

Policy Section: Human Resources	Policy No:
Subject: Workplace Violence & Harassment Policy	Effective Date: Feb 21, 2017
Approved by: Board of Directors	Revision Date:

CENTRE FOR INDEPENDENT LIVING IN TORONTO (C.I.L.T.), INC.

WORKPLACE VIOLENCE & HARASSMENT POLICY

1. Purpose:

- 1.1 The Centre for Independent Living in Toronto. (**CILT**) is committed to providing a safe and respectful work environment for all employees. No one should be subjected to violence and harassment for any reason, at any time. Violence and harassment have no place in the workplace or any situation involving CILT's employees.
- 1.2 All complaints of violence and harassment will be treated seriously and CILT will address all complaints quickly, confidentially, and fairly.

2. Definitions:

- 2.1 "Assault" is an act resulting in physical harm, with or without use of a weapon. Examples include hitting, shoving, pushing, punching, biting, spitting, pinching, groping and throwing any object.
- 2.2 "Board" refers to the Board of Directors for CILT.
- 2.3 "Bullying" is the use of force, threat or coercion to intimidate or aggressively dominate others. This includes cyberbullying, which is the use of cell phones, instant messaging, e-mail, chat rooms or social networking sites such as Facebook and Twitter, to abuse, threaten or intimidate someone.
- 2.4 "Domestic Violence" means abusive, coercive, forceful or threatening acts or words, or the exercise of physical force or an attempt or threat of physical harm of a Worker at work by a person who has a personal relationship with that Worker (including a spouse, former spouse, intimate partner or family member). Domestic violence can enter the workplace when an abuser attempts to harass, stalk, threaten or injure a victim at work. This can endanger other employees and clients as well as victim, putting an entire workplace at risk. In these situations, domestic violence is considered Workplace Violence.
- 2.5 "Risk Assessment" refers to CILT's assessment of the risk of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.
- 2.6 "Threats" means verbal and written communications intended to cause physical harm to a person in the workplace or to the property. A direct threat is a clear and explicit communication indicating that the person intends to do harm. A veiled

threat involves body language or behaviors that leave little doubt that the person intends to do harm.

2.7 “Worker” refers to:

- a. an employee at CILT who performs work for monetary compensation;
- b. a student who performs work for no monetary compensation as part of a program approved by a secondary school or college of applied arts and technology, university or other post-secondary institution;
- c. persons employed by an external organization but providing services to the CILT under contract, including but not limited to employees of property management organizations and maintenance service providers
- d. a volunteer.

2.8 “Workplace” means a location where people have been assigned by CILT to work or conduct business-related activities. A workplace includes CILT work premises, work assignments outside of CILT premises such as event locations, approved home office spaces, work-related travel and work-related professional development sessions, public locations such as coffee shops, schools or work placements, and health care settings such as hospitals or rehabilitation centres.

2.9 “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 including putting or attempting to put undue pressure on a worker or behaving in a manner that may reasonably be perceived as intimidating or threatening, and includes Workplace Sexual Harassment. Harassment may also relate to a form of discrimination as set out in the *Human Rights Code*, RSO 1990, c. H. 19

The following are some examples of harassment: offensive or derogatory jokes/comments (i.e. racist/sexist etc.), insults, leering, spreading hurtful rumors, swearing, name calling, hand gestures, electronic or physical display of pornography, making threats, unwanted touching, unwanted sexual attention, threatening gestures, bullying, and any comments or acts which have the effect of belittling, demeaning or humiliating anyone in the workplace.

2.10 “Workplace Sexual Harassment” means

- a. 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
- b. 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;
- c. sexual harassment may include, but is not limited to: unwelcome physical contact, such as pinching, hugging, brushing up against or patting, unwelcome sexual requests, remarks, jokes or gestures, unfair evaluations or reprimands, reduced/ increased working hours, dismissals, discipline or

refusal to hire in response to a refusal to submit to sexual requests, leering (sexually suggestive glances) or whistling.

- 2.11 “Workplace Violence” means
- 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/or
 - 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.

The following are examples of types of violence: threats, assault, sexual assault and domestic violence.

3. **Rights and Responsibilities of Workers:**

- 3.1 All Workers at CILT have the right to work in a workplace free of violence and harassment from employers, managers, workers, strangers and domestic/ intimate partners, other tenants, and to treat other Workers and members of the organization with respect.
- 3.2 All Workers have the right to stop work if he/she has good reason to believe that there is a risk of workplace violence that is likely to pose a danger.
- 3.3 Workers must report all incidences of Workplace Harassment and/or Violence to the Executive Director or designate of CILT.
- 3.4 Where a Worker feels that his/her safety, or the safety of a co-worker, is being threatened, the Employee should immediately report the matter to the police.
- 3.5 Workers must maintain confidentiality when reporting or assisting in an investigation regarding Workplace Harassment and/or Violence.
- 3.6 If a Worker feels that there is an immediate risk of harm to him or herself or someone else on CILT property, the Worker should immediately call 911.

4. **Statement of Principles and Practices:**

- 4.1 CILT recognizes that its obligation under the Ontario *Occupational Health and Safety Act* (the **Act**) requires CILT to develop policies to promote health and safety in the workplace, including preventing and addressing Workplace Violence and Harassment;
- 4.2 CILT recognizes the dignity and worth of every person, and is committed to providing Workers with a safe, respectful and healthy environment free from Workplace Violence and Harassment on the basis of a ground under the Act or

otherwise, CILT will promote respectful conduct towards and amongst Workers at all times.

- 4.3 CILT will take all reasonable measures necessary to ensure the safety and security of its Workers and to reduce or eliminate the risk of violence.
- 4.4 CILT will investigate all complaints of Workplace Harassment and/or Violence reported by Workers.
- 4.5 All complaints by Workers of Workplace Harassment and/or Violence will be addressed by CILT promptly and in a serious and confidential manner.
- 4.6 If CILT becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a Worker to physical injury may occur at the workplace, CILT will take every precaution reasonable in the circumstances for the protection of the Worker.
- 4.7 CILT recognizes and will fulfill its duty to advise a Worker of the risk of Workplace Violence, where a person has a history of violent behaviour and the Worker can be expected to encounter that person at work, and the risk of workplace violence is likely to expose the Worker to physical injury, CILT will not provide the Worker with more personal information about the potentially violent person than needed to protect the Worker from physical injury.
- 4.8 CILT will inform the appropriate public authorities if it determines at any point in time that a criminal offence may have been committed.
- 4.9 If a manager believes that the safety of a Worker or someone else on CILT property is at risk, the supervisor must immediately direct the person engaging in or threatening to engage in Workplace Violence or Harassment to leave CILT property and call 911.
- 4.10 This Policy and a copy of the Act will be posted on the bulletin boards, shared drive and on the CILT website.
- 4.11 The Workplace Violence and Harassment Policy and Risk Assessment will be reviewed by CILT on an annual basis.

5. **Informal Complaints for Resolution:**

- 5.1 A Worker may seek resolution of a harassment issue through informal means by seeking informal support and advice from their manager, or if the complaint is against the Worker's manager, the Executive Director or designate, on how to resolve the issue informally.
- 5.2 Making an informal complaint does not prevent the Worker from later making a formal complaint whether or not the issue is resolved.

6. **Formal Complaints and Investigation:**

- 6.1 Where a Worker has been subjected to Workplace Harassment and/or Violence, the Worker should report the matter to the Executive Director or designate for CILT and/or the Board, either verbally or in writing, as soon as reasonably possible (the **Complaint**). If the Worker believes his or her manager has engaged in Workplace Violence and Harassment, the Worker should make the complaint to the Chair of the Board of Directors.
- 6.2 The Worker should set out as much detail as possible in the complaint including the Worker's name, position, the name of the person(s) alleged to have engaged in Workplace Violence and Harassment (the Respondent), details of what happened including dates, times, location and the names of the witnesses. The Complaint must be signed and dated.
- 6.3 The executive director, or Chair of the Board, must fill out an incident report as soon as a complaint is received. The incident report will be provided to the Board who will appoint the Executive Director or two members of the Board to investigate the complaint. The individuals responsible for the investigation of the complaint will provide a response to the complaint to the Board and the complainant, in writing, outlining the steps CILT should take to address the matter.
- 6.4 If the complainant makes a request to the Board in writing, the Board will appoint a third party to investigate the complaint and provide recommendations to CILT on what actions should be taken to respond to the complaint.
- 6.5 The person(s) investigating the Complaint will not conduct a full investigation if, after they speak to the Complainant they decide that the complaint is false, made in bad faith or does not meet the basic criteria for Workplace Harassment or Workplace Sexual Harassment.
- 6.6 The person(s) investigating the Complaint may meet with the parties to seek more information about the facts set out in the Complaint, gather written or oral evidence, and interview other Workers or persons who may have witnessed the alleged acts of Workplace Violence and Harassment.
- 6.7 The Respondent will always have a chance to respond to the allegations, either verbally or in writing.
- 6.8 A brief report will be prepared by the person(s) investigating the Complaint once they have reached their findings on the incident(s). The report will state whether the allegations were found to be true, make recommendations to address the Complaint and outline any corrective action that has been or will be taken by the Employer. The report will be presented to the Board for review and a decision will be made about what steps will be taken. After the Board's review, the final report will be provided to the Complainant.
- 6.9 The Board must call the Ministry of Labour Health & Safety Contact if a Worker has been seriously injured (i.e. physically).
- 6.10 All complaints will be addressed in a confidential manner, however, where the Board deems appropriate and where the complainant has been notified, the subject of the complaint, and any witnesses, may be informed of the complaint and the steps that will be taken to investigate the matter.

7. **Consequences of a Finding of Workplace Violence and Harassment**

- 7.1 If CILT believes, based on an investigation or otherwise that a Worker has engaged in Workplace Violence and Harassment, CILT may take corrective or disciplinary action against the Worker. The nature and extent of that action will be determined by CILT in its sole discretion.
- 7.2 Possible actions include but are not limited to:
- a. Requiring the Worker to submit an apology with a formal commitment not to repeat the behaviour;
 - b. Reprimanding, suspending (with or without pay), demoting or terminating the worker's employment at CILT; and
 - c. Calling the police to report the Workplace Violence or Harassment.

8. **Risk Assessment:**

- 8.1 CILT will assess the risks of Workplace Violence that may arise from the nature of the workplace, the type of work or the conditions of work at CILT as needed and on a yearly basis, at minimum.
- 8.2 The Risk Assessment may include review of records and reports i.e. security reports, employee incident reports, staff 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.
- 8.3 CILT will advise Workers of the results of the Risk Assessment and, if it is in writing, provide copies on request or advise the Workers how to obtain copies
- 8.4 The results of the Risk Assessment and this Workplace Violence and Harassment Policy will be reviewed by CILT in consultation with CILT's Joint health and safety committee on an annual basis or more frequently if needed.

9. **Training:**

- 9.1 CILT will train all Workers and the Board on the contents of this policy, the Risk Assessment, and the procedures to be followed when a Worker experiences Workplace Harassment and/or Violence.