

AC Nursing and Health Services Inc. Policies and Procedures	
Human Resources Section 1 – Standards of Employment	
Harassment Prevention	
Policy Number: HR 1.20	
Effective Date: January 2022	
Revision Date:	
Approved by: Board of Directors – Management	

**Policy**

All employers are responsible for providing a workplace free from harassment. Employers are obligated to take appropriate action against any employee, or contractor who harasses someone. Otherwise, an employer can be held responsible for harassment committed by them. Adopting a harassment policy can foster an environment of respect for human rights and helps people in the organization understand their rights and responsibilities.

**Policy and Procedure Statement**

AC Nursing and Health Services will ensure every employee and contractor fair and equal treatment and consideration. According to the Ontario Human Rights Code, harassment is engaging in an abusive or vexatious course of comment or conduct that is known or ought reasonably to be known to be unwelcome. It is a form of discrimination and can include behaviour such as demands, threats, gestures, innuendo, unwelcome remarks, jokes, slurs, display of offensive material, physical or sexual assault or taunting about a person’s body, clothing, habits, customs, or mannerisms. Harassment can also include inappropriate or unwelcome comments regarding a person’s physical characteristics and/or mental health.

AC Nursing and Health Services has a legal obligation to ensure the safety and well-being of all employees, and contractors therefore, depending on the nature and gravity of an incident, the Agency reserves the right to investigate regardless of whether a formal complaint has been filed. It is the responsibility of any employee, or contractor experiencing or aware of any type of harassment within the Agency to report the situation to their supervisor. The supervisor is to confirm the employee, or contractor has taken steps to resolve per the following procedure.

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**Harassment and Discrimination Prevention**

AC Nursing and Health Services is committed to providing every employee and contractor with a workplace free from harassment and discrimination, whether prohibited by human rights legislation or otherwise. AC Nursing and Health Services will not tolerate incidents of harassment or discrimination brought to its attention and will act swiftly to investigate and resolve all such matters. AC Nursing and Health Services recognizes that employees, and contractors may also be subject to harassment and discrimination from others who conduct business with the Agency. In these circumstances, because this policy is intended to apply in all cases of harassment and discrimination, the Agency will assist and support the person affected by the harassment or discrimination. AC Nursing and Health Services also recognizes that prohibited harassment and discrimination can occur at places other than the physical workplace. Employees and contractors have the right to be free from harassment and discrimination in all locations where work is conducted on behalf of the Agency, or where the individual is present at the location only by virtue of their work with the Agency.

**Definitions:**

**Discrimination:**

Means any action, inaction or behaviour which negatively affects the status of an employee or anyone with whom he/she comes into contact at the Agency. It is also the treatment of anyone unequally, based on any prohibited ground under human rights legislation, such as sex, race, colour, creed, religion, national or ethnic origin, age, disability, family or marital status or sexual orientation.

**Workplace:**

The workplace is not solely the office in which business of the Agency is conducted. Any improper conduct occurring outside of the office but having repercussions in the work environment and adversely affecting employment, or contractor relationships may also be defined as workplace harassment.

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**Verbal Harassment:**

Foul or obscene language, derogatory racial comments, demeaning ethnic jokes or slurs, unwanted sexual comments, implied or expressed promises of reward for complying with, or threats or reprisal for not complying with, a sexually oriented request.

**Physical & Sexual Harassment:**

These include practical jokes, pushing, shoving, aggressive behavior and the like. Acts of sexual harassment include any unwanted physical contact, unnecessary touching, or physical interference with work or movement.

**Visual Harassment:**

These include obscene gestures, demeaning posters, cartoons, graffiti, or drawings which are shown to an individual or group or displayed in plain view. Where these have a sexual orientation, this will constitute sexual harassment.

**Procedure:**

Where, in the opinion of the employee or contractor unfair treatment has been rendered or a problem arises, the following procedure shall be followed.

1. If possible, immediately tell the person whom you feel is harassing you that their conduct or behaviour is unwelcome and that you wish it to be stopped.
2. Make some notes about what happened (what was said or done), when it happened (date, time, and place), who was involved and who may have witnessed the incident. You will want these details to refresh your memory and in case the problem is not corrected, and you must take the matter further.
3. If the harassing behaviour continues, or if you feel unable to approach the harasser directly about this problem, report the incident to the appropriate supervisor within seven (7) days of the incident. If the

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supervisor is the cause of the problem the situation should be discussed with the Executive Director. If the Executive Director is the cause of the problem the situation should be discussed with the Board Chair. The employee or contractor has the choice of either discussing the problem (in the case of an informal concern) or submitting a formal or written concern.

4. In cases where the concern can be corrected in an informal manner, the supervisor (or Chair of the Board) may discuss the situation with everyone involved, develop an action plan, and check with the employee periodically to ensure the problem is being resolved.

5. In cases where the concern has been put in writing a full investigation will be carried out, every effort will be made to resolve the problem to the employee’s satisfaction.

6. If the supervisor has been unable to resolve the situation within (10) working days, the supervisor shall take the matter to the Executive Director. The Executive Director shall attempt to resolve the issue within seven (7) working days. If the Executive Director has been unable to resolve the situation, the matter will be taken to the Board Chair. The Chair of the Board, in consultation with two Board members, shall attempt to resolve the issue within seven (7) working days.

7. Should the matter remain unresolved after the above steps have been taken, the employee shall retain the right to refer the issue with the appropriate legal body without fear of recourse. AC Nursing and Health Services shall retain the right to dispute the complaint as it feels necessary.

## Right to Discipline

Nothing in this Policy shall be deemed to limit or in any other way affect the right of the Agency to discipline employees for violations under this policy, or other breaches, whether the action was part of the violation under this Policy.

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**Prevention of misapplication of the policy**

Purposeful misapplication of the processes by anyone will lead to appropriate consequences, including some form of discipline as the misapplication of this policy is inappropriate behaviour. It is a misapplication of this policy to make a false report against another employee, or contractor. False, vexatious, or malicious harassment complaints may result in disciplinary action, up to and including termination of employment.