



PROTECTION OF HUMAN RIGHTS & PREVENTION OF WORKPLACE VIOLENCE & HARASSMENT POLICY

Approved by	Executive Management Team
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Responsible Role	Vice President, Human Resources
Responsible Department	Human Resources

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PROTECTION OF HUMAN RIGHTS & PREVENTION OF WORKPLACE VIOLENCE & HARASSMENT POLICY

SECTION 1 – INTRODUCTION

1.1 Purpose of Policy

This policy outlines JVS Toronto’s policy concerning prevention of violence and harassment in the workplace.

The purpose of this policy is to provide an environment free of discrimination, harassment and violence, in which all individuals are treated with respect and dignity, and are able to contribute fully and have equal opportunities. Any act of violence or harassment committed by or against any employee, volunteer, student, consultant, contractor, community partner, Board or Board Committee Member or client of JVS Toronto will not be tolerated.

This policy is to ensure that all individuals are aware of and understand that acts of workplace violence or harassment are considered a serious offence for which appropriate action will be taken. Those who are subjected to acts of workplace harassment are encouraged to report incidents so that complaints can be thoroughly investigated.

If you are either directly affected by, or witness to any acts of violence in the workplace, it is imperative for the safety of all JVS Toronto employees, that the incident be reported without delay.

JVS Toronto is committed to investigating workplace violence and harassment in a timely manner, taking the necessary action to respond to those events, while providing support for complainants.

This program and policy shall be reviewed as often as necessary, and at least annually.

1.2 Scope

This policy applies to all employees, volunteers, students, consultants, contractors, community partners, Board or Board Committee Members and clients.

All individuals have a responsibility to act respectfully towards others and promote an environment that minimizes the risk of workplace violence and/or harassment as well as eliminating any hostile and/or aggressive behaviour.

All employees and management are responsible for preventing and reporting any workplace violence that threatens a safe workplace.

Anyone found to have engaged in harassing, discriminatory or otherwise violent behaviour, in breach of this policy may be subject to disciplinary action, up to and including dismissal.

1.3 Definitions

Word/Term	Definition
Workplace	Means any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions (social events, golf games, etc.), and work assignments outside JVS Toronto offices, work related

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	<p>travel, and work-related conferences or training sessions.</p> <p>For the purposes of this Policy, the workplace could include information or communications sent via work-email, or information which pertains to JVS which is posted on social media.</p>
Discrimination	<p>Every individual has a right to equal treatment with respect to employment and services without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability, gender identity, gender expression or record of offences.</p>
Workplace Violence	<p>The exercise of physical force by an individual against another, in a workplace, that causes or could cause physical injury to the individual;</p> <p>An attempt to exercise physical force against an individual, in a workplace, that could cause physical injury to the individual; or</p> <p>A statement or behaviour that is reasonable for an individual to interpret as a threat to exercise physical force against them, in a workplace, that could cause physical injury to the individual.</p>
Workplace Harassment	<p>Engaging in a course of vexatious comment or conduct against an individual in a workplace which is known or ought to reasonably be known to be unwelcome; or workplace sexual harassment</p>
Sexual Harassment	<p>Engaging in a course of vexatious comment or conduct against an individual in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought to reasonably 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 individual and the person knows or ought to reasonably know that the solicitation is unwelcome</p>
Racial/ Ethnic Harassment	<p>Any conduct or comment which causes humiliation to an individual because of their racial or ethnic background, their colour, place of birth, citizenship, or ancestry. Examples of conduct which may be racial or ethnic harassment include:</p> <ul style="list-style-type: none"> • Unwelcome remarks, jokes, or innuendos about an individual's racial or ethnic origin; • Unwelcome comments or conduct in respect of colour, place or birth, citizenship, or ancestry; • Displaying racist or derogatory pictures or other offensive material; • Insulting gestures or practical jokes based on racial or ethnic grounds which create awkwardness or embarrassment; and • Refusing to work with an individual or treating them differently because of their ethnic or racial background

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Domestic Violence	An individual who has a personal relationship with another person – such as a spouse or former spouse, current or former intimate partner or a family member – may physically harm, or attempt or threaten to physically harm, that person at work. In these situations, domestic violence is considered workplace violence.
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Counselling, performance appraisal, work assignment and the implementation of disciplinary actions are not forms of harassment, and this policy does not restrict a manager’s responsibilities or direction in this manner.

1.4 Related Policies

- Client Abuse Prevention and Reporting Policy
- Client Disruptive Behaviour Policy
- Code of Conduct Policy
- Emergency Preparedness Policy
- Lockdown Policy
- Whistleblower Policy

1.4.1 Privacy Policies

1.5 Legislative Context

- Employment Standards Act, 2000*
- Ontario Human Rights Code, R.S.O. 1990*
- Occupational Health and Safety Act, R.S.O. 1990*
- Workplace Safety and Insurance Act, 1997*

SECTION 2 – MANAGING VIOLENCE AND HARASSMENT IN THE WORKPLACE

2.1 Examples of Harassment

The following are examples of harassment in the workplace, but this list is not exhaustive. There are many behaviours which one may find harassing, bullying or violent in nature.

Unwelcome remarks jokes, innuendos, or propositions about someone’s body, attire, sex, sexual orientation, or religion, or any other ground under the Human Rights Code; Conduct or comment that is known to be or should reasonably be recognized as:

- Offensive
- Embarrassing
- Humiliating
- Demeaning
- Unwelcome
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via email or texting;
- Singling out a person for humiliating or demeaning “teasing” because they are a member of a *code*-protected group;
- Preventing a person from expressing himself or herself; such as yelling at the person, threatening, or constantly interrupting that person; prohibiting that person from speaking to others;
- Unwanted sexual advances which may or may not be accompanied by threats or explicit or implicit promises;

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- Making rude, degrading or offensive remarks;
- Making gestures that seek to intimidate; and
- Discrediting the person by spreading malicious gossip or rumours; ridiculing or humiliating him/her; calling into question his/her private life; shouting abuse at him/her.

It is important to remember that it is the perception of the receiver that may determine whether the potentially offensive message is acceptable or not. Just because an individual does not consider or intend for their comment or conduct to be offensive, harassing or violent, does not mean it is not perceived in that way. Also remember, if a person does not clearly object to harassing behaviour, or appears to be “going along” with it, this does not mean the behaviour is acceptable.

2.2 Other Prohibited Behaviour

The following are examples of prohibited behaviour under this policy. This list is not intended to be all-inclusive.

- Threats or intimidation;
- Possession of weapons of any kind;
- Assault;
- Physical restraint or confinement;
- Yelling, screaming, rudeness, angry outbursts, swearing or making humiliating and/or demeaning comments;
- Blatant or intentional disregard for the safety or well-being of others;
- Retaliation against anyone who has made a complaint or who has participated in an investigation under this Policy;
- Failure to report an incident of workplace violence, domestic violence or harassment of which an individual is aware;
- Making false allegations of harassment or discrimination, or breaches of this Policy; or
- Any other act which is considered to be a violation of this Policy, whether or not specifically set out above.

2.3 Workplace Violence Risk Assessment

JVS Toronto has conducted a workplace violence risk assessment and will reassess the risks of workplace violence as often as necessary, and at least annually. The results of these assessments are communicated to affected employees and to the Multi-Site Joint Health and Safety Committee. The risks of violence which are assessed relate both to the potential for violent acts perpetrated by employees as well as by guests, visitors, volunteers, clients and members of the public.

When conducting these assessments, the following factors are taken into consideration:

1. Circumstances specific to our workplace and/or specific roles within the organization; and
2. Circumstances that would be common to similar workplaces.

2.4 Disclosure of Risk of Violent Behaviour

JVS Toronto will provide information to employees if they are expected to encounter an individual with a history of violent behaviour of which JVS Toronto is aware, and that individual poses a risk of workplace violence that is likely to result in physical injury. However, JVS Toronto will only disclose information reasonably necessary to protect employees from violence.

Employees have the responsibility to notify Human Resources if any restraining order or peace

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bond is in effect, or if a potentially violent non-work related situation exists that could result in violence in the workplace.

2.5 Domestic Violence

An employee experiencing violence outside the workplace (i.e. domestic violence) that may create a risk of danger to themselves or others in the workplace, the employee has the responsibility to report such violence so that JVS Toronto can take reasonable preventative steps.

SECTION 3 – REPORTING PROCEDURES & INVESTIGATIONS

3.1 Reporting Harassment or Violence in the Workplace

If you believe that you are the target of, or have witnessed discrimination, violence or harassment, JVS Toronto encourages you to report or address your concerns as soon as possible after the incident occurs. In some situations, simply explaining to a person why their joke or comment or conduct is unwelcome will resolve the issue. Asking the person to stop is often the most effective means of resolving the problem.

If you are either directly affected by, or witness to any violence in the workplace, it is mandatory for the safety of all JVS Toronto employees that the incident be reported without delay. Reporting any violent or potentially violent situation must be done immediately to your Manager or Director, or the Human Resources department. This includes reporting domestic violence situations that could get carried into the workplace and expose employees to physical injury in the workplace.

3.2 Informal Reporting

Employees are encouraged to request an informal meeting with their Manager in cases where they suspect or feel subject to workplace bullying or harassment.

The Manager will take any and all steps to resolve the matter informally, if requested by the complainant. Such conversations will be confidential, except as required to resolve the issue. This may include speaking with the alleged harasser or bully, or conducting an informal mediation session.

If, however, the Manager in consultation with HR or JVS Toronto determines that the matter discloses potential workplace violence, or creates an unsafe work environment, an appropriate investigation, as outlined below, may be conducted.

3.3 Formal Reporting

Employees are not required to use the informal reporting procedure above. JVS Toronto remains committed to ensuring that the workplace is a healthy and safe place for all. Employees who feel they are subject to violence, discrimination, or harassment of any kind (including bullying) are obligated to file a formal complaint with Human Resources. Any such formal complaint must include the following information so that JVS Toronto can conduct a thorough investigation:

- Date and time, or the approximation, of each incident alleged
- Name of the person or persons involved in each incident
- Name of any person or persons who may have witnessed each incident
- Full description of what occurred in each incident

Reports of violence, harassment, discrimination or threatening conduct by an employee will be

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promptly investigated by an appropriate individual as designated by the organization. JVS Toronto reserves the right to take such steps as it deems appropriate to address emergency situations, including taking such immediate action necessary to stop inappropriate behaviour.

3.4 Conducting the Investigation

If the informal meeting, referenced above, does not address or settle the issue of discrimination, workplace harassment or violence, JVS Toronto will conduct an investigation.

All employees and members of management have a responsibility to cooperate with any efforts to investigate and resolve matters pertaining to this policy.

1. Upon receipt of a complaint of workplace violence and/or harassment, JVS Toronto will determine whether a formal investigation is necessary and inform the parties involved in writing of the investigation. The investigation may be carried out by an internal or external party (investigator) at JVS Toronto's discretion and will be done as quickly as possible.
2. The Investigator will explore the alleged incident by interviewing the complainant, alleged violator, and those who may have knowledge of the circumstances that led to the complaint. The Investigator may seek the assistance of other persons in the investigation if they so choose.
3. Where deemed appropriate by JVS Toronto, a written report will be completed.
4. Upon completion of the investigation, the complainant and respondent will be informed of the findings of the investigation. Where a breach of this policy has occurred, the complainant and respondent will be informed in writing, which will include any corrective action that has been taken or that will be taken as a result of the investigation.
5. If appropriate, the offending employee will be reported to the proper authorities for prosecution.
6. If, following the investigation, there is a finding that this policy has been breached, appropriate action will be taken, including discipline, up to and including termination.
7. Under certain circumstances, JVS Toronto may require that the employee participate in education, counselling or evaluation by a third-party, either voluntarily or as a condition of continued employment.

Information received in the course of the investigation outlined above, including identifying information about the complainant, respondent, or witnesses, will not be disclosed unless disclosure is necessary for the purpose of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

During the investigation, the complainant, the alleged harasser(s) and all witnesses will not discuss the incident, complaint or investigation with each other, or anyone else in the workplace, unless necessary to obtain advice about their rights. This would include posting any confidential or investigation-related information on any form of social media. A breach of this confidentiality requirement is a breach of this policy and may result in discipline, up to and including dismissal from employment.

3.4.1 Reporting and Investigation Procedure: Supervisor, CEO, or Board member named as Respondent

Where an employee believes that their Supervisor, Manager, Human Resources, the President & CEO, or a Board or Board Committee member, is or has engaged in violent or harassing behaviour, including sexual harassment, the employee may file a complaint or raise the issue with one of the named parties above who is not involved in the complaint.

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For example, if an employee perceives he or she is being harassed by their Manager, the appropriate contact person may be the President & CEO. Where the alleged harasser is the President & CEO, an employee shall contact their Manager, who will in turn raise the issue confidentially with Human Resources.

Subsequently, the designated individual referred to above will conduct an investigation pursuant to the steps outlined above. Information to be shared with the complainant and respondent will be governed by the same terms and conditions therein.

3.5 Complaints against Third Parties

JVS Toronto recognizes that an employee may be subject to violence or a threat of violence or harassment by clients or by others who conduct business with JVS Toronto. An employee who believes that they have been subjected to harassment, violence or a threat of violence by a person who does not work for JVS Toronto, they may seek the advice of their Manager or the Human Resources Department who will take whatever action is appropriate in the circumstances.

SECTION 4 – NO REPRISAL OR RETALIATION

4.1 Reprisal or Retaliation

The complainant is assured that no complaint under this policy made in good faith will subject the complainant to reprisal of any kind. However, complaints made in bad faith may render the complainant subject to disciplinary action.

Reprisals will not be tolerated and disciplinary action may be taken against those who engage in such activity.

An individual, who submits a complaint in good faith, even where the complaint cannot be proven, will be deemed not to have violated this policy. However, if an investigation reveals that the complainant made false accusations of workplace violence or harassment knowingly or in a malicious manner, the complainant may be subject to disciplinary action, up to and including termination.

4.2 False or Bad Faith Complaints

An employee who makes a false complaint or otherwise abuses this policy may be disciplined up to and including dismissal from employment. All complaints of false or bad faith complaints or an abuse of this policy will be investigated by JVS Toronto through investigatory steps appropriate in the circumstances.

SECTION 5 – RISK ASSESSMENT

5.1 Violence Risk Assessment

JVS Toronto will conduct an annual risk assessment of the work environment to identify any issues related to potential violence that may affect the operation, and will institute measures to control any identified risks to employee safety. Such assessment will be in compliance with the Occupational Health and Safety Act.

The results of the annual risk assessment will be communicated to employees, providing a copy

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of any written reports upon request.

SECTION 6 – SUPPORTING DOCUMENTATION

6.1 Supporting Documentation

Name	Location	Document Type
Bill 168	Internet/ <i>Occupational Health and Safety Act</i>	PDF
Bill 132	Internet/ <i>Occupational Health and Safety Act</i>	PDF

SECTION 7 – GOVERNANCE

7.1 Policy Owner

Policy Owner	Vice President, Human Resources
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SECTION 8 – VERSION CONTROL AND CHANGE HISTORY

8.1 Version Control and Change History

<i>Version Number</i>	<i>Approval Date</i>	<i>Approved by</i>	<i>Amendment</i>
Version 6			This Policy was reviewed by Vice President, Human Resources in April 2019
Version 5	n/a	n/a	This Policy was reviewed by the Director, Human Resources and legal counsel in August 2017, and revised in respect of Bill 132 requirements.
Version 4	n/a	n/a	This policy was reviewed by the Vice President, Human Resources on June 23, 2015. No changes were made to the policy.
Version 3	n/a	n/a	This policy was reviewed and edited for wording consistency on June 26, 2013.
Version 2	April 28, 2011	EMT	
Version 1	April 2010		This document was developed in response to Bill 168.