



<b>Policy Title:</b> <b>WORKPLACE VIOLENCE AND HARASSMENT POLICY</b>		<b>Policy Section:</b> <b>GOVERNANCE PROCESS</b>	<b>Policy Number:</b> GP IV-90
<b>Approved By:</b> Board of Directors	<b>Date Approved:</b> October 10, 2023	<b>Date Reviewed/ Revised:</b>	<b>Chair's Signature:</b>

## PURPOSE

The Health and Supportive Care Providers Oversight Authority is committed to providing a work environment in which all individuals are treated with respect and dignity.

This policy defines behaviours that represent Workplace Violence, Workplace Harassment and Workplace Sexual Harassment and explains the roles and responsibilities in preventing, responding, reporting, and resolving such events.

### 1. DEFINITIONS

**"Act"** means the *Health and Supportive Care Providers Oversight Authority Act, 2021*;

**"Authority"** means the Health and Supportive Care Providers Oversight Authority;

**"Board"** means the board of directors of the Authority;

**"CEO"** means the Chief Executive Officer of the Authority;

**"Committee Member"** means an individual appointed to the Discipline Committee established pursuant to section 46 of the Act, the Appeals Committee established pursuant to section 47 of the Act, or an individual appointed to an Advisory Committee established pursuant to section 11 of the Act;

**"Cyberbullying"** is a form of bullying or harassment using electronic means.

Cyberbullying and cyber harassment is also known as online bullying;

**"Director"** means a director of the Board whether appointed to the Board by the Lieutenant Governor in Council or elected to the Board by the Directors;

**"Domestic Violence"** is a pattern of coercive behaviour that is used by one person to gain power and control over another. This may include the use of physical or sexual force, actual or threatened, in an intimate relationship, including emotional/psychological abuse or harassing behaviour. Domestic Violence may occur between current or former intimate partners, living together or separately, married, or unmarried, in short-term or long-term relationships. It can directly or indirectly impact the workplace when:

- The abuser harasses/assaults the victim on the job.



- The victim is absent from work due to injuries.
- The victim is less productive due to stress and distraction;

**“OHSA”** means the Ontario *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1

**“Sexual Assault”** is any unwanted sexual act done by one person to another, touching the person’s body with or without clothing, sexual intercourse, removing or attempting to remove a person’s clothing;

**“Supervisor”** means any position to which other positions report;

**“Threats (verbal or written)”** are communicated intents to cause physical harm on a person or to property

- Direct threats are clear and explicit communications on how the person intends to do harm.
- Veiled threats are communications involving body language on how the person intends to do harm;

**“Worker”** includes Authority employees, agents, Directors, Committee members, investigators, consultants and contractors;

**“Workplace Bullying”** means repeated, persistent, and continuous behaviour as opposed to a single negative act and is associated with a power imbalance between the victim and the perpetrator;

**“Workplace Harassment”** means engaging in a course of vexatious comments or conduct that is known or ought to be known, to be unwelcome. It may include, but is not limited to, any of the following.

- a) Unwelcome, offensive or objectionable conduct;
- b) Making remarks, jokes or innuendos that demean, ridicule, intimidate or offend; displaying or circulating offensive pictures or materials in print or electronic form;
- c) Bullying and Cyberbullying;
- d) Repeated offensive or intimidating phone calls or emails or social media interactions; and
- e) sexual harassment.

Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code, though it does not have to, including harassment based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status, sexual orientation or disability;

**“Workplace Sexual harassment”** means any unsolicited conduct, comment or physical conduct of a sexual nature that is unwelcome by the recipient. It includes, but is not limited to, any of the following.

- a) Unwelcome sexual advance (oral, written, or physical).
- b) Requests for sexual favours.
- c) Unwelcome sexual or gender-related comments, innuendos, remarks, jokes or taunts.



- d) Unnecessary physical contact such as patting, touching, pinching or hitting.
- e) Displays of sexually degrading, offensive or derogatory materials such as graffiti or pictures.
- f) And Sexual Assault;

**“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.

## **2. POLICY**

### **2.1 Zero Tolerance**

The Authority has a zero tolerance for Workplace Violence, Workplace Harassment and Workplace Sexual Harassment and is committed to providing a safe, healthy, and supportive work environment by treating Workers with respect, fairness, and sensitivity.

The Authority has policies and practices in place to prevent or mitigate the risk of Workplace Violence, Workplace Harassment and Workplace Sexual Harassment. In a circumstance where Workplace Violence, Workplace Harassment and/or Workplace Sexual Harassment has occurred, the Authority recognizes that being the victim of violent behaviour is traumatic. Therefore, it encourages confidential reporting and promotes the development of preventative action plans, education and training through assistance programs, flexible work hours, and leaves of absence if needed.

### **2.2 Risk Assessments**

From time to time and on a as needed basis, the Authority conducts workplace risk assessments for Workplace Violence, Workplace Harassment and Workplace Sexual Harassment and reassesses as often as necessary. If risks are found during the assessment, the Authority will work to determine a root cause and implement a solution.



### **2.3 Disclosure of Risk and Violent Behaviour**

In situations where the Authority is aware that an individual may pose a risk of committing Workplace Violence, Workplace Harassment or Workplace Sexual Harassment, the Authority discloses that information to Workers who are expected to encounter the individual.

### **2.4 Reporting**

Any Worker who is subjected to, or has knowledge of, any incident or Threat of Workplace Violence, Workplace Harassment and Workplace Sexual Harassment, is required to immediately report the incident to their supervisor or the CEO. If the Worker is uncomfortable reporting it to their supervisor or the CEO, they can report the issue to the Chair of the Authority.

This includes reporting Domestic Violence situations that would likely expose a Worker to physical injury in the workplace. This does not preclude a Worker from contacting the police where they feel it is appropriate and is not intended to discourage Workers from taking steps they feel are necessary. Workers can report incidents or complaints of Workplace Violence, Workplace Harassment and Workplace Sexual Harassment verbally or in writing.

### **2.5 No Retaliation/Protection from Reprisal**

Workers are not penalized for reporting an incident or participating in a workplace violence or harassment investigation. The Authority complies with all reporting obligations under the OHSA.

### **2.6 Investigation**

The Authority investigates all complaints or incidents of Workplace Violence, Workplace Harassment and Workplace Sexual Harassment in a fair and timely manner. Information about a complaint or incident is not disclosed except to the extent necessary to investigate the complaint or incident, to take corrective action or as otherwise required by law.

### **2.7 Right to Refuse Unsafe Work**

Workers have the right to refuse work if they have reason to believe that they are at risk of Workplace Violence.



## **2.8 Confidentiality/Anonymity**

The Authority recognizes that it may be difficult for a Worker to come forward with a complaint of Workplace Violence, Workplace Harassment or Workplace Sexual Harassment and therefore maintaining privacy and minimizing disclosure

is critical. For this reason, all parties shall maintain confidentiality except where disclosure is necessary to aid in the investigation, protect the safety of others, or where disclosure is required by law. The foregoing notwithstanding, confidentiality does not mean anonymity. A fundamental principle of a formal complaint is that the respondent be informed of a complaint including the name of the complainant as early as possible in the process.

## **2.9 Consequences**

Failure to comply with this policy will result in progressive disciplinary action up to and including termination of, as applicable, (i) employment; (ii) membership on the Board; (iii) membership on a Committee; (iv) consulting agreements; (v) contract positions with the Authority; or (vi) investigator appointments.

## **3. CEO RESPONSIBILITIES**

The CEO shall:

- 3.1 Take whatever steps are reasonable to protect Workers from Workplace Violence, Workplace Harassment and Workplace Sexual Harassment from all sources.
- 3.2 Ensure that all Workers are educated about and uphold this policy.
- 3.3 Ensure that all Workers collaborate to prevent Workplace Violence, Workplace Harassment and Workplace Sexual Harassment.
- 3.4 Undertake a risk assessment of the workplace environment initially and at a minimum of every two years thereafter or at any time there is a significant alteration of the workplace environment.
- 3.5 Develop and maintain a Workplace Violence, Workplace Harassment and Workplace Sexual Harassment Prevention Program, acceptable to the Board, which implements this policy including but not limited to measures and procedures to protect Workers from Workplace Violence, Workplace Harassment and Workplace Sexual Harassment, a means of summoning immediate assistance and a process for Workers to report incidents or raise concerns.
- 3.6 Ensure that this policy and the supporting program are implemented and maintained and that all Workers have the appropriate information and



instruction to protect them from Workplace Violence, Workplace Harassment and Workplace Sexual Harassment.

- 3.7 Ensure that every Worker is in compliance with this policy and the supporting program and are encouraged to raise any concerns about Workplace Violence, Workplace Harassment and Workplace Sexual Harassment and to report any violent incidents or threats.
- 3.8 Investigate and deal with all incidents and complaints of Workplace Violence, Workplace Harassment and Workplace Sexual Harassment in a timely and fair manner, respecting the privacy of all concerned to the extent it is reasonably possible.