Advisor may sign and file the complaint and the matter shall proceed to the next Step.

## **Step 2: Formal Written Complaints**

Whether the formal written complaint is made by the employee or the Advisor, copies of the complaint will be forwarded immediately to the person against whom the complaint is laid including a copy of this policy, the person who was the subject of the alleged harassment, and the Chief Operating Officer.

VISION undertakes to investigate every formal written complaint of harassment. Investigation will be conducted in a timely manner by persons appointed by management. Advisors will not undertake such investigation.

In some cases of a serious nature it may be considered advisable for the alleged harasser to take a leave of absence, with pay, pending the outcome of the investigation.

The findings of the investigation shall be reported to the Chief Operating Officer who will recommend action to the Executive Management Team, normally within 15 working days, for approval.

If the outcome of the investigation substantiates the complaint of harassment, senior management will take disciplinary action, normally within 30 working days, consistent with such provisions in VisionTV's Policy and Procedures Manual and in a manner consistent with the goal of communicating the seriousness of the offense. It may consist of a warning, with a record placed in the employee's personnel file; a requirement to seek counseling, take a course or participate in other educational activity to ensure that the employee understands the nature of harassment and why it is not tolerated; disciplinary action ranging from apologies or other actions which may help to cleanse the "poisoned atmosphere" of the workplace; temporary suspension to, in some cases, dismissal for cause.

If it is determined that a complaint was fabricated, senior management will take disciplinary action, normally within 30 working days, against the complainant.

Senior management will inform the employee who brought the complaint of the

outcome of the investigation and any disciplinary action taken, thereby formally acknowledging to a person, who has been found to have been harassed, that harassment has taken place.