



Harassment and Discrimination Policy

Objectives:

- To provide a workplace free from harassment or threat of harassment, discrimination, and bullying.
- To provide a workplace free of any conduct that may be considered harassing, humiliating, discriminating, abusive, disorderly or disruptive.
- To encourage mutual respect between individuals.
- To provide equal opportunity to all employees and applicants.
- To define harassment, identify responsibilities in the areas of investigation, resolution and documentation of harassment complaints.
- To provide a complaint procedure which facilitates a fair hearing and equitable treatment of both the complainant and respondent.

Definitions:

Harassment

The term harassment refers to any conduct, whether intentional or unintentional, that a reasonable person should have known to be unwelcome. It includes unsolicited physical, verbal or sexual conduct, or the presence of published material either explicit or implicit, that by its nature has the effect of or is calculated to:

1. Interfere or threaten interference with an individual's work performance or result in creating an intimidating, hostile or offensive work environment,
2. Result or threaten to result in a change in some condition; or,
3. Result or threaten to result in an economic detriment to the individual.

Some examples of what may be considered harassment, depending on the facts and circumstances, include:

1. Physical – examples include hitting, pushing, or other aggressive physical conduct, or threats to take such action.
2. Verbal – examples include offensive jokes, slurs, or name calling.
3. Sexual – examples include sexual assaults, repeated and unwanted sexual comments, looks, suggestions, physical contact, coercion or unwanted pressure that an individual finds objectionable or offensive and that causes undue discomfort, the placing of a sexual condition on employment opportunities, such as hiring, retention, career advancement, training or promotion, or positive employee performance evaluation, persistent innuendoes or threats.
4. Published Material - the display or distribution of published statements, signs, symbols or representations such as objectionable cartoons, photographs, calendars or similar written or graphic items or a sexual nature or which ridicule individuals.

The following are examples of what does not constitute harassment under the Human Rights Code:

- an occasional polite remark or compliment,
- personality differences between individuals,
- good-natured jokes and jesting where both parties and others find the conduct acceptable,
- office romance and flirtation when both parties assume a voluntary relationship,
- the normal exercise of supervisory responsibilities including discipline or counselling.

Discrimination

The term discrimination refers to the practice of unfairly treating a person or group of people differently from other people or groups of people on the bases of race, creed, colour, ancestry, ethnic, natural or social origin, religion, religious creed, marital status, family status, physical or mental disability, sex, sexual orientation, or age.

Some examples of what may be considered discrimination, depending on the facts and circumstances, include:

1. Harassment – inappropriate jokes, insults, name-calling or displays such as a poster or cartoons directed at a person because of their race, colour, sex or gender, sexual orientation, etc.
2. Treating an individual differently based on race, colour, country of origin, religion, etc.

Bullying

Bullying is the use of intimidation, coercion, threats, or force to dominate others. Bullying behaviors are often habitual, creating a long-term problem for victims.

Some examples of bullying include:

- Individual Bullying – bullying behaviors perpetrated by a single bully, against one or more individuals.
- Collective Bullying – bullying perpetrated by more than one person, or by a group of people, against someone. This includes such behaviors as leaving someone out of group activities on purpose, embarrassing someone in public, and telling others not to be friends with someone.
- Physical Bullying – behaviors that harm or injure someone’s body, or which damage someone’s possessions. These include hitting, shoving, tripping, fighting, stealing, spitting, and destroying or damaging property. In physical bullying, the bully uses his *body* to cause harm.
- Verbal Bullying – bullying done by speaking, such as name-calling, threatening someone, spreading rumors, making inappropriate sexual comments, and taunting. In verbal bullying, the bully uses his *voice* to cause harm.
- Relational Bullying – actions undertaken with the intent to harm someone’s social standing or reputation. Because of its prevalence among teens, relational bullying is often referred to as the “mean girl phenomenon.”
- Cyberbullying – bullying perpetrated using a technological device or service. This includes the use of social networking sites, text messages, instant messaging, email, and cell phones. Cyberbullying has become a serious problem among school-age children, as it is a means of treating someone aggressively without the need to do it face-to-face.
- Workplace Bullying – refers to a pattern of repeated hostile or bullying behaviors against an employee, or a group of employees. These actions are often intended to undermine, degrade, or intimidate the victim. Although bullying behaviors can be committed by anyone in the workplace, workplace bullying is often an abuse of power that creates feelings of powerlessness or vulnerability.

Policy:

PEGNL prohibits any form or threat of harassment, discrimination, or bullying, against employees, volunteers or applicants.

PEGNL follows equal opportunity employment practices and employs, trains and promotes personnel without discrimination. Further, PEGNL does not discriminate in its dealings with members, customers, product and service providers and the public.

Employees are obligated to report perceived incidents or threats of harassment, discrimination, or bullying and to cooperate in the investigation of complaints.

Any form of retaliatory action against an employee who files a complaint or who assists in the investigation of a complaint is prohibited.

Procedures for Alleged Discrimination, Harassment, or Bullying

1. An individual who believes that they have been subjected to or threatened with harassment, discrimination, or bullying is encouraged to first request the person cease their offensive behaviour or action. If the individual is unable to make such a request, or if the request is ignored, the complainant may seek the CONFIDENTIAL advice of the Director of Finance & Administration (709.7537714 Ext 107)) or the CEO (709.753.7714 Ext 106), or the Chair of the Board of Directors (chair@pegnl.ca) in the event the complaint is against both the CEO and Director of Finance & Administration.
2. The complainant should provide a written statement setting out the particulars of the incidents.
3. The Director of Finance & Administration or CEO, or Chair of the Board, will meet privately with the alleged harasser/discriminator/bully to provide an opportunity for their response.
4. All complaints will be properly documented. The name of the complainant, and the circumstances relating to the complaint, should not be disclosed except where necessary for the purpose of an investigation or for taking disciplinary measures. No documentation will be placed in the complainant's file, where the complaint is filed in good faith, whether the complaint is upheld or not.
5. If the investigation reveals evidence to support the complaint, the CEO will be advised, and the complainant will be advised of the next steps to be undertaken.
6. If an investigation indicates that an employee has harassed, discriminated against, or bullied another individual, or threatened to do so, that employee will be subject to disciplinary action that is commensurate with the seriousness of the complaint at the discretion of management. This may include termination for the most serious offences. As a minimum, a record of the incident will be filed.
7. The complainant will be informed of the results of the investigation and that appropriate action has been taken. The complainant will also be encouraged to report any further similar incidents should they occur.
8. Should the steps above not satisfy the complainant, they may contact the Newfoundland and Labrador Human Rights Commission. The Newfoundland Human Rights Code provides for a complaint to be filed with the Human Rights Commission within 6 months of the event giving rise to the complaint or where there is a continuing contravention within 6 months after the last incidence.
9. Individuals are not to be discriminated against for using this process. PEGNL does not condone acts of discrimination against any individual as a result of his or her involvement in this process.