

# Belmont HOUSE

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| <b>SUBJECT:</b>     | Workplace Anti-Violence, Harassment & Sexual Harassment                  |                       |               |
| <b>VOLUME:</b>      | V5-OCCUPATIONAL HEALTH & SAFETY                                          |                       |               |
| <b>REVIEWED BY:</b> | OCCUPATIONAL<br>HEALTH AND SAFETY<br>COMMITTEE                           | <b>ORIGINAL DATE:</b> | June 2008     |
| <b>APPROVED BY:</b> | CHIEF EXECUTIVE<br>OFFICER                                               | <b>REVISED DATE:</b>  | June 21, 2024 |
| <b>SIGNATURE:</b>   | <i>Maria Elias</i> <b>PAGE :</b> Page 1 of 21 <i>Reviewed: June 2025</i> |                       |               |

## PURPOSE:

Belmont House is committed to the prevention of workplace violence or bullying, harassment and sexual harassment in the Home. The purpose of this policy is to define inappropriate behavior and to define procedures for reporting and resolving incidents of workplace violence, harassment, sexual harassment or bullying in the Home. Belmont House will ensure all workplace parties are familiar with the definitions of workplace violence, harassment, sexual harassment and bullying as well as their individual responsibilities for prevention and corrective action. To establish this policy, Belmont House has consulted the Joint Occupational Health and Safety Committee (JHSC) and the following legislation governing workplace violence in Ontario:

- The Occupational Health and Safety Act
- The Criminal Code of Canada
- The Ontario Human Rights Code
- The Workplace Safety and Insurance Act, 1997
- The Compensation of Victims of Crime Act
- The Regulated Health Professions Act

## PREAMBLE:

This policy reflects the requirements under the Occupational Health and Safety Act, specifically changes introduced by Ontario Bill 132: Sexual Violence and Harassment Action Plan Act and Ontario Bill 168: Violence and Harassment in the Workplace.

The management of Belmont House recognizes the potential for workplace violence or bullying, harassment and sexual harassment in the workplace and therefore will make every reasonable effort to identify all potential sources to eliminate or minimize these risks through Belmont's Prevention Program. Belmont House is committed to the expenditure of time, attention, authority and resources to the workplace parties to ensure a safe and healthy working environment for all parties in the Home.

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

Belmont House has a separate policy which specifically deals with Discrimination (Workplace Discrimination & Harassment Policy). Please refer to that policy for detailed information on that topic.

## **ACCOUNTABILITY:**

The Director, Human Resources & Customer Service is responsible for leading the Workplace Anti-Violence, Harassment and Sexual Harassment Program at Belmont House with assistance from the Joint Occupational Health and Safety Committee.

All workplace parties are accountable for complying with the policy, program, measures and procedures related to workplace violence or bullying, harassment and sexual harassment.

## **APPLICATION:**

This policy applies to any parties in the Home including employees, volunteers, students, contractors, residents, tenants, family members of residents/tenants and any other 3<sup>rd</sup> parties.

This policy will also apply to areas including training, performance assessments, promotions, transfers, layoffs, remunerations and all other employment practices and working conditions.

This policy also covers any form of violence or bullying, harassment, sexual harassment or discrimination on any grounds against job, student and/or volunteer candidates during the recruitment process.

## **POLICY:**

1. Belmont House is committed to providing a safe, healthy and supportive working environment by ensuring all parties in the Home treat each other with dignity, mutual respect, fairness and sensitivity. Individuals who violate this policy are subject to disciplinary and corrective action, up to and including termination of employment. Those parties that have violated this policy including resident's and tenant's family members that are not employed by the Company will be removed from the Home and prohibited from returning, may be reported to their professional association (if applicable), police agency (if a suspected crime is committed) and Ministry of Long Term Care or Retirement Homes Authority. Belmont House will take a zero tolerance approach to all infractions.

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

In pursuit of maintaining a safe and healthy environment for all parties in the Home, Belmont House does not condone and will not tolerate any of the following items listed and defined below.

- A. **Assault** – Any intent to inflict injury on another, coupled with an apparent ability to do so; any intentional display of force that causes the victim to fear immediate bodily harm.
- B. **Intimidation** – Includes but is not limited to stalking or engaging in actions intended to frighten, coerce or induce distress and it may include actions such as foul language, inappropriate body language, verbal abuse, psychological abuse
- C. **Near Miss** – An attempt or an act of striking out, but missing the target.
- D. **Personal Harassment** - Any unsolicited, unwelcome, disrespectful, or offensive behaviour that has an underlying sexual, bigoted, ethnic origin, or racial connotation and can be typified as:
- Behaviour that is hostile in nature, or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, gender identity, gender expression, or any other protected ground under human rights legislation.
  - Sexual solicitation or advance made by a person in a position to confer, grant, or deny a benefit or advancement to the person, where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome;
  - Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person.
  - Unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, sex or sexual orientation, or religion;
  - Suggestive or offensive remarks;
  - Bragging about sexual prowess;
  - Offensive jokes or comments of a sexual nature about an employee;
  - Unwelcome language related to gender;
  - Displaying of pornographic or sexist pictures or materials;
  - Leering (suggestive persistent staring);
  - Physical contact such as touching, patting, or pinching, with an underlying sexual connotation;
  - Sexual assault:

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

- For the most part, victims of sexual harassment are female; however, conduct directed by female employees towards males or between persons of the same sex can also be held to constitute sexual harassment;
  - Any actions that create a hostile, intimidating, or offensive workplace, which may include physical, verbal, written, graphic, or electronic means; and
  - Any threats of physical violence that endanger the health and safety of the employee.
- E. **Psychological Abuse** – An act that provokes fear or diminishes an individual's dignity or self-worth or that intentionally inflicts psychological trauma on another and causes the person to believe their health and safety are at risk.
- F. **Racial/Ethnic Harassment** – Any conduct or comment which causes humiliation to an employee because of their racial or ethnic background, their colour, place of birth, citizenship, or ancestry. Examples of conduct which may be racial or ethnic harassment include:
- Unwelcome remarks, jokes, or innuendos about a person's racial or ethnic origin;
  - Colour, place of birth, citizenship, or ancestry;
  - Displaying racist or derogatory pictures or other offensive material;
  - Stereotyping and microaggression
  - Insulting gestures or practical jokes based on racial or ethnic grounds which create awkwardness or embarrassment; and
  - Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background.
- G. **Sexual Abuse** – any unwelcome verbal or physical advance or sexually explicit statement, displays or pornographic material, pinching, brushing against, touching, patting or leering that causes the person to believe their health and safety is at risk.
- H. **Sexual Assault** – the use of threat or violence to force one individual to touch, kiss, fondle, or have sexual intercourse with another.
- I. **Stalking** – A form of harassment and unlawful behavior, engaging malicious communications through post, telephone, Fax, or even through internet called cyber stalking.
- J. **Threat** – A communicated intent (verbal or written) to inflict physical or other harm on any person or to property by some unlawful act. A direct threat is a clear and explicit communication distinctly indicating that the potential offender intends to do harm. A conditional threat involves a condition for example "if you don't leave me

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

alone, you will regret it". Veiled threats usually involve body language or behaviors that leave little doubt in the mind of the victim that the perpetrator intends to harm.

- K. **Verbal Abuse** – The use of vexatious comments that are known, or that ought to be known to be unwelcome, embarrassing, offensive, threatening or degrading to another person (including swearing, insults or condescending language) which cause the person to believe their health and safety are at risk.

L. **Workplace Harassment\***

- (a) 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

M. **Workplace Sexual Harassment\***

- (a) 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

- (b) 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.

- N. **Workplace Violence or Bullying** – Workplace violence or bullying is the exercise, statement, or behaviour of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, such as:

- Physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault, throwing an object at a worker, kicking an object the worker is standing on such as a ladder, or trying to run down a worker using a vehicle or equipment such as a forklift);
- Any threat, behaviour, or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property; or
- Disruptive behaviour that is not appropriate to the work environment (e.g., yelling or swearing).

Harassment includes virtual harassment which is defined as the online use of information and communication technologies by an individual or group to repeatedly cause harm to another person. This may involve threats, embarrassment, or humiliation in an online setting and can extend to sexual harassment.

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

*Please note that the above list is comprehensive but Belmont House reserves the right to interpret any other act not described above as a violation of this policy as it is not possible to include a list and description of any and all the actions which are inappropriate, prohibited and jeopardize the safety and/or security of everyone in the Home. The Workplace Anti-Violence, Harassment and Sexual Harassment Policy will also be referenced under the Code of Conduct policy.*

2. Belmont House also prohibits any weapons being brought into the Home which can cause harm to others. A weapon is defined as anything used, designated to be used or intended for use in intimidating, threatening, causing harm, injury or death to a person. The definition of what constitutes a weapon will be interpreted based on the definition in the Criminal Code of Canada
3. For the purposes of this policy, the Home (Belmont House) will include the following:
  - The Home (Workplace)
  - Employment Related Social Functions
  - Work Assignments that take place outside of the Home
  - Work Related Travel
  - Over the Telephone if the conversation is work related
  - Elsewhere if the person is there as a result of work related responsibilities or a work related relationship.

Offsite incidents that occur between staff members which may also include 3<sup>rd</sup> parties (Example – family members of staff) will be considered a violation of this policy and will also be subject to disciplinary action up to and including termination of employment.

4. **Domestic Violence** – Under the Occupational Health & Safety Act, Belmont House must take every precaution reasonable in the circumstances to protect a worker who would be likely exposed to Domestic Violence. Belmont House will deal with each situation on a case-by-case basis, taking into account the needs of the individuals involved. A safety plan with the employee's input may be developed as a reasonable precaution to protect them and/or all parties in the workplace against domestic violence based on the specifics of what is occurring. If an employee is not forthcoming with information, Belmont House will remind them that as an employer, Belmont is responsible for the safety of everyone within the workplace and cannot take appropriate action without the employee's cooperation. Belmont House will also educate the employee of the risks of Domestic Violence occurring in the workplace and will provide appropriate support to help the employee. This includes utilizing the

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

EAP program.

Domestic Violence is defined as a person who has a personal relationship with a worker—such as a spouse or former spouse, current or former intimate partner or a family member—may physically harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.

5. **Court Orders** – Should an employee have a legal court order (e.g., a restraining order, or “no-contact” order) against another individual, the employee is encouraged to notify his or her supervisor, and to supply a copy of that order to the Human Resources department. This will be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at Belmont House, in direct violation of the court order, so that Belmont House may take all reasonable actions to protect the employee. Such information shall be kept confidential and protected in accordance with all applicable legislation.
6. **Right to Refuse Unsafe Work** – An employee has the right to refuse work if they reasonably believe that workplace violence is likely to endanger him/herself. Belmont House will investigate immediately and will make a determination. The applicable union will be involved in this process. Reprisals by the employer are prohibited.
7. **Supports for Employees Affected by Workplace Violence** - Management will respond promptly, assess the situation and ensure that these interventions are followed:
  - Facilitation of medical attention
  - Debriefing (by skilled professionals)
  - Referrals to community agencies, treating practitioners and EAP
  - Referral to Trade Union
  - Completion of incident reports, WSIB reports, reports to MOL (If critical injury or fatality)
  - Reporting to police (as required)
  - Company debriefing (with JHSC involvement)
  - EAP Program
8. **Risk Assessment** – Belmont House will assess hazards in the workplace including all jobs that relate to potential violence and will institute measures to control or eliminate any identified risks.

Risk assessments are reviewed annually and whenever new jobs are created or job

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

descriptions are substantially changed. Specific areas that may contribute to increased risks of violence including contact with the public, dealing with money, security and night shifts will be included in the assessment.

Risk assessment are conducted by a member of the Joint Occupational Health and Safety Committee. The risk assessment will be documented on the Risk Assessment template.

Results and subsequent recommendations are brought forward to JHSC and then to Senior Management for review and approval and will be captured in meeting minutes in both committees.

9. **Education** – All new employees will receive both general and site specific orientation to the Workplace Violence Prevention Program.

In addition, all employees will receive an annual review of both the general and site specific components of the program. Any training developed, established and provided shall be done in consultation with and in consideration of the recommendations of the JHSC.

A copy of all training records will be maintained by Belmont House (in Surge or with Human Resources).

10. **Reporting** – Any party directly affected or with knowledge of any incident involving violence or bullying, harassment or sexual harassment in the workplace must report this without delay to management or Human Resources. Under extenuating circumstances, older complaints will be addressed by Belmont House.

This report can be made confidentially at the person's request, with the exception of the steps to ensure the safety of others and prevention of recurrence.

Any person has the right to call "911" immediately if they feel that immediate police involvement is required. This includes any situation where someone's personal safety is at risk immediately.

An Incident/Accident Form will be completed. Other submissions will be accepted (example – Your Voice Box). Belmont House will need information related to the following:

- The approximate date and time of each incident being reported;
- The name of the person or persons involved in each incident;

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

- The name of any person or persons who witnessed each incident; and
- A full description of what occurred in each incident.

Please see procedure section in this policy for more information on reporting and the investigation process.

Belmont House will report all injuries to the Ministry of Labour and WSIB as required by the Occupational Health and Safety Act and Workplace Safety and Insurance Act.

If the complainant decides not to lay a formal complaint, Belmont House may decide that a formal complaint is required (based on the investigation of the incident) and will file such documents with the person against whom the complaint is laid (the respondent).

If there is a complaint, the parties may be separated and in the case of staff, they may be placed on administrative leave (usually the respondent).

**11. Whistleblower Policy** – All employees are encouraged to be alert to the possibility of violence in the workplace. Any report of violence will be handled in a confidential manner, with information released only on a need-to-know basis or where required by law. Employees who act in good faith by reporting real or implied violent behavior or violations of this policy will not be retaliated against or subjected to harassment. All infractions will be dealt with as per the Whistleblower Policy.

## **12. Vexatious Complaints**

If it is determined that a complaint was made in bad faith with the intent to harm another person in the workplace, this will be considered a vexatious complaint. This will not be tolerated and will be subject to disciplinary action for staff including up to and including termination of employment. All other parties will be subject to appropriate action from the Home which may include permanent removal from the Home.

**13. Confidentiality** – Belmont House will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. Belmont House will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by the company and will be proportional to the seriousness of the behaviour concerned.

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

The investigation of a complaint will normally include interviewing all parties and witnesses. Employees who participate in such investigations shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation as per Belmont's Whistleblower Policy.

The Police will be informed of any incident that takes place of a criminal nature. In cases where criminal proceedings are forthcoming, Belmont House will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Belmont House will also provide appropriate assistance to any employee who is the victim of violence, discrimination, or harassment.

**14. Managing and Coaching** – Counselling, performance appraisals, work assignments and the implementation of disciplinary action are not forms of harassment and this policy does not restrict management's responsibilities in these areas.

**15. Policy Evaluation** – As required by the Occupational Health and Safety Act, Belmont House will review this policy annually and will post the policy in a conspicuous place in the workplace.

**16. Records** – All records of reports and investigation of workplace violence are kept for five (5) years.

## ROLES AND RESPONSIBILITIES OF WORKPLACE PARTIES:

### Employer:

- Ensure that measures and procedures identified in the violence or bullying (including Domestic Violence), harassment and sexual harassment prevention program are carried out and that management is held accountable for responding to and resolving complaints of violence
- Ensure compliance by all persons who have a relationship with the organization, such as physicians, contractors, volunteers, etc.
- In consultation with JHSC, conduct regular risk assessments
- In consultation with JHSC, establish control measures
- In consultation with JHSC, establish and deliver training and education for all employees
- Integrate safe behavior into day to day operations
- Ensure applicable parties providing care are aware of any residents and/or tenants that exhibit responsive behavior
- Ensure that when a Code White is called, all parties in the workplace respond immediately and appropriately

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

- Review all reports of violence or bullying (including Domestic Violence), harassment and sexual harassment in a prompt objective and sensitive manner. This includes a review of all investigations associated with violence related incidents.
- Take corrective actions.
- Provide response measures.
- Facilitate medical attention and support for all those either directly or indirectly involved.
- Ensure any deaths or critical injuries have been reported to Ministry of Labour (MOL) inspector, the police (as required), the JHSC, the H&S representatives, and trade union and investigated with the JHSC, and that a report goes to all parties in writing within 48 hours of the occurrences on the circumstances of the occurrence, including such information and particulars as the Occupational Health and Safety Act and regulations prescribe.
- Ensure a report goes to WSIB of all accidents where a worker loses time from work, requires health care, earns less than regular pay for regular work, requires modified work at less than regular pay or performs modified work at regular pay for more than seven days. Copies of accident information (where there is no critical injury) must be provided to the JHSC and trade union within four days of the occurrence, as the Occupational Health and Safety Act and regulations prescribe.

## **Managers/Supervisors & Human Resources:**

- Enforce this policy and monitor compliance
- Ensure appropriate parties including staff, students and volunteers are aware of any residents and/or tenants that exhibits responsive behavior (care plans/notes updated accordingly if changes occur)
- Identify and communicate potential hazardous situations
- Promote the importance of reporting suspected, witnessed or incidents involving Workplace Violence, harassment, sexual harassment or any other prohibited behavior in a timely manner
- Ensure any reports of harassment are reported to the appropriate parties for investigation
- Investigate all violence or bullying (including Domestic Violence), harassment and sexual harassment using the organization's accident investigation procedures and applicable form, and contact the police department as required
- Facilitate medical attention as required
- Ensure that debriefing is completed for those either directly or indirectly involved in the incident
- Enforce the Whistleblower Policy in regards to complaints received under this Policy
- Track and analyze incidents for trending and prevention initiatives

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

- Immediately report a death or critical injury to the Ministry of Labour (MOL) inspector, the police (as required), JHSC, H&S representatives and trade union, and investigate with JHSC and report to all parties in writing within 48 hours of the occurrences the circumstances of the occurrences, including such information and particulars as the regulations prescribe
- Issue a report to WSIB on all accidents involving lost time, where a worker requires health care, earns less than regular pay for regular work, requires modified work at less than regular pay or performs modified work at regular pay for more than seven days. Copies of accident information (where there is no critical injury) must be provided to the JHSC and trade union within four days of the occurrence, as the Occupational Health and Safety Act and regulations prescribe
- Follow Early and Safe Return To Work Policy for all employees that incur lost time and/or perform modified work
- Ensure there is a review at least annually of the violence or bullying (including Domestic Violence), harassment and sexual harassment program

## **Employees:**

- Understand and comply with the Workplace Anti-Violence, Harassment and Sexual Harassment Policy
- Take personal accountability and responsibility for enforcing this policy and making every effort to preserve a safe environment in the Home
- Report all incidents or injuries of violence, bullying or threats of violence, sexual harassment or harassment to their supervisor immediately, completing the Workplace Violence Incident Report Form in a timely manner without delay. The reporting should occur regardless of whether the employee is directly affected or not. Any party in the workplace must come forward immediately without delay to report anything that has occurred or potentially may occur to Management or Human Resources immediately.
- Inform the JHSC about any concerns about the potential for violence or bullying, harassment and sexual harassment
- Participate in an investigation
- Keep detailed records of the incident (if possible)
- Maintain confidentiality
- If it feels appropriate to do so and they feel comfortable or safe doing so, advise the person responsible for the unwanted behavior including harassment that their conduct is unwelcome and they are to stop immediately
- Participate in education and training programs to be able to respond appropriately to any incident of violence or bullying (including Domestic Violence), harassment and sexual harassment
- Contribute to risk assessments

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

- Seek support when confronted with violence or bullying (including Domestic Violence), harassment and sexual harassment
- Seek medical attention
- Participate and cooperate in the Early and Safe Return To Work Program
- Participate in a review at least annually of the violence or bullying, harassment and sexual harassment prevention program
- Ensure Belmont House is informed of any concerns/risks that could lead to Domestic Violence

In an emergency situation when an employee feels that their life or safety is being immediately threatened, they have the right to call the Police at 911.

## **Joint Health and Safety Committee (JHSC):**

- Be consulted and involved in the development, establishment and implementation of measures and procedures regarding the Workplace Violence Prevention Program
- Be consulted and make recommendations to the employer to develop, establish and provide training in violence measures and procedures
- Take part in a review at least annually of the Workplace Violence Prevention Program
- The worker designate should investigate all critical injuries related to violence
- Receive and review reports of all critical injury or death immediately and in writing outlining the circumstances and particular as prescribed within 48 hours of the occurrence
- Review written notice within four days on lesser injuries where any person is disabled from performing his or her usual work or requires medical attention

## **PROCEDURE:**

1. All incidents will be documented in writing using the Incident/Accident Form. The Form is available in the following locations:
  - i) West and East Lunchrooms
  - ii) Policy Manager Under Occupational Health & Safety
  - iii) U Drive Under Human Resources

Belmont House will accept anonymous submissions. In these instances, the complaint will be accepted even if it is submitted using a different form including the Your Voice Form or on a blank piece of paper.

2. The Chief Executive Officer (CEO) and Joint Occupational Health & Safety Committee will be informed that a complaint was received by Belmont House and what appropriate steps

# Belmont HOUSE

|               |                                                         |
|---------------|---------------------------------------------------------|
| Policy Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|---------------|---------------------------------------------------------|

are being taken.

3. If a violent incident results in a critical injury to a worker, the JHSC representative or worker designate investigates the incident or injury (Section 9 (31) OHSA) and reports to the Ministry Of Labour and JHSC.
4. Belmont House will contact the police for all incidents/accidents that are criminal in nature and/or directly affect the safety of any party in the workplace.
5. The investigation including the result will be documented in writing.
6. Human Resources will lead all investigations. The Chief Executive Officer or designate will review HR's findings before the results are released and applicable appropriate action is taken based on the findings.
  - i. If a Violence in the Workplace Complaint is filed against Human Resources, The CEO will select an alternate appropriate party to conduct the investigation.
  - ii. If a Violence in the Workplace Complaint is filed against the Chief Executive Officer, the Belmont House Board of Directors will make a recommendation on who will conduct the investigation including whether to hire a 3<sup>rd</sup> party to conduct the investigation.
  - iii. A 3<sup>rd</sup> party will conduct an investigation if required by the Ministry of Labour.
  - iv. A 3<sup>rd</sup> party investigation may also occur if deemed appropriate by CEO and/or Board of Directors for any complaint under this policy.
7. Employees that have violated this policy will face disciplinary action up to and including termination of employment to ensure no further acts occur.

Students, Volunteers, Contractors, Family Members and any other 3<sup>rd</sup> party that have also violated this policy will be removed from Belmont House and will be prohibited from returning.

Maintaining the safety of all parties in the workplace is Belmont's priority.

8. The Joint Occupational Health & Safety Committee will review incidents and overall statistics regarding Violence in the Workplace at every Health and Safety Meeting. A Nursing member of the Joint Occupational Health and Safety Committee will provide overall statistics on Responsive Behaviour and will make the committee aware of any residents that may pose a safety risk to employees.
9. Violence in the Workplace incidents will also include the following procedures below:

## **A. Staff to Staff Incidents**

- i. An employee wishing to file a report regarding Violence In the Workplace will complete the Incident/Accident Form preferably within 24 hours of the incident occurring. The form will be submitted to Human Resources (either directly by the employee or

# Belmont HOUSE

Policy  
Title:

Workplace Anti-Violence, Harassment & Sexual Harassment

indirectly from the employee's supervisor/department head to HR).

- ii. Human Resources will review the information on the form, assess whether the complaint falls under this policy and if so, will then update the Chief Executive Officer and Joint Occupational Health & Safety Committee that a complaint was received. If the complaint alleges that a criminal act took place, the Police will be called immediately. Otherwise, HR will begin the investigation. HR and the CEO will also determine at this stage if any party in the workplace needs to be removed until the investigation concludes. This would be done for safety reasons. If this involves an employee, the employee and their applicable union representative will be informed immediately.
- iii. Human Resources will conduct the investigation and document their notes in writing using the Violence in the Workplace Investigation Form. The notes will document interviews conducted and any other evidence gathered during the investigation.
- iv. The results of the investigation will be documented in writing. Should this result in disciplinary action up to and including termination of employment, the employee will receive this decision in writing along with their union representative.  
  
The complainant will receive a separate response with appropriate information included on the outcome of the investigation.
- v. Violence in the Workplace documentation will be kept in Human Resources and stored in a confidential manner.

## **B. Incidents Involving Students, Volunteers, Contractors**

- a. Students, Volunteers and Contractors are eligible to file a complaint under the Violence in the Workplace Program. They will complete the Incident/Accident Form and the same process for Staff to Staff Incidents will be followed.

## **C. Incidents Involving 3<sup>rd</sup> Parties in the Workplace including Family Members**

- i. 3<sup>rd</sup> parties including family members are eligible to file a complaint under the Violence in the Workplace Program. They will complete the Incident/Accident Form and the same process for Staff to Staff Incidents will be followed. The Director of Care and/or the Director of Retirement will be assisting Human Resources in the investigation and disclosure of the result in these instances.

## **D. Aggressive Residents/Tenants**

- i. Please refer to the Code White Policy which deals with Belmont's response to Aggressive Residents/Tenants.
- ii. Responsive Behavior incidents will be documented in the following manner:
  - If there is a change in health condition/harm to the employee providing care,

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

the incident will be documented in Point Click Care as well as the Incident/Accident Form. Examples of a change of condition are scratches, bruises, black eye, sprains, strains, broken bones, critical injuries etc. Any incident that results in lost time from work will be documented in the Incident/Accident Form even if a physical injury has not occurred.

- If there is no change in health condition/no harm to the employee providing care, the incident will be documented in Point Click Care only. A member of the Nursing Department will update the Joint Occupational Health and Safety Committee on a regular basis on overall statistics regarding Responsive Behavior and if there is any health and safety concerns that may affect employee safety.
- iii. The form will be filled out immediately after the incident takes place and submitted to the Nurse in Charge, Supervisor and/or Department Head who will update Point Click Care and pass the form (if applicable) to Human Resources for review.
- iv. The investigation regarding Aggressive Residents/Tenants will be led by Nursing Management and/or Director, Retirement with assistance from Human Resources.
- v. The applicable manager/supervisor will inform staff who provide care to the resident/tenant or those that might be affected of potential dangerous situations. The same manager/supervisor will tell the reporting employee of the outcome of the investigation enough to minimize the chance of similar incidents.
- vi. Employees that are involved in responsive behaviour incidents involving residents/tenants will be required to participate in training sessions to help prevent future incidents from occurring. All other incidents involving residents/tenants will be assessed by the Director of Care and/or Director, Retirement to determine appropriate action.

## **E. Family Members or Guests**

- i. Please refer to the Code White Policy.
- ii. Incidents will be documented in the following manner:
  - Nurse In Charge, Manager and Human Resources will be notified immediately and an incident form will be completed.
- iii. Human Resources with participation from Nursing Management and/or Retirement Management will investigate all allegations in a timely manner.

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

For safety reasons, visits or access to the home may be modified or restricted based on the nature of the allegations. This includes Management being present for all visits until the investigation concludes, restricting electronic and phone communication with all interactions including management's involvement.

Restricting access will only be done if a crime is alleged, it is reported to the Police and a restraining order is issued.

- iv. Family Members or Guests that are involved in incidents will be required to review and acknowledge that they have reviewed the Code of Conduct, Belmont's Workplace Anti-Violence, Harassment & Sexual Harassment policies and any other relevant policy deemed applicable by Belmont House. It will be emphasized that this a workplace as well as a Home and that any party on the premises is required to follow all rules, regulations, policies, laws and legislation that Belmont House abides by.

## INVESTIGATION PROCESS

### Investigating Reports of Violence or Bullying

#### Belmont House shall:

- Investigate all reported acts and incidents of violence, and consult with other parties (e.g., legal counsel, health and safety consultants, JHSCs, employee assistance provider, human rights office, local police services).
- Take all reasonable measures to eliminate or mitigate risks identified by the incident.
- Document the incident, its investigation, and corrective action taken.
- Submit a report of the incident to the Ministry of Labour and WSIB where an employee incurs a lost time injury as a result of violence in the workplace.
- Review this policy and hazard assessment annually, or as changes to job responsibilities or environments occur, and revise the assessment as needed.
- Review annually, in conjunction with review of the hazard assessment, the effectiveness of actions taken to minimize or eliminate workplace violence and make improvements to procedures, as required.

#### The joint health and safety committees/safety representative will:

- Review the Workplace Violence Hazard Assessment results and provide recommendations to management to reduce or eliminate the risk of violence.

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

- Review all reports forwarded to the JHSC regarding workplace violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage, or police involvement.
- Participate in the investigation of critical injuries (e.g., incidents that place life in jeopardy or result in substantial blood loss or fracture of leg or arm.)
- Recommend corrective measures for the improvement of the health and safety of workers.
- Respond to employee concerns related to workplace violence and communicate these to management.

In addition, JHSCs may participate in the investigation of reported incidents that result in personal injury or have the potential to result in injury.

## **Investigating Reports of Discrimination or Harassment**

Once a written complaint has been received, Belmont House will complete a thorough investigation. Harassment should not be ignored, as silence can and often is interpreted as acceptance. Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

Belmont House will ensure that all information obtained during the course of an investigation will not be disclosed, unless the disclosure is necessary for the purposes of investigating or taking corrective action, or is otherwise required by law.

For the purposes of this section the following definitions apply:

**Complainant** – The person who has made a complaint about another individual whom they believe committed an act of violence, discrimination, or harassment against them.

**Respondent** – The person whom another individual has accused of committing an act of violence, discrimination, or harassment.

### The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant, any person involved in the incident, and any identified witnesses; and
- Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

A copy of the complaint, detailing the complainant's allegations, is then provided to the respondent.

- The respondent is invited to reply in writing to the complainant's allegations, and the reply will be made known to the complainant before the investigation proceeds further.
- The company will protect from unnecessary disclosure the details of the incident being investigated and the identities of the complainant and the respondent.
- During the investigation, the complainant and the respondent will be interviewed, as will any possible witnesses. Statements from all parties involved will be taken and documented, and a decision will be made.
- If necessary, the company may employ outside assistance or request the use of legal counsel.
- Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances of another employee or because they lodged a harassment complaint when they honestly believed they were being harassed.
- Upon completion of the investigation, Belmont House will inform both the complainant and respondent in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.

If the complainant decides not to lay a formal complaint, senior management may decide that a formal complaint is required (based on the investigation of the incident) and will file such documents with the person against whom the complaint is laid (the respondent).

If it is determined that harassment in any form has occurred, appropriate disciplinary measures will be taken as soon as possible.

Specific reports of discrimination will be investigated as per the Workplace Discrimination and Harassment Policy.

## **Appeals**

Should either the respondent or complainant wish to appeal Belmont's decision, they may do so by making a written appeal to the Chief Executive Officer.

The Chief Executive Officer may review all documentation and has the right to meet any interested party necessary to make their decision.

The Chief Executive Officer will respond in writing within thirty (30) days following receipt of the appeal.

## **Policy Review**

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

This Policy and Prevention Program will be reviewed annually.

Reviewed at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_

Signed \_\_\_\_\_  
(Chief Executive Officer)

## FORMS:

- Risk Assessment Form
- Incident/Accident Form (for Reporting)

## DEFINITIONS:

**Vexatious Complaint** - One that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.

## REFERENCES:

- AODA Belmont House Program
- Accessibility for Ontarians with Disabilities Act (AODA)
- Diversity in the Workplace Program
- The Occupational Health and Safety Act\*
- The Criminal Code of Canada
- The Ontario Human Rights Code
- The Workplace Safety and Insurance Act, 1997
- The Compensation of Victims of Crime Act
- The Regulated Health Professions Act
- ONA Union Agreement
- SEIU Collective Agreement
- Violence in the Workplace Program (Belmont House)

## CROSS-REFERENCE:

|                                                                                                   |
|---------------------------------------------------------------------------------------------------|
| Accident Investigation Policy                                                                     |
| AODA - Accessible Customer Service Policy                                                         |
| AODA - Integrated Accessibility Standards Regulation (IASR) Employment Policy                     |
| AODA - Integrated Accessibility Standards Regulation (IASR) Information and Communications Policy |
| AODA - Multi-Year Plan & Policies Policy                                                          |
| Code of Conduct Policy                                                                            |
| Code of Ethics Policy                                                                             |

# Belmont HOUSE

|                  |                                                         |
|------------------|---------------------------------------------------------|
| Policy<br>Title: | Workplace Anti-Violence, Harassment & Sexual Harassment |
|------------------|---------------------------------------------------------|

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| Code White Policy                              |
| Dismissal - Employee Policy                    |
| Diversity In the Workplace Policy              |
| Early & Safe Return to Work Policy             |
| Human Rights Policy                            |
| Progressive Discipline Policy                  |
| Refusing Unsafe Work Policy                    |
| Termination of Employment Policy               |
| Termination, Notice of Policy                  |
| Whistleblower Policy                           |
| Workplace Discrimination and Harassment Policy |

