

## **WORKPLACE VIOLENCE & HARASSMENT POLICY**

### **Purpose**

To ensure that volunteers engage with Smooth Rock Falls EDC in an environment that is free from violence and harassment, and that any good faith concerns may be made by volunteers without fear of reprisal or retaliation.

### **Policy Statement**

#### ***Workplace Violence***

Smooth Rock Falls EDC does not condone any form of violence in the workplace, including physical violence or sexual violence and verbal threats of violence or sexual violence made by or against volunteers. Breach of this policy by volunteers will result in appropriate disciplinary action, up to and including dismissal.

Volunteers are expected to report any incident or threat of workplace violence to a Smooth Rock Falls EDC employee.

#### ***Harassment***

Smooth Rock Falls EDC promotes ethical and respectful service and volunteer engagement practices that incorporate equitable treatment for all volunteers. Smooth Rock Falls EDC will not tolerate, ignore, or condone any form of harassment (including sexual harassment) and is committed to promoting appropriate standards of conduct at all times. Harassment is a serious form of misconduct, which may result in disciplinary action up to and including dismissal. If such harassment occurs, Smooth Rock Falls EDC will take any steps available to ensure a harassment-free workplace, including barring the harasser from its facilities, where appropriate, or discontinuing engagements with volunteers.

#### ***Complaints***

Volunteers have the right to report any good faith complaints to their volunteer coordinator. In the event that the complaint regards the volunteer coordinator, complaints should be reported to EDC staff.

Volunteers found to have deliberately made vexatious or malicious complaints, or to have issued complaints in bad faith, will be subject to appropriate disciplinary action up to and including dismissal.

## **Definitions**

*"Discrimination"* means any form of intentional or unintentional unequal treatment based on a protected ground that results in disadvantage, whether imposing extra burdens or denying benefits. Discrimination needs only to be one factor among many factors in a decision or action for a finding of discrimination to be made. (See Human Rights & Anti-Discrimination Policy)

*"Harassment"* means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome.

*"Incident"* is a circumstance serious enough to require immediate attention to a volunteer, client or staff. Incidents can occur because of a volunteer's actions, or instead in the presence of a volunteer. This can include breaking boundaries or rules, failing to follow instructions, near-accidents or any occurrence that is problematic. (See Incidents & Accidents Policy)

*"Sexual harassment"* is defined as "(a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;" (Ministry of Labour)

*"Workplace"* is any area where tasks are carried out on behalf of an organization. This can be an office, a private residence during times when tasks for an organization are taken on, or a public area during times when staff or volunteers are carrying out activities related to an organization.

*"Workplace violence"* is the exercise of physical force by a person against a worker (volunteer or staff member), in a workplace, that causes or could cause physical injury to the worker, an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

*“Protected grounds”* refer to the seventeen (17) protected grounds of the Ontario Human Rights Code from which all people will not be discriminated against, in addition to two (2) grounds added for this policy. (See Human Rights & Anti-Discrimination Policy)

## **Responsibilities**

### ***Volunteer Responsibilities***

All volunteers are responsible for respecting the dignity and rights of their colleagues, clients, visitors and others receiving service from Smooth Rock Falls EDC. Volunteers will abide by these policies and the Ontario Human Rights Code. Volunteers have a right to equal treatment with respect to volunteering with Smooth Rock Falls EDC without discrimination or harassment because of the protected grounds. Volunteers are responsible for informing a Smooth Rock Falls EDC staff member of any incident of violence or potential risk of violence that they experience or witness.

### ***Staff Responsibilities***

Staff are responsible for assessing potential risk associated with volunteer roles and informing volunteers of this risk. Staff will ensure that proper medical care is provided before investigating or reporting an incident if necessary, and track incidents of violence. Staff will cooperate with police in the event of an investigation.

## **Procedures**

### ***Statement on Complaints***

Volunteers who lodge good faith complaints may do so without fear of retaliation or reprisal. Alleged retaliation or reprisals are subject to the same complaint procedures and discipline as complaints of discrimination and harassment. Complaints will be kept confidential, with disclosure only occurring if deemed necessary to adequately resolve issues. Complaints issued that are found to have been made in bad faith will be subject to disciplinary action, up to and including dismissal.

### ***Workplace Violence***

Volunteers who witness a violent incident during the course of their duties are expected to make every effort to come to the aid of the victim. If volunteers feel they will be put in danger by doing so, they should remove themselves immediately from the vicinity and call 911. Volunteers should inform their volunteer coordinator as soon

as possible after the incident, including if the volunteer is assaulted in the course of their duties. If the incident involves the volunteer coordinator, the volunteer should report to EDC staff. When a Smooth Rock Falls EDC staff or board member receives a report of an alleged assault, they will make every effort to make sure the person who experienced the assault receives adequate attention, and, if necessary, medical care. The option of reporting the incident to the police should be discussed with the person alleging the assault. The decision as to whether or not to make a police report should rest with the person alleging the assault. (See Incidents & Accidents Policy)

### ***Harassment***

Volunteers who feel they have been the target of harassment or discrimination have three options for managing the concern:

1. Direct Communication – to stop behaviour that is unwelcome with as little intervention by Smooth Rock Falls EDC as possible
2. Informal Complaint – to stop the behaviour that is unwelcome with the assistance of Smooth Rock Falls EDC
3. Formal Complaint – to stop the behavior that is unwelcome with the assistance of Smooth Rock Falls EDC, with the possibility of taking legal action against the respondent; this process is complainant-driven.

In the case of any option, records regarding the incident, complaint and process will be retained for both complainant and respondent.

#### *1. Direct Communication*

In some instances, informing the individual that their behavior was unwelcome will resolve the issue. The complainant may wish to communicate directly with the person who behaved inappropriately. Smooth Rock Falls EDC supports the choice of volunteers to manage incidents of harassment or discrimination by communicating directly with the person who made the unwelcome remark or action.

If they elect to follow the Direct Communication option, volunteers will:

1. Inform their volunteer coordinator of the incident and the decision to follow this option. If the harassment or discrimination involves the volunteer coordinator, the volunteer should report to the manager of the volunteer coordinator.

2. Communicate with the person who made the unwelcome remark or action, in person or through email.
3. Describe the incident and why it is a problem.
4. State that the behavior is unwelcome and inappropriate.
5. Maintain documentation of the communication (email or personal notes, including details about the incident, names, dates and times, and the names of any witnesses)

## *2. Informal Complaint*

If a volunteer who feels they have been the target of harassment or discrimination does not wish to communicate directly with the accused, or if the complainant has attempted this option and the issue has not been resolved, they can elect to lodge an informal complaint.

Steps for the Informal Complaint procedure are as follows:

1. The complainant should report the incident to their direct volunteer coordinator. If the incident involves the direct volunteer coordinator, the volunteer should forward their complaint to EDC staff
2. If the Smooth Rock Falls EDC representative determines the incident violates the Harassment Policy, the complainant may elect to:
  - a. have a representative from Smooth Rock Falls EDC (staff or Board member) intervene on their behalf and discuss the issues with the accused, or;
  - b. have a representative from Smooth Rock Falls EDC facilitate a discussion between both parties to reach a resolution.

The complainant may choose to escalate to the Formal Complaint procedure or to stop the process at any point in the proceedings. If the complainant wishes to stop the process, a written document stating this must be provided to Smooth Rock Falls EDC.

## *3. Formal Complaint*

The complainant may issue a formal complaint at any time. Formal complaints must be made in writing to the volunteer coordinator or EDC staff. If the complainant wishes to withdraw a complaint, they may do so at any point in the process by informing Smooth Rock Falls EDC in writing.

The following steps will be observed in the event of a Formal Complaint.

1. Volunteers will report the complaint to their volunteer coordinator in writing. If the complaint involves the volunteer coordinator, the volunteer will report to EDC staff. The volunteer coordinator or EDC staff may escalate the complaint to the board if necessary.
2. If the complainant and respondent work together, the complainant will be consulted about rescheduling shifts in order to avoid overlapping shifts. Smooth Rock Falls EDC will make every effort to make reasonable accommodations for the complainant, including providing the option for remote volunteering or cancelling shifts.
3. The investigator will inform the respondent of the complaint in writing.
4. The investigator will conduct the investigation within a reasonable amount of time, but no more than two (2) weeks. The investigation may include: interviews with the parties and/or witness and a review of e-mails and other written materials
5. Once the investigation is complete, the investigator will decide if there is sufficient evidence to determine guilt. If:
  - a. A determination of guilt is made, the investigator will decide the repercussions, up to and including dismissal from volunteer duties with no option to return in the future, in accordance with the Volunteer Dismissal Policy (if the respondent is a volunteer) and notifying the police. A record of the complaint and the result of the investigation will remain on the file of the respondent for a minimum of three (3) years if the respondent is a volunteer.
  - b. The respondent is determined innocent and the respondent is a volunteer, a record of the complaint and the result of the investigation will remain on the volunteer's file for a minimum of three (3) years.
  - c. There is insufficient evidence to determine guilt or innocence, no further action will be taken by Smooth Rock Falls EDC. A record of the complaint and the result of the investigation will remain on the file of the respondent for a minimum of three (3) years if the respondent is a volunteer.
6. If the complainant is a volunteer, a record of the complaint will remain on the complainant's volunteer file for a minimum of three (3) years.