



CATEGORY: 3.0 Governance and Leadership				
SECTION: 3.4 Human Resources				
POLICY: 3.4.1 Workplace Violence and Harassment Policy	APPROVED: April 2020	REVISED: April 2021	REVIEW DATE:	PAGES: 8

DESCRIPTION

1. This Policy applies to all individuals who perform work for the CCPSA including employees, managers, supervisors, temporary employees, volunteers, student volunteers, part-time employees, the Board of Directors, and independent contractors ("Employees/Workers") who feel they have been harassed within the Workplace.

PURPOSE

2. CCPSA is committed to providing an environment in which all Employees/Workers are treated with respect and dignity. Workplace violence or harassment of any kind will not be tolerated from any person in the workplace, at any time.
3. This Policy is intended to ensure that CCPSA meets its obligations under the Ontario *Occupational Health and Safety Act* to prevent workplace harassment, sexual harassment and workplace violence; and to provide the procedures that will be followed to address and manage complaints.
4. This Policy is also meant to ensure that employees/workers are aware of and understand that workplace harassment and acts of violence are considered a serious offence for which appropriate remedial/disciplinary action will be taken.

DEFINITIONS

Workplace Harassment

The Occupational Health and Safety Act of Ontario defines workplace harassment as 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.

The comments or conduct typically happen more than once; however, harassment may be one incident or a series of incidents that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to a worker or a group of employees/workers. It may also include behaviour that intimidates, isolates, or even discriminates against the targeted individuals.

Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code which protects all employees/workers from harassment on the basis of race, ancestry, place of origin, colour,

ethnic origin, citizenship, creed (religion/faith), sex (including pregnancy), sexual orientation, disability, age, marital status, family status, and record of offences for which a pardon has been granted.

Examples of Workplace Harassment include, but are not limited to the following:

- Making remarks, jokes, and innuendos that demean, ridicule, intimidate, or offend
- Displaying or circulating offensive pictures or materials in print or electronic form
- Bullying
- Repeated offensive or intimidating phone calls or emails
- Inappropriate sexual touching, advances, suggestions or requests
- Displaying of materials or graffiti, which are sexually explicit or anything derogatory pertaining to race, ethnicity, religion, or physical appearance
- Patronizing behaviour, language, or terminology, that reinforces stereotypes and undermines self-respect or adversely affects work performance or working conditions

Differences of opinion or disagreements between co-workers would not generally be considered workplace harassment.

Sexual Harassment

Sexual harassment is defined as:

- Any conduct, comment, gesture or contact of a sexual nature, from a person who knows or ought reasonably to know that such attention is unwanted
- Implied or expressed promise of reward for complying with a sexually oriented request
- Implied or expressed threat of reprisal or actual reprisal for refusal to comply with a sexually oriented request
- A sexual relationship which constitutes an abuse of power
- Sexually oriented remarks or behaviour which may reasonably be perceived to create a negative psychological and emotional environment

Workplace Violence

The Occupational Health and Safety Act of Ontario defines workplace violence as:

- (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.

Examples of workplace violence include, but are not limited to the following:

- Verbally threatening to attack a worker
- Leaving threatening notes, voicemails, or sending threatening emails to a worker at the 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

Accidental situations such as a worker tripping over an object and pushing a co-worker as a result are not meant to be included as workplace violence.

5. Reasonable action taken by CCPSA relating to the management and direction of Employees or the Workplace (e.g., scheduling or conducting an annual performance review) is not Workplace Harassment.

RESPONSIBILITIES

6. Employee/Worker

- a. Understanding and complying with the Policy
- b. Reading and following the procedures that are in place to protect employees/workers from workplace harassment and violence
- c. Participating in any training or information sessions provided by CCPSA to prevent risks of harassment and violence
- d. In cases of potential incidents, informing the alleged offender that their conduct is offensive and must cease immediately (unless it is unreasonable or unsafe to do so) and bringing forward a complaint if the behaviour does not stop
- e. Immediately reporting threats, threatening or violent behaviour, or signs of potential violence or harassment, regardless of whether the reporting employee/worker is a victim, as soon as possible to the employee's/worker's supervisor or another member of the management team
- f. Not making a false or frivolous complaint
- g. Reporting any restraining/protective court orders applied for or obtained that would encompass CCPSA premises and providing copies of such documents
- h. Cooperating fully during any investigation related to workplace harassment or violence.

7. Employer

- a. Not to allow, condone or ignore harassment and/or violence in the workplace and to take corrective action where warranted
- b. Complete a violence assessment and update regularly to address any new violence risks
- c. Communicating the Workplace Harassment and Violence Policy, providing training to employees on the Policy as required, and reviewing the Policy regularly
- d. Ensuring Supervisors immediately report incidents, threats, threatening or violent behaviour, or signs of potential violence or harassment whether or not the victim or alleged offender is an employee/worker under the supervisor's direct supervision
- e. Responding promptly to any incidents appropriately which includes but is not limited to taking measures to ensure the safety of all employees/workers, ensuring proper medical care is obtained if necessary, completing incident reports and providing copies to the CCPSA Board and/or appropriate management employee or designate
- f. Where appropriate, investigating concerns, complaints, or incidents of workplace harassment and violence that they are aware of in a fair and timely manner, while respecting the privacy of all concerned as much as possible
- g. Providing full cooperation in the investigation process including if the investigator deems it to be in the best interest of all parties to be physically and hierarchically removed from reporting relationships.

PROCEDURES

Reporting

8. If a Worker feels that they are being harassed, the Worker should first advise the person harassing them to stop, if they feel comfortable in doing so. If the Worker does not feel comfortable doing so, or if the harassment continues, the Worker is encouraged to report any incidents of Workplace Harassment to the appropriate person. Employees/Workers are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving Workplace Harassment.
9. An incident or a complaint of Workplace Harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.
10. A Workplace Harassment incident or complaint must be reported directly to the Manager or Workplace Health and Safety Representative (Executive Director).
11. If the Manager or Workplace Health and Safety Representative is the alleged harasser, the Worker should report the complaint to the President of the Board of Directors, CCPSA.
12. All incidents or complaints of Workplace Harassment shall be kept confidential except to the extent necessary to protect Employees/Workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

How to File a Workplace Harassment Report

13. Employees/Workers may report incidents or complaints of harassment verbally or in writing. When submitting a written complaint, Employees/Workers are asked to use the Workplace Harassment Incident Report Form (**Appendix A**). When reporting verbally, the Manager or Workplace Health and Safety Representative along with the Worker will complete the Workplace Harassment Incident Report Form.
14. The report of the incident should include the following information:
 - a. Name(s) and contact information of the complainant
 - b. Name(s) and contact information, if available, of the alleged harasser(s)
 - c. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
 - d. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)

CCPSA RESPONSE TO WORKPLACE HARASSMENT COMPLAINTS

Investigation

15. CCPSA will ensure that an investigation is conducted when they become aware of an incident of Workplace Harassment of Violence, or if a complaint is received. If an Internal Investigation is not possible or appropriate, an external Investigator who is qualified to conduct a Workplace Harassment investigation and who is knowledgeable of the relevant Workplace Harassment laws will be retained to conduct the investigation.
16. The Workplace Harassment Officer will send written notice to the alleged harasser that an

investigation of a report of Workplace Harassment under this Policy is being initiated and will provide the name of the Investigator. This notice will include the particulars of the incident reported and indicate that the alleged harasser will have an opportunity to respond to the allegations.

17. The Manager/Workplace Health and Safety Rep will inform the Board of Directors that a Workplace Harassment complaint has been filed and needs to be investigated. The Manager or Workplace Health and Safety Representative may recommend that the investigation be conducted by an outside third party and the Board of Directors may not unreasonably withhold funding for any outside third-party investigator.
18. The investigation will be completed in a timely manner and generally within 60 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.
19. While the investigation is underway, the Manager or Workplace Health and Safety Representative will consider whether interim measures are necessary to minimize contact between the complainant and the accused harasser. Interim measures will be reasonable for the circumstances and may include time off, suspension, assigning different shifts, etc.

Investigation Process

20. The Investigator will conduct the investigation with the following guidelines:
 - The Investigator will ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation.
 - The Investigator will interview the Worker who allegedly experienced Workplace Harassment and the alleged harasser(s), if the alleged harasser is a Worker of CCPSA. If the alleged harasser is not a worker, the Investigator will make efforts to interview the alleged harasser.
 - The alleged harasser(s) will be given the opportunity to respond to the specific allegations raised by the Worker.
 - The Investigator will interview any relevant witnesses employed by CCPSA who may be identified by either the Worker who allegedly experienced the Workplace Harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The Investigator will make efforts to interview any relevant witnesses who are not employed by CCPSA if there are any identified.
 - The Investigator will collect and review any relevant documents.
 - The Investigator will take appropriate notes and statements during interviews with the Worker who allegedly experienced Workplace Harassment, the alleged harasser and any witnesses.
 - The Investigator will provide the alleged harasser with a reasonable opportunity to respond in writing or orally to the allegations. If the response is oral, the Investigator should normally confirm the content of the response with the alleged harasser in writing. If they do not respond within a reasonable timeframe set by the Investigator, or chooses not to participate in the

investigation, the Investigator may proceed in the absence of their response.

Results of the Investigation

21. The Investigator will prepare a written Investigator's Report summarizing the steps taken during the investigation, the complaint, the allegations of the Worker who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The Investigator's Report will set out the findings of fact and come to a conclusion about whether or not, on a balance of probabilities, Workplace Harassment occurred.
22. Within ten (10) business days of the investigation being completed, the complainant, and alleged harasser, will be informed in writing of the results of the investigation as written in an executive summary which shall only include the findings of fact, but they are not to be sent the full Investigator's Report.
23. After receiving the results of the investigation from the Workplace Harassment Officer, the Executive Director and/or Board of Directors will consider the evidence, the nature of the harassment, whether physical contact was involved, whether the situation was isolated, and whether there was an abuse of power to determine what is the appropriate corrective action.

Confidentiality

24. Information about complaints and incidents will be kept confidential to the extent possible. Information obtained about an incident or complaint of Workplace Harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect Employees/Workers, to investigate the complaint or incident, or to take corrective action or otherwise as required by law.
25. While the investigation is on-going, the Worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses must not discuss the incident or complaint or the investigation with each other or other employees or witnesses unless necessary to obtain advice about their rights. The Investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation. All records of the investigation will be kept confidential.

UNSUBSTANTIATED COMPLAINTS AND RETALIATION

26. Intentionally accusing someone of harassment, known to be false, is a serious offence and may be subject to disciplinary action. CCPSA reserves the right to discipline those whose complaints are frivolous or vexatious.
27. Any interference with the conduct of an investigation, or retaliation against the Worker filing the complaint, the alleged harasser, or witness, may itself result in disciplinary action.

RECORD KEEPING

28. CCPSA will keep records of the investigation including:
 - A copy of the complaint or details about the incident
 - A record of the investigation including notes
 - A copy of the Investigator's Report (if any)

- A summary of the results of the investigation that was provided to the Worker who allegedly experienced the Workplace Harassment and the alleged harasser; and
- A copy of any corrective action taken to address the complaint or incident of Workplace Harassment.

29. All records of the investigation will be kept confidential. Records will be kept indefinitely. If the investigation does not find evidence to support the complaint, no record will be kept in the file of the alleged harasser or complainant. When the investigation finds harassment occurred, the incident and the corrective action will be recorded in the harasser's personnel file.

Emergency Situations

Any person subject to workplace violence should immediately report incidents, threats, threatening behaviour, or signs of potential violence and/or harassment regardless of whether they are the victims of such actions to their immediate Supervisor, or the President. If any individual believes that there is a risk of violence in the workplace that may impact the immediate safety of employees, call 911 to request immediate assistance.

If you have experienced Sexual Violence or Sexual Assault:

Go to a Safe Place

Call your local Police or go to the nearest police station. Non-Emergency in Ottawa: 613-236-1222 Ext. 7300; Emergency: 911.

Call your local Rape Crisis Centre. Ottawa Rape Crisis Centre: 613-562-2333

Call your local Victim Services Organization. Victim Services of Ottawa: 613-238-2762

Report the experience to CCPSA (strongly recommended if the incident involved another CCPSA staff member)

Other Avenues of Redress

Nothing in this Policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's Human Rights Code, filing a complaint with the Ontario Ministry of Labour, or to exercise any other legal avenues that may be available.

Plan to Mitigate Risk of Workplace Violence and Harassment

CCPSA will review this Policy and its effectiveness annually and after any critical incident of harassment or violence in the workplace.

APPENDIX A: Harassment / Discrimination Complaint Form

By completing this form, I do hereby swear that all of the information that I enter is true and complete to the best of my knowledge.

Complainant Name _____ **Date** _____

Job Title _____ **Department** _____

Date of Incident _____ **Location** _____

Person(s) Involved – First and Last Name

- 1) _____
- 2) _____
- 3) _____
- 4) _____

Names of Witnesses - First and Last Name

- 1) _____
- 2) _____
- 3) _____
- 4) _____

Description of Incident (details about the incident(s) (behaviour and/or words used); (e) any additional details. Attach additional pages if required)

[illegible]

Employee/Workers Signature_____

Date _____

Complaint Submitted to: _____

Date Complaint Received: _____ **Time:** _____ AM | PM