

<b>West Neighbourhood House</b>	
Policy Title:	<b>Workplace Violence and Harassment Procedures</b>
Approved by:	Management/JOHSC
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## **Roles and Responsibilities**

West Neighbourhood House Workplace Violence and Harassment Procedures were developed by the Joint Occupational Health and Safety Committee (JOHSC). The JOHSC guides the implementation of the policy and procedures.

The Workplace Violence and Harassment Procedures:

- include measures and procedures for workers to report incidents of workplace violence and/or harassment;
- set out how incidents or complaints of workplace violence and/or harassment will be investigated and dealt with;
- set out how information obtained about an incident or complaint of workplace violence and/or harassment, including 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;
- set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation; and
- include any prescribed elements.

West Neighbourhood House will ensure these Procedures and the supporting Policy are implemented and maintained and that all workers and supervisors have the appropriate information they need to protect themselves. West Neighbourhood House will renew its Workplace Violence & Harassment Program at least annually.

Every worker must work in compliance with this policy and procedures. All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats. If possible, workers are encouraged to attempt to resolve issues informally with the individual with whom they have a concern. However, where the worker feels that resolving the matter informally is not possible or appropriate the worker should report any incidents of workplace harassment to Human Resources or their supervisor.

Management will investigate and deal with all incidents and complaints of workplace violence and harassment in a fair and timely manner, respecting the privacy of all concerned as much as possible.

Where the worker believes that they have been the subject of workplace violence and/or harassment by a member of management other than the Executive Director, the worker is encouraged to contact the Executive Director to report the incident.

Where the worker believes that they have observed or have been the subject of workplace violence and/or harassment by the Executive Director, the worker is encouraged to contact the President of the Board of Directors to report the incident. The President of the Board of Directors, or designate, shall investigate and address the concern, complaint or incident in accordance with West Neighbourhood House's procedures under this policy.

This policy works in conjunction with other West Neighbourhood House Policies that guide conduct including, but not limited to, the Respectful Workplace Policy, the Health and Safety Policy, the Complaints Policy and the Code of Conduct Policy.

West Neighbourhood House Workplace Violence and Harassment Policies and Procedures are also subject to the following legislation governing workplace violence and harassment in Ontario:

- The *Occupational Health and Safety Act*
- The *Criminal Code of Canada*
- The *Ontario Human Rights Code*
- The *Workplace Safety and Insurance Act, 1997*
- The *Compensation for Victims of Crime Act*
- The *Regulated Health Professions Act*

## **Applicability**

West Neighbourhood House recognizes that anyone may engage in behaviour that threatens staff or others. It is acknowledged that there is a different threshold for consequences when addressing certain violent behavior involving participants. Reference should be made to program specific discharge/termination of service policies for appropriate consequences for participants.

## **Definitions**

Workplace violence is:

- the use of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker;
- an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker;

- a statement or behaviour that a worker could reasonably interpret as a threat to use physical force against the worker in a workplace that could cause physical injury to the worker.

### Workplace Harassment

- Is defined as engaging in vexatious comment(s) about or conduct toward any staff in a workplace. It includes a single incident or a series of incidents.
- “Vexatious” is defined as causing, tending to cause or reasonably expected to cause distress, annoyance, frustration, worry or personal and emotional insecurity. “Harassment” is defined as speech or behaviour that is known or ought to be reasonably known to be unwelcome. Such behaviour humiliates, insults, excludes or degrades another person or people, often for reasons including sex, race, ethnicity, age, religion, sexual orientation, gender identity, marital or family status or disability. It may be intentional or unintentional and can be physical or verbal, passive or aggressive and can come in the form of microaggressions. Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code, but it does not have to.
- “Microaggressions” are defined as the everyday, subtle, intentional —or often unintentional — interactions or behaviours that communicate some sort of bias toward historically marginalized groups.
- “Workplace” is defined as any place that a West Neighbourhood House worker works. It includes, but is not limited to, the physical work premises (e.g. offices), work-related social functions (e.g. parties, retreats, etc.), work assignments outside West Neighbourhood House’s offices and work-related travel, conferences or training sessions. It also includes any online interactions and communications related to work.

### Workplace Sexual Harassment

- Includes engaging in vexatious comment(s) and/or conduct toward a worker in a workplace related to 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.
- Workplace sexual harassment also includes making a sexual solicitation or advance, including but not limited to where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and/or the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

### Racial Harassment

- includes speech and behaviour, whether intentional or unintentional, that creates an environment that is hostile, offensive or toxic to racialized people in general, or to specific racialized groups.
- It can range from microaggressions to explicit use of, or tolerance for, racial slurs, offensive or derogatory remarks about a person’s race or color, or the display of racially offensive symbols.
- Racial harassment is speech or behaviour that is bothersome, threatening or treating co-workers unfairly because of their perceived race, colour, ancestry, place of origin, ethnic origin, creed and/or citizenship.

- Racial harassment includes speech and behaviour that reinforces systemic forms of discrimination and bias.
- Includes speech and behaviour that reinforces systemic forms of discrimination and bias.

## **Domestic Violence and the Workplace**

West Neighbourhood House acknowledges that domestic violence can directly or indirectly affect the workplace (e.g. the abuser threatens/assaults the victim on the job and/or the victim is absent from work due to injuries). West Neighbourhood House is committed to supporting employees who may be experiencing domestic violence in their lives and will take every reasonable precaution to protect the worker from physical injury. Every effort will be made to ensure confidentiality under the circumstances.

If an employee reports domestic violence, the supervisor will:

- Work with the employee to find appropriate support and possible referrals and will consult with the Unit/Admin Director to organize a safety plan in consultation with a professional with expertise on abuse issues;
- Encourage the employee to contact a professional who can assist in the development of a personal safety plan and provide resources and referrals as necessary;
- Encourage the employee to have the workplace included on restraining orders;
- Communicate with staff (i.e. Reception staff) who may have exposure to the potential abuser while maintaining confidentiality.

## **False Accusations**

Workplace Violence & Harassment Policies must never be used to bring fraudulent or malicious complaints against employees. Any individual found to make a complaint in bad faith, if demonstrated as being such, will be subject to disciplinary action.

## **No Reprisals for Reporting Workplace Violence**

Reprisals or threats of reprisals are considered a serious violation of an employee's rights. This policy strictly prohibits any form of reprisals against employees because they have reported workplace violence or have provided information regarding a complaint. Alleged reprisals are subject to the same complaint procedures and penalty as reports of workplace violence.

## **Roles and Responsibilities of Workplace Parties**

### Management

- Ensure implementation of procedures and processes to prevent and respond to workplace violence and/or harassment.
- Investigate and deal with all incidents and complaints of workplace violence and/or harassment in a fair and timely manner, respecting the privacy of all concerned as much as possible.
- Be accountable for responding to and, as much as possible, resolving complaints of violence and/or harassment.

- Ensure measures to support compliance by all who have a relationship with the organization, such as students, contractors, volunteers, participants etc. Post copies of the Workplace Violence and Harassment Policies in the workplace.
- In consultation with the JOHSC, conduct annual risk assessments, establish control measures, establish and deliver training and education for all employees.
- Integrate safe behaviour into day-to-day operations.
- Investigate all reports or threats of violence/harassment in a prompt, objective and sensitive way.
- Ensure the worker who has allegedly experienced workplace violence and/or harassment and the alleged individual, if he or she is a worker of the employer, are informed in writing of the results of investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.
- Report incidents of workplace violence to the JOHSC immediately and no later than four days if an employee is disabled from performing their own work or receives medical attention as a result of an incident.
- Ensure corrective action is taken.
- Track and analyze incidents for prevention initiatives.
- Ensure the Workplace Violence and Harassment Policies and Procedures are reviewed annually.

#### Supervisors

- Enforce the Workplace Violence and Harassment Policy and Procedures
- Monitor and support worker compliance.
- Monitor and support compliance by those who have a relationship with the organization, such as students, contractors, volunteers, participants etc.
- Facilitate medical attention and support if needed for those involved directly or indirectly.
- Identify and alert staff to violent persons and hazardous situations.
- Contact the Human Resources Director and or designate and report the circumstance to Management in writing within 48 hours. Include information and prescribed by the regulations.
- Investigate all workplace violence using the organization's Investigation Form and contact the police if required. Completion of the Investigation Form is required for all critical injuries.
- With Management, debrief with those involved in the incident directly or indirectly.
- Take corrective action.

#### Employees

- Report all incidents or injuries of workplace violence or threats of workplace violence and harassment to their supervisor immediately.
- Participate in education and training programs in order to respond appropriately to incidents of workplace violence.
- Understand and comply with the Workplace Violence and Harassment Policies and Procedures.
- Complete the Occurrence Report Form.

- Refuse work if there is reason to believe there is a danger of workplace violence and harassment.
- Inform the JOHSC or any member of the JOHSC about any concerns regarding the potential for workplace violence in the workplace.
- Contribute to risk assessments.
- Seek support when confronted with workplace violence or threats of violence.
- Annually review the Workplace Violence and Harassment Policies and Procedures.

#### Joint Occupational Health and Safety Committee (JOHSC)

- Participate in the development, implementation and maintenance of the Workplace Violence and Harassment policies and procedures.
- Make recommendations to Management to ensure effective workplace violence and harassment prevention.
- Investigate all critical violence-related injuries as per the investigation process.
- Investigate all reports or threats of violence/harassment in a prompt, objective and sensitive way.
- Ensure the Workplace Violence and Workplace Harassment policies and procedures are reviewed annually.

#### Human Resources

- Communicate, review and provide a copy of the Workplace Violence and Harassment policies during the orientation of new staff.
- Ensure any deaths or critical injuries are reported to a Ministry of Labour (MOL) inspector, the police (as required), the JOHSC and to representatives of the union.
- Ensure any deaths or critical injuries are investigated with the JOHSC.
- Produce a written report within 48 hours of the occurrence, including information and particulars prescribed by the *Occupational Health and Safety Act* and regulations. This report should be distributed to Management and the JOHSC.
- Ensure a Form 7 is submitted to the Workplace Safety and Insurance Board for accidents where a worker loses time from work, requires healthcare, earns less than regular pay for regular work, requires modified work at less than regular pay or performs modified work at regular pay for more than seven days.

### **Procedures**

#### **Post-Incident Procedures/Assistance**

As soon as possible following a violent incident, and where appropriate, people involved should be offered:

- Medical attention;
- Referral to professional counselling;
- Legal assistance, if appropriate;
- Debriefing with others, if appropriate, if they were either directly or indirectly involved.

**West Neighbourhood House will assist police agencies, attorneys, insurance companies, and courts to the fullest extent possible.**

### **Reporting/Investigating Workplace Violence**

- Employees must report all incidents of workplace violence by completing the Occurrence Report Form and submitting it to their supervisor and the Human Resources Director.
- The supervisor receiving the report investigates it and ensures that measures are taken to safeguard employees and curtail the violence or harassment. The report is then forwarded to the Human Resources Director and Executive Director.
- All reported incidents of workplace violence will be investigated.
- All records of workplace violence reports and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.
- West Neighbourhood House will do everything it can to protect the privacy of the individuals involved and to ensure that Complainants and Respondents are treated fairly and respectfully. West Neighbourhood House will protect their privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.
- Disclosure in writing will be provided to the Respondent and Complainant of results of the investigation and corrective action(s) taken.
- A third-party investigator may be assigned to lead the investigation in cases of serious incidents.

### **Preventative Measures**

#### The Joint Health and Safety Committee

- shall conduct annual (and as needed) Workplace Violence Risk Assessments.
- shall establish an Emergency Response Plan related to potentially violent individuals and or groups in the workplace.

#### Team Leaders, Coordinators and Unit/Admin Directors

- shall conduct program orientation and an annual review of program-specific safety and security policies and procedures.
- shall work with Management to develop and implement program-specific guidelines for denying access to services to specific individuals in specific circumstances.
- shall create awareness and provide information to a worker about the risk of workplace violence from a person with a history of violent behaviour if the worker can expect to encounter that person in the course of work and if the worker may be at risk of physical injury, including warning signs and safety tips. Information is only to be shared if it is reasonably necessary to protect the worker from physical injury.

### **Record Keeping**

The documents corresponding to the investigation will be kept on file in a secured location, separate from the Complainant and Respondent's personnel files to be available for review as approved by Management in accordance with privacy and confidentiality principles.