

Workplace Violence and Harassment Policy	Policy Number: PA-405
Last Reviewed: 2019/09/01	Next Review: 2020/09/01

Purpose: To ensure that employees at Pinnguaq Association have a work environment that is free of violence or harassment of any kind, whether it arises from another employee or any other person visiting the workplace, or interacting with staff.

Policy Statement: Pinnguaq Association has zero tolerance for workplace violence or harassment of any kind, and will be proactive in the prevention of workplace violence and harassment. Pinnguaq Association is committed to:

- Investigating reported incidents of violence and harassment in an objective and timely manner, taking necessary action; and providing appropriate support for victims.

This policy will ensure that:

- Individuals are aware of, and understand that, acts of violence or harassment are considered a serious offence for which necessary action will be imposed;
- Those subjected to acts of violence or harassment are encouraged to access any assistance they may require in order to pursue a complaint; and
- Individuals are advised of available recourse if they are subjected to, or become aware of, situations involving violence or harassment.

Scope: This policy applies to employees, employers, board members, third party service providers, clients, pupils, and people peripherally involved in the work we do (teachers, family members, etc.)

1. Definitions

- 1.1. **Workplace Violence:** The Occupational Health and Safety Act defines workplace violence as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. It also includes an:
 - 1.1.1. attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker; and a
 - 1.1.2. statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker [section 1].

- 1.1.3. This may include:
 - 1.1.3.1. verbally threatening to attack a worker;
 - 1.1.3.2. leaving threatening notes at or sending threatening e-mails to a workplace;
 - 1.1.3.3. shaking a fist in a worker's face;
 - 1.1.3.4. wielding a weapon at work;
 - 1.1.3.5. hitting or trying to hit a worker;
 - 1.1.3.6. throwing an object at a worker;
 - 1.1.3.7. sexual violence against a worker;
 - 1.1.3.8. kicking an object the worker is standing on, such as a ladder; or
 - 1.1.3.9. trying to run down a worker using a vehicle or equipment such as a forklift.

- 1.2. The definition of workplace violence is broad enough to include acts that would constitute offences under Canada's Criminal Code.

2. Domestic Violence

- 2.1. A person who has a personal relationship with a worker – 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 worker at work. In these situations, domestic violence is considered workplace violence.

3. Workplace Harassment

- 3.1. The Occupational Health and Safety Act 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 definition of workplace harassment includes workplace sexual harassment. This definition of workplace harassment is broad enough to include all types of harassment prohibited under Ontario's Human Rights Code, including sexual harassment.
- 3.2. Workplace harassment also includes what is often called “psychological harassment” or “personal harassment.”
- 3.3. The comments or conduct typically happen more than once. They could occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or years). However, there may be situations where the conduct happens only once. For example, a single instance of an unwelcome sexual

solicitation or advance from a supervisor or manager could constitute workplace sexual harassment. See Section 1.5 of this guide for more information.

- 3.4. Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers, in a workplace. It can also include behaviour that intimidates, isolates or even discriminates against the targeted individual(s).
 - 3.4.1. This may include:
 - 3.4.1.1. making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
 - 3.4.1.2. displaying or circulating offensive pictures or materials in print or electronic form;
 - 3.4.1.3. Bullying;
 - 3.4.1.4. repeated offensive or intimidating phone calls or e-mails; or
 - 3.4.1.5. workplace sexual harassment.

4. **Sexual Harassment**

- 4.1. The Occupational Health and Safety Act defines workplace sexual harassment as: 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
- 4.2. making a sexual solicitation or advance where the person making it 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 the solicitation or advance is unwelcome.
- 4.3. This definition of workplace sexual harassment reflects the prohibitions on sexual harassment and sexual solicitation found in Ontario's Human Rights Code.
- 4.4. The comments or conduct typically happen more than once, although a single unwelcome solicitation or advance from a manager, supervisor, or another person who has the power to reward or punish the worker may constitute workplace sexual harassment. Multiple events can occur over a relatively short period of time or over a longer period.
- 4.5. Workplace sexual harassment can involve unwelcome words or actions associated with sex, sexual orientation or gender that are that are known or should be known to be

offensive, embarrassing, humiliating or demeaning to a worker or group of workers, in a workplace. It can also include behaviour that intimidates or isolates individual(s).

4.5.1. Workplace sexual harassment may include:

- 4.5.1.1. asking questions, talking, or writing about sexual activities;
- 4.5.1.2. rough or vulgar humour or language related to sexuality, sexual orientation or gender;
- 4.5.1.3. displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form;
- 4.5.1.4. leering or inappropriate staring;
- 4.5.1.5. invading personal space;
- 4.5.1.6. unnecessary physical contact, including inappropriate touching;
- 4.5.1.7. demanding hugs, dates, or sexual favours;
- 4.5.1.8. making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes;
- 4.5.1.9. verbally abusing, threatening or taunting someone based on gender or sexual orientation; or
- 4.5.1.10. threatening to penalize or otherwise punish a worker if they refuse a sexual advance.

4.6. Where the conduct or behaviour includes inappropriate sexual touching, this may also constitute a criminal offence such as sexual assault. In such cases, the police should be notified.

5. **Gender Based Harassment**

5.1. is "any behaviour that polices and reinforces traditional heterosexual gender norms".

6. **Ontario Human Rights Code**

6.1. Sections 7(1) and (2) set out a person's right to be free from harassment based on sex and inappropriate gender-related comment and conduct in housing and employment.

6.2. Section 7(2) states: Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.

6.3. Section 7(3)(a) prohibits sexual solicitation by a person in a position to confer a benefit, etc. It states: Every person has a right to be free from a 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.

7. **Poisoned Work Environment**

- 7.1. Creating or allowing a poisoned environment means that certain people face terms and conditions of employment, tenancy, education, etc. that are quite different from those experienced by people who are not subjected to the comments or conduct. Examples include:
- 7.2. a supervisor, teacher or housing provider telling an employee, student or tenant: “women should be barefoot and pregnant in the kitchen, not in the boardroom/classroom/living alone,” etc.
- 7.3. comments, signs, caricatures or cartoons displayed in a workplace, common living area, educational facility, service environment (such as a store or restaurant), etc. that show women in a demeaning way
- 7.4. sexualized or gender-related graffiti or images that are tolerated and not promptly removed by an employer, housing provider, educator or other responsible party
- 7.5. sexual or gender-related remarks, jokes or innuendo about an employee, client, student, customer, tenant, etc. In addition, sexual or gender-related remarks, jokes or innuendos made about other people or groups may create worry for bystanders that similar views are held about them.

8. **Responsibilities**

8.1. **Executive Director**

- 8.1.1. It is the responsibility of the Executive Director of Pinnguaq to ensure that:
- 8.1.2. All reasonable preventative measures to protect employees and others at Pinnguaq from workplace violence and harassment;
- 8.1.3. A workplace violence risk assessment is conducted;
- 8.1.4. Advise the Joint Health & Safety Committee of the assessment results and provide a copy in writing;
- 8.1.5. Establish procedures, policies and work environment arrangements to eliminate the risk to employees from violence;
- 8.1.6. Proper maintenance and testing of all security systems including, but not limited to, surveillance cameras, lighting, panic button, intercom, etc.

- 8.1.7. Ensure all employees are trained on this policy;
- 8.1.8. Review the policy annually with the Joint Health & Safety Committee to ensure any new violence hazards are identified;
- 8.1.9. Reporting procedures are established with respect to workplace violence and harassment;
- 8.1.10. Process is in place for responding to, and investigating incidents of workplace violence and harassment; and
- 8.1.11. This policy and procedure is posted and communicated to all staff.
- 8.1.12. This policy shall be reviewed after any violent or harassment events take place to determine if changes need to be made.

8.2. **Managers and Supervisors**

- 8.2.1. It is the responsibility of Managers and Supervisors at Pinnguaq to ensure that:
 - 8.2.1.1. This policy is properly enforced and communicated to the employees;
 - 8.2.1.2. All employees within their department are adequately trained in Pinnguaq's procedures addressing workplace violence and harassment risk factors;
 - 8.2.1.3. Encourage employees to report complaints or incidents of workplace violence and harassment;
 - 8.2.1.4. All reports/complaints/incidents of workplace violence and/or harassment will be addressed in an appropriate and timely manner; and
 - 8.2.1.5. All complaints or incidents of workplace violence and/or harassment will be reported promptly to senior management and investigated immediately.

8.3. **Employees**

- 8.3.1. It is the responsibility of every employee, volunteer or contract personnel to:
 - 8.3.1.1. Comply with this policy and all related procedures at all times for their own protection and the protection of others within the workplace;
 - 8.3.1.2. Immediately report any violent or potentially violent incident to their manager/supervisors
 - 8.3.1.3. In the event of an extreme or imminent threat of physical harm to themselves or any person at Pinnguaq, the worker should contact Emergency Services; and

- 8.3.1.4. Fully cooperate in any investigation of complaints or incidents of workplace violence or harassment as indicated within this policy.

9. Zero Tolerance

- 9.1. Pinnguaq will not tolerate any incidents of workplace violence or harassment perpetrated against or by any employee, customer, vendor, contractor, visitor, or any other person at Certificate of Recognition. With respect to workplace violence and harassment as defined by this policy, any contravention may result in the following:
 - 9.1.1. Removal from the property;
 - 9.1.2. Discipline or dismissal;
 - 9.1.3. Police involvement.
 - 9.1.4. All physical assaults involving an employee or occurring at Pinnguaq will be reported to the police.
 - 9.1.5. Threats of physical violence will be reported to the authorities, as appropriate.

10. Sharing Information

- 10.1. Where Pinnguaq acknowledges that a person employed has a history of violent behaviour, Pinnguaq will provide the necessary minimum information to any worker who is at risk if they may encounter this person, and is at risk of likely physical injury. Pinnguaq will make every effort to respect the privacy of the potentially violent person as much as possible.

11. Complaint Procedure

- 11.1. In the event of an extreme or imminent threat of physical harm to themselves or any person at Pinnguaq, the worker should contact Emergency Services immediately.
- 11.2. Employees who experience, or perceive any form of violence are encouraged to file an Incident Report Form with the Human Resource Manager, who will begin the Internal Complaints Procedure. At the discretion of management, the police may need to be contacted. In the event that the President is not available, staff shall contact the police if they feel it is necessary.
- 11.3. Investigations will occur promptly. It would be reasonable to complete the investigation as soon as possible within 90 days or less unless there are compelling reasons why a longer investigation is needed (e.g. there are multiple witnesses, a key witness is unavailable due to illness, etc.).

- 11.4. An objective party must investigate incidents. The person conducting the investigation should not be involved in the incident and should not be under the direct control of the alleged harasser.
- 11.5. The recipient of the complaint will handle it in an independent manner. Confidentiality will be maintained at all times. The complainant will be protected from reprisal or threat of reprisal. The receiver of the complaint will try to resolve it in as equitable manner as possible, bearing in mind that **our priority is a safe workspace for all employees.**
- 11.6. Until the complaint is resolved, the complainer will not be asked to work with the complainee.
- 11.7. Complaints will be investigated on a case-by-case basis, always with the human rights of the employee as a priority.
- 11.8. External assistance is also available from the Human Rights Legal Support Centre: <http://www.hrlsc.on.ca/en/contact-hrlsc>

12. **Alternative Courses of Action**

- 12.1. At any point, if the employee is not satisfied with the internal process, they may file a human rights application with the jurisdictional human rights tribunal at any time during the internal process.

13. **Time Limitations**

- 13.1. Employees must file their application within **one (1) year** of the date on which the incident happened, or if there was a series of events, within **one (1) year** of the last event, according to the Human Rights Code.

14. **Support**

- 14.1. Pinguuaq will provide support to victims of violence or harassment through an employee assistance program (EAP). Employees who are victims of violence or harassment are encouraged to seek assistance through this program and can be assured that any counseling and/or treatment administered are completely confidential.

15. **Monitoring of Program**

- 15.1. The Workplace Violence and Harassment Policy and program will be reviewed annually or as needed with the Joint Health & Safety Committee to ensure any new violence or



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harassment hazards are identified and employees are properly protected from these hazards. This policy should be reviewed after any violent events take place to determine if changes need to be made.