



## Workplace Violence, Harassment and Sexual Harassment Policy

The Management of B.C. Instruments is committed to provide a work environment in which all individuals are treated according to our 3 Key Principals, Trustworthiness, Trust and Respect. We will take whatever steps are reasonable to protect our employees from workplace violence, harassment and sexual harassment.

Workplace violence, harassment and sexual harassment are unacceptable from anyone. Everyone in the workplace will be dedicated to preventing harassment. This pertains to employees, management, temporary staff, customers, visitors, contractors, sub-contractors, suppliers and other workplace parties. Every person is expected to uphold this policy and will be held accountable by B.C. Instruments. This policy applies to the direct workplace and other company related business or functions.

We have a Workplace Violence, Harassment, and Sexual Harassment Program that implements this policy. It includes procedures to protect employees, and provides a process for employees to report incidents, or raise concerns. This program is outlined in our company Health and Safety Manual.

B.C. Instruments will ensure this policy and the supporting program are implemented and maintained.

Every employee must work in compliance with this policy and the supporting program. All employees are encouraged to raise concerns to their supervisors or to HR. There will be no negative consequences for reports made in good faith.

Management will investigate and deal with all occurrences and complaints of workplace, violence, harassment, sexual harassment in a fair and timely manner.

The workplace harassment policy and procedures will be consulted whenever there are concerns about harassment in the workplace.

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President

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Date

## **Workplace Violence, Harassment and Sexual Harassment Requirements, Policy & Procedure**

Under Bill 168, Workplace Violence and Harassment has been added to the Occupational Health & Safety Act (OHSA) and is effective June 15, 2010. This is in addition to the existing legislation under the Ontario Human Rights Code (OHRC). The OHSA definition, although similar to the OHRC definition, is not the same. The OHSA also includes a provision for addressing domestic violence where the employer is aware of this and where it could physically endanger an employee or a worker, should it be brought into the workplace. This policy, which previously addressed the OHRC requirements, has been revised to include the OHSA definition and its requirements.

Bill 132 expands the OHSA's definition of workplace harassment to include workplace sexual harassment and will become law September 8<sup>th</sup>, 2016.

You should be familiar with this policy and its requirements as a person who could experience either workplace violence or harassment, or as a person who may be practicing certain behaviors that are now considered to be in violation of either the OHRC or the OHSA.

### **Workplace Violence and Harassment Policy**

The company will not tolerate the behavior of violence or harassment in the workplace by any party as defined by the OHRC or the OHSA. This pertains to employees, management, temporary staff, customers, visitors, contractors, sub-contractors, suppliers or other workplace parties. The policy applies to the direct workplace, and other company related business or functions.

Under the OHSA general duty clause 25 (2) (h): the employer is required to *"take every precaution reasonable in the circumstances to ensure the safety of the worker in the workplace."* All employees have an obligation to report any potential issues or any existing issues of which they are aware. A program to define the requirements has been created and is defined in the following paragraphs. It is our intent to provide a harassment and violence-free workplace, which supports our 3<sup>rd</sup> Key Principal of Respect. Your assistance is required, and expected, in order to create and maintain a workplace free of these inappropriate behaviors.

### **OHRC Definition – Harassment\Sexual Harassment:**

Harassment can be verbal, written or sexual in nature. It may come in the form of unwanted comments, racist statements or slurs and jokes, as well as literature including graffiti, posters and pictures. Harassment creates uneasy feelings of humiliation and discomfort and insults or degrades. It is an expression of perceived power and superiority by the harasser over another person, usually for reasons over which the victim has little or no control i.e.: race, age, color, creed, marital status, sexual preference, disability, political or religious affiliation, place or national origin or sex.

Sexual harassment is considered to be any unwanted attention such as sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where:

- Submission to such conduct is made either implicitly or explicitly as a condition of employment
- Submission to or rejection of such conduct is used as a basis for any employment decisions (including promotional, salary or separation), affecting the employee
- Such conduct has the purpose, or the effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive work environment

### **OHSA Definition – Workplace Harassment/Workplace Sexual Harassment:**

- Engaging in a course of vexatious (distressing) comment or conduct against a worker 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
- 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

Some examples include: starting or circulating rumors, gossip, teasing, yelling, intimidating or offensive jokes or innuendo's, pranks, displaying or circulating offensive pictures or material, bullying, offensive or intimidating phone calls, slamming doors, use of profanity, throwing objects, abusive language; embarrassing, humiliating, degrading, demeaning, or belittling another person. These examples are specifically against or towards a person.

### **OHRC Definition – Workplace Violence:**

- Workplace violence includes any attempted, threatened, or actual conduct that endangers the safety and/or well-being of a worker.

Some examples include threats, assaults, robberies, sexual and racial harassment and property damage. Workplace violence is usually thought to be physical assault. It is a much broader problem. It includes any act in which a person is abused, threatened, intimidated, or assaulted in his or her employment. It also includes:

- Threatening behaviors such as shaking fists, destroying property or throwing objects
- Verbal or written threats including swearing, insults or condescending language
- Any behavior that demeans, embarrasses, humiliates, annoys, alarms or verbally includes words, gestures, intimidation, bullying, or other inappropriate activities
- Physical attacks such as hitting, shoving, pushing or kicking
- Any expression of, or an intent to inflict harm

## **OHSA Defines – Workplace Violence:**

- The exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury
- An attempt to exercise physical force against a worker
- A statement of behavior that 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 i.e.: “I’m going to kill you.”

Some examples include physical assaults such as hitting, shoving, pushing or kicking, psychological trauma – swearing, insults, condescending remarks aimed to lead a reasonable person to believe there to be a threat of physical injury to a worker, theft, rape, stalking, arson, verbal or written threats, any other criminal behaviors.

## **Workplace Violence and Harassment does not include:**

Standard progressive workplace disciplinary procedures for failure to meet expectations, company rules or standards.

Some examples include identifying performance gaps or other workplace issues, where the employee is not meeting expectations, standards or requirements that are communicated during a progress review or in a disciplinary type letter. Some applicable items include code of conduct, productivity, quality, safety, continuous improvement, or other company rules, policies or standards such as poor attendance or excessive absence, refusing a reasonable request of a supervisor, or items of this nature.

## **Reporting and Addressing Workplace Violence and Harassment Issues**

Employees are encouraged to report any issue of workplace violence or harassment that they have been a party to or have witnessed taking place. If these are not reported they cannot be addressed. Issues should be reported immediately so the information and facts are fresh and not tainted by time or memory. Complaints can be made directly to a designated person but should include the basic information on the appropriate form. Workplace Violence and Harassment complaint form. (Located J:Forms\HR & Safety Forms or from HR to obtain a form)

Generally the most effective way to address these issues is simply to ask the offender to stop the inappropriate behavior. In some cases the offender may not be aware that the behavior is unacceptable and may believe they are just kidding around. Tell the offender that you are not comfortable with their actions or behaviors and they are contrary to company policy and legal standards, and that if they continue to demonstrate these behaviors, you will have no recourse but to report them as required by the company policy.

If the inappropriate behaviors continue after this request then you can tell the offender again and tell them you are now reporting these behaviors. In the event of a more serious issue please report this immediately. If you are uncomfortable in addressing the offender personally, please see the Human Resources Manager to initiate a formal complaint and an investigation or a discussion between a manager and the offending employee.

You can report any violations to your immediate Responsible Person, Manager, Section Manager, JHSC representative, Human Resources or the President.

If you want the issue addressed formally you should meet with the Human Resources & Safety Manager to initiate an investigation, The President or any senior manager can also initiate an investigation.

If you believe that you are in immediate physical danger from workplace violence some options are to, yell for help, contact the shift supervisor or anyone who may be of assistance, or call 911 Emergency.

If the employer is aware of a history of violent behavior from an employee the employer is obligated to provide information, including personal information, to anyone who may be at risk of violence that may expose a worker to physical injury. In this instance, the provisions of the OHSA override the right to personal privacy.

Where an employer is aware, or ought reasonably to be aware, of domestic abuse or violence that may expose a worker to injury in the workplace, the employer has an obligation to *take every reasonable precaution to protect the worker*. Supervisors or others aware of this are required to share the information with Human Resources or the President, including where there are rumors of domestic abuse or violent history or any direct observation of either. This may require removing the worker from the workplace and providing transportation for them to an appropriate shelter or authority. (a list of shelters in York and Simcoe is included at the end of this document.) Where a complaint is filed and an investigation conducted, all attempts will be made by all parties involved to keep the details of the incident and the investigation as confidential as possible in the circumstances.

Disciplinary measures may be necessary if it is found that details of an incident or an investigation have been unnecessarily broadcast throughout the workplace. If an employee is uncomfortable bringing an issue to the attention of management in their own department, they may bring it to the attention of another department or directly to the Human Resources & Safety Manager or the President.

In the event of a critical injury (as defined in the H&S Manual and the OHSA) the JHSC and Ministry of Labour shall be notified by the HR & Safety Manager (or designate) within 48 hours.

## **Investigation**

Complaints of workplace violence or harassment will be investigated in a fair and timely manner by the Human Resources department, while respecting the employee's privacy as much as is reasonably possible, to determine the facts. This may include interviews with the person initiating the complaint, the offender, and any potential witnesses to the incident(s). The investigation will be conducted as soon as possible after a formal complaint is received and within a maximum of 7 working days, unless there are extenuating circumstances and then as soon as is reasonably possible. A report will be

completed and parties involved will be made aware of the outcome where applicable. Where the results of an investigation indicate disciplinary measures need to be applied, this will be addressed accordingly based on the issue and the findings of the investigation.

### **Right to Refuse Unsafe Work**

An employee has a right to refuse to work if he or she has legitimate reason to believe that he or she is in danger of workplace violence. If an employee legitimately feels he or she is in such danger they will follow the Right to Refuse Unsafe Work procedure as defined in the company Health & Safety Manual. The right to refuse unsafe work does not apply to workplace harassment complaints.

### **Consequences**

Any employees found to be practicing any of these inappropriate behaviors subject themselves to disciplinary measures up to and including termination in addition to potential legal consequences.

Individuals have the right to pursue legal solutions. If you are the subject of harassment you have not only a right to report this but also an obligation.

On conviction, individual's liability is up to \$25,000 or imprisonment of up to 1 year, or both. Corporate liability, on conviction is up to \$500,000 per count.

### **Risk Assessment**

A risk assessment was conducted at the creation of this policy. An employee survey was conducted with random employees to determine actual and potential risks to our workplace parties. The results of the survey are reviewed by the JHSC and management and used in determining the policy and procedures. Any employee is free and encouraged to identify to any member of the JHSC committee or management any risks of which they are aware or of which they become aware.

B. C. Instruments will not tolerate the practice of harassment or workplace violence. Any employees practicing this type of behaviour subject themselves to disciplinary measures up to and including termination. Individuals have the right to pursue legal solutions. If you are the subject of harassment or workplace violence or are aware of any such practices, please report this to your Responsible Person. If, in your view this does not resolve the issue, you are encouraged to bring it to the attention of your Section\Department Manager, the Human Resources Manager or the President.

Official complaints brought forth will be investigated and appropriate action taken.

## Emergency Shelters in York & Simcoe Counties

There are two emergency women's shelters serving the woman of York Region:

**Sandgate Women's Shelter of Georgian**  
(905)722-3220  
1(800)661-8294  
[www.sandgate.ca](http://www.sandgate.ca)

**Yellow Brick House**  
(905)727-1944  
1(800)263-3247  
[www.yellowbrickhouse.org](http://www.yellowbrickhouse.org)

There is one family shelter and one men's shelter serving the families of York Region:

**Blue Door Shelters (Leeder Place)**  
[www.bluedoorshelters.ca](http://www.bluedoorshelters.ca)

**Porter Place Men's Shelter**  
(905)898-1658

The following shelters are listed for Simcoe County:

**Elizabeth Fry Society:** serving women and children located in the City of Barrie  
105 Maple Avenue  
Barrie, ON  
L4N 1S4  
(705)725-0613

**Salvation Army:** serving males located in the City of Barrie  
16 Bayfield Street, PO Box 38  
Barrie, ON  
L4M 4S9  
(705)728-3737

**Bii-nbaan Endaayaany:** serving women, males, and families located in the City of Barrie  
38 Toronto Street  
Barrie, ON  
L4N 1T9  
Intake Line: (705)737-0252  
Admin Line: (705)737-3532

**Youth Haven:** serving both male and female youth located in the City of Barrie  
20-22 Wellington Street East  
Barrie, ON  
L4M 2B8  
(705)739-7616 or (705)739-9930

**Lighthouse Christian Ministries:** serving males located in the City of Orillia  
48 Peter Street south  
Orillia, ON  
L3V 5B1  
(705)329-2424