ABUSE POLICY

[Organization Name] is committed to ensuring a workplace free of harassment, bullying, discrimination, abuse, and neglect in accordance with the Ontario *Human Rights Code* and Ontario’s *Occupational Health and Safety Act*.

In pursuit of this, [Organization Name] maintains a zero tolerance policy and stance on harassment, bullying, discrimination, or abuse within the workplace. This includes any form of physical, sexual, emotional, verbal, or psychological abuse or any form of neglect or harassment.

We will investigate any complaints regarding workplace harassment, bullying, discrimination, and/or any type of abuse and will enact the appropriate method of corrective/disciplinary action, up to and including the point of termination of employment for the perpetrator(s).

Canada’s Criminal Code specifically lays out matters such as violent acts, sexual abuse, threats, and behaviours such as stalking. In the event of any of the above, [Organization Name] will immediately contact the police.

This policy is to be applied in conjunction with the organization’s policies on Workplace Harassment, Workplace Violence, and its Human Rights Commitment. **Depending on the nature of a complaint or infraction, the procedures in the Workplace Harassment, Workplace Violence, or Human Rights Commitment policies take precedence over this policy.**

SCOPE

This policy applies to all employees, volunteers, management, independent contractors, and visitors of [Organization Name].

DEFINITIONS

“Harassment” is defined by the Ontario Occupational Health and Safety Act as “engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome.” This definition includes sexual harassment, personal harassment, psychological harassment, and bullying.

“Sexual Harassment” under the Occupational Health and Safety Act is defined as: “Engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, 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.”

“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 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

“Verbal Abuse” can include humiliating remarks, name calling, swearing at, teasing, or continual put-downs.

“Psychological Abuse” is communication of an abusive nature, sarcasm, exploitive behaviour, intimidation, manipulation, and insensitivity to race, sexual preference or family dynamics.

"Physical abuse" is any deliberate physical force or action, which results, or could result, in injury to an individual.

"Emotional abuse" is a pattern of behaviour that attacks an individual's emotional development and sense of self-worth. It includes excessive, aggressive or unreasonable demands that place expectations on an individual beyond their capacity. Emotional abuse includes constantly criticizing, teasing, belittling, insulting, rejecting, ignoring or isolating the individual. It may also include exposure to domestic violence.

"Sexual abuse" occurs when an individual is used for the sexual gratification of another person. The individual may comply out of fear, manipulation, or a desire to please. Sexual abuse does not require physical contact between the perpetrator and the individual. It may include actions such as sexual intercourse, exposing another person's genitals, obscene phone calls, text messages, or digital interactions, fondling for sexual purposes, voyeurism, encouraging or forcing someone to view or participate in pornographic material, and sex trafficking.

“Poisoned environment” is a form of discrimination and can arise from even a single incident. It may be created by the comments or actions of any person, regardless of their status. The comments or conduct do not have to be directed at a particular individual.

Workplace harassment or abuse does not include reasonable actions taken by an employer or supervisor relating to the management or direction of workers in the workplace.

Please note that this policy is administered in conjunction with [Organization Name]’s Human Rights Policy and includes freedom from discrimination under any of the grounds established by the Ontario Human Rights Code, including race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy), sexual orientation, gender identity, gender expression, age (18 and over), marital status (including same sex partners), family status, disability, and record of offences.

POLICY

[Organization Name] encourages any of its employees who witness, become aware of, or who are victims of harassment, bullying, discrimination, or any type of abuse to report the incident as soon as possible so that an investigation may immediately commence.

**A reminder: Depending on the nature of the complaint, the procedures in the Workplace Harassment or Workplace Violence policies may take precedence over this policy.**

In pursuit of an abuse-free environment, [Organization Name] is committed to preventing and addressing any instances of harassment and abuse by:

* Providing education and training to ensure that all employees understand their rights and responsibilities under this policy, the Ontario Human Rights Code, and any other applicable legislation;
* Ensuring that supervisors understand how to respond to incidents of abuse, including how to collect information, how to take action, how to deal with confidentiality, how to document, and how to keep records;
* Methodically monitoring or adjusting [Organization Name] and systems for any barriers, including any barriers regarding any protected grounds laid out in *the Ontario Human Rights Code* and [Organization Name]’s Human Rights Commitment;
* Annually reviewing our anti-abuse, anti-harassment, and anti-violence programs with the Health and Safety Representative/Committee;
* Providing a procedure for complaints (outlined below) that is fair, timely, and effective; and
* Promoting and upholding appropriate standards of conduct across all levels of the organization.

This policy also prohibits any person at [Organization Name] who is in a position to grant or deny a benefit to another employee from engaging in sexual solicitation or making unwelcome sexual advances. This could include co-worker to co-worker, or supervisors and managers to employees. Further, any reprisals for the rejection of these advances are strictly prohibited.

[Organization Name] will also not permit the creation of a poisoned work environment, which may result from comments, conduct, or actions that are known or ought reasonably to be known to be unwelcome. [Organization Name] will investigate all complaints to prevent the establishment or continuation of a poisoned work environment.

In addition, any employees who experience abuse and/or harassment while in the course of work for [Organization Name] have the right to file a complaint without fear of reprisal. [Organization Name] will ensure that an investigation is conducted into any incidents or complaints of workplace harassment, as appropriate, in accordance with the Occupational Health and Safety Act.

**Employee and Supervisor Responsibilities**

All [Organization Name] employees have the responsibility to adhere to the contents of this policy and refrain from engaging in or condoning any form(s) of abuse and/or harassment. Furthermore, all employees are expected to fully cooperate in any investigations into complaints of harassment.

All [Organization Name] supervisors or managers have an additional responsibility to act immediately upon either receiving a complaint of abuse and/or harassment, becoming aware of it, or witnessing it themselves. Supervisors and managers are responsible for maintaining an abuse-free workplace and must promptly initiate an investigation when any forms of abuse become known in the workplace.

COMPLAINT/REPORTING PROCEDURE

At [Organization Name] , complaints regarding abuse, harassment, bullying, or discrimination may be brought forward to:

* (Insert Title) at (Insert Contact Information) or (Insert Title) at (Insert Contact Information) if one of them is not available.
* An alternate report may be made to (Insert Title) at (Insert Contact Information) if either of the above are the alleged abuser(s)/harasser(s).
* Immediately upon receipt of a complaint, an investigation will be started and additional information and context will be sought. The investigation may include:
	+ A review of the details of the incident;
	+ Separate interview(s) with the parties involved and any witnesses;
	+ Examination of any relevant documents, emails, notes, photographs, or video;
	+ A decision about whether the complaint constitutes workplace harassment; and
	+ Preparation of a written report summarizing the incident, the steps of the investigation, the evidence collected, any findings, and any corrective actions.
* [Organization Name] will take appropriate measures to ensure that employees and/or witnesses involved in filing the complaint are protected, as necessary. This may include temporary reassignments or shift changes. [Organization Name] will ensure that these changes do not penalise any employee who brought forward a complaint, or any witness to the complaint.
* [Organization Name] will not disclose any information regarding a complaint of abuse (including any identifying personal information of any of the individuals involved), unless the disclosure is necessary. The disclosure may become necessary for the purposes of investigating the complaint, taking disciplinary action, or as required by law.
* The employee who disclosed the complaint, as well as the alleged abuser(s) (provided they are both employees of [Organization Name]), will be kept up to date on the investigation and will be notified of the results of the investigation and any subsequent actions to be taken.

Any reports resulting from an investigation into complaints of harassment, discrimination, bullying, or abuse are not considered Occupational Health and Safety incident reports and will not be shared with the Health and Safety Committee/Representative.

**Prohibition Against Retaliation/Reprisal**

[Organization Name] strictly prohibits any form of retaliation against an employee for filing a genuine complaint under this policy or for participating in the investigation process.

Specifically, no employee shall be demoted, dismissed, disciplined, or denied a promotion, advancement, or other opportunities because they have lodged a complaint in good faith or have participated in an investigation.

**Disciplinary Action**

Any employee who is found to have breached this policy by engaging in abuse or any form of reprisal; who breaches confidentiality expectations; fails to cooperate with an investigation; files a malicious complaint or a complaint in bad faith or supplies falsified information will be subject to appropriate disciplinary action.

Disciplinary action may range from training, counselling, written warning, suspension, work transfer and up to termination of employment, depending on individual circumstances. Additionally, [Organization Name] may pursue legal or criminal action where warranted.

**Confidentiality**

[Organization Name] will ensure that information and documents regarding a complaint or incident will not be disclosed except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

All parties involved in a workplace abuse complaint, including complainants, respondents, witnesses, managers, and support persons are expected to treat the matter and any information they become aware of as confidential. No party shall discuss the matter or associated details with other employees or witnesses. An employee may face disciplinary action if it is determined that they have failed to adhere to these confidentiality expectations.

All investigation notes and full reports will be retained in a separate file and are not to be saved in employee personnel files. Outcome letters and disciplinary records will only be included in personnel files when the complaint has been substantiated.

**Record Keeping**

[Organization Name] will securely retain records of all complaints or incidents of harassment including copies of:

* The complaint or details about the incident
* Records of the investigation including notes
* Witness statements, if taken
* The investigation report, if any
* Results of the investigation that were provided to the Complaint and Respondent
* Any corrective action is taken to address the complaint or incident of workplace abuse

**Annual Review**[Organization Name] will conduct an annual review of this policy and the procedures outlined in it to ensure continued compliance with legislation and the continued protection of our employees. Terms and conditions in this policy are therefore subject to review and change.

Employees that have questions, concerns, or feedback regarding this policy or its content are welcome to reach out to [Insert Title/Name].

ACKNOWLEDGEMENT AND SIGN OFF

​​I, the undersigned, acknowledge that I have received and read the Abuse Policy provided by [Organization Name] and/or have had it explained to me. I understand that it is my responsibility to abide by all of the rules contained in this policy and to report any incidents of abuse as set forth in this policy.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Employee/Volunteer:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name of Employee/Volunteer:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature of Person Representing [Organization Name]:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name of Person Representing [Organization Name]:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_