## WORKPLACE HARASSMENT AND VIOLENCE

[Organization Name] is committed to ensuring the safety and security of everyone. [Organization Name] has a zero-tolerance policy for harassment and violence in the workplace. Additionally, this harassment/violence policy details the process for filing complaints and conducting investigations. If there is a report of workplace harassment or violence, an investigation will be conducted.

DEFINITION

The following definitions have been taken directly from WorkSafe NB or the *Occupational Health and Safety Act*:

"Workplace harassment" means any objectionable or offensive behavior that is known or ought reasonably to be known to be unwelcome, including bullying or any other conduct, comment or display made on either a one-time or repeated basis that threatens the health or safety of an employee, and includes sexual harassment, but does not include reasonable conduct of an employer in respect of the management and direction of employees at the place of employment.

Common harassing behaviours can include (but are not limited to):

* Rumour spreading;
* Jokes about sex;
* Email chains with jokes about specific individuals;
* Excluding individuals from work-related activities;
* Reviewing work unfairly or trivial fault-finding; and
* Belittling behaviour or comments.

“Violence”, in a place of employment, means the attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause to believe that physical force will be used against the employee, and includes sexual violence, intimate partner violence and domestic violence.

“Sexual harassment” refers to remarks or conduct that are "sexual" in nature. Sexual harassment, on the other hand, may occur when the behaviour is not overtly sexual but has gender-based connotations and insults or causes the recipient personal humiliation or embarrassment. To name a few examples, it could mean words, jokes, sexual comments, contact, sexual demands, unwanted kissing and touching, and insults directed at the individual's sexual orientation, race, culture, ability, and/or income.

POLICY

[Organization Name] is committed to providing a healthy, safe and supportive work environment for all employees that is free from workplace violence and harassment. We 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 harassment and will deal with incidents and complaints made in good faith, in a fair, consistent, and timely manner.

Employee Responsibilities

* Understand what constitutes workplace violence and harassment as defined in this policy and adhere to the organization’s zero tolerance requirement.
* Immediately report any incident of violence or harassment one is subject to or witnesses in accordance with the organization’s anti-violence program.
* Participate as required in internal and external investigations concerning incidents of workplace violence or harassment.
* Refrain from any retaliatory acts against any individual who has brought forward a complaint of violence or harassment.
* Attend and actively participate in training and education sessions regarding workplace violence.

Employer and Management Responsibilities

* Assess the risk of workplace violence and implement procedures, response plans and other controls to help minimize identified risks.
* Educate and train employees on this policy and program, response plans and other controls established to protect employee health and safety.
* Ensure a copy of this policy is available to all employees.
* Review the workplace violence and harassment policy and program annually or as often as necessary to properly protect employees from the risk of violence or harassment. This policy and program will be reviewed after any violent incident to determine if changes are necessary.
* Take appropriate action(s) upon receipt of a complaint of workplace violence or when aware that workplace violence is occurring.
* Impose appropriate disciplinary measures in response to substantiated claims of workplace violence.

All members of management who are aware, or who ought to reasonably be aware that incidents of workplace violence or harassment 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.

CODE OF PRACTICE - HARASSMENT

A workplace harassment incident or complaint should be reported immediately upon experiencing or witnessing an incident. This enables an investigation of the incident to begin promptly.

Employees may report workplace harassment incidents or complaints verbally or in writing.

At [Organization Name], complaints regarding harassment 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).
* Immediately upon receipt of a complaint, an investigation will be started and additional information and context will be sought. The investigation may include:

o   A review of the details of the incident;

o   Separate interview(s) with the parties involved and any witnesses;

o   Examination of any relevant documents, emails, notes, photographs, or video;

o   A decision about whether the complaint constitutes workplace harassment; and

o   The preparation of a report which summarizes the incident, the steps of the investigation, the evidence collected, and any findings

* [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 is 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.

CODE OF PRACTICE - VIOLENCE

Reporting Incidents of Workplace Violence

* In the event 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.

Domestic Violence

In the event the organization is aware that domestic violence could likely expose an employee to physical injury in the workplace, it will take every precaution reasonable in the circumstances for the protection of the affected employee(s). In such situations the organization will work with the employee to create a personal support plan which will identify safety measures and procedures for the protection of the individual.

Violence Risk Assessment

[Organization Name] will conduct a risk assessment of the work environment to identify any issues related to potential violence that may impact the organization and its employees and will institute measures to control those risks.

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

* Working in a community-based setting
* Interaction with the public and/or working with unstable or possibly volatile clients.
* The exchange of money
* Working alone or in small numbers
* Working at night
* Working in a high crime area

As part of its assessment the organization may review records and reports (incident reports, health and safety inspection reports, etc.). The organization will assess workplace violence hazards in all jobs and throughout the workplace (with worker participation). It conducts risk assessments on a yearly basis, as well as when new jobs are created or job descriptions are significantly changed.

Violence Investigation Procedure

The investigation process will be initiated upon receipt of a formal complaint from an employee or at the discretion of the employer where workplace violence is known or is suspected to be occurring.

The organization will endeavor to complete investigations within 90 calendar days or less once the process has been initiated; unless extenuating circumstances warrant a longer investigation (for example where more than five witnesses must be interviewed or in the event a witness, Complainant or Respondent is unavailable due to illness).

Once initiated, the investigation procedure will generally adhere to the following steps/guidelines:

1. The organization will appoint an internal or external investigator(s) to promptly conduct and document an investigation into the incident in which all facts are examined in a manner that is timely, fair, and impartial.
2. No person shall be appointed to the role of investigator where they have been named within a complaint.
3. Any allegations against the (Insert Title) will be investigated by a neutral third-party investigator.
4. The investigator(s) will review this policy, the submitted complaint and supporting documents, and will meet with the Complainant to gather additional details and information regarding the incident(s).
5. Individual(s) named in the complaint (known as Respondents) will be advised via written notification of the complaint that has been filed against them. The notification will inform the Respondent of the alleged offensive action(s)/behaviour(s) made against them.
6. The investigator will then meet with the Respondent to allow the individual to respond to the presented allegations and to gather facts and information.
7. Where warranted, the organization may issue a paid administrative leave to the Respondent, Complainant and any other party deemed necessary until the investigation is completed.
8. Employees on paid administrative leave pending the results of the investigation must remain available to meet with the investigator and to return to work as requested.
9. The investigator may also individually meet with witnesses and any other individual deemed necessary to provide additional evidence or context/information pertinent to the investigation.
10. Once the investigator is satisfied with the amount of factual information collected from all parties, they will make a determination as to whether or not the allegation(s) are substantiated based on a balance of probabilities and where substantiated, make recommendations on any remedial action to be taken.
11. The investigator will provide an investigation report which must include a summary of the steps taken during the investigation, the complaint and allegations of the Complainant, the response from the Respondent(s), the evidence of any witnesses, any additional evidence gathered, findings of fact, the conclusion of the investigation and any recommendations made.
12. If the investigator deems a breach of the policy has occurred, the organization will take necessary progressive discipline where deemed appropriate to do so.
13. If the results of the investigation do not substantiate that a breach of this policy has occurred, the allegations will be disregarded in any subsequent employment decision affecting the parties involved. This is the case except where there is repetition of the same allegation from the same or different parties, and in that case, further investigation and progressive discipline may occur. However, if after investigating any complaint the organization determines that the complaint is not genuine or that an employee has deliberately provided false information regarding the complaint, disciplinary action may be taken against the Complainant or the individual who gave the false information.
14. If the Complainant disagrees with the outcome of the investigation, they will have the option to pursue recourse through the applicable legislation (example: The *Occupational Health and Safety Act*).
15. [Organization Name] will provide the Complainant and Respondent (where the Respondent is an employee) with a written outcome letter summarizing the investigation findings and any disciplinary action to be taken as a result of the investigation.
16. All parties involved in the investigation process, including the Complainants, Respondents, and witnesses are responsible for fully cooperating with the investigator(s) throughout the investigation process.

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 warning, or termination of employment, depending on individual circumstances. Additionally, the organization may pursue criminal charges where warranted.

Records

All reports and investigations into workplace violence and harassment are retained for a period of five years.

Policy and Program Review

This policy and program for preventing workplace violence and harassment will be reviewed on an annual basis.

Note: This policy will be in written form and posted in a conspicuous place at [Organization Name] It will be reviewed as often as necessary, but at least annually.