

Birch Glen Co-operative Homes

Policy on Workplace Violence and Harassment

A policy dealing with preventing and responding
to violence and harassment in the workplace

For Co-ops in Ontario

Passed by the board of directors on
the 18th day of October, 2010

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1. Policy Statement

Birch Glen Co-operative Homes is committed to the safety of its workers. Co-op staff should enjoy a workplace that is free from violence and harassment. The Board has adopted this policy in support of work place safety. No worker, volunteer or any other individual associated with the co-op shall subject any other person to workplace violence or harassment or allow or create situations that allow workplace violence or harassment to occur. The co-op will

- 1 support and promote education on the prevention of workplace violence and harassment
- 2 regularly assess the risks of workplace violence
- 3 identify possible sources of violence and harassment;
- 4 strive to eliminate or reduce the risk of workplace violence and harassment;
- 5 take every precaution reasonable in the circumstances to protect workers from domestic violence that would likely cause physical injury to workers in the workplace;
- 6 investigate and deal with all incidents and complaints of workplace violence and harassment in a fair and prompt manner

2. Purpose of Policy

The purpose of this policy is to

- identify roles and responsibilities when violence or harassment take place in the workplace;
- set out how the co-op will respond to reports of violence or harassment in the workplace.

3. Definition of Workplace Violence and Harassment

Under the *Occupational Health and Safety Amendment Act 2009*, workplace violence means

- 1 the exercise of physical force by a person against a worker, in a workplace, that causes, or could cause, physical injury to the worker,
- 2 an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- 3 a statement or behaviour that 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.

Under the *Occupational Health and Safety Amendment Act 2009*, workplace harassment means

- 1 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.

4. Definition of Worker

For the purposes of this policy, a worker means a person who performs work or services for monetary compensation at the co-op and includes all full-time and part-time employees, casual workers, individual contractors and employees or staff of any contractor or service provider carrying out business for the co-op.

5. Rights and Duties

5.1 Workers' Rights

Workers have a right

- (a) to report an incident of violence or harassment or file a complaint without fear of retaliation;
- (b) to be told about the co-op's process for looking into the incident or complaint;
- (c) to choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person;
- (d) to get information about the review of the incident or complaint;
- (e) to be treated fairly while the co-op is looking into the incident or complaint;
- (f) to get information about the action taken by the co-op because of the incident or complaint;
- (g) to refuse work if the worker has reason to believe that workplace violence is likely to endanger himself or herself.

5.2 Workers' Duties

- a) Workers have a duty to report any incidents of violence or harassment they become aware of, even if they are not personally involved.
- b) Workers who feel they have been harassed have a duty to communicate clearly to the person who harassed them that the behaviour was unwelcome, unless it is unreasonable to expect them to do so.
- c) Workers who report an incident or file a complaint have a duty to co-operate with the people who are looking into the incident or complaint.

5.3 Rights of the Person Accused of Violence or Harassment

A person accused of violence or harassment has the right:

- a) to be told that a report or complaint has been filed;
- b) to know who filed the report or complaint, unless the co-op decides that reprisals are an issue, in which case the name may be withheld. This should be done only in the most extreme circumstances;
- c) to be told about the co-op's process for looking into the incident or complaint;
- d) to choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person;
- e) to be treated fairly during the investigation process

5.4 Duties of the Person Accused of Violence or Harassment

Anyone accused of violence or harassment has a duty to co-operate with the co-op in the investigation of the incident or complaint.

6. Reporting Workplace Violence

- a) When an incident of workplace violence occurs, the co-op will notify police or emergency responders for immediate assistance where necessary.
- b) If the incident results in a person being killed or critically injured, the co-op will immediately notify a Ministry of Labour health and safety inspector, the co-op's health and safety representative and union, if any, and within 48 hours notify, in writing, a director of the Ministry of Labour.

7. Investigating Incidents and Complaints

The co-op will investigate all incidents and complaints about violence and harassment promptly:

- a) If the incident or complaint is on human rights grounds, the co-op will follow the process set out in the Human Rights By-law (include if the co-op has adopted a human rights by-law)
- b) An incident report or a complaint must be in writing and signed by the person filing the report or making the complaint unless this is unreasonable. The report or complaint should be given to the co-op manager. If the report or complaint is about the manager it can be given to the President. If the report or complaint is about both the manager and the President it can be given to any director.
- c) The co-op will designate a person to look into the incident or complaint. This position may be called the Incident Investigator or the Complaints Officer. The designated person may or may not be a director or a staff member and may be from outside the co-op.
- d) The designated person may be authorized to consult the co-op lawyer. Where there is a possible legal liability on the part of the co-op, the co-op lawyer will be consulted before proceeding further.
- e) The investigation into the incident or complaint will include interviews with the parties and any others that may have knowledge of the incident or complaint. The investigation may include a review of co-op files and inspection of parts of the co-op as necessary. The designated person will submit a written report to the board.
- f) The board will consider the report and take the appropriate action where there is evidence of violence or harassment. In determining the action to take, the board will consider the seriousness of the acts.

Possible actions include:

- 1 a letter of apology or a performance agreement, if the parties will agree to these;
- 2 mediation between the parties or mandatory counseling;
- 3 proceedings to remove someone from the board if the person at fault is a director;
- 4 reprimand, suspension or dismissal if the person at fault is a worker;
- 5 eviction, if the person at fault is a resident of the co-op. However, in determining what to do, the board will be guided by the eviction process; establishing appropriate security measures as part of the workplace violence and harassment program.

8. Privacy

As far as possible, the co-op will keep all information relating to an incident or complaint confidential.

However, in order to investigate an incident or complaint, the person conducting the investigation may have to interview people in order to get at the facts. As far as possible in doing these interviews, that person will try to protect the identity of those involved, but this will not always be possible.

The Co-op will disclose information only on a need-to-know basis.

9. Action by Co-operative

While the incident or complaint is being investigated, the co-op will

- (a) limit contact between the parties involved in the incident or complaint
- (b) assist the affected worker in obtaining help to deal with any stress they may be feeling (refer to the Employee Assistance Program for counseling).

10. Other Legal Rights

This by-law does not in any way limit the right of workers to take any other legal action resulting from violence or harassment.

CERTIFIED to be a true copy of a Policy passed by the board of directors at a meeting held on the ____ day of _____, 20__

_____ c/s
Secretary