## WORKPLACE VIOLENCE, HARASSMENT, AND DISCRIMINATION

[Organization Name] (the Employer) is committed to ensuring the safety and security of all employees. In pursuit of this goal, the Employer has established a zero-tolerance rule for harassment, violence, and discrimination in the workplace. Under the *Occupational Health and Safety Act: Workplace Harassment Regulations*, harassment, discrimination, and/or violence in the workplace are prohibited. If harassment, discrimination or violence should occur, at [Organization Name], this policy also outlines the process for complaints and investigations.

The organization will create prevention plans for violence and harassment and these will be developed in consultation with the health and safety committee **OR** health and safety representative, as applicable. They will also be regularly reviewed and updated.

Under the PEI Human Rights Act every employee has the right to be free from discrimination or harassment from the employer, agent of the employer or by another employee based on the following prohibited grounds: race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin, gender identity or pregnancy.

PURPOSE

As per the PEI Occupational Health and Safety Act: Workplace Harassment Regulations, the Employer will establish and implement measures to prevent and investigate occurrences of harassment, violence, and discrimination in the workplace. It is the obligation of [Organization Name] to provide a safe work environment for employees that is free from discrimination, harassment, and violence, where all employees are treated with dignity, self-worth, and respect for their basic human rights.

In pursuit of this, the Employer will ensure, as far as is reasonably practicable, that no employee is subjected to harassment, discrimination, or violence in the workplace. If harassment does occur, the employer will take corrective action regarding any person under the Employer’s direction. As such, this policy will be communicated to all employees, contractors, or any other non-employees who are not under the Employer’s direction in the workplace (e.g., volunteers, vendors, etc.).

DEFINITIONS

The Occupational Health and Safety Act: Workplace Harassment Regulations defines **harassment** as:

* “any inappropriate conduct, comment, display, action or gesture or any bullying that the person responsible for the conduct, comment, display, action or gesture or the bullying knows, or ought reasonably to know, could have a harmful effect on a worker's psychological or physical health or safety, and includes:

	+ conduct that is based on any personal characteristic such as, but not limited to, race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin, gender identity or pregnancy, and;
	+ inappropriate sexual conduct that is known, or ought reasonably to be known, to the person responsible for the conduct to be unwelcome, including, but not limited to, sexual solicitations or advances, sexually suggestive remarks, jokes or gestures, circulating or sharing inappropriate images, or unwanted physical contact.”
		- It can include both repeated inappropriate conduct, comments, displays, actions or gestures or incidents of bullying that have a harmful effect on the
		- worker's psychological or physical health or safety; and
		- a single occurrence of inappropriate conduct, comment, display, action or gesture or bullying that has a harmful effect on the worker's psychological or physical health or safety.

Reasonable action taken by an employer or supervisor related to the management and direction of employees, such as performance reviews, work evaluation, and disciplinary measures taken for any valid reason, is not harassment.

In accordance with Occupational Health and Safety Act: General Regulations (Part 52-Violence In The Workplace) workplace **violence** is defined as follows:

* The threatened, attempted or actual exercise of any physical force by a person that can cause, or that causes, injury to a worker, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that there is risk of injury.

In accordance with the PEI *Human Rights Act*, **discrimination** is defined as:

Discrimination in relation to age, colour, creed, disability, ethnic or national origin, family status, gender expression, gender identity, marital status, political belief, race, religion, sex, sexual orientation, or source of income of any individual or class of individuals.

POLICY

This policy and program will be developed, reviewed, and maintained in consultation with the Occupational Health and Safety Committee or Representative as applicable. This policy and program must be reviewed regularly.

SCOPE

This policy applies to the Employer, all employees, supervisors, contractors, and volunteers. It also applies to any location in which employees are engaged in work-related activities for [Organization Name]. These include but are not limited to:

* The workplace;
* In the course of work being performed, activities directly related to work or workplace assignments outside of the workplace;
* Any company vehicles or vehicles used for company business;
* During workplace travel or required overnight accommodations;
* Employment related or sponsored social functions or events;
* During telephone, video, written, email or other communications.

This policy also applies to situations in which employees interact with individuals who are not employees of the organization, such as the public, customers and suppliers/vendors, although the available remedies may be constrained by the situation.

**Training**

All employees will be trained on the content of this policy, including workplace anti-violence and anti-harassment awareness and the reporting process for any complaints. This training will be provided to employees upon commencement of employment or as soon as possible thereafter. Refresher training on the subject will be provided to employees as required as per the principles of due diligence.

**Risk Assessment and Workplace Violence Prevention**

[Organization Name] will conduct a risk assessment of the workplace to determine whether there is a risk of injury to workers from violence arising out of their employment. This assessment will consider:

* Any previous incidents of violence in the workplace;
* The occupational experience of violence in similar workplaces; and
* The location and circumstances in which the work takes place.

If a risk of violence is identified, [Organization Name] will:

* Establish policies, procedures, and work environment arrangements to either:

	+ Eliminate the risk of violence to workers, or
	+ Where elimination is not possible, minimize the risk as much as reasonably practicable; and;
* Provide for the reporting, investigation, and documentation of any incidents of workplace violence.

All workers who may be exposed to the risk of violence will be informed of the nature and extent of the risk. Where not prohibited by law, this includes information about individuals with a known history of violent behaviour who may be encountered during the course of work.

Workers will be instructed in:

* How to recognize potential signs of violence;
* The procedures, policies, and environmental measures in place to prevent or respond to violence; and
* The appropriate responses to incidents of violence, including how to obtain immediate assistance when needed.

A copy of the risk assessment and the assessment results will be provided to the Health and Safety Representative/Committee as applicable. If there is no Representative/Committee, the workers will be advised of the assessment results.

[Organization Name] will repeat the assessment as often as necessary to ensure this Workplace Violence, Harassment, and Discrimination Policy and related policies continue to protect workers from risks to their health and safety.

**Responsibilities**

The Employer recognizes that everyone has the right to work free of harassment, discrimination, and violence. No employee will be subjected to reprimand, reprisal, or discrimination for reporting a complaint in good faith. This policy does not prevent or discourage employees from exercising their legal rights under other laws, or from filing a complaint under the PEI Human Rights Act.

Employer

[Organization Name] will ensure the workplace is free from discrimination, harassment, and violence by not tolerating or condoning these behaviours. This includes:

* Taking all reasonable measures to ensure that no employee is subjected to harassment, violence, or discrimination in the workplace,
* If it is known, or ought reasonably to be known that harassment in the workplace is occurring, the source of the harassment will be identified and the harassment will be stopped and reasonable steps will be taken to remedy the effects of the harassment and to prevent or minimize future incidents of harassment,
* Educating employees on this policy and the terms, processes, and responsibilities outlined within,
* Reviewing this policy regularly and ensuring compliance with all applicable legislation,
* Conducting risk assessments as required and ensuring all identified risks are addressed accordingly,
* Providing all workers with the appropriate training and offering refresher training as needed,
* Training supervisors on how to recognize and address workplace harassment,
* Addressing complaints of harassment, violence, and discrimination promptly, which may include the initiation of an investigation, mediation, or the involvement of law enforcement as necessary,
* Establishing a process for reporting and investigating workplace harassment, violence, and discrimination, taking corrective action against perpetrators, and taking all reasonable steps to remedy the effects and prevent future incidents.
* Taking appropriate progressive discipline and/or disciplinary action if necessary,
* Making the appropriate reports available as required, if applicable (e.g., WCB of PEI),
* Developing and implementing this policy in consultation with the Health and Safety Committee/Representative as applicable, and ensuring the policy is readily available to all employees.

Managers and Supervisors

Managers and supervisors are required to act immediately upon observing, witnessing, or becoming aware of allegations of discrimination, harassment, or violence. Supervisors and managers are responsible to:

* Ensure the immediate safety of any employee coming forward with a serious and immediate concern;
* Be familiar with what constitutes discrimination, harassment, and workplace violence and the procedures for addressing them;
* Bring forward allegations to the employer and/or the HR designate without delay;
* Conduct or support investigations when required;
* Ensure all employees are trained on this policy;
* Treat all reports of workplace harassment seriously and respond promptly;
* Address any behaviours that may lead to a workplace harassment, violence, or discrimination complaint;
* Ensure their actions align with the terms laid out in this policy.

Employees

All employees are responsible for:

* Maintaining a respectful and violence/harassment-free workplace,
* Fostering an environment based on mutual respect and dignity by treating one another accordingly, supporting this policy, and refraining from any form of discrimination, harassment, or violence,
* Bringing forward concerns and reporting any harassment, violence, or discrimination to management promptly,
* Cooperating fully in any investigation or resolution process.

Any manager, supervisor, or employee who fails to meet their obligations under this policy may be subject to disciplinary action.

**Reporting Incidents of Discrimination, Harassment or Violence**

Confidentiality

All complaints must be kept confidential. Identifying information about the people involved and the circumstances of the complaint may only be disclosed to the extent required to report the harassment, conduct the investigation, take corrective action, or when permitted by law.

**Informal Resolution**

If an employee feels they have been subjected to workplace harassment, they may attempt to resolve the issue informally if they feel safe and comfortable doing so. Informal resolution options include:

* Speaking directly to the individual to ask them to stop the behaviour;
* Explaining why the behaviour is unwelcome and referring them to this policy;
* Requesting the assistance of a supervisor or manager to speak with the individual or facilitate informal mediation.

Employees are encouraged to document the details of the incident, including names, dates, times, location, and any witnesses, even when pursuing informal resolution.

If the employee does not feel safe or comfortable addressing the individual directly, or if informal efforts are unsuccessful, they are expected to proceed with the formal complaint process.

Employees who experience or witness workplace violence must report it immediately so that the investigation process may commence.

**Formal Complaint Process**

Employees must:

* Immediately report any incident of harassment or violence they are subjected to or have witnessed to management or another designated reporting contact
* Participate as required in internal or external investigations concerning incidents of workplace harassment or violence

A complaint form is available at [Insert location of form].

At [Organization Name], complaints may be submitted to:

* (Insert person) at (Insert contact information)
* (Insert person) at (Insert contact information)

If either of the above individuals is the alleged perpetrator, employees may submit the complaint to an alternate contact:

* (Insert person) at (Insert contact information)

As necessitated by the complaint, the Employer may also appoint an impartial third party investigator who is familiar with the PEI harassment and violence regulations to complete the investigation. A safety officer may also require that the investigation is completed by a third party.

**Investigation Process**

Immediately upon receipt of a complaint, an investigation will begin. The investigation will be appropriate to the circumstances and conducted by a trained, impartial individual, either internal or external.

The investigation will typically include:

* A review of the complaint and all related documentation
* Private interviews with the complainant, the alleged harasser, and any witnesses
* Collection and examination of relevant evidence, such as emails, texts, notes, photographs, or video footage
* A determination of whether the incident constitutes workplace harassment or violence
* Preparation of a written investigation report summarizing the incident, steps taken, evidence gathered, and findings

A summary of the findings will be shared with both the complainant and the alleged perpetrator, if both are employees of the Employer. If workplace harassment or violence is substantiated, appropriate corrective actions will be taken, including for persons who are not employees of the Employer. These may include disciplinary measures, changes to work arrangements, or other steps necessary to prevent recurrence, e.g., preventing future access to the workplace by a vendor, etc.

**Supervisor and Management Complaint Responsibilities**

At [Organization Name], if a complaint is made, supervisors and managers must:

* Take prompt and appropriate action upon receiving a complaint or becoming aware of incidents of workplace harassment or violence,
* Ensure the complaint is investigated in a timely and thorough manner,
* Prevent future incidents by addressing concerning behaviours proactively,
* Prepare and retain investigation reports for a minimum of two years,
* Impose disciplinary measures when necessary, in response to substantiated complaints.

All members of management who are aware, or who ought reasonably to be aware, that workplace harassment or violence is occurring are obligated to take action to stop the behaviour, even if no formal complaint has been filed.

**Bad Faith or Vexatious Complaints**

If a complaint is found to have been made with the knowledge that the allegations were false or it was made for malicious or vindictive purposes, the complainant will be subject to disciplinary action, up to and including termination of employment.

Complaints made in good faith will not result in disciplinary action, regardless of the outcome of the investigation.

**Protection from Reprisals**

Employees will not face reprisal, retaliation, or intimidation for making a complaint, participating in an investigation under this policy, or pursuing other avenues such as filing a complaint with the Human Rights Commission.

Any individual who engages in retaliatory behaviour will be subject to immediate disciplinary action.

**Right to Refuse Unsafe Work**

Under the Prince Edward Island *Occupational Health and Safety Act* all employees have the right to refuse work if they have reasonable grounds to believe they are at risk of harm while performing their duties.

This includes concerns related to harassment, discrimination, or violence as outlined in this policy.

**Policy Review**This policy will be reviewed in consultation with the Joint Occupational Health and Safety Committee or Representative every [Insert number of years] or as required to ensure it is up to date.