

<p>SECTION B:</p> <p>HEALTH, SAFETY & WELLNESS</p>	<p>POLICY NAME:</p> <p>WORKPLACE, HARASSMENT, DISCRIMINATION, AND VIOLENCE POLICY</p>
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POLICY

External References

1. *Ontario Human Rights Code*, R.S.O. 1990, c.H.19
2. *Occupational Health and Safety Act*, R.S.O. 1990, C.O.1
3. *Supports and Services to Promote the Social Inclusion of Persons with Developmental Disability Act, 2008*, SO 2008, c. 14 (the “Social Inclusion Act”)
4. *Quality Assurance Measures*, O Reg 299/10

Cross References

1. Rules of Conduct Policy
2. Working Alone Policy
3. Conflict Resolution Process Policy

Community Living Grimsby, Lincoln and West Lincoln (“CLGLWL”) is committed to providing a safe, healthy and supportive working environment in which all individuals are treated with dignity and respect, and without discrimination, consistent with the Ontario Human Rights Code (the “Code”) and the Occupational Health and Safety Act (“OHS”).

CLGLWL will take all reasonable steps to prevent, protect staff, volunteers, students and people supported from, investigate and appropriately respond to discrimination, violence and harassment in the workplace.

This policy shall be posted in a visible location in the workplace.

PURPOSE AND APPLICATION:

The purpose of this Policy is to establish procedures to reduce the risk of discrimination, violence and harassment in the workplace and to foster workplace safety and security.

Workplace harassment can undermine a person’s dignity and prevent staff, /volunteers/students from performing their responsibilities effectively. Workplace harassment, if not addressed, has the potential to escalate into violent behavior. CLGLWL recognizes that it has a duty to provide all its staff, volunteers, students and people supported with a safe, healthy, harassment-free workplace.

Both CLGLWL, as an organization, and the people in the scope of this policy, have an obligation to work together to ensure workplace safety. This means that all parties have a duty to report any unsafe situations to their supervisor. It is then the responsibility of the supervisor, and of management, to act to ensure worker safety.

CLGLWL has a unique mission that brings with it unique challenges. CLGLWL provides services to individuals with disabilities, including dual diagnosis, autism and other developmental disabilities. CLGLWL recognizes that all parties may be faced with situations where they are supporting persons who may act out in a manner that puts the safety of other persons at risk, including staff, volunteers, students, other persons supported and third parties. With appropriate training and management, these incidents can possibly be minimized but realistically speaking cannot be eliminated altogether. All parties are responsible for ensuring familiarity with CPI / Escalation Protocols and / or Behavioural Support Plans and Ministry approved techniques implemented by CLGLWL for dealing with such situations, and shall refer to the Behaviour Management / Physical Restraint policy and the Orientation, Training, Professional Development and Education Bursary policy.

Finally, where workplace, harassment, discrimination, or violence relates to a person supported, the procedures and reporting requirements applicable to any such person, shall be subject to CLGLWL's policies in relation to Serious Occurrence Reporting, Abuse Prevention and Reporting, and any applicable requirements under the terms of the *Quality Assurance Measures Regulation* and the *Social Inclusion Act*, and any policy directives of the Ministry of Community and Social Services.

SCOPE:

This policy applies to all CLGLWL staff (including all people performing services for CLGLWL), students and volunteers while in the performance of their duties, whether at sites owned and/or operated by CLGLWL or during employment related activities off-site (e.g., conferences, training sessions, and other locations in the community where work activities are performed on behalf of etc.) and addresses workplace discrimination, harassment and violence from all sources (such as persons supported, family members, employees, board members, contractors, volunteers and members of the public). It also applies to such staff, volunteers and students of CLGLWL at any place where their behaviour could reflect on CLGLWL.

DEFINITIONS

Under this Policy the following terms have the following definitions:

"Discrimination" means the Human Rights Code definition of discrimination which includes:

- (i) direct discrimination - imposing a requirement, qualification, exclusion, restriction, preference or factor on the basis of a prohibited ground of discrimination; and
- (ii) constructive or adverse effect discrimination - imposing a requirement, qualification, exclusion, restriction, preference or factor that although not expressly related to a prohibited ground of discrimination, results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination, except where the restriction is a reasonable and bona fide occupational requirement.

"Poisoned Work Environment" means a general climate of disrespect, offensive language and belittling that, even if not directed at anyone in particular, which makes the workplace unpleasant and difficult.

"Prohibited Grounds" means race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status/same sex partnership status, family status or disability, or any other analogous ground.

“Threat” means the implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety.

“Workplace” means anywhere the business of CLGLWL is being carried out. This includes offices, support locations, homes, other community partners and agencies. It also includes other locations and situations such as during business travel, work-related social gatherings or other locations where work is being performed, and prohibited behaviours may have a subsequent impact on the work relationship, environment or performance.

“Workplace Violence” means the use or attempted use of physical force against a staff, volunteer, student or a person in service that causes or could cause physical injury. Workplace violence also includes a statement or behaviour that a staff, volunteer, student or a person in service could reasonable interpret as a threat to use physical force against him/her that could cause physical injury. Physical force includes but is not limited to aggravated assault, assault, sexual assault, gestures, kicking, pushing, biting and/or spitting.

“Workplace Harassment” means a course of vexatious comments or conduct against a staff, volunteer, student or a person in service in a workplace that is known or ought reasonably to be known to be unwelcome, whether or not based on a prohibited ground, including but not limited to:

- (a) Hostile, obnoxious, or intimidating behaviour or behaviour which ought reasonably to have been known to be hostile, obnoxious or intimidating;
- (b) Emotional or psychological abuse;
- (c) Workplace Sexual Harassment (as defined herein); and
- (d) Targeting a person or group of people because of personal dislike or personality conflict because of, but not limited to, a prohibited ground of discrimination under the Code, including race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion) sex, sexual orientation, disability, age, marital (same sex partner) status, family status, gender identity, or record of offence.

This Policy is concerned with the impact of behaviour, not the intent of the person responsible for the prohibited behaviour. Single acts of sufficient severity may constitute harassment.

Examples of Workplace Harassment: Examples of workplace harassment include but are not limited to:

- Jokes, gestures, demands, or comments about a person’s body, clothes, habits, customs or mannerisms;
- Jokes intended to intimidate others or that are offensive in nature, even if meant in an “ironic” or facetious sense;
- Inappropriate staring at others;
- Isolating another worker because of their gender and/or sexual identity;
- Displaying pictures, graphics or symbols, including things on or printed from a computer, can also be harassing;

- Making fun of someone because s/he wears traditional dress (such as a turban, sari or veil);
- Using language that offends when it refers to a person's race, colour, sex, sexual orientation, disability, etc.;
- Displaying or distributing pictures, jokes, cartoons that are demeaning (pin-ups, racist cartoons, etc.);
- Sending inappropriate or embarrassing emails or making inappropriate posts on social media;
- Inappropriate or unwanted touching;
- Lies or gossip about an individual's personal life;
- Passive aggressive behaviours such as giving the silent treatment or other subtle, non-verbal forms of bullying;
- Setting someone up to be unsuccessful (ie. providing wrong instructions on purpose, excluding someone from a meeting);
- Scapegoating;
- Practical jokes that cause awkwardness or embarrassment; and
- Excessive profanity (swearing), vulgarity, ridicule, belittling, or derogatory name calling towards a person.

Conduct that does not constitute Workplace Harassment: It is important to note that legitimate and constructive criticism provided by an employer or supervisor to an employee, volunteer or student on their performance or behaviour at work, performance management and progressive discipline is not harassment, nor is an occasional raised voice or argument. However, workplace harassment will not be condoned under the guise of strong management, when employees volunteers or students are not treated with dignity and respect.

“Workplace Sexual Harassment” means:

- a) engaging in a course of vexatious comments 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 staff, volunteer or student and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples of Workplace Sexual Harassment include, but are not limited to:

- Sexual remarks
- Unnecessary physical touching
- Jokes or insulting gestures
- Sexual requests or suggestions

- Leering, suggestive staring or comments
- Displaying or distributing sexually offensive material (including by electronic means)

PROHIBITED BEHAVIOUR

The following behaviour and/or conduct is prohibited under this Policy and will lead to discipline up to and including discharge from employment ("**Prohibited Behaviour**"):

- a) Workplace violence;
- b) Workplace harassment;
- c) Workplace discrimination;
- d) Threats or intimidation;
- e) Possession of weapons of any kind while engaged in activities for CLGLWL;
- f) Physical violence;
- g) Dangerous or threatening horseplay;
- h) Blatant or intentional disregard for the safety or well-being of others;
- i) Retaliation against anyone who has made a complaint or who has participated in an investigation under this Policy;
- j) Failing to report an incident of workplace discrimination, violence or harassment of which a worker is aware; and
- k) Any other act which is considered to be a violation of this Policy, whether or not specifically set out above.

PROGRAM TO ADDRESS WORKPLACE HARASSMENT, VIOLENCE AND DISCRIMINATION

CLGLWL is committed to the goal of preventing, investigating, and appropriately responding to workplace harassment, violence and discrimination and will not tolerate Prohibited Behaviour (as defined above) in the workplace. All reports of Prohibited Behaviour will be investigated by the organization in a fair, objective, respectful, and timely manner. The following program (the "Program") has been designed to assist CLGLWL in achieving this goal.

A. IMPLEMENTATION AND RESPONSIBILITIES

1. EXECUTIVE DIRECTOR and/or Designate

Executive Director and/or designate will be responsible for implementation of this Policy and the Program and will work with the Joint Health & Safety Committee ("JHSC").

It is the **Executive Director and/or designate** responsibility to:

- a) Inform and educate staff, volunteers students and management about this Policy;
- b) Initiate, conduct and administer any investigations under this Policy;
- c) Determine and implement appropriate corrective and/or disciplinary action in consultation with the appropriate managerial personnel;
- d) Ensure that management is held accountable for implementing this Policy;
- e) Ensure that risk assessments are completed as required;
- f) Ensure that all statutory reporting requirements are met, should an incident occur.

2. MANAGEMENT

CLGLWL's **management** includes, Directors, Coordinators, Supervisors.

Management has a responsibility to:

- a) Review and follow the procedures set out in this Policy;
- b) Ensure staff, volunteers and students participate in training to prevent, identify, and respond to, any incidents of Prohibited Behaviour;
- c) Ensure that any incident of Prohibited Behaviour will be immediately reported.
- d) Identify and implement appropriate procedures to minimize the risk of Prohibited Behavior risk of workplace violence or harassment to staff, volunteers and students;
- e) Identify, minimize, and inform staff, volunteers and students regarding potential areas of risk of workplace violence or harassment that threatens a safe work environment;
- f) Report any incidents of Prohibited Behaviour to the Executive Director or designate;
- g) Report to the Executive Director and/or designate any information or concerns regarding potential domestic abuse that would expose a co-worker to physical injury.
- h) Report any concerns regarding safety procedures that are in place to protect staff, volunteers and students;
- i) In consultation with the Executive Director and/or designate, speak to individuals who are alleged to have committed Prohibited Behaviour in order to prevent or stop the conduct and resolve conflict; and
- j) Co-operate with any investigations under this Policy.

3. FRONT LINE STAFF, VOLUNTEERS AND STUDENTS

CLGLWL's front line staff, volunteers and students have a responsibility to:

- a) Review and follow the procedures set out in this Policy;

- b) Refrain from acts of Prohibited Behaviour or that pose the risk of an incident of Prohibited Behaviour;
- c) Attend and participate in all training with respect to the prevention of discrimination, violence and harassment in addition to other training that is provided;
- d) Immediately report any incidents, threats, or potential risks of workplace violence or harassment;
- e) Immediately advise management and coworkers if the staff, volunteer or student becomes aware of a change in circumstances that is likely to increase the potential for aggressive behaviour;
- f) Immediately report any concerns regarding safety procedures in place to protect staff, volunteers and students;
- g) Immediately report any incidents of retaliation for having brought forward a complaint of Prohibited Behaviour;
- h) Co-operate with and participate in any investigations under this Policy as directed by Executive Director and/or designate;

B. VIOLENCE PREVENTION AND SAFETY MEASURES

1. EMERGENCY PROTOCOLS

If a co-worker, contractor, third party service provider or member of the public engages in an act of violence in the workplace or there is a reasonable belief that such an act of violence is likely to occur, if possible a staff member having knowledge of same must immediately remove themselves and persons supported from the unsafe situation and contact emergency services where appropriate.

Telephones are located in various places in the workplace. Staff, volunteers and students must be familiar with the locations of the telephones. To call within the workplace, dial the appropriate extension if it exists or use other means of communication such as, cell phones.

Staff, volunteers and students who are provided with a cell phone may use the cell phone or the nearest telephone to call for assistance whichever is most convenient in the circumstances. Each work site has the telephone numbers of all agency sites to call for support. Every 24 hour site has designated other sites to call for support. There is an on-call system Friday evening to Monday morning.

To call outside of the workplace, dial the telephone number.

For immediate assistance, contact Emergency Services: 9-1-1

2. GENERAL PRECAUTIONS:

CLGLWL endeavors to ensure the safety of all staff, volunteers and students. To that end, all staff, volunteers and students are required to take the following measures:

- a) Follow CLGLWL's health and safety policy, procedures, and standards;
- b) Follow any applicable sign-in procedure and let coworkers know of each other's whereabouts;
- c) Inform a coworker or your direct supervisor or if not available, management if you will be working late and alone in the workplace;
- d) Inform a coworker or direct supervisor or if not available, management if you will be attending an unfamiliar workplace;
- e) Upon recognition of an unaccompanied stranger or suspicious person in the workplace, immediately notify management;
- f) Upon recognition of any safety risks in the workplace, such as a broken telephone or unlit areas, advise management immediately;
- g) Familiarize yourself with the location of all exits;
- h) At all times use common sense. Be alert to the surroundings.

3. DISCLOSURE OF RISK OF VIOLENT BEHAVIOUR AND PROCEDURE FOR PERSONS SUPPORTED:

If a CLGLWL worker is expected to encounter an individual with a history of violent behaviour of which CLGLWL is aware and/or CLGLWL is otherwise aware that the individual poses a risk of workplace violence, CLGLWL will provide such information to the worker, including personal information. However, CLGLWL will only disclose the information reasonably necessary to protect staff, volunteers and students from violence.

CLGLWL will provide paid training, including any Ministry-required training, to employees at the employer's expense within one month of commencing work with any person supported who exhibits violent behavior. This training will include, but not be limited to, the causes of aggression, the factors that precipitate aggression, recognition of warning signs, prevention of escalation, controlling and diffusing aggressive situations, as well as of the details of the employer's policies, measures and procedures designed to deal with aggression, including reference to the availability of the EAP program.

Adequate staffing will be provided by the employer in situations where the employer has determined that the behavior of a person supported is places the person or others at risk. Appropriate protocols will be prepared, staff members oriented, and protocols must be followed in such circumstances.

4. RISK ASSESSMENTS:

CLGLWL will assess the risk of workplace violence in consultation with the JHSC as required. Risk assessments will be conducted as often as is necessary. If risks of violence are found during the assessment, CLGLWL will work with the JHSC to determine and implement appropriate

measures to minimize the risk. Results of the risk assessment will be reported to the Executive Director and/or designate and the JHSC.

C. PROHIBITED BEHAVIOUR COMPLAINT AND INVESTIGATION PROCEDURE

1. REPORTING

Reporting Discrimination, Violence or Harassment in the Workplace

Any staff, volunteer or student who is subjected to, a witness of, or has knowledge of, any incidents or threats of workplace violence, harassment, or discrimination is required to immediately report the incident to his or her supervisor or manager. This includes reporting domestic violence situations that would likely expose a staff, volunteer or student to physical injury in the workplace.

The reporting requirements are as follows:

- a) All incidents of Prohibited Behaviour as defined in this policy shall be immediately reported to management;
- b) The member of management receiving the report shall take steps to ensure that the appropriate measures are taken to safeguard coworkers and persons supported, including, if necessary, contacting the authorities or emergency services;
- c) Upon being informed of an incident by the worker, the member of management will report the incident to the Executive Director and/or designate;
- d) Upon the Executive Director and/or designate's direction, management will comply with all reporting obligations under the *Occupational Health and Safety Act* and *Workplace Safety and Insurance Act*;
- e) Any staff, volunteer or student failing to immediately report knowledge of an act of Prohibited Behaviour to a member of management may be subject to disciplinary action up to and including dismissal; and
- f) At all material times, reporting of any behaviour which could constitute abuse of a person supported shall comply with CLGLWL's policies in relation to Abuse Prevention and Reporting and obligations for serious occurrence reporting consistent with the *Quality Assurance Measures Regulation* under the *Social Inclusion Act*. In the case of any such witnessed or suspected abuse of a person supported, the investigation and response procedure shall be subject to the requirement of said policy and QAM regulations.

Who to Report Workplace Prohibited Behaviour to:

- An incident or complaint of Prohibited Behaviour should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

- A Prohibited Behaviour incident or complaint can be made to a staff, volunteer or student's supervisor or manager.
- In a case that the staff, volunteers, students' supervisor, or manager is the person engaging in the workplace violence and harassment, a staff, volunteer student can report the incident or complaint to any member of the management team, the Director of Human Resources, or the Executive Director.
- If the Executive Director is the person engaging in the Prohibited Behaviour, the staff, volunteer or student can contact the Director of Human Resources who will report to the Chair of the Board of Directors, or if the Chair of the Board of Directors is the person allegedly engaging in the Prohibited Behaviour then the Ministry of Labour.
- All incidents or complaints of Prohibited Behaviour shall be kept confidential except to the extent necessary to protect the person, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

2. INVESTIGATION PROCEDURE

An incident or complaint of Prohibited Behaviour will be investigated promptly and impartially. Although CLGLWL makes every effort to keep the incident or complaint as confidential as possible, it is not always possible to do so in the course of investigating or resolving an incident or complaint of potential or actual workplace violence or harassment. Information about a complaint or incident will not be disclosed except to the extent necessary to protect the person, to investigate the complaint or incident, to take corrective action, or as otherwise required by law.

The investigation procedure will be as follows:

a) Complaints.

Upon receiving a report of an incident of Prohibited Behaviour the person receiving the report will as soon as possible, report the incident to the Executive Director or designate (or if the Executive Director is implicated in the report, the Director of Human Resources who will report to the Chair of the Board of Directors) and have the staff, volunteer or student complete a written report regarding the incident. The report must be signed by the staff, volunteer or student and submitted to management (or next higher ranking officer where management a member of implicated). The report shall include:

- Name(s) of complainants and contact information;
- Names of respondent(s), position(s) held, and contact information if known;
- Names of witness(es) if any and other persons with relevant information and contact information if known.
- Details of what happened, including dates, frequency, locations of alleged incidents;
 - Supporting documentation must be provided;
 - List of any documents another person may have;

Our practice is that staff, volunteers or students must fill out a written report for each incident. Please use the Complaint/Feedback/Conflict Resolution Form, which is attached to this policy.

Additionally, in relevant situations as related to the persons supported, supervisors/directors also must complete a serious occurrence report that must be sent to the Ministry of Community and Social Services within twenty-four (24) hours.

If the employee needs further assistance, he or she may contact a member of the Joint Health and Safety Member or Health and Safety Representative and utilize the agency's Employee Assistance Provider.

b) Interim Measures.

Upon receipt of a Complaint/Feedback/Conflict Resolution Form, the Executive Director and/or designate, (or if the complaint concerns the Executive Director) the Human Resources Director along with the Chair of the Board of Directors will consider the allegations and take appropriate interim measures to ensure the cessation and prevention of any alleged Prohibited Behaviour while the alleged conduct is investigated. This may include reassigning a staff, volunteer or student to a different location or shift, or placing an alleged perpetrator on paid leave of absence during the investigation of the incident, where appropriate.

c) Investigation.

CLGLWL shall complete an investigation that is appropriate to the circumstances and the allegations.

- i. Upon receipt of a written complaint of harassment, discrimination, or workplace violence, the Executive Director and/or designate, will appoint an investigator (either a member of management or an external investigator as appropriate in the circumstances due to, among other things, the complexity of the investigation, the possibility of a conflict of interest, or operational requirements of CLGLWL) to conduct an investigation into the incident. The investigator will be an individual with the ability to conduct an objective investigation. Under no circumstances shall the investigator be the person alleged to have engaged in the Prohibited Behaviour, nor will the investigator be anyone with direct involvement with the complaint. The investigation shall not be completed by any party who is under the direct supervision of the party accused of harassment.
- ii. Wherever possible the investigation shall be completed within 90 calendar days of the date the complaint is made, unless extenuating circumstances warrant a longer investigation (i.e. illness, complex investigation).
- iii. While the investigation is ongoing, all parties involved will be instructed not to discuss the complaint, incident, or investigation with other staff, volunteers, students or witnesses unless necessary to obtain advice about their rights.
- iv. The investigator will ensure that the investigation is kept confidential and that identifying information is not disclosed unless necessary to conduct the investigation or as required by law. The investigator will remind the worker who has allegedly experienced workplace harassment, the alleged harasser(s) and any witnesses of the requirement that they keep the information shared during the investigation process confidential and the prohibitions against retaliation against any person taking part in the investigation or making a complaint.
- v. The Investigator shall:
 - Review the allegations;

- Conduct separate interviews with the alleged victim of the incident, the worker who reported the harassment, any witnesses to the Prohibited Behaviour or any person with relevant information, to the extent reasonably possible;
- Interview the alleged harasser, where reasonably possible, and provide the him/her information required to respond to the allegations, and in certain circumstances give the complainant an opportunity to reply.
- Collect and review any relevant documents;
- Take appropriate notes and statements during interviews; and
- Prior to any interview taking place with any worker who may be subject to discipline as a result of the incident or investigation, the investigator shall inform the worker of his or her right to bring another person/staff present with them for the interview. if applicable.

d) Investigation Report.

The investigator shall prepare a report which summarizes:

- i. The steps taken during the investigation;
- ii. The complaint;
- iii. The allegations of the worker claiming harassment;
- iv. The response from the alleged harasser;
- v. The evidence of any witnesses;
- vi. The evidence gathered;
- vii. The investigators findings of fact; and
- viii. The investigators' conclusions of whether Prohibited Behaviour has been found or not.

The Report will be provided to the Executive Director and/or designate (or next higher ranking officer where the Executive Director is implicated) to take appropriate action.

e) Communications of Results.

The Executive Director and/or designate (or next higher ranking officer where the Executive Director is implicated) shall consider the Investigation Report and take the following steps:

- i. Determine what, if any, action is required, which may at the discretion of the Executive Director and/or designate (or next higher ranking officer where the Executive Director is implicated), include the following:
 - If there are reasonable grounds to conclude that Prohibited Behaviour occurred, the appropriate disciplinary action, if any, to be taken, and a copy of the report (redacted to remove any portions no pertaining to the employee subject to discipline) will be placed in the affected employee's personnel file;
 - If there are insufficient grounds to reach a conclusion, then further investigation will continue until resolution is possible; or

- If the Executive Director and/or designate (or next higher ranking officer where the Executive Director is implicated) is satisfied that no Prohibited Behaviour has occurred, all documentation of the evidence shall be given to the Executive Director and/or designate (or next higher ranking officer where the Executive Director is implicated) and no such documentation or allegations of Prohibited Behaviour will be placed in the employee's personnel file.
- ii. Provide the complainant and the alleged perpetrator with a written statement of the results of the investigation and the corrective action (if any) within 10 days of the report being issued by the investigator. This written statement of results is not the same as the investigation report. These parties are entitled to know the corrective action imposed, however it is understood that there is a balance between privacy and the right to know. Information provided needs to be general, and cannot disclose specific details to break confidentiality.

3. CORRECTIVE AND DISCIPLINARY ACTION

Any worker who is found to have engaged in Prohibited Behaviour will (where appropriate) be subject to disciplinary action, up to and including discharge from employment.

In determining the appropriate disciplinary action, the following will be considered:

- nature of the complaint
- workplace situation
- impact of the offence on the complainant
- seriousness and frequency of behaviour
- respondent's position within the organization (i.e. was the respondent in a position that required particular responsibility to avoid any behaviour or conduct which is known, or should reasonably be known, to be unwelcome)
- previous conduct of respondent
- willingness of respondent to co-operate or change behaviour
- trust relationship
- admission of wrongdoing
- failure to warn

The Executive Director or designate (or next higher ranking officer where the Executive Director is implicated) and the individuals' supervisors/managers (if any) will be responsible for facilitation and monitoring of any disciplinary action.

Disciplinary action will also be taken if a complaint is found to have been made fraudulently and with malicious intent.

Where a volunteer or contractor to CLGLWL is involved, a decision regarding any action to be taken will be made on a case-by-case basis.

4. SUPPORTS FOR AFFECTED EMPLOYEES

In all cases where reasonable grounds exist to support an allegation of an act of Prohibited Behaviour, the Executive Director and/or designate (or next higher ranking officer where the Executive Director is implicated) must ensure that appropriate emotional and physical support is provided.

5. NO REPRISAL

No worker will be penalized for reporting an incident of Prohibited Behaviour or participating in an investigation into same (unless any such report is made fraudulently and with malicious intent). Penalizing a worker for exercising their rights under the OHS Act is prohibited and any employee found to have engaged in any reprisal against a worker will be subject to discipline.

6. TRAINING AND EDUCATION

CLGLWL will provide training and education to all employees and students with respect to the contents of this Policy and CLGLWL's program with respect to Prohibited Behaviour.

This training will include what conduct is considered to be workplace harassment, including workplace sexual harassment, and how to recognize it, along with how and to whom to report an incident of workplace harassment. Employees will be advised of CLGLWL's procedures for investigation of harassment complaints, and how the investigation reports will be shared with the parties involved in the complaint.

All CLGLWL staff with supervisory authority will be trained at least annually on the need to take all harassment complaints seriously, their reporting obligations, and the process for responding to a complaint.

All CLGLWL staff will be assigned to revise this policy on an annual basis. Refresher training on these topics may also be assigned, as determined by management.

7. CONFIDENTIALITY AND RECORD KEEPING

The following confidentiality and record keeping requirements apply to the complaint and investigation process:

- a) CLGLWL 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.
- b) Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect the person, to investigate the complaint or incident, to take corrective action or otherwise as required by law. The Executive Director and/or designate (or next higher ranking officer where the Executive Director is implicated) will determine the extent to which the information regarding the complaint must be disseminated.
- c) Individuals (including the complainant, the respondent and any witnesses or others involved in the investigation process) are to ensure that they refrain from discussing the complaint, information related to the complaint, or information they have gained through the investigation process with anyone other than the investigation team.

- d) All documents related to a complaint, including the written complaint, witness statements, investigation notes/reports, documents related to the complaint, a copy of the results of the investigation that are provided to the complainant(s) and the respondent(s), and a copy of the corrective action taken to address the Prohibited Behaviour will be kept confidential and kept in a separate investigation file securely maintained by the Human Resource Department. These documents will not be disclosed unless necessary to investigate an incident or complaint, take corrective action or as otherwise required by law.
- e) If there is an external investigation, information collected by the external investigator will be kept in accordance with his/her/its practices.
- f) Records related to an investigation of a harassment, discrimination, or workplace violence complaint will be documented and kept in a secure file for a period of seven years.

8. POLICY REVIEW, PROGRAM EVALUATION AND QUESTIONS

This policy and procedures thereunder will be reviewed as often as necessary, but at minimum once a year.

The workplace violence awareness and prevention programs that include CPI training will be evaluated annually by the Joint Health and Safety Committee and Health and safety Representatives.

If you have any feedback or questions about this Policy and procedures thereunder, please speak to Human Resources. You may also consult your, joint health and safety representative, our employee assistance plan, or external resources as appropriate.