



Kitigan Zibi Anishinabeg

**WORKPLACE  
ANTI-HARASSMENT  
POLICY AND PROCEDURES**

January 2012

## **PREAMBLE**

The Kitigan Zibi Anishinabeg Band Council is committed to providing a safe, healthy, respectful and harmonious working environment; which fully abides by all applicable laws of the workplace; which allows and creates priority opportunities for its membership

## **VISION STATEMENT**

The Kitigan Zibi Anishinabeg through its peoples, shall strive to achieve a balanced society where every member has an equal opportunity to fulfill their individual potential, in a safe, sustainable environment on traditional lands, where the spiritual, cultural, physical and mental well being can be achieved and where the basic human needs can be attained.

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# **WORKPLACE ANTI-HARASSMENT**

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## **SECTION I. POLICY STATEMENT**

The Kitigan Zibi Anishinabeg is committed to fostering a harassment-free workplace where all employees are treated with respect and dignity.

The Canadian Human Rights Act protects employees from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Harassment within the Kitigan Zibi Anishnabeg workplace is not tolerated. Employees who are found to have harassed another individual may be subject to disciplinary action. This includes any employee who: interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm.

There is zero tolerance for harassment at the worksite from clients, community members or the general public accessing any Kitigan Zibi Anishinabeg services or frequenting offices. If non employees are found to exhibit harassing behaviour, the Kitigan Zibi Police Department will be called and the individual(s) will be removed from the office or work space. Dependant upon the level of threat caused, charges may be filed by the victim.

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## SECTION II. APPLICATION OF THE POLICY

This policy applies to all current employees of the Kitigan Zibi Anishnabeg, including full and part-time, casual, indeterminate and term contract employees. This policy also applies to job applicants.

This policy applies to all behaviour that is in some way connected to work, including during off-site meetings, training and on business trips.

## SECTION III. DEFINITIONS

Harassment is:

- offending or humiliating someone physically or verbally;
- threatening or intimidating someone; or
- making unwelcome jokes or comments about someone's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.
- exclusion, ignoring an individual or "giving the silent treatment or cold shoulder" to another worker

Sexual harassment is:

- offensive or humiliating behaviour that is related to a person's sex;
- behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment; or
- behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

### SECTION IV. RESPONSIBILITIES AND EXPECTATIONS

The Kitigan Zibi Anishinabeg is responsible for:

- ✦ providing all employees a harassment-free workplace.

The Service Directors and anyone with delegated authority or in a supervisory capacity is responsible for:

- ✦ ensuring that this policy is applied in a timely, consistent and confidential manner;
- ✦ determining whether or not allegations of harassment are substantiated; and
- ✦ determining what corrective action is appropriate where a harassment complaint has been substantiated.
- ✦ declaring a conflict of interest (when applicable)

The Human Resource Coordinator is responsible for:

- ✦ the administration of this policy;
- ✦ reviewing this policy annually, or as required; and
- ✦ recommend necessary adjustments to ensure that this policy meets the needs of the organization.

Service Directors/Supervisors/Coordinators are responsible for:

- ✦ fostering a harassment-free work environment and setting an example about appropriate workplace behaviour;
- ✦ communicating the process for investigating and resolving harassment complaints made by employees;
- ✦ dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made; any documentation pertaining to an harassment complaint should be provided to the Service Director unless the Director is in conflict.

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- ✦ taking appropriate action during a harassment investigation, including separating the parties to the harassment complaint, when appropriate; and
- ✦ ensuring harassment situations are dealt with in a sensitive and confidential manner.

Employees are responsible for:

- ✦ treating others with respect in the workplace;
- ✦ reporting harassment to their Supervisor or Service Director or Band Council in the case of a Service Director.
- ✦ cooperating with a harassment investigation and respecting the confidentiality related to the investigation process;

Employees can expect:

- ✦ to be treated with respect in the workplace;
- ✦ that reported harassment will be dealt with in a timely, confidential and effective manner;
- ✦ to have their rights to a fair process and to their confidentiality respected during a harassment investigation; and
- ✦ to be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

### **SECTION V. PROCEDURES FOR ADDRESSING A HARASSMENT COMPLAINT**

#### **Filing a Complaint**

An employee may file a harassment complaint by contacting their immediate supervisor. The complaint may be verbal or in writing. If the complaint is made verbally, the Supervisor will record the details



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provided by the employee and the employee must sign the report. In the case where a complaint is filed against the Service Director the Band Council will delegate a member of the Band Council or advisory council to mediate.

The employee should be prepared to provide details such as what happened; when it happened; where it happened; how often and who else was present (if applicable).

Complaints should be made as soon as possible but no later than within one year of the last incident of perceived harassment, unless there are circumstances that prevented the employee from doing so.

The Service Director will inform an employee(s) in writing if a harassment complaint has been made filed against him/her no later than ten working days. The letter will also provide details of the allegations that have been made against him or her.

Every effort will be made to resolve harassment complaints within ten working days. The Service Director will advise both parties of the reasons why, if this is not possible.

If either party to a harassment complaint believes that the complaint is not being handled in accordance with this policy, he or she should contact the Human Resources Coordinator.

### **Mediation**

Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation.

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Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the harassment complaint.

The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in investigating the complaint.

Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

### **Investigation**

If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience. In some cases, an external consultant may be engaged for this purpose.

The investigator will interview the person who made the complaint, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

The investigator will prepare a report that will include:

- + a description of the allegations;
- + the response of the person the complaint was made against;
- + a summary of information learned from witnesses (if applicable);
- and

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- ✦ a decision about whether, on a balance of probabilities, harassment did occur. This report will be submitted to the Services Director. Both parties subject to the complaint will be given a copy. A third copy will be forwarded to the personnel file of both parties.

### **Substantiated Complaint**

If a harassment complaint is substantiated, the Service Director will decide what action is appropriate within ten working days.

Corrective action for the employee found to have engaged in harassment may include: a reprimand; a suspension and/or dismissal. More serious forms of harassment may include contacting the Kitigan Zibi Police Department for Assistance and possible charges.

The Service Director will advise both parties to the complaint in writing of the decision rendered within ten working days.

### **SECTION VI. OTHER REDRESS**

An employee who is not satisfied with the outcome of the harassment complaint process may file a discrimination complaint with the Canadian Human Rights Commission.

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### **SECTION VII. PRIVACY AND CONFIDENTIALITY**

All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.

The Kitigan Zibi Anishinabeg and all individuals involved in the harassment complaint process, will comply with all requirements of the Privacy Act to protect personal information and Work Code of Ethics. Failure to abide by the Work Code of Ethics may result in a reprimand. If an individual who has filed a complaint or has a complaint filed against him/her and divulges information or tells others in the community, this is not considered as a breach of confidentiality on the part of the Kitigan Zibi Anishinabeg.

### **SECTION VIII. REVIEW**

The Human Resource Coordinator will review this policy and procedures on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all employees and the employer.

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### **SECTION IX. ENQUIRIES**

Enquiries about this policy and related procedures can be made to Human Resources Coordinator at [christina.commonda@kza.qc.ca](mailto:christina.commonda@kza.qc.ca) or 819-449-5170. The Kitigan Zibi Human Resource Office is located at 1 Paganakomin Mikan, Kitigan Zibi, Quebec

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