

Workplace Violence and Harassment Policy

Ottawa Street BIA

Policy Approval Date: January 16, 2024

Policy Review Date: January 2025

Policy Intent and Mandate

All Staff, Volunteers, Board Members, and Guests have a responsibility to build a safe and respectful workplace.

The Workplace Violence and Harassment Policy confirms the Ottawa Street BIA's commitment to safe and respectful workplaces and to conduct business of the organization that is free of harassment including sexual harassment, discrimination, bullying and violence.

Ottawa Street Business Improvement Area (BIA) is committed to building and maintaining a safe, productive, and healthy working environment for its Staff, Volunteers, Board of Directors, BIA members, community partners and guests, free from violence and harassment.

The Ottawa Street BIA will take all reasonable measures to ensure its Staff, Volunteers, Board of Directors, BIA members, community partners and members are not subject to any form of violence or harassment.

The policy objective is to:

- Maintain and protect the individual rights, well-being, and safety of Ottawa Street BIA Staff, Volunteers, and Board Members;
- Maintain access to safe environments for work, business, and engagement during all BIA-related events, meetings, participation, and work;
- And to grow, promote, and maintain a culture of positive and healthy relationships and collaboration to help achieve and fulfil the BIA's mandate for businesses and the community

Acts of violence or harassment against or by any Staff, Volunteers, Board of Directors, BIA members, community partners and guests will not be condoned or tolerated by the BIA.

Definitions:

Workplace violence means:

- 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 exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- 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

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 or
- workplace sexual harassment

Workplace sexual harassment means:

- 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

Policy

The Board and Staff will ensure all members of the Ottawa Street BIA are aware of the anti-harassment, discrimination and violence policies and procedures outlined in this policy.

The following conduct will not be tolerated and is viewed and defined as workplace violence and/or harassment:

- Verbal discourse that results in including yelling / shouting / aggressive tone
- Inappropriate language including swearing, insulting, untoward or belittling remarks
- Verbal or physical threats against the BIA Staff, Volunteers, or Board Members
- Hateful, racist, or derogatory comments or statements in relation to a person's identity, including: race, disability, sexuality, gender, or religion

The principles espoused in this Policy are applicable to all areas, situations, and events where the Ottawa Street BIA conducts its business, including:

- BIA office;
- During meetings;
- BIA events;
- Virtually over social media;
- Over telephone;
- In-person engagement;
- During work-related travel;
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Practice

Staff, Volunteers, and Board of Directors are responsible for adhering to this policy, and should report every incident of violence or harassment immediately to the Chair of the Board of Directors. This includes any incidents that have been witnessed, experienced by, or reported to a staff member.

The Ottawa Street BIA will provide all Staff, Volunteers, and Board of Directors with appropriate training and information regarding the organization's violence and harassment prevention practices and procedures.

The Board agrees to take all applicable steps to address substantiated complaints of workplace harassment including sexual harassment, discrimination and violence in a timely manner.

Control Measures and Procedures

The following measures will be implemented as a response to eliminate or reduce the identified risks of workplace violence:

Such steps may include the following:

- Requiring remedial action such as training and education;
- Disciplinary action including:
 - o Restricting or removing access to the BIA resources including staff resources and communication;
 - o Limited access to BIA events including participation and receiving information;
 - o Termination of employment and/or board membership;
 - o Removal of BIA membership;
 - o The right to abstain from entering business
 - o Legal action as per applicable laws including Human Rights legislation

Reporting Incidents of Workplace Violence and Harassment

In adhering to this Policy, the Board and the Staff of the Ottawa Street BIA agree to take the following steps as applicable to identify and address harassment including sexual harassment, discrimination, bullying and violence:

A Staff, Volunteer, Board Member, or Guest who believes they have been subject to violence or harassment should speak to their supervisor and/or Board Chair to submit/report the complaint. The complaint should be made as soon as possible following the incident and must include the following information:

- The date and time of the incident;
- The name of any persons involved in the incident;
- The name of any persons who witnessed the incident; and
- A thorough description of what occurred.

A Staff, Volunteer, Board Member, or Guest who believes they have been subject to harassment may also choose to confront the harasser without filing a formal complaint. They can confront the harasser directly or through writing, detailing the unwelcome behaviour and requesting it to stop.

If the alleged harasser is the staff member's supervisor, or in a position of authority, the complainant is welcome to file a complaint with the Ministry of Labour, Training, and Skills Development at 1-877-202-0008. For more information, visit:

<https://www.ontario.ca/page/preventing-workplace-violence-and-workplace->

[harassment#:~:text=If%20an%20employer%20is%20not.0008%20to%20file%20a%20complaint](#)

Immediate Assistance Procedures

The following measures and procedures should be followed when an incident of violence has occurred or is likely to occur and immediate assistance is required:

- Place an immediate call to emergency services by dialling 911.

Investigation Procedures

Once a complaint has been received, the Ottawa Street BIA will complete a thorough and prompt investigation. The investigation will take place as soon as possible and ensure that, where practicable, the investigation is completed within 90 days of the complaint being filed. The BIA is committed to take all necessary steps to ensure a successful and timely investigation given the seriousness of an allegation for all parties, ideally with completion within 3 weeks of a complaint being filed.

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant and any persons involved in the incident;
- Identifying and interviewing any witnesses; and
- Obtaining statements from all parties involved.

All of the above information will be documented and used to determine whether an incident of violence or harassment occurred. If necessary, the BIA may employ external resources or request the use of legal counsel.

A copy of the complaint, detailing the complainant's allegations will be provided to the respondent, who will be invited to reply in writing to the complainant's allegations. The reply will be made known to the complainant before the case proceeds.

The agency will take all measures to prevent any disclosure of the incident and the identities of the parties involved, unless the disclosure is necessary for the investigation, for taking corrective action or required by law.

Results of Investigation

Upon completion of an investigation, the BIA will provide both the complainant and respondent a written summary of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation. This written notification will be provided within 5 business days of the investigation being completed, and will not include the investigation.

Disciplinary Measures

Any disciplinary action will be determined by the BIA and will be proportional to the seriousness of the behaviour or action involved in the incident.

If the BIA determines that a Staff, Volunteer, or Board Member has been involved in an incident of violence or harassment towards another Staff, Volunteer, Board Member, or Guest, immediate disciplinary action will be taken, up to and including immediate dismissal.

Domestic Violence

If the BIA becomes aware that domestic violence is likely to expose a Staff, Volunteer, Board Member, or Guest to physical injury in the workplace, the BIA will take every precaution reasonable in the circumstances for the protection of the person(s) affected.

Recommendations to those victim of Workplace Violence or Harassment:

The BIA will provide appropriate assistance to any staff member, provider, student, volunteer or guest who is a victim of violence or harassment. The BIA recommends that a Staff, Volunteer, Board Member, or Guest who has been harmed as a result of an incident of violence at the workplace consult their health care provider for treatment or referral for post-incident counselling, if appropriate.

The Right to Refuse Unsafe Work

Every Staff, Volunteer, or Board Member has the right to refuse work if they have a reason to believe that workplace violence is likely to endanger them. Upon refusing to work, the person must report the circumstance of the refusal to their Supervisor/ Board Chair.. An investigation will follow in the presence of those designated to investigate.

Fraudulent or Malicious Complaints

It is a violation of this policy for anyone to knowingly make a false complaint, or to provide false information about a complaint. Unfounded or frivolous allegations may cause both the respondent and the agency significant damage.

There may be very rare cases, where there is objective evidence to show that the complaint was maliciously filed, with deliberate intent to injure or mislead. Where the evidence of malice in bringing a complaint is compelling and undeniable should disciplinary measures apply to complainants.

Any Staff, Volunteer, Board Member, or Guest who knowingly makes a false allegation related to violence or harassment will be subject to immediate disciplinary action, up to and including termination of employment.

Recordkeeping

The BIA will ensure that appropriate records of complaints and investigations relating to incidents of violence and workplace harassment are kept, including:

- A copy of the complaint or details about the incident;
- Any records related to the investigation, including notes;
- A copy of the investigation report (if applicable);
- A summary of the investigation results, including the reports provided to the complainant and respondent; and
- A copy of any corrective action taken to address the complaint or incident.

Confidentiality

The BIA will not disclose the name of a complainant or a respondent or the circumstances related to the complaint to any person except where disclosure is necessary to investigate the complaint or take corrective action with respect to the complaint, or required by law. The BIA will only disclose the minimum amount of personal information or details necessary for these purposes.

All records of harassment, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law. The BIA will do everything reasonably possible to protect the privacy of any individuals involved and to ensure that complainants and respondents are treated fairly and respectfully.