

Workplace Harassment Violence and Sexual Exploitation Policy

100-POL-WHV



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1 PURPOSE

HealthBridge does not tolerate, ignore, or condone any type of workplace harassment, violence, or sexual exploitation. All allegations of harassment, violence, or sexual exploitation that appear to constitute a violation of this Policy will be investigated in a fair and timely manner while respecting the privacy of all concerned as much as possible. Where complaints are substantiated, individuals will be subject to appropriate disciplinary measures up to and including immediate dismissal from employment. Similarly, frivolous or malicious complaints made in bad faith will also be subject to disciplinary action.

To maintain the safety and security of HealthBridge employees, visitors, volunteers, beneficiaries, and any persons acting on behalf of HealthBridge, all persons are prohibited from carrying weapons or other inherently dangerous instruments on HealthBridge property or while engaged in HealthBridge work off the premises. In the event of an assault or other potentially criminal action, the police will be contacted immediately.

HealthBridge will not tolerate, ignore, or condone the use of computers or any HealthBridge property for illegal or immoral purposes or to support or assist such purposes. Examples of this would be sending, receiving, or accessing any material that is discriminatory, violent, threatening, intimidating, bullying, pornographic, defrauding, illegal, obscene, or sexual in nature. This includes information sent by traditional postal mail, email, and social media.

This Policy prohibits reprisals against individuals who in good faith report incidents of workplace harassment or violence or who act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further harassment or violence.

Appropriate discipline for a policy violation or performance management are not forms of reprisal or harassment.

This Policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace such as performance management, assessment and evaluation, changes in work assignments, scheduling, workplace inspections, and implementation of disciplinary actions.

This policy is to be read in conjunction with the HealthBridge Code of Conduct on Protection from Sexual Exploitation and Abuse, attached as Appendix A. All employees, volunteers, and stakeholders are required to be knowledgeable of the Code and to complete their work in compliance with the Code. Any observed breaches of the code should be brought to management's attention immediately.

2 INTRODUCTION

HealthBridge values the health and safety of its employees and is committed to creating a work environment governed by respect and regard for the rights and dignity of all persons, where employees can work free from workplace harassment, violence, and sexual exploitation. We similarly wish to protect those we work with, including volunteers and beneficiaries of our programs, from harassment, violence, sexual exploitation, and any other form of abuse. This policy applies to all employees, visitors (including stakeholders), volunteers, and persons acting on behalf of HealthBridge. This Policy also applies wherever work for HealthBridge takes place and to work-related social events, continuing education, and work-related travel.

3 SCOPE

This Policy establishes guidelines, expectations, and procedures to prevent harassment, violence, and other unacceptable behaviour, in the workplace, from all sources. This Policy is also meant to ensure that employees are aware of and understand that workplace harassment, acts of violence and sexual exploitation are considered a serious offence for which appropriate remedial action will be taken. It is intended to encourage employees to report incidents so that complaints can be investigated thoroughly.

4 DEFINITIONS

HealthBridge will abide by the following definitions:

Workplace Harassment:

The *Occupational Health and Safety Act* defines workplace harassment as 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.

Although such comments or conduct may typically happen more than once, harassment may be one incident or a series of incidents that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to a worker or a group of workers. It may also include behaviour that intimidates, isolates, or discriminates against the targeted individuals.

Harassment may also relate to a form of discrimination as set out in the *Human Rights Code* which protects all employees from harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion/faith), gender, pregnancy, sexual orientation, disability, age, marital status, family status, and record of offences for which a pardon has been granted.

Examples of Workplace Harassment include, but are not limited to, the following:

- Making remarks, jokes, and innuendos that demean, ridicule, intimidate, or offend.
- Displaying or circulating offensive pictures or materials in print or electronic form.
- Bullying.
- Unwanted touching.
- Repeated offensive or intimidating phone calls, emails, or other forms of communication, including social media.
- Inappropriate sexual touching, advances, suggestions, or requests.
- Displaying of materials or graffiti that are sexually explicit or are derogatory pertaining to race, ethnicity, religion, or physical appearance.
- Patronizing behaviour, language, or terminology that reinforces stereotypes, undermines self-respect, or adversely affects work performance or working conditions.

Differences of opinion or disagreements between co-workers would not generally be considered workplace harassment, unless they involve the use of offensive actions as outlined in this policy.

Sexual Harassment:

The *Occupational Health and Safety Act* defines “workplace sexual harassment” as,

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.

Workplace Violence:

The *Occupational Health and Safety Act* defines workplace violence as:

- (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, and
- (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.

Examples of workplace violence include, but are not limited to, the following:

- Verbally threatening to attack a worker.
- Leaving threatening notes or voicemails, sending threatening emails or social media posts to a worker.
- Shaking a fist in a worker's face.
- Wielding a weapon at work.
- Hitting or trying to hit a worker.
- Throwing an object at a worker.
- Sexual violence against a worker.
- Kicking an object, the worker is standing on, such as a ladder.
- Trying to run down a worker using a vehicle or equipment.

Accidental situations such as a worker tripping over an object, resulting in an inadvertent push of a co-worker, are not meant to be viewed as workplace violence.

Sexual Exploitation and Abuse

The World Health Organization defines sexual exploitation and abuse as:

- (a) Sexual exploitation refers to any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.
- (b) Sexual abuse refers to an actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

As outlined by the WHO, examples of sexual exploitation and abuse include, but are not limited to, the following:

- Sexual assault or the threat thereof. Sexual assault can occur either against a person's will, by force or coercion, or when a person is incapable of giving consent, such as when they are under duress, or under the influence of drugs or alcohol. Force includes:
 - actual physical aggression.
 - threats of physical aggression.
 - emotional coercion; and/or
 - psychological blackmailing.
- Unwanted touching.
- Demanding sex in any context of a program beneficiary, employee, or volunteer.
- Requiring sex as a condition of support for a program beneficiary.
- Forcibly inducing someone to have sex with another party.
- Forcing a person to participate in prostitution or pornography.
- Recording sexual acts without permission.
- Distributing recorded sexual acts without permission.
- Altering or threatening to alter legal documents to allege a program beneficiary has a history of illegal activities of a sexual nature.

5 WORKPLACE VIOLENCE ASSESSMENT

As part of the requirements of the *Occupational Health and Safety Act*, a workplace violence assessment shall be conducted regularly to assess actual or potential threats of violence at HealthBridge. The assessment will be conducted by the Executive Director, or by a representative appointed by the Executive Director.

6 WORKPLACE VIOLENCE PLAN

Upon completion of the assessment, the representative(s) will review the findings with the management team to determine appropriate controls to mitigate risks and develop procedures to follow if violence takes place or is threatened to take place.

These controls and procedures shall form the workplace violence plan that shall be documented, posted, and reviewed for effectiveness on a regular basis and no less than once per year. It shall include:

- Procedures to control risks.
- Measures and procedures to summon help.
- Measures and procedures to report actual or potential violence.
- Details on how incidents of violence will be investigated and addressed.

7 EMPLOYEE RESPONSIBILITIES

All employees are expected to uphold this Policy and to work together to maintain a work environment that is free from harassment, violence, and sexual exploitation. This includes:

- Understanding and complying with the Policy.
- Reading and following the procedures that are in place to protect employees from workplace harassment,

violence, and sexual exploitation.

- Participating in any training or information sessions provided by HealthBridge to prevent risks of harassment, violence, and sexual exploitation.
- In cases of alleged incidents, informing the alleged offender that their conduct is offensive and must cease immediately (unless it is unreasonable or unsafe to do so, such as incidents of severe sexual harassment) and bringing forward a complaint if the behaviour does not stop.
- Immediately reporting inappropriate sexual behaviour, threats, and violent behaviour or signs of potential violence, harassment, and sexual exploitation, regardless of whether the reporting employee is a victim, as soon as possible to the employee's supervisor or another member of the management team.
- Not making a false or frivolous complaint.
- Reporting any restraining/protective court orders applied for or obtained that would encompass HealthBridge premises and providing copies of such documents.
- Cooperating fully during any investigation related to workplace harassment, violence, or sexual exploitation.

8 EMPLOYER RESPONSIBILITIES

HealthBridge is responsible for creating and maintaining a safe workplace, free of harassment, violence, and sexual exploitation. Some of the steps HealthBridge will take to ensure the above includes:

- Not to allow, condone, or ignore harassment, violence, and sexual exploitation in the workplace and to take corrective action where warranted.
- Complete a violence assessment to identify any risks of violence that take place within the workplace. Update the assessment as necessary, but at least annually, to address any new violence risks.
- Communicate the Workplace Harassment, Violence, and Sexual Exploitation Policy, providing training to employees on the Policy, and reviewing the Policy regularly.
- Ensure that supervisors immediately report to the Executive Director any incidents, threats, threatening, and violent or inappropriate sexual behaviour, or signs of potential violence, harassment, and sexual exploitation, whether or not the victim or alleged offender is an employee under the supervisor's direct supervision.
- Respond promptly to any incidents appropriately, which includes, but is not limited to, taking measures to ensure the safety of all employees, ensuring proper medical care is obtained if necessary, completing incident reports, providing copies to the Executive Director and/or appropriate management employee or designate, and taking steps to begin addressing an incident on the same day in which it is reported.
- Where appropriate, investigating concerns, complaints, or incidents of workplace harassment, violence, and sexual exploitation in a fair and timely manner, while respecting the privacy of all concerned, as much as possible.

9 INVESTIGATION PROCEDURES

1. In cases of perceived harassment or violence, employees should inform the offender that their conduct is offensive and unwelcome and must stop immediately unless it is unreasonable or unsafe to do so. The employee should:
 - a. Keep a written record of incidents including dates, times, your response, and possible witnesses.
 - b. In cases of perceived sexual exploitation, employees should inform their supervisor immediately.
2. In the event that discussions with the offender are unsuccessful, inappropriate, or impossible, employees should report the complaint to their immediate Supervisor, or the Executive Director who will initiate an investigation on a case-by-case basis. Supervisors must keep the Executive Director informed of any behaviour that would necessitate an investigation. Investigations should generally take between two to

three weeks, though circumstances may result in a shorter or longer investigation time.

3. If the alleged offender is the immediate Supervisor, the complaint should be addressed to the Executive Director immediately. If the alleged offender is the Executive Director, the complaint should be addressed to the Chair of the Board of Directors. An Independent Investigator will be appointed in cases where that may be deemed necessary, including if there is a conflict of interest with the Executive Director or the Chair of the Board.
4. To file a complaint, the complainant should provide a written statement that includes the following information:
 - Name(s) of the individuals in question.
 - The date, time and place the incident(s) occurred.
 - Name(s) of any witness.
 - The event(s) that led up to the incident(s) in question.
 - Any particular reason why the event(s) occurred.
 - The actual incident that led to the complaint.
5. The investigation shall include a confidential interview(s) with the complainant to verify the facts and record the details. Witnesses named by the complainant may also be interviewed if deemed necessary by the investigator. The investigation will also include an interview(s) with the respondent in order to obtain their version of the facts. Witnesses named by the offender may also be interviewed if deemed necessary by the investigator. No assurances will be provided to the complainant, respondent or any witness that their identity would remain confidential.
6. The Report will be finalized by the investigator and will be submitted to the Executive Director. This Report will form the basis for a decision. In the case where the Executive Director is the investigator, they will maintain the Report for the complainant and offender's reference, to guide their own decision making, and to place in HealthBridge's records.
7. The complainant and respondent will be informed of the results of the investigation in a summary manner and of any corrective action that has been taken or that will be taken as a result of the investigation. The Report shall remain confidential.
8. The Executive Director will determine the appropriate corrective measure(s) to address the investigation's findings. If the investigation finds the offender was responsible for incidents of harassment, violence, or sexual exploitation, the offender may face disciplinary measures up to and including termination.

10 EMERGENCY SITUATIONS

Any person subject to workplace violence should immediately report incidents, threats, threatening behaviour, or signs of potential violence and/or harassment regardless of whether they are the victims of such actions to their immediate Supervisor or the Executive Director. If any individual believes that there is a risk of violence in the workplace that may affect the immediate safety of employees, they should call 911 to request immediate assistance.

11 OTHER AVENUES OF REDRESS

Nothing in this Policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to *Human Rights Code*, filing a complaint with the Ontario Ministry of Labour, or exercising any other legal avenues that may be available.

12 CONFIDENTIALITY

All parties involved in the investigation of any incident or complaint are required to maintain strict confidentiality with respect to the complaint and any information disclosed in the course of the investigation unless legally required to do otherwise. Discussing with non-involved individuals about an incident seriously undermines the privacy of all parties and will not be tolerated. Only those on a “need to know basis” will be apprised of a complaint.

Employees who engage in conduct prohibited by this Policy may be subject to disciplinary action up to and including immediate dismissal from employment and may be reported to the appropriate law enforcement authorities. Non-employees engaging in violent or illegal acts on HealthBridge premises will also be reported to the appropriate authorities.

13 REVISION HISTORY

Date	Generated by	Summary
January 2020	Board	Policy Created
February 2020		Policy Approved
March 2023	ED & select Board	Policy revised



Addendum A: Protection from Sexual Exploitation and Abuse CODE OF CONDUCT

CODE OF CONDUCT

Our staff, volunteers, representatives, and partners shall complete their work in an ethical manner that corresponds to the guiding principles and mission of our organization. HealthBridge promotes responsibility, respect, honesty, and professional excellence and we will not tolerate harassment, coercion, sexual exploitation, and abuse in any form.

To prevent abuses HealthBridge has developed a Code of Conduct for WHVSE that is designed to help staff and other workers better understand the obligations placed on their conduct. This addendum to the HealthBridge WHVSE policy is intended to strengthen and enhance already existing policies, rather than to replace them.

HealthBridge has zero-tolerance for employees' involvement in or condoning of any act of sexual exploitation and abuse. All employees must comply with this code of conduct and HealthBridge's Workplace Harassment, Violence, and Sexual Exploitation Policy.

HealthBridge adheres to the following Principles relating to sexual exploitation and abuse.

1. Sexual exploitation and abuse by any HealthBridge staff constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited, regardless of the age of majority or age of consent locally.
3. Employees may not exchange money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading, or exploitative behaviour with HealthBridge stakeholders (including beneficiaries and members of the local community). This includes exchange of assistance that is due to beneficiaries. Any employee who is found to have violated this policy will face disciplinary actions.
4. As a general principle, HealthBridge strongly discourages relationships between staff and beneficiaries. In rare cases where this does occur, it is the responsibility of the HealthBridge staff member to alert his or her supervisor to the existence of such a relationship. While this may violate the privacy of the individuals involved, it should be done in the interests of transparency.
5. Where an employee develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same organization or not, they must report such concerns to their supervisor or other management, as outlined in HealthBridge's Workplace Harassment, Violence, and Sexual Exploitation Policy.
6. All HealthBridge staff are obliged to create and maintain an environment that prevents sexual exploitation and abuse. Managers at all levels have particular responsibilities to support and develop work cultures and systems that maintain this environment. All staff are expected to uphold their responsibilities to report and/or investigate incidents of sexual exploitation or abuse, as outlined in HealthBridge's Workplace Harassment, Violence, and Sexual Exploitation Policy.