



## HARASSMENT POLICY AND PROCEDURES

### 1. POLICY STATEMENT

The Canadian Dental Assistants' Association (CDAA) is committed to fostering a harassment-free workplace where all employees are treated with respect and dignity.

The *Canadian Human Rights Act* protects employees from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Our Association has adopted a zero-tolerance policy toward all forms of unlawful harassment. This zero-tolerance policy means that no form of unlawful harassing conduct by or towards any employee, member, director, vendor, or other person in our workplace will be tolerated. The CDAA is committed to enforcing its policy at all levels within the Association. Any officer, director, manager, supervisor, or employee, including full and part-time, casual, contract, permanent, temporary employees and volunteers, who engage in prohibited harassment will be subject to discipline, up to and including immediate discharge from employment or removal from leadership for a first offence. This includes any officer, director, manager, supervisor, or employee, including full and part-time, casual, contract, permanent, temporary employees and volunteer who interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm.

### 2. SCOPE OF CONDUCT COVERED BY THIS POLICY

- 2.1 This policy applies to and prohibits all forms of illegal harassment and discrimination, not only sexual harassment. Accordingly, the CDAA ***absolutely prohibits*** harassment or discrimination based on sex, age, disability, perceived disability, marital status, personal appearance, sexual orientation, race, colour, religion, national origin, or any other legally protected characteristic.
- 2.2 This policy applies to all current officers, directors, managers, supervisors, or employees, including full and part-time, casual, contract, permanent, temporary employees and volunteers. This policy applies to all behaviour that is in some way connected to the nature of the work performed by the Association, including during off-site meetings and events, training and business trips.

### 3. DEFINITIONS

#### 3.1 *Harassment* is:

- offending or humiliating someone physically or verbally;
- threatening or intimidating someone; or
- making unwelcome jokes or comments about someone's race, national or ethnic origin, physical appearance, religion, age, sex, sexual orientation, marital status, family status, disability, pardoned conviction, pregnancy, language, citizenship, social status, association or relationship with a person identified by one of the previous grounds;
- participating in malicious gossip;
- intentionally sabotaging someone's work.

#### 3.2 Because confusion often arises concerning the meaning of sexual harassment in particular, it deserves special mention. Sexual harassment may take many forms, including the following:

3.2.A humiliating or offensive and unwelcome sexual invitations, whether or not the individual submits to the invitation, and particularly when a spoken or implied *quid pro quo* for sexual favours is a benefit of continued employment or participation in the Association.

3.2.B humiliating or offensive and unwelcome conduct of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment, including sexually-graphic spoken comments; offensive comments transmitted by e-mail or another messaging system; offensive or suggestive images or graphics whether physically present in the workplace or accessed over the Internet; or the possession of or use of sexually suggestive objects; and

3.2.C offensive and unwelcome physical contact of a sexual nature, including the touching of another's body; the touching or display of one's own body, or any similar contact.

#### 3.3 Exclusions

3.3.A The following are some examples, (not exhaustive) of conduct that may not constitute harassment and are therefore outside the scope of this policy:

- differences of opinion;
- minor disagreements between an employee and another person;
- isolated incidents of rudeness

#### **4. COMPUTER MESSAGING AND INFORMATION SYSTEMS**

- 4.1 All current officers, directors, managers, supervisors, or employees, including full and part-time, casual, contract, permanent, temporary employees and volunteers, are particularly cautioned that the use of electronic mail, voice mail, or other electronic messaging systems, or the Internet, may give rise to liability for harassment.
- 4.2 All current officers, directors, managers, supervisors, or employees, including full and part-time, casual, contract, permanent, temporary employees and volunteers may not generate, should not receive, and must not forward, any message or graphic that might be taken as offensive based on sex, age, disability, perceived disability, marital status, personal appearance, sexual orientation, race, colour, religion, national origin, or any other legally protected characteristic. This includes, for example, the generation or forwarding of offensive “humor” which contains offensive terms.
- 4.3 All current officers, directors, managers, supervisors, or employees, including full and part-time, casual, contract, permanent, temporary employees and volunteers receiving offensive messages over the Association’s computer equipment, or receiving other unlawfully offensive messages or graphics over the Association’s computer equipment, should report those messages to the Executive Director and/or the President of the CDAA.

#### **5. RESPONSIBILITIES AND EXPECTATIONS**

- 5.1 The [Canadian Dental Assistants’ Association \(CDAA\)](#) is responsible for:
- providing all current officers, directors, managers, supervisors, or employees, including full and part-time, casual, contract, permanent, temporary employees and volunteers a harassment-free workplace environment.
  - ensuring all current officers, directors, managers, supervisors, or employees, including full and part-time, casual, contract, permanent, temporary employees and volunteers are aware of this policy and answer any questions they may have.
- 5.2 The [President and/or Board of Directors of the Canadian Dental Assistants’ Association \(CDAA\)](#) is responsible for:
- ensuring that this policy is applied in a timely, consistent and confidential manner;
  - determining whether or not allegations of harassment are substantiated; and
  - determining what corrective action is appropriate where a harassment complaint has been substantiated.

- 5.3 The [Executive Director and/or the President of the Canadian Dental Assistants' Association \(CDAA\)](#) is responsible for:
- the administration of this policy;
  - undertaking a review of this policy annually, or as required, and
  - proposing necessary adjustments to ensure that this policy meets the needs of the CDAA.
- 5.4 The [Executive Director and/or President of the Canadian Dental Assistants' Association \(CDAA\)](#) is responsible for:
- fostering a harassment-free environment and setting an example about appropriate behaviour;
  - communicating the process for investigating and resolving harassment complaints made by officers, directors, managers, supervisors, or employees, including full and part-time, casual, contract, permanent, temporary employees and volunteers.
  - addressing harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made;
  - taking appropriate action during a harassment investigation, including separating the parties to the harassment complaint, when appropriate; and
  - ensuring harassment situations are dealt with in a sensitive and confidential manner.
- 5.5 The [officers, directors, managers, supervisors, or employees, including full and part-time, casual, contract, permanent, temporary employees and volunteers of the Canadian Dental Assistants' Association \(CDAA\)](#) are responsible for:
- treating others with respect in the workplace
  - reporting harassment to the Executive Director and/or the President of the Canadian Dental Assistants' Association (CDAA)
  - cooperating with a harassment investigation and respecting the confidentiality related to the investigation process;
- 5.6 The [officers, directors, managers, supervisors, or employees, including full and part-time, casual, contract, permanent, temporary employees and volunteers of the Canadian Dental Assistants' Association \(CDAA\)](#) can expect:
- to be treated with respect in the workplace;
  - that the reported harassment will be dealt with in a timely, confidential and effective manner;
  - to have their rights to a fair process and to confidentiality respected during a harassment investigation; and
  - to be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

## **6. REPORTING WITHOUT FEAR OF RETALIATION**

- 6.1 No CDAA officers, directors, managers, supervisors, or employees, including full and part-time, casual, contract, permanent, temporary employees and volunteers will be retaliated against for reporting harassment. This no-retaliation policy applies whether a good faith complaint of harassment is well founded or ultimately determined to be unfounded.
- 6.2 No CDAA officers, directors, managers, supervisors, or employees, including full and part-time, casual, contract, permanent, temporary employees and volunteers is authorized, or permitted, to retaliate or to take any adverse employment action whatsoever against anyone for reporting unlawful harassment, or for opposing any other discriminatory practice in the workplace.
- 6.3 In the event that a wrongful accusation is found to have been made with the intent to cause harm to the accused, whether it be to negatively affect their reputation or their career, an accuser may be officially reprimanded and/or dismissed from employment.

## **7. PROCEDURES FOR ADDRESSING A HARASSMENT COMPLAINT**

- 7.1 Any Association officer, director, manager, supervisor, or employee, (including full and part-time, casual, contract, permanent, temporary employees) or volunteer who believes that she/he has been subjected to unlawful harassment of any kind, has the responsibility to report the harassment immediately to either the Executive Director or President of the CDAA. The complaint may be in writing or made verbally, should the complainant be unable to complete a written complaint. If the complaint is made verbally, the Executive Director or President of the CDAA will record the details provided by the officer, director, manager, supervisor, or employee, (including full and part-time, casual, contract, permanent, temporary employees) or volunteer. The complainant should be prepared to provide details such as what happened; when the incident(s) occurred; how often and who was present (if applicable).
- 7.2 The CDAA is committed to taking all reasonable steps to prevent harassment, and will make every reasonable effort to promptly and impartially address and correct any harassment that may occur while making every effort to maintain the confidentiality of the parties involved.
- 7.3 Complaints should be made as soon as possible but no later than within one year of the last incident of perceived harassment, unless there are circumstances that prevented the complainant from doing so.

- 7.4 The Executive Director and/or the President of the CDAA will advise the individual in writing that a harassment complaint has been made against them. This letter will also provide details of the allegations that have been brought forward.
- 7.5 Every effort will be made to resolve harassment complaints within 20 business days. The President and/or Board of Directors of the CDAA will advise both parties in writing of the reasons why, if this is timeline is not possible.
- 7.6 If either party to a harassment complaint believes that the complaint is not being handled in accordance with this policy, she/he should contact the President and/or Board of Directors of the CDAA.

### 7.7 Mediation

- 7.7.A Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation.
- 7.7.B Mediation is voluntary and confidential. It is intended to assist the parties involved to arrive at a mutually acceptable resolution to the harassment complaint.
- 7.7.C The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in the investigation of the complaint, should the complaint require investigative actions.
- 7.7.D Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.
- 7.7.E Should mediation result in a mutually acceptable resolution to the harassment complaint, a report outlining the resolution must be prepared by the mediator, signed and dated by both parties and submitted to the Executive Director and/or President of the CDAA. This resolution will then be securely stored as part of the parties' human resource files.

### 7.8 Investigation

- 7.8.A If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience. In some instances, an external consultant may need to be engaged to assist with the investigation.
- 7.8.B The investigator will interview the complainant, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.
- 7.8.C The investigator will prepare a report that will include:
- a description of the allegations;

- the response of the person the complaint was made against;
  - a summary of information learned from witnesses (if applicable);  
and
  - a decision about whether, on a balance of probabilities, harassment did occur.
- 7.8.D The investigator will submit the report to the President and/or Board of Directors of the Canadian Dental Assistants' Association (CDAA). Both parties to the complaint will also be given a copy of the report.

### 7.9 Substantiated Complaint

- 7.9.A If a harassment complaint is substantiated the President and/or Board of Directors of the Canadian Dental Assistants' Association (CDAA) will decide what action is appropriate.
- 7.9.B Remedies for the individual who was harassed may include: an oral or written apology; compensation for lost wages; compensation for any lost employment benefits such as sick leave; and redress for emotional distress.
- 7.9.C Corrective action for the individual found to have engaged in harassment may include: a reprimand; a suspension; a transfer; a demotion; and/or dismissal.
- 7.9.D Both parties of the complaint will be advised, in writing, of the decision.

### 7.10 Other Redress

- 7.10.A An individual who is not satisfied with the outcome of the harassment complaint process may file a discrimination complaint with the Canadian Human Rights Commission.

## **8. PRIVACY AND CONFIDENTIALITY**

- 8.1 All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.
- 8.2 The CDAA and all individuals involved in the harassment complaint process, will comply with all requirements of applicable privacy legislation to protect personal information.

## **9 REVIEW**

- 9.1 The CDAA will review this policy and procedures on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs

of all officers, directors, managers, supervisors, employees, (including full and part-time, casual, contract, permanent, temporary employees) or volunteers.

## **10 ENQUIRIES**

- 10.1 Inquiries about this policy and related procedures can be directed to [info@cdaa.ca](mailto:info@cdaa.ca).

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