

## CLGS/ICGS – Policy re Respectful Workplace

[Policy Manual Chapter: ; Policy Number ; Ver. 1.1 Adopted/Revised – 2018-07-31]

### 1. INTRODUCTION & PURPOSE:

- a. Community Living Greater Sudbury / Intégration Communautaire Grand Sudbury [**CLGS/ICGS**”, or “**CLGS**”] desires and encourages a culture that is respectful of all individuals, whether they be staff members, clients, family members or third party members of the general public, who engage with CLGS in any manner.
- b. CLGS is also required by law to have in place policies and programs that address issues of discrimination, workplace violence and harassment and other undesirable conduct and CLGS intends to comply with these requirements.<sup>i</sup>
- c. CLGS cannot guarantee and is not a guarantor of a Workplace free of Workplace Violence and Harassment but aspires to such.
- d. With these principles and others in mind, CLGS adopts the following Policy with the intent and belief that it will be compliant with its legal obligations by so doing.

### 2. POLICY:

- a. CLGS/ICGS is committed to building and preserving an environment in which everyone who is treated with Mutual Respect and Dignity, whether they be employees, clients, family members or members of the general public.
- b. CLGS does not condone and will not tolerate Violence, Harassment, or Bullying by or against anyone. Such behaviour is unacceptable.
- c. Every employee is personally accountable and responsible for acting and working in compliance with this Policy and the related program(s) and Standard Operating Procedures [“SOPs”].
- d. **MoL Code of Practice:** CLGS/ICGS adopts the “Code of Practice to Address Workplace Harassment Under Ontario’s Occupational Health and Safety Act”

approved by the Minister of Labour under Part III.1 of the OHS Act and intends to comply with the practices set out in that Code of Practice.

e. **Reporting Inappropriate Conduct:**

- i. Every employee is required to report any incident(s) of conduct believed to be inconsistent with or contrary to this policy.
- ii. Reporting is to be done under the Standard Operating Procedures ["SOPs"] provisions referred to below.
- iii. Employees will not to be penalized or disciplined for reporting an incident or for participating in an investigation involving suspected violations of this policy.

f. **Privacy:**

- i. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect Workers or other involved persons, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

g. **Investigation:**

- i. Management will endeavor to investigate and deal with all complaints or incidents of non-compliance in a fair, respectful and timely manner.

h. **Further Assistance:**

- i. Anyone needing assistance with this Policy may contact:
  - (1) a Respectful Workplace Advisor [see SOPs re same],
  - (2) any member of Management.
- ii. If a Worker needs further assistance, he or she may contact any of the above, and/or:
  - (1) an OPSEU Local 676 union representative,
  - (2) a Union Steward,
  - (3) a member of the JHSC or their Health and Safety representative,

3. **SCOPE:**

- a. This policy applies to:
  - i. All employees of Community Living Greater Sudbury / Intégration Communautaire Grand Sudbury including Union and non-Union staff members and members of Management,

- ii. Volunteers and other third parties working on behalf of or with CLGS/ICGS,
  - iii. Visitors and all and any others including clients, employers, and members of the public.
- b. Everyone is expected to uphold this policy and to work together to promote a culture of mutual respect and dignity and specifically to prevent Workplace Violence and Harassment or Bullying.
  - c. All Managers, Supervisors and Workers are expected to adhere to this policy, and will be held responsible for not following it.

#### 4. DEFINITIONS:

- i. **“Mutual Respect and Dignity”** means: Conduct which reflects an appropriate level of courtesy proportionate to the context and circumstances.
- b. Except as otherwise provided, for the purposes of this Policy, CLGS/ICGS adopts **all** the defined terms set out in the Occupational Health and Safety Act of Ontario but for ease of reference:
    - i. **“Workplace”** means any land, premises, location or thing at, upon, in or near which a Worker works;
    - ii. **“Workplace Violence”** means:
      - (1) The exercise of physical force by a person against a Worker, in a Workplace, that causes or could cause physical injury to the Worker;
      - (2) attempt to exercise physical force against a Worker in a Workplace, that could cause physical injury to the Worker;
      - (3) 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.
    - iii. **“Workplace Harassment”** means
      - (1) 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
      - (2) Workplace Sexual Harassment [which is separately defined below].

- iv. **“Workplace Sexual Harassment”** means
  - (1) 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
  - (2) 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.
  
- c. **“Bullying”** means:
  - i. An act of repeated, health-harming mistreatment, verbal abuse, or conduct which is threatening, humiliating, intimidating, or sabotage that interferes with work or some combination of the three in order to intentionally hurt another person, physically or mentally (Besag, 1989).
  
- d. **“Racial/Ethical Harassment”** means:
  - i. Conduct or comment which causes humiliation to another person because of their racial or ethnic background, their colour, place of birth, citizenship or ancestry.
  
- e. **“Domestic Violence”** means:
  - (1) Physical harm or an attempt or threat of physical harm by a person, such as a spouse or former spouse, current or former intimate partner or a family member, who has a personal relationship with another person, to such other person and is an element of Workplace Violence when it occurs in the Workplace. [MoL Health and Safety Guidelines: Workplace Violence and Harassment: Understanding the Law Revised September 2016 page 8]
  
- f. **“Harassment”** includes:
  - (1) Bullying,
  - (2) Domestic Violence,
  - (3) Racial/Ethical Harassment.
  
- g. **“Respectful Workplace Advisor”** means:
  - (1) An employee named to this role under the SOPs referred to below.

5. **MISC:**

- a. Documents relating to a Complaint or Investigation will be subject to CLGS/ICGS document retention policies.
  - b. Investigation and resolution of Complaints will be performed by Management members who do not have a conflict of interest or bias in relation to the matter and who can objectively assess and manage the presenting issues.
  - c. Where a party to a Complaint believes that the matter cannot be fairly resolved due to a conflict of interest or bias, then such party may ask that the matter be referred to an outside third party, but must provide particulars of the conflict or bias asserted and cannot depend upon “bald” allegations of such.
  - d. This Policy prohibits reprisals against individuals, who, acting in good faith, report incidents of non-compliance or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further non-compliance. Reprisal includes any act of retaliation, either direct or indirect.
  - e. It is a violation of this PS for anyone to knowingly make a false complaint of non-compliance with this PS or to knowingly provide false information about a complaint or during the course of an investigation of a complaint. Individuals who engage in such conduct are subject to disciplinary action, up to and including termination of employment as such discipline is not a “reprisal” for lodging a complaint but rather responds to a breach of the mutual obligation to treat everyone with dignity and respect.
  - f. CLGS will train and educate employees on this Policy to endeavor to have them clearly understand the roles and responsibilities and the import and application of this Policy and its SOPs.
  - g. Unless otherwise provided, any timeframes, deadlines or other time related provisions may be waived, abridged or extended at the discretion of the Executive Director.
6. **DISTRIBUTION AND POSTING:** This Policy is to be:
- a. Inserted in CLGS/ICGS Policy Manuals
  - b. Made available to all employees;
  - c. Posted in all regular Workplaces and Programs;
  - d. Posted on the CLGS/ICGS website.
  - e. Posted on the CLGS/ICGS ShareVision site
7. **PROCEDURES:** In order to give effect to this policy, the following Standard Operating Procedures [“SOPs”] will be applied:
- a. Respectful Workplace SOP re Training

- b. Respectful Workplace SOP re Reporting & Informal Resolution
- c. Respectful Workplace SOP re Formal Investigation & Resolution

Note: all of the above are in one comprehensive SOP called Standard Operating Procedures re Respectful Workplace Version 1.0

**8. Further Definitions:** This PS will be governed by the following additional acronyms and definitions:

- a. "CLGS/ICGS" means Community Living Greater Sudbury / Intégration Communautaire Grand Sudbury and is synonymous with CLGS;
- b. "PS" means: Policy Statement;
- c. "OHSA" means the Occupational Health and Safety Act of Ontario as amended from time to time;
- d. "MoL" means the Ontario Ministry of Labour;
- e. "CoP" means Code of Practice;
- f. "SOP" means Standard Operating Procedure.

**9. COMING INTO FORCE, REVISION POLICY & HISTORY:**

- a. This PS comes into force once approved and signed by the Executive Director.
- b. All other PSs in force prior to the date of the coming into force of this PS are automatically repealed and deemed obsolete and any processes or procedures commenced under other PSs or earlier version prior to the coming into force of this PS continue under this PS except to the extent that this version might deprive anyone to protections or benefits that accrued earlier.
- c. This PS is, by law, to be reviewed as often as is necessary, but at least annually. [OHSA s. 32.0.0(1)]
- d. **All CLGS/ICGS policy and procedure documents are intended to be "living documents" which are amended and improved upon as circumstances may require or suggest.**
- e. **CLGS/ICGS is committed to amendment of its policies, procedures and processes to address ambiguities and inconsistencies. Accordingly, where this PS is considered to be ambiguous or inconsistent with other CLGS/ICGS Policy Statements, staff are expected and required to bring such issues to the attention of management in writing at the earliest opportunity.**
- f. **Where this Policy is not in compliance with the OHSA and MoL Guidelines and Codes of Practice, CLGS/ICGS is committed to amendment so that it does comply.**

- g. **Everyone is encouraged to suggest amendments or improvements at any time and may do so in writing directed to the Executive Director.**
- h. **Suggested or recommended changes will not necessarily be adopted, as many considerations may come in to play and many times a balance must be struck between allocation of resources, competing interests, and Ministerial requirements and directives.**

Revision	Date	Description of Changes	Approved By
1	2018-07-31	Added reference to ShareVision in paragraph 6	Executive Director

**CLGS Policies & Standard Operating Procedures Manual Particulars**

<b>Review Body:</b>	OH&S Committee Management Team	<b>Approval Date:</b>	2018-07-31	<b>Approval Body:</b>	Executive Director
<b>Review Required</b>	At Least Annually	<b>Next Review:</b>	2019-06		
<b>Forms Attached:</b>		<b>Form #(s):</b>		<b>Form Name(s):</b>	
<b>Signatures:</b>	<div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small; margin-right: 5px;">Word</div> <div style="text-align: center;">             _____            Leighton T. Roslyn, Executive Director         </div> </div>	PDF	<div style="display: flex; align-items: center;"> <div style="text-align: center;">             _____            Leighton T. Roslyn, Executive Director         </div> </div>		
<b>Statutory References</b>	<a href="https://www.labour.gov.on.ca/english/hs/">https://www.labour.gov.on.ca/english/hs/</a>				
<b>Distribution</b>	A copy of this Policy Statement will be made available: <ul style="list-style-type: none"> <li>i. To employees upon hire</li> <li>ii. In the CLGS Policy manual</li> <li>iii. To all those who wish to submit a complaint and request that a copy be provided.</li> <li>iv. On the CLGS internal websites.</li> <li>v. On the CLGS ShareVision site</li> </ul>				
<b>Other References</b>					

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- <sup>i</sup> Under The Occupational Health and Safety Act [“OHS A”] employers are required to:
- a. Prepare policies on Workplace violence and Workplace harassment and Workplace sexual harassment [OHS A Section 32.0.1]
  - b. Develop and maintain programs for Workplace violence and Workplace harassment, including measures and procedures for protecting Workers from Workplace violence [OHS A Sections 32.0.2(1) and 32.0.6 (1)]
  - c. Include measures and procedures as part of the Workplace violence and Workplace harassment programs for Workers to report incidents of Workplace violence or Workplace harassment to the employer or supervisor and set out how the employer will investigate and deal with incidents and complaints [OHS A Sections 32.0.2. (2) and 32.0.6 (2)]
  - d. Provide information and instruction to Workers on the contents of the Workplace violence and harassment policies and programs [OHS A Sections 32.0.5 (2) and 32.0.7]
  - e. Proactively assess the risk of Workplace violence that may arise from the nature of the Workplace, type of work or conditions of work, and reassess the risk of Workplace violence as often as necessary to ensure that the related policy and program continue to protect Workers from Workplace violence [OHS A Section 32.0.3]
  - f. Take every precaution reasonable in the circumstances to protect Workers from violence in the Workplace.
  - g. Be aware that domestic violence may occur in the Workplace and take every precaution reasonable in the circumstances to protect a Worker at risk of physical injury [OHS A Section 32.0.4]
  - h. Report Workplace violence incidents that disable a Worker or require him or her to get medical attention to the Joint Health and Safety Committee and to the Union Local 676. [OHS A Section 52]
  - i. The Ministry of Labour [“MOL”] requires employers to expand such policies to include “*Workplace sexual harassment*” [Bill 132 – 2016] The Code of Practice [“COP”] from the Ministry of Labour provides an outline of the content expected in the policies and procedures, including mechanisms for reporting, investigating, confidentiality, and information sharing, but leave the wording of such to the individual agency to craft.
  - j. Bill 132 states the employer “*shall provide a Worker with information and instruction that is appropriate for the Worker on the content of the policy and program with respect to Workplace harassment*”. This means the employer cannot simply update its policy, the employer must train the employees on the new provisions. The training of such is left to the individual employer to craft.