

# HUNTER ESTATES HOUSING CO-OPERATIVE LTD.

## COMPLAINT PROCESS FOR THE ANTI-HARASSMENT / ANTI-VIOLENCE POLICY

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### COMPLAINT PROCESS

The following steps tell you what to do if you or someone else is experiencing Harassment, and what to expect from the complaint process.

#### **1 – COMMUNICATION**

The first thing to do if you are experiencing Harassment is to tell the person perpetrating the Harassment to stop. Let them know that you are embarrassed, humiliated, demeaned or otherwise bothered by what they are doing or saying. You can speak to the person directly, or write them a letter. NOTE that if you believe you will be in danger when speaking to the perpetrator directly, do not approach that person but make a complaint to Hunter Estates in writing addressed to the Hunter Estates Board.

#### **2 – DOCUMENTATION**

Document everything you've done. If you write a letter, date it and keep a copy. If you speak to the person engaging in the Harassment, make a note of the behaviour that occurred, the date it happened, how you felt, what you did about it and who else was present, if anyone. This documentation will be helpful if there is a later investigation.

#### **3 – MANAGEMENT SUPPORT AND INTERVENTION**

If the Harassment continues, or if you are unable to deal directly with the person perpetrating the Harassment, write and date a letter to the Hunter Estates Board, outlining the complaint, issues, and any documentation of the complaint. Place the letter in a sealed envelope addressed to the Hunter Estates Board and marked as Anti-Harassment/Anti-Violence. If the Harassment involves assault or sexual assault, you should also contact the Calgary Police Service. If the Harassment involves discrimination, you may also contact the Alberta Human Rights Commission.

You may be asked to come before the Hunter Estates Board to explain or provide further details, and the Hunter Estates Board may appoint an advisor.

You may want to proceed informally at first. This means you can ask the Hunter Estates Board appointed advisor to help you communicate with the other person, or to speak to them on your behalf, without going through actual mediation or a formal complaint.

## **4– MEDIATION**

It may be appropriate to resolve the complaint through mediation before going to a formal investigation. If the complainant and alleged perpetrator agree, a qualified person from an outside organization will attempt to help the parties settle the complaint. If no one is available, a designated person may help settle the complaint, if the parties agree. The mediator should not be involved in investigating the complaint, and should not be asked to represent Hunter Estates at any stage of any proceedings related to the complaint. All mediation will be in accordance with the Hunter Estates Bylaws, Section 5 – Disputes.

## **5 – FORMAL INVESTIGATION**

If you choose to proceed with a formal complaint, it will be investigated either by a member of the Hunter Estates Board or a consultant from outside the organization. This person will investigate the complaint thoroughly, by gathering all pertinent information concerning the complaint;

All Persons have a responsibility to co-operate in the investigation. Both the complainant and the alleged perpetrator have the right to be accompanied by someone with whom they feel comfortable during the interviews or meetings.

A record of the complaint will be kept and held without bias. The investigation and/or decision will be placed in the complainant's personnel or housing file provided the complaint was made in good faith.

## **SUBSTANTIATED/UNSUBSTANTIATED/BAD FAITH COMPLAINTS**

### **1 – SUBSTANTIATED COMPLAINTS**

If the Hunter Estates Board appointed investigator decides the complaint is valid, he or she will report in writing to the Chairperson of the Hunter Estates Board, ideally within a week of completing the investigation. The investigator will recommend appropriate remedies and disciplinary action, and any other necessary action (an example of which, but not limited to, is mediation or termination of employment or membership). The Hunter Estates Board will decide what action to take, and will inform both parties, in writing, of the decision within a week of the report being submitted. The outcome of the investigation and any disciplinary action will be recorded in Hunter Estates' personnel records or housing records relating to the person against whom the complaint was made.

### **2 – UNSUBSTANTIATED COMPLAINTS**

Where the investigation results in a finding that the complaint of Harassment is not substantiated, all record of the complaint shall be removed from Hunter Estates' personnel or housing file relating to the person against whom the complaint was laid, and Hunter Estates' complaint files will so indicate. A record of the claim should be kept on a no bias basis and labeled as unsubstantiated.

### **3 – COMPLAINTS MADE IN BAD FAITH**

If an investigation results in a finding that the complainant falsely reported Harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, as decided by the Hunter Estates Board, including, but not limited to, the possibility of termination of employment or membership. The investigation results and sanctions will be recorded in the complainant's personnel or housing file.

#### **CONFIDENTIALITY**

Hunter Estates understands the difficulty of making a Harassment complaint and recognizes the complainant's interest in keeping the matter confidential. Confidentiality will be maintained throughout the complaint process and information relating to the complaint will only be disclosed to the extent necessary to carry out these complaint processes, or as required by law.

All records of complaint, including contents of meetings, interviews, results of investigations, resolutions or outcomes and other relevant material will be held in Hunter Estates' confidential complaints file to which only the Hunter Estates Board and the coordinator will have access and will only be disclosed to the extent necessary to carry out these complaint processes, or as required by law.

# HUNTER ESTATES HOUSING CO-OPERATIVE LTD.

## ANTI-HARASSMENT / ANTI-VIOLENCE POLICY

**Type of Policy:** Major/Primary Policy – This policy can only be passed, amended or rescinded by special resolution at a general meeting.

**Supervising Authority:** Hunter Estates Board of Directors ("Hunter Estates Board")

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### POLICY STATEMENT

At Hunter Estates Housing Co-operative Ltd. ("Hunter Estates") we are committed to providing a safe and respectful environment for all employees, contractors, members and residents of Hunter Estates (hereinafter referred to as "Person"). No Person or member of the public has to tolerate harassment or violence at Hunter Estates, for any reason, at any time. In addition, no one has the right to harass or assault anyone else, at work or in any situation related to that person's dealings with Hunter Estates. This policy is one step toward ensuring that Hunter Estates is a comfortable and safe place for all of us.

Hunter Estates promises to treat all complaints of harassment and violence seriously. We undertake to act on all complaints and to do our best to ensure they are resolved quickly and fairly.

### 1 – APPLICATION OF THIS POLICY

This policy applies to everyone working for Hunter Estates, including employees and contractors, and to all members and residents of Hunter Estates.

### 2 – POLICY IS SUPPLEMENT TO LEGISLATION

This policy is in addition to and not in substitution for such rights as an individual may have under provincial or federal employment, human rights, health and safety, or any other legislation.

### 3 – PURPOSE

**3.1** The purposes of this policy are:

- (a) To maintain an environment that is free from harassment and violence;
- (b) To alert all Persons that instances of harassment and violence can be offences under the law, and that harassment and violence is unacceptable, a violation of this policy and subject to the disciplinary process set out herein;
- (c) To set out some of the types of behaviour that may be considered objectionable, abusive or offensive;

- (d) To establish a mechanism for receiving complaints of harassment and violence, and to provide a complaint process by which Hunter Estates will deal with these complaints; and
- (e) To provide an example of the steps a responsible organization can take toward maintaining an environment in which Persons treat each other with mutual respect.

**3.2** This policy is not intended to constrain social interaction between Persons, nor to affect the ordinary and proper evaluation of the performance of the duties of employees and contractors of Hunter Estates.

#### **4– DEFINITIONS**

For the purpose of this policy the following definitions apply:

- (a) "Abuse of Authority" occurs when a person uses authority unreasonably to interfere with an employee or contractor, or an employee or contractor's job, or to interfere with a member or resident. It includes humiliation, intimidation, threats and coercion. It does not include normal managerial activities, performance appraisals of employees and contractors, and discipline, as long as these are not being done in discriminatory manner. Nor does it include steps taken toward members or residents in response to breaches of the By-Laws, Policies or Shareholders' Agreement of Hunter Estates.
- (b) "Harassment" is one or a series of incidents involving unwelcome comments or actions that are disrespectful to any Persons of Hunter Estates, whether or not based on discriminatory considerations:
  - (i) When such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group;
  - (ii) When submission to such conduct is made, implicitly or explicitly, a condition of employment, membership or residency;
  - (iii) When submission to or rejection of such conduct is used as a basis for any employment, membership or residency decision; or
  - (iv) When such conduct has the purpose of the effect of interfering with a person's work performance or quiet enjoyment of their unit or creating an intimidating, hostile or offensive work environment.

Examples of Harassment include, but are not limited to, any violent or threatening physical or verbal outburst or abuse; sarcastic or derogatory comments or actions which undermine, demean, belittle or humiliate an individual or group or their ability or intelligences; yelling; screaming; and

swearing or similar behaviour aimed at intimidating, frightening, coercing or offending those at whom it is directed, or others.

The definition of Harassment also includes "Abuse of Authority", Sexual Harassment" and "Violence".

Harassment does not include consensual banter or relationships or legitimate management intervention with Persons.

- (c) "Sexual Harassment" is one or a series of incidents involving unwelcome sexual advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when any of the circumstances listed above under Article 4 b) i) to iv) are present.

Examples of Sexual Harassment include, but are not limited to: sexual advances; reprisals or threats of reprisal for refusal of advances; leering; sexually degrading words used to describe a person; sexually suggestive or obscene comments or gestures; unwelcome sexual advances or propositions; unwanted touching; sexual assault and behaviour of a sexual nature that creates an intimidating or hostile environment.

- (d) "Violence" means the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical injury.

## **5 – RIGHTS AND RESPONSIBILITIES**

**5.1** Each Person of Hunter Estates has the right to be treated fairly and respectfully in their dealings with Hunter Estates. Each Person of Hunter Estates also has the responsibility to treat others in a way that respects individual differences and opinions. No matter what your position, or that of the people you interact with at Hunter Estates, showing mutual respect and consideration will make Hunter Estates a better environment for everyone. Each Person also has a duty to speak up if he or she is experiencing Harassment or if he or she becomes aware that Harassment is taking place among others, and to do so as soon as possible in the circumstances after the conduct occurs.

**5.2** Hunter Estates has the responsibility for making sure, to the best of its ability, that the housing co-operative is free from Harassment. Hunter Estates has the responsibility to listen to Persons when a complaint of Harassment is reported or when Harassment is suspected to be occurring, and to investigate all written complaints of Harassment in a diligent and timely manner.

## **6 – PROCESS FOR MAKING A COMPLAINT**

Follow the steps outlined in the Complaint Process to the Anti-Harassment / Anti-Violence Policy attached.

This policy expands on the following by-laws:

- Section 5 – Disputes

and, to the Shareholders' Agreement

- Section 3 (i) – Occupancy Right

and, to the Co-operative Living Policy.

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Process for the Anti-Harassment/Anti-Violence Policy

Board Approved: **[DATE]**