

Finishing Trades Institute of BC
(FTI BC)
HARASSMENT AND SEXUAL HARASSMENT

FTI BC'S COMMITMENT TO A SAFE AND INCLUSIVE WORKING ENVIRONMENT

- (1) The FTI BC believes that the working environment of all staff and students should be at all times supportive of the dignity and self-esteem of individuals. Achieving this desired environment depends upon mutual respect, cooperation and understanding among fellow workers.
- (2) The FTI BC is committed to the maintenance of a work environment that is free from harassment and sexual harassment.
- (3) The FTI BC will communicate this policy to all staff and students and establish procedures for complaint, investigation and discipline and will treat any complaint of harassment or sexual harassment as a serious matter.
- (4) This policy will be distributed to all staff and students.

1. PURPOSE

The purpose of this procedure is to formalize the procedure used by the FTI BC to deal with complaints about harassment and sexual harassment.

2. DEFINITION

(1) Harassment

(a) Workplace harassment may include comment or conduct by a staff member or student towards another which is intimidating, hurtful, or malicious; any person persisting in such behaviour s/he knows is unwelcome may be guilty of harassment.

(b) No staff member or student may be harassed because of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, creed, sex, and age, record of offenses, marital status, family status or handicap.

(2) Sexual Harassment

(a) Sexual harassment can be defined as unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or enrolment as a student, or,
- (ii) submission to or rejection of such conduct by an individual is used as a basis for employment or grading decisions affecting the individual, or,
- (iii) such conduct has the purpose of effect of unreasonably interfering with an individual's work or student performance, or creating an intimidating, hostile, or offensive working/learning environment.

(b) There are basically two types of sexual harassment. Paragraphs 2 (2)(a)(i) and (ii), describe harassment where an employment or student enrolment related threat or reward is involved. This occurs when a harasser has the power to make decisions affecting the terms of employment or enrolment of another individual. It is a situation where an individual tries to take sexual advantage of another individual on the basis of their employment/ enrolment relationship. This type of sexual harassment includes a threat to an individual's employment or student status or some gain or loss of job benefits or marks.

(c) Paragraph 2 (2)(a)(iii), refers to harassment which has the effect of "poisoning" the work or learning environment. It arises when words or conduct create an unpleasant or objectionable environment. It usually does not involve threat of reprisal, but makes enduring it an unavoidable aspect of employment or enrollment.

(d) The victim of sexual harassment may be male or female. The harasser may be of the same or the opposite sex of the victim. The harasser may be a staff member or student.

Examples of sexual harassment may include the following:

Verbal: Unwelcome sexual remarks; sexual jokes that cause awkwardness or embarrassment; sexual innuendoes or taunting; gender-based insults or sexist remarks; telephone calls with sexual overtones; proposals of physical intimacy; repeated unwelcome requests for dates; requesting sexual favours.

Unnecessary and Unwelcome Physical Contact such as: Pinching; grabbing; hugging; patting; leering; brushing against; touching; kissing; displaying pornographic or other offensive or derogatory pictures or cartoons or sayings in the workplace.

3. PROCEDURE FOR COMPLAINT, INVESTIGATION & REMEDY – HARASSMENT

(1) Reporting Harassment

(a) A staff member or student experiencing harassment should inform the harasser that their behaviour is unwelcome and is against the FTI BC Policy; if the harassment continues, the staff member or student may submit a complaint in writing to his/her Instructor, the Coordinator or the Director of Training of the FTI BC.

(b) Where a staff member or student is unable or unwilling to deal directly with the harasser to advise that the behaviour is unwelcome, the staff member or student may submit the complaint to his/her Instructor, the Coordinator or the Director of Training of the FTI BC.

(2) Investigating Harassment

Upon receiving a complaint, Director of Training will conduct the investigation with assistance if needed, from the Instructor and/or Coordinator; the investigation will include:

- Interviewing the complainant,
- Interviewing the alleged harasser,
- Interviewing any other person who may provide necessary information.

All information will be received in strict confidence and will be documented.

(3) Discipline

If there is evidence of harassment, disciplinary measure will be taken and may include suspension or dismissal for employees and for student; expulsion from the school and/or termination of Apprenticeship.

(4) Unfounded Complaint

Where a complaint is determined to be of a frivolous, vindictive or vexatious nature, disciplinary measures may be taken against the staff member or student who alleged harassment.

4. PROCEDURE FOR COMPLAINT, INVESTIGATION & REMEDY - SEXUAL HARASSMENT

(1) Reporting Sexual Harassment

(a) Sexual harassment is one of the most sensitive issues in the workplace and therefore a flexible complaint procedure is provided so that it may apply to all situations.

(b) The procedure must be accessible on several levels. It must be immediately available, totally confidential initially, and provide a mechanism for investigation. It must consider penalties for harassers and remedies for victims. It should be separate and distinct from any other existing procedures.

(c) The FTI BC procedure is not meant to be restrictive. A complainant may prefer to talk initially to his/her Instructor, the Coordinator, or the Director of Training of the FTI BC, in effect to invent his/her own procedure. The following procedure does not prohibit that. However, it is provided as a recommended procedure which is likely to be effective in most instances.

(d) An employee or student experiencing sexual harassment would inform the harasser that his/her behaviour is unwelcome and is against the FTI BC Policy; if the sexual harassment continues, the employee or student may submit a complaint in writing to his/her Instructor, the Coordinator or the Director of Training of the FTI BC.

(e) Where an employee or student is unable or unwilling to deal directly with the person to advise that the behaviour is unwelcome, the employee or student may submit the complaint to his/her Instructor, the Coordinator or the Director of Training of the FTI BC.

(2) Investigating Sexual Harassment

(a) In an environment of confidentiality, the complainant and the Instructor, Coordinator or Director of Training, will review the definition of sexual harassment. The Instructor, Coordinator or Director of Training will outline the complaint procedure.

(b) The Instructor, Coordinator, or Director of Training will discuss alternative courses of action with the complainant. The complainant may wish to discuss the issue directly with the harasser (with the option of support from the Instructor, Coordinator or Director of Training) in order to arrive at a solution. Or, the preference may be to begin an investigation. Alternatively, the complainant may wish to consider the matter further or stop the process.

(c) At the request of the complainant, an investigation will be undertaken. At this point, it will be necessary to record the complaint in writing. When the investigation has begun, the complainant's identity will be made known to the alleged harasser.

(d) The investigation will be done by the Instructor, Coordinator or the Director of Training at the FTI BC, with, if necessary; the assistance of other employees and/or

students during the investigation as he or she sees fit. Interviews will be held with the alleged harasser and with other employees and/or students as necessary.

(e) Once the investigation has been completed, the findings will be discussed with the complainant and the alleged harasser by the person in charge of the investigation.

(f) The person in charge of the investigation will make an effort to achieve a resolution of the complaint at this point.

(g) If the matter remains unresolved, the Coordinator, with a written report outlining the facts and issues will, in consultation with the Director of Training of the FTI BC, decide the matter.

(3) Discipline

Remedial action is intended in all cases to be appropriate to the situation. Remedies may range from warning to termination. Where charges in the workplace are made necessary by demonstrated sexual harassment, the burden of those charges shall be borne by the harasser.

(4) Unfounded Compliant

Where the complaint is determined to be of frivolous, vindictive or vexatious nature, disciplinary measures may be taken against the employee and/or student who alleged sexual harassment.