

SENIORS ASSOCIATION KINGSTON REGION



Workplace Anti-Violence & Harassment Policy



TABLE OF CONTENTS

MISSION

Enhancing the quality of life for seniors throughout our community

VISION

To touch the lives of the majority of seniors within our community

VALUES

Respect and dignity for all
Openness, transparency, and honesty
Inclusiveness
Caring and service
Fiscal responsibility

Intent.....	5
Definitions.....	5
Guidelines.....	6
Application of Policy.....	6
Violence Risk Assessment.....	6
Reporting Violence or Bullying.....	7
Investigating Reports of Violence or Bullying.....	8
Discrimination or Harrassment.....	8
Acknowledgement & Agreement.....	9
Appendix A [Bill 168 Compliance Statement].....	11
Appendix B [Harassment Complaint Form].....	12
Appendix C [Complaint Investigation Form].....	14

WORKPLACE ANTI-VIOLENCE & HARASSMENT POLICY

INTENT

Seniors Association Kingston Region (the Association) is committed to building and preserving a safe, productive and healthy working environment for its workers based on mutual respect. In pursuit of this goal, the Association does not condone and will not tolerate acts of violence or harassment/bullying against or by any staff or volunteer. (See *Bill 168 Compliance Statement* on page xx.)

Our *Workplace Anti-Violence & Harassment Policy* is not meant to stop free speech or to interfere with everyday interactions; however, what one person finds offensive, others may not. Usually, harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember **it is the perception of the receiver** of the potentially offensive message, be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome that determines whether something is acceptable or not.

DEFINITIONS

Workplace Violence or Bullying

Workplace violence or bullying is the exercise, statement or behaviour of physical force by a person against a staff or volunteer, in a workplace, that causes or could cause physical injury to the staff or volunteer, such as:

- ◆ staff – a paid employee of the Association.
- ◆ volunteer – an individual donating their time to the Association.
- ◆ physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault, throwing an object at a staff or volunteer, kicking an object the staff or volunteer is standing on such as a ladder or trying to run down a staff or volunteer using a vehicle or equipment such as a forklift)
- ◆ any threat, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property.
- ◆ disruptive behaviour that is not appropriate to the work environment (e.g., yelling, swearing)

Domestic Violence

A person who has a personal relationship with a staff or volunteer – such as a spouse or former spouse, current or former intimate partner or a family member – may physically harm, or attempt or threaten to physically harm, that staff or volunteer at work. In these situations, domestic violence is considered workplace violence.

Personal Harassment

Any unsolicited, unwelcome, disrespectful or offensive behaviour that has an underlying sexual, bigoted, ethnic or racial connotation and can be typified as:

- ◆ behaviour that is hostile in nature, and/or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, and/or any other Human Rights protected grounds
- ◆ sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome
- ◆ reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person
- ◆ unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation and/or based on religion
- ◆ suggestive or offensive remarks
- ◆ bragging about sexual prowess
- ◆ offensive jokes or comments of a sexual nature about a worker;
- ◆ unwelcome language related to gender
- ◆ displaying of pornographic or sexist pictures or materials
- ◆ leering (suggestive persistent staring)
- ◆ physical contact such as touching, patting, or pinching, with an underlying sexual connotation
- ◆ sexual assault (For the most part, victims of sexual

harassment are female; however, conduct directed by female workers towards males and between persons of the same sex can also be held to constitute sexual harassment.)

- ◆ Any actions that create a hostile, intimidating or offensive workplace. This may include physical, verbal, written, graphic, or electronic means.
- ◆ Any threats of physical violence that endangers the health and safety of the worker.

Racial/Ethnic Harassment

Any conduct or comment which causes humiliation to an staff or volunteer because of their racial or ethnic background, their colour, place of birth, citizenship or ancestry. Examples of conduct which may be racial or ethnic harassment include:

- ◆ making unwelcome remarks, jokes or innuendos about a person's racial or ethnic origin (colour, place of birth, citizenship, ancestry, etc)
- ◆ displaying racist or derogatory pictures or other offensive material
- ◆ making insulting gestures or practical jokes based on racial or ethnic grounds
- ◆ refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background

GUIDELINES

The Association is committed to providing a safe and healthy work environment free from violence, threats of violence, discrimination, harassment, intimidation and any other misconduct. Similarly, weapons are strictly prohibited from the Association's premises and violators will be subject to discipline action and the incident will be reported to the police.

It is also a violation of the Association's *Workplace Anti-Violence & Harassment Policy* for anyone to knowingly make a false complaint of violence or harassment or to provide false information about a complaint. Individuals who violate this policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence. Reprisal is defined as any act of retaliation, either direct or indirect.

The Association will ensure that all staff and volunteers

are trained and educated on violence and harassment and that they are clear about the roles and responsibilities as well as this policy and its procedures. In addition a copy of this policy will be made available to all staff and volunteers.

Application of this Policy

This policy applies to all individuals working for the organization including front line workers, temporary workers, volunteers, contract service providers, contractors, all supervisory personnel, managers, officers or directors. The organization will not tolerate violence or personal harassment whether engaged in by fellow staff, volunteers, managers, officers, directors, or contract service providers of the organization.

The Association will not tolerate any form of harassment or discrimination against job candidates and staff or volunteers on any grounds mentioned above, whether during the hiring process or during employment. This commitment applies to such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

All staff and volunteers are personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination or harassing behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.

For the purposes of this policy, harassment/bullying can occur:

- ◆ at the workplace
- ◆ at employment-related social functions
- ◆ in the course of work assignments outside the workplace
- ◆ during work-related travel
- ◆ over the telephone, if the conversation is work-related
- ◆ elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship

Violence Risk Assessment

The Association will conduct a risk assessment of the work environment to identify any issues related to potential violence that may impact the operation and will institute measures to control any identified risks to staff and volunteer safety. This information will be provided to the Joint Health & Safety Committee or Safety Representative.

The risk assessment may include review of records and reports i.e. security reports, staff and volunteer incident reports, staff and volunteer perception surveys, health and safety inspection reports, first aid records or other related records. Specific areas that may contribute to risk of violence may include: contact with public, exchange of money, receiving doors, working alone or at night etc. Research may also include a review of similar workplaces with respect to their history of violence.

The Association will communicate information relating to a person with a history of violence where:

- ◆ staff and volunteers may reasonably be expected to come into contact with the person in the performance of their job duties
- ◆ there is a potential risk of workplace violence as a result of interactions with the person with a history of violence

The Association will only disclose personal information that is deemed reasonably necessary to protect the staff and volunteer from physical harm.

Reporting Violence or Bullying

In the event that you are either directly affected by or witness to any violence in the workplace, it is imperative for the safety of all staff and volunteers that the incident be reported without delay. Reporting any violence or potentially violent situations should be done immediately to management.

Investigating Reports of Violence or Bullying

The Association shall:

- ◆ investigate all reported acts/incidents of violence
- ◆ consult with other parties (legal counsel, health & safety consultants, JHSCs, worker assistance provider, Human Rights office, local police services)
- ◆ take all reasonable measures to eliminate or mitigate risks identified by the incident
- ◆ document the incident, its investigation, and corrective action taken
- ◆ submit a report of the incident to the Ministry of Labour where a staff incurs a lost-time injury as a result of violence in the workplace
- ◆ review this policy and hazard assessments annually, or as changes to job responsibilities or environments occur, and revise the assessment as needed

- ◆ review annually, in conjunction with review of hazard assessments, the effectiveness of actions taken to minimize or eliminate workplace violence and make improvements to procedures as required

The Safety Representative shall:

- ◆ review the *Workplace Violence Hazard Assessment* results and provide recommendations to management to reduce or eliminate the risk of violence
- ◆ participate in the investigation of critical injuries (incidents that place life in jeopardy, result in substantial blood loss, fracture of leg or arm, etc)
- ◆ recommend corrective measures for the improvement of the health and safety of workers.

Reporting Discrimination or Harassment

Informal Procedure

If you believe you have been personally harassed you may:

- ◆ confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or
- ◆ discuss the situation with the harasser's supervisor, your supervisor or any supervisor other than your own.

Any staff or volunteer who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the facts directly to your supervisor or Executive Director.

Formal Procedure

If you believe you have been personally harassed you may make a written complaint. The written complaint must be delivered to the Executive Director or the President. Your complaint should include:

- ◆ the approximate date and time of each incident you wish to report
- ◆ the name of the person or persons involved in each incident
- ◆ the name of any person or persons who witnessed each incident
- ◆ a full description of each incident

Investigating Reports of Discrimination or Harassment

Once a written complaint has been received, the Executive Director or the President in consultation with the Executive Committee will complete a thorough investigation within 7 days. Harassment should not be ignored as silence can, and often is, interpreted as acceptance.

For the purposes of this section the following definitions apply:

Complainant

The person who has made a complaint about another individual who they believe committed an act of violence against them.

Respondent

The person whom another individual has accused of committing an act of violence.

The investigation will include:

- ◆ informing the respondent of the complaint
- ◆ interviewing the complainant, any person involved in the incident, and any identified witnesses
- ◆ interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents

A copy of the complaint, detailing the complainant's allegations, is then provided to the respondent(s).

- The respondent is invited to reply in writing to the complainant's allegations and the reply will be made known to the complainant before the case proceeds further.
- The Association will do its best to protect from unnecessary disclosure the details of the incident being investigated and the identities of the complaining party and that of the alleged respondent.
- During the investigation, the complainant and the respondent will be interviewed along with any possible witnesses. Statements from all parties involved will be taken and a decision will be made.
- If necessary, the Association may employ outside assistance or request the use of our legal counsel.
- Staff and volunteers will not be demoted, dismissed, disciplined or denied a promotion, advancement or employment opportunities because they rejected sexual advances of another worker or because they lodged a harassment complaint when they honestly believed they were being harassed.

- Where it is determined that harassment has occurred, a written report of the remedial action will be given to the staff or volunteer concerned.

If the complainant decides not to lay a formal complaint, the Executive Director or President may decide that a formal complaint is required (based on the investigation of the incident) and will file such document(s) with the person(s) against whom the complaint is laid.

If it is determined that personal harassment has occurred, appropriate disciplinary measures will be taken as soon as possible.

Seeking Immediate Assistance

Canada's Criminal Code deals with matters such as violent acts threats and behaviours such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If a staff or volunteer feels threatened by a co-worker, volunteer, contractor, student, vendor, visitor or client/customer then an immediate call to Kingston City Police is required.

The Right to Refuse Unsafe Work

- ◆ This is a legal right of every staff and volunteer. The Association is committed to ensuring a safe workplace.
- ◆ If you wish to pursue this right, please refer to the *Work Refusal Policy* in this manual.

Special Circumstances

Should a staff or volunteer have a legal court order (e.g. restraining order) against another individual, the staff or volunteer is encouraged to notify his or her supervisor, and to supply a copy of that order to the Executive Director. This will likely be required in instances where the staff or volunteer strongly feels that the aggressor may attempt to contact that staff or volunteer at the Association, in direct violation of the court order. Such information shall be kept confidential.

If any visitor to the workplace is seen with a weapon (or is known to possess one), makes a verbal threat or assault against a staff or volunteer or another individual, staff and volunteer witnesses are required to immediately contact the police, emergency response services, their immediate supervisor, and the Executive Director.

All records of harassment, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, the Association will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Fraudulent or Malicious Complaints

This Anti-Violence and Harassment Policy must never be used to bring fraudulent or malicious complaints against workers. It is important to realize that unfounded/frivolous allegations of personal harassment may cause both the accused person and the Association significant damage.

If it is determined by the Association that any staff or volunteer has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

Disciplinary Measures

If it is determined by the Association that any staff or volunteer has been involved in a violent behaviour, unacceptable conduct or personal harassing of another staff or volunteer, immediate disciplinary action will be taken. Such disciplinary action may involve counseling, a formal warning and could result in immediate dismissal without further notice.

Workplace Coordinator

For the purposes of this policy the Executive Director shall act as a Workplace Coordinator with respect to workplace violence and harassment issues.

Confidentiality

The Association 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. The Association will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action.

Any disciplinary action will be determined by the Association and will be proportional to the seriousness of the behaviour concerned. The Association will also provide appropriate assistance to any worker who is victim of discrimination or harassment.

Managing and/or Coaching

Counselling, performance appraisal, work assignment, and the implementation of disciplinary actions is not a form of personal harassment, and the policy does not restrict a manager/supervisor's responsibilities in these areas.

Policy Review

As require by the Occupational Health and Safety Act, the Association will review this policy annually and will post the policy on the Health and Safety Bulletin Board.

ACKNOWLEDGMENT & AGREEMENT

I acknowledge that I have read and understand the *Workplace Anti-Violence & Harassment Policy* of the Association. I agree to adhere to this policy and will ensure that staff and volunteers working under my direction adhere to this policy. I understand that if I violate the rules set forth by this policy, I may face disciplinary action up to and including termination of employment.

name _____

signature _____

date _____

witness _____

Date reviewed by Governance	Date approved by Board
January 12, 2015	January 28, 2015



BILL 168 COMPLIANCE STATEMENT

SENIORS ASSOCIATION KINGSTON REGION is committed to building and preserving a safe working environment for its staff and volunteers. In pursuit of this goal, Seniors Association Kingston Region will work to prevent acts of violence and/or harassment on premises, in compliance with Ontario's Bill 168.

As such, the Seniors Association Kingston Region has adopted policies prohibiting physical or verbal threats (with or without the use of weapons), intimidation, or violence in the workplace to minimize risk of injury or harm resulting from violence to staff and volunteers. These policies can be found in the reception area of The Seniors Centre.

Seniors Association Kingston Region will conduct annual violence and harassment risk assessments, communicate all findings to our staff and volunteers. Appropriate training on Bill 168 will be provided to all staff.

Seniors Association Kingston Region does not condone domestic violence and will work to assist and protect any staff or volunteers who may be subject to domestic violence.

It is also a violation of Seniors Association Kingston Region's *Workplace Anti-Violence & Harassment Policy* for anyone to knowingly make a false complaint of harassment or violence, or to provide false information about a complaint. Individuals who violate these policies are subject to disciplinary and/or corrective action, up to and including termination of employment.