

# RESPECTFUL WORKPLACE POLICY

A policy to prevent and address harassment  
and violence in the workplace



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# TABLE OF CONTENTS

- 1 LPC COMMITMENTS ..... 3
- 2 EFFECTIVE DATE ..... 3
- 3 TO WHOM DOES THIS POLICY APPLY? ..... 3
- 4 WHERE AND WHEN DOES THIS POLICY APPLY? ..... 4
- 5 DEFINITION OF TERMS ..... 5
  - 5.1 Abuse of Authority ..... 5
  - 5.2 Harassment ..... 6
  - 5.3 Personal Harassment ..... 6
  - 5.4 Sexual Harassment ..... 6
  - 5.5 How Harassment is Determined ..... 7
  - 5.6 Workplace Violence ..... 7
- 6 RECOMMENDED RECORD KEEPING ..... 8
- 7 ROLES AND RESPONSIBILITIES ..... 8
- 8 WHAT TO DO IF HARASSMENT OCCURS IN THE WORKPLACE ..... 9
- 9 PROCEDURES FOR COMPLAINTS ..... 10
  - 9.1 Options for Resolving Harassment Complaints ..... 10
  - 9.2 Informal Resolution Options ..... 10
  - 9.3 Filing a Formal Complaint ..... 12
- 10 RESOURCES FOR COMPLAINANTS ..... 15
- 11 CONFIDENTIALITY ..... 15
- 12 REPRISAL ..... 16
- 13 FRIVOLOUS OR BAD FAITH COMPLAINTS ..... 16
- 14 CONDUCT THAT DOES NOT CONSTITUTE HARASSMENT ..... 17
  - 14.1 Reservation of Management Rights ..... 17
- APPENDIX A ..... 18
  - Examples of Workplace Violence ..... 18
  - Examples of Workplace Harassment ..... 18
  - Examples of Workplace Conduct that Is Not Harassment ..... 19



# 1 LPC COMMITMENTS

The Liberal Party of Canada (“LPC”) is committed to promoting equity and diversity and to supporting the dignity of all persons in the workplace. We strive to provide and maintain a work environment characterized by collegiality and mutual respect. Harassment and/or violence in the workplace will not be tolerated.

The LPC will take all reasonable precautions to prevent harassing or violent incidents in the workplace. Any concerns or complaints about such incidents will be taken seriously and handled in a confidential, impartial and fair manner, in accordance with the procedures set out in this Policy.

This Policy is adopted to advance the LPC’s commitments, set out above, and in compliance with the LPC’s obligations under employment laws, including human rights and occupational health and safety statutes. This Policy shall, therefore, be interpreted and applied in accordance with applicable legislation and jurisprudence.<sup>1</sup>

# 2 EFFECTIVE DATE

This Policy took effect December 4, 2016. It is reviewed at least annually, and was most recently updated on October 31, 2018.

# 3 TO WHOM DOES THIS POLICY APPLY?

This Policy applies to all individuals (whether employees or volunteers) who occupy the following positions:

- management and staff in the LPC’s National Office;
- management and staff in the LPC’s Provincial and Territorial Offices;
- members and Officers of the LPC National Board of Directors;
- LPC Nomination Contestants;
- LPC Candidates (except those who are currently sitting Members of Parliament);<sup>2</sup>
- LPC National Campaign Director;
- LPC Provincial and Territorial Campaign Co-Chairs;
- LPC campaign managers and staff; and

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<sup>1</sup> This will be the legislation of the province/territory where an individual works or volunteers, or where a candidate, not currently sitting as a Member of Parliament (MP), runs for office.

<sup>2</sup> Sitting LPC MPs are covered by the *House of Commons Policy on Preventing and Addressing Harassment*. However, when a writ of election is issued, Parliament is dissolved and MPs cease to be sitting Members of the House of Commons unless and until such time as they are re-elected. During the election period, LPC Candidates who were formerly sitting MPs are covered by this Policy.

- all other LPC volunteers (regardless of where they are volunteering), including but not limited to members of the Board of Directors of LPC Electoral District Associations.

LPC staff are covered by this Policy regardless of whether they are permanent, probationary or temporary/contract employees.

Any individual occupying one of the positions listed above may use the procedures set out in this Policy if they believe that they have been the victim of workplace harassment or violence by any other person occupying one of the positions listed above.

While this Policy only applies to persons who occupy the positions listed above, the LPC's commitment to providing a safe and respectful workplace includes a commitment to take reasonable action in response to all incidents of workplace harassment or violence, regardless of the identity of the perpetrator. Individuals covered by this Policy may feel that they have been harassed or subjected to violence in the workplace by persons who are not covered by this Policy including contractors, employees of House Officers, sitting Members of Parliament, or staff employed by other political parties. These individuals are encouraged to report such incidents as outlined in section 9 of the Policy. The LPC will take whatever action is practical in the circumstances to ensure that such concerns are appropriately addressed.

Individuals covered by this Policy may be the subject of a workplace harassment or violence complaint from a person who is not covered by this Policy, such as an employee of a Member of Parliament, of a different political Party, or of the Liberal Research Bureau. Such complaints may, at the discretion of the LPC National Director, be handled in accordance with the procedures set out in this Policy, with any necessary amendments or modifications.

## 4 WHERE AND WHEN DOES THIS POLICY APPLY?

This Policy applies to incidents that occur at LPC workplace locations, regardless of whether or not the incidents occur during regular working hours.

LPC workplace locations include:

- LPC National Office;
- LPC Provincial and Territorial Offices;
- LPC campaign offices;
- any other location where individuals covered by this Policy perform work-related duties or carry out responsibilities on behalf of the LPC, including work-related travel;
- locations of work-related assignments and activities, such as the locations of any meetings, events, debates, all-candidate meetings, training sessions, assigned canvasses or other campaign related duties, conferences, conventions and other gatherings, social or otherwise, which can be reasonably considered to be job-related;

- social media and internet sites, where posts have a nexus to the workplace or may be reasonably be anticipated to have an impact on the work environment; and
- electronic communications, phone calls, voicemails, or other forms of communications, where such communications may reasonably be anticipated to have an impact on the work environment.

## 5 DEFINITION OF TERMS

Throughout this Policy, the word “complainant” is used to refer to a person who raises concerns or makes a formal complaint about workplace harassment or violence. The word “respondent” is used to refer to an individual who is accused of engaging in harassing or violent behaviour.

“Prohibited grounds of discrimination” are set out in applicable human rights legislation and, for the purposes of this Policy, include age, ancestry, citizenship, colour, disability, ethnic origin, family status, gender expression, gender identity, marital status, place of origin, race, religion/creed (including atheism), sex (including pregnancy) and sexual orientation.

Additional definitions to be used in the interpretation of this Policy are set out below. Specific examples of unacceptable conduct that would fall within these definitions are set out in Appendix A to this Policy.

### 5.1 Abuse of Authority

“Abuse of authority” is the improper use of the status or authority inherent in a person’s position, or the exploitation of a hierarchical power imbalance in the workplace, to degrade, intimidate, manipulate, coerce, compromise or threaten an individual (regardless of whether or not the complainant and respondent are in a direct reporting or supervisory employment relationship).

## 5.2 Harassment

“Harassment” is a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

A series of incidents or pattern of behaviour is usually required, but a single incident may constitute harassment if it is sufficiently egregious.

Harassment may include offensive (verbal or written) remarks, gestures, display of images, or other objectionable conduct that demeans, belittles, insults, derides or humiliates an individual or group of individuals, or that perpetuates or reinforces pejorative stereotypes based on one or more prohibited grounds of discrimination.

Comments or conduct need not be directed at a particular person in order to constitute harassment. For example, remarks and/or actions that tend to disparage or ridicule an identifiable group (such as LGBTQ2 persons, Indigenous peoples, or the adherents of a particular religious faith) can cause insult, apprehension, and/or marginalization, resulting in a poisoned work environment for any person who self-identifies with the affected group, regardless of whether or not that person was specifically or deliberately targeted by the offensive remarks or actions.

This Policy prohibits all forms of workplace harassment, including harassment based on prohibited grounds of discrimination, sexual harassment, abuse of authority and personal harassment.

## 5.3 Personal Harassment

“Personal harassment” consists of abusive, bullying and/or cruel behaviour that has the effect of tormenting, persecuting, ostracizing, humiliating or intimidating an individual, or undermining or destroying the character or confidence of an individual. Personal harassment need not be based on any prohibited ground of discrimination.

## 5.4 Sexual Harassment

“Sexual harassment” in the workplace is: i) engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or expression, where the course of comment or conduct is known or ought reasonably to be known as unwelcome; or ii) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the employee or volunteer and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual harassment can take many forms. The quid pro quo variety occurs when employment benefits or expectations (e.g. hiring, promotions, wages, work assignments, performance standards, and references) are contingent upon an employee's submission to sexual advances or there is an implied or explicit threat of adverse employment consequences if sexual demands are refused. However, sexual harassment also encompasses situations in which employees (or volunteers) are forced to endure unwelcome leering, flirtation, intimate touching or groping, romantic propositions, intrusive sexual questions, comments about their bodies or appearance, or other comments of a sexual nature where there are no tangible rewards (or promise of rewards) attached to involvement in such behaviour.

## 5.5 How Harassment is Determined

A finding of harassment may be made in the absence of any evidence that the complainant expressed an objection to the comments or conduct when the incident(s) occurred.

The determination of whether specific conduct or comments constitute harassment can be challenging because people's perceptions and perspectives differ. Behaviour that seems innocuous, trivial or humorous to some will hurt and offend others. Individuals covered by this Policy should therefore always strive to be sensitive to and respectful of the sensibilities of others. Neither the subjective reaction of the complainant nor the intent of the respondent will determine whether or not a situation involves harassment. Comments or conduct may be inadvertently offensive or harmful yet still constitute harassment because they display an unreasonable disregard for the feelings of others.

In applying this Policy, all behaviour will be assessed based on the legal objective standard, namely whether a reasonable person in the complainant's position, apprised of all the relevant circumstances, would conclude that the conduct or comments of the respondent were objectionable.

Any reasonable actions taken by the LPC or by its managers or supervisors, relating to the management and direction of employees and volunteers, or of the workplace, do not constitute workplace harassment.

## 5.6 Workplace Violence

"Workplace violence" is the exercise of physical force, or an attempt to exercise physical force, by a person against another individual in the workplace that causes or could cause physical injury.

Any statement or behaviour that it is reasonable for a person to interpret as a threat to exercise physical force that could cause physical injury shall be treated as an incident of workplace violence under this Policy.

## 6 RECOMMENDED RECORD KEEPING

It is always advisable for a complainant to create and maintain a written record of any incident(s) of alleged inappropriate behaviour. If you have experienced or witnessed workplace harassment or violence—even if you have not yet made a decision about whether to pursue any resolution procedures under this Policy or any other avenue of recourse—you should make notes, as soon as possible after the incident, including the date, time, location, details of what was said and what occurred, who was present, your response and reaction to the incident, and any other pertinent information. You should also take reasonable steps to preserve all relevant evidence (e.g. save and print emails or text messages; take screen shots of posts on social media or internet sites; photograph evidence that cannot be preserved, such as scratches, bruises or other injuries or damage to property).

If you are accused of inappropriate workplace conduct, it is similarly advisable to create and maintain a record of relevant incidents and communications. Make detailed notes of your version of the events as soon as you become aware of the allegations against you and take reasonable steps to preserve all relevant evidence.

## 7 ROLES AND RESPONSIBILITIES

Creating an inclusive, equitable and safe work place is a shared responsibility. Education is a proactive way to prevent harassment. The LPC encourages staff and volunteers to participate in education and training offered.

Bystander Intervention can be another effective way to prevent a potentially harmful interaction. It involves interrupting harmful situations in a way that could positively influence the outcome.

Some ways you can intervene, while being mindful of your own safety can include:

- speaking up in a meeting when a colleague makes an inappropriate comment;
- calling someone out for telling an inappropriate joke;
- offering support to someone who has experienced a potentially unwelcome interaction by asking them if they are okay or if they want to talk.

No person should remain in a conversation or situation in which violence is occurring or which they reasonably believe might become violent.

If you are involved in a violent or potentially violent situation in the workplace, you should immediately remove yourself from the situation to a place of safety, or call for assistance, if necessary, in order to extricate yourself.

Once you are removed from any immediate threat to your safety, you should summon assistance, if the circumstances warrant it, by calling building security, the police, or (in an emergency) 911. If appropriate and warranted by the circumstances, an ambulance should also be summoned to attend to the medical needs of anyone who has been injured.

All incidents of workplace violence should be reported to the LPC as outlined in section 9 of the Policy.

The LPC will take such measures as are practical and appropriate in the circumstances to address the situation and prevent a recurrence of violence.

The National Director may commence or continue a management-initiated investigation when no complaint has been made but where concerns have been brought to their attention, if there is a serious risk to workplace safety.

## **8 WHAT TO DO IF HARASSMENT OCCURS IN THE WORKPLACE**

If you feel that you have been subjected or exposed to workplace harassment, you are encouraged to promptly bring the matter to the attention of the individual responsible for the objectionable comment or conduct and ask that person to cease their offensive behaviour.

Speaking directly to someone about their inappropriate behaviour can be difficult to do, but it is frequently the best means of addressing the problem. People sometimes engage in hurtful or offensive behaviour out of ignorance and without malice or any intention to cause harm, discomfort or insult. When the negative effect of their behaviour is brought to their attention, they may feel genuinely remorseful and display willingness to modify their behaviour. Prompt and direct action initiated by an affected individual is therefore often very effective in stopping disrespectful behaviour and reducing the risk that objectionable comments or conduct will be repeated and/or will escalate to a more serious level.

However, if you are feeling harassed, you are not obligated to attempt to resolve the situation directly with the person whose conduct you find objectionable. If you do not feel comfortable taking direct action to deal with the situation, or if you have attempted direct action and a satisfactory resolution has not been achieved, you may pursue the complaint procedures set out below.

## 9 PROCEDURES FOR COMPLAINTS

The procedures set out in this Policy are intended to provide complainants with an effective, timely and accessible mechanism for having their concerns addressed within the LPC. It is not intended to deprive individuals of their right to pursue any other avenue of recourse available to them.

Where an issue is raised or a complaint is made concerning the National Director, then any term of the Policy referring to the National Director should instead be read as referring to the President of the National Board of Directors.

Nothing in this Policy precludes complainants from exercising their rights before a court or tribunal or from pursuing remedies through other mechanisms that may be available to them, including the complaint procedures under the House of Commons Policy on Preventing and Addressing Harassment.

The LPC reserves the right to suspend any procedures under this Policy if the complainant chooses to pursue another avenue of recourse.

### 9.1 Options for Resolving Harassment Complaints

In resolving harassment complaints, the LPC offers a number of options, both informal and formal, to persons covered by this Policy in order to assist them in resolving harassment allegations.

While it is the objective of this policy to resolve discrimination and harassment complaints in a manner that is non-adversarial and rehabilitative, in certain circumstances disciplinary action, up to and including termination, may be warranted.

In the case of volunteers, appropriate actions may be taken, including but not limited to the exclusion of the volunteers from LPC premises and campaign offices, and in the case of volunteers who are Registered Liberals, the imposition of discipline, which includes but is not limited to suspension or expulsion from any role under the auspices of the LPC.

### 9.2 Informal Resolution Options

Informal resolution processes are encouraged where reasonable.

Concerns about harassment in the workplace may be reported to any of the following Officers ("Officers" are herein taken to refer to designated Officers under the Policy):

- the National Director;
- the Human Resources Manager in the National Office; or
- the Director of a Provincial or Territorial Board.

These Officers shall notify the National Director or other appropriate LPC official of the concerns, and can assist the complainant in identifying and exploring appropriate options for the resolution of harassment concerns.

If a person who is not an Officer but is nonetheless in a leadership role (volunteer or otherwise) (e.g. campaign managers, EDA Chairs, etc.) becomes aware of or receives a report of a complaint of a serious nature (e.g. an incidence of workplace violence, such as stalking or assault, or possible criminal conduct), that person should report the issue to an Officer.

A variety of non-adversarial resolution techniques may be implemented, such as shuttle diplomacy discussions facilitated by the Officer (or by another neutral third-party conciliator) or a face-to-face meeting of the complainant and respondent with a third party mediator. The objective of these informal dispute resolution techniques is to promptly and confidentially resolve the concerns raised and restore a respectful and healthy work environment.

After discussing the matter with an Officer, the complainant may request that the Officer pursue an informal resolution. However, if the Officer concludes that informal resolution techniques are not appropriate in the circumstances, the Officer may decline the complainant's request and encourage the complainant to file a formal complaint instead. In either case, the Officer will provide the National Director with a confidential record of the concerns raised and of the advice provided to the complainant.

An Officer may also refuse to pursue informal resolution techniques if, in the opinion of the Officer, the concerns raised by the complainant do not amount to a violation of this Policy. In those circumstances, the Officer will so advise the complainant and will provide the National Director with a confidential record of the concerns raised and of any advice provided to the complainant.

When an informal resolution technique is pursued, outcomes may include an apology by the respondent and/or undertaking to cease certain behaviour; clarification of the parties' respective roles, responsibilities and expectations; agreement on respectful communication protocols; restructuring of a reporting relationship (e.g. to place an intermediary between the complainant and respondent); re-assignment of duties, relocation of a workstation, or other measures to minimize the complainant's contact with the respondent; or any other creative, feasible and mutually agreeable solutions.

In every case where an Officer addresses a matter using informal resolution techniques, the Officer will keep the complainant and the respondent apprised of any proposed resolution initiatives and of the anticipated time frame for completing the informal resolution process. The Officer will complete the informal procedure as quickly and as confidentially as practicable.

A confidential written record of any informal resolution will be created by the Officer and submitted confidentially to the National Director, with a summary of the concerns that gave rise to the resolution procedure. The Officer will follow up with the complainant to ensure that the agreed-upon resolution has been implemented and that no further problems have arisen.



An Officer who is approached by a complainant may, at any time, confidentially consult the National Director for guidance on how best to handle a situation, and may also confidentially consult others within LPC management, if necessary to implement an agreed-upon informal resolution.

If, after discussing the matter with an Officer, the complainant decides that they do not want to pursue the matter further, the Officer will take the complainant's wishes into consideration, but will also consider other relevant factors, including the seriousness of the allegations involved. If the matter is not pursued further, the Officer will so advise the National Director, and provide to the National Director a confidential written record of the concerns that were raised and of any advice provided to the complainant.

In serious cases (such as when an Officer is aware that previous harassment complaints involving the same respondent have been made, or where allegations of egregious misconduct are made), the Officer will discuss the matter confidentially with the National Director, who may decide to initiate an investigation into the allegations, even if the complainant prefers an informal resolution process, or does not wish to pursue the matter further. The National Director will give due consideration to the complainant's wishes, but will ultimately take whatever measures he or she deems necessary to ensure a harassment-free and violence-free work environment. The National Director may be obligated to proceed with an investigation where it appears that applicable laws (e.g. human rights statutes or occupational health and safety legislation) have been violated. If the complainant's allegations include possible criminal conduct (e.g. stalking or assault), the National Director may contact the police. If the National Director decides to initiate an investigation or to contact the police, the complainant will be notified forthwith.

### 9.3 Filing a Formal Complaint

Individuals who feel their rights have been violated have the right to file a formal complaint.

Formal complaints about workplace harassment or violence should be submitted to the National Director.

A formal complaint must be in writing, unless the complainant has a disability that necessitates using an alternative accessible format. The complaint must be signed by the complainant and must include the names of the complainant and respondent, the dates and locations of alleged incidents, details of the harassment or violence allegations, and the names of any witnesses. A formal complaint may be written in English or French.

A formal complaint may be filed regardless of whether or not the complainant has previously engaged in any direct action to address the situation, and regardless of whether or not informal resolution techniques have been attempted.

A formal complaint should be initiated in a timely manner. It must be submitted within twelve (12) months of the last incident of alleged inappropriate conduct, unless there are extenuating circumstances to justify the delay. The passage of time will not always preclude the consideration of a complaint, but the circumstances may be such that it materially impairs the ability to proceed with an investigation.

When a formal complaint is submitted, the National Director must ensure that a review is conducted that is appropriate in the circumstances. The National Director will first review the allegations and the circumstances and determine whether proceeding with a formal investigation is warranted. If the National Director concludes that the allegations set out in the complaint do not constitute a prima facie breach of the terms of this Policy, no further investigation will be conducted and the complainant will be so advised. If the incidents raised in the formal complaint allegedly occurred more than twelve (12) months prior to the filing of the complaint, the National Director may conclude that an investigation is not feasible or is not warranted due to the delay, and the complainant will be so advised. The National Director will keep a confidential record of the complaint and of the advice provided to the complainant.

If the complainant's allegations include possible criminal conduct (e.g. stalking or assault), the National Director may contact the police, and the complainant will be so advised.

If the National Director decides that a formal investigation should be conducted into the complainant's allegations, he or she will appoint an impartial investigator to undertake a fact-finding process. The National Director may appoint an individual within the LPC or a qualified external investigator. All individuals covered by this policy are expected to cooperate with any investigation (as complainants, respondents, or witnesses) and to maintain confidentiality with respect to their involvement in the investigation.

The LPC may take appropriate temporary measures to ensure the integrity of the investigation, as well as the safety and security of persons within the workplace. To that end, the respondent may be placed on home assignment or administrative suspension from work during the investigation, or other interim steps may be taken to physically separate the complainant and respondent and/or to minimize their workplace interactions.

Every investigation will follow accepted principles of administrative fairness, including:

- impartiality of the process;
- notice to the parties of the investigator's mandate;
- the right of the respondent to be provided with the particulars of the allegations against him or her;
- the right of the respondent to have an opportunity to make full answer and defense to any allegations;
- the right of both parties to know and have an opportunity to rebut the relevant adverse evidence provided by the other party;
- the right of both parties to identify witnesses and have relevant witnesses be interviewed;

- the right of both parties to know and rebut the relevant adverse evidence of witnesses;
- the right of both parties to identify and/or supply relevant documentary or other evidence for consideration;
- the right of both parties to be accompanied by a support person of their choice when meeting with the investigator (provided that the support person is not a relevant witness in the investigation);
- the right of both parties to communicate with the investigator in either French or English, in accordance with their language preference; and
- the right of both parties to be advised of the investigator's findings of fact in respect of each allegation in the complaint.

The investigation will be completed as quickly as practicable, having regard to the circumstances, including the nature and scope of the allegations.

The investigator will deliver a confidential written report to the National Director, containing the findings of fact in respect of each allegation in the complaint. The investigator's report may also include conclusions about whether or not this Policy has been violated and recommendations with respect to corrective and/or remedial measures to be taken.

Once the National Director receives the investigation report, he or she will promptly determine whether this Policy has been violated and what, if any, remedial, corrective and/or disciplinary actions will be taken as a result of the investigation findings.

Both the complainant and the respondent will be informed in writing of the results of the investigation and of any corrective action that has been or will be taken as a result of the investigation. If the Policy has been breached, the complainant will also be promptly advised of any remedial measures offered by the LPC.

If there is a finding that violence occurred in the workplace, the National Director will assess the risk of recurrence and determine whether additional safety and security measures should be adopted in order to prevent future incidents of violence. The National Director may consult with Human Resources and/or the National Board in conducting this assessment.

The National Director shall ensure that a confidential written record is maintained with respect to the investigation, the decision rendered after the investigation, and any steps taken to address complaints that are held to be well-founded.

Where a formal complaint has been substantiated, possible outcomes may include non-disciplinary measures such as additional training or an apology or mediation, or corrective or disciplinary measures such as a warning, reprimand, suspension or termination.

The National Director may, at any time, consult confidentially with others within LPC management in exercising his or her responsibilities under this Policy.

In the event that other commitments prevent the National Director from expeditiously fulfilling any or all of the responsibilities conferred upon him or her under this Policy, or when he or she concludes that it is otherwise appropriate, the National Director may designate another person within the LPC to act on his or her behalf.

In circumstances where allegations of harassment or violence are made against the National Director, the President of the National Board shall immediately be notified and will determine, in consultation with the National Board, how the complaint will be addressed.

## 10 RESOURCES FOR COMPLAINANTS

The LPC recognizes that it can be emotionally difficult for a complainant to bring forward a concern of discrimination, harassment or violence.

While the Officers identified are responsible for ensuring appropriate action is taken in the circumstances of a complaint, nothing in this Policy precludes a complainant from independently seeking the advice or assistance of a third party to help them through the complaint resolution process.

The Officers identified in this Policy will, on request, endeavour to provide a complainant with a non-exhaustive list of potential third party resources, which the complainant may wish to consult.

## 11 CONFIDENTIALITY

The LPC is committed to protecting and respecting the privacy of complainants, respondents, and witnesses involved in workplace complaints and investigations. To the extent practicable under the circumstances, all processes under this Policy shall remain confidential. It may be necessary to disclose some information, including identifying information, to the parties, to witnesses, or to other individuals within the LPC in order for a proper and fair investigation to be conducted, or for an appropriate resolution to be implemented. Such disclosure will, however, only be to the extent necessary for purposes of investigating or taking corrective action with respect to the incident or complaint, or as required by law.

Every individual involved in any informal or formal process under this Policy is expected to observe confidentiality and to refrain from discussing any details of any harassment or violence allegations, complaint, informal resolution process, investigation process or outcome.

The identities of witnesses who are asked to participate in an investigation of a formal complaint will remain anonymous, insofar as practicable. (Limited disclosure of witnesses' identities may be required in order to ensure a fair and thorough investigation.) Witnesses should not discuss the fact that they have been interviewed as a witness in an investigation or disclose to anyone (other than a legal advisor) the content of their statements to the investigator.

All records of harassment and violence complaints, including notes of interviews, witness statements, investigation reports, results of informal mediation meetings, and other relevant material, will be kept confidential, except to the extent that the release of such material is necessary for the implementation of any remedial, corrective, or disciplinary action, or as required by law.

Breaches of confidentiality under this Policy are viewed by the LPC as serious misconduct for which appropriate corrective and/or disciplinary actions may be imposed.

## **12 REPRISAL**

Employees (or volunteers) who make complaints in good faith under this Policy shall not have their employment (or volunteer opportunities) negatively affected in any manner.

The LPC prohibits reprisal or threat of reprisal against anyone for making use of this Policy in good faith, or for participating in good faith as a witness in an investigation of a complaint under this Policy. Retaliation (or the threat of retaliation) of any kind against such individuals is viewed by the LPC as serious misconduct, for which appropriate corrective and/or disciplinary actions may be imposed.

## **13 FRIVOLOUS OR BAD FAITH COMPLAINTS**

The pursuit of frivolous complaints or of complaints made in bad faith has a detrimental effect on the workplace and undermines the spirit and intent of this Policy. Abuse of this Policy by making a frivolous or bad faith complaint is viewed by the LPC as serious misconduct, for which appropriate corrective and/or disciplinary actions may be imposed.

A frivolous complaint is one that is completely devoid of any substance or merit whatsoever. The mere fact that a complaint is dismissed as unfounded does not imply that it is frivolous. A finding by an investigator that allegations of harassment are unsubstantiated (on a balance of probabilities) by evidence or a finding by the National Director that a respondent has not breached the terms of this Policy does not mean that the complaint was necessarily frivolous.

Bad faith complaints are groundless complaints that are pursued for malicious motives, such as an intent to aggravate, humiliate, malign or discredit the respondent.

## 14 CONDUCT THAT DOES NOT CONSTITUTE HARASSMENT

The word “harassment” is meant to capture persistent patterns of pernicious behaviour or serious transgressions that result in more than fleeting awkwardness or momentary displeasure. It refers to a departure from reasonable conduct and to behaviour that exceeds the usual limits of acceptable workplace interactions. Harassment has serious negative consequences for the emotional well-being and psychological health of those who are subjected to it. It is a label that should therefore be used judiciously, only when the occasion warrants it. It should not be trivialized or devalued by using it loosely to refer to mere acts of pettiness or thoughtlessness, or isolated lapses in judgment. Any person may, on occasion, act in a manner that is intemperate, callous or insensitive. Every heedless act or comment that injures someone’s feelings does not necessarily constitute harassment.

### 14.1 Reservation of Management Rights

The exercise of managerial discretion may, at times, create stress, discomfort or unpleasantness for employees (and volunteers), or result in workplace conflict, but it does not constitute harassment if it is done in a reasonable and professional manner.

This Policy does not curtail the right of managers to assign legitimate but undesirable tasks, to implement organizational changes, to monitor employee attendance and manage employee absenteeism, to conduct performance reviews, to impose and enforce deadlines, or to engage in other ordinary day-to-day functions of management.

# APPENDIX A

The following are not intended to be exhaustive lists.

## Examples of Workplace Violence

- Verbal threats of physical force, even if made in jest (i.e., regardless of whether the person intends to carry out the threats);
- threatening gestures, such as shaking a fist or making a simulated motion of pointing a gun at someone with an index finger and thumb (even if the gesture merely constitutes bravado);
- physical horseplay;
- acts of physical aggression, such as slamming a door, kicking a chair, or throwing an object at someone (regardless of whether the object strikes or misses the person);
- acts of physical intimidation (e.g. invading someone's personal space by standing over them when they are sitting, confining them or obstructing their movements).

## Examples of Workplace Harassment

- Displaying sexist, racist, anti-Semitic, anti-Islamic, homophobic, or other offensive pictures or materials (relating to prohibited grounds of discrimination) in the workplace, or sending such pictures or materials by email or text;
- mocking a person's disability, accent, or gender expression;
- flagrant staring at a person with a disability or at a transgender person;
- the use of derogatory language to describe persons with disabilities or to refer to a person's race, colour, creed, aboriginal ancestry, ethnic origin, place of origin, sexual orientation or gender identity, even when done in a joking manner;
- intrusive inappropriate questioning about a person's disability, sexual orientation, or gender identity;
- intrusive questions about a person's romantic or sexual life or private activities;
- unwelcome sexual overtures or advances, which may or may not be accompanied by promises or threats, explicit or implicit;
- unwelcome repeated social invitations, with romantic overtones or sexual innuendo;
- flirtatious comments about a person's appearance;
- unwelcome or forced sexual or intimate touching (hugs, kisses, arm stroking, shoulder rubbing, hand holding, buttocks patting, etc.);
- words, gestures and actions that tend to bully, torment, pester, degrade or persecute another person;
- vexatious verbal attacks; name calling; use of abusive or profane language; shouting, yelling, or excessively confrontational behaviour;

- putting someone down with unwarranted criticism or personal insults, especially if done in the presence of others; patronizing, condescending or demeaning behaviour that tends to erode a person’s self-confidence or self-respect;
- speaking disparagingly about someone to others in the workplace; engaging in malicious gossip or spreading rumours about someone;
- consistently disrespectful and rude interactions such as turning your back on someone when they are speaking; interrupting them, “shush-ing” them, or telling them to shut up when they are speaking; using a sarcastic or derisive tone of voice when speaking to them; or minimizing the perspective of the person being harassed. For example, a White male supervisor might not take issue with being referred to as “Chief”. To Indigenous peoples, however, the term may be very insensitive.

## Examples of Workplace Conduct that Is Not Harassment

- The development of a social relationship between co-workers that is welcomed by both individuals, even if it leaves others in the workplace feeling isolated or “left out”;
- friendly gestures among co-workers that involve brief physical contact, such as a pat on the back or “high five”;
- the use of nicknames that are not unwelcome or demeaning;
- isolated instances of abrupt interactions; disagreements that are respectful; professional expressions of difference of opinion;
- occasional expressions of impatience or frustration, moodiness, or irritability;
- inter-personal conflicts that result from incompatible work habits among co-workers or discordant personality traits.