



<b>SUBJECT:</b> Respect in the Workplace	<b>POLICY NO:</b> GOV – 10	<b>LAST REVISED:</b> January 20, 2024
<b>APPROVED BY:</b> General Council	<b>NO. OF PAGES:</b> 4	<b>DATE ORIGINATED:</b> February 1, 2020

**Policy**

Every worker is entitled to employment free of harassment. The Saskatchewan Polytechnic Students' Association Inc. ("SPSA") values the well-being of our student representatives, employees, and volunteers (referred to collectively as "workers" in this policy). We support productive working relationships in which workers are treated fairly, with dignity and respect for diversity and individual rights, in an atmosphere free of any harassment.

This policy applies to all members of the General Council, Executive Council, General Manager, supervisors, managers, student representatives, employees, and volunteers.

**Definitions**

1. **Harassment** means any inappropriate conduct, comment, display, action, or gesture by a person that constitutes a threat to the health or safety of another within the association, and either:
  - a. is based on race, creed, religion, colour, sex, gender, sexual orientation, marital status, family status, physical or mental disability, physical size or weight, age, nationality, ancestry, place of origin, or any other prohibited ground of discrimination under employment and human rights legislation; or
  - b. adversely affects the psychological or physical well-being of a worker and the person knows or ought to reasonably know would likely cause the worker to be humiliated or intimidated.
  
2. **Personal Harassment** includes but is not limited to:
  - a. unwanted actions, verbal or physical attacks, taunting, insulting, or degrading comments, jokes, slurs, or gestures;
  - b. refusing to work or cooperate with others;
  - c. derogatory or demeaning material in any medium including posters, cartoons, graffiti, drawings, and innuendo; and
  - d. any of the above instances that occur, not only in person, but through email or social media.
  
3. **Sexual Harassment** includes but is not limited to:
  - a. unwanted requests for sexual favours, indirect or direct invitations to engage in behaviour of a sexual nature;
  - b. unnecessary or unwelcome physical contact;
  - c. unwelcome remarks, jokes, innuendoes, slurs, or taunting about a person's body, attire, sex or sexual orientation;
  - d. derogatory comments, gestures or looks;
  - e. derogatory or demeaning material in any medium including printed matter, posters, cartoons, graffiti, drawings, or any display of sexually suggestive material;
  - f. actual or implied threats of reprisal or discriminatory action either on or off the job for refusal to comply with a sexually oriented request;
  - g. refusal to work with or have contact with other workers because of their sex, gender, or sexual orientation; and
  - h. any of the above instances that occur, not only in person, but through email or social media.



4. **Bullying** is a type of harassment involving repeated, persistent, continuous behaviour that is usually associated with a power imbalance, where the victim is made to feel inferior. Workplace bullying behaviour includes, but is not limited to:
- silent treatment, starting or encouraging malicious rumours, excessive or unjustified criticism;
  - withholding job related information or job responsibility details; and
  - behaviours or comments that have the intention of embarrassing, intimidating offending, humiliating, or degrading others.

Harassment is considered to have taken place if a reasonable person would know or ought to have known the behaviour is unwelcome, and actions will only be considered to be harassment if they are ongoing and repeated, unless a single incident is serious and has a lasting harmful effect on the worker.

5. **SPSA Management Team** is comprised of the Executive Council and the General Manager.
6. **What is not Harassment or Bullying?**
- Allocation of Resources: In order to get work done, managers and supervisors may have to make unpopular decisions in the management and direction of staff, such as assigning work, setting expectations, changing work assignments, or reporting relationships. Such decisions may or may not please others, but they do not constitute harassment.
  - Performance Feedback: Feedback regarding unsatisfactory work conduct and/or negative performance evaluation is not harassment. Supervisors and managers have a responsibility to give appropriate criticism and to take appropriate corrective or disciplinary action when the work of an employee is not satisfactory. Such criticism should, however, be made in a reasonable manner and should be constructive in nature.
  - Single or isolated incidents that are not of such a serious nature as to cause lasting harm.

### **Procedure**

#### **SPSA's Commitment**

- Harassment as defined in this policy and/or at law will not be tolerated. Not only will harassment between workers not be tolerated, it will also not be tolerated when it comes from or is directed towards any non-employee such as a student, customer, supplier, volunteer or any other individual or Association who has business-related responsibilities with the Association.
- SPSA and its managers and supervisors will take all complaints of harassment seriously and are committed to implementing this policy and to ensuring it is effective in preventing and stopping harassment.
- SPSA will make every reasonably practicable effort to ensure that no worker is subjected to harassment and will take corrective action with a worker who subjects another worker to harassment.

#### **General Duties**

- Insofar as reasonably practicable, SPSA and its managers and supervisors have a duty to ensure that its workers are not exposed to harassment in matters arising out of the fulfilment of their duties.
- Every manager, supervisor, and worker while performing their duties for the Association shall:
  - treat others with respect in the workplace and performance of their duties;
  - refrain from causing or participating in the harassment of another worker;
  - report harassment as set out in this policy; and
  - cooperate with a harassment investigation and respect the confidentiality related to the investigation process.



**Complaint Reporting and Resolution Procedure**

1. Workers shall have the right to bring harassment concerns to the SPSA without fear of reprisal or retaliation.
2. Complaints should be made as soon as possible but no later than within 30 days of the last incident of perceived harassment, unless there are circumstances that prevented the individual from doing so.
3. The complainant should keep a written record of all incidents, naming any witnesses.
4. The SPSA Management Team and all supervisors and managers to whom complaints are reported shall keep all complaints confidential and shall not disclose the names of the complainant or the alleged harasser except as deemed necessary to investigate the complaint or take corrective action, or where required by law. The complainant can also be assured that any retaliation resulting from the complaint being made will not be tolerated.
5. Workers who believe they are being harassed or bullied are encouraged to make their concerns known to the harasser or bully directly, if possible.
6. If the matter cannot be resolved through direct contact with the alleged harasser, then the complainant shall contact their direct supervisor or manager. If the complainant's supervisor is the alleged harasser, then the complainant should go directly to the President and General Manager. If the General Manager is the alleged harasser, then the complainant should report to the President; if the President is the alleged harasser then the complainant should report to the General Manager.
7. The complaint may be made verbally or in writing. If the complaint is made verbally, the person receiving the complaint shall record the details provided by the complainant. The complainant shall be required to provide details as to who was involved, what happened and/or what was said, when it happened, where it happened, how often and who else was present and may be a witness. If the complainant fails or refuses to provide sufficient details to allow for proper investigation and to seek a response to the allegations from the alleged harasser, then the SPSA may suspend dealing with the complaint until such time as the required details are provided.
8. If the person receiving the complaint is a supervisor or manager, after collecting the information in paragraph 7 the supervisor shall report to the President and General Manager, and the President and General Manager will tell the alleged harasser, in writing, that a harassment complaint has been filed. The letter to the alleged harasser will provide details of the allegations made against him or her so that they have a reasonable opportunity to respond to the allegations.
9. Supervisors or managers approached with a complaint will conduct a meeting (either in person, by teleconference, or by video conference) within 48 hours to obtain all the facts (including information from the alleged harasser or bully and any witnesses), which meeting shall include the President and General Manager.
10. Wherever appropriate, the parties to a harassment complaint will be offered mediation prior to proceeding with a harassment investigation. Mediation is voluntary and confidential and is intended to assist the parties in arriving at a mutually acceptable resolution of the complaint. The mediator will be a neutral third party appointed by the President and/or General Manager and such mediator shall not be involved any subsequent investigation of the same complaint.

11. If mediation is not appropriate or is attempted but does not resolve the issue, then a harassment complaint will be conducted. The interviewer(s), being either the President and/or General Manager or others appointed by them, will interview the complainant, the alleged harasser and any witnesses that have been identified.
12. The President and General Manager will review each harassment situation and every effort will be made to resolve harassment complaints within 30 days. If this is not possible, then the President and General Manager shall advise both parties of the reasons why this is not possible.
13. If a harassment complaint is substantiated, the President and/or General Manager shall report to the Executive Council and the SPSA Management Team (subject to paragraph 14) shall decide the appropriate remedies. Remedies may include an apology and compensation for lost wages and/or employment benefits. The SPSA can enforce disciplinary actions including a reprimand, suspension, transfer, demotion, or dismissal based on the effect on the employment relationship, the nature and duration, and any other significant factors of the harassment. Both parties to the complaint shall be notified of the decision in writing.
14. If a member of the SPSA Management Team is a party to the complaint, then he/she shall not be involved in the investigation or decision making regarding the appropriate remedy and/or discipline.
15. Any individual who files a complaint of harassment and, after a thorough investigation has been concluded, is found to have made a false claim may be disciplined, up to and including dismissal. Unless there has been a gross abuse of process as determined by the investigator, there shall be no disciplinary action against a complainant if the investigation reveals that something did occur, but that the action complained of did not meet the definition of harassment under this policy.

### **Other Options for Complainants**

Nothing in this policy prevents or discourages a worker from referring a harassment complaint to the Saskatchewan Occupational Health and Safety Division under *The Saskatchewan Employment Act* and regulations. The relevant provisions of the *Act* can be found under Part III, Divisions 1, 2, and 6.

A worker may file a complaint with the Saskatchewan Human Rights Commission under *The Saskatchewan Human Rights Code*. The provisions under *The Saskatchewan Human Rights Code* regarding discriminatory practices can be found in sections 10, 16, 17, 18, 27, and 31.

A worker also retains the right to exercise any other legal avenues available.

### **Review**

SPSA will review this policy and procedures on annually or as required and will make necessary adjustments.

### **Enquiries**

Questions about this policy and related procedures can be made to the President or General Manager.

### **Related Policies**

HR 7 – Employee Complaints