

RESPECTFUL WORKPLACE and ANTI-HARASSMENT POLICY

PURPOSE: TO CREATE A RESPECTFUL AND HARASSMENT FREE WORKPLACE

1.0 Policy Statement

HEA is committed to providing a safe and healthy work environment for all employees, management, customers, etc. HEA supports the right of all individuals to work in a respectful and harassment-free atmosphere where individual differences are welcomed and valued.

The purpose of the policy is to foster positive working relationships and to offer procedures to assist in managing conflict in the workplace. Workplace conflict has the potential to escalate into discriminatory behaviours and harassment, including social isolation.

HEA does not condone or tolerate harassment or discrimination of any kind. Harassment is against the law. It creates an intimidating, hostile or offensive work environment that undermines the full participation of employees by negatively impacting on an individual's employment conditions. Harassment that takes place electronically (e.g. email, text message, etc.) or via Social Media (e.g. Facebook, Twitter, Instagram, You Tube, etc.) is also prohibited.

All complaints of harassment and discrimination will be taken seriously. This policy outlines the mechanisms and options for receiving and addressing complaints, whether formal or informal so that they are resolved quickly, confidentially and fairly.

2.0 Definition

Workplace harassment generally consists of unwanted comments or actions that a reasonable person would find objectionable or unwelcome and which serve no work-related purpose. It is used to offend or humiliate someone. It may occur during a single incident or over a series of incidents. These actions will not be tolerated in the workplace.

Harassment is a type of discrimination. It can take many forms, such as:

- unwelcome remarks, gossip, jokes or banter about subjects like an employee's race, religion, gender, sexual orientation, disability, age, or any other prohibited ground under the Canadian Human Right Act.
- displaying sexist, racist or other offensive pictures or posters;
- sexually suggestive remarks or gestures;
- threats, intimidation, yelling, swearing, shouting, or verbal abuse;
- bullying behaviour such as name calling, spreading of malicious rumours and gossip;

- patronizing/insulting remarks, e.g. regarding an employee's intelligence;
- berating an individual publicly;
- intimidating gestures such as slamming doors, throwing objects;
- unnecessary physical contact such as unwanted touching, patting, pinching or punching;
- physical assault, including sexual assault; and
- vandalism of personal property;

Legitimate management interventions (i.e. performance issues, discipline, etc) are not considered as harassment

3.0 Responsibilities

Every employee is entitled to a work environment free of harassment. HEA acknowledges that workplace conflicts, including disagreements and misunderstandings cannot always be prevented. HEA also recognizes that some employees intentionally choose to ignore the policy.

The Respectful Workplace and Anti-Harassment Policy provides options that employees can access to encourage quick, confidential resolution of general workplace conflicts and harassment.

3.1 HEA and its employer members are committed to:

- modeling healthy professional relationships between colleagues, including conflict resolution;
- challenging inappropriate comments and actions;
- ensure that all employees are afforded the opportunity to attend respectful workplace training and providing other awareness training to help develop an atmosphere of mutual respect;
- making every reasonable effort to create a work environment free of offensive behaviour and where employees do not act offensively towards one another;
- taking disciplinary measures against employees who harass other employees; and
- taking disciplinary action against employees found to be making false or vexatious or totally unfounded complaints.

3.2 HEA expects all employees to be committed to:

- creating and maintaining healthy working relationships;
- attending training opportunities on respectful workplace;
- being courteous and polite;
- recognizing and apologizing when having offended another employee;
- value diversity, embrace the shift towards a more inclusive workforce;
- refusing to participate in workplace harassment and challenging it when they experience or witness it, ex. not starting, listening or repeating malicious gossip and rumors;

- attempting to deal with workplace issues quickly and as ‘close to the source’ as possible;
- taking action if they find areas that could be improved;
- maintaining confidentiality if a colleague asks for advice or divulges information regarding a workplace conflict; and
- co-operating with the procedures outlined in this policy as required.

4.0 Process

Complaints filed under this policy should be made, as soon as possible following the offending incident, and if at all possible, within 12 months of the alleged offensive behaviour.

In order to bring a complaint of harassment to the employers attention, employees may phone the Halifax Employers Association at **(902)422-4471** or bring it to the attention of the company manager and/or Marine Superintendent where they were working at the time of the incident. However, the first thing an employee who is being harassed should do is tell the harasser to stop. It is essential to make it clear that the behaviour is unwelcome and objectionable. If the behaviour does not stop the employee should ask the employer for assistance.

Note: Please see the procedure for more details on how to file a formal complaint.

- 5.0** The Halifax Employers Association and the employers are committed to protecting the identity of the parties and witnesses wherever possible.
- 6.0** Harassment and discrimination are against the law. The Canadian Human Rights Act and the Canada Labour Code protect employees from harassment and violence in the workplace. The Criminal Code protects employees from physical and sexual assault. Employees who believe they have a human rights complaint may opt to file a complaint with the Canadian Human Rights Commission. Employees may also choose to go directly to the police if subjected to physical or sexual assault.

*** Please refer also to HEA’s Violence in the Workplace Policy**

The Halifax Employers Association for an on behalf of:
Cerescorp Halifax Inc.
Furncan Marine Ltd. – Empire Stevedoring (Maritimes) Co.
Halifax Offshore Terminal Services Ltd.
Halterm Container Terminal Limited
Logistec Stevedoring (Nova Scotia) Inc.
Mathers Terminals Ltd.

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PROCEDURE

The following steps will tell you what to do if you are being harassed, what you can expect from the complaint process, including possible remedies and penalties.

Direct Intervention

1. **Speak Up** – The first thing to do if you are being harassed is to tell the person or people harassing you to stop. Let them know that you are embarrassed, humiliated, demeaned or otherwise bothered by what they are doing or saying. A person may not be aware that their behaviour is bothersome, and will change it once told of it. You could speak to them directly or write them a letter.

HEA understands that this is not possible when employees feel threatened by the alleged harasser or where the differences in power or status make it impossible to address directly. In those situations, you can contact HEA directly and seek advice.

2. **Make Notes** – If you speak to the alleged harasser, you may want to tell a trusted friend what you have done and why or make notes. You may prefer to write the alleged harasser a letter. If you write a letter, date it and keep a copy. You should also make a note of what the bothersome behaviour was, the date it happened, how you felt, what you did about it, and who else was present, if there were witnesses. Ideally, the harassment will stop. If it does not, continue to keep notes. These will be useful later if there is an investigation.

Informal Procedure

1. **Speak to the Company Manager**

It may be that communicating directly with the person will not be enough, or that you feel unable to deal with her or him directly. In that case, you can speak to your company manager/AOM/or HEA Employee Relations Consultant.

The company manager/AOM/or HEA will ask for details of what happened, will make sure you understand the policy and any other options you have (such as a union grievance), and will ask how you want to proceed. You may ask them to speak to the harasser on your behalf. This informal procedure is optional. You may immediately file a formal complaint with the HEA or, you have the option to go directly to the Canadian Human Rights Commission.

Formal Procedures:

1. **Mediation**

If circumstances permit it, mediation can come before a formal investigation. Mediation is a process by which a representative from HEA helps the people involved in a complaint reach a solution acceptable to both parties. However, either party has the right to refuse mediation. You are the only one who can decide if mediation is appropriate for you. If mediation does occur, each person has the right

to be accompanied and assisted during the sessions by someone with whom they feel comfortable.

2. Formal Complaint

If the informal route for resolving a harassing situation does not succeed or is not appropriate, you may file a formal complaint. The complaint will be investigated, either by a specially trained person from within our organization, or by a consultant. This person will investigate the complaint thoroughly. He or she will interview the complainant, the alleged harasser, and any witnesses. All employees have a responsibility to co-operate in the investigation.

The investigator will need to know:

- * your name and position
- * the name and position of the alleged harasser
- * details of what happened
- * dates, times, and how often harassment occurred
- * where it happened
- * the names of any witnesses

You will need to be prepared to supply all this information.

If you are the complainant, you have the right to:

- * file a complaint and have it dealt with fairly, promptly, without fear of embarrassment or reprisal;
- * have a person of your choice accompany you during the process; we strongly recommend that this be your union representative;
- * be informed about the progress of your complaint; and
- * be informed whether corrective measures will result from the complaint.

If you are the individual **accused** of harassment, you have the right to:

- * be informed of the complaint;
- * be given a written statement of the official allegations and provided an opportunity to respond to them;
- * be afforded union representation if appropriate should you so desire.

Please be aware that if someone files a complaint and you are the alleged “harasser” you will have to cooperate fully with the person conducting the investigation, so the facts may be determined.

Other Employees

All employees are expected to cooperate in the investigation of complaints and the efforts made to resolve them. Employees should be mindful of the sensitivities of the parties and should keep any information related to complaints confidential.

Decision

HEA will inform the person who filed the complaint and the alleged harasser of any disciplinary action, remedies, and changes in working conditions that affect them and when they will take effect.

Unsubstantiated Complaints

If a person, in good faith, files a harassment complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed, and no record of it will be put in the alleged harasser's file. As long as the complaint was made in good faith, there will be no penalty to the person who complained and no record on his/her file.

Complaints Made in Bad Faith

In the event that a complaint was made in bad faith – in other words, the complaint was filed without basis and with deliberate and malicious intent – that person will be subject to discipline up to and including dismissal and a record of the incident will be put on his/her file.

Retaliation

Retaliation is considered a serious disciplinary breach. Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation, or found guilty of harassment, will be subject to disciplinary action up to and including dismissal.

Appeal Process

Unionized employees may appeal a decision of the HEA under the Grievance and Arbitration Procedure.

In the alternative they can file an appeal with the President & CEO of the HEA who will make the final ruling.

Confidentiality

To protect the interests of the complainant, the alleged harasser and the witness(es), HEA will not disclose a complainant's or alleged harasser's name, or the names, or any circumstances and documentation (including, but not limited to witness statements) related to a complaint, to anyone, except as necessary to investigate the complaint or take disciplinary action related to the complaint, or as required by law.

