

MANUAL OF ADMINISTRATION

TOPIC: HUMAN RESOURCES	SUBJECT: Discrimination, Workplace Violence and Harassment	Code: HR030
		Date of Issue: September 1994
		Revised: October 2015
		Reviewed:
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Note: Any employee who feels they are in immediate danger should use safety protocols in place up to and including 911. Complaints/concerns can be lodged after immediate safety concerns are addressed.

PURPOSE:

Avenue II Community Program Services is committed to providing employees, Board of Directors, volunteers and students with a safe and secure work environment free of any form of discrimination, violence and harassment.

The purpose of this policy is to raise awareness and emphasize the importance of correctly communicating all violence-related incidents, in order to provide a healthy, safe, and violence-free workplace.

Commitment to a safe and harmonious workplace:

Every employee is entitled to be treated with respect and to work in an environment free of demeaning comments and actions. Everyone shall cooperate to the fullest extent possible to ensure the workplace is free from discrimination, violence and harassment.

It is recognized that this behaviour is unacceptable in the workplace, and to that end acknowledge the following objectives:

- a complaint will be promptly investigated and, where warranted, appropriate action taken;
- every effort shall be made to treat the complaint in a sensitive and confidential fashion, consistent with providing reasonable information to the complainant and the person against whom the complaint is made as to the nature of the allegation, the progress of the complaint, and its resolution or disposition;
- the complaint shall be made to an immediate supervisor or member of the management team;
- allegations found to be true, will be treated as a disciplinary offence up to and including dismissal.

1. DEFINITIONS:

1.1. Workplace Violence :

- The exercise of physical force or an attempt to exercise physical force by a person against an employee, in a workplace, that causes or could cause physical injury to the worker or result in psychological damage to an employee.

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- A statement or behavior that is reasonable for a worker to interpret as a threat to exercise physical force against themselves in the workplace that could cause physical injury.

1.2. **Harassment** – Harassment, which can include bullying (not covered by the Human Rights Code), is a course of repeated vexatious (annoying) comment(s) or conduct, that is known or ought reasonably to be known as unwelcome and that:

- takes the form of repeated comments, language, conduct, gesture, or contact which could reasonably be deemed as offensive, embarrassing, intimidating, degrading and/or humiliating to the recipient; and/or;
- affects a person’s dignity or psychological or physical integrity; and/or; results in a harmful work environment.

It includes any behavior, including bullying, which would constitute a form of discrimination under Human Rights Legislation on the grounds of race, national or ethnic origin, color, religion, age, sex, citizenship, sexual orientation, marital or family status, physical or mental disability, receipt of public assistance, or conviction for which a pardon has been granted.

Examples of bullying include, but are not limited to, the following:

- manipulation, intimidation, or isolation;
- berating/belittling an individual;
- repeated unwarranted criticism which is not part of a managing performance process;
- undermining or deliberately impeding a person’s work;
- spreading malicious rumours or gossip that is not true;
- physical gestures intended to intimidate, offend, degrade or humiliate an individual.

Bullying does not include:

- occasional differences of opinion, non-aggressive conflicts and problems in working relations,
- workplace counselling, managing under performance and other action in accordance with Avenue II policy and procedures.

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- 1.3. **Sexual Harassment** – Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. This includes comments or conduct that ought to be known as unwelcome; sexual advances or solicitation made by a person who is in a position to grant or deny a benefit; a person who threatens or institutes a reprisal against an employee who rejects his/her sexual advances.

Sexual harassment does not refer to occasional remarks of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that lowers morale, and that, therefore, interferes with work effectiveness.

In the case of a bargaining unit employee, Article 8.06 of the Collective Agreement shall be used in conjunction with this policy.

- 1.4. **Threat (verbal or written)** – Communicated intent to inflict physical or other harm on any person or to property by some unlawful act. A **direct threat** is clear and explicit communication indicating the intention to do harm. A **conditional threat** involves a condition, for example, “If you don’t leave me alone, you’ll regret it.” **Veiled threats** usually involve body language or behaviours that leave little doubt in the mind of the victim that the individual intends to harm. For example, “If you don’t do it, you know what could happen to you”.

2. AVENUE II POLICY:

2.1. **Avenue II will:**

- (a) Prohibit discrimination against, violence towards, or harassment of, any employee by another, which is known or ought to be known as unwelcome.
- (b) Hold management accountable to make every reasonable effort to ensure the workplace is free of discrimination, violence or harassment and that appropriate action is taken when such conduct is alleged or suspected.
- (c) Encourage employees to report incidents of discrimination, violence or harassment, experienced or observed, to their immediate supervisor.
- (d) Investigate all complaints thoroughly, keeping the identity of the victim and all information related to the investigation confidential, where possible.
- (e) Hold the Executive Director responsible for providing guidance, investigating complaints, and recommending appropriate action.
- (f) Discipline, up to and including dismissal, any employee found guilty of discrimination, violence or harassment.

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3. RESPONSIBILITIES & PROCESS:

Consequences of non-compliance with this policy may result in disciplinary action, as well as legal action including criminal charges.

3.1. **Everyone within Avenue II is expected to:**

- Conduct themselves in a manner which demonstrates professional conduct, mutual respect for others and which honours diversity in the workplace.
- If discrimination, violence, or harassment behaviour is witnessed or experienced it shall be reported to a supervisor. If the employee feels able, speak with the alleged individual to object to the behaviour,
- Participate fully and in good faith, in any resolution process or formal complaint and investigation process

3.2. **Employees:**

- Report acts or situations which reasonably would be considered potentially harmful, made against them or witnessed by them to another employee. Employees must report the incident to the individual's Supervisor. If the act or situation is being performed by their Supervisor, a report should be made to that person's Supervisor. In the case of the Executive Director, they should report it to the Chair of the Personnel Committee (of the Board of Directors of Avenue II).
- An employee must take immediate action when the safety of another employee is threatened and the act or situation poses immediate harm to a person. Such action may include notification to the police.
- Where necessary seek First Aid or medical treatment.
- Write an Incident Report describing the incident and submit to the appropriate Supervisor.
- Follow the direction of management and comply with the investigation.

3.3. **Management:**

In addition to the above:

Managers are responsible for ensuring that all employees understand that this behaviour is not tolerated in the workplace and for taking early corrective action to deal with behaviour which may be offensive or intimidating.

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If a manager or supervisor feels that the nature of the complaint is outside their expertise, he or she will refer the matter to the Human Resources Office and/or the Executive Director.

The prevention of all inappropriate behaviours requires managers and supervisors to:

- be aware of, identify and prevent discrimination, violence, and harassment in the workplace
- Act as a role model for professional and respectful conduct
- Intervene immediately when inappropriate conduct has been observed or reported
- Respect the rights of all parties to a fair, equitable and confidential process for responding to complaints
- Support to all those who participate in a problem-solving process
- Enforcement of corrective and/or disciplinary measures where applicable up to and including termination.

COMPLAINT RESOLUTION PROCESS:

Employee:

1. Employees who believe they have been discriminated against, bullied, harassed, are at risk of violence, or have observed such behavior, should immediately bring their complaint to the attention of their supervisor, who will inform the Director of Support Services. Where possible the complaint should be in writing on an Incident Report Form. Failing that, a verbal complaint may be accepted until an Incident Report Form is completed. The Executive Director will be advised of all issues not resolved at this level, will report to the Board of Directors. Where appropriate and at the discretion of the individual, Union representation and involvement is available. In the case of peer to peer issues relating to bullying, mediation by a union member may be utilized if agreed to by the parties.
2. If the accused is the employee's immediate supervisor, the employee should lodge the complaint with the next level of supervision. If not appropriate, then the complaint should be addressed to the Executive Director; and if this is not appropriate, the employee can direct the complaint to the Personnel Committee of the Board of Directors.

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Manager:

1. The Manager will review the incident report immediately and report to the Director of Support Services and the General Manager. All recommendations and actions that affect individuals involved will comply with existing policies, procedures, and laws.
2. Ensure the safety of all parties.
3. Offer First Aid or medical treatment if required.
4. Ensure documentation by self and parties involved (Incident Reports, witness statements, WSIB forms).
5. Offer debriefing and/or contact with EAP.

Director of Support Services/General Manager:

1. As required, perform an investigation and in making recommendations on action to be taken.
2. Advise and seek direction of the Executive Director.
3. Recommend any further action for prevention of similar incidents.

Executive Director:

1. Oversees the formation of an Investigation Team and if required, participate in the investigation.
2. Evaluate recommendation and ensure appropriate action is taken, on an ongoing basis.
3. Inform the Board of Directors as appropriate.