HARASSMENT AND DISCRIMINATION PREVENTION

PURPOSE:

The purpose of this policy and its procedures is to prevent Discrimination and Harassment from taking place at Brant Community Health Systems, and when necessary, to act upon complaints of this type of behaviour promptly, fairly, judiciously and with due regard to confidentiality for everyone involved.

BCHS also has a Workplace Violence Policy that addresses concerns related to Workplace violence. Some employees may also have rights under collective agreements. Any individual may approach the Human Rights Tribunal of Ontario, should they desire, and file a complaint within the time limits of the Legislation. It is always encouraged that all avenues of resolution are explored prior to doing so.

This Policy defines “Harassment”, “Bullying”, “Sexual Harassment” and “Discrimination” and identifies the rights and responsibilities of all employees, professional staff, contractors, affiliates, volunteers, and learners who are engaged in BCHS business or working on BCHS premises, including affiliated sites.

POLICY STATEMENT:

BCHS is committed to providing a work environment in which all workers are treated with respect and dignity. In a diverse and equitable workplace, all employees and professional staff, will have the opportunity to contribute to BCHS’s Mission, Vision and Values.

It is therefore the expectation that there will be mutual respect between hospital staff, hospital affiliates, professional staff, volunteers and learners and that all persons shall treat each other with courtesy and professionalism.

BCHS does not tolerate workplace harassment, bullying or discrimination based on the following prohibited grounds or any combination of these grounds, under the Ontario Human Rights Code or the Occupational Health and Safety Act.

- Age;
- Ancestry;

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- Citizenship;
- Colour;
- Creed (religion);
- Disability (including mental, physical, developmental or learning disabilities);
- Ethnic Origin;
- Family status (such as being in a parent-child relationship);
- Gender expression;
- Gender identity;
- Marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship);
- Place of origin;
- Race;
- Sex/Pregnancy;
- Sexual orientation;
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received);
- Association or relationship with a person identified by one of the above grounds; and/or
- Perception that one of the above grounds applies.

In addition, the Ontario Human Rights Code and the Occupational Health & Safety Act specifically prohibit sexual harassment in the workplace.

The right to freedom from discrimination and harassment extends to all employees (including full-time, part-time, temporary, probationary, casual and contract staff) as well as professional staff, contractors, affiliates, volunteers and learners who are engaged in BCHS business or working on BCHS premises or affiliated sites from all sources including patients, clients and members of the public. It is also unacceptable for members of Team BCHS to engage in harassment or discrimination when dealing with patients, clients, or any others that they have professional dealings with, such as suppliers or service providers. Individuals who believe they are being harassed or discriminated against are encouraged to report this to their supervisor or Human Resources, or in the case of professional staff to the Department Chief or Chief of Staff/VP Medical and Academic Affairs. Support may be sought from union representatives, Joint Health and Safety Committee members, Occupational Health & Safety, Medical Staff Association (MSA) or from BCHS's EAP provider.

If a complaint of harassment or discrimination is received, it must be investigated by BCHS or where deemed appropriate by an external party in a fair and timely manner.

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Any staff who violate the Harassment and Discrimination Prevention Policy may face a range of consequences, including an apology, education, counselling, verbal or written reprimand, suspension, transfer or termination of employment, depending on the nature and severity of the behaviour. Any disciplinary action will be determined in consultation with Employee/Labour Relations, Human Resources.

Any professional staff who violate the Harassment and Discrimination Prevention Policy may face a range of consequences including an apology, education, counselling, or suspension of hospital privileges depending on the nature and severity of the behaviour. Any disciplinary action will be determined by the Department of Medical Affairs in alignment with the Professional Staff Quality of Care, Code of Conduct & Professionalism Policy and the hospital by-law.

It is the responsibility of hospital leadership to communicate to all employees and professional staff that harassment and discrimination under the Human Rights Code and the Occupational Health and Safety Act are prohibited by BCHS Policy and the law.

Department Directors/Managers, medical leaders and employees must be aware of the sensitivity and confidentiality of this type of complaint. Information about a complaint or incident will not be disclosed except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action, or as otherwise required by law. All persons dealing with such complaints must be cognizant of the seriousness of these charges and sensitive to the dignity and self-respect of all persons involved.

No one making a complaint or participating in a workplace harassment investigation, in good faith, shall be penalized for such action. Complaints made in a frivolous or vexatious manner may be subject to disciplinary action.

INCLUSION CRITERIA

This policy applies to all BCHS team members, including but not limited to, hospital staff, professional staff, contractors, learners, volunteers, and affiliates whom experience harassment, bullying, and/or discrimination from another BCHS team member. Leaders are responsible for implementing this Policy and for ensuring that all hospital staff, professional staff and volunteers are informed of this Policy.

This Policy applies at every level of the organization and to every aspect of the workplace environment and employment relationship, including recruitment, selection, promotion, transfers,

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training, salaries, benefits and termination. This Policy also applies to events that occur outside of the physical workplace such as during business trips or company parties and in the virtual workplace.

DEFINITION(S):

Balance of Probabilities: A standard of proof satisfying a judge or jury that the facts at issue probably occurred as alleged. It is sometimes referred to as a preponderance of the evidence or a 51 percent likelihood of occurrence.

BCHS Team Members: For the purposes of this policy, BCHS Team Members refers to all individuals who contribute to BCHS operations, including but not limited to, employees, professional staff, learners, and volunteers.

Bullying: Targeted, intentional and repeated intimidation, over time, of a physical, verbal and psychological nature of a less powerful person by a more powerful person or group of persons. It is repetitive and encompasses an intrinsic power imbalance between the bully and the person being bullied who generally is incapable of self-defense. It can be physical (i.e. punching), verbal (i.e. name-calling) and/or social (i.e. spreading rumors).

Complainant: Any person who makes a complaint.

Discrimination: Any form of unequal treatment based on a Human Rights Code (*Code*) ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people.
Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor that is a violation of this Policy.

Employee/Labour Relations Representative: Works in People and Culture/Human Resources and acts as an impartial counsellor and advisor to any BCHS employees (including management).

Frivolous: Characterized by a lack of seriousness or sense; of little or no weight, worth or importance, not worthy of serious notice.

Harassment: A course of vexatious comments, conduct/actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on

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a ground of discrimination identified by this Policy. Harassment can occur based on any of the ground's discrimination.

Examples of Harassment include:

- Epithets, remarks, jokes or innuendos related to a person's race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other *Code* ground;
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means;
- Singling out a person for humiliating or demeaning "teasing" or jokes because they are a member of a *Code* - protected group; and
- Comments ridiculing a person because of characteristics that are related to discrimination. For example, this could include comments about a person's dress, speech or other practices that may be related to their sex, race, gender identity or creed.

If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is acceptable. The behaviour could still be considered harassment under the Human Rights Code or the Occupational Health and Safety Act.

A reasonable action taken by an employer or Supervisor relating to the management and direction of workers or the workplace is not workplace harassment. Actions such as performance management, training, directing work assignments and discipline do not constitute harassment.

Learners: All students, medical students, medical residents, or other professional students.

Poisoned environment: Created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory work environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

Professional Staff: Physicians, dentists and midwives.

Reporter: A person making a complaint who is a third-party observer of harassment or discrimination.

Respondent: The individual who is named as the harasser.

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Sexual harassment in the workplace: Engaging in a course of vexatious comments or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known of ought to be known to be unwelcome and/or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
Sexual harassment occurs when submission to such conduct is either an explicit or implicit term or condition of employment, when rejection of the conduct is used as a basis for making employment decisions or where the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of sexual harassment in the workplace include:

- Unwelcome sexual advances both verbal or physical;
- Requests or demands for dates or sexual favours;
- Gender-related comments about a person's physical characteristics or mannerisms.
- Paternalism based on gender which a person feels undermines his or her self-respect or position of responsibility;
- Unwelcome physical contact;
- Suggestive or offensive remarks or innuendoes about members of a specific gender;
- Propositions of physical intimacy;
- Gender-related verbal abuse, threats or taunting;
- Leering or inappropriate staring;
- Bragging about sexual prowess or questions or discussions about sexual activities.
- Offensive jokes or comments of a sexual nature about an employee or client;
- Rough and vulgar humour or language related to gender;
- Display of sexually offensive pictures, graffiti or other materials including through electronic means;
- Verbal abuse or kidding that is sex-orientated; and/or
- Any other Type of sexual oriented conduct.

Vexatious: Conduct that is inappropriate, unnecessary and that a reasonable person would consider to be offensive, upsetting, distressing, demeaning or would make a person uncomfortable.

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Workplace: Any location or virtual space where employees work or engage in work-related functions. This encompasses physical buildings, virtual environments, and any work-related interactions.

PROCEDURE:

ROLES AND RESPONSIBILITES

Employee/Professional Staff: Any employee/Professional staff who has a complaint alleging violation of the Harassment and Discrimination Prevention Policy is encouraged to attempt the following, where possible, before a formal complaint is filed:

1) Make your disapproval known to the person who is causing the offence, and
2) Ask that all offensive behaviour stop, and/or
3) Discuss concerns with your immediate Supervisor or another member of management; and/or
4) Seek advice from a union representative (where applicable); and/or
5) Contact an Employee/Labour Relations representative in Human Resources for advice/consultation even if there is no intent to file a complaint.

If the harassment continues or the Complainant is uncomfortable speaking to the person who is causing the offence; or to their own Supervisor or another member of management, the Complainant may bring the matter to the attention of the Employee/Labour Relations representative in Human Resources.

To file a formal written complaint, the employee must complete the *Workplace Harassment and Discrimination Complaint Form that is found in the Parklane system* (Appendix A) and advise their manager or Employee/Labour Relations representative in Human Resources.

Where possible, employees who feel that they have been subjected to harassment or discrimination should maintain a written record of the nature of the alleged harassment, date(s), time(s), location, behaviour, impact and list of witness(es).

Employee/Labour Relations Representative: Works in Human Resources and acts as an impartial counsellor and advisor to any BCHS employees (including management). The Employee/Labour Relations Representative maintains a fair and unbiased attitude to all complaints and to all those involved in complaints at all times. The Employee/Labour Relations Representative is responsible for providing education about harassment and discrimination, initiating efforts to resolve complaints and investigating complaints.

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Union Representative: Acts as a support person for the employee. The Union Representativem must maintains a fair and unbiased attitude to all parties involved in complaints.

Medical Staff Association (MSA): refer to Professional Staff Code of Conduct Professionalism policy

Manager/Supervisor: Who receives a complaint, whether in writing or not, must immediately contact their Employee/Labour Relations Representative, preserving anonymity (as far as possible) for the Complainant if they so request. Management may be counselled to take any of the following steps:

1) Take immediate action in the event of a real or potential threat to personal safety; and/or
2) Provide a copy of the Workplace Harassment and Discrimination Policy and Procedures to the Complainant to ensure awareness of the options under the Policy, including protection from reprisal; and/or
3) Provide contact information (name, telephone number, office location) of the Employee/Labour Relations Representative to the Complainant.

HARASSMENT OF EMPLOYEES BY PROFESSIONAL STAFF

1) The employee will immediately make their discomfort and disapproval known to the harasser. If the employee feels uncomfortable doing so or requires support, the employee shall seek the assistance of their immediate supervisor.
2) To make a formal written complaint, the employee must complete the *Workplace Harassment and Discrimination Complaint Form that is found in the Parklane system* (Appendix A). The supervisor will forward the complaint to the Vice President, Clinical Programs & Chief Nursing Executive who will review and forward to the Chief of Staff office. The relevant Medical Director will be asked to review the complaint with the medical staff member concerned and the employee submitting the complaint.
3) The Department Chief will investigate the complaint and determine appropriate action in consultation. *Refer to refer to Professional Staff Code of Conduct Professionalism policy.*
4) Failing a satisfactory resolution by the Medical Director, the Chief of Staff/VP Medical and Academic Affairs will assume responsibility for resolution of the complaint.

HARASSMENT OF PROFESSIONAL STAFF BY EMPLOYEES

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1) The Professional Staff member shall make their discomfort/disapproval known to the employee and should discuss the issue with their Head of Service or with the Medical Director if desired. The complaint will then be relayed to the employee's supervisor.
2) The professional staff member shall keep a written record of the incident and witnesses, if any, and file the formal complaint using the *Workplace Harassment and Discrimination Complaint Form that is found in the Parklane system* (Appendix A)

HARASSMENT OF AN EMPLOYEE BY ANOTHER EMPLOYEE OR BCHS AFFILIATE

1) The employee shall immediately make their discomfort and disapproval known to the harasser. If assistance is needed with this, the employee must seek the assistance of their immediate supervisor, the Department Director or an Employee/Labour Relations Representative from Human Resources.
2) The employee shall discuss the complaint with their immediate supervisor.
3) In cases of sexual harassment, a member of the Executive Team must be notified by the immediate supervisor or Human Resources.
4) The employee shall keep a written record of the dates, times and nature of the behaviour and witnesses, if any. The formal complaint is to be made utilizing the *Workplace Harassment and Discrimination Complaint Form that is found in the Parklane system* (Appendix A)

HARASSMENT OF EMPLOYEES BY IMMEDIATE SUPERVISOR

1) The employee shall immediately make their discomfort and disapproval known to their immediate supervisor.
2) If the employee is not comfortable addressing this with their immediate supervisor they may take their complaint to the manager of their immediate supervisor, or to Human Resources.
3) In cases of sexual harassment, a member of the Executive Team must be notified by the immediate supervisor's manager or Human Resources.
4) The employee shall keep a written record of the dates, times and nature of the behaviour and witnesses, if any.
5) Formal complaints must be detailed using the *Workplace Harassment and Discrimination Complaint Form that is found in the Parklane system* (Appendix A)

HARASSMENT OF LEARNERS

1) The learner shall immediately make their discomfort and disapproval known to the harasser. If assistance is needed with this, the employee must seek the assistance of their immediate supervisor, the Department Director or an Employee/Labour Relations

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Representative from Human Resources. In the case of medical learners if assistance is required then the MacCare Team should be engaged.

2) The learner shall discuss the complaint with their immediate supervisor.
3) In cases of sexual harassment, a member of the Executive Team must be notified by the immediate supervisor or Human Resources.
4) The learner shall keep a written record of the dates, times and nature of the behaviour and witnesses, if any. The formal complaint is to be made in writing utilizing the *Workplace Harassment and Discrimination Complaint Form that is found in* Appendix A.
5) An Employee/Labour Relations Representative from Human Resources will reach out to the learner and the affiliated institution representative for follow up and required next steps.

HARASSMENT OF AN EMPLOYEE BY PATIENT OR VISITOR

1) The impacted Team BCHS member will immediately make their discomfort and disapproval known to the harasser. If assistance is needed, the TeamBCHS member shall seek the assistance of their immediate supervisor.
2) To make a formal written complaint, the Team BCHS member must complete the *Workplace Harassment and Discrimination Complaint Form that is found in the Parklane system* (Appendix A).
3) The supervisor will investigate the complaint and determine appropriate action in consultation with the Program Director and/or Vice President, Clinical Programs & Chief Nursing Executive. This could include a behaviour escalation letter, no trespass order.
   The Program Director and/or Vice President, Clinical Programs & Chief Nursing Executive will engage with the Director and/or Vice President of Quality, Risk and Patient Experience when appropriate and requiring additional support.
   NOTE: Consideration should also be given to escalating the matter to Security when safety concerns arise or further assistance is required. Situations involving harassment may also require the presence or assistance of security and/or police if in danger (Reference: Violence policy).

INVESTIGATIONS

Formal Complaint

An individual who is making a formal complaint must complete the attached *Workplace Harassment and Discrimination Complaint Form that is found in the Parklane system* (Appendix A). This form is to be provided to the individual's manager or their Employee/ Labour Relations Representative including any supporting materials. In the case of professional staff, the Form will

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be directed to the Head of Service, Department Chief, or directly to the Medical Affairs Office where the Professional Staff Code of Conduct Professionalism policy will be followed.

Investigator

The person selected to do the investigation should be independent and objective. Wherever possible, the investigator should not be in a position of direct authority over any of the people involved in a complaint but should report to someone with the authority to make decisions and have them enforced.

In most cases an Employee/Labour Relations representative will act as the principal investigator. However, in some cases, an investigation may be conducted by an external investigator. An investigation should not be carried out by anyone who is seen as taking sides with either party. Also, the principal investigator should not be someone with power or influence over the career progress of either of the parties.

Persons conducting investigations must be knowledgeable about;

1) Human rights issues and principles;
2) The requirements of the Human Rights Code and Occupational Health and Safety Act;
3) BCHS Harassment and Discrimination Prevention Policy and complaints procedure; and
4) Methods for conducting investigations.

Similar considerations apply to any person whose role is to mediate or conciliate a complaint.

Assessment of Complaint

Once a formal complaint has been received, the Employee/Labour Relations representative will assess the complaint to determine appropriate next steps. Where the complaint is assessed and it is concluded that the allegations are within the definitions of bullying, harassment, sexual harassment or discrimination outlined in this Policy, the Policy complaint investigation procedure will commence. Where the complaint is assessed and the alleged behaviours/conduct do not fall within the definitions outlined, the Employee/Labour Relations representative will advise the complainant that their complaint will not be addressed within the Harassment & Discrimination Prevention Policy but will be reviewed, in consultation with the employee's manager, in the context of other hospital policies and expectations for applicable and appropriate follow-up. Also reference Civility in the Workplace Policy.

Complaint Investigation Process

A Complainant cannot be compelled to proceed with a complaint. However, BCHS may be obligated to proceed with the investigation if the allegation(s) constitute a serious violation of the Harassment and Discrimination Prevention Policy or the Workplace Violence Policy.

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The Investigator will notify the Director, People and Culture and/or designate once a written complaint has been received. Complaints are investigated by interviewing the Complainant(s), the Respondent(s), any witnesses and reviewing any available documentation or evidence. An investigation report should normally be completed within sixty (60) days after the written complaint has been filed. If there are delays beyond this timeline, the Complainant will be advised of the delays and any reasons why. It is incumbent on all parties to a complaint to arrange schedules or support persons so as not to delay the process.

In some circumstances, while the investigation is occurring, the Complainant or the Respondent will be placed on a paid leave of absence, moved to a different location within the organization, or provided with alternative reporting relationships. The decision will be made on a case- by-case basis and will reflect the principle that the Complainant will not be penalized for making the complaint.

All staff of the organization are required to cooperate with the investigator. An employee (including Manager/Supervisor) interviewed by the investigator is entitled to be accompanied by one other person of their choice, as a support person. The investigator will request the identity of the support person prior to the meeting to ensure that the presence of that particular support person would not present a conflict of interest in regards to the ongoing investigation. In the case of unionized employees, they will be supported by their respective unions.

Respondent(s) to any complaint being investigated are entitled to know the allegations against them and have the opportunity to respond in full. A written notice summarizing the complaint will be provided to the Respondent(s), with the specific allegations.

The Respondent(s) should be given the opportunity to respond to each of the specific allegations raised by the Complainant(s). If necessary, statements from the Respondent(s) are disclosed back to the Complainant(s).

The investigator will consider all the evidence gathered and decide whether or not there has been a violation of Policy using the standard of proof called the “balance of probabilities”. Once the investigation is complete, the investigator will forward the report of the findings to the Director, People and Culture (or delegate), who will make recommendations, based on the findings, to the Manager of the affected department for their action.

Persons who violate the Harassment and Discrimination Prevention Policy may face a range of consequences, including an apology, education, counselling, verbal or written reprimand,

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suspension, transfer or termination of employment, depending on the nature and severity of the behaviour. Any disciplinary action will be determined in consultation with Employee/Labour Relations, Human Resources.

The complaint (whether it is determined to be founded or unfounded) may reveal broader issues to be addressed. The investigation may, for example, point to specific barriers in the workplace, a perception of systemic discrimination, or a need for further training on particular human rights issues.

The Complaint(s) and Respondent(s) will be given a written summary of the findings resulting from the investigation, with the Director, People and Culture's (or delegate's) decision regarding outcomes and any actions that will be taken as a result. Follow-up will be conducted as required by the Director, People and Culture or delegate.

Where a Complainant is dissatisfied with the outcome of the complaint, they will be advised of the Request for Review process under this Policy and reminded of their rights under the Ontario Human Rights Code and the Occupational Health & Safety Act.

Confidentiality

All information about complaints is confidential. Employees who are involved in any way in complaints or incidents of harassment or discrimination must not disclose to anyone in the workplace the information/details of the complaint or incident, except as required by this procedure and BCHS policies on harassment and discrimination.

Advisors, investigators, mediators and persons receiving complaints will, to the extent possible, protect the confidentiality and privacy of persons involved in a complaint, subject to the requirements of a fair investigation and resolution process.

Information about the complaint should only be shared with people who need to know about it. For example, the person the complaint is against will need to know about the particulars of the complaint to respond to it. Witnesses will need some information about the incidents they are said to have been involved in or allegations they have knowledge of.

Investigators, mediators, advisors and any other persons involved with the complaints process should protect confidentiality and privacy and maintain the security of all documents related to complaints, including contents of meetings, interviews and investigation reports.

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Confidentiality extends to all records relating to complaints, including but not limited to, records of meetings, interviews and investigation results. Breaches of confidentiality or any form of retaliation may be subject to appropriate disciplinary action up to and including termination of employment.

Requests for Review

The Complainant(s) and/or the Respondent(s) may make a request for review of the findings of the investigation if they have new and relevant information that was not previously available or has substantive reasons why the findings were not reasonable. The intent to file a request for review must be made known to the Vice President People & Culture (CHRO) within ten (10) calendar days of the date the parties were notified of the findings. The request for review must include a statement of the reasons why the findings of the investigation were not reasonable and should be re-considered. If the request for review does not include new and relevant information that was not previously available or does not provide substantive reasons why the investigation findings were not reasonable, the Vice President People & Culture (CHRO) will deny the request in writing and outline the reasons why.

Reprisal

Persons who make a complaint, as well as anyone else who is involved, should not face negative consequences for taking part in the complaint process. They should be free from "reprisal". Protection under the Human Rights Code and the Occupational Health and Safety Act from reprisal covers:

- Complainants;
- Witnesses;
- Advisors;
- Representatives of Complainants and witnesses;
- Investigators; and
- Decision makers/management.

A person who believes that they have been subjected to reprisal may file a complaint under the procedure. Persons engaging in reprisal or those who make frivolous claims are subject to disciplinary measures, up to and including termination of employment.

DOCUMENTATION AND /OR COMMUNICATION

The individual who is making a formal complaint must complete the *Workplace Harassment and Discrimination Complaint Form that is found in the Parklane system (Appendix A).*

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The Employee/Labour Relations representative will collect and preserve documentation related to the investigation in a secure file, separate from personnel file, for seven (7) years from the date of the complaint this includes witness interviews, notes of meetings, evidence gathered, investigations report, documentation on the outcome of the investigation, and any other documents or materials that may have something to do with the complaint, such as letters, notes, offensive pictures etc.

EDUCATIONAL REQUIREMENTS

Completion of mandatory e-learning module—Harassment & Discrimination Prevention

REQUIRED SAFETY PRACTICES

HSO 5044-2025: Workforce Safety and Well-Being

APPENDICES

Appendix A: Workplace Harassment and Discrimination Complaint Form

RELATED PRACTICES AND/OR LEGISLATION:

Ontario Human Rights Commission. (n.d.). *The Ontario Human Rights Code*. https://www.ohrc.on.ca/en/ontario-human-rights-code

Ontario Ministry of Labour, Immigration, Training & Skills Development. (n.d.). *Occupational Health and Safety Act (OHSA) publications*. https://www.labour.gov.on.ca/english/hs/pubs/ohsa/

Workplace Violence Policy
Civility in the Workplace Policy
Whistleblower Policy
Code of Conduct Policy

REFERENCES:

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APPENDIX A: BRANT COMMUNITY HEALTH SYSTEM

Workplace Harassment and Discrimination Complaint Form

COMPLAINANT (Person Making the Complaint who is the *Alleged Target*)

Name:	Position:
Department:	Department Manager:
Email Address:	Phone:

REPORTER (Person making the Complaint who is a *Third Party Observer*)

(If you observed and are reporting discrimination, bullying or harassment, please fill in your contact information below, and the names of the Alleged Target and the Alleged Harasser, and their information where indicated.)

Name:	Position:
Department:	Department Manager:
Email Address:	Phone:

RESPONDENT (Person who is the *Alleged Harasser*)

Name:			
Position:		Department:	
□ Employee	□ Professional Staff	□ Student	□ Contractor
□ Member of Public	□ Volunteer	□ Patient	□ Other

DEFINITIONS

Bullying*:* Is defined as targeted, intentional and repeated intimidation, over time, of a physical, verbal and psychological nature of a less powerful person by a more powerful person or group of persons. It is repetitive and encompasses an intrinsic power imbalance between the bully and the person being bullied who generally is incapable of self-defence. It can be physical (i.e. punching), verbal (i.e. name- calling) and/or social (i.e. spreading rumors).

Discrimination: Means any form of unequal treatment based on a Human Rights Code Ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may

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take obvious forms, or it may happen in very subtle ways. Human Rights protected grounds are list below.

Harassment: Means a course of vexatious comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome.

If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is okay, and the behaviour could still be considered harassment.

A reasonable action taken by an employer or Supervisor relating to the management and direction of workers or the workplace is not workplace harassment. Actions such as performance management, training, directing work assignments and discipline does not constitute personal harassment.

Sexual Harassment

Sexual harassment in the workplace is defined as:

(a) Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known of or ought to be known to be unwelcome and/or
(b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

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Complaint

I have reviewed the following Brant Health Community Systems (BCHS) Policy: ***Harassment and Discrimination Prevention Policy,*** *and I believe the following applies:*

□ Harassment □ Sexual Harassment □ Discrimination □ Bullying

Discrimination – Protected Ground(s)

□ Age	□ Mental, Developmental, or Learning Disability
□ Ancestry/Place of Origin/Ethnic Origin	□ Physical Disability
□ Citizenship	□ Race/Colour
□ Creed (Religion)	□ Sex/Pregnancy
□ Family Status	□ Sexual Orientation
□ Gender Identity or Gender Expression	□ Other (please specify):
□ Marital Status	

When concerns of harassment or discrimination arise, it is important to document what is happening as proper documentation is essential to case resolution. Documentation of a complaint should be clear and detailed (answer the questions who, what, when, where, why and how), and events should be noted in chronological order. Please use the Chronology Worksheet at the end of this Form to assist you in documenting the incident(s) of concern.

1) PERSONAL STATEMENT/SUMMARY/OVERVIEW OF CONCERNS

Please provide a short summary of the complaint that you are making.

_____

_____

_____

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2) DATE(S) AND TIME(S)

Please describe when the incident(s) occurred (date and time), including the duration. Please advise whether the conduct or comments are still occurring.

3) LOCATION

Please describe where the incident(s) occurred (i.e. office, cafeteria, parking lot, social function, off-site work function) including the medium of communication of harassment or bullying (i.e. verbal, non- verbal, gestures, physical contact, written, email, etc.).

4) FACTS

Please describe, in as much detail as possible, what happened during the incident(s). Please detail the conduct and/or comments by the Respondent(s), including specific actions taken and/or words spoken by the Respondent (i.e. sent an e-mail or a letter, made harassing comments, etc.).

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5) PERSONAL IMPACT

Please describe how the incident(s) made you feel (i.e. how did the incident(s) affect you emotionally, mentally, physically).

6) PRIOR REPORTING

Please list the names and contact information for any person(s) who was told about the incident(s).

7) WITNESSES

Please list the names and contact information of any witnesses to the incident(s) or to the Respondent's behaviour.

Name	Contact Information (if available)

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8) ATTEMPTED REMEDIAL MEASURES

Please detail what attempts, if any, have been made to remedy the situation. What steps have been taken to stop the discrimination, harassment or bullying? If action has been taken, please specify the steps taken to rectify the situation or to resolve this problem. Please also advise of any other proceedings that you have commenced (i.e. grievance proceedings).

9) OBJECTIVE/OUTCOME/REMEDY SOUGHT

Please specify what you think might help address your concerns and how you think this matter may be resolved. Please also provide the reason for your perspective.

10) ADDITIONAL DETAILS

Please list anything else that you feel is important for us to know or that would help with an investigation.

11) EVIDENCE

a) Please attach any supporting documents, such as emails, handwritten notes, photographs, etc.

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pertaining to the incident(s). Please also submit any physical evidence, such as vandalized personal belongings.

Attached Supporting Document(s): □ **Yes** □ **No**

b) Please list any document(s) that a witness, another person or the alleged harasser may have that may be relevant to the incident(s).

_____

_____

_____

_____

By signing this Complaint Form, you are stating that the information you provided is all relevant information; and that it is true, to the best of your knowledge and belief. If you were required to add additional pages of information and/or evidence, **please sign and date** each additional page. You are also confirming that you have requested the assistance of Brant Community Health Systems (BCHS) Human Resources Department to resolve your concern, and that you authorize BCHS Human Resources Department to gain access to all relevant information in the possession of Brant Community Health Systems, and to discuss any matters with respect to or relevant to the investigation while protecting the confidentiality and privacy of persons involved in the complaint subject to the requirements of a fair investigation and resolution process. You confirm that you have requested BCHS Human Resources Department to assess your complaint and that you understand that, if your complaint is accepted, a case file will be created and a written notice summarizing the complaint will be provided to the Respondent with the specific allegations.

Complainant/Reporter Signature	**Date**
Complainant/Reporter Printed Name	

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