

SCOPE AND PURPOSE

Tribute Communities' Violence and Harassment Free Workplace policy sets out the duties and responsibilities of the employer, managers, supervisors, employees and others to prevent workplace violence and harassment in compliance with the Ontario Occupational Health and Safety Act and the Ontario Human Rights Code. The provisions set out in the Act require employers to:

- ❖ Develop, communicate and maintain a Violence and Harassment Free Workplace Policy and Programs.
- ❖ Assess the risks of workplace violence (including domestic violence) and take reasonable precautions to protect workers.
- ❖ Provide measures to report, investigate and address incidents or complaints of workplace violence and/or harassment.
- ❖ Allow workers to remove themselves from situations where he/she feels endangered due to a potential risk of workplace violence.
- ❖ Provide information about a person with a history of violent behaviour to workers who can be expected to encounter them at work and the risk of workplace violence is likely to expose the worker to physical injury.

APPLICATION

This policy applies to all managers, supervisors, workers and subcontractors and shall apply in any locations in which you are engaged in work related activities. This includes, but is not limited to:

- ❖ The workplace (Any project/site office)
- ❖ During work-related travel, at restaurants, hotels or meeting facilities that are being used for business purposes
- ❖ In company owned or leased vehicles and facilities
- ❖ During telephone, email and other communications
- ❖ At any work-related social event, whether or not it is company sponsored

This policy also applies to situations in which you are subjected to violence in the workplace from individuals who are not employees of the organizations, such as subcontractors, suppliers, customers and members of the public, although the available remedies may be constrained by the situation.

POLICY

Tribute Communities is committed to providing a Respectful, Violence-free and Harassment-free workplace for all its employees and fostering a work environment that reflects the vibrant diversity of our community, as well as the spirit of Tribute Communities' Core Values and code of business conduct.

Maintaining a workplace that is free from violence and harassment is an integral part of our internal responsibility system. Everyone is expected to uphold this policy and work together to prevent workplace violence and harassment.

Workplace violence and harassment is unacceptable from anyone. Workplace violence and harassment may arise from a variety of sources including managers, supervisors, workers, subcontractors, members of the public and domestic/intimate partners.

No form of workplace violence or harassment will be tolerated by Tribute Communities. No employee or any other individual affiliated with Tribute Communities shall subject any other person to workplace violence and/or workplace harassment. Individuals who are found to have engaged in conduct which constitutes workplace violence and/or harassment may be subjected to disciplinary action up to and including possible termination of employment.

Similarly, no form of reprisal, whether actual or threatened, against a person who initiates or contemplates initiating a complaint of workplace violence and/or harassment will be tolerated by Tribute Communities. An employee who participates or is involved in a reprisal whether actual or threatened may be subject to disciplinary action up to and including possible termination of employment. Employees who fail to disclose or report incidents of workplace violence and/or harassment may be subjected to progressive discipline.

Employees who report incidents or potential incidents of workplace violence and/or harassment in good faith, without malice, regardless of the outcome of the investigation, shall not be subjected to discipline. Management staff who do not take corrective action where potential of or where workplace violence and harassment exist may be subjected to disciplinary action.

With respect to workplace violence exercised by members of the public against a Tribute Communities employee, Tribute Communities will take appropriate action, considering all legal recourses available.

DEFINITIONS

Workplace is defined under the Occupational Health and Safety Act as: “any land, premise, locations or thing at, upon, in or near which a worker works.

For the purposes of this policy a workplace shall include a project/site, site office, any lot under construction, company owned/leased vehicle, restaurant/place where business activities and/or meetings are being conducted.

Workplace Violence is defined under the Occupational Health and Safety Act as:

- 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 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.

Some examples of workplace violence include:

- * physical threatening behaviour such as shaking a fist at someone, destroying property, throwing objects*
- * verbal or written threats to physically attack a worker*
- * leaving threatening notes or sending threatening emails*
- * wielding a weapon at work*
- * stalking someone; and*
- * physically aggressive behaviour including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault.*

Workplace Harassment is defined under the Occupational Health and Safety Act and Harassment is defined under the Human Rights Code as “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.”

Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- ❖ measures to correct performance deficiencies, such as placing someone on a performance improvement plan.
- ❖ imposing discipline for workplace infractions; or
- ❖ requesting medical documents in support of an absence from work
- ❖ implementation of dress codes
- ❖ it also does not include normal workplace conflict that may occur between individuals or difference of opinion between co-workers.

Some examples of workplace harassment are:

- * verbally abusive behaviour such as yelling, insults, ridicule and name calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend*
- * workplace pranks, vandalism, bullying or hazing*
- * spreading malicious rumours*
- * excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings*
- * Undermining someone else’s efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a person to do their job*
- *Humiliating someone*
- * Sabotaging someone else’s work*
- * Displaying or circulating offensive pictures or Materials*
- *offensive or intimidating phone calls or emails;
And*
- * making false allegations about someone in memos or other work-related documents*

THE TEST OF HARASSMENT

It does not matter whether you intended to offend someone. The test of harassment is whether you knew or should have known that the comments or conduct were unwelcome to the other person. *For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case you must immediately stop that behaviour.* Although it is commonly the case, the harasser does not necessarily have to have the power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

Discrimination includes any distinction, exclusion or preference based on the protected grounds in the Human Rights Code, which nullifies or impairs equality of opportunity in employment or equality in terms and conditions of employment. Tribute Communities recognizes the protected grounds listed under Section 5(2) of the Human Rights Code that states:

“Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability.”

Sexual Harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender. Both men and women can be victims of harassment, and someone of the same or opposite sex can harass someone else.

Domestic Violence is defined in the Ministry of Labour Guideline entitled ‘Workplace Violence and Harassment: Understanding the Law’ as: 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.”

VIOLENCE AND HARASSMENT

If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.

OHS Act, R.S.O. 1990, c. O.1, s. 32.0.4

Some examples of sexual harassment are:

- * Sexual assault*
- * Sexual advances or demands that the recipient does not welcome or want*
- * Physical contact of a sexual nature, such as inappropriate touching or caressing*
- * Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person’s body, clothing or sex*
- * Offering a benefit in exchange for a sexual favour*
- * Leering, (persistent sexual staring)*
- * Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web site or other electronic material*
- * Threats, punishment or denial of a benefit for refusing a sexual advance*
- * Distributing sexually explicit email messages or attachments such as pictures or video*
- * Sexually suggestive or obscene comments or gestures*

Workplace Coordinators/Advisors Committee – For the purposes of this policy and the requirements of the Occupational Health and Safety Act which requires the employer to designate a “Workplace Coordinator;” the Health and Safety Manager and HR will act as “Workplace Advisors.”

Duties and Responsibilities of Employers

- 1.0 Prepare a policy with respect to workplace violence.
- 2.0 Prepare a policy with respect to workplace harassment.
- 3.0 Review the policies as often as is necessary, but at least annually.
- 4.0 Prepare the policies in a written form and post them at a conspicuous place in the workplace.
- 5.0 Develop and maintain a program to implement the policy with respect to workplace violence required under the Occupational Health and Safety Act.
- 6.0 The employer shall carry out its duties and responsibilities under section 25 of the Occupational Health and Safety Act in addition to the amendments made under Section 25 pertaining to Workplace Violence and Harassment.
- 7.0 When an incident of workplace violence occurs, the employer shall first notify the police or emergency responders for immediate assistance. In addition, under the Occupational Health and Safety Act, an employer has a number of duties if a workplace violence incident results in a person being killed or critically injured [Section 51 (1)].

Critically injured is defined in Regulation 834 of the Occupational Health and Safety Act (C-24).

An employer must:

- ❖ immediately notify, by direct means such as telephone, a Ministry of Labour inspector, the workplace's joint health and safety committee or health and safety representative and union, if any; and
- ❖ within 48 hours notify, in writing, a director of the Ministry of Labour, giving the circumstances of the occurrence and any information that may be prescribed.

Regulations under the Occupational Health and Safety Act prescribe the specific information that must be provided.

Duties and Responsibilities of Managers and Supervisors

- 1.0 Carry out duties of supervisor as set-out in Section 27(1)(2) of the Occupational Health and Safety Act.
- 2.0 Provide employees with a safe work environment, free from workplace violence, harassment, discrimination and other disruptive behaviour.
- 3.0 Ensure the workplace violence, harassment and discrimination are not tolerated, ignored or condoned.
- 4.0 Report workplace violence that occurs to the police as appropriate, and to the Workplace Coordinators/Advisors Committee.
- 5.0 Take appropriate action in accordance with the Violence and Harassment-Free Workplace Policies and Programs.
- 6.0 Investigate and address incidents of workplace violence and harassment in a timely manner. Supervisors and Managers may request the assistance of the “Workplace Coordinators/Advisors Committee.”
- 7.0 Approach an employee if violence or the threat of violence is suspected because some employees may be embarrassed or reluctant to report a violent incident or threat of violence. In some circumstances, it may be necessary for management staff to report incidents of violence if the employee who is the victim of violence is reluctant, too frightened or otherwise unable to do so.
- 8.0 Assist in the Investigation of incidents of workplace violence and workplace harassment and recommend resolutions to appropriate management in a timely manner in accordance with the Violence and Harassment-Free Workplace program.
- 9.0 Ensure that employee information related to workplace violence and workplace harassment incidents are handled discretely and confidentially respecting the privacy of all parties to the extent we are able to do so.
- 10.0 Provide information about a risk of workplace violence from a person with a history of workplace violent behaviour, if an employee can be expected to encounter that person during the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury.

For the purpose of this policy, the Workplace Coordinators/Advisors Committee shall consist of Human Resources Department (HR) and the Health and Safety Manager.

Duties and Responsibilities of Workplace Coordinators/Advisors

- 1.0 Collaborate with Managers, Supervisors, Workers and the Joint Health and Safety Committee on workplace violence risk assessments, the development and maintenance of Violence and Harassment-Free Workplace programs and preventative measures with respect to workplace violence and harassment.
- 2.0 Provide employees who have been subjected to workplace violence or harassment and their co-workers who witnessed the incident, with appropriate supports.
- 3.0 Ensure that employee information related to workplace violence and workplace harassment incidents are handled discretely and confidentially respecting the privacy of all parties to the extent we are able to do so.
- 4.0 Investigate incidents of workplace violence and workplace harassment and recommend resolutions to appropriate management in a timely manner in accordance with the Violence and Harassment-Free Workplace program.

For the purpose of this policy, the Workplace Coordinators/Advisors Committee shall consist of Human Resources Department (HR) and the Health and Safety Manager.

Duties and Responsibilities of Health and Safety Manager

- 1.0 Notify the Ministry of Labour, the Joint Health and Safety Committee and the Union Representative within 4 days if there is an incident of workplace violence and a worker is disabled from performing his/her regular duties or requires medical attention.
- 2.0 Immediately notify an inspector of the Ministry of Labour, Health and Safety Representative, and trade union where a person is killed or critically injured as a result of workplace violence.
- 3.0 Actively participate in the investigation of incidents of workplace violence and workplace harassment and recommend resolutions to appropriate management in a timely manner in accordance with the Violence and Harassment-Free Workplace program.

Duties and Responsibilities of Employees/Workers

- 1.0** Carry out duties of workers as set out in Section 28 (1)(2)(3) of the Occupational Health and Safety Act.
- 2.0** Foster a work environment based on respect, that is free from workplace violence and harassment.
- 3.0** Ensure that workplace violence, harassment and discrimination are not tolerated, ignored or condoned.
- 4.0** Immediately report incidents of workplace violence that occurs or that is likely to occur to the police as appropriate and to your Manager/Supervisor and/or Human Resources.
- 5.0** Report incidents of workplace harassment that occurs or that is likely to occur to your Manager and/or Supervisor.
- 6.0** Cooperate fully in any investigation conducted as a result of a workplace violence or harassment incident.
- 7.0** Be aware of consequences of persistent unacceptable behaviour, such as progressive discipline as outlined in this policy and our Progressive Discipline policy.

Workplace Violence Reporting Procedure

1.0 In the event an employee believes/feels a situation constitutes workplace violence (as defined in this policy), he/she shall immediately notify his/her Supervisor and/or Manager who in turn shall notify the Workplace Coordinators/Advisors.

For the purpose of this policy, the Workplace Coordinators/Advisors Committee shall consist of Human Resources Department (HR) and the Health and Safety Manager.

1.1 The Workplace Coordinators/Advisors in turn will contact the Ministry of Labour, Health and Safety Representative, trade union as required and conduct a full investigation.

1.2 The Health and Safety Manager shall also conduct a full accident investigation and file a report with the WSIB where required.

2.0 In the event an incident of workplace violence involves subcontractors and there is no imminent danger to a Tribute Communities' employee, the Site Supervisor shall take the following steps:

Note: If the individuals involved are not Tribute Communities' employees; it shall be the responsibility of the individuals involved and/or the respective employers' responsibility to contact the police.

2.1 Immediately contact the employer(s) of the individuals involved and notify them of the situation.

2.2 Contact the Health and Safety Manager who in turn will contact the Ministry of Labour as required.

3.0 In the event an incident of workplace violence involves a manager and/or supervisor. The following steps shall be taken:

3.1 Immediately notify the Workplace Coordinators/Advisors who in turn will conduct a full investigation.

3.2 The Health and Safety Manager shall notify the Ministry of Labour as required, Health and Safety Representative, trade union and file a report with the WSIB where required.

Note: The police and/or emergency service shall also be summoned at this time. Use the nearest phone and/or cell phone to dial 9-1-1

RIGHT TO REFUSE WORK

An employee has the right to refuse work, subject to applicable legislation, if he/she has reason to believe that workplace violence is likely to endanger him/her. In that instance the employee should immediately contact his/her supervisor and/or manager. At which point appropriate measures shall be taken to protect the employee and investigate the situation in compliance with Tribute Communities' Work Refusal Procedure as outlined in the Health and Safety Policy/Program and Occupational Health and Safety Act.

- 4.0** In the event an incident of workplace violence occurs at a remote location, service call, company function, restaurant and/or public place where business activities and/or meetings are being conducted; the following steps shall be taken:
- 4.1** Immediately contact police using the nearest telephone and/or cell phone dialing 9-1-1.
 - 4.2** Use other means available to call for emergency services (i.e. fire alarms).
 - 4.3** Notify your immediate manager and/or supervisor at the earliest convenience.
 - 4.4** Once notified of the situation, the manager and/or supervisor shall in turn report the incident to the Workplace Coordinators/Advisors.
 - 4.5** The Workplace Coordinators/Advisors shall conduct a full investigation.
 - 4.6** The Health and Safety Manager shall notify the Ministry of Labour as required, Health and Safety Representative, trade union and file a report with the WSIB where required.

DOMESTIC VIOLENCE REPORTING PROCEDURE

- 1.0** If an employee is experiencing domestic violence or an employee has reason to believe that a co-worker is experiencing domestic violence that could expose that employee or another employee to physical injury in the workplace, the employee should seek immediate assistance by contacting his/her immediate manager and/or supervisor.
- 1.1** Once notified, the supervisor shall in turn notify the Workplace Coordinators/Advisors who shall conduct an investigation and develop a safety plan on a case-by-case basis in consultation with the targeted employee to assist in preventing and responding to the situation.
- 1.2** In developing the plan, Tribute Communities and the targeted employee may be able to work with police, courts or other organizations who may already be involved.

Domestic Violence is defined in the Ministry of Labour Guideline entitled ‘Workplace Violence and Harassment: Understanding the Law’ as:

“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.”

WORKPLACE HARASSMENT REPORTING AND RESOLVING PROCEDURE/GUIDELINES**INFORMAL PROCEDURE**

1.0 In the event an employee/worker feels that he/she is being harassed, immediately request the person to stop. Do so as soon as you receive any unwelcome comments or conduct, informing the person you don't like their actions and/or comments.

An informal intervention is often enough to stop the unwelcomed behaviour.

1.1 If the harassment continues after you have confronted the individual, you may want to provide him/her with a written statement of the situation. Include specific details of the behaviours you consider to be harassing, your request to the harasser to stop and your expectations that he/she will stop. Provide details of the next steps you plan to take if the harassment does not stop (i.e. filing a formal complaint with your employer).

FORMAL PROCEDURE

1.0 In the event a worker/employee feels that he/she is still being harassed, despite following the informal procedure/intervention; he/she shall take the following steps:

An informal intervention is often enough to stop the unwelcomed behaviour. For the purposed of this policy, the Workplace Coordinators/Advisors Committee shall consist of Human Resources Department (HR) and the Health and Safety Manager.

1.1 Contact the Workplace Coordinators/Advisors and provide detailed information including the name of the person you believe is harassing you, the place, date and time of the incident(s) and the names of any possible witnesses.

1.2 Once the formal complaint has been brought forward to the Workplace Coordinators/Advisors, they shall then initiate a formal investigation if required.

1.3 In the event a worker/employee feels/believes that someone who is not a member of our organization (e.g. subcontractor, supplier and/or customer) has harassed or discriminated against you, he/she shall report the incident to his/her supervisor who in turn will report the incident to the Workplace Coordinators/Advisors.

1.4 The Workplace Coordinators/Advisors has limited control over third parties and thus will do their best to address the issue and prevent further problems from arising.

CORRECTIVE ACTION AND DISCIPLINE

Once the investigation of workplace violence and/or harassment has been completed by the Workplace Coordinators/Advisors; they will present their recommendations in writing to Senior Management, who will take appropriate corrective measures regardless of the seniority or position of the harasser and/or individual involved in a workplace violence incident. Corrective and/or disciplinary action may include one or more of the following:

- 1.0 Discipline, such as verbal warning, written warning or suspension without pay
- 2.0 Termination with or without cause
- 3.0 Referral for counseling, anger management, supervisory skills training or attendance at educational programs on workplace respect
- 4.0 A demotion or denial of promotion
- 5.0 Reassignment or transfer
- 6.0 Financial penalties such as the denial of a bonus or performance related salary increases and;
- 7.0 Any other disciplinary action deemed appropriate under the circumstances

WORKPLACE VIOLENCE AND HARASSMENT INCIDENT REPORT

SITE/PROJECT:

LOCATION:

DATE(S) OF ALLEGED INCIDENT(S):

TIME(S) OF ALLEGED INCIDENT(S):

COMPLAINANT(S)

NAME(S):

ADDRESS:

EMAIL:

HOME PHONE NO.

CELL PHONE NO.:

RESPONDENT(S) - COMPLAINANT'S IMMEDIATE SUPERVISOR

NAME(S)

DEPARTMENT:

ADDRESS:

EMAIL:

HOME PHONE:

CELL PHONE NO.:

WAS THIS INCIDENT REPORTED TO MANAGER/HR? YES NO

IF YES, PLEASE PROVIDE DATE/TIME: DATE: TIME:

WAS THIS INCIDENT REPORTED TO ANOTHER THIRD PARTY? (I.E. UNION, SAFETY COMMITTEE) YES NO

IF YES, PLEASE PROVIDE: DATE: TIME:

WORKPLACE VIOLENCE AND HARASSMENT INCIDENT REPORT

TYPE OF INCIDENT – WORKPLACE VIOLENCE

PHYSICAL FORCE	ATTEMPT TO CAUSE PHYSICAL HARM/FORCE	STATEMENT AS A THREAT TO CAUSE PHYSICAL HARM/FORCE (VERBAL OR WRITTEN)	DOMESTIC VIOLENCE
YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

TYPE OF INCIDENT – WORKPLACE HARASSMENT

SEXUAL	BULLYING	RACIAL/ETHNIC	OTHER (PLEASE SPECIFY)
YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

MEDICAL ATTENTION REQUIRED	IF YES, PLEASE DESCRIBE
YES <input type="checkbox"/> NO <input type="checkbox"/>	

POLICE CONTACTED: YES NO DATE: TIME:

LOCATION OF ALLEGED INCIDENT:

DESCRIPTION OF ALLEGED INCIDENT:

NAME(S) OF ACTUAL/POTENTIAL WITNESS:

PERSON COMPLETING REPORTING FORM

NAME:

POSITION:

DATE: SIGNATURE:



WORKPLACE VIOLENCE AND HARASSMENT INCIDENT REPORT

ADDITIONAL COMMENTS:

[Empty box for additional comments]