

ANTI-HARASSMENT POLICY

Intent

SaskCulture is committed to providing a safe and respectful work environment for all employees so far as reasonably attainable. No one, whether a manager, an employee, a volunteer, a stakeholder or any member of the public should be subjected to discrimination, harassment, sexual harassment, personal harassment, bullying, disrespectful or violent behaviours, for any reason, at any time. No one has the right to discriminate against, harass, bully, show disrespect or violence towards anyone else, at work or in any situation related to employment.

If you believe you have been harassed, take action.

SaskCulture will neither tolerate nor condone any type of behaviour which contravenes this policy and will take necessary and appropriate action to address situations that occur which are a breach of this policy. It is the responsibility of every employee to conduct themselves in a manner consistent with this policy.

This policy applies to all areas related to the business of SaskCulture.

Definitions

SaskCulture will defer to the definition of harassment outlined in [The Saskatchewan Human Rights Code](#) and [Saskatchewan Employment Act](#).

Further to the above:

Harassment is defined as any, objectionable or offensive conduct, comment, action, gesture or display, directed at a person or group of persons that degrades, demeans, humiliates or embarrasses and that a reasonable person should have known would be unwelcome, thus creating an uncomfortable, hostile and/or intimidating work and learning environment. It also includes an improper use of power or authority inherent in a person's position. It is behaviour that is unwelcome, vexatious, hostile, inappropriate and unwanted and that:

- Threatens the health or safety of an employee.
- Undermines the employee's job performance or negatively interferes with the employee's career in any other way.
- Adversely affects the employee's dignity or psychological or physical integrity.
- Results in a harmful workplace for the employee.

Harassment may be a one-time event or series of incidents and may also exist systemically as part of the work environment.

Retaliatory behaviour in response to a complaint is also considered to be harassment.

Behaviours Constituting Harassment:

Harassment on Human Rights Grounds

Harassment under the Saskatchewan Employment Act means any inappropriate conduct, comment, display, action or gesture by a person that constitutes a threat to the health and safety of a worker. This can be based on the person's:

- Age
- Physical size or weight
- Ancestry, including colour and perceived race
- Ethnic background or origin
- Gender-determined characteristics or circumstances
- Marital or family status
- Nationality, national origin or citizenship
- Physical or mental disability
- Political belief, political association or political activity
- Record of offences
- Religion, creed, religious belief, religious association or religious activity
- Sex, including pregnancy, the possibility of pregnancy or circumstances related to pregnancy
- Sexual orientation
 - Source of income, including funding, financial economic status

Examples of human rights based harassment include, but are not limited to:

- Insulting gestures, remarks, jokes, innuendoes or taunting based on any of the above prohibited grounds or about adornments and rituals associated with cultural or religious beliefs
- Displaying racist, derogatory or offensive written or visual material
- Racial or ethnic slurs, including racially derogatory nicknames
- Unwelcome inquiries about a person's source of income or funding
- Racially motivated threats, intimidation or physical force
- Any action, verbal or physical, that expresses or promotes racial intolerance, prejudice, discord or hatred
- Refusal to work with or cooperate with an employee or co-worker because of any of the above prohibited grounds
- Any action, verbal or physical, that expresses or promotes racial intolerance, prejudice, discord or hatred

Personal & Psychological Harassment

Personal and psychological harassment is also known as “bullying” and can include abuse of authority. This consists of abusive and unwelcome comments and behaviours or actions that offend, abuse, intimidate, humiliate, demean or cause loss of dignity to an individual and can often have the effect of interfering with a person's work performance. Personal harassment can take place between peers and it can take place between individuals where there is a power imbalance.

“Bullying” occurs when the behaviour criticizes or degrades an individual in a persistent manner or in the presence of others. It is abusive behaviour that makes the recipient feel upset, threatened, humiliated or vulnerable. “Abuse of authority” harassment occurs when a person in a position of authority uses their position unreasonably and with the intent to interfere with an employee or the employee’s job through the use of humiliation, intimidation, threats or coercion.

A “person in authority” is typically someone who has the ability to influence or impact the working conditions of others.

Examples of personal and psychological harassment include, but are not limited to:

- Written or verbal abuse, threats and/or patronizing comments that are humiliating, demeaning or threatening
- Condescending remarks or behaviour, which undermines self-respect
- Misuse of authority such as deliberately punitive assignments
- Reprimanding and belittling an individual publicly
- Threats to one’s employment, working conditions or personal security
- Dismissive gestures, or comments
- Using patronizing behaviour, language or terminology which reinforces stereotypes and undermines self-respect or adversely affects work performance or working/learning conditions
- Practical jokes that cause awkwardness or embarrassment, that endanger an employee’s safety or negatively affect work performance
- Spreading rumours or gossip about another individual
- Isolating an individual or refusing to work with an individual without justifiable reasons
- Displaying graffiti or other material which is racist, sexist, sexually explicit, ethnic-based, religious, offensive, degrading or derogatory
- Unwelcome remarks, jokes, innuendoes, or taunting about a person's appearance, body, height, weight, attire, age, marital status, gender, ethnic background, race, religion, accent, sexual orientation or disability or any other prohibited ground

Sexual Harassment

Sexual harassment is defined as any type of sexually-oriented conduct, comment or gesture whether intentional or not, that is unwelcome, offensive or unsolicited and has the purpose or effect of creating a work environment that is hostile or offensive.

Examples of sexual harassment include but are not limited to:

- Unwelcome sexual jokes, language, advances or propositions
- Written or verbal abuse of a sexual nature, sexually degrading or vulgar words to describe an individual
- The display of sexually suggestive or pornographic objects, pictures, posters or cartoons

- Unwelcome comments or taunting about an individual's body, size, attire, sex or sexual orientation
- Inquiries or comments about a person's sex life or sexual preferences
- Unwelcome touching, leering, whistling, brushing against the body, pinching, patting, kissing or suggestive, insulting or obscene comments or gestures
- Sexual assault
- Demanding sexual favors in exchange for favorable reviews, assignments, promotions, or continued employment, or promises of the same
- Refusing to work with or have contact with workers because of their sex, gender or sexual orientation

Harassment is not:

- Appropriate performance reviews, counselling, coaching or discipline
- Day-to-day management or supervisory decisions involving work assignments, workplace assessments, or workplace policies, provided they are carried out in a manner that is reasonable and not abusive
- Physical contact necessary for the performance of the work using accepted industry standards
- Conflict or disagreements in the workplace that are not based on one of the prohibited grounds and would reasonably be considered as acceptable within a workplace setting
- Occasional misunderstandings, thoughtlessness or poor communications
- Reasonable words or actions related to isolated stress or frustrations encountered in the performance of work duties
- Consensual banter or conduct, or romantic relationships, where the people involved do not find it offensive or unwelcome and consent to what is happening

Workplace Violence

Workplace violence is defined as the exercise of physical and psychological force by a person against an employee in a workplace that causes or could cause physical harm or injury to an employee, or the attempt to exercise physical force against an employee in the workplace that could cause physical harm or injury. It also includes the threat, real or perceived, of any act of physical force or aggression. Examples of workplace violence include but are not limited to:

- Hitting, scratching, pinching, biting
- Throwing or slamming things
- Swearing and the use of profane language
- Yelling and screaming
- Direct, conditional or veiled threats
- Practical jokes that could cause embarrassment or physical harm or injury
- Vandalism of personal property
- Use of or threat to use a weapon

Workplace violence can take place in the workplace itself, or outside the workplace in a situation that is somehow connected to work. This includes threatening phone calls from one employee to another at his or her home, or any kinds of verbal or written threats or violent actions against an employee's family or property.

Domestic Violence

If SaskCulture becomes aware of domestic violence that would likely expose an employee to physical injury or harassment in the workplace, we will take every precaution reasonable in the circumstances for the protection of the employee. This could include:

- Preparing an emergency security plan including procedures for contacting police
- Exploring options for voluntary relocation of the victimized employee
- Exploring options to prevent the employee from having to deal with harassing electronic communication of any type including telephone calls, e-mails, faxes and text messages.
- Displaying domestic violence prevention information and resource lists
- Inviting community resources to provide sessions on domestic violence to employees, supervisors and managers
- Distributing a statement that the organization does not tolerate acts of violence in the workplace including domestic violence

Roles

Management

Management is responsible for creating and maintaining a work environment that is free from discrimination, harassment, and violent behaviours. This includes ensuring that this policy is accessible and communicated to their employees. They are also responsible for setting an example for appropriate workplace behaviour and ensuring that inappropriate behaviour is not allowed, condoned or ignored. This includes taking preventive action to avert the development, escalation or recurrence of inappropriate behaviour within their areas of responsibility.

In addition to the responsibilities outlined above, Management is responsible for encouraging, supporting and providing training, plus the resources necessary for employees to fulfil their roles with respect to this policy. They also have the right to be protected from frivolous or malicious claims and to manage the affairs of their area of responsibility to meet SaskCulture's objectives.

Supervisors are also responsible for assisting employees who turn to them for help with concerns or complaints that fall within this policy. They may be considered party to the complaint if they fail to take corrective actions, and could be disciplined.

Employees

All employees are responsible for ensuring that the work environment is free from discrimination, harassment, and violent behaviours. Employees are expected to treat each other with respect and to speak up if they or someone else is being harassed, discriminated

against or being treated with disrespect. All employees also have a responsibility to report incidents of discrimination, harassment, sexual harassment, personal harassment, bullying, disrespectful or violent behaviours to the appropriate person, and to co-operate in any investigations, should they occur. All employees are responsible for respecting the confidentiality of anyone involved in a complaint or an investigation.

Board of Directors

The SaskCulture Board of Directors, through the CEO, shall be made aware of what is happening in the workplace and for dealing with discrimination, harassment, and violent behaviours appropriately.

The Board should confirm that the policies and procedures are applied appropriately and that reports of harassment are brought to the Board's attention early and investigated thoroughly. The Board will operate within all appropriate related Governance Process policies, which include: GP-9 Code of Ethics and Conduct

Volunteers/Contract Workers

SaskCulture will provide awareness and communicate expectations of this policy to any external stakeholders. SaskCulture also has the right to manage the affairs of SaskCulture to meet SaskCulture's objectives.

Process

Temporary or interim measures:

In the event of an allegation of harassment, the CEO has full discretion to take whatever temporary interim measures that they deem appropriate to ensure the workplace remains a safe and productive environment and/or helps to facilitate an investigation into said harassment including, but not limited to, removing an individual from the workplace.

Individuals also have the right to formalize an unresolved complaint or initiate a complaint of harassment with the [Saskatchewan Human Rights Commission](#).

All processes will:

- determine what happened in relation to a complaint or incident
- ensure the individual being harassed is protected
- minimize risks of discrimination, harassment or violent behaviours persisting or escalating
- provide, through its findings, a basis for imposing discipline or taking other corrective action, if necessary
- prevent litigation or provide a defence if litigation is commenced.

1. Exploration and Problem Solving

An individual who believes that they have been the subject of, or subjected to, conduct that is in violation of this policy is encouraged, where possible:

- a) To clearly and firmly make it known to the offending individual that the conduct is unwelcome and must stop; and
- b) To attempt to resolve the issue by direct discussion with the offending individual (refer to Problem Solving policy); and
- c) Report the matter to the CEO. If the CEO is the accused harasser, then the matter may be reported to the Board Chair. Depending on the nature and severity of the alleged conduct, and subject to the consent of the individual reporting the harassment, SaskCulture may first try to resolve the issue informally.

2. Investigation

Not every investigation will be the same because an appropriate investigation depends on the complaint or incident.

SaskCulture will ensure a full, fair, and appropriate investigation is conducted into each incident or allegation of discrimination, harassment or violent behaviour that it becomes aware of. Investigations will be carried out according to the following guidelines:

- All investigations will be conducted promptly;
- All those directly involved, and witnesses will be spoken with;
- Notes/statements will be prepared during each interview, reviewed by the person(s) being interviewed and signed for accuracy;
- Records or other documents relevant to the incident being investigated (this may include work schedules, complaints and observation notes, and may involve taking pictures of the scene) will be reviewed;
- Relevant organizational policies/procedures will be reviewed;
- A final summary/report of the investigation will be prepared; and,
- The parties involved will be informed separately in writing of the results of the investigation and any corrective action taken as a result of the findings of the investigation.

A. Internal Investigation

Where the exploration and problem solving process is unsuccessful, or the individual does not feel comfortable addressing the issue directly, the individual should document the details of the alleged discrimination, harassment or violent behaviour (including name(s), date, time, place, particular details of alleged incident and any witness(es) (see form below)) and submit a written report to the CEO. If the CEO is the accused harasser, then the written report will be submitted to the Board Chair. The individual receiving the written report or designate will notify the alleged harasser of the written report and provide the alleged harasser with information concerning the circumstances of the written report

Subject to the agreement of the person making the complaint, a mediated process or a meeting to discuss and get clarification around the events that have occurred

may be arranged. This would allow the individuals to address concerns about one another's behaviour.

B. External Investigation

If necessary, a formal and confidential investigation will be conducted by an outside, impartial investigator. Findings will be reported to the CEO or Board Chair as determined under 'A' above.

Retaliation

SaskCulture does not condone acts of retaliation against an individual who has reported discrimination, harassment or violent behaviour or participated in any manner in the investigation or resolution of a report of discrimination, harassment or violent behaviour.

While all incidents and complaints will be taken seriously, employees should be aware that frivolous or unfair complaints are disruptive and unacceptable. Any employee, who is found to have filed a complaint that is found to be frivolous, or that was filed with malicious intent, will be subject to disciplinary action imposed in accordance with the Disciplinary Measures policy.

Confidentiality

SaskCulture will not disclose the name of the individual who reported the alleged discrimination, harassment or violent behaviour, the alleged harasser or the circumstances related to the report of alleged harassment to any individual except where disclosure is necessary for the purposes of investigation of the report or taking corrective action, or where such disclosure is required by law.

All individuals involved with the investigation of an incident shall treat all information related to the matter as strictly confidential. Unwarranted or inappropriate breaches of confidentiality may be subject to disciplinary action imposed in accordance with the Disciplinary Measures policy.

All complaints will be handled in confidence. Access to the information and the outcome of the investigation will be strictly limited to the CEO and the individuals directly involved in the complaint.

Resolution

SaskCulture will do whatever is necessary to stop the discrimination, harassment or violent behaviour. Discipline may range from awareness training to disciplinary action imposed in accordance with the Disciplinary Measures policy.

Records

Sealed records of discrimination, harassment or violent behaviour reports will be kept in a secure, locked location within personnel files. .

If the investigation does not find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of any of the parties involved and no repercussions will occur for the person filing the complaint, if the complaint was filed in good faith.

Additional Resources:

[Occupational Health & Safety Saskatchewan](#)

SAMPLE

HARASSMENT ALLEGATION FORM

Name: _____ Date: _____

Address: _____

Work Phone: _____ Cell Phone: _____

E-mail: _____

Grounds for Complaint (On what grounds do you believe harassment occurred, see definition in policy):

Complaint Against (Who you allege committed the harassment): _____

Details (Please be as detailed as possible. Include such things as: what occurred, location, date, time, circumstances surrounding the incident, witnesses, your response to the behavior, etc., use additional pages if necessary):

Witnesses (Name and phone numbers of individuals who can supply corroborating evidence/details):

Relevant Documents (Attach any documents you consider relevant):

Employee Signature

Date

Send to the Chair of SaskCulture Inc. or CEO at the SaskCulture Inc. office marked PERSONAL AND CONFIDENTIAL