



PROFESSIONAL CONSTRUCTORS

## Bullying and Harassment Procedure

### See Policy

Please see Bullying and Harassment Policy, DocID HR.137

### Employee Responsibilities

All employees, including managers and supervisors employed by Acres shall:

- refrain from causing or participating in the harassment of another worker, and
- co-operate with any person investigating harassment complaints.

### Complaint Procedure

Confidentiality – Acres or anyone acting on behalf of the company, should not disclose either the complainant's or alleged harasser's name or other identifying information to any person. In certain circumstances the complainant and alleged harasser may agree to release identifying information in order to implement the harassment policy, the resolution process or the final resolution itself.

This procedure sets out three types of complaint procedures that may be used. All complaints are to be in writing using the attached Bullying and Harassment Complaint document (following this procedure). They are procedures that apply where:

1. no alleged harasser is named, and an informal resolution is sought.
2. an alleged harasser is named, and an informal resolution or mediation is sought.
3. an alleged harasser is named, and an investigation is required.

#### *No Alleged harasser named – informal resolution sought*

**Step 1** – An individual reports an incident or concern to the supervisor or anyone designated to receive harassment complaints.

**Step 2** – The person receiving the complaint:

- a) reviews the complaint procedures with the complainant.
- b) informs Human Resources of the complaint.

**Step 3** – The receiver of the complaint takes action appropriate and necessary to address the complaint. Such action may include:

- a) having staff meetings to discuss and review the policy, and;
- b) providing workshops, videos or written information on the prevention of harassment.

The receiver of the complaint informs the complainant of the action that will be taken to address the complaint or concern.

#### *Alleged harasser named – informal resolution or mediation sought.*

**Step 1** – An individual reports an incident or concern to their supervisor or anyone designated to receive harassment complaints. The complaint should be recorded in writing.

Where an informal resolution is sought, the complainant should indicate the type of resolution and resolution process he / she is seeking. Examples include: an apology, supervisory counseling, and a facilitated meeting with alleged harasser, workshop or training sessions, and mediation.

**Step 2** – The person receiving the complaint:

- a) reviews the complaint procedures with the complainant.
- b) informs the Manager of the complaint (where it is alleged that the Supervisor is involved in the harassment, the person receiving the complaint refers the matter to another manager).
- c) meets privately with the alleged harasser to review the complaint, and;
- d) determines whether there is agreement on a resolution or a resolution process.

**Step 3** – Where there is agreement on the resolution or resolution process to be used, the person receiving the complaint:

- a) informs the Manager of the agreement, and;
- b) facilitates the agreed upon resolution or resolution process (subject to the approval of the Manager).

**Step 4** – The complainant is informed that s/he may move to the formal complaint procedure:

- a) if the complainant, the alleged harasser, or the Manager do not agree to a resolution. process, or;
- b) if the resolution process does not resolve the matter to the complainant's satisfaction.

**Step 5** – Where the complainant and alleged harasser agree to a resolution, the Manager follows up with the complainant to ensure the agreed resolution was effective in stopping and preventing further harassment. Where the complainant indicates that the harassment has not ended, the Manager counsels the complainant to pursue an alternate resolution process, including a formal investigation.

***Alleged harasser named – Investigation required.***

**Step 1** – An individual reports an incident or concern to their supervisor or anyone designated to receive harassment complaints. The complaint should be in writing, be dated and contain the following information:

- a) the name and job title of the complainant and contact information.
- b) the name and job title of the alleged harasser and available contact information.
- c) a description of the conduct, display or events considered objectionable, including dates and locations of events.
- d) The names and available contact information of any possible witnesses.
- e) A description of the basis of the alleged harassment (e.g. sex, age, ancestry, disability, physical size, marital status).
- f) The remedy sought.
- g) Other information or material the complainant considers relevant.

- h) The signature of the complainant.

**Step 2** – The person receiving the complaint:

- a) reviews the complaint procedures with the complainant.
- b) provides a copy of the written complaint to the Manager (where it is alleged the Manager is directly involved in the harassment, the person receiving the complaint refers the matter to another manager).
- c) provides a copy of the written complaint to the alleged harasser, and;
- d) reviews the complaint procedures with the alleged harasser.

**Step 3** – The person receiving the complaint, the Manager, and others as applicable review the complaint and determine:

- a) whether the conduct complained about falls within the harassment policy.
- b) whether there are resolution options, other than investigation, that are available and acceptable to the complainant and alleged harasser, and;
- c) who will conduct the investigation where one is required.

**Step 4** – Where an investigation is required, the Manager appoints an investigator or investigation team.

The investigator will:

- a) be trained in conducting an investigation in accordance with this policy, and;
- b) have no apparent bias or interest in the outcome of the investigation.

Where the complainant or the alleged harasser objects to the appointment of an investigator, on the basis of bias or conflict of interest, the Manager will appoint another investigator.

**Step 5** – The investigator(s) investigates in accordance with the following guidelines:

- a) The investigation commences and concludes as soon as reasonable possible.
- b) Witnesses are interviewed separately, and written witness statements are prepared.
- c) Witnesses are asked to review and sign their written statements.
- d) Witnesses are advised to keep the investigation and the identity of the complainant and alleged harasser in confidence, unless they are required to disclose them by law.
- e) The complainant and alleged harasser are entitled to be accompanied by legal or union counsel during the interview and investigation process.
- f) During the investigation process, both the complainant and the alleged harasser are entitled:
  - i. To be informed of all the allegations made against them, and;
  - ii. Allowed the opportunity to make a full answer and defense.

This does not mean that either party is entitled to see or receive copies of the complete statements. Both are entitled, however, to see or receive an adequate summary of the evidence to make a full answer and

defense.

**Step 6** – Once the investigation is complete, the investigator(s) will prepare a written report setting out:

- a) A summary of the evidence.
- b) A description of any conflict in the evidence.
- c) The investigator's conclusions on the facts and reasons for reaching that conclusion, and;
- d) The recommended corrective action where harassment has been found to have occurred.

The investigator's report will be delivered to the Manager, the complainant and the alleged harasser. The report is marked as confidential and delivered with the notation that it should be kept in confidence unless disclosure is required by law or is necessary to implement corrective action or other legal remedies.

**Step 7** – The Manager:

- a) Takes corrective action that the Manager considers appropriate and effective.
- b) Informs the complainant and harasser of the corrective action. Where the corrective action is different from the action recommended in the investigator's report, the Manager should provide reasons for not taking the investigator's recommended action.

**Step 8** – The Manager, after the corrective action has been taken, follows up with the complainant to ensure that the corrective action was effective in stopping and preventing harassment. If the complainant indicates that harassment has not ended, or that s/he has suffered reprisal as a result of making the complaint, the Manager should take additional or alternative corrective action to resolve the complaint. Further investigation may be necessary.

### **Disclosure of Investigation Documents**

All documents and statements obtained during the course of the investigation, including the names and copies of witness statements, should not be disclosed to any person unless required by law.

### **Individual Awareness and Counseling**

Individuals may not be aware of the effects of their behavior. In many cases, speaking to the person in private about the inappropriate behavior will be enough to resolve a situation.

### **Mediation**

Mediation offers both parties the opportunity to develop an understanding of the problem and resolve the complaint before or during the formal investigation process. The mediator facilitates separate discussions or joint meetings between the complainant and the respondent, for the purpose of resolving the complaint.

Mediation may take place at any point in the resolution process as long as both parties agree to participate in the mediation. Where the complainant and alleged harasser agree to participate in mediation, Acres shall arrange for a person, who is trained and independent, to act as mediator.

### **Third Party Harassers**

Customers (clients/patients), contractors or their workers, or other people invited to the workplace might engage or participate in the harassment of an Acres employee. Acres may have limited ability to

investigate or control their conduct. However, Acres shall take reasonable practicable action to stop or reduce the risk to its workers of being harassed by third parties. This action may include:

- Posting the harassment policy statement in locations visible to third parties, and/or;
- Requiring certain contractors and their workers to accept and meet the terms of the harassment policy. This could include removing workers, who participated in harassment, from the workplace.

Where a client or customer has been asked to stop abusing or harassing a worker and does not, workers are authorized to:

- End telephone conversations.
- Politely decline service, and/or;
- Ask the customer or client to leave the workplace.

### **Malicious complaints**

Although uncommon, where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to our Progressive Disciplinary Policy.

## Bullying & Harassment Complaint Form

Date: \_\_\_\_\_ Time: \_\_\_\_\_

### Complainant

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

### Alleged Harasser or Bully

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

### Personal Statement:

Please describe in as much detail as possible the bullying and harassment incident(s), including:

- the names of the parties involved.
- any witnesses to the incident(s.)
- the location, date, and time of the incident(s).
- details about the incident(s) (behavior and/or words used).
- any additional details that would help with an investigation.

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.

### Statement:

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I declare that the above statement is the best to my knowledge and the facts stated are true.

**Complainant**

**Print Name:**

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**Signature:**

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**Management**

**Received Date:**

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**Print Name:**

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**Signature:**

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