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## Extend-A-Family Waterloo Region

### WORKPLACE HARASSMENT, VIOLENCE AND OPPRESSION PREVENTION POLICY

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#### **Policy:**

Extend-A-Family Waterloo Region (EAFWR) believes that every employee or volunteer has the right to work in an atmosphere that is safe and free from violence, threat of violence, harassment and oppression. Unacceptable or violent behaviour perpetuated by or against an employee, volunteer, visitor or other third party at EAFWR is not acceptable and will be dealt with appropriately. EAFWR is committed to the prevention of harassment, violence and oppression in our workplace.

EAFWR interprets workplace harassment, as defined in the Ontario Human Rights Code (1990), and recognizes workplace harassment and violence as defined in Bill 168, an amendment to the Ontario Occupational Health and Safety Act effective June 2010.

Workplace harassment means 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. This includes harassment that occurs through digital means, such as emails, social media, and messaging platforms.

In compliance with Bill 132 effective September 8, 2016, EAFWR further defines 'workplace sexual harassment' as:

- a) Engaging in a course of vexatious (distressing/inappropriate) comments or conduct in a workplace because of sex, sexual orientation, gender identity or expression where it is known or should be known to be unwelcome; or
- b) A sexual request or advance where a person is in a position to give, grant or deny a benefit or advancement to the worker and the person knows or should be known that the request or advance is unwelcome.
- c) Comments or conduct, communicated through electronic means, because of sex, sexual orientation, gender identity or expression where it is known or should be known to be unwelcome.

Workplace violence means:

- 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.

Violence that occurs outside the normal workplace, but which has an impact on the working environment, including relationship and/or domestic violence, may also be considered violence in the workplace. (See Procedure for Domestic Violence in the Workplace.)

Following are examples of harassing, violent or oppressive behaviour, including but not limited to:

- Unwelcome, suggestive or bothersome remarks
- Jokes, innuendos, taunts about another person's body or attire
- Displaying pornographic pictures or other offensive materials
- Making offensive gestures or leering

- Unwelcome physical contact (examples: touching, patting, pinching, grabbing)
- Persistent unwanted contact after the end of a consensual relationship
- Implied or actual threats to a person or their position within the agency
- Stalking, obscene or unwelcome phone calls
- Sexual or physical assault
- Non-work related discussions that are oppressive in nature
- Failure of an unimpacted party to respond to oppressive comments or behaviour
- Sharing private information without consent online, cyberbullying or trolling behavior, sending inappropriate messages via email or social media.

Harassing, violent or oppressive behaviour should not be ignored, and all reports of such behaviours in the workplace will be considered and dealt with appropriately.

**Responsibility – Staff, Providers, and Volunteers:**

Staff are responsible for informing his/her Supervisor/Manager of any unacceptable behaviour, potential risk of violence or violence he/she may experience or witness. This includes issues in the employee's non-work life that may impact on the employee's or other's safety in his/her workplace.

Staff, Providers, and Volunteers are responsible for attending any training or information sessions provided by EAFWR and following any policies, procedures, protocols or guidelines provided to reduce unacceptable behaviour, risks of violence or violence.

Staff, Providers, and Volunteers are expected to co-operate with EAFWR investigators or other authorities as required during any investigation related to harassment, workplace violence or oppression.

**Responsibility – Supervisors/Managers:**

Supervisors/Managers are responsible for assessing the risk of violence to staff in their jurisdiction, minimizing those risks where necessary or reasonably possible and informing any affected staff, provider, or volunteer of such risk or potential risk.

Some exposure to the threat of violence or violence while working with a supported individual is inherent to the work we do and as such should be considered for the purposes of clause 43 (1) (a), (b) as an exemption to the right to refuse or stop work. It is recommended that workers/providers and staff subject to such exposure be trained in Crisis Prevention (Safe Management).

Supervisors/Managers are responsible for ensuring staff are trained and:

- a) are aware of and follow the policies, procedures, protocols or guidelines developed to handle unacceptable behaviour and minimize the risk of violence or violence.
- b) recognize and know how to mitigate the potential for violence and respond to the incident appropriately,
- c) know when and how to report and document incidents of harassment, oppression, potential violence or violence.

Supervisors and Managers are responsible to ensure that any medical treatment as required has been provided and reported as part of the investigation and that any medical treatment given to a worker has been reported to Human Resources so a WSIB claim can be initiated.

Supervisors and Managers are expected to cooperate with EAFWR investigators or other authorities as required during any investigation related to harassment, oppression or workplace violence.

**Procedure:****Complaint Process:**

It is suggested that a note be made of the dates, times, nature of the behaviour and any witnesses to the incident be made by the impacted party as soon as possible after the incident(s).

- a) If safe to do so, make your objection to the behaviour clearly known and ask him or her to stop. If you are unable to confront the individual, then seek assistance from your Supervisor as soon as possible to remedy the situation. If unable to bring the matter to your Supervisor, seek assistance from another member of the Leadership Team.
- b) If the behaviour continues, and/or becomes or is threatening or violent, report the behaviour to your Manager, Supervisor or Human Resources. If the situation warrants, remove yourself from the situation as soon as possible and call out for help.
- c) If the situation happens while working with a supported individual or the behaviour is from the supported individual and if the situation warrants, remove yourself from the immediate proximity as soon as possible, while continuing to supervise the supported individual.

If the situation warrants, call 911 for help prior to reporting to your Manager, Supervisor or Human Resources.

- d) Once the report has been made to your Manager, Supervisor or Human Resources, the *Investigation Process* will be implemented to assess the complaint and conduct any follow up investigation.

Extend-A-Family Waterloo Region wishes to provide a safe environment for claims to be made. Thus, there will be no negative consequences against the employee(s) making a claim, or any witness; unless the claim is found to be *knowingly* false, in which case disciplinary action may be taken.

At any time during this process the parties may seek consultation and/or resolution outside the Organization.

**Investigations Process:**

Please refer to the *Investigations Process* for details of how internal investigations are conducted. In addition to the practices outlined, investigations involving allegations of workplace violence or harassment shall:

- a) Be conducted as expeditiously as possible
- b) Report conclusions of the investigation to the Executive Director in addition to any designated decision makers.
- c) Include a recommendation for follow-up conducted by the Executive Director or designate, within 3 months from the date of report, for the purpose of assessing if recommendations have been implemented,
- d) Maintain all documents concerning the complaint, its resolution and any appeal in an independent, confidential, sealed file by the Human Resources Director. The existence of such a file shall be referenced in both the complainant's and respondent's personnel file.

**Appeals Process:**

Any involved party may appeal decisions or actions that result from workplace harassment and violence investigations. Parties will have 72 hours to request an appeal. The reason for the appeal must be detailed in writing and presented to the Executive Director or their designate. The Executive Director or

designate will review the written appeal, investigation report, and supporting evidence. A written response will be provided to the appellant outlining the result of appeal, within 10 days of receipt.

Depending on the nature and severity of the complaint and appeal, the Executive Director or designate may form a small appeals committee, comprised of staff who have no conflicts of interest, to support responding to and resolving appeals.

Appendices: a) Procedure for Domestic Violence  
b) Staff Safety & Health Protocols  
c) Worker/Provider Safety & Health Protocols

Passed at the Board April 2004

Last reviewed by Leadership Team: June 2023

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