



Policy #: 0005
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RESPECTFUL WORKPLACE POLICY

Purpose:

LLNB is committed to providing a safe, healthy workplace that will promote the highest level of job satisfaction. LLNB will foster a culture in which diversity is valued and all persons are treated with dignity and respect.

Scope:

Board members, employees, contractors, and volunteers of LLNB ("LLNB personnel")

Responsible Party:

Executive Director, LLNB and President, LLNB Board

DEFINITIONS

For the purposes of this policy, harassment in the workplace includes personal and sexual harassment, poisoned work environment and abuse of authority. It includes any and all harassment which may occur in person, in writing or online (i.e. social media 'cyber-bullying')

Personal Harassment

Personal harassment means any objectionable or offensive behaviour that is known or should reasonably be known to be unwelcomed. It includes objectionable conduct, comment or display made on either a one-time or continuous basis, that demeans, belittles, or causes personal humiliation or embarrassment.

Without limiting the above, personal harassment includes harassment within the meaning of the *New Brunswick Human Rights Act*, i.e., harassment on the basis of the following prohibited grounds of discrimination: race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex.

Sexual Harassment

Sexual harassment means any conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or a series of incidents,

- a. that might reasonably be expected to cause offence or humiliation; or
- b. that might reasonably be perceived as placing a condition of a sexual nature on employment, an opportunity for training or promotion, receipt of services or a contract.

Examples of behaviour that can constitute sexual harassment include, but are not limited to:

- unwanted touching, patting or leering;
- sexual assault;

- inquiries or comments about a person's sex life;
- telephone calls or any electronic communications (email, social media) with sexual overtones;
- gender-based insults or jokes causing embarrassment or humiliation;
- repeated unwanted social or sexual invitations; and
- inappropriate or unwelcome focus/comments on a person's physical attributes or appearance.

Poisoned Work Environment

A **poisoned work environment** is characterized by an activity or behaviour, not necessarily directed at an individual, that creates a hostile or offensive workplace. Examples of a poisoned work environment include but are not limited to: graffiti, sexual, racial or religious insults or jokes, abusive treatment of an employee and the display of pornographic or other offensive material.

Abuse of Authority

Harassment also includes **abuse of authority** where an individual **improperly** uses the power and authority inherent in a position to endanger a person's job, undermine the performance of that job, threaten the person's economic livelihood, or in any way interfere with or influence a person's career.

It is the exercise of authority in a manner which serves no legitimate work purpose and ought reasonably to be known to be inappropriate. Examples of abuse of authority include, but are not limited to, such acts or misuse of power as intimidation, threats, blackmail or coercion.

Workplace

The **Workplace** includes but is not limited to the physical work site, washrooms, training sessions, meetings, work or volunteer travel, conferences, events, work or volunteer related social gatherings, the employee, volunteer, contractor or Board member's home or worksite, etc.

POLICY

Discrimination

LLNB is opposed to all forms of unlawful and unfair discrimination. ALL LLNB Personnel will be treated fairly and with respect.

When LLNB selects candidates for employment, promotion, training or any other benefit, it will be on the basis of their aptitude and ability.

LLNB will strive to:

- Create an environment in which individual differences and the contributions of all team members are recognized and valued.
- Create a working environment that promotes dignity and respect for all LLNB personnel.
- Provide to the greatest extent possible universal access to safe, inclusive and accessible physical office space that ensures everyone is able to participate and work to his or her full potential.
- Make training, development and progression opportunities available to all LLNB personnel based on merit.
- Encourage anyone who feels he or she has been subject to discrimination to raise his or her

concerns so we can apply corrective measures.

- Encourage LLNB personnel to treat everyone with dignity and respect.
- Regularly review all our recruitment practices and procedures so that fairness is maintained at all times.
- Consider the diversity policies of potential supplier organizations and their boards of directors (where applicable) in procurement decisions.
- Track and report annually on diversity and inclusion performance commitments.

Harassment

LLNB is committed to providing a work environment in which all individuals are treated with respect and dignity. Harassment in the workplace is a form of discrimination. It is unwelcome and unwanted. It affects the individual's ability to learn and work. It can also be an expression of abuse of power, authority, or control, and it is coercive in nature.

This policy applies to work, contract work, Board and volunteering activities, events or related social activities. No form of harassment will be tolerated.

PROCEDURE

Upon becoming aware of any incident which may fall under Respectful Workplace Policy appropriate action will be taken.

Informal Complaint - Mediation

An effective way to end the problem of harassment in the workplace is to communicate concerns directly by telling the person that the behaviour is unwelcome and must stop, or by requesting the *Executive Director* to do so.

If the communication is done orally the complainant may ask to have the Executive Director to be present. If the Executive Director is not present, the complainant is encouraged to prepare contemporaneous notes of what was said between the parties and the name of any witnesses present, if any. If the communication is done in writing, it is advisable to forward a copy to the Executive Director, and to keep a copy of the letter.

The Executive Director may help with other methods of informal resolution such as discussion and mediation, to assist the parties in voluntarily reaching an acceptable solution.

Nothing in the informal procedure prevents the Executive Director from recommending the matter be investigated or if the informal complaint procedure is not successful, from recommending further action.

The Executive Director at his/her discretion shall inform the President of the LLNB Board as appropriate of any informal complaint s/he is aware of and the actions being taken and the outcome/resolution of such informal complaint.

When the facts are not in dispute and it is determined by the Executive Director/Board that the respondent or any other person has committed an act or acts constituting harassment, the Executive Director shall take appropriate action up to and including dismissal.

If the respondent of the complaint is the Executive Director or a member of the Board, the President shall assume the role of management otherwise set forth above. If the respondent is the President of the Board, the Vice-President shall assume the role of management otherwise set forth above.

Formal Procedure

Where appropriate, the complainant may choose to file a formal complaint.

LLNB is committed to responding to all complaints, however, it is in the LLNB Board's discretion whether or not to investigate a complaint if it is not filed within a year of the alleged circumstance leading to the complaint unless:

- a) there is a strong factual and legal case,
- b) there is evidence of substantial loss or damage to the complainant and a clearly identifiable remedy,
- c) there are justifiable reasons beyond the complainant's control for not filing the complaint within the one-year limit, and
- d) the respondent will not be unduly prejudiced by the extension.

A formal complaint must be written and signed. It should give an accurate account of the incident or incidents of harassment including times, places and parties involved. When completed, the complaint is submitted to the Executive Director of LLNB or if the respondent is the Executive Director, a member of the Board, to the President of LLNB. If the respondent is the President of LLNB, the complaint will be submitted to the Vice-President of the Board.

When there is a direct reporting relationship between the complainant and the respondent, it may be in the best interest of all parties for them to be physically and hierarchically removed from one another for the period of the investigation. If there is no reporting relationship, the employer shall determine if the parties should be physically removed from one another for the period of the investigation.

The Board/Executive Director shall inform the complainant whether the investigation will be pursued and may take action to resolve the issue. The respondent shall be informed of the complaint, presented with a written statement of allegations and afforded an opportunity to respond.

The Board/Executive Director shall appoint an investigator independent of both parties to investigate the complaint (the "investigator"). The Investigator shall hear both parties and all relevant witnesses and consult all documents pertinent to the problem's resolution. The Investigator shall gather and analyze the information, summarize the findings and may propose corrective action or make recommendations to the Board/Executive Director.

The Executive Director/Board shall take appropriate action up to and including dismissal.

A complaint under this policy that involves falsehood or malicious intent or is otherwise made in bad faith, as determined by the investigation, shall be subject to appropriate disciplinary action.

The parties to the complaint must be informed in writing of the outcome.

The Investigator and all members of the LLNB management involved (including Board members and Executive Director as applicable) will keep all information relative to the formal complaint confidential. This information will only be communicated if required by law, for the purpose of investigation or a disciplinary measure.