

HARASSMENT & DISCRIMINATION PREVENTION – POLICY

The Commitment

Skills Canada – Nova Scotia (SCNS) is committed to providing a safe and respectful work environment that is free of harassment and discrimination for all directors, staff, volunteers, contracted workers, participants and guests. Harassment and discrimination are prohibited by provincial/territorial regulatory authorities and the Canadian Human Rights Act. It is the responsibility of all directors, staff and volunteers to comply with legislation relating to harassment and discrimination. SCNS will not tolerate any forms of harassment or discrimination and will take all reasonable steps to prevent them.

No one may be harassed or discriminated against and no one has the right to harass or discriminate against anyone else, at work or in any situation related to employment, participation in programs or events, or during volunteer time with this organization. This policy is a step toward ensuring that the SCNS workplace is a respectful and safe place for all of us, free from harassment and discrimination.

SCNS will thoroughly investigate any complaint, and in any proven instance of harassment or discrimination, will take appropriate action. This may include disciplinary action, expulsion from participation or volunteer activities, and, in cases involving criminal activity, notification of the appropriate authorities. Please refer to the corresponding Harassment and Discrimination Prevention Procedure for more information.

SCNS's Harassment and Discrimination Policy applies to and is intended to guide the actions of all directors, staff, volunteers, contracted workers, participants and guests. Any one of the aforementioned that has reason to believe that this Policy has been breached in any way is expected to bring his or her concerns to the Executive Director (ED), or for matters involving the ED, reports may be brought forward to any member of the Executive Committee of the Board.

Definition of Harassment

There are two main types of harassment. One type includes inappropriate conduct in any form about a person's:

- Ancestry, including colour and perceived race;
- Nationality or national origin;
- Ethnic background or origin;
- Religion or creed, or religious belief, religious association or religious activity;
- Age;
- Sex;
- Gender;
- Pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
- Sexual orientation;
- Marital or family status;
- Source of income;
- Political belief, political association or political activity;
- Physical or mental health;
- Physical or mental disability or related characteristics or circumstances, including reliance on a dog guide or other animal assistant, a wheelchair, or any other remedial appliance or device.



A second type of harassment relates to what is sometimes referred to as “bullying” behaviour that may involve:

- Repeated humiliation or intimidation that adversely affects a person’s psychological or physical well-being
- A single instance so serious that it has a lasting, harmful effect on a person

Harassment may be written, electronic, verbal, physical, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly.

The following definitions are intended to assist directors, staff, volunteers, contracted workers, participants and guests in the identification of harassment:

Harassment – any interaction between individuals that can be characterized as what a reasonable person would consider unwelcome, intimidating, bullying, violent, or misconduct. SCNS rejects and entirely disapproves of all harassment based on grounds of discrimination. Such acts include, but are not limited to the following:

- Profane language, inappropriate comments or gestures;
- Inappropriate physical conduct;
- Creating an intimidating or offensive working environment; or
- Creating a degrading, humiliating, or hostile work environment.

Sexual Harassment – any interaction between individuals, that can be characterized as what a reasonable person would consider being unwelcome sexual advances or misconduct. This includes, but is not limited to:

- Requests for sexual favours;
- Verbal conduct of a sexual nature;
- Physical conduct of a sexual nature;
- Submission to sexual favours or conduct as being implied as condition of an employee’s employment, participation in program or event, or volunteer’s engagement;
- Implying that rejection of sexual advances will affect employment decisions, participation in program or event, or volunteer opportunities regarding that individual;
- Creating a sexually intimidating or offensive environment; or
- Creating a sexually degrading, humiliating, or hostile environment;
- Making offensive sexual comments, abuse or innuendo about how someone talks, dresses or acts;
- Jokes or gestures of a sexual nature;
- Offensive material or pictures that are displayed publicly, circulated, put on someone’s work space, competition area, or belongings, or on a computer, phone, or electronic device;
- Staring or leering in a sexual manner;
- Telephone calls, texts, e-mails, or other electronic transmissions of a sexual nature;
- Sexual assault (a criminal offence).

Reasonable actions by managers or supervisors to help manage, guide or direct workers or the workplace are not harassment. Appropriate employee performance reviews, counselling or discipline by a supervisor or manager are not harassment.



Definition of Discrimination

The following is meant to assist in the identification of discrimination:

Discrimination – any occurrence where a person is treated less favourably or fairly than another person or group of people in the same or similar circumstances because of any of the following characteristics:

- Ancestry, including colour and perceived race;
- Nationality or national origin;
- Ethnic background or origin;
- Religion or creed, or religious belief, religious association or religious activity;
- Age;
- Sex;
- Gender;
- Pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
- Sexual orientation;
- Marital or family status;
- Source of income;
- Political belief, political association or political activity;
- Physical or mental disability or related characteristics or circumstances, including reliance on a dog guide or other animal assistant, a wheelchair, or any other remedial appliance or device.

Additional Definitions

Complainant – A person who is or has been subjected to the alleged harassment or discrimination.

Respondent – Someone who is alleged to have exhibited conduct that is the subject of a complaint.

Workplace - refers to the greater work environment where work-related functions and other activities take place and work relationships exist; this includes social events (informal gatherings) and interactions using social media and or electronic communications.



Individual Responsibilities

All directors, staff, volunteers, contracted workers, participants and guests of SCNS have the responsibility to treat each other with respect.

All directors, staff, volunteers, contracted workers, participants and guests are responsible to co-operate in the investigation of a harassment or discrimination complaint. Anyone who investigates or gives evidence in a complaint investigation is required to keep details confidential until the investigation is complete.

All directors, staff, volunteers, contracted workers, participants and guests have the right to file a complaint with SCNS as per the outlined Procedure.

Employer Responsibilities

SCNS must ensure, as much as possible, that no one is harassed or discriminated against in the workplace.

SCNS will take corrective action with anyone under their direction who harasses or discriminates against another person.

The harassment and discrimination prevention policy at SCNS does not discourage or prevent anyone from exercising their legal rights.

SCNS and its employees are responsible for keeping a safe work environment, free of harassment and discrimination. If directors, staff, volunteers, contracted workers, participants or guests become aware of harassment or discrimination they must do everything in their power to stop it, whether or not a complaint is made. The Executive Director and anyone in a supervisory or leadership role are responsible for being aware of harassment and discrimination in their organization and employees who knowingly ignore harassment and discrimination will be disciplined.

Reporting Harassment or Discrimination

Please refer to the SCNS Procedure for Harassment and Discrimination Prevention for information on how to report Harassment or Discrimination.

Investigations

SCNS seeks to resolve harassment and discrimination claims as expeditiously as possible. The Executive Director is designated as responsible for determining and administering the methods and means for addressing direct/indirect discrimination complaints, unless otherwise designated. The Executive Director is also responsible for:

- Reviewing complaints of harassment or discrimination;
- Investigating whether or not a reported act is indeed harassment or discrimination;
- Resolving the dispute, with the agreement of both parties, where necessary;
- Administering disciplinary or corrective actions if allegations are true;
- Administering disciplinary or corrective actions if allegations were knowingly falsely made.



Wherever and whenever investigations are conducted, this procedure asserts that Complainants and Respondents have specific rights. These rights include, but are not limited to:

- Receiving notice of the allegations;
- Presenting relevant information to the Executive Director or if that individual is part of the complaint, any member of the Executive Committee of the Board;
- Be informed of the findings at the conclusion of the investigation (where permitted by law).

At the conclusion of an investigation, the Executive Director shall prepare a summary of the investigation and a determination of whether the Policy has been violated. The summary will be presented to the Executive Committee of the Board and possibly other supervisors within the organization for carrying out corrective and disciplinary action. In all cases, SCNS shall retain all documentation for as long as any administrative or legal action arising out of the complaint is pending. Any documentation shall be presented for review to law enforcement officials or legal counsel, as necessary.

Confidentiality

SCNS will not identify a Complainant, a Respondent or any circumstances about a complaint, to anyone, except:

- When it is necessary in investigating the complaint
- If it is part of disciplinary or corrective action
- Where required by law or Policy

SCNS will do everything it can to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly and respectfully. SCNS will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

Abuse of Process

Complaints under the Policy, which are determined to be frivolous, vexatious or mischievous, shall be considered to be violations of this Policy and grounds for disciplinary action by SCNS.

Retaliation

This procedure encourages SCNS directors, staff, volunteers, contracted workers, participants, and guests to freely express – in a responsible and orderly fashion – their thoughts, concerns, and feelings regarding harassment and discrimination complaints.

Retaliation by the Respondent or anyone acting on behalf of the Respondent, against the Complainant is strictly prohibited and will result in appropriate disciplinary action. Retaliation by the Respondent, or anyone acting on behalf of the Respondent, against any witness providing information about a harassment or discrimination report during an investigation, is also strictly prohibited. Acts of retaliation include (but are not limited to) interference, coercion, threats, and restraint. Those considered to have committed acts of retaliation will be considered to have committed harassment and will be subject to corrective actions described previously.



This policy will not be used to bring fraudulent, frivolous or malicious complaints against individuals. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary action being taken against the individual lodging the fraudulent or malicious complaint. Disciplinary action may include termination of employment, participation, or volunteer activity with SCNS.

No Appeal

Decisions made under the Harassment and Discrimination Prevention Policy are final and there is no right of appeal. A Complainant who is dissatisfied with the outcome reached under this Policy may seek options through any applicable provisions of the Nova Scotia Human Rights Act or in any other proceedings available in law.

Awareness

SCNS commits to making sure all its directors, staff, volunteers, contracted workers, participants are aware of SCNS's harassment and discrimination prevention policy.



HARASSMENT & DISCRIMINATION PREVENTION – PROCEDURE

Skills Canada – Nova Scotia (SCNS) will investigate all reported incidents of harassment and discrimination and resolve these cases as possible. As per the Harassment & Discrimination Prevention Policy, SCNS has designated that individuals may disclose their concern to the Executive Director. For concerns involving the Executive Director, reports can be made to any member of the Executive Committee of the Board.

Informal Resolution

- All SCNS directors, staff, volunteers contracted workers, participants, and guests should not ignore harassment and discrimination. Ignoring the behaviour may be interpreted as condoning the activity.
- Where comfortable in doing so, the Complainant should ask the person believed to be behaving offensively to stop or make it clear that the behaviour is offensive or unwelcome to them. This can be done in person or in writing.

Guided Resolution

- If uncomfortable dealing with the person causing the offending behaviour directly, the Complainant should speak to the Executive Director as soon as possible after the incident or incidents have occurred in order for that person, if appropriate, to attempt to resolve the issue informally. For concerns involving the Executive Director, reporting should go to any member of the Executive Committee of the Board.
- The Executive Director or Executive Committee member may speak to the person(s) involved with the complaint directly or may arrange for mediation with both parties.

Formal Resolution

- If a director, staff, volunteer, contracted worker, participant or guest of SCNS believes they have been harassed or discriminated against, they may lodge a formal complaint verbally or in writing to the Executive Director. In lodging a complaint that involves the Executive Director, complaints may be submitted to any member of the Executive Committee of the Board.
- Upon receiving a formal complaint, the Executive Director (or Executive Committee) is responsible for informing the Respondent of receipt of the formal complaint and for conducting a full and impartial investigation of the complaint. The Executive Director (or Executive Committee) may engage qualified assistance during the course of the investigation should they require specific or expert advice to complete the investigation.
- The Executive Director (or Executive Committee) will take appropriate action to ensure any harassment or discrimination found to exist does not continue in the workplace. This may include recommendations for disciplinary action against the Respondent. The Executive Director will provide a summary to the Executive Committee of the Board of Directors of the outcome of the investigation and any actions based on the investigation results.



- Whatever the action SCNS decides to take, grievances relating to harassment and discrimination will be dealt with sympathetically, impartially, in a timely manner, with discretion, and free from repercussions or retaliation. SCNS will also take the necessary actions to ensure directors, staff, volunteers, contracted workers, participants, and guests that file complaints about harassment or discrimination are not retaliated against, victimized or disadvantaged in any way as a result of their complaint.
- Where appropriate SCNS may use an external adjudicator to resolve formal complaints.

External Investigation

- Should it appear that the complaint may be criminal in nature, the Executive Director shall advise the Executive Committee of the Board and must consider notifying the appropriate authority.
- Should the Complainant wish to escalate the complaint to an outside authority, i.e. police, Nova Scotia Human Rights Commission, no directors, staff, volunteers, contracted workers, participants, or guests shall encumber the Complainant.
- Any complaint of harassment or discrimination will be treated on a confidential basis and SCNS expects the same confidentiality to be extended to the party against the Respondent, whom against the complaint is being made, in order to preserve the dignity of all those involved.
- The Executive Director will provide updates to the Executive Committee as they become available and are permitted, on the investigation and outcomes of legal action.

Timeframe for Initiating Complaint

Complaints should be made as soon as possible. Any complaint brought to SCNS regarding accusations of harassment and discrimination will be taken seriously and explored.

Temporary Measures

In some circumstances, taking into consideration the nature of the complaint, the operation of the business, and the parties involved, it may be appropriate to impose temporary measures pending completion of the formal process or resolution of the complaint.

- SCNS may impose temporary measures, including, but not limited to:
 - a. Separation of the parties;
 - b. Alternate work/volunteer/participant arrangements;
 - c. Non-disciplinary leave
- Any measures taken are not an indication that an adverse finding has been made against any of the parties.

Withdrawal of Complaint

The Complainant shall not be compelled to proceed with a complaint and shall have the right to withdraw a complaint at any point. SCNS may, however, proceed with an investigation where SCNS deems that circumstances warrant such action and the former Complainant may be asked to provide evidence as a witness in such a case.



Corrective Action

Where harassment or discrimination have been found to have occurred, the Respondent may be required to participate in professional development activities or the Respondent's employment/ contract/ participation/ volunteer activity with SCNS may be terminated. Subsequent harassing or discriminatory behavior on the part of the Respondent will be grounds for immediate termination of employment, contract, participation in events or programs, or volunteer activity.

Records Storage

- Through the course, and conclusion, of the process, all records shall be securely and confidentially stored by the Executive Director or Executive Committee.
- These records shall be securely stored in a location separate from the employee files and shall be treated with the strictest confidence.
- No documentation of harassment, discrimination, or bullying, including any materials resulting from an informal or formal resolution process will be placed on the Complainant's or Respondent's official file. In the event that the conclusion of an investigation is that harassment, discrimination or bullying did occur and where disciplinary action was taken, the letter of discipline is the only documentation that will appear on the Respondent's official file.

Confidentiality

SCNS will not identify a Complainant, a Respondent or any circumstances about a complaint, to anyone, except:

- When it is necessary in investigating the complaint
- If it is part of disciplinary or corrective action
- Where required by law or Policy

SCNS will do everything it can to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly and respectfully. SCNS will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

