

KLC College: Healthcare, Business, Education Abuse Policy

Our commitment

At KLC College: Healthcare, Business, Education, we are committed to providing a safe and respectful work environment for all staff and students. No one, whether a manager, an employee, a contractor, or a member of the public, has to put up with harassment at KLC College: Healthcare, Business, Education, for any reason, at any time. No one has the right to harass anyone else, at work or in any situation related to employment. This policy is one step toward ensuring that our workplace is a comfortable place for all of us.

Harassment is against the law

The *Canadian Human Rights Act* and the *Canada Labour Code* protect us from harassment. The *Criminal Code* protects us from physical and sexual assault. You have a right to live and work without being harassed, and if you are harassed, you can do something about it.

Employees' responsibilities

All employees have the responsibility to treat each other with respect, and to speak up if they or someone else is being harassed. All employees have a responsibility to report harassment to the appropriate person. All employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

KLC College: Healthcare, Business, Education's responsibilities

As an employer, KLC College: Healthcare, Business, Education also has a responsibility to be aware of what is happening in the workplace. As Director, I promise to treat all incidents of harassment seriously. I undertake to act on all complaints and to ensure that they are resolved quickly, confidentially, and fairly. I will discipline anyone who has harassed a person or group of people or who retaliates in any way against anyone who has complained of harassment, given evidence in harassment investigations, or been found guilty of harassment. I will discipline employees who do not act properly to end harassment. At KLC College: Healthcare, Business, Education, we will not put up with harassment.

Stephen Bartolini, Director.

What is harassment?

Harassment is any behaviour that demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions, comments, or displays. It may be a single incident or continue over time.

Some examples of harassment include:

- unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a sexual relationship);
- displays of sexually explicit, sexist, racist, or other offensive or derogatory material;
- written or verbal abuse or threats;
- practical jokes that embarrass or insult someone;
- leering (suggestive staring) or other offensive gestures;
- unwelcome physical contact, such as patting, touching, pinching, hitting;
- patronizing or condescending behaviour;
- humiliating an employee in front of co-workers;
- abuse of authority that undermines someone's performance or threatens her or his career;
- vandalism of personal property; and/or
- physical or sexual assault.
- The Canadian Human Rights Act protects employees and customers from harassment that is related to their race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation.
- Disrespectful behaviour, known as "personal" harassment, is also covered in this policy. While it also involves unwelcome behaviour that demeans or embarrasses an employee, the behaviour is not based on one of the protected grounds named above.
- Harassment can take place between co-workers, between a manager and employee, between people of the opposite sex or of the same sex, between an employee and a client, or between an employee and a job applicant.
- Managing and /or coaching that includes counseling, performance appraisal, work assignment, and the implementation of disciplinary actions is not a form of abuse and the policy does not restrict a managers/supervisor's responsibilities in these areas.
- Work-related harassment can take place in the workplace itself, or outside of the workplace in a situation that is in some way connected to work. For example, employees (and clients) must be protected from harassment during delivery trips, off-site meetings, business trips, and any other event or place related to employment or when the employee is present in the course of employment.

Definitions

Physical Abuse is defined as but not limited to the use of intentional force that can result in physical harm or injury to an individual. It can take the form of slapping, hitting, punching, shaking, pulling, throwing, kicking, biting, choking, strangling or the abusive use of restraints.

Sexual Abuse is defined as but not limited to any unwanted touching, fondling, observations for sexual gratification, any penetration or attempted penetration with a penis, digital or object of the vagina or anus, verbal or written propositions or innuendos, exhibitionism or exploitation for profit including pornography.

Emotional Abuse is defined as but not limited to a chronic attack on an individual's self-esteem. It can take the form of name calling, threatening, ridiculing, berating, intimidating, isolating, hazing, habitual scapegoat, blaming.

Verbal Abuse is defined as but not limited to humiliating remarks, name calling, swearing at, taunting, teasing, continual put downs.

Psychological Abuse is defined as but not limited to communication of an abusive nature, sarcasm, exploitive behaviour, intimidation, manipulation, and insensitivity to race, sexual preference or family dynamics.

Neglect is defined as but not limited to any behaviour that leads to a failure to provide services which are necessary such as withdrawing basic necessities as forms of punishment, failing to assess and respond to changes in health status and refusing or withdrawing physical or emotional support.

COMPLAINT PROCEDURES

Speak up

If you believe you are being harassed, speak up right away. If possible, tell the person that you are not comfortable with their behaviour, and want it to stop. Usually, that will be all you need to do. You can speak to them directly, or write them a letter (date it and keep a copy). In addition, tell someone you trust what is going on.

Keep notes

Record all unwelcome or harassing behaviour. Write down what has happened, when, where, how often, who else was present, and how you felt about it. Write down every instance of harassment.

Report it

If the harassing behaviour occurs again, or if you are unable to deal directly with the person harassing you, report it to the person designated to receive complaints. At KLC College: Healthcare, Business, Education, the designated anti-harassment person Sherry Stayer, Director. If that person is involved in the complaint, please see George Hutcheson Public Relations Officer of KLC College: Healthcare, Business, Education, personally. If for some reason you are unable to report harassment to someone at KLC College: Healthcare, Business, Education, you might be able to go to the police (for a case of sexual or physical assault). You may also go directly to the Canadian Human Rights Commission.

Once a person reports harassment, the designated anti-harassment person will ask questions such as what happened, when, where, how often and who else was present and will keep notes of this conversation.

Informal procedures

You may want to proceed informally at first. This means you can ask the designated person to help you communicate with the other person, or to speak to them on your behalf, without going through actual mediation or a formal complaint. The informal approach may not always be possible or successful, but when it is, you may be able to resolve the situation quickly.

Mediation

It may be appropriate to attempt to resolve the complaint through mediation before going to a formal investigation. If a qualified person from outside the organization is available to act as a mediator, and the complainant and alleged harasser agree, that person will attempt to help the parties settle the complaint. If no one is available, the designated person may help settle the complaint, if the parties agree. The mediator should not be involved in investigating the complaint, and should not be asked to represent the company at any stage of any proceedings related to the complaint.

However, either party has the right to refuse mediation. You are the only one who can decide if mediation is appropriate for you. Do not agree to it if you feel pressured into it, or feel that you are at a disadvantage or vulnerable because of your age, sex, race, colour, religion, sexual orientation, economic position, or for any other reason. If someone suggests mediation but you are uncomfortable with it, you can say so, and it will not be part of the complaint process. If mediation does become part of the process, each person has the right to be accompanied and assisted during mediation sessions by someone they choose.

Investigation

If you want to go ahead with a formal complaint, it will be investigated, either by a specially trained person from within the organization or a consultant. This person will investigate the complaint thoroughly. He or she will interview the complainant, the alleged harasser, and any witnesses. All employees have a responsibility to co-operate in the investigation.

Both you and the alleged harasser have the right to be accompanied by someone with whom you feel comfortable during any interviews or meetings.

An investigation will involve:

- getting all pertinent information from the complainant;
- informing the alleged harasser of the details of the complaint, and getting her or his response
- interviewing any witnesses;
- deciding whether, on a balance of probabilities, the harassment did take place; and
- recommending appropriate remedies, penalties, or other action

Substantiated complaints

If the investigator decides the complaint is valid, he or she will report in writing to the Director, ideally within a week of completing the investigation. The investigator will recommend appropriate remedies and disciplinary action, and any other necessary action. The Director will decide what action to take, and will inform both parties of the decision, in writing, ideally within a week of the report being submitted.

Remedies for the victim

Remedies for a person who has been harassed will include any of the following, depending on the nature and severity of the harassment:

- an oral or written apology from the harasser and KLC College: Healthcare, Business, Education;
- lost wages;
- a job or promotion that was denied;
- compensation for any lost employment benefits, such as sick leave;
- compensation for hurt feelings; and/or
- a commitment that he or she will not be transferred, or will have a transfer reversed, unless he or she chooses to move.

Corrective action for harassers

Corrective action for harassers will include any of the following, depending on the nature and severity of the harassment:

- a written reprimand;
- a fine;
- a suspension, with or without pay;
- a transfer, if it is not reasonable for the people involved to continue working together;
- a demotion; or
- a dismissal.

Unsubstantiated complaints

If there is not enough evidence to support an allegation of harassment, the investigator will not recommend any penalties or remedies.

Complaints made in bad faith

In the rare event that the complaint was made in bad faith, that is deliberately and maliciously filed knowing it had absolutely no basis, the complainant will be subject to the same penalties as a harasser. The person unjustly accused of harassment will have her or his reputation restored, and will be given the benefit of any necessary remedies that would be given in a case of harassment.

Retaliation

Anyone who retaliates in any way against a person who has been involved in a harassment complaint will be subject to the same penalties as a harasser.

Confidentiality

KLC College: Healthcare, Business, Education will not disclose any information about a complaint except as necessary to investigate the complaint or to take disciplinary action, or as required by law. It encourages employees and managers to respect confidentiality in the same way.

Time limits

Managers have a responsibility to make sure harassment ends as soon as they become aware of it. Complaints will be resolved as quickly as possible, ideally within one month of being made.

Complainants should be aware that there is a one-year time limit for filing a complaint with the Canadian Human Rights Commission.

Other options

An employee of KLC College: Healthcare, Business, Education who is not satisfied with the result of a harassment complaint can consult the Canadian Human Rights Commission. Information on filing a complaint can be obtained by phoning the Commission's toll-free number 1-888-214-1090.

If the harassment involves physical or sexual assault, which are criminal offences, the police are the appropriate avenue.

POLICY CHANGES

If you have questions or comments about the policy or its application, please speak to the director of KLC College: Healthcare, Business, Education. We will make changes to the policy as necessary, and will review it regularly.