

\_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch

## **Workplace Violence and Harassment Policy**

### **Policy Statement**

\_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch of The Royal Canadian Legion is committed to the safety of its employees. Staff should enjoy a workplace that is free from violence and harassment. No worker, volunteer or any other individual associated with \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch shall subject any other person to workplace violence or harassment or allow or create situations that allow workplace violence or harassment to occur.

\_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch Will:

- support and promote a program on the prevention of workplace violence and harassment;
- regularly assess the risks of workplace violence;
- identify possible sources of violence and harassment;
- strive to eliminate or reduce the risk of workplace violence and harassment;
- take every precaution reasonable in the circumstances to protect workers from domestic violence that would likely cause physical injury to workers in the workplace;
- investigate and deal with all incidents and complaints of workplace violence and harassment in a fair and prompt manner.

### **Purpose of Policy (1)**

- identify roles and responsibilities when violence or harassment take place in the workplace;
- set out how the Branch will respond to reports of violence or harassment in the workplace.

**Definition of Workplace Violence and Harassment (2)** (under the *Occupational Health and Safety Amendment Act 2009*, workplace violence means):

- 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;
- a statement or behaviour 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.

**Harassment Means:** (Under the *Occupational Health and Safety Amendment Act 2009*, workplace)

- 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.

**Definition of Worker (3)**

- The definition of “Worker” now includes a person who does work or provides a service to an employer for **NO** monetary compensation – a volunteer.
- “**Worker**” means any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program:
  1. A person who performs work or supplies services for monetary compensation
  2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
  3. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.
  4. A person who receives training from an employer, but who under the Employment Standards Act, 2000, is not an employee for the purposes of that Act because the conditions set out in subsection 1 (2) of that Act have been met.
  5. Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation

## **Rights and Duties (4) – Worker’s Rights (4.1)**

- a. To report an incident of violence or harassment or file a complaint without fear of retaliation;
- b. To be told about \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch’s process for looking into the incident or complaint;
- c. To choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person;
- d. to get information about the review of the incident or complaint;
- e. to be treated fairly while the Branch is looking into the incident or complaint;
- f. to get information about the action taken by the Branch because of the incident or complaint;
- g. to refuse work if the worker has reason to believe that workplace violence is likely to endanger himself or herself.

## **Rights and Duties – Worker’s Duties (4.2)**

- a. Workers have a duty to report any incidents of violence or harassment they become aware of, even if they are not personally involved.
- b. Workers who feel they have been harassed have a duty to communicate clearly to the person who harassed them that the behaviour was unwelcomed, unless it is unreasonable to expect them to do so.
- c. Workers who report an incident or file a complaint have a duty to cooperate with the investigator during the investigation of the incident or complaint.

## **Rights of the Person Accused of Violence or Harassment (4.3)**

- a. To be told that a report or complaint has been file;
- b. To know who filed the report or complaint, unless \_\_\_\_\_  
(ON. No. \_\_\_\_\_) Branch decides that reprisals are an issue, in which case the name may be withheld. This should be done only in the most extreme circumstances.
- c. To be told about the Branch’s process for looking into the incident or complaint;
- d. To choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person.
- e. To be treated fairly during the investigation process.

## **Duties of the Person Accused of Violence or Harassment (4.4)**

- Anyone accused of violence or harassment has a duty to cooperate with \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch in the investigation of the incident or complaint.

## **Reporting Workplace Violence (5)**

- When an incident of workplace violence occurs, \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch will notify police or emergency responders for immediate assistance where necessary.
- If the incident results in a person being killed or critically injured, \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch will immediately notify a Ministry of Labour health and safety inspector, and within 48 hours notify, in writing, a director of the Ministry of Labour.

## **Investigating Incidents and Complaints (6)**

- If the incident or complaint is on human rights grounds, \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch will follow the \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch process set out in the Human Rights By-law (include if have adopted a Human Rights By-Law)
- An incident report or a complaint must be in writing and signed by the person filing the report or making the complaint unless this is unreasonable. The report or complaint should be given to the \_\_\_\_\_. If the report or complaint is about the \_\_\_\_\_ then it can be given to the \_\_\_\_\_. If the report or complaint is about both the \_\_\_\_\_ and the \_\_\_\_\_ it can be given to Human Resources at \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch.
- \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch will designate a person to look into the incident or complaint. This position may be called the Incident Investigator or the Complaints Officer. The designated person may or may not be an Executive or staff member and may be from outside the Branch.
- The designated person may be authorized to consult \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch's lawyer. Where there is a possible legal liability on the part of \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch, the Branch's lawyer will be consulted before proceeding further.
- The investigation into the incident or complaint will include interviews with the parties and any others that may have knowledge of the incident or complaint. The investigation may include a review of \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch files

and inspection of parts of \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch as necessary. The designated person will submit a written report to the board.

- The board will consider the report and take the appropriate action where there is evidence of violence or harassment. In determining the action to take, the board will consider the seriousness of the acts.

### **Possible actions include:**

- a letter of apology or a performance agreement, if the parties will agree to these;
- mediation between the parties or mandatory counselling;
- proceedings to remove someone from the board if the person at fault is a director;
- reprimand, suspension or dismissal if the person at fault is a worker;
- eviction, if the person at fault is a resident of the Branch. However, in determining what to do, the board will be guided by the eviction process;
- establishing appropriate security measures as part of the workplace violence and harassment program.

### **Privacy (7)**

- \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch shall keep all the information relating to an incident or complaint confidential.
- However, in order to investigate an incident or complaint, the investigator conducting the investigation shall interview and document statements outlining the facts pertaining to the complaint. The investigator will protect the identity of those involved but this may not always be possible.

### **Action by the Branch (8)**

- While the incident or complaint is being investigated, \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch will:
- limit contact between the parties involved in the incident or complaint;
- assist the affected worker by providing resources and services to assist them with dealing with any stress they may incur as a result of the incident.

## **Other Legal Rights (9)**

- This policy does not in any way limit the right of workers to take any other legal action resulting from violence or harassment.

\_\_\_\_\_ (ON. No. \_\_\_\_\_)  
**Branch's Workplace Violence and Harassment Policy**

## **Acknowledged by Management**

### **CERTIFIED**

to be a true copy of \_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch's Workplace  
Violence and Harassment Policy at the meeting held on \_\_\_\_\_ 2019.

\_\_\_\_\_ (ON. No. \_\_\_\_\_)  
**Branch's Workplace Violence and Harassment Policy**

Thank you for completing this training presentation.

Employees are to sign the training document and forward to the \_\_\_\_\_ and  
\_\_\_\_\_ (ON. No. \_\_\_\_\_) Branch's Human Resources Department.

Any other person reviewing this presentation may acknowledge doing so by signing a  
different acknowledgement form.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_ 2019