

Dalhousie Non-Profit Housing Co-operative Inc.

Policy on Workplace Violence, Sexual Violence, Harassment and Sexual Harassment

A policy dealing with preventing and responding
to violence, sexual violence, harassment and sexual
harassment in the workplace

For co-ops in Ontario

Passed by the board of directors on
the ____ day of _____, 20_.

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1. Policy Statement

(Co-op Name) is committed to the safety of its workers. Co-op staff should enjoy a workplace that is free from violence, sexual violence, harassment and sexual harassment. No worker, volunteer or any other individual associated with the co-op shall subject any other person to workplace violence, sexual violence, harassment or sexual harassment or allow or create situations that allow workplace violence, sexual violence, harassment or sexual harassment to occur. The co-op will

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

2. Purpose of Policy

The purpose of this policy is to

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

3. Definition of Workplace Violence, Sexual Violence, Harassment and Sexual Harassment

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.
- any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation

Under the *Occupational Health and Safety Amendment Act 2009*, workplace harassment means

- 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.

Under the *Occupational Health and Safety Amendment Act 2009*, workplace sexual harassment means

- engaging in a course of vexatious comment or conduct against a worker in a workplace 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.

4. Definition of Worker

For the purposes of this policy, a worker means a person who performs work or services for the co-op and includes all full-time and part-time employees, volunteers, casual workers, individual contractors and employees, staff of any contractor or service provider carrying out business for the co-op.

5. Rights and Duties

5.1 Workers' Rights

Workers have a right

- (a) to report an incident of violence, sexual violence, harassment or sexual harassment or file a complaint without fear of retaliation;

- (b) to be told about the co-op'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 co-op is looking into the incident or complaint;
- (f) to get information about the action taken by the co-op 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.

5.2 Workers' Duties

- a) Workers have a duty to report any incidents of violence, sexual violence, harassment or sexual harassment they become aware of, even if they are not personally involved.
- b) Workers who feel they have been harassed or sexually harassed have a duty to communicate clearly to the person who harassed them that the behaviour was unwelcome, unless it is unreasonable to expect them to do so.
- c) Workers who report an incident or file a complaint have a duty to co-operate with the people who are looking into the incident or complaint.

5.3 Rights of the Person Accused of Violence, Harassment or Sexual Harassment

A person accused of violence, sexual violence, harassment or sexual harassment has the right:

- a) to be told that a report or complaint has been filed;
- b) to know who filed the report or complaint, unless the co-op 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 co-op'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

5.4 Duties of the Person Accused of Violence, Sexual Violence, Harassment or Sexual Harassment

Anyone accused of violence, harassment or sexual harassment has a duty to cooperate with the co-op in the investigation of the incident or complaint.

6. Reporting Workplace Violence and Sexual Violence

- a) When an incident of workplace violence or sexual violence occurs, the co-op will notify police or emergency responders for immediate assistance where necessary.
- b) If the incident results in a person being killed or critically injured, the co-op will immediately notify a Ministry of Labour health and safety inspector, the co-op's health and safety representative and union, if any, and within 48 hours notify, in writing, a director of the Ministry of Labour.

7. Investigating Incidents and Complaints

The co-op will investigate all incidents and complaints about violence, sexual violence, harassment and sexual harassment promptly:

- a) If the incident or complaint is on human rights grounds, the co-op will follow the process set out in the Human Rights By-law (if the co-op has adopted a human rights by-law).
- b) 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 co-op manager. If the report or complaint is about the manager it can be given to the President. If the report or complaint is about both the manager and the President it can be given to any director.
- c) The co-op will designate a person to look into the incident or complaint. The designated person may be a director or a staff member or may be from outside the co-op.
- d) The designated person may be authorized to consult the co-op lawyer. Where there is a possible legal liability on the part of the co-op, the co-op lawyer will be consulted before proceeding further.
- e) 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 co-op files and inspection of parts of the co-op as necessary. The designated person will submit a written report to the board.

- f) The board will consider the report and take the appropriate action where there is evidence of violence, sexual violence, harassment or sexual 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 co-op. 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.

8. Privacy

As far as possible, the co-op will keep all information relating to an incident or complaint confidential.

However, in order to investigate an incident or complaint, the person conducting the investigation may have to interview people in order to get at the facts. As far as possible in doing these interviews, that person will try to protect the identity of those involved, but this will not always be possible.

The Co-op will disclose information only on a need-to-know basis.

9. Action by Co-operative

While the incident or complaint is being investigated, the co-op will

- (a) limit contact between the parties involved in the incident or complaint
- (b) assist the affected worker in obtaining help to deal with any stress they may be feeling

10. Other Legal Rights

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

CERTIFIED to be a true copy of a Policy passed by the board of directors at a meeting held on the ____ day of _____, 20__

_____ c/s
Secretary

Draft