



Human Resources  
Sault Area Hospital

**SUBJECT: HARASSMENT AND DISCRIMINATION  
IN THE WORKPLACE**

**NUMBER: HR-G-12**

APPLIES TO: All Staff  
AUTHORIZED BY: Senior Management Team

NEW/REVISED: Revised  
REPLACES: March 2013  
APPROVAL DATE: March 2014  
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## 1.0 Policy Intent

Sault Area Hospital is committed to providing health care service and a working environment that is free from harassment and discrimination. The Hospital values the dignity, worth and self esteem of every patient, staff member, physician, visitor and volunteer. This includes building and preserving a safe, productive and healthy working environment for its employees based on mutual respect. In pursuit of this goal, Sault Area Hospital does not condone and will not tolerate acts of harassment or discrimination against or by any employee.

## 2.0 Policy Scope

This policy applies to all SAH staff including employees, physicians, students, volunteers, contractors, sub-contractors, suppliers and consultants that are on the premises of Sault Area Hospital or acting on behalf of the organization in offsite locations.

All employees are personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination or harassing behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.

\*For the purpose of this policy, any physician granted privileges with Sault Area Hospital is considered "staff". Although not strictly defined as "employees" of SAH, physicians will also be held accountable to this policy in the course of their activities within the hospital. This includes residents and any other physician groups in training.

## 3.0 Definitions

3.1 **Harassment:** Means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

1. harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status and handicap.
2. a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.
3. a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

Harassment is a form of discrimination and is against the law.

### Examples of Harassment

Harassment may be physical (e.g. pushing or other unwelcome contact), verbal (e.g. threats or insults), written or visual (e.g. graffiti or display of offensive and hurtful materials designed to exclude or marginalize

their target) and includes use of the Internet. Harassment does not necessarily need to target a specific individual. A single act or expression can constitute harassment, for example, if it is a serious violation.

Harassment can manifest itself in many ways. Types of behaviour which constitute harassment include, but are not limited to:

- Jokes or hostile comments relating to physical characteristics, ancestry or age;
- Physical or verbal teasing;
- Display or passing around of sexist, racist or derogatory pictures, materials or graffiti;
- Intimidation, offensive remarks, belittling and threatening behaviour;
- Leering (suggestive staring), obscene and/or offensive gestures;
- Inquiries or comments about a person's sexual activities or sexual preferences;
- Practical jokes which cause awkwardness or embarrassment, endanger safety or negatively affect others;
- Derogatory nicknames; and/or
- Physical or sexual unwelcome contact.
- An implied or expressed threat of reprisal for refusal to comply with a sexually oriented request;
- A demand for sexual favours in return for (continued) employment or more favourable employment treatment;
- Unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation and/or based on religion;
- Suggestive or offensive remarks;
- Bragging about sexual prowess;
- Offensive jokes or comments of a sexual nature about an employee;
- Unwelcome language related to gender;
- Displaying of pornographic or sexist pictures or materials;
- Leering (suggestive persistent staring);
- Physical contact such as touching, patting, or pinching, with an underlying sexual connotation.
- Unwelcome remarks, jokes or innuendos about a person's racial or ethnic origin;
- Colour, place of birth, citizenship or ancestry;
- Displaying racist or derogatory pictures or other offensive material;
- Insulting gestures or practical jokes based on racial or ethnic grounds which create awkwardness or embarrassment;
- Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background.

**3.2 Discrimination:** means to impose on one person or group of people, a condition, or restriction not imposed on others that is contrary to the law. The effect of the conditions or restrictions placed on that person impairs their ability to function normally in the workplace or in their community.

Discrimination is differential treatment based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status and handicap. It is important to note that any person or group can discriminate and any person or group can be the target of discrimination.

**3.3 The Workplace:** The Sault Area Hospital, and surrounding areas (parking lots, sidewalks), all off-site locations where employees engage in hospital business, as well as any hospital sponsored/affiliated functions.

#### **4.0 Procedure for Reporting Discrimination or Harassment**

The Sault Area Hospital will educate and inform their employees of their rights and obligations. The Hospital will provide a mechanism whereby any concerned employee may make an inquiry or lodge a complaint. Complaints or notification of a problem should be registered as soon as possible.

##### **4.1 Informal Complaint**

Any employee that believes he or she has been subjected to any form of harassment or discrimination, should report to, and seek informal advice from, any of the following resources:

- Immediate Manager/Supervisor
- Any Manager/Supervisor/Director/Senior Manager
- Human Resources Department
- Occupational Health Nurse

The consultation may include assistance in:

- Formulation of appropriate response and options available.
- Resolution of problems that may have arisen due to misunderstandings or misinterpretation.

Other techniques that may be considered are:

- Ask the harasser to stop, and advise him/her that their behaviour is not acceptable.
- 'I feel \_\_\_\_\_ (describe how the behaviour makes you feel) when you \_\_\_\_\_ (describe the behaviour which is offensive; focus on the behaviour, not the person) because \_\_\_\_\_ (describe the effect on your performance).'
- Tell the offender how you want him/her to change the behaviour; provide a solution.
- Tell the offender what you will do if he/she persists.
- If the situation escalates and there is a threat to your physical safety, summon assistance from your Manager/Supervisor, other co-worker, security, or initiate Code White protocol.
- Keep your own personal notes: record situation details, witnesses, time of events, etc.

#### 4.2 **Formal Complaint**

Any employee, patient, or visitor of the hospital has the right to file a complaint with the Ontario Human Rights Commission, the police or other appropriate government body if they so chose. However, it is the desire of the Hospital to resolve such matters. The Hospital encourages the use of internal procedures to resolve complaints.

Any employee may make a formal written or verbal complaint. The formal complaint must be delivered to the immediate Supervisor, Manager, Director or Human Resources.

The complaint should include:

- the approximate date and time of each incident you wish to report;
- the name of the person or persons involved in each incident;
- the name of any person or persons who witnessed each incident;
- a full description of what occurred in each incident.

Once a written complaint has been received the Sault Area Hospital will complete a thorough investigation. Complaints are to be escalated immediately to Human Resources and an investigation will be launched. Based on the complexity and varying nature of the complaint, the investigation and subsequent resolution will be completed within a timely manner.

The investigation will include:

- informing the alleged harasser(s) of the complaint;
- interviewing the complainant, any person involved in the incident and any identified witnesses;
- Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.

#### 5.0 **Disciplinary Measures**

If it is determined that harassment has occurred, appropriate disciplinary measures, up to and including termination will be issued as per the Progressive Discipline Policy.

It is important to realize that malicious or frivolous allegations of harassment may cause both the accused person and the organization significant harm. If it is determined that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action, up to and including termination, may be issued.

#### 6.0 **Confidentiality**

All records of harassment, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law. In cases where criminal proceedings are forthcoming, Sault Area Hospital will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

## **7.0 Employee/Supervisory Roles in Maintaining a Positive Work Environment**

All employees of Sault Area Hospital have a responsibility to assist in maintaining a positive work environment and to help eliminate harassment and discrimination from the workplace.

### **Co-worker's Role**

If you are a co-worker who has witnessed harassment in the workplace:

- Inform the harassed person that you have witnessed what you believe to be harassment and that you find it unacceptable.
- Inform the harasser(s) that you have witnessed the act(s) and find it unacceptable.
- Encourage the harassed person to report the incident to their Manager.

### **Management's Role**

- Management is responsible for fostering and maintaining a harassment-free workplace.
- Managers must be sensitive to the climate in the workplace and address potential problems before those problems become serious.
- Managers must address harassment in the workplace as soon as they become aware.

When an employee has asked their manager to deal with a harassment incident, the manager should:

- Support the employee without prejudging the situation.
- Work with the employee and document the offensive action(s) and have the employee sign a complaint.
- Contact the Human Resource Department and provide details of the incident on behalf of the employee.

## **8.0 In the Event of Harassment or Discrimination by a Patient**

If you are being subjected to workplace harassment or discrimination by a Patient:

- Ask harasser to stop, and advise him/her that the behaviour is not acceptable.
- If the situation escalates and there is a threat to your physical safety, summon assistance from your Manager/Supervisor, other co-worker, security, or initiate Code White protocol.
- Keep your own personal notes: record situation details, witnesses, time of events, etc.
- The incident will be documented on the patient's chart and on an Occurrence form. If required, the attending physician will be called to determine the mental status of the patient at the time.

### **8.1 Patient Cognitively Intact:**

A cognitively intact patient is one who is reasonable and accountable for his or her actions. Where a complaint has been made and the patient was cognitively intact at the time of the incident, an investigation will occur and may include:

- counselling the patient that his or her action was inappropriate
- recommending that the patient be discharged from the hospital,
- taking or recommending such other steps as may be appropriate, and
- contacting the police department if the employee believes he or she has been criminally assaulted.

### **8.2 Patient Cognitively Impaired:**

A cognitively impaired patient is one who is not reasonable or accountable for his or her actions. Where a complaint has been made and the patient was cognitively impaired at the time of the incident, an investigation will occur and may include:

- assessing the patient for the cause of the abuse and taking appropriate measures to alleviate or manage the cause,
- documenting on the patient chart what triggered the incident of aggressive or inappropriate behaviour along with the specific interventions to be implemented, and
- implementing safety measures which will reduce or eliminate the likelihood of further incidents.

#### **9.0 In the Event of Employee Harassment, or Discrimination by a Visitor to the Hospital**

An employee who reasonably believes he or she has been harassed or discriminated against by a visitor to the hospital should:

- Ask harasser to stop, and advise him/her that the behaviour is not acceptable.
- If the situation escalates and there is a threat to your physical safety, summon assistance from your Manager/Supervisor, other co-worker, security, or initiate Code White protocol.
- Keep your own personal notes: record situation details, witnesses, time of events, etc.

An investigation of the incident will be conducted in a timely manner. Investigation may include:

- advising the visitor that their behaviour was contrary to hospital policy,
- prohibiting the visitor from coming to the hospital (except to seek medical attention) whether permanently or for a specified period of time,
- taking or recommending such other steps as may be appropriate, and
- contacting the police department as required

#### **10.0 Contacting the Police**

In addition to any steps the Hospital may take, the police may be contacted at any time if the employee believes he or she has been criminally assaulted.

#### **11.0. RELEVANT DOCUMENTS**

- Code White – Violent/Behavioural (Emergency Measures Protocols)
- Incident Reporting Policy (Corporate Safety and Wellness Policy)
- Incident Investigation Policy (Corporate Safety and Wellness Policy)
- Physician Code of Conduct
- Progressive Discipline Policy
- SAH Employee Standards of Performance Handbook

#### **Policy History**

November 1996

April, 2012

March 2013

March 2014