**WORKPLACE VIOLENCE AND HARASSMENT POLICY**

[Company Name] (the “Company”) is committed to providing and maintaining and safe, healthy, positive and professional work environment that is free from violence, threats of violence, discrimination, harassment, sexual harassment, intimidation and bullying. In support of this mandate, the Company will regularly review the potential activities that may lead to workplace violence and establish preventative and reporting measures. Furthermore, the Company expressly prohibits any form of discrimination and harassment as defined under the Ontario Human Rights Code, and any form of workplace harassment, including sexual harassment, as defined by the Ontario Occupational Health & Safety Act. All measures established by the Company are specifically designed to meet the requirements under the Ontario Occupational Health & Safety Act.

The work performed by the Company has the potential for staff to encounter violence and harassment in the workplace. The Company will make every reasonable effort to:

* train management and staff;
* identify sources of violence and harassment;
* establish reporting requirements and procedures designed to address violent acts, threats of violence and harassment;
* reduce or eliminate the risk of violence and;
* implement policies and procedures to be adhered to by the workforce.

The Company is committed to the Workplace Violence and Harassment Program and Policy, and to creating an environment that supports the goal of strict compliance.

Scope

This policy applies to all individuals working for the Company, including full-time employees, temporary or casual employees, contract service providers, contractors, all supervisory personnel, managers, officers, and directors. The Company will not tolerate violence or harassment, whether engaged in by fellow employees, managers, officers, directors, or contract service providers of the Company.

Definitions

**“Workplace Violence”** means:

* the exercise 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; or,
* a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.

This may include:

* verbally threatening to attack a worker;
* leaving threatening notes at or sending threatening e-mails 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; or
* trying to run down a worker using a vehicle or equipment such as a forklift

**“Workplace Harassment”** means:

* 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
* workplace sexual harassment.

This may include:

* making remarks, jokes or 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 e-mails; or
* workplace sexual harassment

**“Workplace Sexual Harassment”** means:

* 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
* 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.

This may include:

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

Note: Reasonable action taken by the Company or managers/supervisors relating to the management and direction of workers or the workplace is not workplace harassment. This includes, but is not limited to, scheduling, assignment of duties, and annual/periodic performance reviews.

Roles and Responsibilities

Roles and Responsibilities of Workplace Parties:

1. The Company:
* Ensure that measures and procedures in the violence and harassment prevention program are carried out. Hold management accountable for responding to and resolving complaints of violence.
* Ensure compliance by all who have a relationship with the organization, such as physicians, contractors, volunteers, etc.
* Post a copy of this policy in the workplace.
* In consultation with the Joint Health and Safety Committee (“JHSC”), conduct regular risk assessments.
* In consultation with the JHSC, establish control measures.
* In consultation with the JHSC, establish and deliver training and education for all employees.
* Integrate safe behaviour into day-to-day operations.
* Develop a reporting process for incidents of workplace violence and harassment.
* Investigate all reports or threats of violence/harassment in a prompt, objective and sensitive way.
* Report incidents of workplace violence to the JHSC within four days if an employee is disabled from performing their own work or receives medical attention as a result of an incident.
* Take corrective action.
* Provide response measures.
* Facilitate medical attention and support for those involved directly or indirectly.
* Ensure any deaths or critical injuries are reported to a Ministry of Labour (MOL) inspector, the police (as required), JHSC or H&S representative, as well as investigated with the JHSC. Send the report explaining the circumstances to all parties in writing within 48 hours of the occurrence. Include information and particulars prescribed by the *Occupational Health and Safety Act* and regulations.
* Ensure a report goes to WSIB of all 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.
1. Managers/supervisors:
* Enforce policy and procedures and monitor worker compliance.
* Identify and alert staff to violent persons and hazardous situations.
* Investigate all workplace violence using the organization’s accident investigation procedure and form, and contact the police as required.
* Facilitate medical attention for employee(s) as required.
* Debrief those involved in the incident either directly or indirectly.
* Contact human resources to ensure the employee receives further counselling about her/his rights.
* Track and analyze incidents for trending and prevention initiatives.
* Immediately report a death or critical injury to an MOL inspector, the police (as required), JHSC, and H&S representative, and investigate with JHSC Report the circumstance to all parties in writing within 48 hours. Include information and particulars prescribed by the regulations.
* Issue a report to the employer and WSIB on all lost-time accidents where a worker 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. Copies of accident information where there is no critical injury must be provided to the JHSC within four days of the occurrence, as prescribed by the *Occupational Health and Safety Act.*
* Ensure the workplace violence and harassment prevention program is reviewed at least once a year.

1. Employees/Workers:
* Participate in education and training programs so you can respond suitably to any incident of workplace violence or harassment.
* Understand and comply with the violence and harassment prevention policies and related procedures.
* Report all incidents or injuries of violence/harassment or threats of violence/harassment to your supervisor immediately. Complete the Workplace Violence Incident Report.
* Inform the JHSC or the worker member of the JHSC about your concerns regarding the potential for violence/harassment in the workplace.
* Contribute to risk assessments.
* Seek support when confronted with violence/harassment or threats of violence.
* Get medical attention, when needed.
* At least once a year, participate in a review of the workplace violence and harassment prevention program.

1. Joint Health and Safety Committee (JHSC):
* Ensure you are consulted about the development, establishment and implementation of violence prevention measures and procedures (the violence and harassment prevention program).
* Make recommendations to the employer for developing, establishing and providing training in violence prevention measures and procedures.
* At least once a year, take part in a review of the workplace violence and harassment prevention program.
* The worker-designate should investigate all critical violence-related injuries.
* Immediately review reports of critical injury or death. Outline in writing the circumstances and particulars within 48 hours of the occurrence.
* Within four days, review written notices lesser injuries where any person is disabled from performing his or her usual work or requires medical attention.

Reporting Workplace Violence

Workers are required to report any incident which may be considered workplace violence or threat of workplace violence as soon as possible to their immediate supervisor. The report should outline the details of the incident, any witnesses who were present, and any physical evidence of the violence or threat. The Incident Report Form attached as Appendix A to this document will assist the worker in completing the report.

For emergency concerns where the situation is one of immediate danger, the worker should take the following steps:

* Workers who are concerned about their immediate safety should remove themselves from the violent or potentially violent situation immediately by leaving the area immediately;
* Contact local police by dialing 911. Identify the street address when making the emergency call;
* Contact the Company to let them know that police have been called;
* Notify your supervisor as soon as possible;
* If required, seek medical treatment.

Workers can obtain information about workplace violence or discuss an incident with a Company representative including their immediate supervisor, their manager, or Human Resources Generalist, where applicable. Such informal consultation will not constitute a report of workplace violence.

Domestic Violence

Any worker who believes that domestic violence may occur in the workplace and that would likely expose the worker or another worker to physical injury should report the matter to his/her manager or supervisor. The Company recognizes and respects the sensitivity and confidential nature of such information. The Company is committed to reducing the risk of domestic violence occurring in the workplace, but requires the assistance of all workers to identify these risks. Workers who believe that they are at risk of being subjected to domestic violence will be supported by their manager/supervisor and the Company, and will be provided with appropriate and confidential support as deemed appropriate.

Investigating Workplace Violence Reports/Incidents

The Company, through its assigned designate, shall:

* Investigate all reported acts and incidents of violence, and consult with other parties (e.g., legal counsel, health and safety consultants, JHSC, employee assistance provider, and 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 an employee incurs a lost time injury as a result of violence in the workplace.
* Review this policy and risk assessment annually, or as changes to job responsibilities or environments occur, and revise the assessment as needed.
* Review annually, in conjunction with review of the workplace risk assessment, the effectiveness of actions taken to minimize or eliminate workplace violence and make improvements to procedures, as required.

The Joint Health and Safety Committee shall:

* Review the workplace risk assessment results and provide recommendations to Company management to reduce or eliminate the risk of violence.
* Review all reports forwarded to the JHSC regarding workplace violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage, or police involvement.
* Participate in the investigation of critical injuries and, when requested, participate in the investigation of reported incidents that result in personal injury or potential injury.
* Monitor trends and recommend corrective measures for the improvement of the health and safety of workers.
* Respond to employee concerns related to workplace violence and communicate these to management.

Right to Refuse Unsafe Work

A worker may refuse to work or do particular work where he or she has reason to believe that that workplace violence is likely to endanger him/her. The worker may remove him/herself from his or her workstation/work location and remain in a safe place. Such work refusal shall follow the requirements of the Occupational Health & Safety Act, Section 43.

Reporting Workplace Harassment

Workers can report incidents or complaints of workplace harassment either verbally or in writing. When submitting a written complaint, workers are encouraged to use the Incident Report Form attached as Appendix A. When reporting verbally, the reporting contact, along with the worker complaining of harassment, will fill out the Incident Report Form.

The report of the incident should include the following information:

* Name(s) of the worker who has allegedly experienced workplace harassment and contact information;
* Name of the alleged harasser(s), position and contact information (if known)
* 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)
* Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
	+ Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint.
	+ List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

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.

A worker should report a workplace harassment incident or complaint to **their supervisor/manager**. If the worker’s supervisor/manager is the person engaging in the workplace harassment, the worker should contact **[position or name of alternate reporting contact and contact information]**. If a member of the Company’s senior leadership team is the person engaging in the workplace harassment, contact **[position or name of alternate reporting contact and contact information]**.

Human Resources **[or designated person]** shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complaint involves a member of the senior leadership team, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

Investigating Workplace Harassment Reports/Incidents

The Company will ensure that an investigation appropriate in the circumstances is conducted when the Company, a manager or supervisor, or other Company designate becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

The [position of designated person] will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace harassment involve **management or senior leadership personnel**, the Company will refer the investigation to an external investigator to conduct an impartial investigation.

The investigation must be completed in a timely manner and generally within 90 days or less, unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

The person conducting the investigation, whether internal or external to the workplace, will, at minimum, complete the following steps:

* The investigator will ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation.
* The investigator will thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the Company. If the alleged harasser is not a worker, the investigator will make reasonable 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. In some circumstances, the worker who allegedly experienced the workplace harassment will be given a reasonable opportunity to reply.
* The investigator will interview any relevant witnesses employed by the Company 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 reasonable efforts to interview any relevant witnesses who are not employed by the Company if there are any identified.
* The investigator shall collect and review any relevant documents.
* The investigator shall take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
* The investigator shall prepare a written 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 report will set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment and the alleged harasser, if he or she is a worker of the Company, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the Company to address workplace harassment.

The Company 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 investigation 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, if a worker of the employer;
* a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

In accordance with the Occupational Health and Safety Act, records must be kept for no less than 1 year from the conclusion of the investigation.

Confidentiality

The Company, to the extent possible, will ensure that it protects the privacy of the individuals involved and that complainants and respondents are treated fairly and respectfully. The Company 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 Company and will be proportional to the seriousness of the behaviour concerned.

Fraudulent and Malicious Complaints

This Workplace Violence and Harassment Policy must not be used to bring fraudulent or malicious complaints against workers or other third parties. It is important to realize that unfounded or frivolous allegations of violence or harassment may cause both the accused person and the Company significant damage. If it is determined by the Company that any worker has knowingly made false statements regarding an allegation of workplace violence or harassment, immediate disciplinary action will be taken.

Reprisals

Reprisals or threats of reprisal, are defined as acts or threats designed to punish an individual who has reported workplace violence or harassment; or threats designed to dissuade an individual from reporting workplace violence or harassment.

There shall be no reprisal against any individual who, in good faith, reports an incident of harassment or discrimination or participates in an investigation.

Disciplinary Measures

If it is determined by the Company, or an independent third party investigator, that any worker has been involved in violent behaviour, harassment of another worker, or other unacceptable behavior, immediate disciplinary action may be taken at the Company’s discretion. Such disciplinary action may include, but not be limited to, counselling, training, a formal warning, and/or dismissal.

Policy Review

As required under the Occupational Health and Safety Act, the Company will review this policy annually and will post the policy in a conspicuous place in the workplace.

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I have read and understand this letter and have signed below to acknowledge receipt.

Employee Name:

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SIGNATURE DATE