

## **Policy Direction - Workplace Relationships**

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### **Rationale and Relationship to Mission, Principles and Values**

The Multiple Sclerosis Society of Canada (herein after referred to as the **Society**) believes in a working environment that is supportive of the dignity and the worth of every individual. Discrimination and harassment undermine the achievement of this desired environment. The Society recognizes that all employees and volunteers (herein after referred to as **workers**) are entitled to a workplace environment free of harassment and discrimination. Every reasonable measure necessary will be taken to prevent abusive behaviors.

All persons have the right to work or volunteer in an environment free from harassment or discrimination. Prohibited grounds of discrimination vary from province to province. Each Provincial Human Rights Code include six common grounds of discrimination that are similar for each province. The Codes include disability, marital status, sex, age, colour, and race, as well as other grounds that are provincially legislated.

### **Policy Objective**

Discrimination and harassment are unacceptable and against the law. The Society endorses the principles set out in each Provincial Human Rights Code and expects all of its workers to comply with these Codes.

### **Policy Application**

The working environment is defined as the environment wherein Society workers of National Office, all Divisions and all Chapters are required to carry out responsibilities or perform duties on behalf of the Society during or outside of normal working hours. This policy applies not only to work-related activities at the Society offices (including lunch rooms, storage spaces and washrooms), but to Society approved social functions, work assignments that take place outside of the office, telephone conversations, traveling, electronic communications, or work-related activities in any environment where the person harassed is required to be present as a result of a Society related responsibility or relationship. This policy will also apply to harassment of the public/customers/suppliers by workers.

## **Authorization**

The policy was approved by the National Board of Directors on September 29, 2000 and revised and approved by the executive committee of the board on May 22, 2009. Additional revisions were made and approved by the National Board on June 11, 2010.

## **Policy Details**

### **1. Intra-office Relationships**

The Society does not encourage intra-office relationships, however, we recognize that personal relationships, beyond friendship, cultivate out of the course of employment or volunteering. Should such a relationship develop, the relationship must be discreet both at the office and at Society approved social functions. It should not be disruptive or create a perception of favouritism or unfairness to other co-workers, nor should it affect individual productivity. Supervisor/subordinate, volunteer/employee personal relationships are strongly discouraged and could lead to re-assignment or transfer of one or both individuals. In the event that the relationship comes to an end, both individuals are required to act professionally. Should this have a negative impact on performance or conduct in the workplace, the situation will be dealt with in accordance with the Society's performance disciplinary process.

### **2. What is Harassment?**

Harassment is an activity that ignores the dignity and worth of other human beings. It is conduct that embarrasses, demeans, and humiliates. Harassment includes any offensive comment, conduct, tone, or gesture that is known or should be known to be disturbing and unwelcome. It may take the form of written, spoken and/or physical behaviour by one employee to another, at any level; or a volunteer to an employee; or an employee to a volunteer; or volunteer to volunteer.

Workplace harassment can include sexual harassment and even assault.

### **3. Discriminatory Harassment**

Discriminatory harassment is any unwelcome verbal comment or physical conduct, either obvious or subtle that is based on race, age, sex, sexual orientation, marital status, disability, religion, colour or any of the other grounds in the Provincial Human Rights Codes, and that:

- Creates an intimidating, hostile or offensive environment; or

- Interferes with an individual's ability to carry out his or her responsibilities; or
- Can affect an individual's employment opportunities.

#### 4. Workplace Harassment

Workplace harassment is defined as:

Engaging in a course of vexatious comment or conduct against a worker because of sex, sexual orientation, gender identity or gender expression in a workplace that is known or ought reasonably to be known to be unwelcome; 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.

Workplace harassment is bullying or humiliating behaviour that has the following components:

- it is generally repetitive, although a single serious incident of such behaviour may constitute psychological harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect;
- it is hostile, abusive or inappropriate;
- it affects the person's dignity or psychological integrity; and
- it results in a poisoned work environment.

Workplace harassment should not be confused with legitimate management actions, including measures to correct performance deficiencies or to imposing discipline for workplace infractions.

Some examples of workplace harassment are:

- verbally abusive behaviour such as yelling, insults and name calling
- persistent, excessive and unjustified criticism and constant scrutiny
- spreading malicious rumours
- excluding or ignoring someone
- undermining someone else's efforts by setting impossible goals and deadlines
- sabotaging someone else's work
- impeding an individual's efforts at promotions or transfers
- making false allegations about someone in memos or other work-related documents

## 5. Poisoned Work Environment

Even if no one is being directly targeted, harassing comments or conduct can poison the work environment, making it a hostile or uncomfortable place in which to work. This is also a form of harassment.

Some examples of actions that can create a poisoned work environment include:

- displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers;
- distributing offensive e-mail messages, or attachments such as pictures or video files;
- practical jokes that embarrass or insult someone; or
- jokes or insults that are offensive, racist or discriminatory in nature.

## 6. Sexual harassment

Sexual harassment is a comment, conduct, or gesture with sexual overtones or innuendo that causes insecurity or discomfort to another individual. It is unwelcome sexual advances, requests for favours, or other verbal or physical sexual conduct when:

- Compliance with such conduct is made a condition of employment; or
- Compliance with or rejection of such conduct is used as a basis for employment decisions or appointments. This includes job security, transfers, promotions, salary increases, benefits, performance appraisals, and disciplinary measures; or
- Such conduct interferes with the individual's performance or ability to work
- by creating an intimidating, hostile, or offensive work environment; or
- Such conduct interferes with a person's right to freedom from harassment in the workplace.

Examples of sexual harassment could include, but are not limited to:

- Gender based or sexual jokes causing embarrassment or offense told after the joke teller has been advised that the jokes are embarrassing or offensive, or that are by their nature clearly embarrassing or offensive;
- Leering (suggestive staring);
- Displaying of sexual offensive material;
- Forwarding offensive or distasteful e-mail or internet links that are obviously not business related;
- Sexually degrading language used to describe a person;
- Derogatory or degrading remarks directed to members of one sex or sexual orientation;
- Sexually suggestive or obscene comments or gestures;

- Unwelcome inquiries or comments about a person's sex life;
- Unwelcome sexual flirtations, advances or propositions;
- Persistent unwanted contact or attention after a consensual relationship has ended;
- Requests for sexual favours;
- Unwanted touching, massaging, patting, pinching, or kissing;
- Verbal abuse or threats;
- Sexual assault;
- Use of violence or threats of violence;
- Persistent following of a person from place to place;
- Watching a place where a person lives or works;
- Unwelcome contact or communication, i.e.: excessive phone calls at work, followed by calls at home, or frequent unnecessary visits to their desk/office, home, etc.

It is **not** considered Sexual Harassment if:

- it is truly a voluntary relationship of mutual consent;
- it is a compliment that is not offensive. Determining whether a compliment is not offensive is measured by the frequency, how the comment is said and whether there are any gestures that accompany it.

## 7. Workplace and Domestic Violence

### Workplace violence

Workplace violence is defined as:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;
- a statement or behavior that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace violence includes:

- physically threatening behavior such as shaking a fist at someone, finger pointing, destroying property, throwing objects;
- verbal or written threats to inflict physical harm;
- using or threatening to use a weapon;
- stalking someone; and
- physically aggressive behaviors including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking,

physically restraining someone or any other form of physical or sexual assault.

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

### **Domestic Violence**

If you are experiencing domestic violence that would likely expose you to physical injury that may occur in the workplace, we will take every precaution reasonable to protect you in the circumstances. This may include some or all of the following:

- creating a safety plan;
- contacting the police;
- establishing enhanced security measures such as a panic button, code words, and door and access security measures;
- screening calls and blocking certain email addresses;
- setting up priority parking or providing escorts to your vehicle or to public transportation;
- adjusting your working hours and location so that they are not predictable; and
- facilitating your access to counselling through the Employee Assistance Program or other community programs.

We appreciate sensitivity of these issues and will do our best to assist you as discreetly as possible while maintaining your privacy.

## **8. Preventing Harassment and Violence**

It is our mutual responsibility to ensure that we create and maintain a harassment and violence-free workplace.

### **The Society's Commitment**

The Society will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace. This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures.

## **Duties of Supervisors**

Supervisors are expected to assist in creating a harassment-free workplace and to immediately contact Human Resources if they receive a complaint of workplace harassment or violence or witness or are aware of harassing or violent behaviour. Supervisors must also take every reasonable precaution to protect employees from workplace violence.

In certain circumstances, supervisors may have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour if an employee can be expected to encounter that person during the course of his or her work, and the risk of workplace violence is likely to expose the employee to physical injury. Supervisors will only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the employee from physical injury.

## **Duties of All Employees**

You must do your part by ensuring that your behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment.

You are also required to report to your supervisor or Human Resources, the existence of any workplace violence or threat of workplace violence.

## **9. Responsibilities**

### **Employee and Volunteer Responsibilities**

All workers have a personal responsibility to ensure that their behaviour is not contrary to this policy. All workers are responsible for promptly reporting any incidents that they believe involve harassment or an intra-office relationship to their own supervisor, manager, director, executive leadership or human resources. Management must be aware of harassment in order to deal with it effectively.

### **Management and Supervisory Responsibilities**

Management is responsible to promote and maintain a work environment free from harassment and should not be disruptive or create a perception of favouritism or unfairness to other co-workers by:

- Upholding the principles of this policy;
- Communicating this policy and the procedures for dealing with complaints to current and new staff members and volunteers;
- Setting a personal example of conduct consistent with this policy;
- Not permitting or condoning behaviour contrary to this policy;
- Responding proactively to address any alleged conduct that may be contrary to this policy that comes to their attention;

- Approaching workers if something is suspected, as they may be embarrassed and reluctant to approach their manager or supervisor;
- Treating all complaints of harassment seriously and taking prompt action to address all situations as outlined in this policy;
- Providing advice and support to workers who have been subjected to harassment as well as those who have been accused of harassment;
- Maintaining confidentiality.

## 10. Resolving Harassment Concerns in the Workplace

It is often difficult for an employee or volunteer who feels he/she is the victim of harassment to complain because of embarrassment or fear that complaining will make the situation worse. However, the Society needs the assistance of individuals to discourage and eliminate all types of harassment in the workplace.

Employees may pursue any of the following steps to resolve issues when they feel that they are subjected to any type of harassment. These steps are intended to ensure that:

- Harassment issues can be resolved in a manner that respects the rights of the employee or volunteer who feels harassed and the person allegedly engaged in the harassing conduct;
- Harassment issues are resolved in a manner least disruptive to employment relationships;
- Appropriate remedial action is taken to provide a remedy to victims of harassment and guarantee a work environment free from harassment;
- Harassed individuals are not penalized or jeopardized for initiating a complaint.

## 11. Complaint Procedures for Addressing Harassment Concerns

The following options should be considered to ensure the approach is appropriate for your circumstances. Please feel free to approach Human Resources, or any management representative.

1. **Personal Action** - Tell harasser to Stop. Make your disapproval known to the person whose behaviour is in question, unless you do not feel comfortable doing so. Keep a record of incident(s), including a brief summary of what happened, where, the date, and who was present, if anyone.
2. **Informal Action/Resolution** - Report the incident to your own supervisor, or to another manager, director, executive leadership or human resources. If harassment continues, or you are unhappy with an informal resolution, you may file a formal complaint.



3. **Formal Complaint** - Report the incident in writing promptly to management or Human Resources. Please direct complaints against your immediate supervisor to Human Resources. Complaints against the CEO should be directed to the Board of Directors, and complaints against the Board of Directors should be given to the CEO. It is important to note that the Society is legally required to investigate all complaints. It is recommended that the complaint be filed as soon as possible so that it can be dealt with effectively in a timely manner.
  - a. Human Resources or an independent party will interview all relevant parties (i.e. complainant, alleged harasser, relevant witnesses);
  - b. Detailed notes of any interviews will be taken;
  - c. Confidentiality will be maintained to the extent possible in the investigation, however it should be noted that the names of complainants will be disclosed to the respondent;
  - d. Where the complaint is substantiated, the appropriate remedial action will be taken to resolve the complaint;
  - e. The Society will endeavour to complete investigations and implement remedial action where required within thirty (30) days of the filing of the complaint. The Society will provide a written report to the complainant and respondent of the result and conclusion of the matter, including any corrective action;
  - f. Where applicable, Human Resources will follow up with the complainant approximately three months later to ensure that the matter has been satisfactorily resolved.

## **12. Procedure for Resolving and Investigating Workplace Violence**

### **Workplace Violence**

You have the right to refuse work if workplace violence is likely to endanger you. In that instance, please immediately contact your supervisor at which point appropriate measures will be taken to protect you and investigate the situation. You will be moved to a safe place as near as reasonably possible to your normal work station and will need to be available for the purposes of investigating the incident. In some circumstances, you may be provided with reasonable alternative work during normal working hours.

In appropriate circumstances, we may contact the police to intervene or investigate workplace violence.

### **Domestic Violence**

If you are experiencing domestic violence that would expose you to physical injury in the workplace or you are experiencing workplace violence or believe that workplace violence is likely to occur, you may seek immediate assistance by

contacting any member of Human Resources. Human Resources will assist in preventing and responding to the situation.

### **Sanctions and Discipline**

Following an investigation of a complaint, appropriate corrective or disciplinary measures will be taken against any employee or volunteer found to have harassed another employee or volunteer.

These measures may include any of the following:

- A formal apology
- Counselling or education
- Oral reprimand (noted in employee's file)
- Written warning placed in employee's file
- Change of work assignment, or transfer
- Suspension with or without pay
- Demotion
- Termination of employment.

In addition, management will initiate any other remedial action required to provide an effective remedy to the victim or the workplace environment.

### **13. No Reprisals**

The Society is committed to ensuring that no employee or volunteer who raises a concern in good faith under this policy is exposed to any reprisal action by any member of the workplace. Any person engaging in any reprisal activity will be subject to discipline. False filing or malicious complaints could be considered harassment and the complainer could also be subject to disciplinary action.

### **14. Confidentiality**

The Society will make every reasonable effort to keep all complaints under this policy confidential, unless the disclosure is necessary for the purposes of investigating or taking corrective action, or otherwise required by law.

### **15. The Legal Obligation**

Management is legally obliged to deal with harassment issues promptly and investigate all claims of harassment. A person who has the authority to prevent or discourage harassment and fails to do so may be liable.

## **Executive Champion**

The MS Society national vice president, Talent, is the executive champion for this policy.

## **Monitoring and Compliance**

The MS Society national vice president, Talent, is responsible for leading the monitoring of the application and compliance of this policy direction in conjunction with other members of the Executive Team and supervisory staff, including those who have direct responsibility for volunteers. The national vice-president, Talent, will work with the appropriate staff to ensure compliance.

## **Related Policies, Legislation**

The federal and provincial Human Rights Codes, the Provincial Employment Standards Acts and the provincial Occupational Health and Safety statutes.

## **Policy Review**

The policy is to be reviewed annually or as needed.