

## WORKPLACE VIOLENCE AND HARASSMENT POLICY

---

### CONTENTS

POLICY .....	2
SCOPE.....	2
DEFINITIONS.....	2
RESPONSIBILITIES.....	3
What should you do if you witness or learn of workplace violence or workplace harassment including sexual and gender-based harassment? .....	3
Domestic violence .....	4
History of violent behaviour .....	4
HOW IS IMPACT MAKING THE WORKPLACE SAFE? .....	4
Zero tolerance .....	5
Retaliation prohibited.....	5
False claims.....	5
What to do in case of workplace violence or workplace harassment including sexual & gender-based harassment .....	5
Objectives .....	6
Confidentiality .....	6
The process.....	6
What happens after the investigation?.....	7

---

The whole text of the present Policy, as well as the documents derived from it, including those in Annexes, have been written in French and English, both versions being deemed authentic, but for legal purposes the text in English is to be given priority of interpretation.

## **POLICY**

The objective of IMPACT is to comply with occupational health and safety legislation to maintain a safe workplace<sup>1</sup> and a pleasant working environment for all employees be they based in Canada or abroad. IMPACT does not tolerate any type of workplace violence or workplace harassment including sexual and gender-based harassment committed by or against employees.

To ensure a safe and pleasant workplace and to reduce the risk of workplace violence and workplace harassment in the workplace, all employees should review and understand all provisions of this Workplace Violence and Workplace Harassment Policy.

## **SCOPE**

This policy applies to all employees (full time, part time and contract), consultants, interns and volunteers of IMPACT (collectively, "IMPACT Staff") as well as to the members of IMPACT's Board of Directors.

## **DEFINITIONS**

"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;
- 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.

"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.

Workplace harassment generally involves a course of conduct and a single incident is generally not sufficient to amount to workplace harassment. In addition, the conduct must be vexatious, meaning it must generally be without reasonable grounds and intended to annoy, harass or bother or to cause psychological distress to an individual. Performance management and work related feedback are not workplace harassment.

---

<sup>1</sup> IMPACT's workplace is not limited to an IMPACT office but rather applies to all areas and instances where IMPACT staff are working in an official capacity.

All references to workplace harassment in the current policy include workplace sexual and gender-based harassment as defined below.

“Workplace sexual and gender-based harassment”<sup>2</sup>: Section 10 of the Ontario Human Rights Code defines sexual harassment as “engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome.” Using this definition, more than one event must take place for there to be a violation of the *Code*. However, depending on the circumstances, one incident could be significant or substantial enough to be sexual harassment.

“Gender-based harassment” is one type of sexual harassment. Gender-based harassment is “any behaviour that polices and reinforces traditional heterosexual gender norms”<sup>3</sup>. It is often used to get people to follow traditional sex stereotypes (dominant males, subservient females). It is also used as a bullying tactic, often between members of the same sex. Unlike some other forms of sexual harassment, gender-based harassment is not generally motivated by sexual interest or intent. It is more often based on hostility and is often an attempt to make the target feel unwelcome in their environment.

Sexual harassment can include:

- sexual solicitation and advances (your supervisor asks for sex in exchange for a promotion)
- a poisoned environment<sup>4</sup> (pornographic images in the workplace)
- gender-based harassment (targeting someone for not following sex-role stereotypes)
- violence (if inappropriate sexual behaviour is not dealt with, it may move to more serious forms, including sexual assault and other violence).

## RESPONSIBILITIES

### **What should you do if you witness or learn of workplace violence or workplace harassment including sexual and gender-based harassment?**

- In the event of an emergency, contact the police.
- Take all necessary and reasonable steps to ensure your own safety and the safety of others.
- Report the workplace harassment to your direct supervisor or the Executive Director. All IMPACT staff acting in a supervisory capacity are responsible for ensuring a respectful workplace that is healthy and safe by applying and complying with all IMPACT policies, procedures, and work environment arrangements that serve to prevent workplace violence or workplace harassment including sexual gender-based harassment. If an IMPACT staff’s complaint involves a member of the Board, the incident should be reported to the Executive Director or to a member of the Executive

---

<sup>2</sup> For more information, see: <http://www.ohrc.on.ca/en/policy-preventing-sexual-and-gender-based-harassment-0>

<sup>3</sup> Elizabeth J. Meyer, “Gendered Harassment in Secondary Schools: Understanding Teachers’ (Non) Interventions,” *Gender and Education*, Vol. 20, No. 6, November 2008, 555 at 555.

<sup>4</sup> “A poisoned environment is a form of discrimination and can arise from even a single incident. It may be created by the comments or actions of any person, regardless of his or her status. The comments or conduct do not have to be directed at a particular individual.” Ontario Human Rights Commission <http://www.ohrc.on.ca/en/policy-discrimination-against-older-people-because-age/8-harassmentpoisoned-environment>

Committee of the Board. If a complaint involves the Executive Director, the incident should be reported to an IMPACT Director who will communicate with a member of the Executive Committee of the Board. IMPACT will actively intervene at any indication of a possibly hostile or violent situation. This intervention may include calling the police.

To maintain a respectful work environment, all IMPACT staff are required to:

- refrain from engaging in discriminatory, bullying and/or harassing behaviours;
- report all instances of discrimination, harassment and bullying in the workplace, whether they are the target or a witness of such an incident including sexual gender-based harassment
- refrain from making false, vexatious or unsubstantiated allegations about discrimination, harassment or bullying including sexual gender-based harassment;
- comply with IMPACT policies and procedures; and
- attend training sessions as required to better understand their rights and obligations under this policy.

### **Domestic violence**

IMPACT staff are encouraged to advise their direct supervisor or the Executive Director of an issue in the employee's non-work life that might impact on the safety of the employee or a co-worker at the workplace.

If IMPACT is aware that domestic violence is likely to expose an employee or co-worker to workplace violence every reasonable precaution reasonable in the circumstance will be implemented to protect the employees at the workplace.

### **History of violent behaviour**

If IMPACT is aware that a person with a history of violent behaviour is likely to expose IMPACT staff to workplace violence, every precaution reasonable in the circumstance will be implemented to protect IMPACT staff at the workplace.

### **HOW IS IMPACT MAKING THE WORKPLACE SAFE?**

IMPACT has developed and maintains a programme to implement this policy. In particular, IMPACT periodically assesses the risks of workplace violence that may arise given the nature of the workplace, the type of work performed and the conditions under which work is performed.

IMPACT will reassess the risks of workplace violence as often as is necessary to ensure that this policy continues to protect IMPACT staff from workplace violence.

### **Zero tolerance**

IMPACT has zero tolerance towards workplace violence or workplace harassment including sexual gender-based harassment. IMPACT staff who engage in workplace violence or workplace harassment including sexual gender-based harassment are in violation of this policy and will be subject to corrective action, as set out below.

### **Retaliation prohibited**

IMPACT prohibits retaliation against any person who reports workplace violence or workplace harassment including sexual and gender-based harassment, or participates in an investigation of such complaints. Retaliation against a person for reporting workplace violence or workplace harassment, or for participating in an investigation of a complaint is a serious violation of this policy and, like workplace violence or workplace harassment, will be subject to corrective action, as set out below.

### **False claims**

Complainants who intentionally make false, vexatious or unsubstantiated allegations of workplace violence or workplace harassment including sexual gender-based harassment will be subject to discipline up to and including dismissal and will be held financially responsible for the costs of the investigation.

### **What to do in case of workplace violence or workplace harassment including sexual & gender-based harassment**

If possible and reasonable in the circumstances, IMPACT encourages IMPACT staff to address any conduct that they consider to be inappropriate or unwelcome in an informal manner by advising the individual of the concern and asking them to stop.

If an IMPACT staff member feels that they have been the victim of workplace violence or workplace harassment including sexual gender-based harassment, or an IMPACT staff member witnesses conduct that they believe is workplace violence or workplace harassment including sexual gender-based harassment, the IMPACT staff member must report this to their direct supervisor, or the Executive Director. If the complaint involves a member of the Board, the incident should be reported to the Executive Director or to a member of the Executive Committee of the Board. If a complaint involves the Executive Director, the incident should be reported to an IMPACT Director who will communicate with a member of the Executive Committee of the Board. The IMPACT staff member should include the following information in their report:

- Name(s) of the individual(s) involved
- Name(s) of any witness(es) to the incident(s)
- Location, date and time of the incident(s)
- Details about the incident(s) (for example, a description of the behaviour or the words used)
- Details of your response to the incident(s) (for example, what was said to the person at the time the conduct occurred)

- Any additional details that would help with an investigation

All complaints of workplace violence or workplace harassment will be treated seriously and addressed promptly.

### **Objectives**

IMPACT will take steps to ensure that investigations are:

- dealt with promptly and diligently, and as thoroughly as is necessary in the circumstances;
- fair and impartial;
- sensitive to the interests of all parties involved; and
- focused on finding facts and evidence.

### **Confidentiality**

While steps will be taken to preserve the confidentiality of the complaint to the extent possible, the complainant should understand that details of the complaint may need to be shared in the investigation process. Information will only be shared as necessary to facilitate the investigation process.

The complainant is also obligated to keep the complaint, and the process, confidential, except as necessary to facilitate the investigation process. Further, the respondent and potential witnesses will be given enough information as necessary to respond to the complaint.

### **The process**

IMPACT will tailor the nature of the investigative process to the particular circumstances of each case. However, the investigation may include:

- interviewing the complainant and the respondent
- interviewing any witnesses to the conduct
- gathering and reviewing any relevant documents, telephone, voicemail, data, text messages and any other electronic record including written statements, notes, emails and pictures
- making findings of fact and conclusions
- communicating the findings and conclusions to the parties involved, as appropriate
- determining the appropriate follow up action

All IMPACT staff, including the complainant and respondent, are expected to fully cooperate with the investigation process. This may include providing information in an interview, submitting a written statement, and/or disclosing emails or documents. Regardless of the nature of their involvement in the investigation, IMPACT staff must be honest, candid and forthright.

In IMPACT's experience, the process for investigating complaints may range from a very informal process where a few words are all that is needed to resolve the matter to a formal process involving

extensive submissions, fact-finding and the use of a third party investigator. IMPACT will make the decision as to what the appropriate resources are to allocate to each complaint.

Whenever possible, all IMPACT staff involved in an investigation should create a written summary of their knowledge and events that they witnessed. IMPACT staff must keep all documents and records that relate in any way to the complaint.

### **What happens after the investigation?**

At the conclusion of an investigation, the complainant and respondent will be advised of the findings and conclusions. The findings may be disclosed to other parties, such as witnesses, if appropriate.

Where workplace violence or workplace harassment has been found, IMPACT will determine the appropriate discipline for the respondent and what remedial steps, if any, should be implemented. Discipline or remedial action may include:

- making a note of the incident on the IMPACT staff's personnel file
- giving a verbal warning
- giving a written warning
- requiring the IMPACT staff to attend training or counselling
- transfer or demotion of the IMPACT staff
- termination of the IMPACT staff's employment or Board membership for cause

Any corrective actions will be taken promptly following an investigation, to ensure that the workplace violence or workplace harassment including sexual gender-based harassment stops.