



MAPLE LEAF ACRES MEMBERS' ASSOCIATION

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MAPLE LEAF ACRES MEMBERS' ASSOCIATION WORKPLACE VIOLENCE AND HARASSMENT POLICY AND PROGRAM EFFECTIVE OCTOBER 15, 2021

Section 1

Workplace Harassment and Workplace Violence Policy and Program

The Maple Leaf Acres Members' Association (the "Association") is committed to promoting a safe, healthy, violence free, harassment free and sexual harassment free working environment for all of its employees. In pursuit of this goal, the Association does not condone and will not tolerate acts of Workplace Harassment (defined for the purposes of this Policy as Workplace Harassment and Workplace Sexual Harassment) or Workplace Violence against or by any employee under the scope of this Policy. This Policy prohibits Workplace Harassment or Workplace Violence of any kind. It also establishes procedures to both address and reduce the risk of Workplace Harassment and Workplace Violence in accordance with the provisions of the Ontario *Occupational Health and Safety Act* ("OHSA").

This Policy applies to all employees of the Association, Members of the Association ("Members"), Guests and Invitees, and any Lessees of any Members ("Lessees"), as defined in the Association's Rules and Regulations. While Members, Guests, Invitees and Lessees are subject to the prohibitions against Workplace Violence and Workplace Harassment as contained in this Policy, and may be subject to sanctions as set out in section 10 if they are found to have committed Workplace Violence or Workplace Harassment against an employee, they are not permitted to file personal complaints pursuant to this Policy.

Section 2

What Constitutes Workplace Harassment

"Workplace Harassment" means engaging in the course of vexatious comment or conduct against an employee in a workplace that is known or ought reasonably to be known to be unwelcome, or "Workplace Sexual Harassment" (as defined in s. 1 (1) of the OHSA).

- a. Examples of conduct that may constitute Workplace Harassment include (but are not limited to):
- Verbal abuse or ridicule, such as shouting at or making fun of an individual;
 - The display or communication of visual or written material in any format which is offensive, or which one ought to know is offensive to the recipient;
 - Bullying;
 - Offensive remarks, gestures, or innuendos;
 - Unwelcome comments or conduct regarding an employee's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offenses, marital status, family status, disability, sexual orientation, gender identity, or gender expression contrary to the Ontario *Human Rights Code*.
- b. "Workplace Sexual Harassment" means engaging in a course of vexatious comment or conduct against an Employee 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 employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Examples of "Workplace Sexual Harassment" include (but are not limited to):
- Sharing sexually inappropriate images or videos;
 - Making inappropriate sexual gestures;
 - Making sexual comments about appearance, clothing, or body parts;
 - Inappropriate touching, including pinching, patting, rubbing, or purposefully brushing up against another person.
- c. The "Workplace" is more than just an office. For the purposes of this Policy the "workplace" includes any location (physical or online) where the employee is engaged in work related activities or events on behalf of the Association.
- d. In accordance with the OHSA, a reasonable action taken by an employer or supervisor relating to the management and direction of an employee is not workplace harassment.

Section 3 **What Constitutes Workplace Violence**

"Workplace Violence" means:

- a. the exercise of physical force by a person against an employee, in the workplace, that causes or could cause physical injury to the employee;
- b. an attempt to exercise physical force against an employee, in the workplace, that could cause physical injury to the employee; or

- c. a statement or behaviour that it is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in the workplace, that could cause physical injury to the employee.

Section 4

Workplace Harassment and Workplace Violence Responsibilities of Employees, Members and the Association

- a. Employees are responsible for reporting to the Association any incidents of Workplace Harassment or Workplace Violence, including incidents that they may experience or witness. A Workplace Violence or Harassment Complaint Report form is available to employees. Employees may report any Workplace Violence or Workplace Harassment Complaint to the Chair of the Association Board, or any current member of the Board.
- b. Employees, Members and Lessees are required to cooperate with investigators who are conducting any investigation related to Workplace Harassment or Workplace Violence.
- c. The Board will be notified of any reports of incidents of Workplace Harassment or Workplace Violence. The confidentiality of any reports will be maintained in accordance with this Policy.
- d. Once an incident of Workplace Harassment or Workplace Violence has been reported, the Association will take steps to commence an investigation which is appropriate in the circumstances in accordance with this Policy.
- e. In the event the Association obtains information that an incident of Workplace Harassment or Workplace Violence has occurred, the Association may conduct an investigation into the suspected incident, even if no employee has reported an incident or complaint pursuant to this Policy.
- f. The Association will be responsible for assessing the risk of Workplace Violence in accordance with the OHSA.
- g. The Association shall take reasonable and appropriate measures to control the risks of Workplace Violence that are identified in any Workplace Violence Risk Assessment.
- h. The Association shall inform any potentially affected employee of the risk of Workplace Violence from a person with a history of violence if that employee can be expected to encounter that person in the course of his or her work, and the risk of Workplace Violence may expose that employee to physical injury. The Association may disclose such personal information with respect to that person as is reasonable in the circumstances to protect the employee from potential physical injury.
- i. If the Association becomes aware that domestic violence may expose an employee to physical injury in the workplace, the Association will take reasonable precautions to

protect the employee, including but not limited to banning the potential perpetrator from Association premises.

- j. Should an employee have a restraining order, or no contact order against another individual, the employee should notify his or her manager, or the Board Chair and provide a copy of that order to the Association. This will be required where the employee suspects that the person may attempt to contact the employee at work, in violation of the court order. Such information will be kept confidential to the extent that the safety of employees is not compromised.
- k. If any Member, Guest, Invitee or Lessee makes a verbal threat to or assaults an employee or another person on Association premises, any witnesses are required to immediately contact the police and the Board Chair or any Board member.
- l. The Association will post this Policy in the workplace so it is accessible to all employees, and will ensure that a copy of this Policy is provided to and reviewed with each new Employee during that Employee's orientation process. A copy of this Policy shall also be provided to all Members and Lessees.
- m. The Association will review this Policy annually in accordance with the OHSA.

Section 5 **Alerting the Association**

All reports of incidents or potential incidents of Workplace Violence and Workplace Harassment will be taken seriously and dealt with in an appropriate, respectful and timely fashion in accordance with this Policy.

Section 6 **Workplace Violence: Summoning Immediate Assistance**

Employees who are being physically threatened or feel there is a potential for violence or are witnessing an incident, are to CALL 911 immediately. Critical information will be required by the 911 attendant (i.e. offender still present; whether weapons are involved; etc.). If possible, the employee in question should contact the Board Chair or any Board member forthwith. After the emergency has been handled, a Workplace Violence and Harassment Incident Report Form must be completed.

Section 7 **Reporting Workplace Harassment or Workplace Violence**

- a. Employees should report the complaint of Workplace Harassment or Workplace Violence immediately or as soon as practicable after an alleged incident.
- b. A Workplace Violence and Harassment Incident Report Form must be completed in every instance and submitted to the Board Chair.

- c. All reported incidents will be investigated by the Association in accordance with this Policy.
- d. In appropriate circumstances the parties to the complaint will be afforded the opportunity to resolve the matter with the assistance of the Board. However, if the complaint is not resolved in this way, the Board may refer the complaint for a formal investigation.
- e. The Association may appoint at any time, in its discretion, internal or third-party investigators to investigate the complaint. The parties will be advised of the identity of the investigator.
- f. All information obtained by the Association regarding a complaint or incident of workplace harassment or workplace violence will remain confidential and will not be disclosed unless disclosure is necessary for the purposes of the investigation or taking corrective action with respect to an incident or complaint or if disclosure is required by law. However, in order for a fair investigation to be completed, the investigator must provide details of complaint related information to the person who has allegedly committed Workplace Violence or Workplace Harassment, if that person is another Association employee, a Member or a Lessee. If the person who is alleged to have committed Workplace Violence or Workplace Harassment is a Guest or Invitee, the investigator shall use reasonable efforts to contact that person for the purposes of the investigation, and provide them with details of the complaint if they agree to participate in the investigation.
- g. While the investigation is ongoing, the employee who has allegedly experienced Workplace Violence or Workplace Harassment, the alleged harasser(s) or perpetrator(s) and any witnesses must not discuss the incident or complaint or the investigation with each other, third parties or witnesses. However, the employee or the Association may report incidents to the police if deemed necessary. Subject to any police investigation, the investigator may discuss the investigation and disclose the incident or complaint related information only as necessary to conduct the investigation. However, confidentiality may need to be compromised in cases where an imminent danger of Workplace Violence is perceived to exist.

Section 8
Investigation Process

- a. The Board or a Board Committee, another internal investigator, or an external investigator appointed by the Board to investigate the complaint, will carry out an investigation that is appropriate in the circumstances. In the event the complaint is against a Member, that Member shall receive a Notice of Non-Compliance in accordance with the Association's By-Laws.
- b. Investigations will usually involve speaking privately and individually with the following people:

- any employee, Member or Lessee who is alleged to have engaged in Workplace Harassment or Workplace Violence;
 - any employee who was targeted or harmed by alleged Workplace Harassment or Workplace Violence;
 - any employee, Member or other person who witnessed alleged Workplace Harassment or Workplace Violence.
- c. The investigation may include other steps, such as reviewing Association records (including emails and internet traffic logs).
- d. The investigation must be completed in a timely manner and generally within 90 days or less of the incident being reported, unless there are extenuating circumstances, (such as illness or a complex investigation) warranting a longer investigation period. In the event of a police investigation with respect to the alleged incident, the complaint and investigation process in this Policy may be delayed so as not to hinder the progress of any police investigation or criminal proceedings.

Section 9 **Reporting Results of Investigation**

- a. The investigator must prepare a confidential written report summarizing the steps taken during the investigation, the complaint, the allegations of the employee who allegedly experienced the Workplace Harassment or Workplace Violence, and the response from the alleged harasser(s) or perpetrator(s), the evidence of any witnesses, and other evidence obtained. The investigator's report must set out findings of fact and conclude whether Workplace Harassment or Workplace Violence was found or not, based on the available evidence.
- b. The investigator's report will be provided to the Board for review and consideration.
- c. The results of the investigation and of any corrective action taken or which will be taken by the Association as result of the investigation will be provided in writing to the complainant employee, and the alleged harasser(s) or perpetrator(s), if the alleged harassers(s) or perpetrator(s) are also employees, Members or Lessees. The written investigation report shall remain confidential and will not be disclosed.

Section 10 **Corrective Action and Discipline**

- a. During the Workplace Violence or Workplace Harassment complaint and investigation process the Association reserves the right to take any interim measures it deems necessary for the protection of the Association and its employees, including, in the case of a complaint made against an employee, suspension of the employee with or without pay. In any complaint made against an employee or a Member, Guest, Invitee or Lessee the Association may ban the employee, or the alleged harasser/perpetrator, from the Association's property, premises, functions or facilities for a limited or indefinite period pending the completion of the investigation.

- b. In the event that it is determined after an investigation that Workplace Harassment or Workplace Violence has been committed by an employee, the Association may impose such sanctions as it deems appropriate in the circumstances, including suspension of the employee found to have committed Workplace Harassment or Workplace Violence, either with or without pay, temporary or indefinite demotion, or termination of employment for cause, or such other remedy or sanction as the Board considers appropriate in the circumstances.

- c. In the event that it is determined after an investigation that Workplace Violence or Workplace Harassment had been committed by a Member, that Member shall be deemed to be in breach of the Rules and Regulations of the Association and will be subject to corresponding remedies as set out in the Member's lease agreement with the Association. Without limiting the rights contained within the lease agreement with the Association, appropriate action which may be taken by the Board upon a breach of the Rules and Regulations as result of the breach of this Policy can include but is not limited to:
 - (i) a verbal warning from the Board;
 - (ii) a written warning letter from the Board;
 - (iii) a second written warning letter from the Board; or
 - (iv) suspension or termination of the Member's lease agreement with the Association.

- d. In the event it is determined that workplace violence or workplace harassment had been committed by a Guest, Invitee, or a Lessee, that Guest, Invitee or Lessee may, in the discretion of the Board, be banned from attending the Association property, premises, functions or facilities for a limited or indefinite period. If deemed appropriate, the Board may issue and deliver a trespass notice against the individual, pursuant to the Ontario *Trespass to Property Act*.

- e. The complainant employee, the alleged harasser(s) or perpetrator(s) (unless they are Members) do not have the right to appeal the findings, sanctions or remedies that may be found or imposed by the Association and its Board. A Member has a right to appeal a decision of the Association pursuant to this Policy in accordance with the Member's lease and applicable provisions of the Association's By-Laws.

There will be no reprisal against an employee who reports an incident of Workplace Harassment or Workplace Violence. However, if the Association determines that a complaint was frivolous or vexatious, or was made in bad faith by the complainant employee, the Association may take such disciplinary action against the complainant employee as it deems appropriate.

**Maple Leaf Acres Members' Association
Workplace Violence/Workplace Harassment Incident Report Form**

This Incident Report Form is Confidential in accordance with Maple Leaf Acres Members' Association Workplace Violence and Harassment Policy. Details of this Report may be disclosed only in accordance with the Policy.

Date of Report: _____

Date and Location of Incident(s): _____

Time of Incident(s): _____

Employee Reporting Incident

Name: _____

Work Address: _____

Job/Position: _____

Identity of Alleged Harasser(s)/Perpetrator(s)

Name(s): _____

Address(es): _____

Relationship between Employee and Alleged Harasser(s)/Perpetrators:

Co-worker Member of Association

Other (specify) _____

Provide details of Incident(s) of Workplace Violence or Workplace Harassment (use additional pages if necessary):

Names and Addresses (if known) of any witness(es) of the alleged Workplace Violence or Workplace Harassment:

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____