



Archdiocese of Regina
www.archregina.sk.ca

POLICY

ARCHDIOCESE OF REGINA

Policy Name:	Harassment: Reporting, Prevention, Intervention	Number:	S4-5
Policy Type:	Employment Benefits and Protection of Employees	Date Approved:	February 2017
Legislation:	<i>The Saskatchewan Employment Act—Part III</i>	Date Revised:	

Policy Statement:

- a) The Archdiocese of Regina believes in providing and maintaining a work environment in which all employees are treated in a Christ like manner. Employees should be free from workplace harassment, sexual harassment and discrimination. Such actions are not tolerated.
- b) Retaliation or reprisals are prohibited against any employee who has complained under this policy or has provided information regarding a complaint. Any retaliation or reprisals are subject to immediate action, up to and including termination. Alleged retaliation or reprisals are subject to the same complaint procedures and penalties as complaints of discrimination and harassment.
- c) The Archdiocese recognizes that individuals may find it difficult to come forward with a complaint under this policy because of concerns of confidentiality. Therefore, all complaints concerning workplace or sexual harassment or discrimination, as well as the names of parties involved, shall be treated as confidential. The Archdiocese's obligation to conduct an investigation into the alleged complaint may require limited disclosure. No record of the complaint will be maintained on the personnel file of the complainant. If there is a finding of improper conduct that results in disciplinary action, it will be reflected only on the file of the person who engaged in such conduct, in the same way as any other disciplinary action.

Preamble:

- a) Nothing in the Harassment: Reporting, Prevention, Intervention Policy S4-5 shall discourage or prevent an employee, at any point, from referring a harassment complaint to the Occupational Health and Safety Division established pursuant to *The Saskatchewan Employment Act 2014*. Further, nothing in this policy shall discourage or prevent the initiation of a complaint pursuant to *The Saskatchewan Human Rights Code*, nor shall this application discourage or prevent the exercise of any other rights or proceedings available under any other law.
- b) **In the event of a conflict between any provisions of this policy and applicable law, the applicable law shall apply.**

- Responsibility:**
- a) All employees, and particularly employees in management positions, are responsible for ensuring discrimination and harassment are not tolerated and, where possible, are redressed.
 - b) Employees are requested to report promptly when they become aware of, or hear of, alleged actions or complaints of discrimination or harassment.
 - c) Supervisors are responsible for providing a work environment that is free from discrimination and harassment. This responsibility includes actively promoting a positive, harassment-free work environment and intervening when problems occur. Supervisors are responsible for dealing with inappropriate actions of others that come to their attention.

- Definitions:**
- a) **“Workplace”**: means any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises (offices or parishes), work-related social functions, work assignments outside of the Archdiocese’s offices or parishes, work-related travel and work related conferences or training session.
 - b) **“Harassment”** means engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome. It may include unwelcome, unwanted, offensive, or objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment interfering with an individual’s work performance, adversely affecting an individual’s employment relationship, and/or denying an individual dignity and respect. Harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups.
 - c) **“Harassment”** as found in the Saskatchewan Employment Act {Part III-Division 1 3-1(1)}
means any inappropriate conduct, comment, display, action or gesture by a person:
 - (i) That either:
 - A. Is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or
 - B. Subject to subsection (4) and (5), adversely affects the worker’s psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and
 - (ii) That constitutes a threat to the health or safety of the worker.
- Division 1 3-1(2): In this Part:
- (a) If a provision refers to any matter or thing that an employer is required to do in relation to workers, the provision applies to workers who are in the service of that employer, unless the context requires otherwise; and

- (b) If a provision refers to any matter or thing that an employer is required to do in relation to a place of employment, the provision applies to every place of employment of that employer, unless the context requires otherwise.

Division 1 3-1(4)

To constitute harassment for the purposes of (1)(1)(i)(B), either of the following must be established:

- (a) Repeated conduct, comments, displays, actions or gestures;
- (b) A single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the workers
- d) **“Sexual Harassment”** is any unsolicited conduct, comment, or physical contact of a sexual nature that is unwelcome by the recipient. It includes, but is not limited to, any unwelcome sexual advances (oral, written or physical); requests for sexual favours; sexual and sexist jokes; racial, homophobic, sexist or ethnic slurs; written or verbal abuse or threats; unwelcome remarks, jokes, taunts, or suggestions about a person’s body, a person’s physical or mental disabilities, attire, or on other prohibited grounds of discrimination; unnecessary physical contact such as patting, touching, pinching and hitting; patronizing or condescending behavior; displays of degrading, offensive or derogatory material such as graffiti or pictures, physical or sexual assault.

***Exclusions to
Definition of
Terms:***

Religious Discrimination: The Archdiocese reserves all constitutional rights and obligations that it has in addition to those accorded by *The Saskatchewan Human Rights Code*. The Archdiocese reserves the right to discriminate based on religion as provided by section 16(5) of the Code which reads as follows:

“Nothing in this section deprives an employer of the right to employ persons of a particular religion or religious creed where religious instruction forms or may form the whole or part of the instruction or training provided by the employer”.

Social Discourse: Harassment is not mutually acceptable social discourse or banter that may occur in the work environment. However, where another employee is present, and the employee is not of the same view, and that employee makes it known that he or she finds the social discourse/banter offensive, the other employees must refrain from that kind of behavior in the presence of an employee who finds it, within reason, offensive.

Employer’s Management Responsibility and Right: Harassment does not include any reasonable action that is taken by Administration or Supervisors employed or engaged by the Archdiocese relating to the management and direction of employees or the place of employment.

Responsibilities:

- a) Employer—the Archdiocese as the employer will not condone harassment in the workplace.
- i. The Archdiocese will work towards creating and maintaining a work environment free from harassment.
 - ii. In keeping with its commitment to facilitate a Catholic climate conducive to both learning and working, and when, following the investigation process, it is determined that harassment has occurred, the Archdiocese will take appropriate corrective action including discipline or termination of employment with respect to the perpetrator of the harassment.
 - iii. The Archdiocese will make every effort, consistent with the procedures outlined in this policy, to resolve harassment situations and provide support and assistance to persons subjected to harassment.
- b) Supervisory Staff: All Archdiocese appointed supervisory staff are obligated to act quickly upon information concerning incidents of harassment. They are to be sensitive to issues relating to harassment and the effects that such behavior has on employees and the work environment.
- All supervisory staff are directed to take appropriate action as further defined in this document when allegations of harassment are made known in the manner herein defined.
- c) Employee: Each employee has an individual responsibility to support a workplace free from harassment. Employees have a responsibility to refrain from engaging in harassment. Employees have an obligation to change behavior if they know, suspect, or are informed that another might consider their actions harassment.
- i. As a first step, an employee who believes that he or she has been harassed should tell the offender OR an appropriate person in authority that he/she objects to this type of behavior.

Prevention:

Harassment varies in kind, degree and in perception of injury. It is recognized, therefore, that no single structure or process can resolve all of the issues involved. The Archdiocese recognizes the importance of the prevention of harassment and is committed to:

- a) Clarify its objectives with respect to harassment and through communication and consistent application of this policy.
- b) Support specific programs of education and awareness on harassment.

Occupational Health and Safety Committee:

Each work site Occupational Health and Safety Committee is expected to become informed concerning harassment issues and, where it is known, to provide support and information to persons at the work site who may be the subject of harassment.

***Complaint and
Resolution
Procedures:***

- a) Reporting
 - i. Any employee who feels that he/she has been harassed is advised to immediately tell the harasser to stop. If an employee knows or suspects harassment is happening to a co-worker, the employee is encouraged to:
 - (1) Support the co-worker.
 - (2) Encourage the co-worker to report the harassment as soon as possible to the appropriate authority.
 - ii. If an employee cannot confront the harasser, or where the employee has told the perpetrator to stop, and the harassment continues, the employee is advised to promptly report the conduct:
 - (1) By making an informal complaint to the employee's immediate supervisor.
 - (2) By making a formal complaint in writing, to any one of the following persons:
 - (a) The employee's immediate supervisor,
 - (b) The Vicar-General
 - (c) The Archbishop

- b) Informal Complaint Resolution Procedures
 - i. Informal resolution is not a required step in the resolution process.
 - ii. When an employee makes an informal complaint, the supervisor to whom the informal complaint was made shall in consultation with the complainant select from the following courses of action available
 - (1) Speak directly with the alleged harasser and attempt to resolve the situation in an informal manner.
 - (2) Advise the complainant to contact the alleged harasser by letter in or to discourage the alleged harasser from further harassment.
 - (3) Arrange for mediation with the complaint if either party requests mediation and if both parties are willing to participate in the mediation process.
 - (4) The supervisor or person to whom the alleged harassment complaint is made shall make a written record summarizing the complaint and its resolution. Such a record shall be forwarded to the Director of Pastoral Services and shall be kept in strict confidence unless required for formal complaint resolution procedures.
 - (5) If no other alternate method of dealing with the complaint appears to be reasonable or acceptable, the supervisor shall advise the employee to make a formal written complaint.

- c) Formal Complaint—Investigation
- i. Any employee who feels that he/she has been harassed is advised to immediately tell the harasser to stop.
 - ii. Where an employee chooses to make a formal complaint, the complaint should be filed as soon as possible after the incident has occurred. Formal complaints must be filed within three (3) months of the alleged harassment to their immediate supervisor.
 - iii. Formal complaints must be written and signed by the complainant(s) and must be remitted in the following format:
 - (1) Name of Complainant
 - (2) Home/Cell Phone number of Complainant
 - (3) Work Phone number of Complainant
 - (4) Work Place of the Complainant
 - (5) Nature of Complaint
 - (6) Respondent (Alleged harasser's name)
 - (7) Details of the Complaint—Describe incident(s) detailing behavior, what was said, date and location, circumstances surrounding the incident, the names of any witnesses.
 - (8) Objections made known—have you previously told the respondent that you object to his/her behaviour and/or told an appropriate person in authority of your concerns? If so, please detail.
 - iv. The person receiving the formal complaint, if other than the Archbishop, shall immediately report the complaint to the Archbishop.
 - v. The Archbishop immediately upon receipt of the complaint shall determine whether or not the complaint warrants investigation. If investigation is warranted, the Archbishop shall immediately facilitate an investigation of the complaint. Such facilitation may include:
 - (1) Contracting out the investigation.
 - (2) Appointment of the Chancellor or the Vicar General to conduct the investigation.
 - (3) Investigation by the Archbishop.
 - vi. It is expected that all investigations will be conducted fairly, thoroughly and to conclusion.
 - vii. In the event the Archbishop is the subject of the complaint or is the complainant, the person receiving the complaint shall report it directly to the Vicar-General. The Vicar-General shall appoint an appropriate person to be in charge of the investigation.

- d) Access to Other Proceedings: Nothing in this policy shall be construed as preventing an employee from dealing with an incident of harassment by:
- i. Filing a complaint under *The Saskatchewan Human Rights Code*, which provide, in Section 9 and Section 16, which persons shall not be discriminated against in business or employment.
 - ii. Filing a complaint with an Occupational Health Officer pursuant to *the Saskatchewan Employment Act 2014* which provides, in Section 3, that the employers shall ensure so as is reasonably practicable the employees are not exposed to harassment.
 - iii. Reporting the incident to the police or other authorities if the circumstances so warrant.
 - iv. Taking any other steps available under any other statute or law.

***Corrective
Action:***

- a) Where harassment has been substantiated, the harasser will be subject to appropriate corrective action including discipline or termination of employment. Discipline is to encompass a range from verbal reprimand up to and including the termination of employment.
- b) Factors to be considered in determining the severity of the corrective action may include, but need not necessarily be limited to:
 - i. The severity of the harassment.
 - ii. The persistence of the harassment.
 - iii. Whether or not the harasser, by demonstrable action, display co-operation and willingness to change.
- c) Under normal circumstances, if a work transfer is an outcome of the case, the harasser will be transferred, not the complainant.

***Records or
Documents
Relating to the
Complaint and
Investigation:***

All records and documents relating to the complaint and investigation shall be forwarded in confidence to the Director of Pastoral Services for retention. These records may be sealed and secured in the vault with the documentation of high security deceased volunteers/employees. All records will be kept confidential except where disclosure is required. Such records shall be retained for ninety-nine (99) years.

No record of a complaint will be placed in an employee's personnel file except where an individual has received discipline as a result of a substantiated complaint and/or where it has been determined a complaint was malicious and/or frivolous.

Retaliation:

If retaliation is proven to have occurred, disciplinary action shall take place.

***Complaints
Made in Good
Faith:***

Disciplinary action will not be taken against an employee whose complaint of harassment has not been substantiated and where such complaint was made in good faith.

***Malicious
and/or
Frivolous
Complaints:***

Malicious and/or frivolous complaints of harassment will be viewed as serious offences by the Archdiocese and will result in disciplinary action against the complainant and a record of such disciplinary action will be documented in the personnel file of the complainant. Disciplinary action may encompass a range from verbal reprimand up to and including termination of employment.

Confidentiality:

- a) Receipt of a complaint will be held in strict confidence.
- b) The name of a complainant or an alleged harasser or the circumstances related to the complaint will not be disclosed to any person except where disclosure is:
 - i. Necessary for the purposes of investigating the complaint or taking corrective or disciplinary action with respect to the complaint.
 - ii. Required by law.
 - iii. Permitted by *The Local Authority Freedom of Information of Protection Privacy Act*.

***Implementation
and
Responsibilities
of the
Archdiocese:***

The Archdiocese shall provide training for Archdiocesan personnel conducting investigations.