

## **Policy on Workplace Violence and Harassment**

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A policy dealing with preventing and responding  
to violence and harassment,  
including sexual harassment in the workplace

Passed by the board of directors on the 5<sup>th</sup> day of July, 2022.  
Passed by the membership on the 23<sup>rd</sup> day of August, 2022.

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## 1. Policy Statement

Place Aile Nord is committed to the safety of its workers. Co-op contractors should enjoy a workplace that is free from violence and harassment, including sexual harassment. No worker, volunteer or any other individual associated with the co-op shall subject any other person to workplace violence or harassment, or allow or create situations that allow workplace violence or harassment to occur. The co-op will

- support and promote a program on the prevention of workplace violence and harassment;
- regularly assess the risks of workplace violence;
- identify possible sources of violence and harassment;
- strive to eliminate or reduce the risk of workplace violence and harassment;
- investigate and deal with all incidents and complaints of workplace violence and harassment in a fair and prompt manner.

## 2. Purpose of Policy

The purpose of this policy is to

- identify roles and responsibilities when violence or harassment take place in the workplace;
- set out how the co-op will respond to reports of violence or harassment in the workplace.

## 3. Definition of Workplace Violence and Harassment

### Workplace violence

Under the *Occupational Health and Safety Amendment Act 2009*, workplace violence means

- 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;

- a statement or behaviour that 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.

#### Workplace harassment

Under the Occupational Health and Safety Amendment Act 2009, 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 unwelcome.

#### Workplace sexual harassment

Under the *Occupational Health and Safety Amendment Act 2016*, workplace sexual harassment means

- 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
- 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.

## **4. Definition of Worker**

For the purposes of this policy, a worker means a person who performs work or services for monetary compensation at the co-op and includes all full-time and part-time employees, casual workers, individual contractors and employees or staff of any contractor or service provider carrying out business for the co-op.

Where co-op staff are employees of property management or service companies, the board may decide that incident reports, complaints and other matters referred to in this Policy can be adequately dealt with under corresponding policies, programs and procedures of the property management or service company rather than the co-op.

Volunteers who perform work or services at the co-op are also defined as a worker when performing that work or service at the co-op. (i.e. performing an inspection or conducting an interview.)

## **5. Not Workplace Harassment**

A reasonable action taken by management or the Board of Directors relating to the management and direction of workers or the workplace is not workplace harassment.

Criticism of the job performance is not harassment if it is made in a reasonable and constructive way.

## **6. Implementation of the Policy**

Place Aile Nord is committed to the prevention of workplace violence and harassment, including sexual harassment, entering the workplace, and supports the following program to protect its workers:

1. A Policy has been adopted by the board of directors. All workers, as defined in the Policy, shall be given a copy of the Policy. The Policy will be formally reviewed by the board and management staff regularly and revised as necessary.
2. Risk assessments will be regularly conducted by the co-op, or after any incident of workplace violence. The board will designate a person to co-ordinate the assessment. The assessment will include:
  - a) worker survey;
  - b) review of any incidents of violence.

The results of the assessment will be shared with workers.

3. The co-op will put in place any reasonable measures identified by workers to increase their safety in the workplace and reduce the risk of workplace violence or harassment. These include;
  - a) safe cash handling protocols;
  - b) buddy systems and personal communication devices for workers that work alone;
  - c) limiting access to the office or other areas of the co-op by persons who may pose a threat to workers;
  - d) improvements in physical environment such as better lighting;
  - e) designated safe areas for emergency situations;

- f) training on dealing with violent people;
  - g) hiring security personnel as required.
4. In the case of a person with a history of violent behavior, as verified in a previous complaint investigation by the co-op:
- a) the co-op is required to provide information to a worker about the person if
    - the worker could be expected to encounter the person in the course of their work, and
    - there is a risk of workplace violence that may expose the worker to physical injury;
  - b) information shall only be disclosed as is reasonably necessary to protect the worker from physical injury;
  - c) the board will seek legal advice from a lawyer before disclosing any information.
5. The co-op will investigate and promptly deal with all incidents and complaints of violence or harassment. The board will designate a person to investigate the incident or complaint and advise the board on appropriate actions.
6. The co-op will keep detailed records of any workplace violence or harassment reports, investigations or work refusals.
7. The co-op will review and evaluate procedures and outcomes of recent workplace complaints of violence or harassment (if any) on a regular basis to improve results.

The co-op will maintain and review, regularly, the implementation of the Workplace Violence and Harassment Policy.

## **7. Rights and Duties**

### **7.1 Workers' Rights**

Workers have a right

- a) to report an incident of violence or harassment, including sexual harassment, or file a complaint without fear of retaliation;
- b) to be told about the co-op's process for looking into the incident or complaint;
- c) to choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person;
- d) to get information about the review of the incident or complaint;
- e) to be treated fairly while the co-op is looking into the incident or complaint;
- f) to get information about the action taken by the co-op because of the incident or complaint;
- g) to refuse work if the worker has reason to believe that workplace violence is likely to endanger themselves.

### **7.2 Workers' Duties**

Workers have a duty

- a) to report any incidents of violence or harassment, including sexual harassment;
- b) if they feel they have been harassed, to communicate clearly and respectfully to the person who harassed them that the behaviour was unwelcome, unless it is unreasonable to expect them to do so; or doing so would escalate the situation.
- c) after reporting an incident or file a complaint, to co-operate with the people who are looking into the incident or complaint.

### **7.3 Rights of the Person Accused of Violence or Harassment**

A person accused of violence or harassment has the right:

- a) to be told that a report or complaint has been filed;
- b) to know who filed the report or complaint, unless the co-op decides that reprisals are an issue, in which case the name may be withheld. This should be done only in the most extreme circumstances;

- c) to be told about the co-op's process for looking into the incident or complaint;
- d) to choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person;
- e) to be treated fairly during the investigation process.

#### **7.4 Duties of the Person Accused of Violence or Harassment**

Anyone accused of violence or harassment has a duty to co-operate with the co-op in the investigation of the incident or complaint.

### **8. Reporting Workplace Violence**

When an incident of workplace violence occurs, the co-op will notify police or emergency responders for immediate assistance where necessary.

If the incident results in a person being killed or critically injured, the co-op will immediately notify a Ministry of Labour health and safety inspector, the co-op's health and safety representative and union, if any, and within 48 hours notify, in writing, a director of the Ministry of Labour.

### **9. Investigating Incidents and Complaints**

The co-op will investigate all incidents and complaints about violence and harassment promptly:

- a) If the incident or complaint is on human rights grounds, the co-op will follow the process set out in the Human Rights By-law;
- b) A written account of the incident be in writing and signed by the person filing the report or making the complaint unless this is unreasonable. The report or complaint should be given to the co-op manager. If the report or complaint is about the manager it can be given to the President. If the report or complaint is about both the manager and the President it can be given to any director;
- c) The co-op will designate a person to look into the incident or complaint. The designated person may or may not be a director or a staff member and may be from outside the co-op;
- d) The designated person may be authorized to consult a lawyer. Where there is a possible legal liability on the part of the co-op, a lawyer will be consulted before proceeding further;



- e) The investigation into the incident or complaint will include interviews with the parties and any others that may have knowledge of the incident or complaint. The investigation may include a review of co-op files and inspection of parts of the co-op as necessary. The designated person will submit a written report to the board;
- f) The board will consider the report and take the appropriate action where there is evidence of violence or harassment. In determining the action to take, the board will consider the seriousness of the acts. Possible actions include:
- a letter of apology or a performance agreement, if the parties will agree to these;
  - mediation between the parties or mandatory counselling;
  - proceedings to remove someone from the board if the person at fault is a director;
  - reprimand, suspension or dismissal if the person at fault is a worker;
  - eviction, under Article 7 of the Occupancy By-law, if the person at fault is a resident of the co-op. However, in determining what to do, the board will be guided by the eviction process;
  - establishing appropriate security measures as part of the workplace violence and harassment program.

## **10. Domestic Violence Brought into the Workplace**

Workers should bring domestic violence issues that may impact the worker in the workplace to the attention of the co-op. The co-op should take reasonable steps to protect the worker while at work. Workers may file a complaint about any failure by the co-op to do so.

## **11. Privacy**

As far as possible, the co-op will keep all information relating to an incident or complaint confidential.

However, in order to investigate an incident or complaint, the person conducting the investigation may have to interview people in order to get at the facts. As far as possible in doing these interviews, that person will try to protect the identity of those involved, but this will not always be possible.

The Co-op will disclose information only on a need-to-know basis.

The persons conducting the investigation and all witnesses shall complete confidentiality agreement forms and Conflict of Interest forms to declare any biases and reiterate the need to keep the matter confidential.

## **12. Action by Co-operative**

While the incident or complaint is being investigated, the co-op will limit contact between the workplace parties involved in the incident or complaint.

## **13. Other Legal Rights**

This policy does not in any way limit the right of workers to take any other legal action resulting from violence or harassment.

CERTIFIED to be a true copy of a Policy passed by the board of directors at a meeting held on the 5<sup>th</sup> day of July 2022.

Passed by the membership at a meeting of the members held on the 23<sup>rd</sup> day of August 2022.

  
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President