



**UNION OF ONTARIO INDIANS
WORKPLACE VIOLENCE AND HARASSMENT POLICY**

FINAL

Approved by the Union of Ontario Indians Leadership Council on
October 28, 2024

POLICY STATEMENT

- 1.0 The Union of Ontario Indians (“**UOI**”) is committed to providing a safe and healthy workplace.
- 1.1 The UOI will treat any complaint of workplace harassment or violence as a serious matter.
- 1.2 The UOI adheres to all relevant legislative requirements, including those under the *Occupational Health and Safety Act*, the *Human Rights Code*, and their respective regulations.

GOAL

- 2.0 The goal of this policy is to establish measures and procedures to respond to risks, complaints, and instances of workplace violence and/or harassment. This policy is intended to ensure all complaints are handled in a timely and equitable manner.

SCOPE AND DEFINITION

- 3.0 This policy applies to all workers and also addresses instances of workplace violence or harassment perpetrated against workers by non-worker third parties.
- 3.1 This policy applies to any activities associated with the workplace, whether at or away from UOI premises and during or outside of regular work time.

DEFINITIONS

- 4.0 **Domestic Violence:** The exercise of physical force that could cause physical injury, an attempt to exercise physical force that could cause physical injury, or a statement or behavior that is reasonably interpreted by its target as a threat to exercise physical force that could cause physical injury by a person who has a personal relationship with a worker, such as a spouse or former spouse, current or former intimate partner or a family member.
- 4.1 **Joint Health and Safety:** A committee of workers and UOI management whose role it is to identify sources of danger or hazards to workers and make recommendations to the UOI for the elimination or mitigation of workplace health and safety hazards.
- 4.3 **Worker:** Means any person who performs work or supplies services to the UOI for monetary compensation and includes all employees, elected officials, contractors, volunteers, managers and directors.
- 4.4 **Workplace:** Any land, premises, location or thing at, upon, in or near which a worker works. The workplace includes all UOI electronic communication regardless of whether the worker is physically in the workplace when it is sent or received. The workplace may also include work-related social functions (e.g. parties, events, etc.), work responsibilities outside UOI premises, work-related travel and work-related conferences, functions, or training sessions (etc.).

- 4.5 **Workplace Harassment:** 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 workplace sexual harassment.

Examples of workplace harassment include (but are not limited to):

- Rumour spreading and gossip.
- Unwelcome remarks, slurs, jokes, taunts, or suggestions.
- Unwelcome sexual remarks, leering (suggestive staring) or other offensive gestures, invitations, or requests (including persistent, unwanted contact after the end of a relationship).
- Jokes about sex.
- Displaying explicit or other offensive or derogatory material.
- Email chains with jokes about specific individuals.
- Engaging in practical jokes that embarrass or demean someone.
- Engaging in patronizing or condescending behaviour.
- Undermining someone's performance or threatening their career.
- Excluding individuals from work-related activities.
- Humiliating an individual in front of others.
- Reviewing work unfairly or trivial fault-finding.
- Belittling behaviour or comments.

Workplace harassment does NOT include:

- Consensual banter with appropriate subject matter if everyone involved is in agreement and comfortable. However, consensual banter may become workplace harassment if an individual begins to feel uncomfortable with this behaviour and the behaviour continues even after that person has expressed his/her discomfort, or if the others involved should have known the person was uncomfortable.
- Measures to correct performance deficiencies, such as placing someone on a performance improvement plan.
- Imposing discipline or corrective action for workplace infractions.
- Requesting medical documents in support of an absence from work.
- Normal workplace conflict that may occur between individuals.
- Differences of opinion between co-workers.

- 4.6 **Workplace Sexual Harassment:** 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.

- 4.7 **Workplace Violence:** 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 use physical force against a worker, in a workplace, that could cause physical injury to the worker; or a statement or behavior that 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.

Examples of workplace violence include:

- Physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault.
- Displays of aggression that cause an individual fear of bodily harm.
- Verbal threats to attack an individual.
- Intimidating behaviour, such as stalking.
- Wielding an object as a weapon or in a threatening way.

Violence that occurs outside the workplace but which has an impact on the working environment, including on working relationships, may also be considered workplace violence.

GENERAL RESPONSIBILITIES OF WORKERS

- 5.0 **Compliance:** It is the responsibility of all workers to comply with this policy and programs implementing this policy, at all times, to protect themselves and others in the workplace from workplace violence and harassment.
- 5.1 **Cooperation:** It is the responsibility of all workers to fully cooperate in any investigation of complaints, incidents or potential breaches of this policy and/or its programs.
- 5.2 **Training:** It is the responsibility of all workers to participate in any training session conducted by the UOI regarding this policy and/or its programs.

GENERAL RESPONSIBILITIES OF THE UOI

- 6.0 **Written Policy:** The UOI shall prepare and maintain a written policy with respect to workplace violence and workplace harassment. This policy shall be posted at a conspicuous location in the workplace. The UOI shall review this policy as often as is necessary, but at least annually.
- 6.1 **Assessment of Risks of Violence:** Each Program Director, under the direction of the Human Resources Director (the "HRD"), shall assess the risks of workplace violence that may arise from the nature of the workplace for their program and the type of work or the conditions of the work. Program Directors shall conduct assessments using the Hazard Risk Assessment Form (see Schedule "A"). Each assessment shall take into account circumstances that would be common to

similar workplaces and circumstances specific to the workplace as well as possible mitigation that the UOI can provide. A reassessment of the risks of workplace violence shall be conducted as often as is necessary to ensure that this policy and the program implementing it continue to protect workers from workplace violence. The results of all risk assessments and reassessments shall be submitted to the Joint Health and Safety Committee, and any recommendations arising out of assessments shall be submitted to the HRD.

- 6.2 **Information and Instruction:** The UOI shall provide workers with information and instruction that is appropriate for the particular worker on the contents of the policy and programs with respect to workplace violence and workplace harassment.

It shall be the responsibility of the HRD to ensure all workers are provided appropriate instruction and information regarding this policy and its programs.

- 6.3 **Information – Workplace Violence:** The UOI shall provide information, including personal information, related to a risk of workplace violence from any person with a history of violent behaviour if the worker can be expected to encounter that person in the course of his or her work and if the risk of workplace violence is likely to expose the worker to physical injury. The UOI shall not disclose more personal information than is reasonably necessary in the circumstances to protect a worker from physical injury.

In circumstances where the risk of workplace violence is not imminent, it shall be the responsibility of the HRD to determine what personal information, if any, shall be provided to a worker to protect them from physical injury.

In circumstances where the risk of workplace violence is imminent, the worker with information about the risk shall disclose the personal information that is reasonably necessary to protect a worker from physical injury.

- 6.4 **Precautions – Domestic Violence:** If the UOI becomes aware, or ought reasonably to be aware, of domestic violence that would likely expose a worker to physical injury that may occur in the workplace, then the UOI shall take every precaution reasonable in the circumstances for the protection of the worker. This could include, but is not limited to:

- creating a safety plan;
- contacting the police;
- establishing enhanced security measures such as a panic button, code words, and door and access security measures;
- screening calls and blocking certain email addresses; and/or
- setting up priority parking or providing escorts to their vehicle.

It shall be the responsibility of the HRD to review and determine what safety precautions ought to be provided in circumstances where a worker may be at risk of experiencing domestic violence.

- 6.5 **Programs:** The UOI shall develop and maintain programs to implement this policy with respect to workplace violence and workplace harassment.

Reprisal

- 7.0 This policy prohibits reprisals against workers who have made good faith complaints, provided information regarding a complaint or incident of workplace violence or harassment, or who have followed the procedures outlined in the programs.
- 7.1 Workers who engage in reprisals or threats of reprisal may face remedial action, such as discipline up to and including dismissal from employment.

Limited Disclosure

- 8.0 Identifying information about any individuals involved in workplace violence or workplace harassment will not be disclosed unless the disclosure is necessary for the purpose of investigation or taking corrective action or is otherwise required by law.

Bad Faith Complaints and Malicious Reporting

- 9.0 In the event a complaint is found to have been made in bad faith, with malicious intent, or in abuse of this policy in order to harm another worker, the complainant may face remedial action, such as discipline up to and including dismissal from employment. The precise nature and degree of any such remedial action will depend on the seriousness of the situation and is not a reprisal under this policy or a breach of this policy.

Review

- 10.0 The UOI will review this policy and its programs as often as is necessary, but at least annually, and may make changes at any time. Any changes will be communicated to workers.

WORKPLACE VIOLENCE PROGRAM

CONTROL OF RISKS

- 11.0 If a member of the UOI management is notified of a risk of workplace violence, including a risk of domestic violence that would likely expose a worker to physical injury that may occur in the workplace, they shall take all reasonable precautions in the circumstances to control the risks that are likely to expose a worker to physical injury. This could include, but is not limited to:
- separating workers;
 - removing an individual from the workplace;
 - creating a safety plan;
 - contacting the police;
 - establishing enhanced security measures;
 - screening calls and blocking certain email addresses; and/or

- setting up priority parking.

SUMMONING IMMEDIATE ASSISTANCE

- 12.0 Any worker who witnesses or experiences workplace violence or who feels that they are in imminent danger shall:
- ensure they are in, or remove themselves to, a safe location (which may include leaving the workplace);
 - if, in their opinion, the situation warrants, contact the police by dialing 911; and
 - follow the reporting procedures that follow.

REPORTING WORKPLACE VIOLENCE

- 13.0 A worker shall report incidents of workplace violence to the HRD by completing an Incident Report Form (see Schedule “B”) as soon as is reasonably possible.
- 13.1 If the HRD is the alleged perpetrator of the incident, the worker can submit the Incident Report Form directly to the CEO. The CEO will take the place of the HRD in the procedures that follow.
- 13.2 The incident will be investigated according to the UOI’s Investigation Procedure.

WORKPLACE HARASSMENT PROGRAM

INFORMAL PROCEDURES

- 14.0 If a worker believes that they are being subjected to workplace harassment and feels comfortable doing so, the worker should address the situation directly with the perpetrator. Although this may be difficult to do, telling the perpetrator that their actions are unwelcome is often enough to stop the behaviour.

Some of the things that can be said that might stop the behaviour include:

- “I don’t want you to do that.”
 - “Please stop doing or saying...”
 - “It makes me uncomfortable when you...”
 - “I don’t find it funny when you...”
- 14.1 If the harassment continues after the worker has attempted to address the behaviour directly with the individual, the worker may provide the individual with a written statement of the situation. The worker should include specific details of the behaviour(s) considered to be harassing; a request to the perpetrator to stop; the worker’s expectations that the perpetrator will discontinue the behaviour; and the next steps that the worker will take if the behaviour(s) does not stop (e.g., filing a formal complaint). The worker should retain a copy of the written statement.

- 14.2 If a worker believes that they are being subjected to workplace harassment by someone who is not themselves a worker, the worker should report the behaviour to their immediate supervisor. Although the UOI has limited control over third parties, it will take steps to address the issue and prevent further problems from arising.

REPORTING WORKPLACE HARASSMENT

- 15.0 If the complaint cannot be resolved informally or if it is too serious to handle on an informal basis, the worker shall report incidents of workplace harassment to the HRD by completing an Incident Report Form (see Schedule "B") as soon as is reasonably possible.
- 15.1 If the HRD is the alleged perpetrator of the incident, the worker can submit the Incident Report Form to the CEO. The CEO will take the place of the HRD in the procedures that follow.
- 15.2 A formal complaint of workplace harassment is not necessary to trigger the UOI's obligation to investigate an incident of workplace harassment. Where a Director or Manager becomes aware of an incident of workplace harassment, that information should be directed to the HRD and the investigation procedures outlined below should be followed.
- 15.3 The incident will be investigated according to the UOI's Investigation Procedure.

INVESTIGATION PROCEDURE

Definitions

- 16.0 "Complainant" means the individual who reported the incident and/or completed an Incident Report Form.
- 16.1 "Respondent" means the individual against whom the complaint is made.

Investigating Complaints

- 17.0 It is the responsibility of all workers to fully cooperate in any investigation.
- 17.1 Upon receiving a complaint, the HRD or CEO, as appropriate, shall commence an investigation typically within five business days of receiving the complaint, or as soon as practicable. A delegate may be appointed to complete the investigation and/or the UOI may engage the services of an external investigator in appropriate circumstances, including as when required under the *Occupational Health and Safety Act*.
- 17.2 The investigator will schedule an interview with the complainant to discuss and clarify the complaint and identify steps they have taken to resolve the matter, if any. The complainant may be accompanied by a support person, if necessary.
- 17.3 The complaint will then be investigated. The investigation may include interviews of the respondent, the individual(s) alleged to have been subjected to the behaviour complained of (if other than the complainant), and any other individuals that may have knowledge of the matters included in the complaint (such as witnesses to events). There may also be further interviews of the complainant. The investigator may also collect and review documents relevant to the

allegations and issues raised in the complaint. The investigation will be conducted in such a manner as to provide procedural fairness to the parties, and the respondent will have the opportunity to know, and respond to, the allegations against them.

- 17.4 In the event an individual refuses to, or otherwise does not, participate in the investigation, the investigator may proceed with, and conclude, the investigation without hearing from that individual. The investigator may draw such inferences as they see fit from the individual's non-participation and the surrounding circumstances.
- 17.5 Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.
- 17.6 The investigator will document the evidence obtained through the investigation and any results of the investigation and conclusions drawn by the investigator.
- 17.7 The investigator will then prepare a written report and deliver it to the HRD or the CEO, as appropriate. The report will contain a summary of the complaint, a summary of the evidence considered, and the investigator's findings based on the evidence.
- 17.8 The HRD or CEO, as appropriate, will review and consider the investigator's report and will make a decision with respect to corrective actions to be taken, if any.
- 17.9 The complainant and the respondent will be informed, in writing, of the results of the investigation and of any corrective action that has been taken or will be taken as a result of the investigation.

Confidentiality

- 18.0 Witnesses must keep the investigation process and any information shared (verbally or in writing) confidential and must not discuss such matters during or after the process with anyone, including co-workers or any other persons on staff, with the exception of the HRD or the CEO, as appropriate (if not a party in the investigation), and those with whom they are entitled by law to discuss such matters (e.g., legal counsel, authorities).

Interim Measures

- 19.0 The UOI may impose interim measures on a worker pending the results of the investigation to ensure the workplace can continue to function and that all reasonable precautions are taken for the protection of workers. Interim measures include, but are not limited to, alternative work arrangements and/or a leave of absence with pay.

Remedial Action

- 20.0 Where a worker is found to have engaged in conduct that is found to be workplace violence or workplace harassment, they will be subject to remedial action, such as discipline in accordance with the UOI's Human Resources Policy.

Record Keeping

- 21.0 The UOI will maintain records of the investigation, including, for example, a copy of the complaint or details about the incident, a copy of the investigation report (if any), and any written record of disciplinary or corrective action arising out of the investigation, for a minimum of one year.