



**HRASSOCIATES**

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### *A Note about Accessibility:*

HR Associates strives at all times to provide high-quality services in a way which holds true to the principles of dignity, independence, integration and quality of opportunity as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*.

Copies of the *HR Associates Workplace Violence, Harassment & Discrimination Policy* are available in alternate accessible formats upon request. In addition, HR Associates will provide any other employee document or communication in an accessible format if requested, including any of the related policies and programs referenced in this Policy.

## POLICY OVERVIEW

The *HR Associates Harassment, Discrimination, and Violence Policy* sets out specific policy and program provisions for each area of harassment, discrimination, and violence in accordance with requirements of the *Occupational Health and Safety Act, 1990*.

## OBJECTIVE

The aim of these policies is to create an environment of understanding and mutual respect for each person so that each person feels a part of HR Associates and can contribute to the development and well-being of our organization.

The policies set out workplace expectations of zero tolerance for any form of conduct which is considered harrassing, discriminatory, and violent. The workplace policies also include programs which outline responsibilities of employees and managers in reporting, investigating, and preventing all forms of workplace harassment, discrimination, and violence. The ultimate goal is to maintain a positive and productive work environment that is respectful, healthy, and safe for all employees of HR Associates.

## SCOPE AND APPLICATION

The HR Associates Harassment, Discrimination, and Violence Policy is intended to provide guidelines on appropriate standards of behaviour and employee conduct for all employees, Managers, temporary assignment employees, contractors, and consultants of HR Associates.

HR Associates will meet its legal requirements to:

- Form a written policy in respect to workplace violence and workplace harassment and review the policy at least annually.
- Develop and maintain a program to implement the policy with respect to work workplace violence.
- Post the written policy and program in a conspicuous location to provide information and instruction to all employees of HR Associates.

Any questions related to the content of this policy or its interpretation should be directed to your Manager.

## RESPONSIBILITIES

### *Employee Responsibilities*

- Comply with the *Occupational Health and Safety Act*, including applicable legislation (e.g., *Ontario Human Rights Code, Workplace Standards Insurance Act*).
- Report to his or her employer or supervisor any contravention of the *Occupational Health and Safety Act* (including harassment, discrimination, and violence provisions)

- Foster a harassment-free and violence-free workplace by not engaging in any behaviour(s) (including words and actions) that may be considered harassing, discriminating or violent towards fellow employees, clients or other stakeholders.
- Comply with procedures to summon immediate assistance and report violence to authorities when appropriate, when workplace violence occurs or is likely to occur, or in the case of threats of workplace violence.
- Not engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct.
- Cooperate with the Joint Health and Safety Committee to promote a safe and healthy workplace.

### **Management Responsibilities**

- Take every precaution reasonable in the circumstances for the protection of a worker.
- Prevent or stop harassment, discrimination, and violence in the workplace.
- Immediately respond to and document any reports of violence, harassment, and discrimination and report incidents to the police if necessary.
- Provide First Aid in the event that violence leads to physical injury.
- Provide information, instruction and supervision related to health and safety protection and violence/harassment.
- Prepare and review a policy and a program with respect to workplace harassment and workplace violence.
- Provide information, including personal information, to a worker if s/he faces a risk of violence from a person with a history of violence behaviour that may expose the worker to physical injury in the course of his or her work.
- Assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.
- Take every precaution reasonable in the circumstances for the protection of the worker from domestic violence.
- Post the *Workplace Violence, Harassment & Discrimination Policy* in a conspicuous place in the workplace.

## **LEGISLATIVE FRAMEWORK**

### ***The Occupational Health and Safety Act, 1990***

The purpose of the *Occupational Health and Safety Act* (OHSA) is to protect workers from health and safety hazards on the job and to prevent health and safety hazards, accidents, illnesses, and injuries to promote a safe working environment. The OHSA provides us with the framework and the tools to achieve our health and safety goals. The *Act* sets out the rights and duties of all parties in the workplace, establishes procedures for dealing with workplace hazards, and provides for enforcement of the law where compliance has not been achieved voluntarily.

The guiding principle behind the *Act* is the 'internal responsibility system,' which requires a shared responsibility among both employers and workers for health and safety in the workplace. To promote the internal responsibility system, the *Act* requires an interlocking set of duties, obligations

and rights on the part of employers, supervisors and workers, with government having the responsibility to see that duties are performed and obligations fulfilled.

The *Act* only covers the minimum standard for violence and harassment in the workplace (section 32). It is important to address any unwanted behaviors early to minimize the potential for workplace harassment to lead to workplace violence.

For more details or to view the full version of the OHS Act, please visit the Ministry of Labour website at: [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm)

### ***The Occupational Health and Safety Amendment Act, 2009 (Previously Bill 168)***

Bill 168 amends the OHS Act by providing specific provisions on protecting and preventing workplace harassment and violence.

The OHS Act Amendment requires employers to prepare and annually review policies and programs with regards to workplace violence and workplace harassment. The *Act* requires that employers post the policies and programs in a conspicuous place in the workplace. In addition, employers are required to assess the risks of workplace violence based on the nature of the workplace and type of conditions of work, and develop measures and procedures to control them. The *Act* stipulates that workers have the right to refuse work if they believe they are at risk of physical injury due to possible workplace violence.

Employers are required to take reasonable precautions to protect the workers who are at risk of physical injury if they become aware of potential domestic violence in the workplace. Employers and supervisors must also alert certain workers of the risk of workplace violence from persons with a history of violent behavior. Employers and supervisors must provide workers who may encounter such persons at work with as much information, including personal information, as needed to protect the workers from physical injury.

The *Act* describes measures and procedures in the workplace violence and workplace harassment program that can help protect workers in the workplace. Ultimately, workplaces should intervene in the case of workplace harassment before the harassing behaviour escalates to workplace violence.

For more details and to view the OHS Act Amendment in full please visit the Ministry of Labour website at: [http://www.e-laws.gov.on.ca/html/source/statutes/english/2009/elaws\\_src\\_s09023\\_e.htm](http://www.e-laws.gov.on.ca/html/source/statutes/english/2009/elaws_src_s09023_e.htm)

## **HR ASSOCIATES HARASSMENT, DISCRIMINATION AND VIOLENCE PREVENTION POLICY STATEMENT**

### ***Our Commitment***

HR Associates Incorporated is committed to providing a safe, respectful and healthy workplace for its employees and visitors. HR Associates is committed to preventing occupational illness and injury in the workplace, continually improving health and safety practices and performance and believes

that all tasks can be accomplished in a safe manner and in compliance with relevant health and safety legislation, codes, standards and practices.

HR Associates is committed to providing and maintaining a workplace that is free of harassment and violence, as required by the Occupational Health and Safety Act, 1990. We will take probatory steps which are reasonably expected to protect our workers from workplace harassment and violence from all sources.

### ***Zero Tolerance***

Workplace harassment and violent behavior will not be tolerated from any person in the workplace, whether from customers, clients, employers, supervisors, workers, strangers and domestic/intimate partners. Everyone in the workplace must be dedicated to preventing workplace harassment and harassment. Managers, supervisors, employees, consultants, contractors, clients, visitors, and temporary employees are expected to uphold these policies, and will be held accountable by the employer. Managers are responsible for ensuring that measures and procedures are followed by workers and that workers have the information they need to protect themselves.

### ***Workplace Harassment***

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace - a comment or conduct that is known or ought reasonably to be known to be unwelcome.

Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It can also include behaviour that intimidates, isolates or even discriminates against the targeted individual(s). This includes, but is not limited to: unwelcome words or actions that are known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers, behaviour that intimidates, isolates, or discriminates against a worker or group of workers, bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls repeated words or actions, or a pattern of behaviours, against a worker or group of workers in the workplace that are unwelcome. Sexual harassment is a particularly prevalent form of harassment and consists of inappropriate comments and actions of a sexual nature or based on a person's sex.

Harassment may relate to a form of discrimination as set out in the *Ontario Human Rights Code*, but it does not have to. Forms of discrimination (or grounds) may include but are not limited to: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance, and record of offence.

HR Associates policies are not intended to limit or constrain the reasonable exercise of Management functions in the workplace. Workplace harassment does not include the proper exercise of responsibility or authority related to the provision of advice, assignment of work, counseling, performance evaluation, discipline and supervisory functions.

## Workplace Violence

Workplace violence is an occupational health and safety hazard. For Ontario workplaces that are subject to the *Occupational Health and Safety Act*, 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;
- 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.

Some of the types of violence that workers could experience in the workplace include hitting, pushing, physical assault, sexual assault, stalking, criminal harassment, robbery, or threats of violence.

## APPLICATION

Our policies apply anywhere employees are functioning on behalf of HR Associates regardless of whether it is at our office or a different location. These policies will apply to all aspects on employment, including, but not limited to: recruitment, selection, placement, training and development, promotion, compensation, benefits, termination, provision of services and the work environment.

Managers will adhere to this policy and the supporting program. Managers are responsible for ensuring that measures and procedures are followed by workers and that workers have the information they need to protect themselves. Every worker must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats.

Employees are encouraged to report any incidents of workplace harassment and violence, and no negative consequences or reprisals will be made as a result of reports submitted in good faith. Management will investigate and deal with all concerns, complaints, or incidents of workplace violence, discrimination or harassment in a fair and timely manner while respecting the privacy of employees to every extent possible.

Nothing in this policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's Human Rights. A worker also retains the right to exercise and other legal avenues that may be available.

If any form of violence, harassment, or discrimination occurs at HR Associates, please refer to the *HR Associates Workplace Violence and Harassment Prevention Program* which provides measures and procedures to protect our workers from workplace violence, harassment, and discrimination. HR Associates will ensure this policy and the supporting program are implemented and maintained and

that all workers and supervisors have the appropriate information and instructions to protect them from harassment and violence in the workplace.



**Date: July 24, 2013**

**José Sanchez, President and General Manager**

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## APPENDIX A: DEFINITIONS

**Direct Discrimination:** This describes an act, behaviour or practice of treating a person unequally on the basis of any of the prohibited grounds. Direct discrimination may be overt and admitted or covert and denied. The second form of discrimination, referred to as "constructive discrimination" in the *Ontario Human Rights Code*, is most commonly known as systemic discrimination because it is discrimination inherent in, or the result of, the organization's informal or formal policies, practices or procedures. On the face the policy, procedure, or program is not discriminating, but it results or restricts the persons belonging to one of the prohibited grounds.

**Discrimination:** Discrimination is any practice or behavior, whether intentional or not, which has a negative impact on an individual or group because of personal characteristics or circumstances unrelated to the persons facilities or the employment or service issue in question. Discrimination may arise as a result of direct differential treatment or it may result from the unequal effect of treating of individuals and groups in the same way. Either way, if the effect of the behavior of the individual is to withhold or limit full, equal and meaningful access to goods, services, facilities, employment, housing accommodations or contract available to other members of society, it is discrimination.

**Domestic Violence:** 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.

**Poisoned Work Environment:** A poisoned work environment is a form of indirect harassment/discrimination. It occurs when comments or actions ridicule or demean a person or group creating real or perceived inequalities in the workplace. Pornography, pin-ups, offensive cartoons, insulting slurs or jokes, and malicious gossip (even when they are not directed towards a specific employee or group of employees) have been found to "poison the work environment" for employees.

**Prohibited (Protected) Grounds:** The list of grounds related to employment for which a person or group is protected under the *Ontario Human Rights Code*. The prohibited grounds include citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance, and record of offence. Under the *Code* and this policy, there are protections where there is a perception that one of the above grounds applies or where you have been treated differently because of an association or relationship with a person identified by one of the above grounds.

**Sexual Harassment:** Sexual harassment is a type of discrimination based on sex. Sexual harassment includes unwelcome sexual remarks, jokes, innuendoes or taunting and may be regarding a person's body, attire, sex, gender, or sexual orientation. Sexual harassment includes practical jokes of a sexual nature which cause awkwardness or embarrassment, display of pornographic pictures or other offensive material, leering (suggestive staring) or other offensive gestures, and/or demands for sexual favours and solicitations. Sexual harassment also includes reinforcing traditional gender roles. See: <http://www.ohrc.on.ca/en/sexual-harassment-employment-fact-sheet>

**Workplace Harassment:** The *Occupational Health and Safety Act* defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker, in a workplace – behaviour that is known or ought reasonably to be known to be unwelcome.

The comments or conduct typically happen more than once. They could occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or years).

Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It can also include behaviour that intimidates, isolates or even discriminates against the targeted individual(s). Workplace harassment often involves repeated words or actions, or a pattern of behaviours, against a worker or group of workers in the workplace that are unwelcome.

This may include:

- making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
- displaying or circulating offensive pictures or materials in print or electronic form;
- bullying;
- repeated offensive or intimidating phone calls or e-mails; or
- inappropriate sexual touching, advances, suggestions or requests.

This definition of workplace harassment is broad enough to include harassment prohibited under *Ontario's Human Rights Code*, as well as what is often called “psychological harassment” or “personal harassment.”

**Workplace Violence:** The *Occupational Health and Safety Act* defines workplace violence 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 also 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 behaviour 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.

This definition of workplace violence is broad enough to include acts that would constitute offences under Canada's *Criminal Code*.