

Policy Name:	Bullying and Harassment		
Policy Number:	3.02	Date:	February 2023

POLICY STATEMENT:

JC Steele will make every effort to provide a work environment free from all forms of harassment or intimidation including sexual harassment. It is illegal and against the policies of JC Steele for any employee to make any unwelcome sexual advances, request sexual favors, engage in verbal or physical conduct of a sexual nature and/or demonstrate any harassing conduct that creates an intimidating or uncomfortable work environment for any person in the company. This policy applies to the actions of supervisors, managers, co-workers, customers, outsiders and any other persons who come in contact with employees of JC Steele.

Bullying and harassment may take many forms. Bullying has the effect of intimidation, offence or humiliation. Repeated behavior that may constitute bullying includes offensive language, overpowering communication, putting down techniques, retaining knowledge that should be shared and so on. No form of harassment, victimisation or bullying, for any reason, is acceptable behavior at JC Steele. All harassment related to a person's marital status, disability, age, race, sex, sexual orientation and gender identification or expression, or pregnancy is also discriminatory and will not be tolerated.

JC Steele recognizes that the question of whether a particular action, incident or general course of action is harassment or simply a socially acceptable action is sometimes a difficult factual determination. JC Steele also recognises that any and all such events will demand a prompt, complete and unbiased investigation that protects the rights of the Complainant and the Respondent.

Normal management activity such as discussing an employee's performance or behaviour, implementing corrective or disciplinary action or providing constructive feedback is not considered bullying or harassment, unless these actions or feedback is unwarranted.

JC Steele will not tolerate harassment, nor will it tolerate reprisals against any employee who makes a harassment complaint. All employees, supervisors, managers and others who violate this policy will be subject to disciplinary action. Any supervisor or manager who receives a complaint of harassment and fails to take corrective action pursuant to this policy shall also be subject to disciplinary action. As this is considered a serious offence, disciplinary action may include immediate termination of employment.

PROCEDURES:

1. What is Harassment?

Harassment is any behaviour directed towards an individual that is neither sought nor welcomed. Harassment may offend, upset, humiliate or scare another person. It makes the workplace uncomfortable and unpleasant.

Harassment in the workplace can take many forms, such as:

a) Verbal harassment, which includes but is not limited to:

- Sexual or suggestive remarks
- Making fun of someone
- Imitating someone's accent
- Propositions (sexual invitations)
- Spreading rumours
- Obscene or offensive telephone calls
- Repeated unwelcome invitations
- Offensive jokes
- Repeated questions or unwelcome commentary about your personal life
- The use of language that is not suitable in the workplace
- Name calling
- Gaslighting * (see below for further information).

b) Non-verbal harassment, which includes but is not limited to:

- Putting sexually suggestive, offensive or degrading/insulting material on walls, computer screen savers, email and so on
- Suggestive looks or leers
- Unwelcome practical jokes
- Displaying or circulating racist / sexist cartoons or literature
- Mimicking someone with a disability
- Being followed home from work
- Ignoring someone or being particularly cold or distant with them
- Not sharing information
- Offensive hand or body gestures
- Unnecessarily leaning over someone
- Sending offensive material through electronic means, ie. via phone or computer
- Unsolicited letters or email messages, texts, images, etc.
- Continually ignoring or dismissing someone's contribution in a meeting/discussion
- Wolf-whistling.

c) Physical harassment, which includes but is not limited to:

- Unnecessary physical contact (eg. pinching, patting, brushing up against a person, touching, kissing, hugging against a person's will)
- Indecent or sexual assault or attempted assault
- Pushing, shoving or jostling
- Taking away a person's physical possessions
- Blocking a person from going somewhere.

2. What is Bullying

Workplace Bullying is defined as repeated unreasonable behavior by an individual towards a worker which creates a risk to health and safety.

Bullying behavior can range from obvious verbal or physical assault to subtle psychological abuse. It can include physical or verbal abuse, and can take many forms:

- yelling, screaming or using offensive language
- excluding or isolating employees
- psychological harassment including 'picking on' and making the person the ongoing butt of 'jokes'
- intimidation
- assigning meaningless tasks unrelated to the job
- giving employees impossible jobs
- deliberately changed work rosters to inconvenience particular employees
- sabotaging someone's work performance by providing inappropriate or inaccurate advice or information
- undermining work performance by deliberately withholding information vital for effective work performance
- Gaslighting * (see below for further information).

3. What is Victimisation?

Victimisation means subjecting or threatening to subject a person to some form of detriment because they have:

- lodged, or is proposing to lodge, a complaint of discrimination or harassment
- provided information or documents to an internal investigation or an external agency
- attended a conciliation conference
- reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws
- made an allegation that a person has acted unlawfully under federal anti-discrimination laws.

4. Addressing Harassing, Bullying and Victimisation Behavior

While employees are always encouraged to attempt to address issues of potential bullying and harassment directly with the person they believe is acting inappropriately, JC Steele encourages its employees to report any instance of inappropriate behaviour to their manager, or directly to the Managing Director, for support in managing the situation. Otherwise, employees who believe they are being harassed or bullied, or who have witnessed or otherwise become aware of a situation that may constitute harassment or bullying, are requested to follow the instructions below:

- Politely but firmly confront the person and ask them to stop. Be specific about the exact behaviour you want stopped and state how you feel about the actions, explaining how you feel intimidated or harassed by these actions. If practical, have a witness present.
- Any employees who are uncomfortable with a face-to-face discussion with the alleged harasser may write their complaints in a letter or memo and provide that to the alleged harasser and/or to their manager. A copy of any written complaint should be retained by the employee.
- Employees who choose to express their complaints verbally, should document what they have said as well as the responses made by the alleged harasser, and note the time and date of the discussion.
- If the harassment does not stop, employees should immediately notify their direct manager with

full details of their complaint. In situations where an employee feels that they are unable to address the concern with their direct manager, the Managing Director or HR Representative should be notified of the complaint in line with JC Steele's Grievance Procedure Policy including the provision of all details and documentation.

- Any employee who witnesses or otherwise becomes aware of a situation that may constitute harassment or bullying must report the matter to their manager, or directly to the Managing Director.
- All complaints will be handled in a timely and confidential manner. In no event will information concerning any employee's complaint be released by JC Steele to any third person or to anyone within JC Steele who is not involved in the investigation.

The purpose of this provision is to maintain impartiality and confidentiality. Both the Complainant and the Respondent have equal privacy rights under the law.

Any retaliation against any person who complains about harassment will be considered an act of victimisation which is illegal under the Equal Opportunity Act 2010.

Any manager or person in authority within JC Steele who gives poor performance appraisals, assigns demeaning tasks, demotes, or is found to take any kind of adverse action against a person who complains about harassment will be subject to immediate disciplinary action, up to and including termination of employment.

5. What is Gaslighting?

Gaslighting is a highly covert form of bully behaviour. Whilst we usually believe bullies to be obvious in their behaviour with repeated and sustained attacks on their victim in which humiliation is often an end goal, those engaging in gaslighting will be far more subtle. They plant doubt by making a victim question their own reality. Gaslighting is intentional; a systematic process that uses lying and false information to make the victim doubt themselves, their capabilities, their instincts, and their own sense of reality.

There are some definite signs of gaslighting of which employees should be aware. It is important to recognise these and understand that the behavior usually happens gradually over time. These behaviors can include:

- Taking credit for your work
- Ridiculing you in front of other employees
- Making subtle but pointed remarks designed to make you uncomfortable
- Pretending not to understand you
- Falsifying evaluation
- Micromanaging every aspect of your work
- Blaming everything on you
- Questioning your memory
- Cancelling scheduled events and don't tell you
- Spreading lies and deny doing so if confronted
- Telling half-truths aimed at undermining you
- Providing you with inaccurate information that sabotages your work performance including the way you provide advice to clients.

6. Addressing Gaslighting Behaviour

You need to know something's wrong in order to fix it. Before you can document evidence of gaslighting, you need to be aware of exactly what's happening.

Gaslighting only works when a victim isn't aware of what's going on. Once you become alert to the pattern, it will likely not affect you as much. That's not to say you ignore the issue, but it does allow you to understand that you are dealing with an insecure person who needs to feel superior in order to function. In other words, you are in no way to blame; you are right and they are wrong.

You can preempt some of the practices gaslighters use. For instance:

- When they tell you the date and time of an important meeting, confirm that information by email. Copy the entire group or meeting organiser in order to force the gaslighter to make their position public.
- When you have ideas on a project, offer them in writing so you are seen as the originator and given credit.
- Meet regularly meet with a senior manager at JC Steele (who is someone other than the offender) to update them on the projects you're working on.
- Have a witness present with you in every interaction you have with the gaslighter and never be alone with the gaslighter.
- Document exactly what goes on especially in instances where you are being given incorrect information.
- Record the information on a private device that you own, not on a business phone or tablet, which will be confiscated in the event your employment is terminated or you resign from your employment.
- Report the gaslighting behavior to an appropriate manager. Due to the covert nature of gaslighting they may not be able to do much to begin with, but the behavior will be on their radar and they will then be able to look for gaslighting activities and address them accordingly when they are observed.
- If the gaslighting behavior continues, make a formal complaint of bullying.

7. Investigating claims of Bullying or Harassment

All investigations into bullying or harassment will follow these guidelines:

- a. The Complainant will be asked for specifics about what happened, where it happened, when it happened and why.
- b. Co-workers may be questioned, as they themselves may often be victims or may have witnessed the bullying or harassment.
- c. The Respondent will be questioned. He or she will be informed of who is complaining and be directed not to retaliate nor to discuss the matter with the Complainant.

- d. In some cases, JC Steele may elect to engage an external party to conduct the investigation.
- e. All managers and employees are expected to participate openly, fully and honestly in any investigation.

8. Corrective Action

- a. After all the circumstances of the complaint, including responses of the Respondent and witnesses, have been documented in detail, a determination will be made as to whether or not harassment has occurred.
- b. The Complainant and Respondent will be served notice of the company's determination in the matter.
- c. Prompt corrective action, if warranted, will follow immediately. This may include disciplinary action or termination of the Respondent's employment and/or the Complainant's employment in the case that a falsified complaint or contributory behaviour was discovered.
- d. Whenever any disciplinary action is taken against a Respondent, the Complainant will be informed only that "corrective action was taken" in order to respect confidentiality and privacy.
- e. It is the ongoing policy of JC Steele that all prior Complainants be contacted by authorised employees of JC Steele, on a periodic basis, to be certain they are currently working in an environment free from all forms of harassment or intimidation.
- f. Either the Complainant or the Respondent has the right to appeal the determination of the investigation if they indicate so in writing and delivers the appeal to the Managing Director or HR Representative within ten (10) days of the determination.

9. Definitions

Complainant – the person or persons making a complaint under this policy and in accordance with the JC Steele Grievance Procedure.

Respondent – the person or persons alleged to have bullied, harassed or victimised the Complainant.