

HARASSMENT & VIOLENCE PREVENTION POLICY**Grouping:** Human Resources**P-5003****Last Revised:** Sunday September 26, 2021**Contents:** **Page 1 of 18**

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Purpose

CKXU, in cooperation with its staff, is committed to a healthy, harassment-free and violence-free environment for all our employees, volunteers, and members. CKXU has developed a policy intended to:

- Prevent and respond to workplace harassment and violence of any type, and;
- Effectively address any incident that might occur.

Application

This policy applies to all employees, volunteers, members, and contractors at CKXU who are engaged in work, work-related activities, or work-related relationships. It applies to employees, volunteers, members, and contractors both on station property and outside of station property. This policy applies to all incidents of workplace harassment and violence, including sexual harassment and sexual violence, family violence, and third party violence.

Definition of harassment and violence

The [Canada Labour Code](#) (the *Code*) defines harassment and violence at subsection 122(1) as “any action, conduct or comment, including of a sexual nature that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.”

Harassment

Harassment can include, but is not limited to any of the following acts or attempted acts:

- Spreading rumours or gossip about an individual or group;
- Cyber bullying (threatening, spreading rumours, or talking negatively about an individual online);
- Threats made over the phone, by email, or through other medium to an employee, including from an (ex) partner or family member;
- Making offensive jokes or remarks;
- Playing unwanted practical jokes;
- Socially excluding or isolating someone;
- Stalking or inappropriately following a person;
- Tampering, vandalizing and/or hiding someone’s work equipment or personal belongings;
- Impeding a person’s work in any deliberate way;
- Persistently criticizing, undermining, belittling, demeaning, or ridiculing a person;
- Intruding on a person’s privacy;
- Public ridicule or discipline;

- Unwelcome physical contact;
- Sexual innuendo or insinuation;
- Unwanted and inappropriate invitations or requests, including of a sexual nature;
- Displaying offensive posters, cartoons, images, or other visuals;
- Making aggressive, threatening, or rude gestures;
- Misusing authority, including:
 - Constantly changing work guidelines;
 - Restriction of information;
 - Setting impossible deadlines that lead to failure, and/or;
 - Blocking applications for leave, training, or promoting in an arbitrary manner;
- Engaging in any of the actions, conduct, and comments outlined above against a person because of that person's;
 - Race;
 - National or ethnic origin;
 - Colour;
 - Religion;
 - Age;
 - Sex;
 - Sexual orientation;
 - Gender identity or expression;
 - Disability; or,
 - Any of the other prohibited grounds that the [*Canadian Human Rights Act*](#) lists.

Harassment is not

Harassment is not any of the following:

- Consensual workplace banter and interactions (unless it includes hurtful remarks about others, especially if they pertain to any of the prohibited grounds listed above);
- Reasonable management action carried out in a fair way, such as day-to-day actions by a supervisor or manager related to performance, absenteeism,

assignments, discipline, and event dismissal (unless it is abusive or discriminatory);

- Every workplace disagreement, although if a conflict is poorly handled or left unresolved, it can lead to harassment.

Violence

Violence can include but is not limited to the following acts or attempted acts:

- Verbal threats or intimidation;
- Verbal abuse, including swearing or shouting offensively at a person;
- Contact of a sexual nature;
- Kicking, punching, scratching, biting, squeezing, pinching, battering, hitting, or wounding a person in any way;
- Attack with any type of weapon;
- Spitting at a person.

Role of CKXU

The role of CKXU in relation to harassment and violence prevention includes:

- Committing to preventing harassment and violence in the workplace;
- Jointly reviewing and, when necessary, updating this policy with the Executive Director and Governance Committee at least once every three (3) years, or following any changes to an element of this policy;
- Jointly conducting an initial workplace assessment with the Executive Director;
- Jointly monitoring and, when necessary, updating the workplace assessment with the Executive Director when there is:
 - A change to the risk factors identified; or,
 - A change in the effectiveness of the preventative measures that have been developed and implemented;
- Jointly reviewing and updating the workplace assessment with the Executive Director:
 - In situations where the principal party chooses to end the resolution process but the occurrence is not resolved, or;

- In situations where the responding party is not an employee or the employer;
- Jointly reviewing the workplace assessment with the Executive Director and, when necessary, updating it;
- Jointly developing emergency procedures with the Executive Director;
- Deploying the workplace emergency procedures whenever an incident, including an incident of family violence or domestic violence, poses an immediate danger to the health and safety of an employee or there is a threat of such incident;
- Jointly reviewing and, when necessary, updating the emergency procedures with the Executive Director;
- Making information related to support services available to all employees;
- Jointly developing or identifying harassment and violence prevention training with the Executive Director;
- Delivering harassment and violence training to all employees and Human Resources-2 (HR-2) Committee members;
- Jointly reviewing and, when necessary, updating the training with the Executive Director and Governance Committee at least once every three (3) years and following any change to an element of the training;
- Ensuring that the HR-2 Committee correctly follows the resolution process that is outlined in the [Workplace Harassment and Violence Prevention Regulations](#) (the Regulations);
- For investigations into an occurrence of harassment and violence, providing a copy of the investigator's report to the principal party, responding party, and HR-2 Committee;
- Jointly determining with the HR-2 Committee which recommendations from the investigator's report should be implemented;
- Implementing the jointly-determined recommendations from the investigator's report;
- Ensuring the resolution process is completed within one (1) year after the day on which a notice of an occurrence is received;

- Reporting to the [Labour Program](#) employee deaths resulting from occurrences of harassment and violence, within twenty-four (24) hours of becoming aware of the death;
- Complying with all other aspects of the *Regulations* and the *Code* as it relates to harassment and violence.

Role of HR-2 Committee

Under this policy, the HR-2 Committee will act as the designated recipient. The role of the HR-2 Committee in relation to harassment and violence prevention at CKXU includes:

- Responding to all notices of an occurrence within seventy-two (72) hours of a CKXU representative receiving the notice;
- Initiating negotiated resolution with the principal party within one (1) week of the notice being received by a CKXU representative;
- Reviewing every notice of an occurrence with the principal party against the definition of harassment and violence outlined in subsection 122(1) of the *Code*;
- Making every reasonable effort to resolve an occurrence for which a notice has been provided;
- Allowing the principal and responding parties the option of participating in conciliation if they both agree to participate and on who will facilitate the conciliation;
- Providing notice of an investigation to the principal and responding parties if the principal party requests an investigation;
- Ensuring HR-2 Committee members have the necessary knowledge, training, and experience required by the *Regulations*;
- Ensuring HR-2 Committee members are not in a conflict of interest with respect to the occurrence;
- Providing the HR-2 Committee representatives selected to conduct the investigation with all the information that is relevant to the occurrence;
- Providing monthly status updates to the principal and responding parties on the status of the resolution process.

Role of the Executive Director

The role of the Executive Director in relation to harassment and violence prevention at CKXU includes:

- Implementing the preventive measures developed by the HR-2 Committee and the Executive Director at the local workplace level;
- Jointly reviewing and updating with the HR-2 Committee the workplace assessment:
 - In situations where the principal party chooses to end the resolution process but the occurrence is not resolved, or;
 - In situations where the responding party is not an employee or the employer (e.g. volunteers, contractors, former partners);
- Jointly determining with the HR-2 Committee which of the recommendations from the HR-2 Committee's report are appropriate to implement.

Role of employees

The role of all employees in relation to harassment and violence prevention at CKXU includes:

- Refraining from committing harassment and violence;
- Where appropriate and safe, informing a person committing harassment and violence that their actions are inappropriate and unwelcome;
- Reporting all occurrences of harassment and violence to the Executive Director or the HR-2 Committee when they experience or witness it;
- Where appropriate, making every reasonable effort to resolve an occurrence of harassment and violence through negotiated resolution if they were a party to an occurrence;
- Cooperating with the HR-2 Committee, Executive Director, and the investigation process related to an occurrence;
- Refraining from retaliatory behaviour against the principal party, responding party, witnesses, and any other individuals who are involved in the resolution process for an occurrence;

- Respecting the confidentiality of the information shared throughout the resolution process of an occurrence.

Factors that contribute to workplace harassment and violence

There are a number of factors that can contribute to workplace harassment and violence. These factors can be divided into 5 general categories:

- People characteristics;
- Physical work environment;
- Work activities/culture;
- Job factors, and;
- Other external factors.

People characteristics

Working with people that exhibit certain characteristics can put employees at greater risk of harassment and violence. This can include working with volunteers and their relatives, who may lash out at the closest person due to:

- Being angry and frustrated with the system;
- Having a history of violence;
- A mental health condition, emotional disorder, or a head injury;
- Racist, sexist, homophobic, transphobic, ableist, or otherwise discriminatory attitudes and behaviours;
- Being under the influence of drugs or alcohol.

Physical work environment

Certain work environments and workplace designs can result in additional risks that may lead to harassment and violence. These can include:

- Working alone, in small numbers, or in isolated or low-traffic areas (e.g. isolated station areas, washrooms, storage areas, the music library room);
- Working in community-based settings (for example, community tabling or events);
- Having a mobile workplace;
- Working in a poorly designed area, such as a cramped room or a room that has poor visibility of volunteers or staff;

- Working in an overcrowded environment;
- Working in an environment with high noise levels or other sensory experiences.

Work activity/culture

- Working with the public;
- Handling money or items of significant value;
- Working during periods of intense organizational change (e.g. strikes, privatization, restructuring, downsizing);
- Working in the same workplace with an (ex) partner who is abusive.

Job factors

Aspects specific to a job, such as mental and physical demands of the job, can result in additional hazards that may lead to harassment and violence. This can include:

- Lack of control over how work is done;
- Excessive workload;
- Unreasonable or tight deadlines leading to high stress;
- Confusing, conflicting, or unclear job or role descriptions;
- Ambiguous or complicated reporting structures;
- Lack of job security.

Other external factors

Other external factors that can result in harassment and violence include:

- Family violence or domestic violence, such as a family member or (ex) partner:
 - Threatening an employee or co-workers verbally, over the phone, or in email;
 - Stalking the employee or co-workers;
 - Verbally abusing the employee or co-workers;
 - Destroying the employee or organization's property;
 - Physically harming the employee or co-workers;

- Using work time or workplace resources to monitor or attempt to control the actions of an (ex) partner or family member.

Harassment and violence prevention training

CKXU will provide all of its employees with a combination of training and workshop sessions related to harassment and violence. This includes:

- CKXU Harassment & Violence Prevention Policy Orientation
- Active Listener Training
- Bystander Intervention Training
- Understanding & Responding to Sexual Violence training

These training and workshop sessions are intended to cover elements of the workplace harassment and violence prevention policy, the relationship between workplace harassment and violence, and the prohibited grounds of discrimination under the [Canadian Human Rights Act](#). They also address how to recognize, minimize, and prevent workplace harassment and violence.

All new employees (full-time, part-time, and contract) will receive training within three (3) months after the day on which their employment begins. Further, all employees will receive this training again at least once every three (3) years.

The following groups will receive training on their obligations in relation to harassment and violence at least once every three (3) years, and within three (3) months of their start date for new members:

- CKXU Board of Directors
- HR-2 Committee

Outline of the resolution process

Below is a summary of the resolution process. It includes how a principal party or witness can submit a notice of an occurrence.

Notice of an occurrence

CKXU believes all individuals who come forward with a notice of an occurrence and does not tolerate abusive or discriminatory behaviour. Notices may be submitted verbally or in written form. If you witness or experience harassment and/or violence related to CKXU or its spaces, events, or opportunities, please contact one of the following individuals as soon as you feel comfortable to do so:

- CKXU HR-2 Committee, complaints@ckxu.com
- Board President, president@ckxu.com
- Executive Director, manager@ckxu.com
- Programming-Related, program@ckxu.com
- Physical notice via Station Dropbox
 - Located on the Executive Director's door in the University of Lethbridge's Students Union Building, Level 1 - Room SU-162

The responding parties will receive a letter of warning and disciplinary action at the discretion of the HR-2 Committee within forty-eight (48) hours of receiving the notice. This includes barring access from Society spaces, privileges, and events while the investigation is underway. CKXU is located within the University of Lethbridge campus and does not have control of other publicly accessible spaces on campus or in the greater community. Within context, if interaction occurs between the primary and the responding parties, this information will be taken into consideration throughout the investigation process

The confidentiality of all involved parties will be respected throughout the investigation process. The HR-2 Committee will respect any request for anonymity. Any notice of an occurrence that is submitted anonymously will be investigated by the HR-2 Committee based on the information provided, and steps will be taken to address any recommendations that are a result of the investigation. The HR-2 Committee will not respond or update the anonymous parties who submitted the notice unless contact information is provided.

Information disclosed in a notice of an occurrence will be shared with the HR-2 Committee. Further disclosure of information to staff and board members may be shared at the discretion of the HR-2 Committee to facilitate inter-departmental navigation of the occurrence. If an occurrence is submitted anonymously, any self-identifying factors of the occurrence will not be shared outside of the HR-2 Committee unless deemed necessary in the HR-2 Committee report recommendations.

Negotiated resolution

Negotiated resolution is a form of informal resolution where the principal party meets with the HR-2 Committee to:

- Discuss the occurrence;
- Clarify what was submitted in the notice of occurrence, and;
- Discuss steps involved to reach resolution from the perspective of the principal party.

During the negotiated resolution, the HR-2 Committee will ask the principal party to meet for an initial discussion regarding the occurrence. During this discussion, the HR-2 Committee and the principal party will review the notice of occurrence that they received against the definition of harassment and violence in the *Code* and CKXU's [*Code of Conduct*](#). Together, they will try to determine whether the occurrence meets the definition. If both the HR-2 Committee and the principal party agree that the occurrence does not meet the definition, then they will deem the occurrence as resolved. If the HR-2 Committee and the principal party do not agree as to whether the occurrence meets the definition, and the principal party wishes to continue with the resolution process, then the principal party has the option of either:

- Continuing with negotiated resolution, or;
- Pursuing conciliation and/or an investigation.

If the principal party wishes to continue with the negotiated resolution, they must inform the HR-2 Committee of this decision. The responding party does not have to be informed of the principal party's notice of occurrence or be involved at this stage of the resolution process. This is only if the principal party does not wish for them to be notified or

involved. The HR-2 Committee can arrange for any of the following meetings, dependent on the wants of the principal party:

- Meetings between the principal party and the HR-2 Committee with concurrent but separate meetings between the responding party and the HR-2 Committee;
- Meetings with only the principal party and the HR-2 Committee;
- Meetings with the principal party, the responding party, and the HR-2 Committee.

Conciliation

A principal party and responding party may engage in conciliation at any time during the resolution process. However, conciliation can only proceed if both the principal party and the responding party agree to engage in conciliation. They must also agree on the person who will facilitate the conciliation.

The principal party and responding party are required to inform the HR-2 Committee of their desire to participate in conciliation. The HR-2 Committee will then facilitate discussion around the selection of a conciliator who is agreeable to both parties. The HR-2 Committee will also schedule time for both parties to meet with the conciliator.

Investigation

The principal party may request an investigation at any time during the resolution process. If the principal party wishes to proceed with an investigation, they must inform the HR-2 Committee, who will then:

- Provide notice of an investigation to the principal and responding party, and;
- Select 2-3 representatives from the HR-2 Committee to proceed with the investigation.

The HR-2 Committee representatives will investigate the occurrence and provide CKXU with a report outlining:

- A general description of the occurrence;
- The investigation's conclusions;
- Their recommendations to eliminate or minimize the risk of a similar occurrence in the future; and,

- Their recommendations pertaining to the support and actions identified by the principal party to comfortably and safely move forward from the occurrence.

CKXU will then provide a copy of this report to the principal party, the responding party, and the HR-2 Committee.

The report will not reveal, directly or indirectly, the identity of the persons who were involved in the occurrence or the resolution process for the occurrence.

The HR-2 Committee and the Executive Director will then meet to determine which of the recommendations in the report are to be implemented. If the recommendations pertain to eliminating or minimizing the risk of a similar occurrence, CKXU will implement those recommendations within one (1) year of receiving the notice of occurrence. If the recommendations pertain to support and actions identified by the principal party, CKXU will implement those recommendations as soon as operations allow, and no later than three (3) months after receiving the notice of occurrence.

CKXU and the HR-2 Committee may take into consideration the following when applying disciplinary measures:

- Findings and recommendations in the HR-2 Committee representatives final report;
- Actions and supports identified by the principal party to comfortably and safely move forward from the investigation;
- Findings from a separate administrative investigation that the HR-2 Committee will conduct in some circumstances.

CKXU cannot use the findings in a final report for any of the following purposes:

- Replenishment of sick leave;
- Granting of any additional paid or unpaid leave;
- Monetary remuneration for damages.

However, the section [Recourse avenues](#) in this policy describes other recourse methods an employee can pursue.

Representation

At any time during the resolution process, an employee may be accompanied or represented by a:

- Friend;
- Partner;
- Colleague; or,
- Person of their choosing.

Appeals

All appeals are covered under the Society's Appeal Policy.

Protection against reprisal

Parties involved in an occurrence are forbidden from seeking retaliation. Any individual who in good faith reports a concern will not be subjected to retaliation or, in the case of an employee, adverse employment circumstances. Moreover, an employee or volunteer who retaliates against someone who has reported a claim in good faith will be subject to discipline up to and including termination from the volunteer or employment position at the discretion of the HR-2 Committee.

Workplace Assessment

The HR-2 Committee will conduct a joint review. If necessary, they will update the workplace assessment if an employee submits a notice of an occurrence and the resolution process cannot proceed for any of the following reasons:

- The principal party chooses to end the resolution process at any point during the resolution process but the occurrence is not resolved;
- The responding party is not an employer or the employer (e.g. the responding party is a member of the public, a volunteer, or an (ex) partner or family member).

The purpose of the review and update of the workplace assessment is to

- Determine what happened, taking into account the circumstances of the occurrence;
- Determine whether all risk factors have been appropriately identified;
- Develop new preventive measures, if needed, to mitigate the risk of a similar occurrence.

Emergency Procedures

If a harassment and/or violence occurrence poses an immediate danger to the health and safety of an individual or group, or if there is a threat of such occurrence, please contact one of the following emergency services:

- [University of Lethbridge Security](#)
- [Lethbridge Police Services / 911](#)
- [University of Lethbridge Sexual Violence Prevention Coordinator](#)
- [Chinook Sexual Assault Centre](#)
- [YWCA Lethbridge](#)

In the event of an emergency situation such as an active shooter or bomb threat, CKXU adheres to the emergency procedures outlined throughout [University of Lethbridge policy](#).

Privacy Protection

CKXU is committed to the protection of the privacy of the parties involved in an occurrence. Only trained individuals on the HR-2 Committee will engage in the resolution process with the principal party and responding party. Further, CKXU will not permit the final report that is produced and distributed to include the identity of any parties involved in an occurrence or the resolution process for an occurrence. This includes the principal party, responding party, witnesses, and any other individuals interviewed by the HR-2 Committee representatives as a part of the investigation process.

Recourse Avenues

Employees can pursue multiple recourse avenues for their occurrence. This includes:

- Pursuing recourse under the [Canadian Human Rights Act](#) with the [Canadian Human Rights Commission](#); or,
- Pursuing recourse under the [Criminal Code](#)

Support measures

Employees can access a list of support services available on the [University of Lethbridge campus](#) and in the [Lethbridge community](#). Supports and resources related to family violence are available at [Ending Violence Canada - Support Services](#)

Notices submitted in bad faith

Notices of harassment and violence that are identified throughout the resolution process as having been made in bad faith may be subject to disciplinary action as determined by the HR-2 Committee.

Complaints related to employer non-compliance with the Code or Regulations

In accordance with section 127.1 of the *Code* or *Regulations*, if you, as an employee, believe that there has been a contravention of the *Code* as it relates to an occurrence of harassment and violence, you may make either an oral or a written complaint to the Executive Director at 403-329-5189 ext. 4 or manager@ckxu.com.

Definitions

The following definitions apply to this policy:

- **Occurrence** means an occurrence of harassment and/or violence in the workplace
- **Principal party** means an employee or employer who is the object of an occurrence
- **Responding party** means the person who is alleged to have been responsible for the occurrence in a notice of an occurrence provided to the HR-2 Committee
- **Witness** means a person who witnessed an occurrence of harassment and violence or is informed of an occurrence by the principal party or responding party

- **Workplace** means any place where an employee is engaged in work for the employee's employer as per 122(1) of the *Code*

Relate Readings and References

[*Progressive Disciplinary Policy*](#)

[*Complaints Policy*](#)

[*Appeal Policy*](#)

[*CKXU Code of Conduct Agreement*](#)