



## **WORKPLACE VIOLENCE AND HARASSMENT POLICY AND PROGRAM**

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### **A. WORKPLACE VIOLENCE AND HARASSMENT POLICY**

#### **POLICY STATEMENT**

East Wellington Community Services is committed to taking all reasonable measures to provide a working environment that is safe, secure, and free from threats, intimidation, harassment, and violence, including domestic violence. We maintain a zero-tolerance approach to any form of physical, sexual, emotional, verbal, or psychological abuse, including any form of aggression, violence, or harassment.

#### **SCOPE**

This policy applies to all East Wellington Community Services's workers, customers, contractors, and any other people who visit our premises. This policy applies to every aspect of the workplace environment, including events that occur outside of the physical workplace (e.g., business trips, staff events, digital work environments).

#### **ROLES AND RESPONSIBILITIES**

- Everyone at our workplace is expected to adhere to this policy and procedure. We will conduct a workplace risk assessment as often as necessary, considering risks that may arise from the nature, type, and condition of work.
- Our managers and supervisors will ensure that this policy is adopted and followed. Management will investigate all reported incidents and complaints of violence and harassment in a fair and timely manner.
- After training, our workers are to be aware of threats of violence/harassment and report the risk. Our workers will not be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment and/or violence.
- East Wellington Community Services will designate a third party to whom workers can report incidents where the alleged offender is the owner, a director, manager, or a supervisor.

## **B. WORKPLACE VIOLENCE AND HARASSMENT PROGRAM**

As everyone in the workplace has a responsibility to ensure that the workplace is safe from violence and harassment, managers and supervisors of East Wellington Community Services have the additional duty to act immediately if they observe or are presented with allegations of a potentially dangerous situation, including domestic violence. They are responsible for addressing potential problems immediately and before they become serious.

### ***Definitions***

- **Workplace Violence:** the exercise, attempt, or threat of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- **Workplace Harassment:** 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.
- **Workplace Sexual Harassment:** harassment as defined above related to sex, sexual orientation, gender identity or gender expression, or making a sexual solicitation or advance where the person making the advance is able to confer, grant or deny a benefit or advancement to the worker, where that the solicitation or advance is unwelcome.
- **Domestic Violence:** violent or aggressive behavior, typically involving the violent abuse of a spouse or partner which may expose a worker to physical injury may occur in the workplace.

Examples of workplace violence include, but are not limited to:

- Expressions of intent to inflict harm.
- Threatening activity, such as waving a fist.
- Using, or attempting to use, physical force against another
- person. Shoving, pushing, hitting.
- Verbal abuse

Examples of the type of harassment behaviour prohibited by this policy include, but are not limited to:

- Bullying.
- Demeaning and/or belittling comments.
- Offensive nicknames, remarks, jokes, or
- innuendos. Obscene remarks or gestures.
- Display or circulation of offensive pictures, graffiti, or materials, whether in print form or via e-mail or other electronic means.
- Singling out an individual for humiliating or demeaning teasing or jokes.
- Creating a poisoned work environment through comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management). The comments or conduct may not be directed at a specific individual, and may be from any individual, regardless of position or status.

### ***Examples of Prohibited Sexual Harassment***

- Any form of sexual harassment, including touching, petting, pinching, kissing, unwelcome sexual flirtations, advances, requests, or invitations and leering or other suggestive gestures.
- The display of visual sexual material that is offensive, or which one ought to know, is offensive.

### ***Examples of What is Not Workplace Harassment***

Reasonable action or conduct by a manager, supervisor or worker that is part of their normal work function will not normally be considered harassing. This is the case even if there are sometimes unpleasant consequences for a worker. Examples include:

- Changes in work assignments/ Scheduling.
- Workplace inspections, Job assessments and
- evaluations. The implementation and
- enforcement of dress codes Counselling or disciplinary action.

Differences of opinion or minor disagreements between co-workers will not generally be considered workplace harassment.

### ***Domestic Violence***

MLISTD requires employers to take every precaution reasonable to protect a worker from domestic violence that may occur in the workplace and could expose co-workers to a risk of injury.

### ***Reporting Procedures For Workers***

Anyone who believes that they are the victim of workplace harassment and violence should immediately report the incident to management verbally or in writing by using the **Workplace Violence and Harassment Reporting Form**. When reporting verbally, the reporting contact, along with the worker who is making the complaint will fill out the complaint form.

In the absence of another manager/supervisor to report the incident to, the worker should report the incident to the third party that has been designated by East Wellington Community Services. Refer to the **Reporting Contact Form** for the name(s) and contact information of East Wellington Community Services's third-party designate.

All incidents or complaints of workplace harassment/violence will 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.

If an emergency exists and the situation is one of immediate danger, then it should be immediately reported to the police by dialing "9-1-1" as soon as it is safe to do so. A person in a situation of immediate danger must, at the same time, take whatever steps are necessary to ensure their own safety and to protect themselves against harm or injury. Once a worker is safe, they can then report the matter to management.

All reported incidents or allegations of workplace harassment/violence will be taken seriously and investigated in accordance with the investigation protocols set out in this Policy.

### ***What to Include in the Report?***

A report of workplace violence and harassment must include the following details about the incident:

- Name and contact information of the worker(s) who has allegedly experienced workplace harassment or violence or threatening behaviour.
- Names, contact information and position of the alleged offenders.
- Names and contact information of potential witnesses or anyone who may be able to provide relevant information about the alleged incident.
- A detailed summary of what happened with date(s), frequency, location(s) of the alleged incident(s); and any supporting documents such as texts, emails, photos, and letters relevant to the complaint.

### ***Workplace Harassment/Violence Investigation?***

Upon receiving a complaint(s) or allegation(s) of workplace violence/harassment (directly or indirectly), East Wellington Community Services will conduct a prompt, thorough and confidential investigation into the allegation(s) or complaint(s).

East Wellington Community Services may also, at its discretion, or where required by law, utilize the services of outside legal counsel, or such other external expertise as East Wellington Community Services may deem necessary in the circumstances. Ultimately, it is the aim of East Wellington Community Services to conduct investigations that are impartial and appropriate in the circumstances.

The investigation will be completed in a timely manner unless there are extenuating circumstances (e.g., illness, complex investigation) warranting a longer investigation.

A complaint or allegation of workplace harassment/violence cannot be investigated by the individual who is the alleged offender, or by the individual who is alleged to have engaged in violence or violent behaviour.

Under no circumstances will a complaint or allegation of workplace harassment/violence be investigated by an individual who is under the direct control of the alleged offender.

East Wellington Community Services will take all reasonable steps to ensure that conflicts of interest are avoided.

### ***Investigation Process***

The investigation process will be fair and provide an opportunity for all concerned parties to respond to reports of allegations of workplace violence/harassment. The investigation procedure is as follows:

1. **Interview the complainant(s):** The investigator(s) will interview the complainant(s) and reporting person(s) concerning the facts underlying their allegation(s).

2. **Interview the respondent(s):** The investigator(s) will interview the worker(s) accused of committing the acts. The worker(s) will be asked for their response to the allegation(s) being made and for their side of the story.
3. **Interview witness(es) and other individual(s):** The investigator(s) will then interview any other workers or other individuals who may have witnessed the incident(s) of the alleged actions, or who may otherwise be able to provide information relevant to the investigation.
4. **Record:** The investigation will be documented, and the record will consist of, among other things, detailed notes of all interviews with workers and witnesses and all other information relevant to the investigation.
5. **Report:** The results of the investigation will be reported, in writing, to management. The results will include an assessment of the validity of the complaint(s). The report will set out findings of fact and conclude about whether workplace harassment/violence had occurred or not.

Furthermore, the applicable investigation protocol may be altered if it is determined that it is necessary to do so, such as where there is a reasonable and imminent threat to a worker's safety.

### ***Worker Cooperation***

If it is necessary for the purposes of completing, carrying out or protecting the integrity of an investigation, or to maintain a work environment that is safe, secure, and free from threats, intimidation, harassment and violence, East Wellington Community Services may require a worker to remain out of the workplace (with pay) while an investigation is being conducted.

The participation and cooperation of all workers is critical to the development and implementation of the workplace harassment and violence prevention policy and program. The refusal or failure of any worker to cooperate with an investigation is a serious form of misconduct for which a worker may be disciplined up to and including immediate dismissal for cause.

### ***External Investigator***

If the incident or complaint involves the owner, senior executives or if an unbiased and fair investigation cannot be guaranteed by East Wellington Community Services, an external person qualified to conduct a workplace violence and harassment investigation who has knowledge of the relevant workplace violence and harassment laws may be retained to conduct the investigation.

### ***Results of the Investigation***

Within a reasonable amount of time of the investigation being completed, the worker who allegedly experienced the workplace violence/harassment and the alleged offender, if they are a worker of East Wellington Community Services, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by East Wellington Community Services to address workplace violence and harassment.

If the investigation corroborates the complaint(s), to the satisfaction of East Wellington Community Services, then East Wellington Community Services will, among other things, take appropriate disciplinary action against the offending worker(s) and take any other actions or measures it deems necessary to properly address the incident(s) and prevent future incidences of workplace harassment/violence from occurring. The nature and extent of any disciplinary or remedial action will be determined by East Wellington Community Services in its sole discretion and may include the immediate dismissal of the offending worker(s) with or without cause.

Where an investigation results in disciplinary action, the complainant(s) and the respondent(s) will be informed in writing. If the investigation does not corroborate the complaint(s), then the complainant(s) and the respondent(s) will be also advised in writing and the matter will be closed.

### ***Record Keeping***

East Wellington Community Services will ensure that, as part of the investigation, whether conducted by East Wellington Community Services itself or by a designated third party, copies of the following documents will be kept on record:

- Details of the complaint and/or the incident.
- A detailed record of the investigation including all relevant documents and notes.
- A copy of the Workplace Violence and Harassment Reporting Form (if one has been completed). A summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace violence/harassment and the alleged offender, if a worker of the employer; and
- A copy of any corrective action taken to address the complaint or incident of workplace violence/harassment.

All records of the investigation must be kept confidential and on file for a minimum of one year. The investigation documents should not be disclosed unless necessary to investigate an incident or complaint of workplace violence/harassment, take corrective action or otherwise as required by law.

### ***Corrective Action and Discipline***

If East Wellington Community Services determines that a worker has engaged in workplace harassment/violence, appropriate corrective action will be taken, up to and including immediate dismissal for cause.

When a violent incident occurs, East Wellington Community Services will evaluate the safety protocols in place to ensure their effectiveness. Management, in consultation with the worker representative, will review the incident, outline what corrective or remedial actions are necessary to prevent or minimize the potential and impact of repeat occurrences, identify new or previously undefined risks, and reassess using the **Workplace Violence/Harassment Risk Assessment Form**, review worker training and education

programs and determine if they are adequate or if additional training should be provided.

In addition, East Wellington Community Services may require that a worker participate in an awareness management program or other forms of counselling, either voluntarily or as a condition of continued employment.

If this behaviour is that of a non-worker, then East Wellington Community Services will take appropriate action in an effort to ensure that such behaviour is not repeated, and if necessary, take measures to prevent the person from returning to the workplace.

However, not every complaint will warrant corrective action. Rather, corrective action will be determined on a case-by-case basis.

### ***Incident Management***

In the event of a significant incident of workplace harassment/violence, East Wellington Community Services will immediately assess the situation and arrange for the following interventions as appropriate:

- Facilitation of medical attention.
- If necessary, report the matter to the
- police. Individual debriefing; and
- If necessary, and if possible, arrange for the provision of counselling services to affected workers.

East Wellington Community Services will investigate the incident(s), and if necessary, East Wellington Community Services will conduct a review of its workplace(s) and reassess the risk of workplace violence/harassment having regard for the circumstances that gave rise to the incident(s) in question.

The results of any assessment will be reported to the HSR.

### ***Training and Communication***

Upon hire, we will train all workers in workplace violence and harassment prevention and how to recognize work activities and locations where there are higher than normal risks of work-related violence and harassment. Refresher training may be assigned to workers at the discretion of East Wellington Community Services.

### ***Confidentiality***

East Wellington Community Services recognizes the difficulty of coming forward with a complaint of workplace violence/harassment and a complainant's interest in keeping the matter confidential. To protect the interests of a complainant, a respondent, or any other person who may be involved in incidents of workplace harassment and/or violence, including witnesses, and to protect the integrity of the investigation process, confidentiality will be maintained throughout any investigation. Information relating to the complaint will be disclosed only to the extent necessary to carry out this workplace harassment and violence program, or where disclosure is required by law.