

# Workplace Anti-Violence and Harassment Policy

## Intent

The West End Food Coop 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, West End Food Coop does not condone and will not tolerate acts of violence, harassment, or bullying against or by any West End Food Coop employee.

Our *Workplace Anti-Violence and Harassment 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 that determines whether something is acceptable or not, be it spoken, a gesture, a picture, or some other form of communication which may be deemed objectionable or unwelcome.

## Definitions

Workplace violence or bullying: workplace violence or bullying is the exercise, statement, or behaviour of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, such as:

- Physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault, throwing an object at a worker, kicking an object the worker is standing on, or trying to run down a worker using a vehicle or equipment).
- Any threat, behaviour, or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property.
- Disruptive behaviour that is inappropriate to the work environment (e.g., yelling and swearing).

Domestic violence: a person—such as a spouse or former spouse, current or former intimate partner, or a family member—who has a personal relationship with a worker may physically harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.

Personal harassment: any unsolicited, unwelcome, disrespectful, or offensive behaviour that has an underlying sexual, bigoted, ethnic, or racial connotation and can be typified as:

- Behaviour that is hostile in nature, or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, or any other human rights protected grounds.

- Sexual solicitation or advance made by a person in a position to confer, grant, or deny a benefit or advancement to the person, where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome;
- Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person.
- Unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex, or sexual orientation, or based on religion;
- Suggestive or offensive remarks;
- Bragging about sexual prowess;
- Offensive jokes or comments of a sexual nature about an employee;
- Unwelcome language related to gender;
- Displaying of pornographic or sexist pictures or materials;
- Leering (suggestive persistent staring);
- Physical contact such as touching, patting, or pinching, with an underlying sexual connotation;
- Sexual assault; for the most part, victims of sexual harassment are female. However, conduct directed by female employees towards males and between persons of the same sex can also be held to constitute sexual harassment.
- Any actions that create a hostile, intimidating, or offensive workplace. This may include physical, verbal, written, graphic, or electronic means.
- Any threats of physical violence that endanger the health and safety of the employee.

Racial or ethnic harassment: any conduct or comment which causes humiliation to an employee 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:

- Unwelcome remarks, jokes, or innuendos about a person's racial or ethnic origin, colour, place of 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;
- Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background.

## Guidelines

West End Food Coop is committed to providing a safe and healthy work environment free from violence, threats of violence, discrimination, harassment, intimidation, and any other misconduct. Similarly, weapons are strictly prohibited from the company's premises; violators will be subject to disciplinary action, and the incident will be reported to the police.

It is also a violation of West End Food Coop's *Workplace Anti-Violence and Harassment Policy* for anyone to knowingly make a false complaint of violence or harassment or to provide false information about a complaint. Individuals who violate this policy are subject to disciplinary 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.

West End Food Coop will ensure that all employees are trained and educated on violence and harassment and that they are clear about the roles and responsibilities, as well as this policy and its procedures. In addition, a copy of this policy will be made available to all employees.

### **Application of this Policy**

This policy applies to all individuals working for the organization, including front-line employees, temporary employees, contract service providers, contractors, all supervisory personnel, managers, officers, and directors. The organization will not tolerate violence or personal harassment, whether engaged in by fellow employees, managers, officers, directors, or contract service providers of the organization.

West End Food Coop 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 West End Coop employees are personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination or harassing behaviour and intervene immediately if they observe a problem or if a problem is reported to them.

For the purposes of this policy, harassment 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; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship

### **Violence Risk Assessment**

The company will conduct a 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. This information will be provided to the joint health and safety committee or safety representative. **\*We Currently do not have one of these, Just the General Manager**

**\*We do not have a written Risk assessment**

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. Research may also include a review of similar workplaces with respect to their history of violence.

West End Food Coop 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.

The company will only disclose personal information that is deemed reasonably necessary to protect the worker from physical harm.

### **Reporting Violence or Bullying**

If you are either directly affected by or witness to any violence in the workplace, it is imperative for the safety of all West End Food Coop employees that the incident be reported without delay. Reporting any violence or potentially violent situations should be done immediately to management or the Human Resources department.

### **Investigating Reports of Violence or Bullying**

The company shall:

- Investigate all reported acts or incidents of violence;
- Consult with other parties (e.g., legal counsel, health and safety consultants, JHSC, 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 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; and
- 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 joint health and safety committees or safety representative will:\* We don't have this**

- 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 (e.g., incidents that place life in jeopardy, result in substantial blood loss, fracture of leg or arm).

- 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, JHSCs may participate in the investigation of reported incidents that result in personal injury or have the potential to result in injury.

## **Reporting Discrimination or Harassment**

### Informal procedure

If you believe you have been personally harassed, you may:

- Confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or
- Discuss the situation with the harasser's supervisor, your supervisor, or any other supervisor other than your own.

Any employee who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the facts directly to his or her supervisor or manager.

### Formal procedure

If you believe you have been personally harassed, you may make a written complaint. The written complaint must be delivered to the General Manger. 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; and
- A full description of what occurred in each incident.

## **Investigating Reports of Discrimination or Harassment**

Once a written complaint has been received, West End Food Coop will complete a thorough investigation. Harassment 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.

For the purposes of this section, the following definitions apply:

**Complainant:** The person who has made a complaint about another individual whom 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 respondent of the complaint;
- Interview the complainant, any person involved in the incident, and any identified witnesses; and
- Interview 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.
- The company will do its best to protect the details of the incident being investigated and the identities of the complaining party and that of the alleged respondent from unnecessary disclosure.
- 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, the company may employ outside assistance or request the use of our legal counsel.
- Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances of another employee or because they lodged a harassment complaint when they honestly believed they were being harassed.
- Where it is determined that harassment has occurred, a written report of the 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 personal harassment has occurred, appropriate disciplinary measures will be taken as soon as possible.

### **Seeking Immediate Assistance**

Canada's *Criminal Code* deals with 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 coworker, volunteer, contractor, student, vendor, visitor, client, or customer, then an immediate call to "911" is required.

- If there are people around who are not threatening (ie: clients in the store, other employees or volunteers) try to be physically close to them and tell them you are being threatened
- You are never expected to confront a dangerous person, your safety is the most important thing

- If you are able in any way to leave the dangerous situation, which includes leaving the store, locking yourself in the bathroom or office, or getting to any safe space to call for help, do so. Nothing at the WEFC is more important than your safety
- If you can be very loud and obvious, speak loudly so others around are aware that a situation is happening
- Immediately after you feel safe, make sure to report the incident

### **The Right to Refuse Unsafe Work**

- This is a legal right of every worker. (Company Name) is committed to ensuring a safe workplace.
- If you wish to pursue this right, please refer to the *Work Refusal Policy* in this manual.

### **Special Circumstances**

Should an employee have a legal court order (e.g., 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 Human Resources. This will likely be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at West End Food Coop, in direct violation of the court order. Such information shall be kept confidential.

If any visitor to the West End Food Coop workplace is seen with a weapon (or is known to possess one) or 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/or the General Manager.

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, West End Food Coop will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

### **Fraudulent or Malicious Complaints**

This policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded or frivolous allegations of personal harassment may cause both the accused person and the company significant damage. If it is determined by the company that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

### **Disciplinary Measures**

If it is determined by the company that any employee has been involved in a violent behaviour, unacceptable conduct, or personal harassing of another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counselling or a formal warning, and could result in immediate dismissal without further notice.

### **Workplace Coordinator**

For the purposes of this policy, the General Manager shall act as a workplace coordinator with respect to workplace violence and harassment issues.

### **Confidentiality**

The West End Food Coop 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. The West End Food Coop will protect this privacy as 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 the company and will be proportional to the seriousness of the behaviour concerned. The West End Food Coop will also provide appropriate assistance to any employee who is a victim of discrimination or harassment.

### **Managing 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 or supervisor's responsibilities in these areas.

### **Policy Review**

As required by the *Occupational Health and Safety Act*, The West End Food Coop will review this policy annually and will post the policy on the health and safety bulletin board.

### **Acknowledgment and Agreement**

I, (Employee Name), acknowledge that I have read and understand the Workplace Anti-Violence and Harassment Policy of West End Food Coop. Further, I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules/procedures outlined in this policy, I may face disciplinary action, up to and including termination of employment.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_