

HARASSMENT

GENERAL

1. St. John Ambulance is committed to the observance of the provincial human rights law as it applies to all members of St. John Ambulance, including volunteers, applicants for volunteer positions, employees, and applicants for employment.

DEFINITIONS

2. *Harassment* is any unwanted physical or verbal conduct that offends or humiliates an individual. Such conduct can interfere with a person's ability to do a job or obtain a service. Harassment is a type of discrimination, and can take many forms, such as:
 - a. threats, intimidation or verbal abuse;
 - b. unwelcome remarks or jokes about subjects such as the person's race, religion, disability or age;
 - c. displaying sexist, racist or other offensive pictures or posters;
 - d. sexually suggestive remarks or gestures;
 - e. unnecessary physical contact, such as touching, patting, pinching, punching;
 - f. physical assault, including sexual assault; or
 - g. threats, intimidation or discrimination against anyone who has either filed a complaint or who is providing evidence or assistance in complaint proceedings.
3. *Sexual harassment* is any conduct, comment, gesture or contact of a sexual nature:
 - a. that is likely to cause offense or humiliation to any member; or
 - b. that might, on reasonable grounds, be perceived by that member as placing a condition of a sexual nature on membership, employment, or any opportunity for training or promotion.
4. Harassment can consist of a single incident or several incidents over a period of time.
5. A *member* of St. John Ambulance refers to any volunteer or employee of St. John Ambulance. This policy also extends to applicants for volunteer positions or employment with St. John Ambulance
6. All references to St. John Ambulance include St. John Enterprises.

POLICY

7. Harassment is a form of discrimination and is prohibited by law. St. John Ambulance and its members shall not discriminate on any ground which is prohibited by provincial statute. St. John Ambulance will not tolerate or condone harassment in any way, including:
 - a. harassment of a St. John Ambulance member by another member;
 - b. harassment of a member of the public by a St. John Ambulance member; and
 - c. harassment of a St. John Ambulance member by a member of the public.
8. The policy contained in this document applies to every member of St. John Ambulance (see paragraph 5). Every member can expect any complaint involving alleged harassment to be taken seriously and dealt with promptly, thoroughly and fairly, with confidentiality and without fear of retaliation.
9. Any member of St. John Ambulance who engages in harassment, or who makes a frivolous or malicious complaint, is liable to disciplinary and/or administrative penalties, up to and including permanent dismissal from St. John Ambulance membership or employment.
10. All individuals in supervisory positions are obligated to notify the Executive Director/Vice President of any harassment situations of which they are aware, whether or not a complaint has been lodged.

RIGHTS OF PARTIES INVOLVED IN A HARASSMENT SITUATION

11. Every member has the right to:
 - a. file a complaint without fear of embarrassment or reprisal;
 - b. be represented and accompanied by a person of their choosing during the interviews related to their complaint;
 - c. ensure that their written complaint, or written comments related to the fact that they have lodged a complaint, be excluded from their personnel files; and
 - d. be kept informed throughout the process, and of the final outcome.
12. Any member who has had a complaint of harassment made against them has the right to:
 - a. be informed immediately that a complaint has been filed;
 - b. be given a copy of the complaint review process;
 - c. be presented with a written statement of allegations and be given an opportunity to respond to them in writing;

- d. be represented and accompanied by a person of their choosing during the interviews related to the complaint;
- e. receive fair treatment in an environment free of harassment and discrimination;
- f. be kept informed throughout the process; and
- g. be treated as innocent of all charges until an investigation reveals otherwise.

RESPONSIBILITIES OF PARTIES INVOLVED IN A HARASSMENT SITUATION

13. Any member who has been harassed has the responsibility to:
- a. make their disapproval or unease known to the offending individual immediately, and/or speak to their immediate supervisor if the harassment does not stop;
 - b. seek assistance from the Human Resources Manager or Executive Director/Vice President if the above measures are not successful, if there is no action within seven days by the immediate supervisor, or if circumstances make it difficult to take these measures; and
 - c. describe in writing as clearly as possible the nature of the harassment (if lodging a complaint), providing sufficient detail and description of the particulars to enable an investigation to be conducted (i.e. nature of the incident(s), including times, places and witnesses).
14. All members who have had a complaint of harassment made against them, or who have made a complaint, and any witnesses, are expected to participate in the process and to cooperate during the investigation of the complaint.
15. Upon completion of the investigation, any members involved in a harassment situation must follow any recommended corrective course of action as determined in the review process.

HARASSMENT COMPLAINT REVIEW PROCESS

Informal Complaint

16. Any member facing a situation involving harassment should initially try to resolve this complaint directly with the other party by defining the unacceptable behaviour and requesting that the behaviour be stopped.
17. If the initial attempt is not successful, the complainant must report the incident immediately to their immediate supervisor, who must deal with the complaint as expeditiously as possible. If no response is made within fifteen working days, then the complaint is to be dealt with as a formal complaint.

Formal Complaint

18. If the first two steps do not resolve the situation, the complainant must provide a written complaint to the Executive Director/Vice President, who will initiate an investigation to determine the facts, counsel both parties on their rights and responsibilities, and attempt to resolve the complaint and bring the parties to a settlement. The Executive Director/Vice President may choose to appoint an investigator or investigation team.
19. If the complaint can be justified and cannot be settled between the parties, the Executive Director/Vice President will review the facts with the investigator or investigation team and legal counsel to determine what corrective action will be taken. The decision will be communicated to both parties and a concise report and the outcome will be kept on file (see paragraph 22).
20. If the complaint involves the Executive Director/Vice President, the report should be made directly to the President of the Council, who will involve the Priory Secretary and Chief Executive Officer, and appoint an impartial investigator. If the complaint involves the Priory Secretary and CEO, the report should be made directly to the Chancellor.

CONFIDENTIALITY

21. All parties involved in a harassment complaint review process, including the complainant, the alleged offender, and witnesses, are expected to cooperate with investigations and to maintain confidentiality.
22. All documentation from the investigation, including the final report, will be held in a sealed envelope in the locked files of the Executive Director/Vice President. In all instances, such documentation will be kept separate from the member's personnel files. If there is disciplinary action, it will be recorded on the member's personnel file.

RESPONSIBILITY OF THE EXECUTIVE DIRECTOR/VICE PRESIDENT

23. The Executive Director/Vice President is ultimately responsible for all cases of harassment complaints within their jurisdiction. It is expected that the Executive Director/ Vice President will notify the President of the Council of all harassment complaints involving volunteers, and the senior Brigade Officer in their jurisdiction of all harassment complaints involving Brigade members. In all cases, the responsibility for carrying out an investigation will be under the authority of the Executive Director/Vice President, to ensure the appropriate procedure is carried out in a timely and consistent manner.

24. The Executive Director/Vice President is responsible to:
- a. ensure that immediate action is taken to inform the person against whom a complaint has been made, and advise both parties of their rights and responsibilities;
 - b. determine whether the complainant and the alleged offender should be separated for the period of the investigation;
 - c. appoint an investigator or investigation team to examine the specific complaint and underlying factors which may have contributed to the complaint;
 - d. ensure that the investigation is conducted fairly, sensitively, completely and with confidentiality;
 - e. assess the findings of the investigation and determine whether the complaint is justified;
 - f. ensure that the complainant and the alleged offender are advised of the result in writing;
 - g. implement appropriate corrective action with respect to the specific complaint and any general situation or practices that require attention;
 - h. monitor the situation regularly until corrective measures have been implemented satisfactorily;
 - i. ensure that the complainant is not subject to recriminations or embarrassment for lodging a justified complaint; and
 - j. ensure appropriate corrective action is taken if a harassment complaint was made unjustifiably.
25. Any potential harassment claim must be reported to the appropriate Claims Contact of St. John Ambulance's insurance carrier as soon as a Branch/Council becomes aware of any harassment complaint. The insurance carrier's Legal Counsel and Claims staff will review each situation. The only responsibility for the Branch/Council will be to inform the Claims Contact of the complaint.

INVESTIGATOR OR INVESTIGATION TEAM

26. The investigator or investigation team appointed by the Executive Director/Vice President must be impartial and capable of conducting the investigation thoroughly, sensitively, discreetly and with confidentiality. In appointing an investigator or investigation team, the following criteria must be used:
- a. investigators should be chosen from adult members outside the area in which the harassment is alleged to have occurred, with a preference for Human Resources Managers, experienced investigators or individuals with a human rights background; and
 - b. any team be composed of members of the opposite sex.

27. The investigator or investigation team should be instructed that they are responsible for assessing and reporting on the general situation under question. The purpose of such an assessment is to identify underlying factors that may have contributed to the complaint and have a negative effect on the work environment. These factors may include such things as knowledge of rights and responsibilities, attitudes, interpersonal relations, workplace practices and weaknesses in the system.
28. During the investigation of a harassment complaint, the investigator or investigation team must:
 - a. consult with the Executive Director/Vice President for briefing and guidance on how to proceed with the investigation;
 - b. interview both the complainant and the alleged offender as soon as possible;
 - c. review pertinent documentation, interview witnesses, document the situation accurately and completely, make a finding with respect to the complaint, and make written recommendations to the Executive Director/Vice President;
 - d. ensure all information concerning the case is kept;
 - e. ensure the complaint will be carried out confidentially and with sensitivity; and
 - f. caution members who are questioned that they must not discuss the case with anyone else.

CORRECTIVE ACTIONS

29. In cases where harassment is found to have occurred, or where a harassment complaint was made unjustifiably, the corrective actions which may be necessary to successfully resolve the situation may include:
 - a. disciplinary action against the offender, whether the offender is responsible for the harassment or responsible for making an unjustifiable complaint;
 - b. counselling, training and close supervision of the offender;
 - c. permanent separation of the offender and victim through the transfer of the former, or, at their request, the latter;
 - d. demotion, suspension or expulsion of the offender;
 - e. reporting of the offence to appropriate civil authorities for further action and charges;
 - f. awareness sessions, training or counselling for supervisors or other members;
 - g. disciplinary action against or performance counselling of a supervisor who was aware of the offence but failed to act on it; and
 - h. other such measures as may be needed to establish or re-establish a positive, productive environment, or to deal with lack of knowledge, poor attitudes or deficiencies within the system.

30. All factors should be considered when determining corrective action (eg. the nature of the offence, whether harassment or an unjustified complaint; the degree of aggression and physical contact in the harassment; the period of time over which harassment took place; the frequency of harassment; the vulnerability of the victim).
31. The chosen corrective action should result in a plan of action for appropriate action and follow-up.

ALTERNATIVE PROCESS

32. If the procedures outlined in this document do not get appropriate results and the harassment is based on one of the grounds of discrimination prohibited under provincial human rights laws, any member may wish to file a complaint with the Canadian Human Rights Commission.