

OCIC RESPECT IN THE WORKPLACE POLICY
Approved by the Board of Directors June 2018, September 2024

1.0 Statement of Philosophy and Purpose

OCIC is committed to maintaining a work environment that promotes and values diversity, that is free from harassment, bullying, discrimination, and violence in the workplace, and that complies with relevant legislation. OCIC is further committed to investigating any complaints regarding workplace harassment, bullying, discrimination or violence in the workplace, using the method of corrective action, up to and including the point of termination of employment for the perpetrator(s).

Canada's Criminal Code specifically prohibits violent acts, sexual assault, threats, and stalking. In the event of any act that contravenes Canada's Criminal Code, OCIC will take a survivor-centred trauma-informed approach as outlined in [OCIC's Prevention of Sexual Exploitation, Abuse and Harassment Policy and Code of Conduct](#). This may include contacting the police.

The intent of this Policy is to identify the roles and responsibilities of workplace parties to minimize or eliminate discrimination and harassment in the workplace and to prevent workplace violence. This policy also outlines the complaint procedure and resolution process available to address such issues in the workplace.

2.0 Definitions

For the purposes of this policy:

Workplace refers to any land, premises, or location upon, in or near which an employee works, including OCIC premises, off-site locations where work is performed, social events related to work and work-related travel (including outside of Canada).

Workplace Harassment means engaging in a course of comment or conduct that is known, or ought reasonably to be known, to be unwelcome. It includes unwelcome, unwanted, offensive, or objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment; interfering with an individual's work performance; adversely affecting an individual's employment relationship; or denying an individual dignity and respect. It often involves repeated activity but a single incident may also constitute harassment. Harassment may be directed at specific individuals or at groups. Sexual harassment, personal harassment, psychological harassment, and bullying are all forms of harassment. Reasonable action taken by OCIC or a supervisor to manage or direct workers or the workplace is not workplace harassment.

Common harassing behaviours include, but are not limited to:

- Spreading rumours;
- Making jokes about sex;
- Sending email chains with jokes about specific individuals;
- Excluding individuals from work-related activities;

- Reviewing work unfairly or engaging in trivial fault-finding; and
- Belittling individuals or groups through actions or words.

Human Rights Code-based Harassment means harassment based on race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, gender expression or identity, age, marital status, family status or mental or physical disability. Harassment in the workplace on any of these grounds is prohibited by the Ontario Human Rights Code and by OCIC's Personnel Policy (5.0 Human Rights).

Workplace Sexual Harassment means engaging in a course of negative 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. It includes, but is not limited to, sexual advances (oral, written or physical), requests for sexual favours, sexual or sexist jokes, homophobic or sexist slurs; remarks, jokes, taunts, leering or suggestions about a person's body or attire, physical contact such as patting, touching, pinching or hitting; patronizing or condescending behaviour; displays of degrading, offensive or derogatory material such as graffiti or pictures; and verbal abuse of a sexual nature. Sexual harassment may include a range of subtle and not so subtle behaviours and may involve individuals of the same or different gender.

Discrimination is any act, conduct, decision, standard or policy which creates a distinction between certain individuals or groups based on prohibited grounds and results in negative, adverse or differential treatment. Discrimination may be intentional or unintentional. Prohibited grounds are defined in the Ontario Human Rights Code (OHRC) as race, ancestry, place of origin, colour, ethnic origin, citizenship, creed/religion, sex, sexual orientation, gender expression or identity, age, marital status, family status or disability. Discrimination is usually based upon personal prejudices and stereotypical assumptions related to at least one of the prohibited grounds set out in the OHRC.

Workplace Violence is the exercise or attempted exercise of physical force by an employee against another employee, in the workplace, that causes or could cause physical injury to the employee, or a statement or behaviour that it is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee. Violence also includes any incident in which a visitor to the workplace threatens or assaults an employee, intern, volunteer, or independent contractor of OCIC, or who is threatened or assaulted on OCIC's work premises.

Unacceptable Behaviour is (i) physically or psychologically aggressive behaviour including but not limited to: hitting, kicking, pushing, shoving, slapping, pinching, grabbing, biting; (ii) carrying or showing weapons of any kind in the workplace; (iii) throwing objects at an individual with a view to cause physical injury or fear; (iv) destruction of the workplace or co-worker's property; (v) threats of violence, whether oral or written; (vi) intimidating, abusive or bullying behaviour that causes the recipient to have fear of physical violence; or (vii) obscene or harassing phone calls.

Close Calls are incidents of workplace violence or harassment which did not result in actual harm but had the potential for harm.

Minor Incidents are incidents of workplace violence or harassment in which no one is harmed in any way and which was resolved through employee or supervisor mediation.

Serious Incidents are incidents of workplace violence or harassment in which someone was harmed (requiring medical attention or not) or which continued or escalated after intervention or mediation by supervisors.

A **complainant** is a person or persons who have experienced or observed workplace harassment or violence.

A **respondent** is someone who is accused of the act(s) of harassment or violence.

3.0 Application and Scope

This Policy applies to all OCIC staff, Board Directors and volunteers, who are expected to read, understand and comply with the Policy. It also applies to OCIC members, partners, funders, contracted parties and representatives when they are interacting with, engaged by, or working with or for OCIC.

This Policy will be reviewed as needed and at least every five years by the Personnel Committee. OCIC reserves the right to interpret this Policy at its discretion and to make changes as it deems appropriate with advance notice to be given to OCIC staff and volunteers of any changes.

4.0 Harassment and Discrimination

OCIC is committed to providing and maintaining a work environment in which all individuals are free from workplace harassment, Code-based harassment, sexual harassment and discrimination based on race, ancestry, place of origin, colour, ethnic origin/identity, disability, citizenship, creed/religion, sex (including pregnancy), sexual orientation, gender expression or identity, age, marital status, family status, record of offences, receipt of public assistance, political affiliation, language or socio-economic status. All individuals, whether employees, interns, volunteers, contract staff or guests of OCIC, are responsible for conducting themselves in a manner that promotes a productive work environment and exhibits respect for all individuals, including coworkers, members, suppliers and the public.

Any discrimination or harassment in the workplace, whether engaged in by other employees, supervisors, or by non-employees with whom the employee comes into contact in the course of employment (e.g. Board Directors, members, service providers, candidates for employment, contract staff, volunteers) is prohibited and contrary to this Policy.

This Policy also prohibits any person at OCIC who is able to grant or deny a benefit to another employee, volunteer, colleague or participant from sexually soliciting or making advances on that person, in alignment with [OCIC's Prevention of Sexual Exploitation, Abuse and Harassment Policy and Code of Conduct](#). This could include co-worker to co-worker, or supervisors and managers to employees or volunteers. Further, any reprisals for the rejection of these advances are not permitted.

5.0 Violence in the Workplace

5.1 OCIC is committed to providing and maintaining a healthy, safe and supportive work environment in which all individuals are free from violence or unacceptable behaviour. OCIC does not tolerate any physical acts, verbal threats of violence or unacceptable behaviour in the workplace made by or against employees, contract staff, members, Board Directors, volunteers or other third parties. Any breach of this Policy, will result in discipline to the offending party, up to and including termination for cause.

5.2 In the event that OCIC is aware that **domestic violence** could likely expose an employee to injury or trauma in the workplace, it will take every precaution reasonable in the circumstances for the protection of the affected employee(s). In such situations OCIC will work with the employee to create a personal support plan which will identify safety measures and procedures for the protection of the individual with the support of external resources, as needed.

5.3 Under the *Ontario Occupational Health and Safety Act*, OCIC is required to provide information (including personal information) to its employees about a person with a “**history of violent behaviour**” when:

- a) The employee can reasonably be expected to encounter that person in the course of their work; and
- b) There is a potential risk of workplace violence because of exposure to the individual with a history of violent behaviour.

Pursuant to this obligation, if OCIC considers that there is a risk of workplace violence such that an employee is likely to be exposed to physical injury, information that is deemed reasonably necessary to protect employees from physical injury, including personal information and any known triggers of the individual's potentially violent behaviours will be communicated. (See also 10.7 Confidentiality below).

5.5 If an employee or anybody else in an OCIC workplace requires **immediate assistance** following an act of violence, is being threatened, or considers themselves to be in imminent danger, they should contact police or emergency services immediately by dialling 911 and follow emergency response procedures (where relevant). If they are unable to phone 911 right away, they should:

- Yell for help.
- If in a vehicle, honk the horn repeatedly, turn on hazard lights and lock all vehicle doors.
- If possible, use the vehicle's emergency alarm.
- Immediately move to a safe location.
- Contact their supervisor.

5.6 Employees who are being endangered by workplace violence have the right to refuse to perform the work they deem to be unsafe. If an employee refuses to work because of workplace violence, they must immediately report the refusal to their supervisor or designate. Once reported, an investigation into the refusal will commence. During the investigation, the employee must remain in a safe place that is as near to their work location as reasonably possible and must remain available to the investigator for the purpose of the investigation. See also Personnel Policy 25.0 Right to Refuse Unsafe Work.

6.0 Prevention of workplace harassment and violence

6.1 OCIC will not tolerate a poisoned or unsafe work environment, as created by any comment or conduct that is known to be unwelcome or by any incident or threat of violence. In pursuit of this commitment, OCIC will take all reasonable steps to prevent workplace violence and harassment and will deal with incidents and complaints made in good faith in a fair, consistent, and timely manner. OCIC will investigate all complaints to prevent a poisoned environment.

6.2 In pursuit of a safe and harassment-free environment, OCIC is committed to fully preventing and addressing any instances of violence or unacceptable behaviour, harassment or discrimination, including sexual harassment, personal harassment, psychological harassment and bullying, by:

- Providing education and training to ensure that all employees and volunteers understand their rights and responsibilities regarding workplace harassment and violence;
- Ensuring that supervisors understand how to respond to incidents of violence and harassment, including how to collect information, how to act, how to deal with confidentiality, how to document, and how to keep records;
- Methodically monitoring or adjusting OCIC's systems for any barriers to inclusion, including barriers related to the protected grounds laid out in the Ontario Human Rights Code and OCIC's Personnel Policy 5.0 Human Rights;
- Reviewing these prevention measures with the Health and Safety Representative;
- Providing a procedure for complaints (outlined below) that is fair, timely, and effective; and
- Promoting appropriate standards of conduct.

6.3 OCIC will ensure that its workplaces are assessed for hazards, including risk of violence. This includes any premises used for work-related activities, including home offices. As per OCIC's Personnel Policy, employees are responsible for conducting regular assessments of their home workspace and reporting any hazards. As part of this assessment, employees will be asked to identify any issues related to potential violence. OCIC and the employee will work together to develop and institute measures to control those risks. Examples of risk of violence include:

- Working in a community-based setting
- Interaction with the public or working with unstable or possibly volatile individuals
- The exchange of money
- Working alone or in small numbers
- Working at night
- Working in a high crime area

As part of the assessment the employee and OCIC may review those records and reports that are not confidential (incident reports, health and safety inspection reports, etc.). The results of the assessment will be provided to the Health and Safety Representative.

7.0 Responsibilities

Employees and Volunteers:

- Employees and volunteers must adhere to the contents of this Policy, to refrain from enacting or condoning any form of harassment or violence, and to adhere to OCIC's zero tolerance requirement. Further, all employees and volunteers are responsible for fully cooperating in any investigations into complaints of workplace harassment or violence.

- Employees and volunteers are responsible for informing the Director of Operations, the Executive Director or their designate of any violence, risk of violence, harassment, unacceptable behaviour or close calls they may experience or witness, by following the complaints procedure set out in this Policy.
- Employees and volunteers should also notify their supervisor or designate if any restraining order affecting them is in effect or if they are aware of a non-work-related situation that could result in violence in the workplace. This includes concerns regarding the potential for domestic violence to occur in the workplace.
- Employees and volunteers are responsible for attending and actively participating in training and education sessions regarding workplace harassment and violence.

Employees and volunteers are encouraged to request an informal meeting with their supervisor or designate to discuss issues concerning or related to workplace violence.

Supervisors:

- All supervisors have the additional responsibility of acting immediately upon either receiving a complaint of harassment, violence or threat of violence, or witnessing it themselves. Supervisors are responsible for the creation and maintenance of a safe and harassment-free workplace and must immediately investigate as soon as any forms of harassment, violence or threat of violence become known in the workplace.
- Supervisors are responsible for assessing the risk of violence to employees, minimizing those risks where necessary or reasonably possible, and informing any affected employee of such risk or potential risk.
- Supervisors are responsible for ensuring proper medical care is provided for anyone involved in an accident and for securing the safety of employees, before investigating the incident or making reports.
- Supervisors are responsible for ensuring employees and volunteers are trained to: recognize the potential for violence; follow the procedures and policies developed; respond to incidents of violence and harassment appropriately and report incidents as outlined in the complaints procedure.
- Supervisors are responsible for reporting incidents of violence or harassment and any steps taken in response to the Personnel Committee, safeguarding confidentiality as outlined in 10.0 Confidentiality of this Policy.
- Supervisors are responsible for ensuring a copy of this Policy is available to all employees and volunteers.
- Supervisors are responsible for imposing appropriate measures in response to substantiated claims of workplace violence.

All supervisors who are aware, or who ought reasonably to be aware, that incidents of workplace violence or harassment are occurring or are thought to be occurring are obligated to take appropriate action to stop the offending behaviours and actions, even in the absence of a formal complaint.

Personnel Committee:

- The Personnel Committee is responsible for tracking and reporting risks of violence, incidents of violence, and close calls to the Health and Safety Representative and the Executive Committee of the Board, according to the timelines set out in this Policy and respecting confidentiality.

Employees, volunteers, supervisors, Board Directors and members are responsible for cooperating with police and any authorities as required during any investigation related to workplace violence or harassment

7.0 Reporting and Complaint Procedure

7.1 All OCIC employees, Board Directors, interns, volunteers and independent contractors are expected to report any harassment, human rights discrimination incident(s) or threat of violence in the workplace. OCIC encourages anyone who witnesses or experiences harassment, bullying, discrimination, violence or threat of violence to bring forward the information as soon as the act is experienced, observed, or perceived so that an investigation may immediately commence.

7.2 Anybody who is subject to workplace violence also has the option to pursue recourse through the Provincial Police or the Federal Criminal Code.

7.3 Complaint Procedure:

Complaints regarding harassment, bullying, discrimination or violence may be brought forward to:

- The Director of Operations or the Executive Director.
- A report may be made instead to the Chair of the Personnel Committee if either of the above are the complainant or the respondent.
- In the case where the complainant or respondent is a member of the Personnel Committee, complaints should be directed to the Chair of the Board.

Respondents will be advised via written notification of the complaint that has been filed against them. The notification will inform the respondent of the alleged offensive action(s) or behaviour(s).

- Immediately upon receipt of a complaint, an investigation will be started, and additional information and context will be sought. The investigation may include:
 - A review of the details of the incident(s);
 - Separate interview(s) with the parties involved and any witnesses;
 - Examination of any relevant documents, emails, notes, photographs, or video;
 - A decision about whether the complaint constitutes workplace harassment; and
 - The preparation of a report which summarizes the incident(s), the steps of the investigation, the evidence collected, and any findings.
- OCIC will endeavour to complete investigations within 90 calendar days once the process has been initiated, unless extenuating circumstances warrant a longer investigation (for example where more than five witnesses must be interviewed or in the event a witness, Complainant or Respondent is unavailable due to illness).

- OCIC will take appropriate measures to ensure that employees and witnesses involved in filing the complaint are protected, as necessary. This may include temporary reassignments or shift changes. OCIC will ensure that these changes do not penalize any employee who brought forward a complaint, or any witness to the complaint.
- Where warranted, the organization may issue a paid administrative leave to the respondent, complainant and any other party deemed necessary until the investigation is completed. Employees on paid administrative leave pending the results of the investigation must remain available to meet with the investigator and to return to work as requested.
- OCIC may consult with other parties (e.g., legal counsel, Health and Safety Consultants, Health and Safety Representatives, Employee Assistance Providers, Human Rights, and local Police Services) as deemed necessary to address, resolve and mitigate incidents.
- OCIC will not disclose any information regarding a complaint of harassment or violence (including any identifying personal information of any of the individuals involved), unless the disclosure is necessary. The disclosure may become necessary for the purposes of investigating the complaint, taking disciplinary action, or as required by law.
- Both the complainant and the respondent (provided they are both employees or volunteers of OCIC), will be kept up to date on the investigation and will be notified of the results of the investigation and any subsequent actions to be taken.

7.4 Following completion of any investigation into a workplace discrimination, interference, harassment or violence complaint, the complainant and the respondent, if he or she is an employee of OCIC, will be informed in writing of the results of the investigation and of any corrective action taken or that will be taken by OCIC.

7.5 If the complainant disagrees with the outcome of the investigation, they may pursue recourse through the applicable legislation (e.g., Human Rights Code, Occupational Health and Safety Act).

7.6 If an incident of violence results in the death or critical injury of an employee, OCIC will comply with OHSVA violent incident reporting obligations by immediately notifying the Ministry of Labour and the Health and Safety Representative (where relevant) and by providing the Director of the Ministry of Labour with a written report detailing the circumstances of the incident within 48 hours of its occurrence. Further, OCIC will provide written notification to the Health and Safety Representative within four days of any violent incident which leaves an employee disabled from performing their job duties or which requires medical attention.

8.0 Corrective Action

8.1 OCIC will give due consideration to the recommendations of the Personnel Committee arising from any incident(s) reported or complaint made and investigated and will take all responsive action necessary to prevent future wrongful conduct, including coaching, internal training and policy review, monitoring of the individuals involved or external training, depending on the circumstances.

8.2 Any individual covered by this Policy who is found to have violated this Policy in respect of harassment, discrimination, workplace violence or retaliation will be subject to immediate and appropriate action, including but not limited to training, counselling, written warning, suspension,

reassignment, suspension or termination of employment or dismissal from volunteering, depending on individual circumstances. Additionally, the organization may pursue criminal charges where warranted.

8.3 Further, any employee, supervisor, intern, independent contractor or volunteer who is found to have breached this Policy by breaching confidentiality expectations; failing to cooperate with an investigation; making an allegation or complaint under this policy that is subsequently found to have been made in a deliberately malicious manner, or otherwise to have been made in bad faith, or supplying falsified information will be subject to appropriate disciplinary action, up to and including termination of employment or dismissal from volunteering.

8.4 Disciplinary action may range from training, counselling, written warning, suspension, to work transfer or termination of employment, depending on individual circumstances. Additionally, the organization may pursue criminal charges where warranted.

8.5 If the results of the investigation do not substantiate that a breach of this Policy has occurred, the allegations will be disregarded in any subsequent employment decision affecting the parties involved. This is the case except where there is repetition of the same allegation from the same or different parties, and in that case, further investigation and corrective action may occur.

9.0 Prohibition against Retaliation or Reprisal

9.1 In line with OCIC's [Whistleblower Policy](#), OCIC prohibits retaliation against anyone who, in good faith, reports harassment, discrimination, or workplace violence or participates in an investigation of such reports. Reprisals against employees or volunteers who have made good faith complaints or participated in an investigation of a claim of such misconduct is unlawful and a serious violation of this Policy. Alleged retaliation or reprisals are subject to the same complaint procedures and discipline as complaints of discrimination, harassment or violence. Specifically, no employee or volunteer shall be demoted, dismissed, disciplined, or denied a promotion, advancement, or other opportunity because they have lodged a complaint in good faith or have participated in an investigation.

10.0 Confidentiality

10.1 Any report, concern, complaint or incident of which OCIC becomes aware that involves conduct that may contravene this Policy will be treated confidentially to the extent possible, including protecting the identity of the complainant(s), respondent(s) and any witnesses.

10.2 Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law. In all cases the complainant, the respondent and any witnesses must maintain confidentiality about the complaint and any investigation, except where disclosure is required by law. This includes not discussing the matter or associated details with other employees or witnesses.

10.3 An employee or volunteer may face disciplinary action if it is determined that they have failed to adhere to these confidentiality expectations.

10.4 During both informal and formal complaint procedures, all documents related to the complaint and investigation will remain with the OCIC representative conducting the investigation and will be stored in a locked cabinet.

10.5 In the event the allegations are not substantiated, and the complaint was made in good faith, there will be no consequences against the complainant and no record of the complaint will be retained in the employee's personnel file or in the file of any individual who participated in the investigation.

10.6 Investigation outcome letters and disciplinary action will be saved in applicable employee or volunteer files only when the complaint has been verified and is found to be in breach of this Policy.

10.7 When disclosing personal information about a person with a history of violence (see 5.4 Violence in the Workplace above), OCIC will limit as much as possible the amount of personal information provided and will not release any medical information that is deemed protected. Furthermore, OCIC will not disclose any information to individuals who are unlikely to encounter the person with a history of violence or to those who are not at risk of physical injury from that person.

11.0 Record Keeping

11.1 OCIC will securely retain records of all complaints or incidents of harassment including copies of:

- The complaint or details about the incident(s)
- Records of the investigation including notes
- Witness statements, if taken
- The investigation report, if any
- Results of the investigation that were provided to the Complainant and Respondent
- Any corrective action taken to address the complaint or incident of workplace harassment or violence