



# Workplace Violence and Harassment Policy

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## HIV/AIDS Resources and Community Health Workplace Violence and Harassment Policy

### **INTRODUCTION & INTENT OF THIS POLICY**

ARCH is committed to providing a work environment that is free from unacceptable behaviors such as violence, harassment and sexual harassment. ARCH will take reasonable steps as outlined in this policy to protect our workers from workplace violence and workplace harassment from all sources.

Violent or harassing behavior is unacceptable from anyone. This policy applies to workers (including employees and volunteers), Board members and members of Board committees, supervisors, clients, patients and visitors. Everyone is expected to uphold this policy and to work together to prevent workplace violence.

### **DEFINITIONS**

For the purposes of this policy and the attached program, the following definitions shall apply:

1. "Clients" refers to all those who utilize ARCH services.
2. "Workplace harassment" is defined as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or is reasonably known to be unwelcome. This includes general harassment, sexual harassment or harassment based on a protected ground under the *Ontario Human Rights Code*. Harassment is unwelcome, unwanted and uninvited. It may be expressed verbally or physically, is usually coercive and it can occur as a single incident or on a repeated basis. It comprises actions, attitudes, language or gestures, which the harasser knows or reasonably ought to know are abusive, unwelcome or wrong.

Harassment does not include the legitimate exercise of management functions.

3. "Workplace sexual harassment" is defined as:
  - 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



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- 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 it 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 the solicitation or advance is unwelcome.
4. “Workplace violence” is defined as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. It includes an
    - Attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker; and,
    - A statement or behavior that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.
  5. “Worker” refers to all ARCH employees, volunteers (including Board members) and students.
  6. “Workplace” refers to any place where ARCH workers deliver services or programs or are representing ARCH or acting on behalf of ARCH.

### **POLICY**

1. ARCH will not tolerate workplace violence, harassment or sexual harassment in the workplace. Anyone within the workplace is prohibited from committing workplace violence, harassment or sexual harassment.
2. Workers, clients and visitors are required to report all behaviours that may be in contravention of this policy. Reports should be made immediately, or as soon as possible, after the alleged incident or behaviour (i.e. violence, harassment, or sexual harassment).
3. Workers are required to professionally and respectfully cooperate and participate in any review or investigation of a complaint when asked to do so by their supervisor, the Executive Director, the Board Chair or Board of Directors.



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4. Workers are prohibited from knowingly making a false complaint/allegation of violence, harassment, or sexual harasser, providing false information about a complaint, incident or allegation related to this policy or an investigation.
5. ARCH prohibits reprisals against workers, clients or visitors acting in good faith who report incidents of workplace violence, harassment or sexual harassment or, against those who act as witnesses.
6. All workers are required to read, understand and must agree to comply with this policy and program as an ongoing condition of employment or un-paid work (i.e. volunteering or student placement). It is a condition of ongoing employment for all ARCH workers to comply with this policy. Failure to comply is a serious offense that may result in discipline up to and including termination.
7. ARCH will ensure that all workers receive the appropriate education on this policy and related procedures or programs. It is important for all workers to understand that unfounded or false allegations of workplace violence, harassment, sexual harassment may cause both the accused person and the organization significant damage and/or harm to reputation. It is a serious offence to make false or unfounded allegations.
8. ARCH will review this policy annually (or more frequently as needed) and will post the policy and program in a conspicuous place in the workplace.

### **WORKPLACE VIOLENCE AND HARASSMENT PROGRAM**

#### **ROLES AND RESPONSIBILITIES**

##### **Shared Responsibilities**

- Everyone involved with ARCH has the responsibility for creating and maintaining an environment free of workplace harassment and to act respectfully towards one another;
- Every effort must be made to work toward the resolution of complaints by all those affected in a timely manner (see Investigations);
- Anyone who witnesses workplace harassment is responsible for bringing it to the attention of the appropriate individual (see Reporting Procedures); and,
- To ensure the preservation of a productive, safe and peaceful working environment.



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An important principle of this policy and program is that no individual shall face reprisals for making a complaint in good faith. Persons who engage in reprisals or threats of reprisals may be disciplined.

## Employer Responsibilities

As an employer, ARCH has responsibilities to its workers. The Executive Director is responsible for understanding what constitutes harassment and communicating to all employees that workplace harassment will not be condoned or ignored. They will make every effort to prevent workplace violence by:

- Communicating to individuals interacting with ARCH that harassment is not permitted and will not be condoned or ignored;
- Ensuring the policy and program are communicated to workers;
- Implementing workplace procedures that minimize the risk of workplace harassment;
- Monitoring the effectiveness of the program on an ongoing basis; and,
- Taking all complaints of harassment seriously and promptly and diligently investigating any alleged incident.

## Individual Responsibilities

All workers and clients of ARCH have the responsibility to work to create an environment that is free from workplace violence, harassment and sexual harassment. Each individual must understand what constitutes harassment and violence and conduct themselves in accordance with the policy and program. Specific responsibilities include:

- Promoting a harassment free workplace;
- Cooperating with the Executive Director in meeting the requirements of this program;
- Abiding by the workplace harassment and violence policy and program;
- Reporting any incidents of workplace harassment to the appropriate individual as soon as possible; and,
- Participating in training as required.

## **REPORTING PROCEDURES**

1. If a worker, client or visitor believes they have been (or will be) at the receiving end of unacceptable behavior (violence, harassment or), they should, whenever reasonable, tell the other person to stop the unacceptable behavior. The same applies to workers who believe they have witnessed unacceptable behavior (violence, harassment or sexual harassment).



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2. A worker, client or visitor who witnesses, experiences or is aware of unacceptable behavior in the workplace as it relates to this policy (violence, harassment, sexual harassment for written complaint, should be addressed to the Executive Director (or Board Chair if the complaint is about the Executive Director or, the Board of Directors if the complaint is about the Board Chair). In situations where a worker, client or visitor does not want to make a written complaint, the management of ARCH may still proceed with a written complaint, assessment of the incident and/or an investigation.
3. A written complaint should include the following:
  - The date and time of each incident
  - The name of the person(s) involved in each incident
  - The name of any person(s) who witnessed each incident
  - A full description of what occurred in each incident
4. All incidents where a client has demonstrated or is alleged to have behaved in an unacceptable manner as it relates to this policy (violence, harassment, sexual harassment) are to be included in the client's charting notes/file. A client who demonstrates these behaviors may be refused services. A client who makes false allegations against a worker will be subject to a review of their service agreement and appropriate action taken which may include a written warning up to and including termination of the service agreement.
5. The Executive Director (or the Board or the Chair of the Board) may immediately, or at any time, suspend with pay, a worker who has allegedly contravened this policy (i.e. in cases where a worker has allegedly committed violence, harassment or), pending the conclusion of an investigation. This may be required to protect a worker or, to ensure a safe workplace for the worker or others in the workplace.

### **INVESTIGATIONS**

1. All complaints are to be taken seriously by management (the Executive Director, the Board Chair and/or the Board of Directors) and will be assessed in a timely and efficient manner.
2. The Executive Director and/or the Board Chair will expedite the review and documentation of all complaints within three (3) business days or within a timeframe that is reasonably possible.



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3. Depending on the nature of the complaint, the Executive Director and/or Board Chair may initiate a formal investigation after reviewing the complaint. If an investigation is required, it should be initiated within three (3) business days or as soon as is reasonably possible.
4. Workers are required to cooperate with the investigation procedures, interviews and conclusions.
5. Depending on the circumstances surrounding the complaint, a worker, who has committed or is alleged to have committed behavior that is contrary to this policy, may be suspended with pay pending the conclusion of an investigation.
6. The management of ARCH is responsible for taking the necessary steps or measures to eliminate or mitigate risks identified by the complaint.
7. Investigations generally include the following actions however, these actions may be modified or changed in order to protect workers, depending on the nature or circumstances of the incident:
  - Informing the respondent 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, may be provided to the respondent. 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 investigation proceeds further.
  - During the investigation, the complainant and the respondent will be interviewed, as will any possible witnesses. Statements from other parties involved may be taken and documented to assist in reaching a conclusion.
8. Upon conclusion of the investigation and after determining the forthcoming action, ARCH will inform both the complainant and respondent. ARCH management and/or the Board will implement the necessary action. As a result of the investigation, ARCH may discipline workers who are found to be in contravention of this policy up to and including termination.

### **RISK ASSESSMENT TO PREVENT VIOLENCE IN THE WORKPLACE**

1. ARCH will conduct a risk assessment of the work environment including all positions/jobs, to identify any potential risks of violence. ARCH will then implement a program, procedures or



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measures to reduce and control the risk. Such information should be communicated to the affected workers as well as the health and safety representative.

2. In situations where a worker may be expected to come in contact with a person who is known to have a history of violence, ARCH will communicate such information and develop a plan or measures with that worker to reduce the risk of violence.

### **SEEKING IMMEDIATE ASSISTANCE**

Workers have the right to seek immediate assistance when they believe their work is unsafe or there is a risk of an unsafe situation. Similar to the Health & Safety Policy of ARCH, workers can seek immediate assistance through their supervisor or the Executive Director or, in serious situation they may seek assistance with the local police or in calling 911 when appropriate.

### **WORKER ACKNOWLEDGMENT**

I \_\_\_\_\_, as worker of ARCH, acknowledge that I have read and understand the Workplace Violence and Harassment and program. I agree to comply with this policy and program at all times and understand that my compliance is a condition of ongoing employment or a work relationship with ARCH (i.e. volunteer, student, Board member). I understand that failure to comply with this policy is a serious offence that may result in discipline up to and including termination of employment.

Employee Name:

Employee Signature:

Date:

Witness Name:

Witness Signature:

Date: