

**PROFESSIONAL ENGINEERS & GEOSCIENTISTS OF  
NEWFOUNDLAND & LABRADOR (PEGNL)**

**EMPLOYEE & VOLUNTEER HARASSMENT AND NON-DISCRIMINATION POLICY**

**INTRODUCTION: Guiding Principles**

- 1) To accord individuals dignity and respect.
- 2) To avoid advantage being taken of one individual by another in a supervisory capacity or in a managerial position.
- 3) To be classified as harassment, the activity must normally be persistent, or be single serious acts.

**OBJECTIVES**

To establish an Harassment and Non-Discrimination Policy which complies with legal requirements and provides a workplace free from harassment or threat of harassment, and discrimination by the employer, other employees or volunteers and to encourage mutual respect for one another as employees and individuals.

To provide equal opportunity to all employees and applicants.

To define harassment, identify our responsibilities in the area of investigation, resolution and documentation of harassment complaints.

**POLICY**

PEGNL prohibits any form of harassment or discrimination or threat of harassment or discrimination of employees, volunteer or applicants because of race, creed, colour, ancestry, ethnic, natural or social origin, religion, religious creed, marital status, family status, physical or mental disability, sex, sexual orientation, or age of a person or a group or class of persons.

PEGNL follows an equal opportunity employment policy and employs personnel without regard to race, creed, colour, ancestry, ethnic, natural or social origin, religion, religious creed, marital status, family status, physical or mental disability, sex, sexual orientation, or age of a person or a group or class of persons.

This policy also applies to internal promotions, training, opportunities for advancement, terminations, outside vendors, members and customers, service clients, use of contractors and consultants, and dealings with the general public.

Each and every employee and volunteer is obligated to report perceived incidents of harassment or threat of harassment or discrimination and is also obliged to assist PEGNL by co-operation in the investigation of complaints.

PEGNL prohibits any form of retaliatory action against an employee or volunteer who files a complaint of harassment or threat of harassment or discrimination or who assists in the investigation of a complaint.

## **PURPOSE**

To provide a workplace free of any conduct that may be considered harassing, humiliating, discriminating, abusive, disorderly or disruptive.

To ensure that all employees and volunteers have an equal opportunity to achieve their goals.

To provide a complaint procedure. Employees and volunteers will be encouraged to feel comfortable to go to the Chief Operations Officer (COO) or the Chief Executive Officer (CEO) because they feel they will get a fair hearing and equitable treatment. Our procedures will be defined with all options clearly explained to the parties concerned. Each complaint will be handled in a case-by-case method, and a decision on how to proceed will involve the judgement of management.

To ensure that each and every employee and volunteer against whom a complaint is made will have a full and fair opportunity to meet the allegations.

To undertake prompt disciplinary action against any employee or volunteer who is found to be engaged in or who has engaged in conduct that is contrary to this policy, up to and including termination.

## **DEFINITIONS**

The term harassment refers to any conduct, whether intentional or unintentional that a reasonable person should have known to be unwelcome, or is unsolicited physical, verbal or sexual conduct, or published material either explicit or implicit, that by its nature has the effect of or is calculated to:

1. Interfere or threaten interference with an individual's work performance or result in creating an intimidating, hostile or offensive work environment;
2. Result or threaten to result in a change in some condition or term of employment; or,
3. Result or threaten to result in an economic detriment to the employee or applicant.

Some examples of what may be considered harassment, depending on the facts and circumstances, include:

1. Physical  
*Example:* hitting, pushing, or other aggressive physical conduct, or threats to take such action.
2. Verbal  
*Example:* offensive jokes, slurs, or name calling.
3. Sexual  
*Examples:* - sexual assaults by a male or female towards a member of the opposite sex or the same sex, - repeated and unwanted sexual comments, looks, suggestions, physical contact, coercion or unwanted pressure that an employee finds objectionable or offensive and that causes undue discomfort on the job, - the placing of a sexual condition on employment opportunities, such as hiring, retention in service, career advancement, training or promotion, or condition to positive employee performance evaluation, - persistent innuendoes or threats.

**MUTUAL INTEREST EXPRESSED BETWEEN PARTIES DOES NOT CONSTITUTE SEXUAL HARASSMENT.**

4. Published Material  
*Examples:* published statements, signs, symbols or representations like displaying or distributing objectionable cartoons, photographs, calendars or similar written or graphic items ridiculing individuals or sexual display.

The following are examples of what does not constitute harassment under the Human Rights Code:

- an occasional polite remark or compliment;

- personality differences between people;
- good natured jokes and jesting where both parties find the conduct acceptable;
- office romance and flirtation when both parties enter into a voluntary relationship;
- the normal exercise of supervisory responsibilities including discipline or counselling.

The term discrimination refers to the practice of unfairly treating a person or group of people differently from other people or groups of people.

Some examples of what may be considered discrimination, depending on the facts and circumstances, include:

- Harassment – inappropriate jokes, insults, name-calling or displays such as a poster or cartoons directed at a person because of their race, colour, sex or gender, sexual orientation, etc.
- Wage discrimination – An example would be when an employer offers a lower wage for a woman doing similar work as a man or offers a lower wage to new immigrant having similar experience/skills as a non-immigrant.
- c) Discrimination in hiring – During a job interview, being asked inappropriate questions about child care arrangements if you are a parent or whether or not you plan to have children; questions about your disabilities or health limitations or problems; your age, your religion or any other personal characteristic protected under human rights; and not getting the job based solely on your answer to these questions and not your qualifications or experience.
- d) Being fired when you are pregnant (sex discrimination) or are injured and need time off to heal (discrimination based on disability and the duty to accommodate).
- Treating an applicant differently based on race, colour, country of origin, religion, etc. – for example delaying an application on purpose based on personal perceptions of an applicant's country of origin.

## **PROCEDURES FOR ALLEGED DISCRIMINATION AND HARASSMENT**

1. Strict adherence to this policy must be maintained by every individual at all levels to make certain that our employment and personnel practices will always reflect a truly equal opportunity environment and workplace free of harassment, threat of harassment, and discrimination.
2. The individual who believes that he or she is subjected to harassment, the threat of harassment, or discrimination is encouraged to make a direct request to the person that they cease their offensive behaviour or action. If the request is ignored, or if it is considered inappropriate, or uncomfortable to make such a request, the complainant may seek the CONFIDENTIAL advice of the Chief Operations Officer (COO). If discussion with the COO is inappropriate, the complaint may be taken to the Chief Executive Officer (CEO).
3. Action must be taken immediately and all necessary steps and precautions to protect confidentiality taken to resolve the matter in a fair and equitable manner. The complainant must provide a written statement setting out the particulars of the incidents to the recipient of the complaint. Then the recipient of the complaint must meet separately with the alleged harasser so that he or she can respond to the complaint.
4. The name of the complainant, and the circumstances relating to the complaint, should not be disclosed except where necessary for the purpose of an investigation or for taking disciplinary measures.
5. If the investigation reveals evidence to support the complaint of harassment, threat of harassment, or discrimination,, the Chief Executive Officer is to be advised and the complainant is to be informed whether or not a full investigation will be made upon his/her request. All information will be kept confidential.
6. Complaints will be properly documented. No documentation will be placed in the complainant's file, where the complaint is filed in good faith, whether the complaint is upheld or not.
7. Following investigation of the complaint, an employee who is considered to have harassed, or threatened to harass, or discriminate against another individual will be subject to disciplinary action that is appropriate for the seriousness of the complaint. This can include up

to termination for the most serious offences. Documents will be placed in the harasser's file. Legal advice may be sought.

8. The complainant should be informed of the results of the investigation and that appropriate action has been taken. The complainant should also be encouraged to report any further incidents should they occur.
9. Should the steps above not satisfy the concern of the complainant, he/she may contact the Newfoundland and Labrador Human Rights Commission.

The Newfoundland Human Rights Code provides for a complaint to be filed with the Human Rights Commission within 6 months of the event giving rise to the complaint or where there is a continuing contravention within 6 months after the last incidence.