



**THE MULTIFAITH HOUSING INITIATIVE**

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# **WORKPLACE VIOLENCE AND HARASSMENT POLICY**

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Passed by the Board of Directors on 26 February, 2015

## **Policy Statement**

The Multifaith Housing Initiative (MHI) is committed to the prevention of workplace violence and harassment and to a violence and harassment free workplace. MHI also recognizes the potential for violent acts or threats or harassment directed at staff by our tenants, volunteers, and the public. Any act of violence or harassment committed by or against anyone is unacceptable conduct that will not be tolerated. Every effort has been made to identify possible sources of violence and to implement procedures to control the risks of same.

This policy applies to all activities that take place while a worker is carrying out business for MHI whether or not the business takes place on properties owned or managed by MHI.

MHI as the employer will ensure that this policy and the supporting program that is set out below are implemented and maintained and that all workers and supervisors have the appropriate information and instruction to protect them from violence and harassment in the workplace.

Supervisors defined by this policy as all those supervising an MHI activity whether in the role of employee or volunteer, will adhere to this policy and the supporting program that is set out below. Supervisors are responsible for ensuring that measures and procedures are followed by workers and volunteers and those workers and volunteers have the information that they need to protect themselves.

No worker, volunteer, or any other individual associated with MHI shall subject any other person to workplace violence and harassment or allow or create situations that allow workplace harassment or violence to occur. Everyone is expected to uphold this policy and to work together to prevent workplace harassment or violence.

MHI confirms its commitment to investigate and deal with all incidents and complaints of workplace violence or harassment in a fair and prompt manner.

### ***Definition of Workplace Violence:***

- 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,
- 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.

### ***Definition of Workplace Harassment:***

- 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;
- b) comments or conduct that typically happens more than once; they could occur over a relatively short period of time or over a longer period of time;
- c) involving unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers;
- d) words or behaviors that intimidates, isolates or even discriminates against the targeted worker.

***Definition of Worker:***

For the purpose of this policy, a worker of MHI means a person who performs work or services for monetary compensation and includes all full time and part time employees, and contract or casual workers carrying out business for MHI.

***Definition of Supervisor:***

For the purpose of this policy, a supervisor of MHI means a person who has charge of an MHI activity with authority over a worker or volunteer be they paid or unpaid in this position.

***Definition of Designated Staff:***

For the purpose of this policy, the employer or the employer's Board of Directors must appoint a designated staff person to receive complaints of workplace violence and to implement the procedures contained in this policy.

***Confidentiality:***

The employer must exercise good judgment and care at all times to avoid unauthorized or improper disclosures of confidential information. Confidentiality in matters of workplace violence will be respected, but cannot be absolutely guaranteed due to the investigation requirements.

***Policy Review Schedule:***

MHI's workplace violence and harassment policy will be reviewed as often as is necessary, but at least annually. This review will include the involvement of both employer and worker representatives.

***Refusal to Work:***

A worker may refuse to work if the worker has reason to believe that workplace violence is likely to endanger himself or herself.

***Disclosure of Potential Behaviour:***

Subject to overriding privacy laws, MHI will provide information to a worker related to the risks of workplace violence from a person with a history of violent behaviour if the worker can be expected to encounter that person during the course of his or her work, *and* if there is a risk of violence likely to expose the worker to physical injury. Disclosure of personal information will be limited to that information which is reasonably necessary to protect the worker from physical injury.

***Reporting:***

Workers who feel they are being harassed must report it right away. If possible, tell the person harassing you that you are not comfortable with their behaviour, and want it to stop. Document the behaviour including dates, times, locations, the names of any witnesses, and what happened. If the harassing behaviour occurs again, or if you are unable to deal directly with the person harassing you, report it to the Executive Director or the President of the Board of Directors.

All workers have a responsibility to report harassment if they or someone else is being harassed. All workers are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

Workers reporting incidents of harassment or assisting in the investigation of a complaint will be protected from retaliation of any kind by either co-workers or supervisory staff.

***Investigation:***

All reports of harassment made to the designated staff will be investigated thoroughly in a fair and timely manner, respecting all workers' privacy as much as possible. Interviews will be conducted of the complainant, the alleged harasser, and any witnesses. All workers have a responsibility to cooperate in the investigation. If the investigation reveals evidence to support the harassment complaint, the harasser will be subject to disciplinary action. Disciplinary action will range from an apology to suspension, dismissal or, where applicable, eviction.

The investigation will involve:

1. getting all pertinent information from the complainant;
2. informing the alleged harasser of the details of the complaint, and getting her or his response;
3. interviewing any witnesses;
4. deciding whether, on a balance of probabilities, the harassment did take place; and
5. recommending appropriate remedies, penalties, or other action.

All documents related to a complaint or incident of workplace harassment, including the written complaint, witness statements, investigation notes and reports, and documents related to the complainant will be maintained by the person designated by MHI, separate from personnel files.

***Obligation of Management:***

MHI will take the appropriate action to remedy any reported or witnessed incidents of harassment within the workplace. MHI's goal is to provide a safe work environment free of harassment for all of its workers.

***Corrective Action:***

If sufficient evidence was found to substantiate that workplace violence has occurred and/or that the Workplace Violence Policy was contravened, the designated person of MHI will consider corrective action. Possible corrective actions include:

1. an apology from the respondent to the complainant with a promise not to repeat the action;
2. transfer or relocation of one party to another location;
3. mandatory counseling of the respondent;
4. suspension of the respondent with or without pay for a period of time;
5. termination of the respondent's employment; or
6. risk of eviction of the respondent.

If no evidence was found to substantiate the complaint and the complaint is found to be malevolent or frivolous, disciplinary action may be brought against the complainant.

***Annual Reporting:***

In the event that there is a year in which the number of complaints exceeds two (2), The Executive Director MHI will make an annual report to the Board President which will include the number of complaints proceeded with and the resolution, mediation, and dispositions made under this policy. The

Board President will present his/her report including the report received from the Executive Director to the Board of Directors, together with any recommendations with respect to matters contained in the report.

***Right of Parties to Support and Assistance:***

The complainant and the respondent are entitled to the support and assistance of an advocate. Assistance will include the creation and implementation of individual safety plans to protect employees from situations where the threat of workplace violence, including domestic violence, are present.

***Education and Training:***

Education and/or training will be provided to all workers as a preventive measure to inform everyone about the nature of workplace harassment, the right to be free of it, and about MHI's workplace harassment policy and procedures.

**Risk Assessment Procedure**

To manage the issue of workplace violence, the *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace)*, 2009, S.O. 2009, c. 23 requires an employer to assess the risks of workplace violence. To accomplish this, a number of factors need to be considered which include the workers, the potential sources of violence, work processes and the physical environment. Within each of these factors are a number of variables which, when analyzed, will identify those individuals that are at risk of violence, components within the workplace environment that may increase opportunities for violence, and the need for controls.

Employers (and supervisors) must notify a worker of a risk of workplace violence from a person with a history of violent behaviour if the worker can be expected to encounter that person in the course of work and the risk of workplace violence is likely to expose the worker to physical injury.

Once the risk assessment is complete, the employer must advise the Health and Safety Committee (if there are 20 or more workers) or the Health and Safety Representative (if there are 6 or more workers) of the assessment results. If there is no committee or representative, the employer must advise the workers of the assessment results.

Employers must reassess the risks as often as is necessary in order to protect workers from workplace violence.

After considering the following factors, the risk assessment questionnaire shown in Appendix A may be a useful tool.

***To effectively assess the risks of violence in the workplace, a housing provider must consider:***

- 1) the nature of the workplace, including the physical aspects of the workplace;
- 2) the type of work, including the activities that the workers perform, the sector of work and the people with whom the workers interact
- 3) the conditions of work, including the hours worked, the surrounding neighborhood, etc.;

- 4) the circumstances specific to the workplace, including the layout and design of workplace, the geographic location of workplace, the nature of the clientele the history of workplace violence, the measures that are already in place to prevent and protect against workplace violence, etc.;
- 5) the circumstances that would be common to similar workplaces;
- 6) all factors that contribute to workplace violence;
- 7) its experience in dealing with those factors and with workplace violence;
- 8) the experience of workers in dealing with those factors and with violence in similar workplaces;
- 9) the frequency of situations that present a risk of workplace violence;
- 10) the severity of the adverse consequences to the worker exposed to a risk of workplace violence;  
and
- 11) the observations and recommendations of the Health and Safety Committee or, if there is no committee, the Health and Safety Representative, and of the workers (note that the employer, when consulting with the Health and Safety Committee, Health and Safety Representative and/or workers, shall not disclose information whose disclosure is prohibited by law or could reasonably be expected to threaten the safety of individuals).

**PLEASE NOTE: Threats or assaults that require immediate attention should be reported to the police by calling 911.**

# Appendix A

## Employee Risk Assessment Survey

The following questionnaire is to assist MHI in assessing the risk of workplace violence. Responses to the questions are kept confidential and the respondent's identity is kept confidential. Respondents will be free from reprisal, and any investigations of urgent workplace violence situations will be conducted using due process.

1. Are you directly aware of any actual workplace violence situations that have occurred within the last year? Yes/No

If you answered yes, please describe the incident or potential workplace violence situation.

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Are you directly aware of any potential workplace violence situations that have occurred within the last year? Yes/No

2. Have you even been concerned for your personal safety while at work? Yes/No

If yes, please describe the situation.

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3. Are you familiar with the procedures you should follow if confronted by anyone in a hostile manner?

Yes/No

4. Are you familiar with MHI's Workplace Violence and Harassment Policy?

Yes/No

5. Has the subject of workplace violence or harassment ever been covered during work meetings that you have attended?

Yes/No

6. Please rate the overall degree of risk to workplace violence you experience as an employee of MHI

(circle one)    Low Risk        Medium Risk        High Risk

If you circled medium or high risk, please explain:

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## **Appendix B**

### **Statement of General MHI Policy on Non-Discrimination For Tenants, Volunteers & Staff**

1. It is the policy of MHI to recognize the dignity and worth of every person and to provide equal rights and services without discrimination and harassment on grounds prohibited under the Ontario Human Rights Code. As a housing provider, MHI is committed to compliance with the Ontario Landlord and Tenants Act.
2. It is the policy of MHI to require tenants to respect the safety, privacy and peaceful enjoyment of common areas by all tenants, and to respect the religious faiths, sex, ethnic origins, sexual preferences, physical limitations and First Nations status of other tenants and MHI staff and volunteers. Violation of this policy may constitute grounds for termination of the tenancy contract within the statutory notice requirements in effect at the time.
3. Harassment of staff, other tenants and MHI volunteers on any of the grounds stated above will be subject to termination of the tenancy contract.