

Hunter-Clyde Watershed Group Inc. (HCWG)

Harassment and Discrimination Policy and Procedures

Policy Statement

Hunter-Clyde Watershed Group Inc. is committed to fostering a harassment-free and discrimination-free workplace where all employees are treated with respect and dignity.

Hunter-Clyde Watershed Group Inc. acknowledges and accepts compliance with all relevant sections of both the *PEI Human Rights Act* (1) and the *Canadian Human Rights Act* (2).

The *PEI Human Rights Act* (1) assures employees that they:

- are entitled to a workplace that preserves their human dignity and is free from discrimination and harassment, and a workplace where each employee's abilities, rather than inabilities, are the focus;
- are entitled to be considered on an individual basis and not to be excluded because they belong to a particular group; and
- have the right to a positive work environment which enhances open dialogue concerning their needs and of employment policies that strive to accommodate these needs.

The *Canadian Human Rights Act* (2) protects employees from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Harassment at **Hunter-Clyde Watershed Group Inc.** is not tolerated. Employees who are found to have harassed another individual may be subject to disciplinary action. This includes any employee who: interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm.

Application

This policy applies to all current employees of **Hunter-Clyde Watershed Group Inc.**, including full and part-time, casual, contract, permanent and temporary employees. This policy also applies to the **Board of Directors of Hunter-Clyde Watershed Group Inc.** This policy applies to all behaviour that is in some way connected to work, including during off-site meetings, training and on business trips.

Definitions

Harassment is:

- offending or humiliating someone physically or verbally;

- threatening or intimidating someone; or
- making unwelcome jokes or comments about someone's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Sexual harassment is:

- offensive or humiliating behaviour that is related to a person's sex;
- behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment; or
- behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

Discrimination is:

- refusing to employ, or continue to employ an individual based on a discriminatory ground
- placing terms or conditions on employment that are discriminatory
- advertising for a job that excludes or only includes certain groups
- paying different rates of pay for equal work based on a discriminatory ground

. . . notwithstanding, exceptions, including:

- a genuine occupational qualification or certification (e.g., a server at a licensed restaurant must be of legal provincial drinking age (19 in PEI))
- when special government programs are designed and put in place to promote the welfare of certain groups (e.g., Youth Employment Programs)

Responsibilities and Expectations

Hunter-Clyde Watershed Group Inc. is responsible for:

- providing all employees a harassment-free workplace.

The Board of Directors is responsible for:

- ensuring that this policy is applied in a timely, consistent and confidential manner;
- determining whether or not allegations of harassment are substantiated;
- determining what corrective action is appropriate where a harassment complaint has been substantiated;
- the administration of this policy;
- reviewing this policy annually, or as required; and
- making necessary adjustments to ensure that this policy meets the needs of the organization.

The Watershed Coordinator is responsible for:

- fostering a harassment-free work environment and setting an example about

- appropriate workplace behaviour;
- communicating the process for investigating and resolving harassment complaints made by employees;
- dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made;
- taking appropriate action during a harassment investigation, including separating the parties to the harassment complaint, when appropriate; and
- ensuring harassment situations are dealt with in a sensitive and confidential manner.

Employees are responsible for:

- treating others with respect in the workplace;
- reporting harassment to:
 - the **Watershed Coordinator** (initially);
 - any **Board** member (if not comfortable reporting to the watershed coordinator); and,
 - if not comfortable reporting to either the **Watershed Coordinator** or any member of the **Board**, then, by contacting the Prince Edward Island Human Rights Commission (3) for more information.
- cooperating with a harassment investigation and respecting the confidentiality related to the investigation process,

Employees can expect:

- to be treated with respect in the workplace;
- that reported harassment will be dealt with in a timely, confidential and effective manner;
- to have their rights to a fair process and to confidentiality respected during a harassment investigation; and
- to be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

Procedures for Addressing a Harassment Complaint

Filing a Complaint

An employee may file a harassment complaint by contacting the **Watershed Coordinator** and/or the **Board of Directors**. The complaint may be verbal or in writing. If the complaint is made verbally, the **Watershed Coordinator** and/or the **Board of Directors** will record the details provided by the employee.

The employee should be prepared to provide details such as what happened; when it happened; where it happened; how often and who else was present (if applicable).

Complaints should be made as soon as possible but no later than within one year of the last incident of perceived harassment, unless there are circumstances that prevented the employee from doing so.

The **Watershed Coordinator** and/or the **Board of Directors** will tell the person that the

harassment complaint has been made against that a harassment complaint has been filed. This notification will also provide details of the allegations that have been made against him or her.

Every effort will be made to resolve harassment complaints within **10** days. The **Watershed Coordinator** and/or the **Board of Directors** will advise both parties of the reasons why, if this is not possible.

If either party to a harassment complaint believes that the complaint is not being handled in accordance with this policy, he or she should contact the **Watershed Coordinator** and/or the **Board of Directors**.

Mediation

Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation.

Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the harassment complaint.

The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in investigating the complaint.

Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

Investigation

If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience. In some cases, an external consultant may be engaged for this purpose.

The investigator will interview the person who made the complaint, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

The investigator will prepare a report that will include:

- a description of the allegations;
- the response of the person the complaint was made against;
- a summary of information learned from witnesses (if applicable); and
- a decision about whether, on a balance of probabilities, harassment did occur.

This report will be submitted to the **Board of Directors**. Both parties to the complaint will be given a copy.

Substantiated Complaint

If a harassment complaint is substantiated, the **Board of Directors** will decide what action is appropriate.

Remedies for the employee who was harassed may include: an oral or written apology; compensation for lost wages; compensation for any lost employment benefits such as sick leave; and compensation for hurt feelings.

Corrective action for the employee found to have engaged in harassment may include: a reprimand; a suspension; a transfer; a demotion; and/or dismissal.

Both parties to the complaint will be advised, in writing, of the decision.

Other Redress

An employee who is not satisfied with the outcome of the harassment complaint process may file a discrimination complaint with the Prince Edward Island Human Rights Commission (3) or the Canadian Human Rights Commission (4).

Privacy and Confidentiality

All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.

Review

Hunter-Clyde Watershed Group Inc. will review this policy and procedures as required and will make necessary adjustments to ensure that it meets the needs of all employees.

Enquiries

Enquiries about this policy and related procedures can be made to the **Board of Directors**.

Current contact information is posted on the **HCWG** website and Facebook page.

References

- 1) The PEI Human Rights Act: www.princeedwardisland.ca/en/legislation/human-rights-act
- 2) The Canadian Human Rights Act: <https://laws-lois.justice.gc.ca/eng/acts/h-6/>
- 3) The PEI Human Rights Commission: www.gov.pe.ca/humanrights/
- 4) The Canadian Human Rights Commission: <https://www.chrc-ccdp.gc.ca/>

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