



# **Workplace Violence and Harassment Prevention Policy**

**Downtown Georgetown Business Improvement Area**

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**Legal name: Georgetown Central Business Improvement Area**

# **WORKPLACE VIOLENCE AND HARASSMENT PROTECTION POLICY OF THE DOWNTOWN GEORGETOWN BUSINESS IMPROVEMENT AREA**

In accordance with the Ontario Occupational Health and Safety Act, the DGBIA has a Workplace Violence and Harassment Prevention policy and program. The DGBIA is committed to providing a workplace that is free from violence and harassment, including harassment based on a prohibited ground of discrimination under the Ontario Human Rights Code. The DGBIA will provide a workplace that is safe and healthy and which respects the rights and dignity of all. The DGBIA prohibits workplace harassment, threats of violence and actual violence in any DGBIA workplace.

The DGBIA will not tolerate, ignore or condone any workplace harassment or violence, including threats of violence, and considers engaging in such conduct to be a serious offence that may result in disciplinary action, up to and including termination of employment for just cause.

This policy is posted in the workplace and this policy and program will be reviewed on an annual basis.

## **Scope:**

This policy applies to all DGBIA employees, elected officials, citizen appointees, students, volunteers, contractors, and sub-contractors.

## **Objective:**

The purpose of this policy is:

- To foster a respectful and harassment free workplace through the prevention and prompt investigation and resolution of workplace harassment complaints, including sexual harassment complaints.
- To provide a violence free workplace through a program that includes assessing risk and taking proactive measures to address identified risks.
- Take every reasonable precaution to protect workers from violence, including domestic violence and threats of violence in the workplace.

## **Definitions:**

### **Violence**

- means attempting to, or exercising, physical force by a person against an employee in a workplace that causes or could cause physical injury; or a statement or behaviour that is reasonably interpreted as a threat to exercise physical force that could cause physical injury to an employee.

### **Domestic Violence**

- means violence or the threat of violence by a person who has a personal relationship with a worker – such as a spouse or former spouse, current or former partner or a family

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member – and who may physically harm, threaten or attempt to physically harm, that worker while in the workplace.

### **Workplace Harassment**

a) engaging in a course of vexatious comment or conduct including any behaviour that demeans, embarrasses, humiliates, annoys, alarms or verbally abuses a person against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or

b) workplace sexual harassment (see definition below).

This includes words, gestures, intimidation, bullying, or other inappropriate activities.

Harassment may or may not be based on a prohibited ground of discrimination under the Ontario Human Rights Code, such as race, colour, ancestry, place of origin, ethnic origin, citizenship, creed, age, sex, gender identity, gender expression, record of offences, marital status, family status, disability, or sexual orientation or any other prohibited ground.

Whether or not the harassment is linked to a ground of discrimination, workplace harassment is prohibited and will be addressed in accordance with this policy and program.

Workplace harassment does not include a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace.

### **Workplace Sexual Harassment:**

a) 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

b) 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**

Workplace means all locations where business and/or social activities of the DGBIA are conducted, including DGBIA offices, premises and property (including company owned vehicles and personal vehicles when the vehicle is being used for DGBIA business) and any other site (including business travel) on which staff and citizen appointees are performing duties pursuant to their employment with or engagement by the DGBIA.

- includes the employee's home when unwelcome from co-workers are received there; and

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- includes the employee's home when unwelcome from other persons, acquainted as a result of work related contact, are received there.
- Unwelcome contact may include physical visits, telephone calls or contact via other electronic means

### **Overview of Procedure:**

1. All reported threats or incidents will be taken seriously and will be investigated promptly with appropriate action taken.
2. A review of risks will be conducted as often as necessary to protect workers from workplace violence and at least annually. Identified risks will be promptly addressed and measures implemented to mitigate such risks.
3. A supervisor will advise the worker of, and the DGBIA will provide necessary information, including personal information, related to, a risk of workplace violence from a person with a history of violent behaviour if, (a) the worker can be expected to encounter that person in the course of his or her work; and (b) the risk of workplace violence is likely to expose the worker to physical injury.
4. The DGBIA will take every reasonable precaution to protect employees from domestic violence where it has been made aware, or where it ought reasonably to have known, an employee is at risk.
5. Every person who has filed a complaint may seek assistance from his/her union or legal counsel, as appropriate. Frivolous or vexatious complaints will be dealt with seriously and an employee who makes a frivolous or vexatious complaint will be subject to disciplinary action up to and including termination.

### **Reporting Incidents of Violence/Harassment:**

1. Incidents of violence/harassment must be reported immediately so that an appropriate investigation can be conducted and any necessary corrective action can take place.
2. When a violent incident does occur, action must be taken to minimize its impact, including by immediately summoning assistance. Such assistance should include, but not be limited to, depending on the incident, involvement of supervisors or board members, emergency services (police and/or health services) via dialing 911. In the event of injury, medical assistance must be contacted immediately.
3. Incidents must be filed as soon as practically possible after the incident occurred using the *Workplace Violence Report* detailing the nature of the incident, dates, times, places, witnesses and names of those involved. Supervisor, employee or witness may complete the report.

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4. All reports of violence/harassment must be forwarded to the DGBIA Manager and Board Chair. If the employee's supervisor is the person that employee alleges is engaged in harassment, the employee may contact the Executive for any assistance in preparing and filing a complaint.

There will be no negative consequences or reprisal for reports made in good faith.

### **Investigating Incidents of Violence/Harassment:**

1. Once a *Workplace Violence Report* form is received, it will be kept strictly confidential. 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 as otherwise required by law.

2. An investigation will be conducted for complaints received or where the DGBIA has reason to believe an incident(s) of workplace violence or harassment has occurred. The investigation may be conducted by a Supervisor, Board Chair, appropriate Board member or an impartial third party, appropriate to the circumstances of the complaint. There will be no negative consequences or reprisals for reports made in good faith.

3. Interviews that take place as part of an investigation into workplace violence or harassment will be conducted separately with the complainant, the alleged perpetrator, the supervisor and any individuals who may be able to provide relevant information. The conversations will be documented and the notes will be read and signed by these employees to confirm accuracy. Wherever possible, interviews will be conducted in a private boardroom away from the persons' workspace to preserve the confidentiality of the process.

4. A written report will be prepared by the investigator summarizing the investigation findings and forwarded to the Manager and Board Chair so that appropriate corrective measures can be taken.

5. A written response outlining the results of the investigation and any corrective actions that has been taken or that will be taken as a result of the investigation will be given to the complainant and the alleged perpetrator.

6. Depending on the severity of the violence/harassment, if found to be in violation of this policy, the perpetrator will be subject to a range of corrective action up to and including termination of employment for just cause.

7. The *Workplace Violence and Harassment Report* form and notes from the resulting investigation will be kept in a locked file in the DGBIA Manager's office.

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## **General Provisions:**

### **Criminal Harassment**

Criminal Harassment such as stalking, threats and sexual or physical assault are covered by the Criminal Code. Employees are encouraged to report any criminal behaviour to the Police. Staff are not to place themselves at risk or jeopardize anyone's safety when dealing with any perceived or real situation of violence or threats of violence, including domestic violence.

### **Reprisals**

No employee should be subject to reprisals for filing a complaint in good faith, under this policy. Anyone experiencing reprisals should report it immediately to their Supervisor or Executive.

## **Responsibilities:**

### **DGBIA Board/Manager**

1. Create, promote and maintain a safe workplace that is free from violence/harassment
2. Intervene immediately when threats or incidents occur
3. Provide training and ensure that this policy and procedure is accessible, available to all staff and supported
4. Review and monitor initial Risk Assessments and subsequent reviews
5. Prevent and terminate harassment, violence or threats by:
  - Communicating and supporting the DGBIA's objective to provide and maintain a workplace free from violence/harassment
  - Not ignoring or condoning behaviour that is contrary to this policy and procedure
  - Taking all complaints seriously, conducting an initial assessment of the situation and reporting as required by the procedure
  - Not engaging in behaviour contrary to this policy and procedure

### **Manager/Board Chair/Executive**

1. Provide advice to employees, supervisors, management, and any employee concerned about a threat of or actual violent incident or harassment situation
2. Promote, advance, support and ensure the effective implementation of this policy and procedure
3. Investigate any threats or incidents of violence and harassment
4. Advise the Board of the outcome of the risk assessments and what measures are being implemented to address identified risks
5. Initiate the annual review of the Workplace Violence and Harassment Policy and program and recommend any changes to the Board, as applicable

### **Manager**

1. Identify risk of workplace violence and harassment in the course of carrying out regular workplace inspections.

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2. Make recommendations to the Board regarding workplace violence and harassment, as they regularly do, for other occupational health and safety hazards under the *Occupational Health and Safety Act*.
3. Recommend to the Board and the workers, the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of the workplace.

### **Employees**

1. Do not engage in any behaviours that may be considered threats or acts of violence or harassment
2. Report acts of harassment, threats of or actual incidents of violence to their supervisor or the Executive, where their supervisor is the alleged perpetrator.
3. Inform their immediate supervisor or Human Resources if they are at risk of domestic violence

### **References and Related Documents:**

Workplace Discrimination Prevention Policy  
Occupational Health and Safety Act  
Ontario Human Rights Code  
Criminal Code

### **Revision History:**

- Approved: November 12, 2019
- Next scheduled review: February, 2022