

RESPECT AND DIGNITY IN THE WORKPLACE (DISCRIMINATION, HARASSMENT AND VIOLENCE) POLICY HRA9-34

POLICY

Wellkin Child & Youth Mental Wellness recognizes the inherent dignity and worth of each individual. Accordingly, the Organization is committed to providing a work environment free of violence, discrimination, oppression and harassment and is taking all reasonable steps to ensure the health, safety and dignity of all employees at work.

It is the responsibility of all employees and representatives of Wellkin to act in full compliance with this policy and to support an atmosphere of understanding and respect for the dignity and rights of each individual.

Any act, or threat of, discrimination, harassment, bullying, violence, racism, or behaviour that is contrary to the spirit and intent of this policy, by or against employees or the public, is unacceptable and will not be tolerated.

This policy applies to all employees, students, volunteers and Board members, to harassment, discrimination, oppression and violence between all such employees, members of the Board of Directors and committees, volunteers, students, consultants, contractors and clients and by third parties, including clients, stakeholders, suppliers, consultants and other members of the public at large who work with Wellkin Child & Youth Mental Wellness, to the extent that their conduct affects the work environment or interferes with the performance of work.

DEFINITIONS: OCCUPATIONAL HEALTH & SAFETY ACT [ONTARIO]

Worker:

1. **“Worker”** means:
 - 1) **A person who performs work or supplies services for monetary compensation. This person refers to an employee at Wellkin.**
 - 2) **A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution. This person refers to a student.**
2. **PERSONS WHO ACT ON BEHALF OF OR ARE AFFILIATED WITH WELLKIN** include, but are not limited to, member of the Board of Directors, volunteers, resource parents, consultants, contractors and service users.

The Workplace:

All policies and procedures are reviewed regularly to reflect Wellkin's most current practice.

DATE ISSUED
October 2012

LAST REVISION
April 2022

LAST REVIEWED
April 2022

DATE APPROVED
April 2022

NEXT REVIEW
April 2023

RESPECT AND DIGNITY IN THE WORKPLACE (DISCRIMINATION, HARASSMENT AND VIOLENCE)

POLICY HRA9-34

The “workplace” applies to any location in which you are engaged in work-related activities, such as offices, satellite offices, schools, client homes, and in the community. This also includes, but is not limited to:

- The physical workplace;
- During work-related travel;
- At work-related conferences and training sessions, including those at restaurants, hotels or meeting facilities that are being used for business purposes;
- Work assignments out of the office (including, but not limited to, in home, community and family visits);
- In vehicles;
- Company owned or leased facilities;
- During telephone, email or other communications; and
- At work-related social functions or events, whether or not they are company sponsored.

Violence:

1. **“Workplace violence”** means:
 - a. The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
 - b. An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or
 - c. A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker.
2. Violence includes any acts of aggression, physical assault or threats. Some examples of workplace violence are:
 - a. The attempt or exercise of physical force by a person, against another, that causes or could cause physical injury;
 - b. A statement or behaviour that is reasonable for an individual to interpret as a threat to exercise physical force that could cause physical injury;
 - c. Aggressive behaviour such as pushing, shoving, hitting, biting, finger pointing, throwing, yelling or standing close to someone in an aggressive manner;
 - d. Using or threatening to use a weapon.

All policies and procedures are reviewed regularly to reflect Wellkin's most current practice.

DATE ISSUED
October 2012

LAST REVISION
April 2022

LAST REVIEWED
April 2022

DATE APPROVED
April 2022

NEXT REVIEW
April 2023

RESPECT AND DIGNITY IN THE WORKPLACE (DISCRIMINATION, HARASSMENT AND VIOLENCE) POLICY HRA9-34

Types of Workplace Violence

Type I: External Violence involves violence against an employee by a person with no relationship to the workplace who commits a violent act. Such acts might include theft, hostage taking/kidnapping and physical assault.

Type II: Service User Violence involves violence against an employee by a person involved in receiving service. This type of violence can occur between a service user towards an employee, employee towards a service user or between service users.

Type III: Worker Related Violence can involve anyone who has an employment or internship relationship. Worker related violence can occur between workers, between managers and workers, or other persons who are joint parties to the work undertaken and includes contract workers or community colleagues.

Type IV: Domestic Violence in the Workplace is defined as relationship violence that occurs in the workplace.

Worker Risk of Harm Due to Domestic Violence in the Workplace

Wellkin is committed to providing safe working conditions for staff in their workplaces. We are aware some of our staff may be victims of “domestic violence” including intimate partner assaults, verbal/emotional intimidation, stalking and other abuses of power and control. Wellkin is also aware this relationship dynamic can affect the workplace, and, in fact, the workplace can become a location to target intimate partners. “Domestic violence” can also refer to other types of familial violence, not specifically only to intimate relationships.

Wellkin will take reasonable precautions to protect our staff from potential harm from domestic violence in the workplace. This management of risk to staff is not triggered by all domestic violence situations, only by **those situations that will likely expose a worker(s) to injury in the workplace**. However, we will ensure related resource information and access to appropriate community services is available to both our staff and our clients.

In order to carry out our mission to maintain a safe workplace for all staff, Wellkin stipulates employees, students and interns who believe they are at risk of violence in the workplace, including domestic violence, advise us of their circumstances and level of concern. Acting in concert with the employee/student/intern, we will then take the appropriate steps to create a safer environment for the individual to carry out their workplace duties. **We will respect the**

All policies and procedures are reviewed regularly to reflect Wellkin's most current practice.

DATE ISSUED
October 2012

LAST REVISION
April 2022

LAST REVIEWED
April 2022

DATE APPROVED
April 2022

NEXT REVIEW
April 2023

RESPECT AND DIGNITY IN THE WORKPLACE (DISCRIMINATION, HARASSMENT AND VIOLENCE) POLICY HRA9-34

individual's right to privacy and self-determination, and we will honour our obligation to provide a safe workplace for everyone at Wellkin.

The development of workplace safety planning may include advising the local police and consulting with community agencies to develop a safety plan response. Additionally, if other staff become aware a colleague is at risk (i.e. receiving harassing phone calls at work, being confronted in the workplace/parking lots by a partner or ex-partner, etc.), we expect this information will be shared so we may assist the staff with these safety concerns. **We recognize the sensitivity of this issue.** If you have concerns about a co-worker's safety, we recommend you raise your concerns with your colleague first, with the stated goal of bringing the concern forward to the employer if there is reason to believe workplace safety could be compromised.

Ideally, the affected staff person will initiate communication with the employer directly. If this does not occur, then further discussion with a member of senior management initiated by the affected person's colleague becomes the next step.

All reports of risk of violence in the workplace will be kept confidential, with a few exceptions:

- The need to report or consult with community police;
- The need to report or consult with child welfare services (if there are safety concerns re: children 16 years old and under); and,
- Where there is reasonable assessment of risk of violence to other workers in the workplace (i.e. when the employer becomes aware of a person with a violent history, whom other staff could encounter and where it is likely they would be exposed to physical injury in the workplace);

Only the necessary information that is required to protect workers will be disclosed.

Harassment:

1. **"Workplace harassment"** means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be known to be unwelcome.
2. **"Sexual Harassment":**

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offended them. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual

All policies and procedures are reviewed regularly to reflect Wellkin's most current practice.

DATE ISSUED
October 2012

LAST REVISION
April 2022

LAST REVIEWED
April 2022

DATE APPROVED
April 2022

NEXT REVIEW
April 2023

RESPECT AND DIGNITY IN THE WORKPLACE (DISCRIMINATION, HARASSMENT AND VIOLENCE)

POLICY HRA9-34

because of their gender. Individuals of all genders can be victims of sexual harassment, and someone of any gender can harass someone else.

Some examples of sexual harassment are:

- a. Sexual advances or demands that the recipient does not welcome or want.
- b. Threats, punishment or denial of a benefit for refusing a sexual advance.
- c. Offering a benefit in exchange for a sexual favour.
- d. Leering.
- e. Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material.
- f. Distributing sexually explicit e-mail messages or attachments such as pictures or video files.
- g. Sexually suggestive or obscene comments or gestures.
- h. Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex.
- i. Persistent, unwanted attention after a consensual relationship ends.
- j. Physical contact of a sexual nature such as touching or caressing, and sexual assault.

3. “Discriminatory harassment”:

Discriminatory harassment includes comments or conduct based on the protected grounds in the *Ontario Human Rights Code*, which the recipient does not welcome or that offends the individual.

Some examples of discriminatory harassment are:

- a. Offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected grounds, such as race, religion or sexual orientation.
- b. Imitating a person's accent, speech or mannerisms.
- c. Persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children.
- d. Inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance.
- e. Weight [whether someone is over or overweight].

4. “Psychological Harassment”:

Psychological harassment is bullying or humiliating behaviour that has the following component:

All policies and procedures are reviewed regularly to reflect Wellkin's most current practice.

DATE ISSUED
October 2012

LAST REVISION
April 2022

LAST REVIEWED
April 2022

DATE APPROVED
April 2022

NEXT REVIEW
April 2023

RESPECT AND DIGNITY IN THE WORKPLACE (DISCRIMINATION, HARASSMENT AND VIOLENCE) POLICY HRA9-34

- a. It is, generally, repetitive although a single serious incidence of such behaviour may constitute psychological harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect.
- b. It is hostile, abusive or inappropriate.
- c. It affects the person's dignity or psychological integrity.
- d. It results in a poisoned work environment.
- e. Psychological harassment must not be confused with legitimate management action, including measures to correct performance deficiencies or to impose discipline for workplace infractions.

Some examples of psychological harassment are:

- a. Verbal, abusive behaviour such as yelling, insults and name calling;
- b. Persistent, excessive and unjustified criticism and constant scrutiny;
- c. Spreading malicious rumours;
- d. Excluding or ignoring someone;
- e. Undermining someone else's efforts by setting impossible goals and deadline;
- f. Sabotaging someone else's work;
- g. Impeding an individual's efforts at promotions or transfers;
- h. Making false allegations about someone in memos or other work-related document.

5. "Poisoned Work Environment":

Even if no one is being directly targeted, harassing comments or conduct can poison the work environment, making it a hostile or uncomfortable place in which to work. This is also a form of harassment.

Some examples of actions that can create a poisoned work environment include:

- a. Displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers.
- b. Distributing offensive e-mail messages or attachments such as pictures or video files.
- c. Practical jokes that embarrass or insult someone.
- d. Jokes or insults that are offensive.

Although it is commonly the case, the harasser does not necessarily have to be in a position of power or authority over the victim.

All policies and procedures are reviewed regularly to reflect Wellkin's most current practice.

DATE ISSUED
October 2012

LAST REVISION
April 2022

LAST REVIEWED
April 2022

DATE APPROVED
April 2022

NEXT REVIEW
April 2023

RESPECT AND DIGNITY IN THE WORKPLACE (DISCRIMINATION, HARASSMENT AND VIOLENCE) POLICY HRA9-34

Test of Harassment

It does not matter whether the harasser intended to offend the recipient. The test is whether the individual engaged in a course of vexatious (to tease, annoy, irritate, aggravate) conduct or comment that is known, or ought reasonably to be known, to be unwelcome.

What is not Harassment

The normal exercise of supervisory responsibilities including training, counselling and discipline when necessary, does not constitute harassment under this policy. Personal relationships between consenting adults which are voluntary do not constitute sexual harassment. It is important to remember that a relationship may begin as consensual, but, after it ends, may become a harassing situation.

Discrimination:

Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the *Ontario Human Rights Code*, which eliminates or impairs opportunity in employment or equality in the terms and conditions of employment.

The protected grounds of discrimination are:

1. Race
2. Colour
3. Ancestry
4. Citizenship
5. Ethnic origin or place of origin
6. Creed, religion
7. Age
8. Sex (including pregnancy)
9. Sexual orientation, gender identity, gender expression
10. Family, marital or same-sex partnership status
11. Disability or perceived disability

A record of offences for which a pardon has been granted under the *Criminal Records Act [Canada]* and has not been revoked, or an offence in respect of any provincial enactment.

PREVENTING DISCRIMINATION, HARASSMENT, OPPRESSION AND VIOLENCE – ROLES AND RESPONSIBILITIES:

All policies and procedures are reviewed regularly to reflect Wellkin's most current practice.

DATE ISSUED
October 2012

LAST REVISION
April 2022

LAST REVIEWED
April 2022

DATE APPROVED
April 2022

NEXT REVIEW
April 2023

RESPECT AND DIGNITY IN THE WORKPLACE (DISCRIMINATION, HARASSMENT AND VIOLENCE) POLICY HRA9-34

It is our mutual responsibility to ensure that we create and maintain a workplace free of discrimination, harassment, oppression and violence.

This policy will not automatically make Wellkin oppression-free but will aim at informing and increasing our commitment to address and confront oppressive behaviours and systems and use this policy as a starting point to create and adopt anti-oppressive policies within our organization.

Wellkin Child & Youth Mental Wellness will do its part by not tolerating or condoning discrimination, harassment, oppression or violence. This includes making everyone in the organization aware of what is and what is not appropriate, investigating complaints and imposing suitable corrective measures.

Managers and supervisors are expected to assist in creating a harassment-free workplace and to immediately report to the Executive Director if they receive a complaint of workplace harassment, violence, or if they witness harassing or violent behaviour.

You must do your part by ensuring that your behaviour does not violate this policy and by fostering a work environment that is based on respect and dignity and is free of harassment.

1. Employer Roles and Responsibilities

Employers have the following specific responsibilities:

- Ensure that all measures of the Workplace Violence and Harassment Investigation policy (HRA9-35) are carried out including defining clear procedures and ensuring accountability is present for investigation, response and resolution of workplace violence and harassment incidents or complaints;
- Ensure compliance by employees and others who have an ongoing relationship with the organization;
- Educate and provide to all new and current employees information regarding the Respect and Dignity in the Workplace policy and Workplace Violence and Harassment Investigation policy (HRA9-35), including any risk factors specific to their role and location within the workplace;
- Post a copy of the policy within the workplace;
- In consultation with the Joint Health and Safety Committee (JHSC), complete an annual policy review, conduct annual risk assessments, establish control measures and establish and deliver training and education for all workers;

All policies and procedures are reviewed regularly to reflect Wellkin's most current practice.

DATE ISSUED
October 2012

LAST REVISION
April 2022

LAST REVIEWED
April 2022

DATE APPROVED
April 2022

NEXT REVIEW
April 2023

RESPECT AND DIGNITY IN THE WORKPLACE (DISCRIMINATION, HARASSMENT AND VIOLENCE) POLICY HRA9-34

- Integrate safe behaviour into day to day operations;
- Investigate all reports of violence, threats of violence or harassment and notify the JHSC if the worker is disabled from performing their own work or receives medical attention as a result of the incident;
- Take corrective action and provide response measures;
- Facilitate medical attention and support for those directly or indirectly involved in the incident of violence or harassment; and
- Ensure compliance with reporting and investigative requirements to the Ministry of Labour (MOL), Occupational Health and Safety Act (OHSA) and Regulations, Workplace Safety and Insurance Board (WSIB), Joint Health and Safety Committee (JHSC), Union and Police, where deemed necessary.

2. Manager Roles and Responsibilities

The management team has specific responsibility to create and maintain a workplace that is free from harassment and violence. They are responsible for ensuring that harassment is not allowed, condoned or ignored, and may be considered part of the harassment if they fail to take the necessary, corrective action.

With a fundamental knowledge and understanding of the policy and guidelines, managers and supervisors can be the first place for employees, students or volunteers to turn to for assistance when trying to deal with harassment-related concerns. They are also responsible for preventing the development, escalation or recurrence of harassment.

Managers have the following specific responsibilities to create and maintain a workplace which is free from harassment and violence and can be the first place for workers to turn to for assistance:

- Enforce policy and procedures and monitor workplace compliance;
- Ensure that harassment is not allowed, condoned or ignored, and may be considered party to the harassment if they fail to take the necessary corrective action;
- Identify and alert workers to violent persons and hazardous situations;
- Adhere to the reporting and investigation procedures, including contacting the police as required;
- Facilitate medical attention for workers as required; and
- In the case of a student intern, advise the educational institution of the incident and any medical attention, if received.

3. Worker Roles and Responsibilities

All policies and procedures are reviewed regularly to reflect Wellkin's most current practice.

DATE ISSUED
October 2012

LAST REVISION
April 2022

LAST REVIEWED
April 2022

DATE APPROVED
April 2022

NEXT REVIEW
April 2023

RESPECT AND DIGNITY IN THE WORKPLACE (DISCRIMINATION, HARASSMENT AND VIOLENCE) POLICY HRA9-34

Workers have the following specific responsibilities:

- Participate in education and training programs;
- Understand and comply with the Respect and Dignity in the Workplace policy and procedures;
- Immediately (within 24 hours) report all incidents (including violence, threats of violence or harassment) and injuries to their Supervisor or a member of the Management Team;
- Complete the Workplace Violence Incident Report form within 24 hours;
- Inform a member of the Management Team of the concerns regarding the potential for violence in the workplace;
- Contribute to risk assessments;
- Seek support when confronted with violence, threats of violence or harassment;
- Get medical attention if required; and
- Participate annually in a review of the Respect and Dignity in the Workplace policy and Workplace Violence and Harassment Investigation policy (HRA9-35).

4. Joint Health and Safety Committee (JHSC) Roles and Responsibilities

The JHSC has the following specific responsibilities:

- Provide consultation regarding the development, establishment and implementation of Respect and Dignity in the Workplace policy and Workplace Violence and Harassment Investigation policy (HRA9-35) and procedures;
- Annually, take part in review of the Workplace Violence and Harassment policy and Workplace Violence and Harassment Investigation policy (HRA9-35); and
- JHSC Worker and Management appointees should jointly investigate all incidences of violence which result in critical injury to a worker. They shall also immediately review reports of critical injury and death adhering to reporting, investigative and documentation requirements as per legislation, policies and procedures.

TO WHOM YOU CAN GO FOR ASSISTANCE OR INFORMATION:

Anyone needing information about this policy or how this policy applies or for clarification of the policy or, simply, needs to discuss a concern or issue regarding harassment or an incident or to request action to be taken, may seek assistance from the following:

1. Your immediate Supervisor/Manager;
2. Clinical Director;

All policies and procedures are reviewed regularly to reflect Wellkin's most current practice.

DATE ISSUED
October 2012

LAST REVISION
April 2022

LAST REVIEWED
April 2022

DATE APPROVED
April 2022

NEXT REVIEW
April 2023

RESPECT AND DIGNITY IN THE WORKPLACE (DISCRIMINATION, HARASSMENT AND VIOLENCE) POLICY HRA9-34

3. Director of Human Resources & Administration.

If you are not comfortable to approach any of the above individuals to discuss or consider pursuing a harassment complaint, you may contact the Executive Director, for confidential assistance.

Wellkin Child & Youth Mental Wellness is responsible for promoting, advancing, supporting and ensuring the effective implementation of this policy

CONFIDENTIALITY:

1. The agency shall ensure that information obtained about an incident or complaint, including identifying information about involved individuals, must not be disclosed unless the disclosure is necessary for the investigation or corrective action, is required by law, or by express consent of the individual(s).

2. The information related to the report shall be documented by the person receiving the complaint and reported immediately to the Director of Human Resources & Administration who will then consider the information and establish the appropriate course of action in consultation with the Management Team. Information will be documented and held in the strictest confidence and only shared for investigative, corrective or legal reasons.

4. Reports that are created as a part of the employer investigation, are exempt from submission to the JHSC.

5. In the event of the use of an external third-party investigator or consultant, the same expectation for confidentiality will exist and will be reviewed with the chosen party as part of the contracted service.

The agency, through its employees, Management, the Executive Director, and its Board of Directors must ensure that complaints are investigated and handled in such a manner so that the identities of the persons involved are kept confidential.

It must be recognized, however, that to the extent that the individual chooses to initiate proceedings or make comments outside the organization's internal harassment complaint procedures, confidentiality cannot always be guaranteed.

It must be recognized, furthermore, that information collected and retained is subject to release under the Ontario Human Rights Code and the rules governing court procedures.

All policies and procedures are reviewed regularly to reflect Wellkin's most current practice.

DATE ISSUED
October 2012

LAST REVISION
April 2022

LAST REVIEWED
April 2022

DATE APPROVED
April 2022

NEXT REVIEW
April 2023