## WORKPLACE PREVENTION OF HARASSMENT AND BULLYING

[Organization Name] believes all employees have a right to work in an environment that respects the dignity, worth, and basic human rights of every individual. We are committed to ensuring a workplace free of harassment and bullying. In pursuit of this, [Organization Name] will not tolerate any harassment or bullying within the workplace.

[Organization Name] is further committed to investigating any complaints regarding workplace harassment and bullying, using the method of corrective action, up to and including the point of termination of employment for the perpetrator(s).

Canada’s Criminal Code specifically lays out matters such as violent acts, sexual assault, threats, and behaviours such as stalking. In the event of any of the above, [Organization Name] will immediately contact the police.

DEFINITIONS

According to the *Occupational Health & Safety Regulation*:

“Harassment” means “any conduct, comment, display, action, or gesture that a) adversely affects a worker’s psychological or physical well-being, or b) the actor knew or reasonably ought to have known would cause a worker to be humiliated or intimidated; harassment includes the act of intentionally causing harm through verbal harassment, intimidation or other more subtle methods of coercion, such as manipulation, including ignoring and isolating a person. For great certainty, harassment may occur in the absence of any intent to harm, humiliate, intimidate or otherwise harass a worker.”

“Sexual harassment” means “unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victims of the harassment”

POLICY

[Organization Name] will take all reasonable steps to eliminate bullying and harassment in the workplace, according to the *Workers Compensation Act*, to ensure the health and safety of every employee. Bullying and harassing behaviours include but are not limited to “verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and spreading malicious rumours” (WorkSafeBC).

[Organization Name] encourages any of its employees who witness or who are victim to harassment or bullying to bring forward the information as soon as possible so that an investigation may immediately commence.

In pursuit of a harassment-free environment, [Organization Name] is committed to fully preventing and/or addressing any instances of harassment, including sexual harassment, by:

* Providing education and training in order to ensure that all employees understand their rights and responsibilities regarding harassment;
* Ensuring that supervisors understand how to respond to incidents of harassment, including how to collect information, how to act, how to deal with confidentiality, how to document, and how to keep records;
* Reviewing their Anti-Harassment program with the Occupational Health and Safety Representative/Committee
* Providing a procedure for complaints (outlined below) that is fair, timely, and effective; and
* Promoting appropriate standards of conduct.

This policy also prohibits any person at [Organization Name] who is in a position to be able to grant or deny a benefit to another employee from sexually soliciting or making advances on that person. This could include co-worker to co-worker, or supervisors and managers to employees. Further, any reprisals for the rejection of these advances are not permitted.

[Organization Name] will also not permit the creation of a poisoned work environment, as created by comments or any forms of conduct that are known to be unwelcome. [Organization Name] will investigate all complaints to prevent this poisoned environment.

In addition, any employees who experience harassment while in the course of work for [Organization Name] have the right to file a complaint without any fear of reprisal. [Organization Name] will ensure that an investigation is conducted into any incidents or complaints of workplace harassment, as appropriate.

Employee and Supervisor Responsibilities

All [Organization Name] employees have the responsibility to adhere to the contents of this policy and refrain from enacting or condoning any form(s) of harassment. Further, all employees have the responsibility of fully cooperating in any investigations into complaints of harassment.

All [Organization Name] supervisors or managers have an additional responsibility of acting immediately upon either receiving a complaint of harassment or witnessing it themselves. Supervisors and managers are responsible for the creation and maintenance of a harassment-free workplace and must immediately investigate as soon as any forms of harassment become known in the workplace.

COMPLAINT PROCEDURE

At [Organization Name], complaints regarding harassment, bullying, or discrimination may be brought forward to:

* (Insert Title) **or** (Insert Title).
* An alternate report may be made to (Insert Title) if either of the above are the alleged harasser(s).
* [Organization Name] will take appropriate measures to ensure that employees and/or witnesses involved in filing the complaint are protected, as necessary. This may include temporary reassignments or shift changes.  [Organization Name] will ensure that these changes do not penalize any employee who brought forward a complaint, or any witness to the complaint.
* [Organization Name] will not disclose any information regarding a complaint of harassment (including any identifying personal information of any of the individuals involved), unless the disclosure, if necessary. The disclosure may become necessary for the purposes of investigating the complaint, taking disciplinary action, or as required by law;
* The employee who disclosed the complaint, as well as the alleged harasser (provided they are both employees of [Organization Name]), will be kept up to date on the investigation and will be notified of the results of the investigation and any subsequent actions to be taken.

Investigation Procedure

Immediately upon receipt of a complaint, an investigation will be initiated, and additional information and context will be sought. [Organization Name] will ensure that investigations are conducted promptly after an incident or upon receipt of a complaint and are concluded in a timely manner to minimize any potential impact on involved parties and maintain the integrity of the process.

The investigation procedure is as follows:

* + 1. All provided details of the incident will be reviewed. Any immediate steps that must be taken to ensure the health and safety of any parties will be taken;
		2. Separate interview(s) with the parties involved and any witnesses will be conducted and all information will be documented;
		3. An examination of any relevant documents, emails, notes, photographs, video, or other evidence will be conducted to gather additional information;
		4. If required, secondary interviews will be conducted with any relevant parties or witnesses;
		5. A decision about whether the complaint constitutes workplace harassment will be made by [Insert Title] in consultation with [Insert Title]and [Insert Title];
		6. A report which summarizes the incident, the steps of the investigation, the evidence collected, any additional findings, and all steps taken to resolve and conclude the investigation will be prepared and made available for review.

External Investigation

[Organization Name] will ensure that all individuals responsible for conducting investigation maintain impartiality at all times to maintain a fair and effective investigation process. However, if additional impartiality is required, the individual(s) responsible for conducting investigation are involved in the complaint/investigation, or internal resources are insufficient, an independent external investigation may be initiated to ensure fairness and transparency.

Record Keeping

[Organization Name] will maintain records of all complaints and investigations as required by WorkSafeBC and applicable legislation. Records will be securely stored, kept confidential, and retained in accordance with applicable legislation. In the event that [Organization Name] is required to submit reports of an incident or investigation, the report will be completed and submitted to WorkSafeBC within 30 days of the incident.

Policy Review

[Organization Name] will ensure this policy is reviewed and updated at least annually. The current policy was last reviewed and updated on [Insert Date].

Signature: Date:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##

## WORKPLACE VIOLENCE POLICY

This policy is intended to:

* Outline the steps that [Organization Name] will take to maintain a work environment that is free from workplace violence.
* Establish measures and procedures to control the risk of workplace violence.
* Communicate the procedure for summoning immediate assistance in the event of an incident of workplace violence or where an incident is imminent.
* Outline the responsibilities of all workplace parties.

DEFINITIONS

“Violence” as defined by British Columbia’s *Occupational Health and Safety Regulation*, means:

* The attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that the worker is at risk of injury

POLICY

[Organization Name] is committed to providing a healthy, safe, and supportive work environment for all employees that is free from workplace violence and will not tolerate any such incidents that are perpetuated by or against an employee, client, volunteer, vendor, or visitor.

In pursuit of this commitment, [Organization Name] will take all reasonable steps to prevent workplace violence and will deal with incidents and complaints made in good faith, in a fair, consistent, and timely manner. We will fulfil our obligations under the BC *Occupational Health and Safety Regulation* and the *Workers Compensation Act*.

RESPONSIBILITIES

Employer Responsibilities

* Assess the risk of workplace violence by conducting risk assessments
* Instruct workers and supervisors about established procedures, response plans and other controls to eliminate the identified risks or, when not possible, reduce them
* Develop and implement a workplace violence prevention program, that is developed in cooperation with the health and safety representative/committee
* Inform workers who may be exposed to the risk of violence of the nature and extent of the risk and how to prevent incidents of violence
* Have a process to report, investigate and act on allegations of violence in the workplace
* Complete proper follow up to any incident by reviewing actions taken in response to the incident and evaluating their effectiveness

Manager/Supervisor Responsibilities

* Ensure they instruct employees to immediately report any witnessed or experienced violence in the workplace
* Ensure the immediate safety, if applicable, of any employee coming forward with a report of experienced or witnessed violence
* Advise any workers who have reported an injury or adverse symptom as a result of an incident of violence to consult a physician for treatment or referral
* Bring forward any allegations of violence to the employer and/or the human resources representative immediately
* Conduct or participate in the facilitation of an investigation where required

All members of management who are aware, or who ought reasonably to be aware that incidents of workplace violence are occurring or are thought to be occurring are obligated to take appropriate action to stop the offending behaviours and actions, even in the absence of a formal complaint.

Employee Responsibilities

All employees have a responsibility to ensure the working environment is free from violence by:

* Fostering an environment based on mutual respect and dignity. Treating one another as they would want to be treated.
* Openly supporting and adhering to this organization’s anti-violence policy and refraining from any form violence.
* Advising any member of management of an incident violence or any other incident of retaliation against any person for invoking this policy;
* Cooperating in an investigation and handling of any complaints of discrimination, harassment, and violence.

The Health and Safety Representative/Committee

* Review workplace violence hazard assessment results and provide recommendations to management on reducing or eliminating risks of violence.
* Review all reports forwarded to the representative/committee regarding workplace violence and other incident reports as appropriate pertaining to workplace violence that result in personal injury or the threat of personal injury, property damage, or police involvement.
* Participate in the investigation of critical injuries (e.g., incidents that place life in jeopardy, result in substantial blood loss, fracture of a leg or arm, etc.) sustained because of workplace violence.

Respond to employee concerns related to workplace violence, communicating those concerns and recommending solutions to management.

WORKPLACE ANTI-VIOLENCE PROGRAM

**Instruction of Workers**

[Organization Name] will inform workers who may be exposed to the risk of violence about the nature and extent of the risk. This includes:

* Providing information related to the risk of violence from persons with a history of violent behavior whom workers are likely to encounter.
* Instructing workers in the means for recognizing the potential for violence.
* Training workers on the procedures, policies, and work environment arrangements developed to minimize or effectively control the risk.
* Educating workers on the appropriate response to incidents of violence, including how to obtain assistance.
* Establishing procedures for reporting, investigating, and documenting incidents of violence.

**Violence Risk Assessment**

[Organization Name] will conduct regular risk assessments of the work environment to identify the types and probability of risks of injury due to violent actions.

When conducting the risk assessment [Organization Name] will take into consideration specific areas that may contribute to the risk of violence including:

* The location, nature, and circumstances of the work being performed.
* The number and nature of previous incidents of violence at the workplace over at least one year.
* Occupational experience in similar workplaces.

As part of its assessment the organization will help make the results available to all workers and the health and safety representative/committee (JOHSC).

**Reporting Incidents of Workplace Violence**

* If you are directly affected by, or witness to an act of violence or a threat of violence in the workplace, it is imperative that the incident be reported immediately. Reports are to be made to your direct supervisor, their designate, or other relevant party.
* For the health and safety of everyone, employees are encouraged to request an informal meeting with their supervisor/manager or their designate to discuss issues concerning or related to workplace violence.
* Employees should also notify their supervisor/manager or their designate if any restraining order affecting them is in effect or if they are aware of a non-work-related situation that could result in violence in the workplace including concerns regarding the potential for domestic violence to occur in the workplace.

If you are subject to workplace violence, you also have the option to pursue recourse through the Provincial Police or the Federal Criminal Code.

**Summoning Immediate Assistance**

* If you require immediate assistance following an act of violence, are being threatened, or consider yourself to be in imminent danger, contact the police/emergency services immediately by dialing “911” and follow department/facility emergency response procedures (where relevant).
* If you are unable to phone 911 right away, you should:
	+ Yell for help.
	+ If in a vehicle, honk the horn repeatedly, turn on hazard lights and lock all vehicle doors.
	+ If possible, use the vehicle’s emergency alarm.
	+ Immediately move to a safe location.
	+ Contact a manager/supervisor.

**Right to Refuse Unsafe Work Due to Workplace Violence**

If you believe that you are being endangered by workplace violence, you have the right to refuse to perform the work you deem to be unsafe. If you are refusing to work because of workplace violence, you must immediately report the refusal to your supervisor/manager or their designate.

Once reported, an investigation into the refusal will commence. During the investigation, you must remain at work and remain available to the investigator(s) for the purpose of the investigation.

**Reports of Violent Incidents Workplace Expectations**

The Organization Shall:

* Promptly investigate all reported acts and incidents of violence.
* Consult with other parties (i.e., legal counsel, health and safety representative/committee, employee assistance providers, human rights laws, and local police services) as deemed necessary to address, resolve and mitigate incidents.
* Take all reasonable measures to identify and eliminate risks and root causes resulting from the incident.
* Comply with the violent incident reporting obligations of the *Workers Compensation Act* and the *Occupational Health and Safety Regulation*

**Incident Investigation Reports**

[Organization Name] will document and securely retain records of all complaints or incidents of violence according to the *Workers Compensation Act*. Information to be included will be:

* The complaint or details about the incident;
* Completed violent incident report forms;
* Records of the investigation including notes;
* Witness statements, if taken;
* The investigation report, if any;
* Results of the investigation that were provided to the complaint and respondent; and
* Any corrective action taken to address the complaint or incident of workplace violence.

**History of Violent Behaviour**

Under the Occupational Health and Safety Regulation, the organization may be required to inform workers of the potential for violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work.

Pursuant to this obligation, if the organization is of the view that there is a risk of workplace violence such that an employee is likely to be exposed to physical injury, information that is deemed reasonably necessary to protect employees from physical injury, including personal information and any known triggers of the individual’s potentially violent behaviours will be communicated.

When disclosing personal information, the organization will limit as much as possible the amount of personal information provided and will not release any medical information that is deemed protected.

Furthermore, the organization will not disclose any information to individuals who are unlikely to encounter the person with a history of violence or to those who are not at risk of physical injury from that person.

**Prohibition Against Retaliation/Reprisal**

[Organization Name] strictly prohibits any form of retaliation against an employee for filing a genuine complaint under this policy or for participating in the investigation process.

Specifically, no employee shall be demoted, dismissed, disciplined, or denied a promotion, advancement, or other opportunity because they have lodged a complaint in good faith or have participated in an investigation.

**Disciplinary Action**

Any employee who is found to have breached this policy by engaging in violence or a form of reprisal; who breaches confidentiality expectations; fails to cooperate with an investigation; makes a complaint in bad faith or supplies falsified information will be subject to appropriate disciplinary action.

Disciplinary action may range from training, counselling, written warnings, suspension, work transfer and termination of employment, depending on individual circumstances. Additionally, the organization may pursue criminal charges where warranted.

**Confidentiality**

[Organization Name] will ensure that information and documents regarding a complaint or incident will not be disclosed except to the extent necessary to protect workers, to investigate the complaint or incident, to take progressive discipline or as otherwise required by law.

All parties involved in a workplace violence complaint, including Complainants, Respondents, witnesses, management, and support persons are expected to treat the matter and any information they become aware of as confidential. No party shall discuss the matter or associated details with other employees or witnesses. An employee may face disciplinary action if it is determined that they have failed to adhere to these confidentiality expectations.

All investigation notes and full reports will be retained in a separate file and are not to be saved in employee personnel files. Investigation outcome letters and disciplinary action will be saved in applicable employee files only when the complaint has been verified and is found to be in breach of this policy.

**Program Review**

The workplace violence prevention program will be reviewed annually to evaluate its performance in eliminating or minimizing the risk of injury from workplace violence.

This review will be documented and conducted in consultation with the health and safety representative/committee. The program will be revised as necessary based on the review findings.

Signature: Date:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_