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Knowledge guides our Nations**

# **Policy to Promote Civility and Prevent all Forms of Harassment in the Workplace**

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## 1. Preamble

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This policy describes the methods that the organization is implementing in order to maintain a healthy work environment that will increase civility in relationships and create a harassment-free setting.

The organization recognizes that all staff members have the right to a work environment that is free from all forms of uncivil conduct or psychological harassment.

The First Nations Adult Education School Council considers that mutual respect, collaboration, politeness, courtesy and manners are important values which enhance harmony in relationships between individuals and allow for a healthy environment that is conducive to personal achievement and permits the organization to reach its objectives.

## 2. Statement of Principles

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In implementing this policy, the organization agrees to pursue the following objectives:

- Maintain a work environment that is free from psychological harassment, protect the physical and psychological integrity of the organization's employees, and safeguard their dignity.
- Promote a healthy work environment, where human relationships are respectful and free from all forms of discrimination, harassment and lack of civility.
- Promote civility and encourage behaviours that display respect, collaboration, politeness, courtesy and manners.
- Affirm responsibility and accountability of each and every individual in maintaining respectful and civilized interpersonal relationships.
- Help raise awareness, and provide information and training in order to prevent uncivilized behaviour and psychological harassment.
- Provide necessary support to victims of uncivil behaviour or harassment, by creating help and remedial mechanisms for cases of psychological harassment.

## 3. Legislative Framework and Definitions

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The *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act* identify the ethical guidelines that provide a quality of life in society and in the workplace. It states the following rights:

- Each individual has the right to be treated without discrimination in the workplace, whether such discrimination is based on race, national or ethnic origin, colour, religion, gender, age, marital or family status, physical or mental disability, conviction for which a pardon has been granted, or sexual orientation.
- **Harassment is defined as follows** -- Any unwelcome and offensive behaviour towards one or more other persons displayed by a person in his workplace who knew or reasonably ought to have known that his behaviour could be offensive or hurtful. It connotes any act, comment or conduct that demeans,



belittles, or causes personal humiliation or embarrassment to an employee, or any harm, intimidation or threat. It includes, of course, harassment within the meaning of the *Canadian Human Rights Act*.

- **Sexual harassment** -- Sexual harassment is another form of unwelcome behaviour that includes any sexual comment, gesture or contact, whether of an isolated or a repetitive nature. It may include a gesture that causes offence or humiliation to an employee or cause an employee to reasonably believe that a condition of a sexual nature has been on employment, training or promotion.
- **Threats** -- Threats can be explicit or implied. Creating an intimidating, hostile, or offensive work setting for someone can be a form of threatening behaviour. For a statement to be considered a threat, it must point out a consequence that is totally out of proportion to the cause and the circumstances. Pointing out the reasonable foreseeable consequences of an action is not a threat. For example, telling an employee about the consequences of poor job performance is not a threat, even if it makes an employee uncomfortable.
- **Discriminatory conduct** -- Conduct that is discriminatory under the *Canadian Human Rights Act* includes harassment of a person because of his race, national or ethnic origin, colour, religion, age, sex (for example, discrimination because of pregnancy), marital or family status, physical or mental disability, conviction for an offence for which a pardon has been granted, or sexual orientation.
- **Abuse of authority**-- Abuse of authority means taking undue advantage of a position of authority to endanger an employee's job, undermine an employee's job performance, threaten an employee's livelihood or interfere with his career. It may include such behaviour as yelling, belittling an employee's work, reprimanding an employee in front of fellow employees, unnecessarily withholding or delaying leave approval, favouritism, unjustifiably withholding information an employee needs to do his job, requiring overtime without reason, justification or prior notice, or asking a subordinate to run personal errands.
- **Unwelcome and offensive conduct** -- **Unwelcome conduct** is unwanted by the person who is its target. **Offensive conduct** may include humiliating remarks, jokes or taunting, insulting gestures, or circulating offensive pictures or materials. The perpetrator knows, or ought to know, that the behaviour will be unwelcome. He or she cannot therefore excuse his offending conduct with statements such as "I didn't know" or "I was joking". All forms of unwelcome behaviour, be it abuse of authority, threats, discrimination or sexual harassment, are prohibited.
- Physical and sexual assaults are extreme forms of unwelcome and offensive conduct and are prohibited by the *Criminal Code*.
- **Uncivil behaviour** -- "*A deviant behaviour that violates workplace norms for mutual respect. Uncivil behaviour is a lack of regard for elementary rules of life in society (respect, collaboration, politeness, courtesy, manners) which creates a significant discomfort in the workplace and has a negative effect on employees' morale, efficiency, productivity, motivation and on the work environment*".

## 4. Coverage

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This policy applies to:

the organization's entire staff, School Council members, as well as its clients or students, suppliers and subcontractors in their relationships with the employees.



## 5. Roles and Responsibilities

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### 5.1. The Executive Director

- ⇒ The Executive Director is responsible for the application of the policy and complaint management;
- ⇒ He or she is also responsible for informing all employees and Directors on the interpretation and implementation of this policy;
- ⇒ He or she receives the complaints;
- ⇒ He or she implements appropriate corrective measures;
- ⇒ He or she informs the School Council when a formal complaint is received.

### 5.2. Directors

- ⇒ They implicate, when necessary, the person responsible for human resources;
- ⇒ Informs the individuals of their rights and obligations;
- ⇒ They intervene, when necessary, in a proactive manner in any situation that may resemble harassment or uncivil behaviour;
- ⇒ They assist in the investigations and recommendation follow-up;
- ⇒ They promote a healthy work environment that is free from any form of harassment or lack of civility;
- ⇒ They promote civility which includes respect, collaboration, politeness, courtesy and manners.

### 5.3. An outside firm in Human Resources

- ⇒ Analyzes the admissibility of the complaint; if delegated by the Executive Director;
- ⇒ If the complaint is deemed admissible, the firm recommends an investigation;
- ⇒ It conducts the investigation process, makes recommendations and findings to the Executive Director.

### 5.4. All Employees, Directors and the Executive Director

- ⇒ They comply with this policy and display civility;
- ⇒ They bring any situation that may resemble harassment or a lack of civility to the attention of the Director or Executive Director;
- ⇒ They collaborate and provide their testimony in the investigation, if required;

### 5.5. Members of the School Council

- ⇒ They are responsible for the application of the policy;



- ⇒ They comply with this policy and display civility;
- ⇒ They receive complaints about the Executive Director;
- ⇒ They implement appropriate corrective measures;
- ⇒ They review complaints when a formal complaint is received.

## **6. Proceedings, Recourses and Mechanisms**

The following steps are recommended to deal with situations that may resemble harassment or a lack of civility. However, if the person feels unable to use one or more of these steps may call directly on the Executive Director.

### **6.1. Informal Complaint Handling Procedure**

#### **6.1.1. First step: speak directly to the person**

Individuals who feel they are victims of a lack of civility, harassment, discrimination or violence are urged to tell the person responsible for such actions that his conduct is unwelcome and unacceptable and to ask that person to stop.

#### **6.1.2. Second step: notify the Director**

If there is no apparent change or if the employee does not feel comfortable speaking directly to the person involved, he or she may ask his immediate supervisor for help. When a Director is aware or is made aware that an employee is victim of harassment or a lack of civility in his work environment, he or she is required to do all he or she reasonably can to put an end to the situation, whether or not a complaint has been filed.

Available mechanisms:

- ⇒ Counselling and support;
- ⇒ Conflict management;
- ⇒ Mediation;
- ⇒ Implementation of a disciplinary measure;

#### **6.1.3. Third step: seek the assistance of the person responsible for Human Resources**

The person responsible for Human Resources may be a resource person who will help solve the issue and reach an amicable agreement.

Available mechanisms are the same as those listed in the previous step:

- ⇒ Counselling and support;
- ⇒ Conflict management;

- ⇒ Mediation;
- ⇒ Implementation of a disciplinary measure.

## **6.2. Formal Complaint Handling Procedure**

### **FILING OF A COMPLAINT AND INVESTIGATION PROCESS**

#### **6.2.1. Inform the Executive Director:**

- ⇒ The Executive Director shall analyze the situation or the admissibility of the complaint should the individual file a complaint.
- ⇒ If the complaint is deemed admissible, the Executive Director may suggest mediation or shall have an investigation conducted by a person from outside the organization;
- ⇒ The Executive Director coordinates the various activities in order to resolve the situation;
- ⇒ He or she informs the School Council of the complaint and the process which will be followed to resolve the situation.

During each step of the procedure, the Executive Director may suggest mediation or an intervention that may ultimately resolve the problem.

If the offer of mediation is accepted by both parties, the Executive Director will choose the mediator.

#### **6.2.2. Time prescribed for filing a formal complaint**

- ⇒ Any individual who wishes to file a formal complaint must do so using the form "Filing a complaint" (Appendix I) within 2 years from the last event (behaviour deemed unacceptable was exhibited);
- ⇒ The Executive Director acknowledges the complaint in writing within 5 working days following receipt of the complaint and initiates an admissibility analysis;
- ⇒ The admissibility analysis must be completed within 15 working days following receipt of the complaint;
- ⇒ If the complaint is deemed inadmissible, the Executive Director informs the complainant of the reasons for refusal of the complaint and refers the complainant, if required, to the appropriate authorities;
- ⇒ If the complaint is deemed admissible, the Executive Director will ensure that an investigation is conducted;
- ⇒ The period provided for the investigator to complete his investigation is 30 days following the date he or she is given the mandate.

#### **6.2.3. Rights of individuals involved in the complaint**

- ⇒ All persons who take part in the investigation should expect to be treated in an equal and impartial manner;
- ⇒ If they wish to do so, they may be accompanied by the representative from the employee committee;



⇒ Any person who files a complaint under this policy may also use other legal recourses.

#### **6.2.4. Remedial measures for the victim**

The organization will take reasonable measures to remedy the effects of harassment or lack of civility.

No record of the complaint, investigation or decision will go in the employee's personnel file, if the complaint was made in good faith.

#### **6.2.5. Corrective measures for the person who is found guilty of harassment or lack of civility**

He or she is subject to disciplinary measures, depending on the severity of the violation:

- ⇒ Written reprimand
- ⇒ Suspension
- ⇒ Dismissal

If the investigation does not permit to conclude that there was harassment or a lack of civility, no document concerning the complaint shall be placed in the file of the alleged harasser. If the investigation reveals that harassment occurred or that there was a lack of civility, the incident and disciplinary measure which is imposed will be recorded in the harasser's discipline file.

#### **6.2.6. Frivolous or bad faith complaints**

If a complaint was filed in bad faith, or in other words, if the person who filed the complaint knew that it was unfounded and filed it with malicious intent, that person will be subject to disciplinary measures and the incident will be recorded in his discipline file.

Therefore, a complaint filed in bad faith will be dealt with using the same corrective measures. The corrective measures will depend upon the severity of the facts. Remedial measures may be taken for the person who was falsely accused.

#### **6.2.7. Confidentiality**

The organization will not disclose a complainant's or an alleged harasser's name, or any details related to a complaint, to anyone, except as necessary to investigate the complaint, take disciplinary or corrective measures related to the complaint, make a management intervention, or as required by law. Directors who examined the complaint are reminded to keep all information confidential, except in the above circumstances.

#### **6.2.8. Retaliation**

Retaliation is considered a serious disciplinary infraction. Anyone who retaliates in any way against a person who has filed a complaint, given evidence in an investigation, or was found guilty, will themselves be considered guilty and will be given disciplinary sanction. The possible penalties are the same as those listed under Section 6.2.5.

## **7. Prevention: Civility**

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### 7.1. Definition





Civility is defined as behaviour that helps maintain enacted standards of mutual respect in the workplace. Those standards are a set of rules of conduct designed for the well-being of the group, including respect, collaboration, politeness, courtesy and manners.

Developing and maintaining a good work environment is a shared responsibility. Everyone contributes in his own way depending on his role within the organization.

### 7.2. Organization's Commitment

The organization commits to:

- ⇒ Promote civility and encourage behaviours that display respect, collaboration, politeness, courtesy and manners.
- ⇒ Affirm responsibility and accountability of each and every individual in maintaining respectful and civilized interpersonal relationships as well as a work setting that is comfortable for everyone.
- ⇒ Help raise awareness, and provide information and training in order to prevent uncivilized behaviour.

### 7.3. Directors' and Executive Director's Responsibilities

The Directors are responsible for:

- ⇒ Implementing and enforcing the organization's internal policies and procedures;
- ⇒ Clearly establishing their expectations regarding performance and behaviour in the workplace;
- ⇒ Managing performance and behaviour gaps;
- ⇒ Intervening when there is tension among the staff which may create awkward situations and is detrimental to the work environment.

### 7.4. Employees', Directors and Executive Director's Responsibilities

It is everyone's duty in the workplace to:

- ⇒ Demonstrate civility (respect, collaboration, politeness, courtesy and manners) in his relationships with others;
- ⇒ Look critically at his own behaviour and its impact on others in order to make any necessary improvements;
- ⇒ Acknowledge that it is his own responsibility to initiate actions to correct a situation that is making him uncomfortable;
- ⇒ In a respectful manner, clearly express one's limits, based on facts,
- ⇒ Intervene as quickly as possible to prevent the situation from deteriorating;



- ⇒ Seek support (from a fellow employee, a supervisor, the Executive Director, etc.) if he or she feels unable to intervene alone in a situation that is making him uncomfortable;
- ⇒ Not hesitate to intervene when one witnesses a gesture lacking civility.

7.5. Implemented means to help recognize and enforce rules of civility: respect, collaboration, politeness, courtesy and manners

- ⇒ Training and information sessions on the importance of a good work environment and implementation of the rules of civility as everyone's responsibility;
- ⇒ Introduce a code of civility for the organization's entire staff or a code for each work sector.

## **8. Review**

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This policy will be reviewed on a regular basis, or as required.



# APPENDICES





## CODE OF CIVILITY

Preferred Values

Desired Behaviours

