



Workplace Violence and Harassment Prevention Policy

Prince Edward Fitness and Aquatic Centre (PEFAC) is committed to the observance of the provincial human rights law as it applies to our members¹, employees and applicants for employment. The organization and all persons associated with PEFAC shall not discriminate on any grounds which are prohibited by provincial statutes. PEFAC expects persons associated with PEFAC to reflect the Core Values of the organization in their interactions with each other, while adhering to the behaviours contained within the PEFAC Code of Conduct. Discrimination, violence or harassment which is prohibited by the Ontario Human Rights Code will not be tolerated.

Purpose

As an employer, PEFAC is committed to preventing workplace violence and harassment. As an organization, PEFAC will make every reasonable effort to identify potential sources of these risks through our workplace violence and harassment prevention program. PEFAC will undertake every reasonable precaution to protect an employee from physical injury if we become aware of, or believe, that domestic violence is a risk.

To establish this policy, PEFAC has consulted PEFAC's Health & Safety Committee (HSC) and considered relevant legislation including:

- Occupational Health and Safety Act
- Ontario Human Rights Code
- Workplace Safety and Insurance Act, 1997
- Criminal Code of Canada

This policy defines behaviour that constitutes harassment and violence and explains procedures for reporting and resolving such incidents. It has been developed largely from guidelines provided by the Government of Ontario.

¹ Throughout this document, Members is defined to include all annual and short term members as well as their guests, all program participants and any other persons who make use of PEFAC facilities or its programs

Definitions

1. *Physical Assault*: any physical force or threat of physical force to create fear, and control over another person. Examples include hitting, blocking, shoving, choking, slapping or biting, hair pulling, threats of violence, using a weapon or objects to threaten, hurt or kill.
2. *Sexual Assault*: any unwanted sexual act done by one person to another. This includes: kissing or forcing a person into kissing; touching a person's body with or without clothes on; forcing/coercing person to masturbate; sexual intercourse; penetration with an object; causing bodily harm; removing or attempting to remove clothing; taking advantage of a position, trust or authority to get sex; and threatening to harm someone else if the person being harassed does not agree to do these things [identified above].
3. *Threat* (written or verbal): a communicated intent to inflict physical or other harm on any person or property by some unlawful act. A direct threat is a clear and explicit communication distinctly indicating that the potential offender intends to do harm. Examples may include: "I will make you pay for what you did" or a condition "if you don't stop XXX.. you will regret it". Veiled threats usually involve body language or behaviours that leave little doubt in the mind of the victim that the perpetrator intends to harm.
4. *Verbal/Emotional/Psychological Abuse*: a pattern of behaviour to make someone feel worthless, flawed, unloved or endangered. It is based on power and control. Examples include: swearing, name calling over time, labelling the victim in a derogatory way – stupid, lazy, crazy – other acts of humiliation, extreme jealous behaviour, and attacking self-esteem. It may include harming pets and damaging property.
5. *Workplace Bullying*: repeated and persistent negative acts towards one or more individuals, which involve a perceived power imbalance and create a hostile work environment. (Salin, 2003)

Throughout this document, the words violence and harassment refer to any of those actions as defined above.

ROLES AND RESPONSIBILITIES

EMPLOYER

- Ensures measures and procedures in the violence and harassment prevention program are carried out
- Ensure compliance by all who have a relationship with PEFAC, including contractors, members and volunteers while at PEFAC
- Post a copy of this policy

- Establish a training program for all employees and Board Members and ensure that all employees participate in this training. Given the size of PEFAC (as defined by the number of employees), the training program will involve all employees reviewing this policy and associated procedures, as part of their review of PEFAC's Health and Safety' booklet.
- Develop a reporting process for workplace violence and harassment incidents, including incident reporting forms
- Accountable for investigating, responding to and resolving all reports or threats of violence/harassment in a prompt, sensitive manner
- Take corrective action
- Provide response measures
- Contact police as required
- Facilitate medical attention and support for those involved directly or indirectly, as necessary
- Ensure deaths or critical injuries are reported to Ministry of Labour, the police as required, and the Health and Safety Committee. Submit report to all parties in writing within 48 hours of the above occurrence including details as required by the Occupational Health and Safety Act and regulations.

HEALTH AND SAFETY COMMITTEE

- Participate in development and implementation of workplace violence and harassment prevention program.
- Contribute to training in violence/harassment prevention programs
- Ensure workplace violence and harassment prevention program is reviewed annually or as updates are required.
- Undertake regular checks to ensure that all employees and Board members have participated in the training
- If an incident involves employees, the Health and Safety Committee will handle the investigation process
- If an incident involves Department Heads, the Health and Safety Committee together with the General Manager, will handle the investigation process

MANAGERS/DEPARTMENT HEADS

Responsibilities

- Enforce policy and procedures and monitor worker compliance
- Identify and alert staff to violent persons and hazardous situations

- Investigate all workplace violence/harassment incidents involving employees in their department using PEFAC's incident investigation procedure and forms
- Assist General Manager and/or Health & Safety Committee as necessary with investigation
- Facilitate medical attention for employee(s) as needed
- Debrief those involved in the incident, either directly or indirectly
- Track, analyze incidents for trending and prevention including program evaluation measures
- Advise employer should employee require medical leave, modified work and where no critical injury occurs, report occurrence within 4 days.

Reporting Procedures

- A manager/department head must report the violence or harassment incident or hazards promptly to the General Manager and the Health and Safety Committee, and complete the incident/accident report form.
- If the complaint involves the General Manager, the complaint should be made to the Board of Directors, through the Chairperson of the Board of Directors, and they shall appoint an investigator other than the General Manager.
- The reporting manager/department head may make the report confidentially.
- The General Manager (or the Board of Directors in the case where the complaint involves the general manager) will investigate the report and ensure that measures are taken to safeguard employees and curtail the violence/harassment. No report of workplace violence/harassment or risk of violence may be the basis of reprisal against the reporting manager/department head.
- If the complaint involves a member of the Board of Directors, it shall be reported to the General Manager. The General Manager shall involve a minimum of three (3) other members of the Board of Directors in the investigation and resolution of the complaint.

EMPLOYEES

Responsibilities

- Participate in training programs so you can respond suitably to any incident of violence or workplace harassment
- Understand and comply with violence and harassment prevention policies and related procedures
- Report all incidents or injuries of violence/harassment to your supervisor immediately. Complete the relevant incident form.

- Inform the Health and Safety Committee regarding concerns of potential violence/harassment in the workplace
- Contribute to risk assessments
- Seek support when confronted with violence/harassment or threats of violence
- Get medical attention if required
- Follow the reporting procedures as outlined below

Reporting Procedures

- An employee must report the violence/harassment incident or hazards promptly to his or her Department Head and complete the incident/accident report form
- If the violence/harassment incident involves the Department Head, then it should be reported to the General Manager
- The reporting employee may make the report confidentially
- The receiving supervisor or General Manager will investigate the report and ensure measures are taken to safeguard employees and curtail the violence/harassment. No report of workplace violence/harassment or risk of violence may be the basis of reprisal against the reporting employee.

MEMBERS

Responsibilities

- Understand and comply with violence and harassment prevention policies and related procedures
- Report all incidents or injuries of violence/harassment to the Department Head or General Manager immediately. Assist in completing the relevant incident form.
- Seek support when confronted with violence/harassment or threats of violence
- Get medical attention if required

Reporting Procedures

- A member must report the violence/harassment incident or hazards promptly to the General Manager and assist in completing the incident/accident report form.
- The reporting member may make the report confidentially
- The General Manager will investigate the report and ensure measures are taken to safeguard members and employees and curtail the violence/harassment. No report of workplace violence/harassment or risk of violence may be the basis of reprisal against the reporting member.

RESPONSE PROCEDURES

- Upon notification of a complaint, the Department Head, General Manager, Health and Safety Committee and/or Board Chairperson (as identified above) will initiate an investigation to determine the facts. If appropriate, the General Manager, Department Head, Health and Safety Committee or Board Chairperson will then attempt to resolve the complaint and bring the parties together to a resolution.
- If the complaint cannot be resolved at the immediate supervisory level or by the Health and Safety Committee, it shall be passed to the General Manager, and, as necessary, the Board of Directors. If necessary, the General Manager at the direction of the Board of Directors, shall obtain legal counsel as needed on the current Ontario Human Rights Code and its interpretation of the situation, and counsel both parties on their rights and responsibilities.
- If the complaint cannot be upheld, the General Manager or Board Chairperson will review the facts of the investigation with the employees' Department Head and the Board of Directors prior to advising the complainant of the reasons why the complaint was not upheld.
- If the complaint is upheld and cannot be resolved between the parties, the General Manager or Board Chairperson will review the facts of the investigation with the employees' Department Head, the Board of Directors and legal counsel if necessary, to determine what corrective action should be taken. The decision will be communicated to all parties involved.