## WORKPLACE VIOLENCE AND HARASSMENT POLICY AND PROGRAM

[Organization Name] is committed to ensuring a workplace free of harassment, bullying, violence, and discrimination. In pursuit of this, [Organization Name] will not tolerate any harassment, bullying, violence or discrimination within the workplace. [Organization Name] is further committed to investigating any complaints regarding workplace harassment, bullying, violence and/or discrimination, using the method of progressive discipline, 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 assault, threats, and behaviours such as stalking. In the event of any of the above, [Organization Name] will immediately contact the police.

This policy and program are intended to:

* Ensure that [Organization Name] maintains a work environment that is free from workplace violence and harassment in all forms and has zero tolerance for these behaviours.
* Establish measures and procedures to control the risk of workplace violence and harassment.
* Communicate the procedure for summoning immediate assistance in the event of an incident of workplace violence, harassment, or where an incident is imminent.
* Outline the responsibilities of all workplace parties.

DEFINITIONS

“Workplace Violence” as defined by Yukon’s *Workplace Health and Safety Regulations* is generally understood as the threatened, attempted or actual application of physical force toward a worker that is likely to cause harm or lead a worker to believe that they are likely to be harmed or a threatening statement made or any conduct engaged in by a person that gives a worker reasonable cause to believe that the worker is at risk of injury. This includes exposure or likely exposure to domestic violence in a workplace and the resulting harm to anyone in that workplace.

“Harassment of a worker by a person”: means bullying, or any other objectionable conduct or inappropriate comment, by the person that occurs in a workplace or is work-related, that the person knows or ought reasonably to know, is likely to be unwelcome and that adversely affects the worker’s physical or psychological well-being or constituted a threat to the worker’s health and safety. This includes the person engaging in bullying or a course of inappropriate comments to, or in relation to, the worker, or a course of objectionable conduct against the worker that occurs in a workplace or is work-related, that the person knows or ought reasonably to know, it likely to be unwelcome, and that relates to, or is motivated by, the worker’s sex, sexual orientation, gender identity or gender expression and does not include reasonable conduct of a person who is an employer or supervisor in respect of the management of workers or a workplace.

Sexual Harassment according to the Yukon Human Rights Commission is defined as “an offensive or humiliating behaviour that is related to a person’s sex’ sexual orientation and gender identity or expression. It covers a range of actions from touching to inappropriate comments.” The Supreme Court of Canada has defined sexual harassment in the contect of employment as “any sexually-oriented practice that endangers an individual’s continued employment, negatively affects their work performance, or undermines their sense of personal dignity.”

Sources of violence and harassment can be employers, managers, supervisors, co-workers, customers, clients, members of the public, family members and strangers.

Effects of violence and harassment can be harmful to the victims, bystanders and witnesses, as well as to the organization itself. They can be both immediate and long term. For individuals, the effects can include minor or serious physical injuries, temporary or permanent physical disability, shock, anxiety and psychological trauma.

For organizations, the effects can include low morale, increased job stress, increased absenteeism and turnover, reduced trust in management and co-workers, and a hostile working environment.

POLICY

[Organization Name] is committed to providing a healthy, safe, and supportive work environment for all employees that is free from workplace violence and will not tolerate any such incidents that are perpetuated by or against an employee, client, volunteer, vendor, or visitor.

In pursuit of this commitment, [Organization Name] will take all reasonable steps to prevent workplace violence and will deal with incidents and complaints made in good faith, in a fair, consistent, and timely manner. We will fulfil our obligations under the *Occupational Health and Safety Regulation* and the *Workers’ Safety and Compensation Act*.

RESPONSIBILITIES

Employer Responsibilities

* protecting the physical and psychological health and safety of their workers and treating workers with civility and respect
* developing and implementing a policy and procedures for workplace violence and harassment prevention
* educating themselves and workers about the hazards; how to spot violence and harassment hazards before they cause harm; and encourage acceptable workplace behaviours.

Manager/Supervisor Responsibilities

* need to treat all workers with civility and respect
* need to train workers to do their jobs safely; tell workers about workplace hazards; and make sure workers are actually doing their work safely
* need to ensure that all policies and supporting procedures are followed

Employee Responsibilities

* are accountable for their own behaviour at work
* keep themselves and others safe; to report unsafe behaviours; and to follow all the policies and procedures developed by their employer
* treat others with civility and respect and avoid behaving in ways that others will find unacceptable
* even as a bystander, if a worker sees or hears about a hazard or an incident involving violence or harassment, they should report it to their supervisor, just like any other hazard or incident

COMPLAINT PROCEDURE

**Duty to Report Incidents of Workplace Violence, Harassment, Bullying, or Discrimination**

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

* (Insert Title) at (Insert contact info) or (Insert Title) at (Insert contact info) if one of them is not available.
* An alternate report may be made to (Insert Title) at (Insert contact info) if either of the above are the alleged 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:

o A review of the details of the incident;

o Separate interview(s) with the parties involved and any witnesses;

o Examination of any relevant documents, emails, notes, photographs, or video;

o A decision about whether the complaint constitutes workplace harassment; and

o The preparation of a report which summarizes the incident, the steps of the investigation, the evidence collected, and any findings

* [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 penalize any employee who brought forward a complaint, or any witness to the complaint.
* [Organization Name] will not disclose any information regarding a complaint of harassment or violence (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 harasser (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.

Reminder: If you are directly affected by, or witness to an act of violence, harassment, or a threat of violence in the workplace, it is imperative that the incident be reported immediately. All persons have a duty to report.

* Employees should also notify their supervisor/manager, or their designate, if any restraining order affecting them is in effect or if they are aware of a non-work-related situation that could result in violence in the workplace including concerns regarding the potential for domestic violence to occur in the workplace.

If you are subject to workplace violence, you also have the option to pursue recourse through the Provincial Police or the Federal Criminal Code.

**Summoning Immediate Assistance**

* If you require immediate assistance following an act of violence, are being threatened, or consider yourself to be in imminent danger, contact the police/emergency services immediately by dialing “911” and follow department/facility emergency response procedures (where relevant).
* If you are unable to phone 911 right away, you should:
	+ Yell for help.
	+ If in a vehicle, honk the horn repeatedly, turn on hazard lights and lock all vehicle doors.
	+ If possible, use the vehicle’s emergency alarm.
	+ Immediately move to a safe location.
	+ Contact a manager/supervisor.

**Right to Refuse Unsafe Work Due to Workplace Violence**

If you believe that you are being endangered by workplace violence, you have the right to refuse to perform the work you deem to be unsafe. If you are refusing to work because of workplace violence, you must immediately report the refusal to your supervisor/manager or their designate.

Once reported, an investigation into the refusal will commence. During the investigation, you must remain at work and remain available to the investigator(s) for the purpose of the investigation.

**Reports of Violent Incidents Workplace Expectations**

The Organization Shall:

* Promptly investigate all reported acts and incidents of violence.
* Consult with other parties (i.e., legal counsel, Health and Safety Consultants, Health and Safety Representatives, Employee Assistance Providers, Human Rights, and local Police Services) as deemed necessary to address, resolve and mitigate incidents.
* Take all reasonable measures to identify and eliminate risks and root causes resulting from the incident.
* Comply with the violent incident reporting obligations of the *Workers Compensation Act* and the *Occupational Health and Safety Regulation*

**Incident Investigation Reports**

[Organization Name] will document and securely retain records of all complaints or incidents of violence according to the *Workers Compensation Act*. Information to be included will be:

* The complaint or details about the incident;
* Completed violent incident report forms;
* 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; and
* Any progressive discipline taken to address the complaint or incident of workplace harassment.

**Hazard Assessment**

[Organization Name] will conduct regular hazard assessments of the work environment to identify the types and probability of risks of injury due to violent actions.

When conducting the risk assessment [Organization Name] will take into consideration:

* any previous experience in the workplace in relation to each identified hazard
* consider any experience in similar workplaces in relation to each identified hazard
* take into consideration the location and circumstances in which work takes place in the workplace
* assess the likelihood that each identified hazard presents or will present a risk or injury.

It will also consider the following factors:

* Working in a community-based setting
* Interaction with the public and/or working with unstable or possibly volatile clients.
* The exchange of money
* Working alone or in small numbers
* Working at night
* Working in a high crime area

The hazard assessments will be conducted in consultation with the committee or the health and safety representative, as applicable, or other workers if the workplace has neither.

Hazard assessments must be conducted as frequently as required to prevent the development of hazards and as soon as possible after a significant change occurs in any of the following:

* the location or circumstances in which work takes place in the workplace, the interactions that occur in the course of the performance of work in the workplace, the physical location or layout of the workplace.

Or, as soon as possible after an incident or injury in the workplace involving a previously-identified hazard or when ordered to do so by a safety officer.

As part of its assessment the organization will help make the results available to all workers and the Joint Occupational Health and Safety Committee (JOHSC).

**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 opportunity 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 violence or a form of reprisal; who breaches confidentiality expectations; fails to cooperate with an investigation; makes 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 termination of employment, depending on individual circumstances. Additionally, the organization may pursue criminal charges 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 progressive discipline or as otherwise required by law.

All parties involved in a workplace violence complaint, including Complainants, Respondents, witnesses, management, 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. Investigation outcome letters and disciplinary action will be saved in applicable employee files only when the complaint has been verified and is found to be in breach of this policy.

Limitations

This policy does not limit workers’ rights under any other law, including human rights or criminal laws.

Review

This policy will be signed and dated. It will be reviewed at least once every three years and updated if any changes are needed.