

<b>STATEMENT of POLICY and PROCEDURE</b>			
Manual:	Not-for-Profit	SPP No.	<b>NP 5.07</b>
Section:	Human Resources	Issued:	Feb.19, 2020
Subject:	<b>Workplace Harassment and Violence</b>	Effective:	Feb.19, 2020
Issue to:	All Manual Holders	Page:	1 of 18
		Replaces:	<b>NP 5.07</b>
Issued by:	Board of Directors Motion – 20-02-11	Dated:	<b>May 01, 2019</b>

## **1 POLICY**

- 1.01 **PHE Canada** is committed to providing a supportive, respectful and safe work environment for all employees, volunteers, students, Board members, members, independent contractors (collectively “Workers”) and other persons.
- 1.02 Any threats or acts of harassment or violence occurring within the workplace or during work-related activities between Workers or between Workers and any person will not be tolerated.
- 1.03 **PHE Canada** understands that it is difficult to come forward with a complaint or report of harassment or violence in the workplace and recognizes a Worker’s interest in keeping the matter confidential. Consequently, the organization will treat all incidents or reports of harassment or violence confidentially, and will investigate any reports or allegations of violence or harassment, whether reported by victims or witnesses.
- 1.04 Workplace harassment and violence, as well as deliberately making false accusations related to workplace harassment and violence will not be tolerated and may attract discipline up to and including dismissal. Any Worker who violates this policy will be disciplined. Disciplinary actions will depend on the nature and impact of the violation and may include a verbal or written reprimand, suspension or termination.
- 1.05 Nothing in this policy precludes a Worker from initiating a complaint regarding workplace harassment or violence.
- 1.06 This policy prohibits any form of reprisal against a Worker who, in good faith, reports a legitimate workplace harassment or violence occurrence or participates in any investigation under this policy.
- 1.07 **PHE Canada** will not tolerate direct or indirect retaliation for exercising rights or responsibilities under this policy.

## **2 PURPOSE**

- 2.01 The purpose of this Statement of Policy and Procedure is to prevent harassment (including sexual harassment) and violence in the workplace and

outline how the organization will respond to allegations or incidents of workplace harassment or violence.

### **3 SCOPE**

- 3.01 This policy applies to all Workers and addresses workplace harassment (including social events) and violence from any source, including customers, other Workers and management.

### **4 RESPONSIBILITY**

- 4.01 It is the responsibility of the **ED&CEO** with support from the **Chief Administrative Officer** to:

- (a) Ensure that the organization designs, creates, implements and provides policies and procedures to prevent workplace harassment and violence;
- (b) Perform a workplace risk assessment, at least annually, to identify trends, hazards and risks relating to workplace harassment and violence, in conjunction with an external Human Resources Consultant;
- (c) Update and maintain policies and procedures, as appropriate and at least annually, where updates are necessary;
- (d) Monitor trends relating to occurrences of workplace harassment and violence; and
- (e) Ensure that Workers receive appropriate training and orientation regarding this policy.

- 4.02 It is the responsibility of the **ED&CEO** to:

- (a) Receive results and recommendations of the **independent third-party consultant** relating to the investigations conducted;
- (b) Ensure that all Senior Managers carry out their obligations outlined in this policy; and
- (c) Report statistics on workplace harassment and violence to the Board of Directors.

- 4.03 It is the responsibility of **Senior Management Team** to:

- (a) Take reasonable precautions to protect Workers and other persons from violence and harassment in the workplace;
- (b) Ensure that PHE Canada conducts an appropriate investigation if the **Supervisor** becomes aware (or ought to be aware) of any incident or complaint of harassment or violence; and
- (c) Ensure that all concerns, complaints or occurrences of harassment or violence are investigated and dealt with in a fair, sensitive and timely manner while respecting all parties' privacy as much as possible.

- 4.04 It is the responsibility of all **Workers** to:

- (a) Report any occurrences of workplace harassment or violence (including workplace domestic violence) they experience or witness to their **Supervisor, ED&CEO or the independent third-party consultant**. This

is regardless of whether the harassment or violence is perpetrated by a Worker or any other person in the workplace.

- (b) Ensure customers/clients are informed of their responsibility to refrain from harassing or perpetrating acts of violence against Workers or other persons.

4.05 It is the responsibility of the **ED&CEO** to:

- (a) Contract a Human Resources or Legal professional to be the designated **independent third-party consultant** for the organization;
- (b) Participate in the administration, application, evaluation and updating of this policy and the organization's overarching Workplace Harassment and Violence Prevention program, in consultation with the **Senior Management Team** and the **independent third-party consultant**;
- (c) Advise Workers on the interpretation and requirements of this policy and related procedures;
- (d) Maintain records of attendance and the currency of workplace harassment and violence training;
- (e) Coordinate all harassment or violence investigations in consultation with any other relevant persons;
- (f) Provide reports with results and recommendations relating to investigations to the **Board of Directors**; and
- (g) Report occurrences to the **Ministry of Labour/police/other appropriate entities**, as required by legislation, which requires the reporting of a critical injury or crime.

## 5 DEFINITIONS

- 5.01 "**Person**" refers to any individual and includes a Worker and other non-workplace parties, such as a member of the public, a client or anyone with whom a Worker comes into contact with at the workplace.
- 5.02 "**Poisoned working environment**" refers to a workplace which is hostile or uncomfortable to work in because of bullying, harassment or violence, even if no specific person is the target of these behaviours.
- 5.03 "**Worker**" is anyone whom the organization directs to complete work on its behalf, including employees, students, volunteers, Board member, members and independent contractors.
- 5.04 "**Workplace**" means any land, premise or location at, in or near which Workers perform their job duties or where activities related to work take place - including travel and social activities.
- 5.05 "**Workplace coordinator**" means the head of the Human Resources.
- 5.06 "**Workplace harassment**" means:

- (a) Engaging in a course of vexatious comment or conduct against a Worker in a workplace that is known or ought reasonably to be known to be unwelcome; or
- (b) Workplace sexual harassment.

Examples of workplace harassment include:

- Verbal abuse (e.g., yelling, ridiculing, name-calling, jokes or innuendos that are demeaning, offensive or intimidating)
- Pranks, vandalism
- Gossiping, spreading rumours
- Offensive, humiliating or abusive supervision
- Excluding or ignoring (e.g., constantly excluding another Worker from social events in the workplace)
- Displaying offensive pictures and emails
- Menacing or threatening behaviours, including glaring, inappropriate gestures and invasion of personal spaces

A reasonable action taken by a Manager or Supervisor relating to the management and direction of Workers or the workplace is not workplace harassment and may include:

- (a) Measures by a Manager or Supervisor to correct performance deficiencies
- (b) Disciplinary measures implemented for breaches of workplace policies and procedures
- (c) Requests for sick notes in accordance with attendance management or other policies
- (d) Expressing differences of opinion
- (e) Micromanaging (unless there is underlying discrimination, abuse or unfair treatment)

5.07 “**Workplace-related domestic violence**” occurs where a spouse or former spouse, current or former intimate partner, or a family member physically harms, attempts to harm or threatens to harm a Worker at work. In these instances, domestic violence is considered workplace violence.

If **PHE Canada** becomes aware or ought reasonably to be aware that domestic violence that would likely expose a Worker to physical injury may occur in the workplace, it shall take every precaution reasonable in the circumstances for the protection of the Worker.

5.08 “**Workplace sexual harassment**” means:

- (a) Engaging in a course of vexatious comment or conduct against a Worker in a workplace 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

- (b) Making a sexual solicitation or advance 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 the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples of workplace sexual harassment include:

- Unwelcome sexual advances
- Threats, punishment or denial of benefits for refusing a sexual advance
- Leering or staring
- Displaying sexual content (e.g., emails, pictures and porn sites)
- Obscene comments, gestures and jokes
- Persistent unwelcome attention after a relationship ends
- Physical contact (e.g., kissing and touching)

5.09 **“Workplace violence”** includes:

- (a) The exercise of physical force by a person against a Worker in a workplace that causes or could cause physical injury to the Worker;
- (b) An attempt to exercise physical force against a Worker in a workplace that could cause physical injury to the Worker; and
- (c) A statement or behaviour that it is reasonable for a Worker to interpret as a threat to exercise physical force against the Worker in a workplace that could cause physical injury to the Worker.
- (d) The definition of “workplace violence” is broad enough to include acts that would constitute offences under Canada’s Criminal Code.
- (e) Accidental situations, such as a Worker tripping over an object and pushing a co-worker as a result, are not meant to be included.

Examples of workplace violence include:

- Verbally threatening to attack a Worker
- Leaving threatening notes at or sending threatening emails to a workplace
- Shaking a fist in a Worker’s face
- Wielding a weapon at work
- Hitting or trying to hit a Worker
- Throwing an object at a Worker
- Sexual violence against a Worker
- Kicking an object the Worker is standing on such as a ladder
- Trying to run down a Worker using a vehicle or equipment

## 6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

*Occupational Health and Safety Act (Ontario), Ontario Human Rights Code.*

SPP NP 2.01 – Board of Directors

SPP NP 2.04 – Ethics

## 7 PROCEDURES

### 7.01 **Senior Management Team**, led by the **ED&CEO** shall:

- (a) Design, create and implement policies and procedures to prevent workplace harassment and violence;
- (b) Perform a workplace risk assessment relating to workplace harassment and violence, in conjunction with the **independent third-party consultant**, when workplace changes suggest that this may be necessary, for instance, when introducing a new service or opening a new location;
- (c) Perform a workplace risk assessment when required to identify trends, hazards and risk relating to workplace harassment and violence;
- (d) Review policies and procedures, as appropriate, and update as necessary;
- (e) Monitor trends relating to occurrences of workplace harassment and violence; and
- (f) Ensure that Workers receive appropriate training and orientation regarding this policy and the prevention of workplace violence and harassment.

### 7.02 **Supervisors** shall:

- (a) Take reasonable precautions to protect Workers and other persons from violence and harassment in the workplace;
- (b) Ensure that the organization conducts an appropriate investigation if management becomes aware (or ought to be aware) of any incident or complaint of harassment or violence;
- (c) Ensure that all concerns, complaints or occurrences of harassment or violence are investigated and dealt with in a fair, sensitive and timely manner while respecting all parties' privacy and confidentiality as much as possible; and
- (d) Immediately take appropriate action to ensure Worker safety upon being advised of or identifying a hazard which poses a safety risk relating to harassment or violence in the workplace and complete an **Incident/Occurrence Report**.

### 7.03 The **Workplace Coordinator (Health and Safety Representative)** shall:

- (a) Promptly coordinate and investigate incidents or complaints of alleged harassment or violence as follows:
  - (i) An allegation by a Worker against a fellow Worker who "is not" a Supervisor, Manager or above that level shall be investigated by a qualified Worker appointed by the Workplace Coordinator or ED&CEO;
  - (ii) An allegation by a Worker against a Worker who "is" a Supervisor, Manager or above that level shall be investigated by an

- independent third-party consultant** (i.e., someone who is not an employee or independent contractor of the organization);
- (iii) If the subject of the complaint is the **ED&CEO**, a letter of complaint shall be submitted to the **President**, and the complaint shall be investigated by an **independent third-party consultant**;
  - (iv) Managers or Supervisors shall report complaints received to the Workplace Coordinator. The Workplace Coordinator must initiate the formal investigation process; and
  - (v) Complainants shall not be required to make their allegations in writing.
- (b) Not disclose information obtained about an incident or complaint of workplace harassment or violence, including identifying information about anyone involved, 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;
  - (c) Prepare/provide a written investigation report;
  - (d) Report to the **ED&CEO**, or to the **President** if the subject of the complaint is the ED&CEO, as required. If the **independent third-party consultant** was engaged, the consultant will report directly to the **ED&CEO**, or directly to the **President** if the subject of the complaint is the ED&CEO;
  - (e) Complete the investigation **within 90 calendar days**, unless there are extenuating circumstances (e.g., if there are more than five witnesses or witnesses are not available because of illness);
  - (f) Complete any other post-investigation and reporting steps required;
  - (g) Participate in the administration, application, evaluation and updating of this policy and the organizations overarching Workplace Harassment and Violence Prevention program;
  - (h) Advise Workers on the interpretation and requirements of this policy; and
  - (i) Maintain records of attendance and the currency of workplace harassment and violence training.

7.04 The **independent third-party consultant** shall:

- (a) Receive and investigate incidents or complaints of alleged harassment or violence;
- (b) Analyze incidents and complaints of harassment or violence in the workplace to identify trends and potential hazards; and
- (c) Present the analysis to, and shall make recommendations appropriate in the circumstances to the **ED&CEO**.

7.05 The **ED&CEO** shall:

- (a) Receive reports, including results and recommendations arising out of investigations into workplace harassment and violence from the **Health and Safety Representative** or the **independent third-party consultant**;

Note that if the **ED&CEO** is the subject of the investigation, the report shall be submitted to the **President**;

- (b) Inform the alleged harasser or perpetrator of violence and the victim or complainant, in writing, of the results of the investigation and of any corrective action that the association has taken or will take, without delay and **within 10 calendar days** of completing the investigation.

In the investigation and resolution of the complaint by **Health and Safety Representative** or the **independent third-party consultant**, the association will respect the spirit of Canadian law and take the appropriate recommended actions, as required.

- (c) Receive reports and analysis regarding workplace risk assessments and trends;
- (d) Ensure that all workplace participants carry out their obligations outlined in this policy;
- (e) Report statistics on workplace harassment and violence to the **Board of Directors**; and
- (f) Report occurrences to the **Ministry of Labour/police/other appropriate bodies**, as required by legislation, which requires the reporting of an injury or crime.

#### 7.06 **Immediate Incident Response**

**Workers** who experience or witness an exercise of physical force by a person against a Worker, in a workplace, that causes or could cause physical injury, the Worker shall:

- (a) Immediately call 9-1-1 for emergency responders if there is a serious physical injury, recognizing that police involvement and criminal charges might be the outcome of such an incident; otherwise,
- (b) Immediately report the incident to the **Health and Safety Representative**, or to the **ED&CEO** if the subject of the complaint is the Health and Safety Representative; and
- (c) Complete an **Incident/Occurrence Report**.

7.07 Workers also have obligations to prevent violence and harassment in the workplace and shall take the steps below to prevent workplace harassment and violence.

#### 7.08 **Informal Incident Procedure**

Workers who experience workplace harassment may inform the person that the behaviour is not welcome, explain why and encourage change through teaching or counselling when possible:

- (a) Any Worker facing workplace harassment or violence may attempt to resolve their concerns by direct communication with person(s) engaging in the unwelcome conduct - only if it is safe to do so and the Worker is comfortable with doing so;
- (b) This can be through oral or written communication, outlining the



- behaviour, stating it is unwelcome and that it must stop;
- (c) Consider having another person present and document details of the event, date, time and persons involved, for example; and
  - (d) If the conflict is resolved satisfactorily at this stage, an occurrence report or complaint may not be required. However, if it remains unresolved, the Worker must escalate the issue as described below and elsewhere in this policy.

#### 7.09 **Formal Incident Procedure**

If the steps taken in 7.08 above are ineffective and the behaviour has the potential to escalate or has escalated to violence or threats of violence, or if the Worker is concerned for their safety or is otherwise uncomfortable with the issue, the Worker shall:

- (a) Take all necessary immediate precautions to ensure their personal safety (e.g., stop providing service, call for assistance or walk away) in accordance with the organization's safety protocols;
- (b) Report the matter orally or in writing using the procedures outlined above;
- (c) Report any occurrences of workplace harassment or violence that they may experience or witness to their **Supervisor, the Health and Safety Representative, the ED&CEO or the independent third-party consultant** as appropriate;

If a direct Manager or Supervisor is the offender, do not report to that individual. Instead, report to that individual's Supervisor or Manager, or the **ED&CEO or the independent third-party consultant**.

If the **ED&CEO** is the subject of the complaint, report to the **President or the independent third-party consultant**.

Workers shall make reports regardless of whether the harassment or violence is perpetrated by a Worker or any other person in the workplace.

7.10 Workers shall ensure that customers and clients are informed of their responsibility to refrain from harassing or perpetrating acts of violence against Workers or other persons. This should be done at the first interaction or discussion about roles and responsibilities and should be reviewed at least annually.

7.11 Workers shall immediately report to their direct Supervisor or Manager any workplace hazards they identify that may pose a safety risk related to workplace harassment or violence.

7.12 Employees, Board members, and other persons as required, shall participate in mandatory training and orientation regarding this policy and the prevention of workplace harassment and violence.

**8**

**ATTACHMENTS**

Attachment A – Incident/Occurrence Report

*Rapport d'incidence/occurrence*

Attachment B – Preventative Measures for Incident

*Mesures préventives découlant de l'incide*

## Attachment A – Incident/Occurrence Report

Incident/Occurrence Report	
Name of Injured Party/Complainant: Address: Email: Telephone:	
<input type="checkbox"/> Employee / Placement	<input type="checkbox"/> Board member / member / volunteer
<input type="checkbox"/> Visitor	<input type="checkbox"/> Contractor / Supplier
<input type="checkbox"/> Other : _____	
Date of occurrence: Exact location:	Time of occurrence:
Type of Incident: <input type="checkbox"/> Accident <input type="checkbox"/> Harassment <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Violence <input type="checkbox"/> Near Miss <input type="checkbox"/> Illness / Ill health <input type="checkbox"/> Racial/Ethnic Harassment <input type="checkbox"/> Other : _____	
Were you injured? <input type="checkbox"/> Yes <input type="checkbox"/> No If possible, please describe injury.	
Please provide a detailed description of the incident in question. Report any details that may have contributed to the incident (i.e., poor lighting). Use additional paper as necessary and attach to form.	
Desired outcome:	
Was first aid administered? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, by whom? Details of first aid provided:	

Where did the affected person involved in the incident go next?		
<input type="checkbox"/> Returned to work	<input type="checkbox"/> Home	<input type="checkbox"/> To the hospital
<input type="checkbox"/> Other : _____		
Were police or other law enforcement authorities contacted?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Were there any witnesses to the incident?		
Name:	Name:	
Email:	Email:	
Telephone:	Telephone:	
Signature of Injured Party/Complainant:		Date:

***If form completed by someone other than the injured party, please fill out the following lines:***

Form Completed by:	Address:
Email:	
Telephone:	
Signature:	Date:

<b><u>ACTION TAKEN:</u></b> (for HR use only)

## Pièce jointe A – Rapport d'incidence/occurrence

Rapport d'incidence/occurrence			
Nom de la partie lésée/du plaignant : Adresse : Courriel : Téléphone :			
<input type="checkbox"/> Employé/placement	<input type="checkbox"/> Membre du conseil/ membre/bénévole		
<input type="checkbox"/> Visiteur	<input type="checkbox"/> Entrepreneur/fournisseur		
<input type="checkbox"/> Autre : _____			
Date de l'occurrence: Endroit précis :	Heure de l'occurrence :		
Type d'incident :			
<input type="checkbox"/> Accident	<input type="checkbox"/> Harcèlement	<input type="checkbox"/> Harcèlement sexuel	<input type="checkbox"/> Violence
<input type="checkbox"/> Quasi-accident	<input type="checkbox"/> Maladie/mauvaise santé	<input type="checkbox"/> Racial/ethnique	
<input type="checkbox"/> Autre : _____			
Avez-vous été blessé? <input type="checkbox"/> Oui <input type="checkbox"/> Non			
Si possible, décrire la blessure.			
Prière de fournir une description détaillée de l'incident en question. Mentionner tout détail qui peut avoir contribué à l'incident (p. ex., mauvais éclairage). Utiliser des pages additionnelles si nécessaire et joindre au formulaire.			
Résultat désiré :			
Des premiers soins ont-ils été fournis? <input type="checkbox"/> Oui <input type="checkbox"/> Non			
Si oui, par qui?			
Détails sur les premiers soins fournis,			

Où la personne impliquée dans l'incident est-elle allée après?	
<input type="checkbox"/> Retour au travail	<input type="checkbox"/> Maison
<input type="checkbox"/> Autre : _____	<input type="checkbox"/> Hôpital
La police ou d'autres autorités d'application de la loi ont-elles été contactées?	
<input type="checkbox"/> Oui <input type="checkbox"/> Non	
Y avait-il des témoins lors de l'incident?	
Nom :	Nom :
Courriel :	Courriel :
Téléphone :	Téléphone :
Signature de la partie lésée/du plaignant :	Date :

***Si le formulaire est rempli par quelqu'un d'autre que la personne lésée, prière de remplir la section ci-dessous :***

Formulaire rempli par :	Adresse :
Courriel :	
Téléphone :	
Signature:	Date :

<b><u>MESURE PRISE</u></b> : (pour les RH uniquement)

**Attachment B – Preventative Measures for Incident**

<b>Preventative Measures for Incident</b>	
Supervisor Name: Address: Email: Telephone:	Position:
Type of Incident: Who was affected: Date of occurrence: Exact location:	Time of occurrence:
Describe the outcome: harm / health effects / damage.	
Was first aid administered? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, by whom? Details of first aid provided:	
Where did the affected person involved in the incident go next? <input type="checkbox"/> Returned to work <input type="checkbox"/> Home <input type="checkbox"/> To the hospital <input type="checkbox"/> Other : _____	
If injury occurred, what additional medical treatment was sought by the affected person? <input type="checkbox"/> Saw a physician, returned to work <input type="checkbox"/> Saw a physician, returned to light duty <input type="checkbox"/> Saw a physician, required to take leave of absence <input type="checkbox"/> Did not seek medical attention / Refused medical treatment	
Were police or other law enforcement authorities contacted? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Were other people notified of the incident? <input type="checkbox"/> ED&CEO <input type="checkbox"/> President <input type="checkbox"/> RA Centre/HoS Staff <input type="checkbox"/> Other : _____	
Describe corrective measures takes to address immediate hazards related to incident.	

Additional Notes:	
Supervisor's Signature:	Date:



## Pièce jointe B – Mesures préventives découlant de l'incident

Mesures préventives découlant de l'incident	
Nom du superviseur : Adresse: Courriel : Téléphone :	Poste :
Type d'incident: Qui a été concerné : Date de l'occurrence : Endroit précis :	Heure de l'occurrence :
Prière de décrire le résultat : mal/effets sur la santé/dommage.	
Des premiers soins ont-ils été fournis? <input type="checkbox"/> Oui <input type="checkbox"/> Non Si oui, par qui? Détails sur les premiers soins fournis,	
Où la personne impliquée dans l'incident est-elle allée après? <input type="checkbox"/> Retour au travail <input type="checkbox"/> Maison <input type="checkbox"/> Hôpital <input type="checkbox"/> Autre : _____	
En cas de blessures, à quel traitement médical additionnel la personne impliquée a-t-elle fait appel? <input type="checkbox"/> Est allée voir un médecin, est retournée au travail <input type="checkbox"/> Est allée voir un médecin, a repris de travail avec des tâches alléguées <input type="checkbox"/> Est allée voir un médecin a dû prendre un congé du travail <input type="checkbox"/> N'a pas consulté un médecin/a refusé un traitement médical	
La police ou d'autres autorités d'application de la loi ont-elles été contactées? <input type="checkbox"/> Oui <input type="checkbox"/> Non	
D'autres personnes ont-elles été avisées de l'incident? <input type="checkbox"/> DE/PDG <input type="checkbox"/> Président <input type="checkbox"/> Centre RA/personnel hospitalier <input type="checkbox"/> Autre : _____	
Prière de décrire les mesures correctives engagées pour éliminer les dangers immédiats associés à l'incident.	

Notes additionnelles :

Signature du superviseur :

Date :