

<b>STATEMENT of POLICY and PROCEDURE</b>			
Manual:	O'Keefe Ranch and Interior Heritage Society	OKR No.	<b>5.06</b>
Section:	Human Resources	Approved	May 24, 2018
Subject:	<b>Workplace Harassment and Violence</b>	Amended:	
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## **1 POLICY**

- 1.01 O'Keefe Ranch and Interior Heritage Society is committed to providing a supportive, respectful and safe work environment for all employees, volunteers, students, independent contractors and other persons.
- 1.02 Any threats or acts of harassment or violence occurring within the workplace or during work-related activities between Workers or between Workers and any person will not be tolerated.
- 1.03 O'Keefe Ranch and Interior Heritage Society understand that it is difficult to come forward with a complaint or report of harassment or violence in the workplace and recognizes a Worker's interest in keeping the matter confidential. Consequently, the organization will treat all incidents or reports of harassment or violence confidentially, and will investigate any reports or allegations of violence or harassment, whether reported by victims or witnesses.
- 1.04 Workplace harassment and violence, as well as deliberately making false accusations related to workplace harassment and violence will not be tolerated and may attract discipline up to and including dismissal. Any Worker who violates this policy will be disciplined. Disciplinary actions will depend on the nature and impact of the violation and may include a verbal or written reprimand, suspension or termination.
- 1.05 Nothing in this policy precludes an employee from initiating a complaint regarding workplace harassment or violence in accordance with the provisions of the collective agreement.
- 1.06 This policy prohibits any form of reprisal against a Worker who, in good faith, reports a legitimate workplace harassment or violence occurrence or participates in any investigation under this policy.
- 1.07 O'Keefe Ranch and Interior Heritage Society will not tolerate direct or indirect retaliation for exercising rights or responsibilities under this policy.

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## **2 PURPOSE**

- 2.01 The purpose of this Statement of Policy and Procedure is to prevent harassment (including sexual harassment) and violence in the workplace and outline how the organization will respond to allegations or incidents of workplace harassment or violence.

## **3 SCOPE**

- 3.01 This policy applies to all Workers and addresses workplace harassment and violence from any source, including customers, other Workers and management.

## **4 RESPONSIBILITY**

- 4.01 It is the responsibility of the Leadership Team to:
- (a) Ensure that the organization designs, creates, implements and provides policies and procedures to prevent workplace harassment and violence;
  - (b) Perform a workplace risk assessment, at least annually, to identify trends, hazards and risks relating to workplace harassment and violence in conjunction with the Operations Director.
  - (c) Update and maintain policies and procedures, as appropriate and at least annually, where updates are necessary;
  - (d) Monitor trends relating to occurrences of workplace harassment and violence; and
  - (e) Ensure that Workers receive appropriate training and orientation regarding this policy.
- 4.02 It is the responsibility of the Leadership Team to:
- (a) Receive results and recommendations of the Workplace Coordinator/designate/external investigator relating to the investigations conducted;
  - (b) Ensure that all workplace participants carry out their obligations outlined in this policy; and
  - (c) Report statistics on workplace harassment and violence to the Board of Directors.

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- 4.03 It is the responsibility of Leadership Team to:
- (a) Take reasonable precautions to protect Workers and other persons from violence and harassment in the workplace;
  - (b) Ensure that O'Keefe Ranch and Interior Heritage Society conducts an appropriate investigation if the Operations Director becomes aware (or ought to be aware) of any incident or complaint of harassment or violence; and
  - (c) Ensure that all concerns, complaints or occurrences of harassment or violence are investigated and dealt with in a fair, sensitive and timely manner while respecting all parties' privacy as much as possible.
- 4.04 It is the responsibility of all Workers to:
- (a) Report any occurrences of workplace harassment or violence (including workplace domestic violence) they experience or witness to their Leadership Team. This is regardless of whether the harassment or violence is perpetrated by a Worker or any other person in the workplace.
  - (b) Ensure customers/clients are informed of their responsibility to refrain from harassing or perpetrating acts of violence against Workers or other persons. This is to be addressed at the first interaction between Worker and customers/clients, and at least annually.
- 4.05 It is the responsibility of Leadership Team to:
- (a) Act as the designated Workplace Coordinator for the organization;
  - (b) Participate in the administration, application, evaluation and updating of this policy and the organization's overarching Workplace Harassment and Violence Prevention Program, in consultation with the Operations Director;
  - (c) Advise Workers on the interpretation and requirements of this policy and related procedures;
  - (d) Maintain records of attendance and the currency of workplace harassment and violence training;
  - (e) Coordinate all harassment or violence investigations in consultation with any other relevant persons;
  - (f) Provide reports with results and recommendations relating to investigations to the President; and
  - (g) Report occurrences to the Ministry of Labour, police and/or other appropriate entity, as required by legislation, which requires the reporting of a critical injury or crime.

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## 5 DEFINITIONS

- 5.01 **“Person”** refers to any individual and includes a Worker and other non-workplace parties, such as a member of the public, a client or anyone with whom a Worker comes into contact with at the workplace.
- 5.02 **“Poisoned working environment”** refers to a workplace which is hostile or uncomfortable to work in because of bullying, harassment or violence, even if no specific person is the target of these behaviours.
- 5.03 **“Worker”** is anyone whom the organization directs to complete work on its behalf, including employees, students, volunteers and independent contractors.
- 5.04 **“Workplace”** means any land, premise or location at, in or near which Workers perform their job duties or where activities related to work take place.
- 5.05 **“Workplace coordinator”** means the head of the Human Resources department.
- 5.06 **“Workplace harassment”** means:
- (a) 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; or
  - (b) Workplace sexual harassment.

Examples of workplace harassment include:

- Verbal abuse (e.g., yelling, ridiculing, name-calling, jokes or innuendos that are demeaning, offensive or intimidating)
- Pranks, vandalism
- Gossiping, spreading rumours
- Offensive, humiliating or abusive supervision
- Excluding or ignoring (e.g., constantly excluding another Worker from social events in the workplace)
- Displaying offensive pictures and emails

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- Menacing or threatening behaviours, including glaring, inappropriate gestures and invasion of personal spaces

A reasonable action taken by a supervisor relating to the management and direction of Workers or the workplace is not workplace harassment and may include:

- Measures by a supervisor to correct performance deficiencies
- Disciplinary measures implemented for breaches of workplace policies and procedures
- Requests for sick notes in accordance with attendance management or other policies
- Expressing differences of opinion
- Micromanaging (unless there is underlying discrimination, abuse or unfair treatment)

5.07 **“Workplace-related domestic violence”** occurs where a spouse or former spouse, current or former intimate partner, or a family member physically harms, attempts to harm or threatens to harm a Worker at work. In these instances, domestic violence is considered workplace violence.

If O'Keefe Ranch and Interior Heritage Society becomes aware or ought reasonably to be aware that domestic violence that would likely expose a Worker to physical injury may occur in the workplace, it shall take every precaution reasonable in the circumstances for the protection of the Worker.

5.08 **“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.

Examples of workplace sexual harassment include:

- Unwelcome sexual advances

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- Threats, punishment or denial of benefits for refusing a sexual advance
- Leering or staring
- Displaying sexual content (e.g., emails, pictures and porn sites)
- Obscene comments, gestures and jokes
- Persistent unwelcome attention after a relationship ends
- Physical contact (e.g., kissing and touching)

5.09 **“Workplace violence”** includes:

- (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; and
- (c) 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.

## **6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE**

*Occupational Health and Safety Act* and other provincial, territorial or federal legislation

OKR Policy 1.05 – Legal and Regulatory

OKR Policy 5.01 – Human Resources Primer

## **7 PROCEDURES**

7.01 The Leadership Team, led by Operations Director shall:

- (a) Design, create and implement policies and procedures to prevent workplace harassment and violence;
- (b) Perform a workplace risk assessment relating to workplace harassment and violence, in conjunction with the Human Resources Committee, when workplace changes suggest that this may be necessary, for instance, when introducing a new service or opening a new location;
- (c) Perform a workplace risk assessment in conjunction with the Operations Director, at least annually, to identify trends, hazards and risk relating to

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workplace harassment and violence;

- (d) Update policies and procedures, as appropriate and at least annually, where updates are necessary;
- (e) Monitor trends relating to occurrences of workplace harassment and violence; and
- (f) Ensure that Workers receive appropriate training and orientation regarding this policy and the prevention of workplace violence and harassment.

7.02 Leadership Team shall:

- (a) Take reasonable precautions to protect Workers and other persons from violence and harassment in the workplace;
- (b) Ensure that the organization conducts an appropriate investigation if management becomes aware (or ought to be aware) of any incident or complaint of harassment or violence;
- (c) Ensure that all concerns, complaints or occurrences of harassment or violence are investigated and dealt with in a fair, sensitive and timely manner while respecting all parties' privacy and confidentiality as much as possible; and
- (d) Immediately take appropriate action to ensure Worker safety upon being advised of or identifying a hazard which poses a safety risk relating to harassment or violence in the workplace and complete an Incident/Occurrence Report.

7.03 The Operations Director shall:

- (a) Analyse incidents and complaints of harassment or violence in the workplace to identify trends and potential hazards;
- (b) Present the analysis and shall make recommendations appropriate in the circumstances to the President.
- (c) The Leadership Team will participate in the administration, application, evaluation and updating of this policy and the organizations overarching Workplace Harassment and Violence Prevention Program for purposes of this policy;
- (d) Advise Workers on the interpretation and requirements of this policy;

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- (e) Maintain records of attendance and the currency of workplace harassment and violence training;
- (f) Coordinate all investigations into workplace harassment or violence with the relevant workplace participants;

Note that if the complainant's or victim's direct supervisor is the alleged harasser or perpetrator of violence; they cannot in any way be involved in conducting the investigation;

- (g) Provide investigation reports with results and recommendations to the President.
- (h) Report occurrences to the Ministry of Labour, police and/or other appropriate bodies, as required by legislation, which requires the reporting of an injury or crime.

7.04 The Operations Director shall:

- (a) Promptly investigate incidents or complaints of alleged harassment or violence as follows:
  - (i) An allegation by a Worker against a fellow Worker who is not a supervisor or above that level shall be investigated by the Operations Director appointed by the President.
  - (ii) An allegation by a Worker against a Worker who is a supervisor or above that level shall be investigated by an independent individual (i.e., someone who is not an employee or independent contractor of the organization);
  - (iii) If the subject of the complaint is the Leadership Team, a letter of complaint shall be submitted to the President of the Board of Directors, and the complaint shall be investigated by an independent investigator;
  - (iv) Supervisors shall report complaints received to the Operations Director, who must initiate the formal investigation process; and
- (b) Not disclose information obtained about an incident or complaint of workplace harassment or violence, including identifying information about anyone involved, unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or

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complaint, or is otherwise required by law;

- (c) Prepare a written investigation report;
- (d) Report to President as required;
- (e) Complete the investigation within 90 calendar days, unless there are extenuating circumstances (e.g., if there are more than five witnesses or witnesses are not available because of illness);
- (f) Inform the alleged harasser or perpetrator of violence and the victim or complainant, in writing, of the results of the investigation and of any corrective action that the employer has taken or will take, without delay and within 10 calendar days of completing the investigation. [Note, this should be done in consultation with both parties' direct supervisor and Operations Director; and
- (g) Complete any other post-investigation and reporting steps required.

7.05 The Operations Director shall:

- (a) Receive reports, including results and recommendations arising out of investigations into workplace harassment and violence from any other investigator;

Note that if the Leadership Team is the subject of the investigation, the report shall be submitted to the President of the Board;

- (b) Receive reports and analysis regarding workplace risk assessments and trends;
- (c) Ensure that all workplace participants carry out their obligations outlined in this policy; and
- (d) Report statistics on workplace harassment and violence to the Board of Directors.

7.06 Workers also have obligations to prevent violence and harassment in the workplace and shall take the steps below to prevent workplace harassment and violence.

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7.07 Workers who experience workplace harassment may inform the person that the behavior is not welcome, explain why and encourage change through teaching or counselling when possible:

- (a) Any Worker facing workplace harassment or violence may attempt to resolve his/her concerns by direct communication with person(s) engaging in the unwelcome conduct (only if it is safe to do so and the Worker is comfortable with doing so);
- (b) This can be through oral or written communication, outlining the behaviour, stating it is unwelcome and that it must stop;
- (c) Consider having another person present and document details of the event, date, time and persons involved, for example; and
- (d) If the conflict is resolved satisfactorily at this stage, an occurrence report or complaint may not be required. However, if it remains unresolved, the Worker must escalate the issue as described below and elsewhere in this policy.

7.08 If the steps taken in 7.07 above are not taken and the behaviour has the potential to escalate or has escalated to violence or threats of violence, or if the Worker is concerned for their safety or is otherwise uncomfortable with the issue, the Worker shall:

- (a) Take all necessary immediate precautions to ensure his/her personal safety (e.g., stop providing service, call for assistance or walk away) in accordance with O'Keefe Ranch and Interior Heritage Society's safety protocols;
- (b) Report the matter orally or in writing using the procedures outlined above;

Note in particular the procedures at 7.04 above, which shall be followed if a supervisor is the alleged perpetrator.

- (c) Report any occurrences of workplace harassment or violence that they may experience or witness to their Leadership Team or the Board Chair as appropriate;

If a direct supervisor is the offender, do not report to that individual. Instead, report to that individual's supervisor, or the Operations Director.

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If the Leadership Team is the subject of the complaint, report to the Board President.

Workers shall make reports regardless of whether the harassment or violence is perpetrated by a Worker or any other person in the workplace.

- 7.09 Workers shall ensure that customers and clients are informed of their responsibility to refrain from harassing or perpetrating acts of violence against Workers or other persons. This should be done at the first interaction or discussion about roles and responsibilities and should be reviewed at least annually.
- 7.10 Workers shall immediately report to their direct supervisor any workplace hazards they identify that may pose a safety risk related to workplace harassment or violence.
- 7.11 Workers may access employee assistance programs or other supports or resources they need to deal with workplace harassment or violence, whether as a victim, witness or co-worker.
- 7.12 Workers shall participate in mandatory training and orientation regarding this policy and the prevention of workplace harassment and violence.