


North Bay Regional Health Centre  Centre régional de santé de North Bay	Policy/Procedure	
Title Workplace Harassment Policy	Policy Number HR 4-102	
Developer Human Resources	Category	Administration
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Executive Sponsor VP, Human Resources	Revision Date	May 2024
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1.0 Scope of Policy/Procedure

To outline expectations for the prevention and promotion of a workplace free from discrimination and harassment.

2.0 Policy Statement

- The North Bay Regional Health Centre (NBRHC) (which includes board members, staff, physicians, volunteers, students, contractors, patients and visitors) is committed to providing the Health Centre community with a safe and healthy work environment. As a health care community, we have a shared obligation in the prevention and the promotion of a harassment-free workplace.
- This policy applies to all North Bay Regional Health Centre (NBRHC) community members and it addresses workplace harassment from all sources.
- The North Bay Regional Health Centre's Harassment Policy and Program provides direction for members of the Health Centre community in situations of harassment. It outlines the processes for:
 - How to get help
 - Reporting the incident (e.g. who to go to)

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- All harassment defined complaints and allegations will be investigated
 - Identify how the complainant and respondent will be informed of investigation and corrective actions
 - There will be no reprisal for reporting in good faith
- All members are individually responsible for ensuring that their own behaviour is in accordance with the organization's values and is consistent with this policy and the Health Centre's Respectful Workplace Agreement and Program. The Health Centre Community members are encouraged to report any incidents of workplace harassment to manager/supervisor/designate..

3.0 Supporting Documents

Document Title	Document Type	Number
Respectful Workplace Statement	Form	APP-213
Respectful Workplace Policy	Policy	HR 4-101
Workplace Violence Policy	Policy	OH&S 4-004
Workplace Harassment Program	Form	RHC 3374
Critical Injury/Serious Incident	Form	APP-077
Process for resolving medical and professional staff Conduct Complaints	Policy	ADM – 029
Code White	Policy	ERP - 009
Work Refusal Policy	Policy	OH&S 3-005
Employee Incident Management and Hazard Reporting	Policy	OH&S 3 - 001

4.0 Definitions

Term	Definition
Health Centre Community	Includes but not limited to patients, administration, staff, medical and professional staff (physicians, dentists, midwives and RNEC), members of the Board of Directors, visitors, guests, students, interns, residents, volunteers, tenants, vendors, suppliers and third-party contractors while they are acting in a capacity defined by their relationship with the Hospital.
Type 1 (external Offender)	Offender has no relationship to the workplace
Type 2 (patient/family/customer/visitor)	Offender is a patient/family member/customer or visitor, at the workplace who harasses or becomes violent toward a worker or another patient
Type 3 (member of the health care facility)	Offender is an employee or past- employee of the workplace.
Type 4 (personal relationship)	Offender has a relationship with an employee
Workplace Harassment	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 <ul style="list-style-type: none"> ● In addition, to being a violation of the Occupational Health & Safety Act and the Health Centre's Harassment Policy, the Ontario Human Rights Code provides that every person has a right to freedom from harassment because of race, ancestry, place of origin, colour, ethnic origin, citizenship,

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	<p>creed (religion), sex, sexual orientation, age, record of offences, marital status, family status, gender identity, gender expression, receipt of public assistance, or disability.</p> <ul style="list-style-type: none"> • Generally, harassment is a behaviour that persists over time. Serious one-time incidents can also sometimes be considered harassment. • Employers' actions relating to the management and direction of the workplace that are reasonable are not "workplace harassment". A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.
Workplace Sexual Harassment	<p>Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome;</p> <p style="text-align: center;">OR</p> <p>Making a sexual solicitation or advance where the person making the solicitation or advances in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.</p>
Vexatious	Causing or tending to cause annoyance, frustration, or worry
Vexatious complaint	A complaint (or a series of many) that is specifically being pursued to simply harass, annoy or cause financial cost to their recipient
Workplace	Any land, premises, location or thing at, upon, in or near which a member of the Health Centre Community acts in a capacity defined by their relationship with North Bay Regional Health Centre (NBRHC). This may, for example, include attendance at work related functions at off-site locations including conferences and social events or use of work related communications technologies.

5.0 Procedure/Process

5.1 Equipment and Supplies

- The hospital's electronic Event Reporting system or paper equivalent RHC 1433
- Respectful Workplace Policy and Workplace Harassment Program RHC 3374

5.2 Employer Responsibilities

- a) Prepare in consultation with the Joint Health and Safety Committee (JHSC) a policy and program with respect to workplace harassment and review the policy and program as often as is necessary, at a minimum on an annual basis.

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- b) Ensure the measures and procedures of the policy with respect to workplace harassment are carried out
- c) Educate all workers on the measures and procedures for workers to report incidents of workplace harassment
- d) Provide information related to a risk of workplace violence from a person with a history of violent or harassing behavior if,
 - The worker can be expected to encounter that person in the course of his or her work; and
 - The risk of workplace violence is likely to expose the worker to physical and/or emotional injury
- e) The employer shall not disclose more personal information in circumstances than is reasonable necessary to protect the worker from harm
- f) Ensure an appropriate investigation is conducted into all incidents and complaints of any workplace harassment and workplace sexual harassment
- g) Take every precaution reasonable in the circumstances for the protection of a worker

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5.3 Manager/Supervisor/Designate Responsibilities

- a) Ensure the measures and procedures identified in the Workplace Harassment Policy and Program are followed
- b) Take every precaution reasonable in the circumstances for the protection of a worker
- c) Provide necessary information to a worker related to a risk of workplace harassment when required for the protection of a worker
- d) Ensure that a worker participates in the education on the measures and procedures for understanding and reporting workplace harassment and workplace sexual harassment
- e) Investigate all incidents and complaints of workplace harassment and workplace sexual harassment.
- f) If a manager/supervisor/designate becomes aware, or ought to reasonably be aware that workplace harassment and workplace sexual harassment is likely to enter the workplace and present a physical threat to the victim or any other worker member; immediate action is required to notify Manager of Health and Safety or Protective Services for the development of a safety plan as required
- g) Offer confidential supportive services such as Employee & Family Assistance Program which can include individual counseling or on-site formal debriefings as required.

5.4 Employees Responsibilities (including North Bay Regional Health Centre (NBRHC) community)

- a) Understand and comply with the workplace harassment policy and programs
- b) Participate in education and training programs.
- c) Report all incidents of harassment and sexual harassment immediately.
- d) For appropriate reporting procedures please refer to the Respectful Workplace and Workplace Harassment Program for details
- e) All complaints will be dealt with confidentially within the confines of pertinent legislation (i.e. Bill 132, 2016). Information about a complaint or incident will not be disclosed except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.
- f) Know and understand your rights to know, to participate, and refuse unsafe work
- g) Ensure training and refreshers are completed within required timelines
- h) Participate and cooperate in the Investigation Process as required.

5.5 Protective Services

- a) For Type 1 Incidents (External Offenders) and Type 4 Incidents (Domestic/Personal): Protective Services attends to the scene upon being notified, investigates to ensure the risk to staff has been mitigated and ensures the individual has left the property. As required they may detain until police arrive and coordinate notification to police. Protective Services will function as the primary contact and work with police when police investigations are required

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5.6 Joint Health and Safety Committee (JHSC)

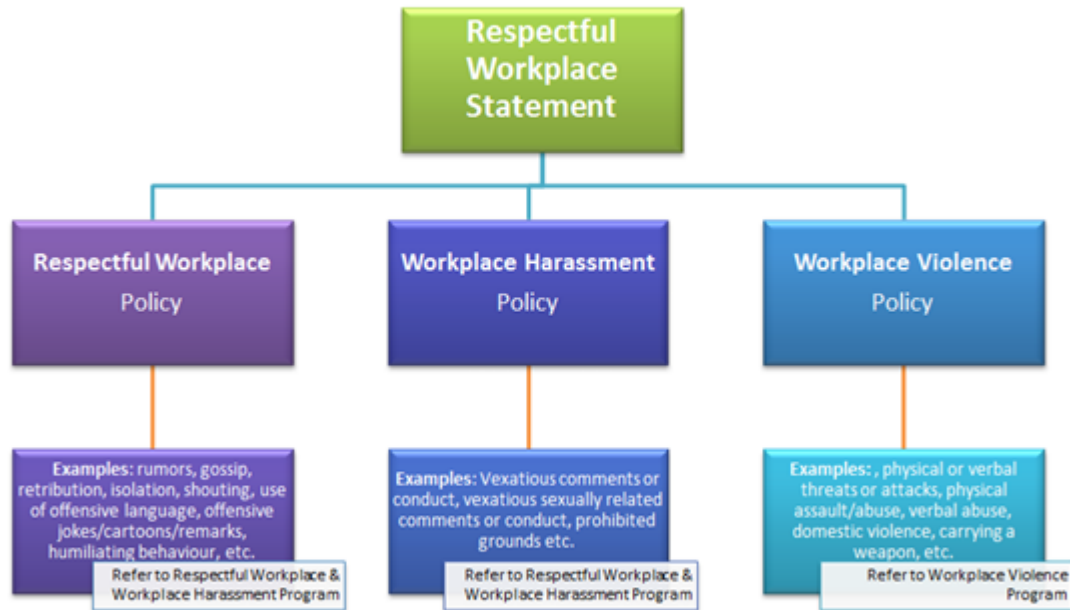
- a) Be consulted about the development, establishment and implementation of workplace harassment and sexual harassment measures and procedures
- b) Be consulted and provide recommendations to the employer to develop, establish and provide training in workplace harassment and sexual harassment measures and procedures
- c) Be consulted in a review at least annually of the workplace harassment policy

5.7 Reporting

Steps to follow for ALL instances of workplace harassment and discrimination

Respectful Workplace Algorithm

If you are unsure if you are experiencing Respectful Workplace concerns please refer to the Algorithm below:



NOTE: Any member of the Health Centre Community may seek assistance or advice on any of the Respectful Workplace Statement related concerns including but not limited to determining if there are grounds for a complaint or assisting in understanding the related policies and programs from their: Supervisor/Manager/Delegate, Human Resources Representative, Occupational Health Representative, Director of Human Resources, Union Representative or Member of the Joint Health & Safety Committee :

5.8 Investigation

If the concern involves your direct supervisor/manager, please reach out to your respective Director or Human Resources with a written submission detailing your concerns. In the absence of a Director, reach out to the portfolio Vice President. If the complaint involves a Vice President please reach out to the CEO. In the event that the complaint is against the President and CEO, please connect with the Chair of the Board of Directors at BoardChair@nbrhc.on.ca .

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If the allegation(s) of workplace harassment involves a member of the senior leadership team, the investigation will be referred to an external third party investigator.

5.9 Corrective Action(s)

- a) Any member of the Health Centre Community who:
 - i. commits an act of workplace harassment, or
 - ii. commits a reprisal or threat of reprisal, or
 - iii. fails to comply with this policy and support program

will be subject to corrective action(s) determined by North Bay Regional Health Centre (NBRHC) which may include, but is not limited to Progressive Discipline depending on the relationship of the person to the Health Centre, the nature and severity of the conduct and the relevant circumstances.

- b) Corrective action(s) will be consistent with North Bay Regional Health Centre's (NBRHC) by-laws, rules, regulations, policies, collective agreements, applicable laws and terms of employment.
- c) For more information regarding corrective action, please refer to the Respectful Workplace and Workplace Harassment Program.

5.10 Reprisals/threats of reprisal prohibited

- a) As per the Occupational Health and Safety Act (OHSA), under no circumstances will any person who in good faith reports an incident of any workplace harassment or sexual harassment or participates in a workplace harassment or sexual harassment investigation be subject to any form of retribution or reprisal as a result of this action.
- b) In the event that one experiences actions or behaviours that could be considered as reprisal, this must be reported immediately following the same process as outlined in Workplace Violence and Respectful Workplace Plan

6.0 Documentation

- Electronic Health Centre Incident Management System or paper equivalent
- Complainants are encouraged to make notes for their personal files about any incidents of workplace violence or harassment, including any witnesses to behaviour/actions.

7.0 References

1. OHSA/Bill 132, 2016
2. OHSA/Bill 168 R.S.O.1990
3. Respectful Workplace Policy – HR 4-101
4. Code White Policy – ERP-009
5. Human Rights Code R.S.O. 1990
6. CNO Practice Guideline
7. Bill 168: Workplace Violence and Harassment Amendments to the OHSA – Recent Updates and Case Law Trends. Lisa Cabel, Partner, Labour and Employment Group September 10, 2014

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8.0 Stakeholder Review

Primary Stakeholders	Month/Year Reviewed
Labour Relations Specialists	March 2024
Committee Stakeholders	Month/Year Reviewed
Managers	March 2024
Joint Health and Safety Committee (JHSC)	March 2024

9.0 Approval

Signing Authority Signature	Date Signed
VP, Human Resources	April 22, 2024