

Harassment Policy



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Harassment Policy

Sudbury Real Estate Board

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Purpose:

SREB is committed to providing an environment in which all individuals are treated with dignity and respect, and free from discrimination and harassment and violence. The Harassment Policy establishes expectations with the goal of fostering a safe, inclusive, respectful, and professional working environment for SREB staff and its members. The SREB Harassment Policy is guided by the Occupational Health and Safety Act and the Ontario Human Rights Code, which emphasize the importance of preventing and addressing all forms of harassment, discrimination, and violence. SREB will not tolerate any harassment, discrimination and violence towards members, staff or the public and will take reasonable measures to protect staff and members from all sources of harassment, discrimination, and violence.

Prohibited Conduct and Definitions:

It is the policy of SREB to prohibit all forms of violence, discrimination and harassment based on race, ancestry, place of origin, colour, ethnic origin, creed, citizenship, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, disability, or any other prohibited ground of discrimination. In addition, this Policy also prohibits any other type of harassment such as what is sometimes called psychological or personal harassment and bullying. This Policy specifically prohibits any form of harassment or violence by or toward employees, contractors, suppliers, members, strangers, and domestic partners.

Under this Policy, harassment is any inappropriate conduct that has the purpose or effect of:

- creating an intimidating, hostile, or offensive environment,
- unreasonably interfering with an individual's work performance; or
- affecting the individual's employment opportunity.

Forms of harassment include, but are not limited to:

- unwelcome verbal or physical advances,
- sexually, racially, or otherwise derogatory or discriminatory materials, statements, or remarks,
- remarks, jokes, or innuendos that demean, ridicule, intimidate or offend,
- displaying or circulating offensive pictures or materials in print and electronic form,
- bullying,
- repeated offensive or intimidating phone calls or e-mails,
- inappropriate sexual touching, advances, suggestions, or requests.

Definitions

Discrimination:

Discrimination is unfair or improper behaviour (whether intentional or not) that:

- results in differential treatment of one or more members or staff,
- affects working conditions, employment decisions or the work environment; and
- is related to one or more of the grounds of discrimination prohibited by the Ontario Human Rights Code, e.g., race, ancestry, place of origin, colour, ethnic origin, creed, citizenship, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, disability.

Workplace Harassment:

Workplace harassment is engaging in a course of vexatious comment or conduct against a staff in a workplace that is known or ought reasonably to be known to be unwelcome, or workplace sexual harassment.

Note: Work-related conduct, such as candid feedback from a supervisor regarding work performance or counselling for poor attendance, is not harassment.

Sexual Harassment:

Sexual harassment is:

- engaging in a course of vexatious comment or conduct against a member or staff in any setting, because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- making a sexual solicitation or advance where the person making the solicitation or advance is in an authoritative position to confer, grant or deny a benefit or advancement to the member or staff and the person knows or reasonably ought to know that the solicitation is unwelcome.

Sexual Harassment generally refers to:

- unwanted sexual advances including sexually graphic comments or epithets; derogatory gestures or looks; unwanted sexual flirtations or propositions; unnecessary/unwanted physical contact; threats of harm or violence; slurs; derogatory or demeaning posters; cartoons, graffiti, or drawings; offensive jokes, e-mail, or voice mail; or display of sexually suggestive pictures,
- implied or expressed promises of reward or benefit for complying with a sexually oriented request,
- implied or expressed threats of reprisal in the form of either actual reprisal or denial of opportunity for refusal to comply with a sexually oriented request.

Racial Harassment:

Racial Harassment may consist of any of the following that are about or motivated by a person's race, colour, citizenship, or national origin:

- unwanted actions; derogatory comments; slurs; derogatory or demeaning posters; cartoons, graffiti, or drawings; offensive jokes, e-mail, or voice mail; innuendoes; taunting; threats of harm or violence; intimidating or threatening gestures; physical interference with normal work or movement; or assault.

Violence:

Acts of violence include:

- the exercise of physical force by a person against a member or staff, that causes or could cause physical injury to the individual,
- an attempt to exercise physical force against a member or staff, that could cause physical injury to the individual,
- a statement or behaviour that it is reasonable for a member or staff to interpret as a threat to exercise physical force against the individual, that could cause physical injury to the individual.

Other Harassment:

- Any of the following that are about or motivated by a person's race, ancestry, place of origin, colour, ethnic origin, creed, citizenship, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, disability or any other prohibited ground of discrimination: unwanted actions; derogatory comments; slurs; profanity; derogatory or demeaning posters, cartoons, graffiti or drawings; offensive jokes, e-mail or voice mail; innuendoes; taunting; unnecessary/unwanted physical contact; threats of harm or violence; intimidating or threatening gestures; yelling; slamming doors; throwing objects; physically impeding or blocking movements; physical interference with normal work or movement; or assault.

A Poisoned Environment:

A poisoned environment may be created by any of the following or other activities that result in an intimidating, hostile or offensive atmosphere or that intrude upon a person's dignity:

- slurs; profanity; derogatory or demeaning posters, cartoons, graffiti, or drawings; offensive jokes, e-mail, or voice mail; offensive literature (e.g., pinups); or derogatory comments.



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A poisoned environment is a form of harassment that may not be directed at any one individual but by its nature is considered offensive and is therefore prohibited. Any individual can create a hostile work environment through unwelcome, offensive conduct.

Fabricated allegations against a member or staff:

Fabricated allegations made with the intent to harm, defame, or harass an individual are considered forms of harassment. Such actions undermine trust, cause harm, and can have serious consequences for the accused party. SREB members and staff are expected to refrain from making false allegations to. SREB members and staff are to abstain from fabricating allegations, and they are expected to uphold their own integrity. Fabricated allegations will not be tolerated under our harassment policy, and appropriate measures will be taken to address such behavior and protect the rights and well-being of all individuals involved.

Responsibilities:

All members and staff are expected to adhere to this Policy and will be held responsible by SREB for not following it. The Policy must be upheld by members and staff while in the SREB office, and in off-the-job or off-site situations and settings where they may be viewed as a SREB representative. Abuse of the Policy by using it as a means of falsely accusing or discrediting colleagues will not be tolerated.

In addition to the responsibilities of all members and staff, managers and the CEO are responsible and accountable for:

- ensuring that all SREB sponsored social and recreational activities are administered in accordance with the Policy,
- ensuring the office and off-site environments, are free of all potential visual forms of harassment and any other harassment as defined in the Policy and this Program,
- intervening when necessary to stop behaviour that is a violation of the Policy, to prevent recurrence and to protect complainants from retaliation,
- ensuring that members and staff are informed of the Policy, this Program and the procedures for reporting and investigating cases of harassment, discrimination, and violence,
- contacting the CEO on all complaints of harassment, discrimination and workplace violence and working together to resolve the complaint,
- creating and maintaining a work environment that fosters mutual respect among individuals and enables members and staff to bring complaints of harassment, discrimination, and workplace violence forward,
- ensuring that members and staff are not subjected to retaliation as a result of making a complaint or participating in an investigation; and
- with the involvement of the CEO, recommending appropriate corrective action when a member or staff is found to have violated the Policy.

Assessing your Behaviour

Harassment may occur because of a single encounter or a series of incidents. Behaviour constituting harassment is often a matter of perception and interpretation. Tolerance for what is considered acceptable behaviour may vary widely among individuals. As a rule, harassment is considered to have taken place if a person knows or ought reasonably to know the behaviour is unwelcome. A good rule to follow is: if there is any question in your mind about whether your behaviour or comment might be harassing or offensive, don't do it or say it.

Measures and Procedures for preventing and managing Incidents of violence or harassment:

Dealing With a Potentially Violent Person

Tips for verbal communication:

- Focus your attention on the other person to let them know you are interested in what they have to say.
- Do not glare or stare, it may be perceived as a challenge.
- Remain calm and try to calm the other person. Do not allow the other person's anger to become your anger.



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- Remain conscious of how you are delivering your words.
- Speak slowly, quietly, and confidently, using simple terms and avoiding the use of technical and complicated information when emotions are high.
- Encourage the person to talk. Listen carefully. Do not interrupt or offer unsolicited advice or criticism. Do not tell the person to relax or calm down.
- Remain open-minded and objective and acknowledge the person's feelings.
- Use silence as a calming tool.

Tips for non- verbal communication and behaviour

- Use calm body language – relaxed posture with hands unclenched attentive expression.
- Arrange yourself so that your exit is not blocked.
- Position yourself at an angle rather than directly in front of the other person.
- Give the person enough physical space.
- Do not make sudden movements that can be seen as threatening.
- Do not fight. Walk or run away. Get assistance from security or police.
- Get on the other person's physical level. If they are seated try kneeling or bending over, rather than standing over them. Do not pose a challenging stance such as: Standing directly opposite someone, putting your hands on your hips, pointing your finger, waving your arms, or crossing your arms.

When Workplace Violence Occurs or is Likely to Occur

If an incident of workplace violence occurs or you believe is about to occur, you should:

- do nothing to put yourself at risk,
- if possible, withdraw from the situation,
- if possible, inform co-workers and others nearby of the situation,
- contact 911 if the situation is serious and requires immediate attention, and thereafter report the incident using the reporting procedures set out the below. In the case of a less serious incident, call the CEO, your manager, or supervisor, and then report it using the reporting procedures set out below.

Note: SERB staff should refer to the Emergency Policy for further instruction regarding violent persons and the procedures to report the incident when emergency services are needed.

Responding to a Physical Attack

- Make a scene, yell, or scream as loudly as possible. Try shouting words like STOP, FIRE or HELP.
- If you are being pulled along or dragged, fall to the ground and roll.
- Blow a whistle, activate your personal security alarm, or push the security alarm.
- Give bystanders specific instruction to help you. "You in the yellow shirt call police".
- If someone grabs your purse, briefcase, or other belongings, do not resist. Throw the item to the ground several feet from your location and run in the opposite direction yelling HELP or FIRE.
- Do not chase a thief.
- Run to the nearest safe place.
- Call the police immediately after the incident.
- If the attack does not warrant calling the police, inform your employer.
- File an Incident Investigation Report.

Terminating a Potentially Violent Interaction

Interrupt the conversation firmly but politely

- Tell the person that you:

- Do not like the tone of the conversation
- Will not accept such treatment
- Will end the conversation if necessary
- If the behaviour persists, end the conversation
- Ask the person to leave
- If the person does not agree to leave, remove yourself from the scene and inform your employer
- Do not return to the person if you believe they pose a physical threat
- Advise other staff and have them leave the immediate area
- Call security or police
- File an incident report

Working Off-Site:

If you work away from a traditional office setting you must exercise extra caution. In many cases you have less or no ability to control your work environment. You may require special training to avoid violence by using conflict resolution and mediation tactics. Nevertheless, the following specific preventative tactics or procedures will minimize or prevent risks associated with working off-site:

- Have access to a cell phone or similar means of communication.
- Use an established check-in procedure that allows you to manage a typical situation you may encounter off-site.
- Prepare a daily work plan so that you and others know where and when you are expected somewhere.
- Arrange to meet in a safe environment.
- Be alert and make mental notes of your surroundings when you arrive at a new or different setting.
- Use the buddy system when able.
- Determine under which circumstances an unaccompanied visit would involve unacceptable risk.
- Exercise your right to refuse work in clearly hazardous situations.
- Disclose feelings of discomfort or apprehension about an impending appointment.
- Do not enter any situation or location where you feel threatened or unsafe.

When You Are in Unfamiliar Premises

- Check for escape routes and position yourself near an escape route.
- Mentally rehearse what you will do if an individual becomes aggressive or hostile.
- Decide what your best preventative tactic will be.
- Take control of the seating arrangements. If possible, seat yourself near the door.
- Maintain a reactionary gap between you and others – out of reach of the average person's kicking distance.
- Be well prepared for an appointment. Review the available information about the individual(s) you are meeting.
- Terminate the appointment in a non-confrontational manner if the individual appears to be:
 - Intoxicated
 - Under the influence of drugs
 - Emotionally disturbed and threatening or out of control

Suspected External abuse:

Possible Signs a Person is Being Physically Abused

- Unusual or unexplained injuries, such as bruises, cuts, burns, bite marks, etc.
- Defensive response when asked about an injury
- Signs of new injuries before old injuries have healed or recurring injuries
- Torn clothing or damaged personal property

Possible Signs a Person is Being Verbally/Emotionally Abused

- Constantly apologizing
- Decreased ability to cope with familiar situations
- Social withdrawal from co-workers and friends
- Extreme or unusual behaviour, such as aggression, compliance, or withdrawal
- High levels of anxiety or depression
- Lateness or frequent absence, reduced productivity, and poor job performance
- Constant phone calls from spouse/abuser checking in on the worker
- Chronic fatigue and other side effects such as headache, chest pain, neck pain etc.

How to Talk to Someone You Suspect is a Victim of Domestic Violence

Show concern, for example, "something seems to be going on with you. Can I help?" Listening is the single most important and helpful thing that you can do. Let them talk without interruption or judgment. Believe them. Give your support by telling them the abuse is not their fault and that they are not responsible for their partner's behaviour. Tell them that they do not ever deserve to be abused. Then offer information only – do not try to counsel them.

Talk to them in a safe and private place. Respect their right to keep their concerns confidential. Provide information for Victim Services or a women's shelter and encourage them to talk to them about the abuse. Do not take offence if they refuse your help or do not want to share what is going on with you. Remind them that your company has policies and procedures that protect them while in the workplace.

Reporting Workplace Violence, Harassment, Discrimination and Reprisal:

Individuals who believe that they have been subjected to discrimination, harassment, or the threat of or an act of violence should immediately report the incident to their manager or the Chief Executive Officer. When warranted, complaints will be promptly and thoroughly investigated. SREB will treat such complaints as confidentially as possible, releasing information only to those with a need or right to know. Identifying information about any individuals involved will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint or is otherwise required by law.

Complaint Resolution Process

Any SREB member or staff who observes or becomes aware of discrimination, harassment or violence should immediately advise their manager or the CEO. No member or staff should assume that SREB is aware of a problem. All complaints and concerns should be brought to the attention of SREB's management so that steps can be taken to address them.

No retaliation will be taken against any member or staff as a result of reporting a problem concerning possible acts of harassment or violence. Members and staff can raise concerns and make reports without fear of reprisal. *This protection does not extend to deliberate fabrications.* If you have any questions about what constitutes discriminatory, harassing behaviour or an act of violence, please contact your manager or the CEO.

Informal Resolution – Confronting Unwelcome Behaviour

Members and staff are encouraged to warn offenders when they observe or experience behaviour that could be perceived as discriminatory, harassing, or violent, if they feel comfortable doing so. They should be direct and candid and should clearly communicate that the behaviour is unwelcome, offensive and must stop. They should document the incidents and the communication with the offender and retain the documentation for future use if the behaviour does not stop.



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Formal Complaint Option - Filing a Complaint

If the member or staff does not feel comfortable confronting the offender or if the behaviour continues, they should file a complaint in writing to the CEO. Members and staff who believe they are being subjected to discrimination, harassment or workplace violence should contact their manager or the CEO, for advice and assistance.

Complaint Investigations

The working relationship between two people can be damaged because of a complaint being lodged, therefore it is important to focus discussions on conflict resolution and to resolve the issue as quickly as possible. The Chief Executive Officer is responsible for ensuring that complaints are responded to in a manner that is consistent with SREB's Harassment and Code of Conduct policies. (If the CEO is the alleged offender the responsibility for ensuring that the complaint is responded to in a manner that is consistent with the Policy will transfer to SREB's Chair.)

Upon reviewing the complaint and interviewing the complainant, the CEO will determine whether, or not the complainant has a valid complaint under the Policy that merits further investigation. The CEO will inform the complainant whether, or not an investigation will be conducted. When warranted, the CEO will investigate or form a team to investigate. Witnesses will be interviewed, and documents reviewed by the investigator or investigative team. Individuals participating in investigations will be protected from retaliation. Results of an investigation will be shared only with those individuals with a need or right to know about the complaint.

Corrective Action

The investigator or investigative team will determine if a violation of the Policy has occurred and make a recommendation to the CEO. The CEO will evaluate the investigation findings and recommendation. The CEO will communicate the outcome of the investigation to the complainant and the respondent in writing. The CEO will implement corrective actions and impose discipline, when appropriate. While the complainant will be advised of the outcome of the investigation and any corrective action taken or to be taken, specific disciplinary actions will not be disclosed to a complainant unless required by law. All staff, including managers and supervisors, will be subject to corrective action up to and including termination of employment for any act of discrimination or harassment or threat or act of violence. Members of SREB are subject to suspension or termination of membership for any act of discrimination or harassment or threat or act of violence.

Confidentiality:

SREB respects the confidentiality of all its members and staff. Depending on the circumstances, it may be necessary for the CEO or investigating team, to disclose personal information as reasonably necessary to protect the individual from physical injury or harassment. If the CEO or investigative party is required to disclose any personal information belonging to another individual, they will do so in writing and will also inform the individual whose information is being released.

Training:

Management will ensure that members and staff are familiarized with this Policy including but not limited to; how to report incidents of violence, harassment, discrimination, and reprisal. Copies of the Policy are available upon request. New members and staff will receive a copy of this policy.

Resources:

The procedures described in this Program are intended to provide an expeditious and effective means of dealing with violence, harassment, discrimination, and reprisal. However, these procedures are not intended to prevent members, staff, or other affected persons from making use of any statutory complaint procedure if they wish to do so. For example, staff who believe they are being subjected to discrimination or harassment have the right to file an application (complaint) with the Human Rights Tribunal of Ontario and employees who believe that they have been subjected to a threat or act of workplace violence or harassment may contact the Ontario Ministry of Labour.



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External Recourses

Sudbury Police

190 Brady St. Sudbury ON

705-675-9171

<https://www.gspcs.ca/en/reporting/reporting.aspx>

Workplace Health and Safety

E-mail: webohs@ontario.ca

1-877-202-0008

<https://www.ontario.ca/page/workplace-health-and-safety>

Employment standards Act

E-mail: webes@ontario.ca

1-800-531-5551

<https://www.ontario.ca/document/your-guide-employment-standards-act-0>

YWCA Genevra House

370 St Raphael St, Sudbury, ON

(705) 674-2210

<https://ywcassudbury.ca/programs/genevra-house-shelter/>

Voices for Women Sudbury Sexual Assault center

127 Cedar Street, 7th Floor, Sudbury, ON

E-mail: VFW@hsnsudbury.ca

1-705-671-5495

<https://www.voicesforwomen.ca/>

Ontario Health and safety

1-888-936-2544

<https://www.healthandsafetyhelp.ca/about-health-and-safety-help/>

Human Rights Legal Support Centre (HRLSC)

Toll Free: 1-866-625-5179

www.hrlsc.on.ca

Ontario Human Rights Code

<https://www.ohrc.on.ca/en/about-commission/contact-us>

Ontario Labour Relations Board

1-877-339-3335

<https://www.olrb.gov.on.ca/default.asp>

Sudbury Crisis Services - 24 hours

1-877-841-1101

705-675-4760