



## Workplace Harassment and Discrimination Policy

### **Purpose**

The Shaar Shalom Congregation is committed to providing and maintaining a workplace which ensures that all members of the Shaar are treated with dignity and respect and are able to work in an environment free from harassment in any form including, discrimination and violence.<sup>1</sup> The Shaar upholds, as a matter of normal business practice, the freedom from harassment and discrimination provisions of the [Nova Scotia Human Rights Act](#) (the "Act"). The Act prohibits discrimination and harassment in employment based on grounds that include age, race, colour, religion, creed, sex, gender identity or gender expression, sexual orientation, physical or mental disability, irrational fear of contracting an illness or disease, ethnic, national or aboriginal origin, family status, marital status, source of income, political belief, affiliation or activity, or an individual's association with another individual or class of individuals noted above.

Every member of the Shaar has the right to work in a dignified, respectful, and harassment-free environment. Harassment, in any form, will not be tolerated.

### **Policy**

#### **What is Harassment?**

For the purpose of this policy, harassment means any vexatious comment or conduct against a member of the Shaar including but not limited to harassment and discrimination related to any ground prohibited by the Act, that is engaged in by someone who knows or ought reasonably to know that the comment or conduct is unwelcome. The unwelcome comment or conduct does not have to be directed at a specific person for harassment to occur. Any form of unsolicited behaviour characterized by words, acts or gestures, such as hurtful remarks, insults, humiliating jokes, display of offensive or obscene material, inappropriate physical contact, intimidation, inappropriate demands or reprisals, may constitute harassment when likely to cause an intimidating, offensive or hostile working environment.

Any vexatious behaviour involving hostile or unwanted conduct, verbal comments, actions, or gestures that affect a person's dignity or psychological or physical integrity and that result in a harmful work environment for the person can constitute harassment under this policy. Harassment can take many forms, including but not limited to, sexual harassment and racial harassment.

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<sup>1</sup> Additional policies regarding workplace violence are set in the Shaar's Workplace Violence Policy.

**Sexual harassment** may include, but is not limited to:

- Remarks, jokes, or innuendos about sex or sexual orientation where the speaker has been advised that they are offensive or where they are by their nature offensive.
- Leering or other offensive or sexually suggestive gestures.
- Derogatory or degrading remarks used to describe or directed toward members of one sex or sexual orientation.
- The display or distribution of sexually explicit or otherwise offensive material.
- Refusing to work with people because of their sex or sexual orientation.
- Unwelcome advances, invitations or propositions of a sexual nature or repeated invitations after previous requests have been refused.
- Any advances, invitation or propositions of a sexual nature which might, on reasonable grounds, be perceived as placing a condition on a person's employment, work assignment, or on any opportunity for training or promotion.
- Unwarranted inquiries or comments about a person's personal life.
- Unwanted physical contact, including touching, patting, etc.
- Rough and vulgar humour or language related to gender.
- Verbal abuse, threats, or taunting.
- Sexual assault.

**Racial harassment** may include, but is not limited to:

- Comment or conduct which disparages or ridicules a person's race, ethnic origin, ancestry, place of origin, citizenship, colour or religion.
- Insulting gestures or jokes which relate to race, ethnic origin, ancestry, place of origin, citizenship, colour or religion.
- Mimicking a person's accent, speech, or mannerisms.
- The display or distribution of derogatory materials which relate to race, ethnic origin, ancestry, place of origin, citizenship, colour or religion.
- Refusing to work with people because of their race, ethnic origin, ancestry, place of origin, citizenship, or religious background.

Any person, regardless of his or her position of authority, may be responsible for committing an act of harassment. While harassment usually involves repeated acts or a course of conduct, a single incident of harassment could be serious enough to constitute a breach of this policy.

### **No Retaliation for Using this Policy**

All members of the Shaar have a right to make a complaint or enforce their rights under this Policy without retaliation or threat of retaliation.

The Shaar prohibits reprisals or threats of reprisals against anyone who makes use of this Policy or takes part in an investigation under this Policy.

Retaliation against such a person will be treated in the same manner as harassment.

## **Application of Policy**

This Policy applies to all members of the Shaar and covers all forms of harassment, including, but not limited to those prohibited by the Act as set out above. Anyone who works at the Shaar who believes that he or she or another person has been harassed in the workplace may use the procedures in this Policy.

For the purposes of this Policy, the Shaar's workplace includes any place where the business of the Shaar is conducted or where social or other functions of the Shaar occur.

## **Reporting Harassment or Discrimination**

In many situations, simply informing the person that his or her comment or conduct is unwelcome will resolve the issue. Telling the person to "stop" may be difficult to do, but frequently it is the most effective means of eliminating the problem.

If you find it difficult to speak to the person directly (or if you speak to the person but the unwelcome comment or conduct persists, or if you feel that as a result you have been subjected to retaliatory behaviour), you are encouraged to discuss your concerns with the Respectful Workplace Advisor. You do not have to first speak with any manager or with the person who is the subject of the complaint.

You may file a formal written complaint under this Policy with the Board or the Respectful Workplace Advisor. Upon receipt of a written complaint, the Board or the Respectful Workplace Advisor will initiate an investigation. An investigation will be initiated whenever a formal written complaint is received. The Respectful Workplace Advisor may also elect to initiate a complaint if the Shaar becomes aware of a serious allegation or incident.

The investigation will ordinarily be conducted by the Respectful Workplace Advisor, in conjunction with at least two other members of the Board or in some circumstances, a third-party investigator/mediator, as the Shaar deems appropriate. The investigation will be completed, and the appropriate resolution decided upon within 60 days of receiving a formal written complaint or electing to initiate a complaint, unless a longer period is appropriate in the circumstances. In this case, the person who is alleged to have been harassed will be notified of the proposed time frame.

In the course of its investigation, the investigation team will do the following:

- give a copy of the written complaint (if any) to the person whose conduct is complained of (the "respondent")
- provide the respondent with an opportunity to respond to the complaint orally or in writing and give a copy of any written response or a written summary of the oral response to the complainant;
- advise both the complainant and respondent of their entitlement to have representation with respect to the investigation

While the Shaar is committed to resolving harassment concerns internally, nothing in this Policy precludes an employee of the Shaar from filing a complaint with the Human Rights Commission of Nova Scotia or the Ministry of Labour and Advanced Education or having criminal charges laid or civil proceedings instituted in appropriate cases.

Employees who engage in harassment may expose themselves personally to damages in the event of a successful lawsuit or human rights case.

### **Disciplinary and Rehabilitative Action**

Disciplinary and rehabilitative action arising out of the informal resolution process of resulting from a formal complaint and subsequent investigation may include one or more of the following:

- a formal apology
- counselling and/or education on discrimination and harassment
- a written warning
- a change of work assignment of the respondent
- the suspension with or without pay of the respondent
- the discharge of the respondent for cause

In all cases where disciplinary and/or rehabilitative action is warranted, the Respectful Workplace Advisor is responsible for ensuring that there is no retaliatory behaviour.

### **Confidentiality**

It is essential that the parties to the investigation and all those involved in the investigation of a complaint maintain confidentiality throughout the complaint procedures, the investigation and subsequent to the investigation. Information will only be provided to those who have a "need to know", or as required in the course of the investigation. It is the responsibility of all employees and managers to cooperate with the investigation and to maintain strict confidentiality of all information related to the allegations and investigation.

It is a serious breach of this policy to break confidentiality unless disclosure of information relating to the complaint is required by law or is necessary in order for the proper investigation and resolution of the matter. Any such breach will be treated in the same manner as harassment.

In the course of an investigation, nothing precludes the Shaar from accessing the file of the member the Shaar, as required, regarding the existence of prior complaints against a member of the Shaar.

**Restrictions**

Harassment and discrimination in the workplace are serious issues. This policy must not be used maliciously or in bad faith. Bad faith or misconduct in the use of this policy will be treated in the same manner as harassment or discrimination.

Signed: \_\_\_\_\_  
[Chair, Board of Directors]

Date: \_\_\_\_\_