

Title:	Workplace Violence and Harassment	Date of Original Board Approval:	June 15, 2010
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Objective & Goals

Royal Botanical Gardens (RBG) is committed to building and preserving a safe working environment for its employees and volunteers. RBG does not condone and will not tolerate workplace harassment or acts of violence against, or by any RBG employee or volunteer. RBG will take every reasonable precaution and implement measures to prevent harassment and violence and protect all employees and volunteers from potentially violent situations.

Scope

Violent behavior and harassment in the workplace is unacceptable from anyone. This policy and procedure applies to all employees, volunteers, visitors, subcontractors and clients of Royal Botanical Gardens. Harassment in the workplace under this procedure and policy refers to the definition of workplace violence in the Ontario Occupational Health and Safety Act as well as the definition of discrimination under the Ontario Human Rights Code.

Policy Statement

We are committed to providing a safe and healthy work environment free from violence, threats of violence, harassment, intimidation and disruptive behaviour for all our employees and volunteers. Weapons are strictly prohibited on all RBG property; violators are subject to discipline and will be reported directly to the police. RBG firmly believes that by working together with our employees and volunteers, the risk of workplace violence can be minimized.

Definitions

- **Workplace Violence (as per Occupational Health & Safety Act) includes:**
 - 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 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 (as per the Occupational Health & Safety Act) includes:**
 - 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 (as per the Occupational Health & Safety Act) includes:**
 - 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.
- For the purposes of this policy, the term “harassment” refers to Workplace Harassment or Sexual Harassment as defined by the Occupational Health & Safety Act.
- **Ontario Human Rights Code**
 - Prohibits discrimination in employment on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status and disability.
- **Domestic Abuse**
 - Any use of physical, either actual or threatened, in a personal relationship. Domestic violence may include a single act or may be a series of acts of abuse. Domestic violence includes physical assault or threats of physical assault

Roles & Responsibilities

Managers

- To support RBG’s position that any harassment or violent behaviour in the workplace is unacceptable.
- To report all known incidents of harassment and workplace violence to the Senior Manager, Human Resources for investigation.
- To report to the Senior Manager, Human Resources any employee or volunteer who demonstrates or has a history of violent behaviour.
- To take all reasonable and practical measures to protect employees and volunteers, acting in good faith, who report workplace harassment or violence or act as witnesses, from reprisal or further violence.
- To review this policy as changes to job responsibilities or environments occur, and revise the policy as needed.
- Review as required the effectiveness of action plans implemented to minimize or eliminate workplace violence and make improvements to procedures as required.

Senior Manager, Human Resources (in addition to above Management duties)

- To ensure that all known incidents of workplace harassment and violence are investigated to the extent appropriate based on the nature of each incident and the actual or potential threat posed to employee or volunteers’ safety:
- To consult with other parties (i.e. Legal Counsel, Health and Safety Consultants, the Joint Health & Safety Committee (JHSC), Employee Assistance provider, Ontario Human Rights Commission, Local Police Services) as required.
- To take all reasonable and practical measures to minimize or address risks identified by the incident.
- To document the incident, its investigation, and corrective action taken.
- To submit a report of the incident to the Ministry of Labour where an employee or volunteer incurs a lost time injury as a result of violence in the workplace.
- Refer incidents of workplace violence to the JHSC for review as applicable. To bring to the attention of the CEO and other members of the Senior Management Team any incidents of harassment or violence or potential incidents of violence of which he/she may be aware.
- In conjunction with the JHSC, review this policy at least annually and provide its workers with appropriate information and instruction on the contents of both the policy and program

JHSC

- To review all reports forwarded to the JHSC regarding workplace violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage or police involvement.
- To participate in the investigation of critical injuries.
- To recommend corrective measures for the improvement of the health and safety of employees and volunteers.
- To take note of employee and volunteer concerns related to workplace violence and communicate these to management in a timely manner.
- In addition, members of the JHSC may participate in the investigation of reported incidents of violence that result in personal injury or have the potential to result in injury.

Employees and Volunteers

- To report immediately to their Manager/Volunteer Program Manager or Human Resources any incident of workplace harassment/violence or potential incidents of workplace violence that they become aware of.
- To report any incidents or suspected incidents of domestic violence that could potentially impact the affected employee and volunteer or their co-workers.

Risk of Violence

- RBG recognizes its duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if:
 - The individual can be expected to encounter that person in the course of his/her work and;
 - The risk of workplace violence is likely to expose someone to physical injury
- RBG will only disclose personal information that is deemed reasonably necessary to protect the individual from physical harm.
- Should an employee or volunteer have a legal court order (e.g. restraining order, or “no contact” order) against another individual, the employee or volunteer is encouraged to notify his or her manager, and to supply a copy of that order to the Human Resources Department. This will likely be required in instances where the employee or volunteer strongly feels that the aggressor may attempt to contact the employee or volunteer at work, in direct violation of the court order. Such information shall be kept confidential, unless the safety of other employees is in jeopardy.

Workplace Harassment/Violence Investigation Procedure

- In the event that an employee or volunteer is either personally subjected to, or witnesses, any violence in the workplace the first thing they should do is to ensure their own personal safety and that of their co-workers. If there is a **serious physical threat** to an employee or volunteer, especially if a weapon is involved, or if **emergency medical attention** is required **call “911” immediately** if it is safe to do so. Once this is done, it is imperative that the incident be reported promptly to their manager, volunteer team lead, union representative, or Human Resources as soon as it is safe to do so.
- For all other non-emergency incidents of workplace harassment or violence, a formal written complaint (Form HS-006-c) must be submitted to the Senior Manager, Human Resources, or in his/her absence, the Human Resources Generalist. Immediate steps will be taken by the Senior Manager, Human Resources to ensure the safety of the complainant.
- The Senior Manager, Human Resources or his/her designate will conduct an investigation (Form HR-006-d), which commences with a meeting with the employee or volunteer making the complaint. The focus of this meeting shall be for clarification of details contained in the written complaint. Should the

employee or volunteer wish they may have a support person/union representative present at the meeting.

- A meeting will be conducted with the person accused of workplace harassment/violence to advise him/her of the complaint and to obtain their response to the allegations. A written statement signed and dated by the accused person, which details their response to the complaint must be obtained.
- If there are witnesses to the incident, interviews with them are to be scheduled and signed statements obtained.
- During the investigation process, all information collected is considered confidential and will be shared on a need to know basis only.
- The Senior Manager, Human Resources will review the statements collected and make a decision as to what action is required to be taken. Such action can include disciplinary action up to, and including, termination of employment or volunteer position. In some cases the action taken may include legal action against the accused person. The results of the investigation and corrective action will be disclosed in writing to the employee or volunteer who made the complaint, as well as the accused.
- All statements and disclosures made, information furnished, documents and material provided or presented under this policy will be kept confidential and will remain in the possession of the Senior Manager, Human Resources or his/her designate.
- Every effort will be made to preserve confidentiality, however RBG cannot guarantee that confidentiality will be preserved in every instance. Information will only be shared if required by law or to take corrective action.
- A complaint under this policy by an employee or volunteer does not constitute a waiver of their right to take any other action available by law or under the terms of their employment.
- The Ministry of Labour may also order an investigation (including an investigation by an independent investigator) of an employee complaint at the expense of the RBG.
- This policy prohibits reprisals against employees or volunteers, acting in good faith, who report incidents of workplace harassment or violence or act as witnesses. RBG will take all reasonable and practical measures possible to prevent reprisals, threats of reprisals, or further harassment/violence.
- It is a violation of RBG's Workplace Violence & Harassment Procedure/Policy for anyone to knowingly make a false complaint of harassment or violence, or to provide false information about a complaint. Individuals who violate this policy are subject to disciplinary action up to and including termination of employment or volunteer position.

Violence Arising from Domestic Partner

- Under the Occupational Health & Safety Act employers who are aware or who ought reasonably to be aware that domestic violence may occur in the workplace must take every precaution reasonable in the circumstances to protect the employee or volunteer, as well as their co-workers This is because domestic violence may not only put the targeted employee or volunteer at risk, but may also pose a threat to others that may try to intervene on the targeted individual's behalf.
- When anyone becomes aware of an employee or volunteer being subject to domestic violence, which includes both physical violence, stalking, and threats of violence they must report this to Human Resources immediately. The Senior Manager, Human Resources will meet with the individual and discuss options available to them, such as counseling through the Employee Assistance Program, or referrals to appropriate agencies (e.g. Shelters, Help/Crisis Line's, etc.). The Senior Manager, Human Resources will also assist the individual in developing a Safety Plan to help increase their safety and the safety of others at RBG. The Safety Plan may include alternate work assignments or modifications to work assignments to increase the safety of all.
- When violence has occurred in the workplace, or if there is a concern for the immediate safety of the employee or volunteer, the police will be contacted.
- If RBG is aware that domestic violence is likely to expose an employee or volunteer to a physical injury in the workplace, every reasonable precaution will be implemented to protect the individual and other team members.

- In some situations RBG's duty to take every precaution reasonable in the circumstances to protect employees or volunteers may outweigh an individual's expectation of privacy, if the safety of the employee, volunteer or of others may be jeopardized. Any communication will be on a "need to know" basis

Work Refusal

- Any employee or volunteer can refuse to work if they have a reasonable expectation that the work could place them in danger of physical violence.
- If you have reason to believe you are in danger of physical violence notify your manager, Human Resources or your union representative as soon as possible.
- The work refusal portion of the act pertains only to situations of workplace violence and does not pertain to situations of workplace harassment.

Appendix A – Workplace Harassment Policy

Appendix B – Workplace Violence Policy

Appendix C – Harassment & Violence Reporting Form