**POLICY**

Ongwanada is committed to providing a safe, healthy and supportive work environment, including the prevention of workplace violence, harassment and discrimination. Ongwanada recognizes the potential for violence, harassment and/or discrimination in the workplace and will make every reasonable effort to identify and eliminate/minimize all potential sources of violence, harassment and/or discrimination. Ongwanada will not tolerate any type of violence, harassment or discrimination within the workplace or during work-related activities.

**PROCEDURE**

**1.0 PURPOSE**

This policy defines behaviour that constitutes workplace violence, harassment and discrimination, under the Ontario Occupational Health & Safety Act and the Ontario Human Rights Code, and explains procedures for reporting and resolving such incidents. Ongwanada is committed to providing a work environment free of violence, harassment and discrimination by familiarizing all workplace parties with the related terminology as well as their individual responsibilities for prevention and corrective action. Ongwanada will take every reasonable precaution to protect employees from physical injury if we become aware, or believe, that domestic violence is a risk.

Ongwanada is subject to the following legislation governing workplace violence and harassment in Ontario:

* The Occupational Health and Safety Act
* The Ontario Human Rights Code
* The Workplace Safety and Insurance Act, 1997
* The Regulated Health Professionals Act

**2.0 DEFINITIONS**

2.1 Workplace Violence

* 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.

2.2 Harassment

Engaging in any vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, and causes the person to believe their health and safety are at risk.

Harassment may include practical jokes that cause embarrassment, condescension and patronization, but does not include personality conflicts, reactions to appropriate discipline or supervision, or other appropriate actions taken by staff in the performance of their duties.

2.3 Sexual Harassment

The prohibition of harassment as set out in the preceding section includes but is not limited to sexual harassment.

The following types of behaviour are included within the definition of sexual harassment:

* unwanted physical contact such as touching, patting, brushing against, grabbing, pinching
* sexual assault
* sexist jokes causing embarrassment or offence, told or carried out after the perpetrator has been advised that they are embarrassing or offensive, or that are, by nature, clearly embarrassing or offensive
* leering
* the display of sexually offensive material
* sexually degrading words used to describe a person
* derogatory or degrading remarks directed towards members of one sex or of one sexual orientation.
* sexually suggestive or obscene comments or gestures
* unwelcome inquiries or comments about a person's sex life
* unwelcome sexual flirtations, advances, propositions
* persistent unwanted contact or attention after the end of a consensual relationship
* sexually oriented verbal abuse or threats

Every person has the right to be free from a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance, knows or ought reasonably to know that it is unwelcome; or a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

2.4 Workplace Bullying

Repeated and persistent negative acts towards one or more individuals, which involve a perceived power imbalance and create a hostile work environment.

2.5 Discrimination

Discrimination is defined as unfair treatment based upon the following listed prohibited grounds, as included in the Ontario Human Rights Code:

* race
* ancestry
* colour
* ethnic origin
* citizenship
* creed
* sex
* sexual orientation
* age
* record of offenses
* marital status
* same-sex partnership status
* family status
* disability

**3.0 ROLES AND RESPONSIBILITIES**

It is the responsibility of all staff to:

* adopt a zero tolerance for workplace violence, harassment and discrimination, and to promote an environment that is free from such behaviour.
* encourage fellow employees who are being subjected to violence, harassment and/or discrimination to report it to a supervisor/manager
* report to a supervisor/manager any acts of violence, harassment and/or discrimination of which they become aware
* come forward as a witness in any case where they have first hand knowledge of violence, harassment and/or discrimination towards a fellow employee.

Specific roles and responsibilities are outlined as follows:

3.1 Employer will:

* Ensure that measures and procedures in the violence, harassment and discrimination prevention program are implemented, including accountability for responding to, and resolving complaints
* Ensure compliance by all who have a relationship with Ongwanada, such as physicians, contractors, volunteers, etc.
* Post a copy of this policy in the workplace.
* Conduct regular risk assessments, and establish control measures resulting from these risk assessments. Risk assessments will be reviewed annually, and incorporated into monthly worksite inspections. Risk assessments will be conducted for all newly created jobs, or when job descriptions are substantially changed.
* Establish and deliver training and education for all employees related to workplace violence, harassment and discrimination, including new employees at orientation
* Develop a reporting process for incidents of workplace violence, harassment and/or discrimination
* Develop an investigation process for reports of workplace violence, harassment and discrimination incidents
* Report incidents of workplace violence to the Joint Health & Safety Committee within four days, if an employee is disabled from performing their own work or receives medical attention as a result of an incident
* Follow all reporting processes as outlined by the Ministry of Labour, the Occupational Health & Safety Act and the Workplace Safety and Insurance Board.

3.2 Managers/Supervisors will:

* Enforce policy and procedures and monitor worker compliance
* Identify and alert staff to violent persons and hazardous situations
* Investigate all reported incidents of workplace violence, harassment and/or discrimination, as outlined in this policy
* Follow all reporting processes as outlined by the Ministry of Labour, the Occupational Health & Safety Act and the Workplace Safety and Insurance Board
* Ensure the Workplace Violence, Harassment and Discrimination Policy is reviewed annually

3.3 Employees will:

* Participate in education and training regarding workplace violence, harassment and discrimination prevention
* Understand and comply with the Workplace Violence, Harassment and Discrimination Policy and related procedures
* Contribute to risk assessments
* Annually, participate in a review of the Workplace Violence, Harassment and Discrimination Policy.

**4.0 REPORTING OF WORKPLACE VIOLENCE, HARASSMENT and/or DISCRIMINATION**

For all incidents specific to client aggression, staff will complete Employee Incident Reports, as per Policy 1-7-08, Employee Incidents/Workplace Safety & Insurance Board Reporting.

Additionally, any employee who witnesses or experiences non-client related workplace violence and/or harassment and/or discrimination has an obligation to report such behaviour. Reporting options are listed below.

4.1 Regarding perceived harassment or discrimination, discussions may occur informally with a person designated as an advisor. Advisors, will be identified from Ongwanada staff and appointed by the CEO. Once trainedby individualswith expertise in the field of harassment/discrimination, these individuals will be available to any employee who wishes to discuss and be advised about alleged harassment/ discrimination. A list of Advisors can be found in the 'staff only' section of the Ongwanada website

The Advisor's role is as follows:

* to informthe employee of the role of the Advisor
* to clarify all options available to employees seeking to resolve workplace harassment/ discrimination issues, including both formal and informal processes, as well as their rights under the Ontario Human rights Code and specific collective agreements, if applicable. An employee may choose the informal option of speaking to an alleged harasser, and asking him/her to stop; including documenting the date, time, place, witnesses, words used and responses.
* to provide general information and advice as required
* to advise one of the persons/parties, e.g. alleged victim or alleged harasser
* to confidentially provide information and advice, as appropriate, on the application and scope of the Workplace Violence, Harassment and Discrimination Policy to all employees including managers, supervisors, union stewards, etc.
* to ensure that all information provided will remain confidential subject to the requirement to disclose information to the complainant/alleged harasser during any investigation or give evidence according to law.
* to advise the employee accordingly, including what does/does not constitute harassment/discrimination
* to forward the documentation concerning allegations of workplace harassment/discrimination to the Manager, Human Resources, based upon the legitimacy of the complaint and the consent of the complainant.

4.2 Options regarding reporting, or initiating a complaint are set out on a progressive scale, as follows:

4.2.1 Initiating an Informal Verbal Complaint:

An informal complaint is initiated by any employee verbally reporting any form of violence/ harassment /discrimination to an immediate manager or supervisor or any other manager or supervisor up to and including the CEO. In the case of an allegation against the CEO, this would be reported to the President of the Board of Governors.

The supervisor/manager will document information, action taken, and the result and forward this information to the Manager, Human Resources (See "Informal Workplace Violence, Harassment and Discrimination Complaint Outcome Form"). A copy of this completed form will also be provided to the complainant. If the complaint has not been satisfactorily resolved, the Manager, Human Resources will endeavour to effect a satisfactory resolution between the parties. Should an employee feel that the informal resolution of an incident was unsuccessful, or incidents continued, or threats of reprisals or an actual reprisal resulted, the employee may initiate a formal written complaint.

4.2.2 Initiating a Formal Written Complaint

A formal complaint is initiated by an employee submitting a written, signed allegation of violence and/or harassment and/or discrimination that specifies that the complaint is a formal complaint. It should be submitted as soon as possible after the incident but no later than six months and should include:

* all details of the alleged violence/harassment/discrimination
* dates, times, places, witnesses
* circumstances surrounding the complaint, including the precise nature of the violence/harassment/discrimination and the name of the alleged harasser(s)

A formal complaint may be submitted to any of the following:

* immediate manager or supervisor, who will immediately forward to Manager, Human Resources
* any other manager or supervisor up to and including the CEO, who will immediately forward to Manager, Human Resources
* the President of the Board of Governors in the case of a complaint involving the CEO.

The Manager, Human Resources will, once having reviewed the complaint, initiate a formal investigation commencing with the contacting of an Investigator and advising the CEO.

4.3 The Manager, Human Resources, following consultation with the CEO, reserves the right not to deal with complaints in certain situations, such as if the complaint is filed more than six months after the events upon which the complaint is based, or if the complaint is obviously frivolous, vexatious, bothersome or made in bad faith.

Prior to initiating a formal investigation of a violence/harassment/discrimination complaint, the Manager, Human Resources, following consultation with the CEO may conduct a review of the complaint to determine if it:

* is a complaint which should not be dealt with (see immediately above).
* falls within the scope of this policy.
* on its face, contains facts which constitute violence, harassment or discrimination as defined in this policy.
* constitutes an action of reprisal or retaliation against a complainant

The CEO reserves the right not to conduct an investigation of certain complaints following such review, if the complaint is found not to have legitimacy. These procedures will be carried out by the Manager of Human Resources.

**5.0 INVESTIGATING WORKPLACE VIOLENCE, HARASSMENT and/or DISCRIMINATION**

Whenever an investigation of workplace violence/harassment/discrimination is required, investigators will be appointed to conduct such investigations. Investigators are identified from Ongwanada staff and are appointed, in writing by the CEO; appropriate training will be provided to investigators.

Information obtained during the investigation will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident, or is otherwise required by law.

Roles/Responsibilities/Entitlements specific to investigations are as follows:

5.1 Investigators:

* to inform the parties (alleged victim / the person against whom a complaint has been lodged) of their entitlements and responsibilities as set out in the policy.
* to interview the parties involved separately within five working days.
* to interview any witnesses, managers or supervisors where appropriate
* to maintain accurate and complete records of the information gathered
* to keep all information confidential subject to the requirements to conduct the investigation or to disclose information or give evidence according to law
* to prepare a report with recommendations including where possible, recommendations for corrective action between the parties and/or workplace remedies. This report should normally be submitted within one week of completing the investigation.

In special circumstances, as determined by the CEO, the Employer may elect to engage the services of an individual external to the organization to conduct the investigation into an allegation of violence or harassment.

5.2 Manager, Human Resources:

* the Manager, Human Resources, the investigator and the line supervisor/manager shall review the report with the CEO and the Chief Human Resources and Information Officer and inform the parties in writing of the decision rendered and the rationale for this decision. This should normally occur within one week following receipt of this report.
* the Manager, Human Resources may provide the claimant and accused with the opportunity to respond to the report within 10 working days of receiving the report.
* where the decision rendered results in a formal warning or more severe disciplinary action, the Manager, Human Resources shall direct that a copy of such action be placed in the accused's personnel file.
* where the decision rendered results in a finding that no violence/ harassment/discrimination has occurred, no reference to the complaint will be included in the accused's personnel file and the matter will be considered closed.
* if, after ten (10) working days, neither the claimant nor the accused have responded to the report's findings, the matter will be considered closed subject to any possible discipline which may be invoked, or possible referral by the complainant to the Ontario Human Rights Commission or the pursuit of the complaint through the complainant's respective Union's grievance process.

5.3 Alleged Victim:

The alleged victim is entitled:

* to file a complaint and to obtain a review of their complaint without fear of reprisals through the procedure established in accordance with this policy.
* to be represented and accompanied by a person of their choice during the interviews related to their complaint
* to ensure that their written complaint or written comments related to the fact that the employee has lodged a complaint be excluded from their personnel files
* to be kept informed throughout the process.

It is the responsibility of the alleged victim to:

* seek assistance from an advisor designated to provide information on violence/harassment /discrimination and to clarify the various options available
* where appropriate and preferably at the time of the incident, directly address the accused in person or in writing, to inform the accused that the comments or behavior are unwelcome and to request that they cease immediately
* where it is not appropriate to address the accused directly, or if directly addressing the accused did not resolve the situation, the employee may wish to initiate a formal written complaint. If the immediate supervisor is the person accused, the incident should be reported to any other supervisor /manager up to and including the CEO.
* co-operate with all those responsible for dealing with the investigation of the complaint.

5.4 Person Against Whom a Complaint Has Been Lodged:

Regarding an informal complaint, a person against whom a complaint has been lodged is entitled:

* to be informed verbally within five (5) working days that a complaint has been filed
* to be presented with a written statement of allegations and to be afforded an opportunity to respond to them.
* to be represented and accompanied by a person of their choice during the interview related to the complaint
* to be kept informed throughout the process in a reasonable manner.

It is the responsibility of those person*(s)* against whom an informal complaint has been lodged to co-operate with all those responsible for dealing with the investigation of the complaint including being forthcoming with all relevant information.

Regarding a formal complaint, a person against whom a complaint has been lodged is entitled:

* to be informed verbally within five (5) working days that a complaint has been filed;
* to be presented with a written statement of allegations and to be afforded an opportunity to respond to them. Additional allegations, if warranted, after any investigation, may be used to support any discipline that might be imposed.
* to be represented and accompanied by a person of their choice during the interview related to the complaint
* to be kept informed throughout the process in a reasonable manner.

It is the responsibility of the person against whom a formal written complaint has been lodged to co-operate with all those responsible for dealing with the investigation of the complaint.

5.5 Freedom From Reprisal:

No form of reprisal action or threats thereof shall be taken against the employee who raises an allegation of violence/harassment/discrimination or against any witnesses. If reprisals or threat of reprisal does occur, it should be brought immediately to the attention of the supervisor or other appropriate persons i.e. Senior Manager, Manager, Human Resources, etc., who shall take immediate action to resolve it. This may involve discipline of employees found to have engaged in an act of reprisal.

Allegations must be made in good faith and not out of malice. Any accusations found to be malicious in intent may be subject to disciplinary action. To assist in this process, an individual who has been identified as an alleged harasser cannot lodge a counter complaint against the harasser until the outcome of the initial complaint has been determined.

5.6 Outcomes of Investigations:

5.6.1 Where a staff member of Ongwanada is found to have violated this policy, he or she may be disciplined up to and including termination of employment.

5.6.2 Results of an investigation where an employee is disabled from performing their own work or receives medical attention as a result of an incident will be reported to the Joint Health and Safety Committee.

**6.0 RESPONDING TO EMPLOYEES WHO EXPRIENCE VIOLENCE AT WORK**

6.1 Employees may require medical treatment, emotional support and job accommodation following a violent incident.

6.2 The employer will provide prompt medical attention or transportation to a medical facility for staff injured while at work.

6.3 The employer will offer critical incident debriefing (through an EAP provider) to all staff members who directly or indirectly involved in a violent incident in a timely manner.

6.4 The employer will consider work re-assignment (accommodation) in certain circumstance, for example when an employee finds it difficult to return to the site where they were injured by an aggressive client. The Modified Work Committee will convene to analyse the issues and make accommodation recommendations where appropriate.

**7.0 EMERGENCY RESPONSE MEASURES**

7.1 Due to the nature of some of the clients Ongwanada cares for, it may be appropriate, based on individual circumstances, to develop a specific client safety protocol, which may involve local police, on how to respond to specific clients who continually exhibit aggressive behaviour towards staff and others.

7.2 Staff who feel physically threatened by a client may call police for assistance, either through an emergency call button or directly by telephone. Ongwanada will provide support to any staff who feels the risk of injury to themselves or others is significant enough to call police.

**8.0 ANNUAL REPORT**

8.1 The number of workplace violence/harassment/discrimination incidents are reported quarterly to the organization's leaders and the Board of Governors in the CQI Risk Management Report.

8.2By April 1 of each year, the Manager, Human Resources will prepare and submit to the CEO, an annual report of all reported complaints of violence and/or harassment.

**9.0 RELATED POLICIES**

1-3-05 The Client Intervention Review Committee

1-3-14 Joint Occupational Health &Safety Committee

1-3-18 Modified Work Committee

1-6-21 Employee Assistance Programs

1-6-27 Discipline

1-6-34 Orientation for New Employees

1-6-39 Criminal Reference Check

1-6-43 Mandatory Education Programs/Tracking

1-7-08 Employee Incidents/Workplace Safety & Insurance Board Reporting (WSIB)

2-3-01 Support Plan (Person Centred)

2-3-03 Standards for the Use of Individual Behaviour Support

2-3-04 Use of Mechanical Restraints and Psychotropic Medication (Chemical)

2-3-05 Physical Restraint and Non Violent Crisis Intervention Techniques

2-3-09 Home Share Program

2-3-16 Emergency Response from Ongwanada Community Residence Staff

2-3-23 Introduction of a New Residential/Home Share/ Treatment Home Client for Admission

**10.0 FORMS RELATED TO POLICY**

[Informal Workplace Violence, Harassment and Discrimination Complaint Outcome Form](../../FORMS/Informal%20Workplace%20Violence%20Harassment%20and%20Discrimination%20Complaint%20Outcome%20Form.pdf)

**11.0 LEAD PERSON**

Chief Human Resources and Information Officer

Delegated Manager: Manager, Human Resources

**12.0** **REVIEW DATE**

July 2017