

Ingersoll Support Services

Policy: Workplace Harassment and Violence Prevention	Policy # HS 7 Section: Health and Safety
Reviewed and Effective: June 27 2018 Revision Date: June 28 2017 Date of Origin: March 19 2009	Ministry requirement - OHS Act, s.32
<p><i>Ingersoll Support Services is committed to the prevention of Workplace Harassment and Violence.</i></p> <p><i>The intent of this policy is to ensure the provision of a healthy, safe, harassment and violence free workplace and to foster understanding among employees and people accessing services about workplace harassment and violence, its prevention and corrective actions. Ingersoll Support Services will comply with all relevant legislation including but not limited to: The Occupational Health and Safety Act, The Criminal Code of Canada, The Ontario Human Rights Code, The Worker's Compensation Act, and The Regulated Health Professionals Act.</i></p> <p><i>Ingersoll Support Services disapproves of any types of harassment within the workplace or at work related activities and is committed to the dedication of resources to prevent and minimize the risk of workplace harassment and violence. Ingersoll Support Services is also committed to assist employees who experience workplace harassment or violence.</i></p>	

Procedure:

Ingersoll Support Services is committed to building and preserving a safe, productive and healthy working environment for its employees based on mutual respect. In pursuit of this goal, Ingersoll Support Services does not condone and will not tolerate acts of workplace violence, harassment or bullying against or by any of its employees.

Our Workplace Harassment and Violence Prevention Policy is not meant to stop free speech or to interfere with everyday interactions. However, what one person finds offensive, others may not. Usually, harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember that it is the perception of the receiver of the potentially offensive message, be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome that determines whether something is acceptable or not. Ingersoll Support Services has an obligation to inform employees in regards to any person that they may expect to

encounter and be exposed to physical injury. This includes sharing personal information about a person with a history of violent behavior. The Employer will only disclose the necessary information to protect a worker from physical injury, and not more.

Definitions

Bullying: repeated and persistent negative acts toward one or more individual(s), which involve a perceived power of imbalance and create a hostile work environment (Salin, 2003)

Discrimination: the unjust or prejudicial treatment of people, especially on the grounds of race, age or sex

Domestic Violence: a person who has a personal relationship with a worker – 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 worker at work. In these situations, domestic violence is considered workplace violence

The following definitions are taken from the Occupational Health and Safety Act:

Workplace:

Any land, premises, location or thing at, upon, in or near which a worker works

Workplace Harassment:

- (a) 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; or
- (b) workplace sexual harassment
- (c) a reasonable action taken by an employer or supervisor relating to the management, coaching and direction of workers or the workplace is **not** workplace harassment.

Workplace Sexual Harassment:

- (a) 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
- (b) 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

Workplace Violence:

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- (b) an attempt to exercise physical force against a worker, in a workplace, that

- could cause physical injury to the worker,
- (c) a statement or behaviour that it 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.

Guidelines

Ingersoll Support Services is committed to providing a safe and healthy work environment free from all workplace violence and harassment, including sexual harassment, discrimination, bullying and any other misconduct. Similarly, weapons are strictly prohibited from the Company's premises, either owned or rented, and violators will be subject to disciplinary action and the incident will be reported to the police. If any visitor to the Ingersoll Support Services workplace is seen with a weapon (or is known to possess one), makes a verbal threat or assault against an employee or another individual, employee witnesses are required to immediately contact the police, emergency response services, their immediate supervisor, and the Human Resources Department.

It is also a violation of Ingersoll Support Services' Workplace Harassment and Violence Prevention Policy for anyone to knowingly make a false or malicious complaint of workplace violence, harassment, discrimination or bullying or to provide false information about a complaint. It is important to realize that unfounded/frivolous allegations may cause both the accused person and the agency significant damage. Individuals who violate this policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence. Reprisal is defined as any act of retaliation, either direct or indirect.

Ingersoll Support Services will ensure that all employees are trained and educated on workplace violence, harassment, discrimination and bullying and that they are clear about the roles and responsibilities as well as this policy, the corresponding program and all workplace procedures. In addition a copy of this policy will be made available to all employees.

Ingersoll Support Services will, in consultation with the JHSC, develop a written program to implement this policy.

Application of this Policy

This policy applies to all individuals working for the organization including all employees, temporary employees, contract service providers, contractors, all supervisory personnel, managers, officers or directors. The organization will not tolerate

workplace violence, harassment, discrimination and/or bullying whether engaged in by fellow employees, managers, officers, directors, or contract service providers of the organization.

Ingersoll Support Services will not tolerate any form of harassment or discrimination against job candidates and employees on any grounds mentioned above, whether during the hiring process or during employment. This commitment applies to such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

All Ingersoll Support Services employees are personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination or harassing behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.

For the purposes of this policy, workplace violence, harassment, discrimination and/or bullying can occur:

- At the workplace
- At employment-related social functions
- In the course of work assignments outside the workplace
- During work-related travel
- Over the telephone, if the conversation is work-related
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship

Violence Risk Assessment

Ingersoll Support Services will conduct an annual risk assessment of the work environment to identify any issues related to potential violence that may impact the operation and will institute measures to control any identified risks to employee safety. This information will be provided to the JHSC.

The risk assessment may include review of records and reports (i.e. security reports, employee incident reports, staff perception surveys, health and safety inspection reports, first aid records or other related records). Specific areas that may contribute to risk of violence may include: contact with public, exchange of money, receiving doors, working alone or at night, etc. Research may also include a review of similar workplaces with respect to their history of violence.

Ingersoll Support Services will communicate information relating to a person with a history of violence where:

- Workers may reasonably be expected to come into contact with the person in the performance of their job duties; and

- There is a potential risk of workplace violence as a result of interactions with the person with a history of violence.

Personal information will only be disclosed if it is deemed reasonably necessary to protect the worker from physical harm.

Reporting Workplace Violence

In the event that you are either directly affected by or witness to any violence in the workplace, it is imperative for the safety of all employees of Ingersoll Support Services that the incident be reported without delay. Reporting any violence or potentially violent situations should be done immediately to management using the On-Call system.

Investigating Reports of Workplace Violence

The Employer Shall:

- Investigate all reported acts / incidents of violence, and:
 - consult with other parties (i.e. Legal Counsel, Health & Safety consultants, JHSCs, Employee Assistance Provider, Human Rights office, Local Police Services);
 - take all reasonable measures to eliminate or mitigate risks identified by the incident;
 - document the incident, its investigation, and corrective action taken
- Submit a report of the incident to the Ministry of Labour (a Province of Ontario requirement) where an employee incurs a lost time injury as a result of violence in the workplace
- Review this policy and hazard assessments annually, or as changes to job responsibilities or environments occur, and revise the assessment as needed
- Review annually, in conjunction with review of hazard assessments, the effectiveness of actions taken to minimize or eliminate workplace violence and make improvements to procedures, as required

The JHSC / Safety Representative Will:

- Review the Workplace Violence Hazard Assessment results and provide recommendations to management to reduce or eliminate the risk of violence
- Review all reports forwarded to the JHSC regarding workplace violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage, or police involvement
- Participate in the investigation of critical injuries (i.e. incidents that place life in jeopardy, result in substantial blood loss, fracture of leg or arm, etc.)
- Recommend corrective measures for the improvement of the health and safety of workers

- Respond to employee concerns related to workplace violence and communicate these to management

In addition, the JHSC may participate in the investigation of reported incidents that result in personal injury or have the potential to result in injury.

Seeking Immediate Assistance

Canada's Criminal Code deals with matters such as violent acts threats and behaviours such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor, student, vendor or visitor then an immediate call to "911" is required.

Reporting Workplace Harassment, Discrimination and/or Bullying

Informal Procedure

If you believe you have been personally affected by workplace harassment, discrimination and/or bullying you may:

- Confront the person personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or
- Discuss the situation with the person's supervisor, your supervisor or any other supervisor other than your own. Your supervisor may request that you put your complaint in writing.

Formal Procedure

If you believe you have been personally affected by workplace harassment, discrimination and/or bullying you may make a written complaint. The written complaint must be delivered to the immediate supervisor. The complaint will be forwarded to the Executive Director. Your complaint should include:

- the approximate date and time of each incident you wish to report
- the name of the person or persons involved in each incident
- the name of any person or persons who witnessed each incident
- a full description of what occurred in each incident

Any employee who feels that they have been affected by workplace harassment, discrimination and/or bullying can and should, in all confidence and without fear of reprisal, personally report facts directly to your supervisor in any format stated above. If the supervisor is the alleged harasser/bully then it shall be reported to any manager in any format stated above. If the manager is the alleged harasser/bully then it shall be reported to the Executive Director in any format as stated above. Finally if the Executive Director is the alleged harasser/bully then it shall be reported to any Board of Directors Member in any format as stated above.

Investigating Reports of Workplace Harassment, Discrimination and/or Bullying

Once a written complaint has been received, Ingersoll Support Services will complete a thorough investigation. Workplace harassment, discrimination and/or bullying should not be ignored as silence can, and often is, interpreted as acceptance. Employees will not be demoted, dismissed, disciplined or denied a promotion, advancement or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

Ingersoll Support Services will ensure that all information obtained during the course of an investigation will not be disclosed, unless the disclosure is necessary for the purposes of investigating or taking corrective action, or is otherwise required by law.

For the purposes of this section the following definitions apply:

Complainant: The person who has made a complaint about another individual who they believe committed an act of violence against them

Respondent: The person whom another individual has accused of committing an act of violence

The investigation will include:

- informing the harasser(s) or bully of the complaint
- interviewing the complainant, any person involved in the incident and any identified witnesses
- interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents

A copy of the complaint, detailing the complainant's allegations, is then provided to the respondent(s).

- The respondent is invited to reply in writing to the complainant's allegations and the reply will be made known to the complainant before the case proceeds further
- Ingersoll Support Services will do its best to protect from unnecessary disclosure the details of the incident being investigated and the identities of the complaining party and that of the alleged respondent
- During the investigation, the complainant and the respondent will be interviewed along with any possible witnesses. Statements from all parties involved will be taken and a decision will be made
- If necessary, Ingersoll Support Services may employ outside assistance or request the use of our legal counsel

- Where it is determined that harassment has occurred, a written report of the results of the investigation and of remedial action will be given to the employees concerned

If the complainant decides not to lay a formal complaint, Senior Management may decide that a formal complaint is required (based on the investigation of the incident) and will file such document(s) with the person(s) against whom the complaint is laid (the respondent(s)).

If it is determined that workplace harassment or bullying has occurred, appropriate disciplinary measures will be taken as soon as possible.

The Right to Refuse Unsafe Work

This is a legal right of every worker. Ingersoll Support Services is committed to ensuring a safe workplace. See Policy HS 8c with respect to limitations regarding work refusal

Special Circumstances

Should an employee have a legal court order (i.e. restraining order, or "no-contact" order) against another individual, the employee is encouraged to notify his or her supervisor, and to supply a copy of that order to the Human Resources Department. This will likely be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at Ingersoll Support Services, in direct violation of the court order. Such information shall be kept confidential.

All records of harassment, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, Ingersoll Support Services will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Disciplinary Measures

If it is determined by the agency that any employee has been involved in an act of workplace violence , harassment, discrimination, bullying or unacceptable conduct of another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counselling, a formal warning and could result in immediate dismissal without further notice.

Confidentiality

Ingersoll Support Services will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. Ingersoll Support Services will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by Ingersoll Support Services and will be proportional to the seriousness of the behaviour concerned. Appropriate assistance will also be provided to any employee who is victim of discrimination or harassment.

Managing and/or Coaching

Counselling, performance appraisal, work assignment, and the implementation of disciplinary actions is not a form of personal harassment, and the policy does not restrict a manager/supervisor's responsibilities in these areas.

Policy Review

As required by the Occupational Health and Safety Act, Ingersoll Support Services will review this policy annually and will post the policy on the Health and Safety Bulletin Board and in its work locations.

Workplace Harassment and Violence Prevention Strategies Specific to Ingersoll Support Services

Safe Space Protocol

In the event an occurrence of workplace violence is imminent or taking place, affected employees and clients are encouraged to retreat to the 'safe space' established at each workplace. This safe space is to be a lockable room in the workplace previously determined by the team at that location. A phone and emergency number list is to be present in the safe space in order that the applicable emergency services can be contacted (i.e. on-call, 911, etc.). A review at the team level should be conducted as often as necessary to ensure that the safe space functions as intended.