

<b>CDBA-NB Inc. Policy and Procedure</b>			
Chapter:	Human Resources	PP No.	HR 2.1
Section:	General	Issued :	Feb 2015
Subject:	<b>HARASSMENT POLICY</b>	Effective:	Jan 2015
Issue to:	All Manual Holders	Page:	<b>1 of 9</b>
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Approved by:	CDBA-NB Inc. Board of Directors	Issued:	

**1. POLICY**

- 1.01 As an employer, CDBA-NB Inc. is committed to providing a work environment in which all individuals are treated with respect and dignity. It is the employer’s responsibility to prevent and eliminate harassment in the workplace.
- 1.02 Harassment/bullying in the workplace is a form of discrimination. It is unwelcome and unwanted. It affects the individual’s ability to learn and work. It can also be an expression of abuse of power, authority, or control and is coercive in nature.
- 1.03 Employees/consumers/parents/guardians are responsible to take appropriate preventative or corrective action and to put a stop to any harassment they are aware of, whether or not a complaint is filed. Failure to take appropriate action may result in disciplinary measures being imposed on those individuals as well as the offending person.
- 1.04 Harassment in the workplace will not be tolerated and CDBA-NB Inc. must take appropriate action to protect their employees, consumers and others in the workplace. Harassment in the workplace constitutes a disciplinary infraction and shall be dealt with appropriately.
- 1.05 The abuse of one’s authority or position, to intimidate, coerce, or harass is forbidden.
- 1.06 This policy is not intended to limit or constrain the employer’s right to manage. Performance reviews, work evaluation and disciplinary measures taken by the employer for any valid reason do not constitute harassment in the workplace.
- 1.07 This policy delineates some unacceptable behavior but does not modify any other rights or obligations.

**2. PURPOSE**

- 2.01 To outline the harassment policy.

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**3. SCOPE**

3.01 The harassment policy applies to consumer/parents/guardians/staff/board members and volunteers.

**4. RESPONSIBILITY**

**4.01 A shared responsibility**

While all individuals share responsibility for understanding and preventing harassment in the workplace, it is important to recognize that, under law, supervisors carry more responsibility than other employees.

**4.02 Executive Officers of CDBA-NB Inc. Board or designate**

Executive Officers are responsible for the implementation and administration of this policy. They shall:

- a) Appoint an investigator or investigators as soon as possible;
- b) Consult with the investigator or investigators to set a reasonable time frame for the completion of the investigation;
- c) Review the findings and recommendations;
- d) Determine the outcome and the appropriate action to be taken, and
- e) Ensure the parties are informed of the outcome in a timely fashion.

**4.03 Supervisors**

Those who have authority to prevent or discourage harassment may be held accountable for failing to do so. This accountability extends to anyone in a management or supervisory position.

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Supervisors are also responsible for ensuring that the rights of both the respondent and the complainant involved in a harassment incident are protected. Fair and equitable procedures must be ensured for all parties.

**4.04 Complainants**

Complainants have the right:

- a) to make a complaint and to obtain a review of the complaint;
- b) to be accompanied by a person of their choice during the interview; and
- c) not to be subject to retaliation for the reason of having made a complaint under this policy.

It is the responsibility of the complainants:

- a) to immediately make known, if possible, their disapproval or unease to the individual;
- b) to follow all procedures under this policy;
- c) to cooperate with all those responsible for dealing with the investigation of the complaint; and
- d) to maintain confidentiality.

**4.05 Respondents**

Respondents have the right:

- a) to be informed that a complaint has been filed;
- b) to be presented with a written statement of allegations and to be afforded an opportunity to respond to them; and
- c) to be accompanied by a person of their choice during their interview.

It is the responsibility of the respondents:

- a) to follow all procedures under the policy;
- b) to cooperate with all those responsible for dealing with the investigation of the complaint; and
- c) to maintain confidentiality.

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**4.06 Witnesses**

Witnesses have the right:

- a) not to be subject to retaliation because he or she has participated as a witness.

It is the responsibility of the witness:

- a) to meet with the investigator and to cooperate with all those responsible for the investigation of the complaint; and
- b) to maintain confidentiality with respect to the investigation.

**4.07 Investigator(s)**

The investigator shall:

- a) ensure the respondent has received a written statement of the allegations;
- b) ensure all parties involved have been informed of their rights and responsibilities;
- c) interview the parties concerned and any witnesses;
- d) collect all pertinent evidence;
- e) use a mediation process where appropriate;
- f) prepare a report; and
- g) ensure the investigation is completed in a timely fashion taking into account particular circumstances B (usually up to 3 months).

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**5. DEFINITIONS**

**Personal Harassment/Bullying**

Personal harassment means any objectionable or offensive behavior that is known or ought reasonably to be known to be unwelcome. It includes objectionable conduct, comment or display made on either a one-time or continuous basis that demeans, belittles, or causes personal humiliation or embarrassment.

Without limiting the above, personal harassment includes harassment within the meaning of the New Brunswick Human Rights Act, i.e., harassment on the basis of the following prohibited grounds of discrimination: race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex.

**5.02 Sexual Harassment**

Sexual harassment means any conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or a series of incidents,

- a) that might reasonably be expected to cause offence or humiliation; or
- b) that might reasonably be perceived as placing a condition of a sexual nature on employment, an opportunity for training or promotion, receipt of services or a contract.

Examples of behavior that can constitute sexual harassment include, but are not limited to:

- unwanted touching, patting or leering;
- sexual assault;
- inquiries or comments about a person’s sex life;
- telephone calls with sexual overtones;
- gender-based insults or jokes causing embarrassment or humiliation;
- repeated unwanted social or sexual invitations; and

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inappropriate or unwelcome focus/comments on a person's physical attributes or appearance.

**5.03 Abuse of Authority**

Harassment also includes abuse of authority where an individual improperly uses the power and authority inherent in a position to endanger a person's job, undermine the performance of that job, threaten the person's economic livelihood, or in any way interfere with or influence a person's career. It is the exercise of authority in a manner which serves no legitimate work purpose and ought reasonably to be known to be inappropriate. Examples of abuse of authority include, but are not limited to such acts or misuse of power as intimidation, threats, blackmail or coercion.

**5.04 Workplace**

The workplace includes but is not limited to a physical work site, washrooms, cafeterias/restaurants, training sessions, business travel, conferences, work related social gatherings, the employee or consumer's home or work site, etc.

5.05 The complainant is the person who alleges that she/he has been harassed by the respondent.

5.06 The respondent is the person who is alleged to have harassed the complainant.

5.07 The Executive Director and/or the Board of Directors are responsible for addressing formal complaints received in writing.

**6. REFERENCES AND RELATED STATEMENT OF POLICY AND PROCEDURE**

Public Legal Education & Information Services of New Brunswick

Government of New Brunswick Workplace Harassment Policy

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**7. PROCEDURE**

7.01 Upon becoming aware of the any incident which may fall under the definition of harassment, nothing precludes the Executive Director from foregoing the procedure under this policy and taking appropriate action which may include invoking the normal disciplinary procedure.

**7.02 Informal Procedure**

Complainants and the Executive Director must use the Complaint Procedure to attempt to resolve workplace harassment unless it is inappropriate to do so.

**7.03 Informal Complaint – Mediation**

- a) An effective way to end the problem of harassment in the workplace is to communicate concerns immediately through arbitration.
- b) A complainant should request the assistance of the Director of Intervention in the informal resolution of a workplace harassment complaint. If done in writing, it is advisable to forward a copy to the Executive Director, and to keep a copy of the letter.
- c) The Executive Director may help with other methods of resolution such as discussion and mediation, to assist the parties in voluntarily reaching an acceptable solution.
- d) When the facts are not in dispute and it is determined by the Executive Director that the respondent or any other person has committed an act or acts constituting harassment, the Executive Director shall take appropriate action up to and including dismissal.
- e) Nothing in the procedure prevents the Director of Intervention or the Executive Director from recommending the matter be investigated further.

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**7.04 Formal Procedure**

- a) Where appropriate, the complainant may choose to file a formal complaint.
- b) The employer is committed to responding to all complaints, however, it is in the Executive Director’s discretion whether or not to investigate a complaint if it is not filed within a year of the alleged circumstance leading to the complaint unless:
  - there is a strong factual and legal case,
  - there is evidence of substantial loss or damage to the complainant,
  - there are justifiable reasons beyond the complainant’s control for not filing the complaint within the one year limit, and
  - the respondent will not be unduly prejudiced by the extension.
- c) A formal complaint must be written and signed. It should give an accurate account of the incident or incidents of harassment including times, places and parties involved. When completed, the complaint is submitted to the Director of Intervention or Executive Director.
- d) If it can’t be resolved through the Director of Intervention and the Executive Director, the complainant can request the Executive Director take it to the CDBA-NB Inc. Board of Directors.
- e) The respondent shall be informed of the complaint, presented with a written statement of allegations and afforded an opportunity to respond.
- f) Unless directed otherwise, the Director of Intervention shall gather and analyse the information, summarize the findings and may propose corrective action or make recommendations.
- g) The Director of Intervention shall report the findings and recommendations to the Executive Director who shall determine whether follow up is necessary and if the report is kept on file.



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- h) Where it is determined that the respondent has committed an act or acts of harassment, the Executive Director shall take appropriate action up to and including dismissal.
- i) The Executive Director may take any other action deemed advisable and notify the CDBA-NB Inc. Board of Directors.
- j) A complaint under this policy that involves falsehood or malicious intent or is otherwise made in bad faith, as determined by the investigation, shall be subject to appropriate disciplinary action.
- k) The parties to the complaint must be informed in writing of the outcome.

**8. ATTACHMENTS**

None.