

Workplace Violence and Harassment Policy

v1.0

May 12, 2020



2-1368 Greely Lane
Greely, Ontario
K4P 1A1

Statement of Commitment

Every worker is entitled to employment free of violence and harassment. *RoJo Construction Management Inc.* is committed to a violence and harassment-free workplace where everyone is treated with dignity and respect.

A handwritten signature in black ink, appearing to be 'Nicolas E. Rooney', written in a cursive, stylized script.

SIGNATURE

May 12, 2020

DATE

Nicolas E. Rooney
President

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Definition of Violence

The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. It also includes:

- an attempt to exercise physical force against a worker in a workplace, that could cause physical injury to a person; and
- statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker

This may include:

- verbally threatening to attack a worker;
- leaving threatening notes at or sending threatening e-mails to a workplace;
- 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; or
- trying to run down a worker using a vehicle or equipment such as a forklift.

The types of violence are defined:

Criminal Intent - Involves a person with no relationship to the workplace, who commits a violent act (e.g. theft, hostage taking/kidnapping, physical assault)

Customer/Client – A client with willful intent to cause harm to the employee

Employee Related – Employee who engages in repeated and persistent negative acts towards one or more employees resulting in the creation of a toxic or unhealthy work environment

Personal Relationship – Relationship violence that occurs at the workplace (e.g. family member that commits a violent act against a worker within the workplace)

If any employee engages in workplace violence or harassment, an investigation will take place immediately. The employee involved will face discipline which may include up to and including immediate termination.

Definition of Harassment

This policy covers the following:

Harassment Based on Prohibited Grounds

This includes any inappropriate conduct, comment, display, action or gesture by a person that:

- is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability,

physical size or weight, age, nationality, ancestry or place of origin; and

- constitutes a threat to the health or safety of the worker.

This type of harassment is prohibited in the Human Rights Code. It also extends to sexual harassment, which is conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome.

Sexual harassment may include:

- a direct or implied threat of reprisal for refusing to comply with a sexually oriented request;
- unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, attire, sex or sexual orientation;
- displaying pornographic or sexually explicit pictures or materials;
- unwelcome physical contact;
- unwelcome invitations or requests, direct or indirect, to engage in behavior of a sexual nature; or
- refusing to work with or have contact with workers because of their sex, gender or sexual orientation.

Personal Harassment

This includes any inappropriate conduct, comment, display, action or gesture by a person that:

- adversely affects a worker's psychological or physical well-being; and
- the perpetrator knows or ought to reasonably know would cause the worker to be humiliated or intimidated.

Personal harassment must involve repeated conduct or a single, serious incident that causes a lasting harmful effect on the worker. All incidents of inappropriate conduct should be appropriately addressed to ensure that the workplace remains respectful and free of harassment.

Personal harassment may include:

- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- personal ridicule or malicious gossip;
- unjustifiable interference with another's work or work sabotage;
- refusing to work or co-operate with others; or
- interference with or vandalizing personal property.

What is Not Harassment

This harassment policy does not extend or apply to day-to-day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, implementation of appropriate dress codes and disciplinary action. These actions are not harassment, even if they sometimes involve unpleasant consequences. Managerial actions must be carried out in a manner that is reasonable and not abusive.

The policy also does not extend to harassment that arises out of circumstances unrelated to the worker's employment. For example, harassment is not covered if it occurs during a social gathering of co-workers that is not sponsored by the employer. However, harassment that occurs while attending a conference or training session at the request of the employer is covered.

Other situations that do not constitute harassment include:

- physical contact necessary for the performance of the work using accepted industry standards;
- conduct which all parties agree is inoffensive or welcome; or
- conflict or disagreements in the workplace, where the conflict or disagreement is not based on one of the prohibited grounds.

Harassment can exist even where there is no intention to harass or offend another. Every person must take care to ensure his or her conduct is not offensive to another.

Employer's Commitment

RoJo Construction and its managers and supervisors will take all complaints of workplace violence and/or harassment seriously. We are committed to implementing this policy and to ensuring it is effective in preventing and stopping workplace violence and harassment, as well as creating a productive and respectful workplace.

This commitment includes:

- Conduct a workplace violence risk assessment.
- Proper maintenance and testing of all security systems.

Informing all persons in the workplace of their rights and obligations

- A copy of the workplace violence and harassment policy will be provided to all workers.

- A copy of the workplace violence and harassment policy will be posted on the company bulletin board.
- The company's policy statement on workplace violence and harassment will be posted in each work area in a location that is visible to all staff and the public.

Training all persons in implementing the policy

- An information meeting will be held with all staff to answer questions about the new policy
- Supervisors will review the policy with new workers as part of their orientation.
- People designated to receive, investigate or resolve complaints will be trained in their roles and responsibilities.
- All *RoJo Construction's* managers, directors, officers, and supervisors will be asked to set a good example and help foster a respectful workplace.
- A list of people designated to receive complaints shall be posted on the company bulletin board.

Assigning responsibility for implementing this policy

- *RoJo Construction* will designate two people who may receive workplace violence and harassment complaints and assist in facilitating their resolution.
- *RoJo Construction* shall designate two people who will investigate workplace violence and harassment complaints.
- *RoJo Construction* will designate all managers authorized to take corrective action in accordance with this policy.

Protecting workers trying to prevent or stop workplace violence and harassment

- Complaints and investigations will be held in the strictest of confidence except where disclosure is necessary to

investigate the complaint, take corrective action or required by law.

- Action will be taken to prevent reprisal against people who make a complaint in good faith, which may mean informing complainants and alleged aggressors/harassers of this commitment.

Promptly taking action necessary to stop and prevent workplace violence and harassment

- Appropriate action, sufficient to ensure the workplace violence and/or harassment stops and does not happen again, will be taken against people who are or were engaged in, or participated, in workplace violence and/or harassment.
- When necessary, customers, contractors or other visitors will be informed certain conduct will not be tolerated.

Ensuring the policy remains current

- The effectiveness of the policy will be reviewed in consultation with Senior Management every two years.

Sharing Information

Where *RoJo Construction* acknowledges that a person employed has a history of violent behaviour, *RoJo Construction* will provide the necessary minimum information to any worker who is at risk if they may encounter this person and is at risk of likely physical injury. *RoJo Construction* will make every effort to respect the privacy of the potentially violent person as much as possible.

Employee's Duty

In accordance with the Occupational Health and Safety Act, all workers, including managers and supervisors employed by *RoJo Construction* shall refrain from causing or participating in the harassment, including aggressive behaviour, of another worker and co-operate with any person investigating complaints.

Response to a Violence or Harassment Event

Any employee who observes workplace violence or harassment, or is a victim thereof, shall immediately go to a safe location and report it to their supervisor or senior management. At the discretion of management, the police may need to be contacted.

In the event of an extreme or imminent threat of physical harm to themselves or any person, contact the police.

Follow the Emergency Procedures provided in the Health and Safety binder.

Identifying a Potentially Violent Person

Signs that a person is potentially violent may include, but are not limited to:

- Their face is turning red or white.
- Their expression is angry, sneering, or glaring.
- They are pacing, making nervous, repetitive, or violent movements, shaking, clenching jaw or fists, approaching too near, or perspiring heavily.

- They are using a loud voice and/or abusive language.
- Their breathing is shallow or rapid.
- If you notice these signs, TAKE ACTION. Get help from your manager immediately

Communicating with a Potentially Violent Person

- DO NOT confront the person by glaring or staring.
- Remain calm and use a calm manner.
- Speak slowly and clearly in a sure tone.
- DO NOT attempt complicated explanations during a tense situation.
- Ask the person to talk and pay close attention.
- DO NOT advise the person to relax or be calm.
- Use silence to placate the person.
- DO NOT defy, criticize, insult, interrupt or patronize.
- DO NOT crowd the person. Allow them about 2 to 4 feet of space.
- DO NOT fight with the person. Leave the situation and if necessary, get help from the police.

Problem Solving with a Potentially Violent Person

- Try to see the situation from the person's point of view in order to figure out how to fix the problem.
- DO NOT take the situation lightly.
- Direct the person's attention to the issue.
- Ask the person how to fix the problem.
- Be positive about criticism. If you agree with it, admit this. If you disagree, try to discuss
- the situation.
- DO NOT lie or make unreasonable commitments.

- Make minor requests, such as taking the discussion to a quiet area.
- Divide the problem into smaller chunks and deal with them one at a time.
- Be clear about the consequences of violence and provide other options.
- If the person is an employee, do not discuss discipline until the situation is more stable.
- DO NOT immediately turn down the person's request.
- DO NOT try to negotiate with someone who is making threats. End the conversation calmly and if necessary, get assistance.

Ending an Abusive Telephone Call

- Interrupt in a courteous but firm tone.
- Make it clear that abusive behaviour is not acceptable, and that you will end the conversation if they don't stop.
- If the behaviour continues, you can advise the caller that you are ending the call in a courteous tone.
- Report the abusive call to your manager.
- Halt the call in a courteous but firm tone if the abusive person calls again.
- Make it clear that abusive behaviour is not acceptable, and that you will forward the call to your manager if they don't stop.
- Put the caller on hold.
- Report the holding caller to your manager.
- Forward the caller to your manager.

Road Rage Situations

- Plan your route in advance (frustration or erratic behaviour is more likely if you are lost);
- If you feel yourself getting upset, open the window, breathe deeply and listen to relaxing music;
- Consciously decide not to let traffic delays or other peoples' driving habits affect your driving;
- Acknowledge your mistakes which can reduce conflict;
- Be courteous and considerate;
- Do not compete or retaliate;
- Leave traffic enforcement to the police;
- Avoid heavy meals before driving which can make you lethargic;
- Avoid honking your horn unless necessary, and;
- Stay in your vehicle, lock the doors and call the police if you are being physically threatened,
 - Dial 911 to reach emergency services.
- If you are being followed, do not drive to your home. Drive to the nearest service, police or fire station, remain in your vehicle and honk your horn repeatedly until someone assists you.

Complaint Procedure

This policy sets out three types of complaint procedures that may be used following instances of workplace violence and/or harassment.

No Alleged Aggressor or Harasser Named and Informal Resolution Sought

1. An individual reports an incident or concern.

2. The person receiving the complaint reviews the procedures with the complainant and informs the unit manager.
3. The unit manager takes action to address the complaint. Such action may include:
 - having staff meetings to discuss and review the policy; or
 - providing workshops or resource materials on the prevention of workplace violence and/or harassment such as videos, brochures and guides.
 - The unit manager informs the complainant of the action that will be taken to address the concern.

Confidentiality: *RoJo Construction*, or anyone acting on behalf of the company, should not disclose the complainant's name or other identifying information to any person. However, in certain circumstances, the complainant may agree to release identifying information to implement the workplace violence and harassment policy, the resolution process or the resolution itself.

Alleged Aggressor or Harasser Named - Informal Resolution or Mediation Sought

1. An individual reports an incident or concern. The complaint should be in writing in a form consistent with the form attached to this policy. Where an informal resolution is sought, the complainant should indicate the type of resolution sought such as an apology, supervisory counselling, a facilitated meeting with the alleged aggressor/harasser, workshops or training sessions and mediation.
2. The person receiving the complaint reviews the procedures with the complainant and informs the unit manager. Where

it is alleged the unit manager is involved in the behaviour, the person receiving the complaint refers the matter to another manager. The person receiving the complaint will also meet privately with the alleged aggressor/harasser to review the complaint and determine whether there is agreement on a resolution or resolution process.

3. Where there is agreement on the resolution or resolution process, the person receiving the complaint informs the unit manager of the agreement and facilitates the agreed upon resolution or process.
4. The complainant is informed a formal complaint procedure is possible if the complainant, the alleged aggressor/harasser or the unit manager do not agree or if the process does not resolve the matter to the complainant's satisfaction.
5. Where the complainant and alleged aggressor/harasser agree to a resolution, the unit manager follows up with the complainant to ensure the resolution was effective in stopping and preventing further workplace violence and/or harassment. Where the complainant indicates it has not ended, the unit manager counsels the complainant to pursue an alternate resolution process, including a formal investigation.

Confidentiality: *RoJo Construction Management Inc.*, or anyone acting on behalf of the company, should not disclose the complainant's or alleged aggressor/harasser's name or other identifying information. In certain circumstances, the complainant and alleged aggressor/harasser may agree to release identifying information to implement the workplace violence and harassment policy, the resolution process, or the resolution itself.

Alleged Aggressor or Harasser Named - Investigation Required

1. An individual reports an incident or concern. The complaint should be in writing and contain:
 - the name, job title and contact information of the complainant;
 - the name of the alleged aggressor/harasser;
 - description of the conduct considered objectionable, including dates and locations of events;
 - the names and contact information of any possible witnesses;
 - description of the basis of the alleged behaviour, such as the prohibited grounds;
 - the remedy sought;
 - any other information or material the complainant considered relevant; and
 - the signature of the complainant and the date.
2. The person receiving the complaint reviews the procedures with the complainant and provides a written copy to the unit manager. Where it is alleged that the unit manager is involved in the behaviour, the complaint is referred to another manager. The person receiving the complaint also provides a copy of the written complaint to the alleged aggressor/harasser and reviews the procedures with the alleged aggressor/harasser.
3. The person receiving the complaint, the unit manager and other relevant parties such as human resource managers, review the complaint and determine whether conduct falls within the workplace violence and harassment policy. The group will decide whether there are appropriate resolution options, other than an investigation, acceptable to the complainant and the alleged aggressor/harasser. This group will conduct the investigation if one is required.

4. When an investigation is required, the unit manager appoints an investigator or investigation team. Investigators will be trained in conducting an investigation in accordance with this policy and will have no apparent bias or interest in the outcome. Alternatively, the investigator will be chosen from a list of investigators approved by *RoJo Construction*, the OHC co-chair or the workplace representative.

Where the complainant and the alleged aggressor/harasser objects to the appointment of an investigator, on the basis of bias or conflict of interest, the unit manager will appoint another investigator.

5. Investigators must act in accordance with the following guidelines:
 - The investigation commences and concludes as soon as reasonably possible.
 - Witnesses are interviewed separately and written witness statements are prepared.
 - Witnesses are asked to review and sign their written statements.
 - Witnesses are advised to keep the investigation and the identity of the complainant and alleged aggressor/harasser in confidence, unless required by law to disclose them.
 - The complainant and alleged aggressor/harasser are entitled to legal or union counsel.
 - During the investigation, both the complainant and the alleged aggressor/harasser are entitled to be informed of all the allegations and allowed to respond.

This does not mean either party is entitled to see or receive copies of the complete statements. However, both are

entitled to see or receive an adequate summary of the evidence to make a full response.

6. Once the investigation is complete, investigators will prepare a written report setting out a summary of the evidence, a description of any conflict in the evidence, conclusions and reasons for reaching those conclusions, as well as the recommended corrective action if harassment has occurred.

The report will be delivered to the unit manager, the complainant and the alleged aggressor/harasser. The report is marked confidential and delivered with the notation that it should be kept in confidence unless disclosure is required by law or is necessary to implement corrective action.

7. The unit manager will then:
 - Take appropriate corrective action.
 - Inform the complainant and aggressor/harasser of the corrective action.
 - Inform the complainant of the rights to file a complaint with the Ontario Ministry of Labour, Training and Skills Development or the Ontario Human Rights Commission.

Note: Where the corrective action is different from the action recommended in the report, the unit manager should provide reasons for not taking the investigators' recommended action.

8. After corrective action has been taken, the unit manager follows up with the complainant to ensure that the corrective action was effective. If the complainant indicates it has not ended, or suffers reprisal, the unit manager should take additional or alternative corrective action. Further investigation may be necessary.

Confidentiality: *RoJo Construction*, or anyone acting on behalf of the company, should not disclose the name of the complainant or the alleged violent person or aggressor/harasser, nor any information that may identify them. The disclosure of such information may be necessary to conduct the investigation, implement corrective action or pursue other legal remedies.

All documents and statements obtained during the course of the investigation, including the names and copies of witness statements, should not be disclosed to any person unless required by law.

Taking Action to Stop and Prevent Workplace Violence and Harassment

In taking action to stop workplace violence and/or harassment and prevent its reoccurrence, will be guided by the following:

Individual Awareness and Counselling

People may not be aware of the effects of their behavior. In many cases, speaking to the person in private about the inappropriate behavior will help resolve a situation.

In certain instances, it may be more effective for a supervisor to speak with the offending person or to arrange and facilitate a meeting between the complainant and alleged aggressor/harasser.

Complainants should not be encouraged to confront the alleged violent person or aggressor/harasser if they are reluctant, if the

alleged action is of a serious nature or if the alleged aggressor/harasser denies the alleged conduct.

Staff Awareness and Counselling

Standards of behavior change over the years. Some individuals or groups may not be aware behavior that was acceptable in the past, is not acceptable anymore. A staff awareness session may be helpful to correct problems based on lack of awareness. Relevant videos, lectures and facilitated group discussions may increase awareness of behaviors that are unacceptable and the reasons for the changes.

Interim Action

A unit manager may have grounds to believe a complainant will be exposed to continued aggression and/or harassment or reprisal while waiting for the investigation or resolution process to occur. The unit manager must take immediate action to protect the worker from continued aggression and/or harassment or reprisal. Any interim action should respect the alleged aggressor/harasser's rights based on the employment contract.

Considering the above-mentioned rights, the unit manager's action may include:

- cautioning the alleged aggressor/harasser about the types of behavior that will not be tolerated;
- moving the alleged aggressor/harasser to another work unit;

- moving the complainant to another work unit at the complainant's request; and
- suspending the alleged aggressor/harasser with pay while waiting for a final determination.

Mediation

Mediation offers both parties the opportunity to develop an understanding of the problem and resolve the complaint before or during the formal investigation process. The mediator facilitates separate discussions or joint meetings between the complainant and the alleged aggressor/harasser.

Mediation may take place at any point in the resolution process as long as both parties agree to participate. Where the complainant and alleged aggressor/harasser agree to participate in mediation, *RoJo Construction* shall arrange for a mediator, who is trained and independent.

Disciplinary Action

An employee who has knowingly engaged or participated in the aggression/harassment of a co-worker will be disciplined. The discipline will be subject to the employee's rights under the employment contract.

Discipline may include reprimand, relocation, demotion, suspension or termination of employment.

The severity of discipline will depend on:

Seriousness of the Alleged Conduct

- whether the conduct is an offence under the criminal code;
- whether the conduct is an offence under the Act or Ontario Human Rights Code;
- the extent of the mental or physical injury caused to the complainant;
- whether the aggressor/harasser persisted in behavior that was known to be offensive to the complainant; or
- whether the aggressor/harasser abused a position of authority.

Risk of the Aggressor/Harasser Continuing with Similar Aggression/Harassment of the Complainant or Others

- whether the aggressor/harasser acknowledges that conduct was unacceptable and makes a commitment to refrain from future aggression/harassment;
- whether the aggressor/harasser has apologized to the complainant or taken action to repair any harm; or
- whether the aggressor/harasser has agreed to participate in awareness sessions, training or other recommended counselling or treatment.

Third-party Aggressors/Harassers

This policy covers workplace violence and/or harassment connected to any matter or circumstance arising out of the worker's employment. Customers, clients, patients, contractors or their workers and others invited to the workplace could aggress or harass an employee.

RoJo Construction may have limited ability to investigate or control their conduct. However, *RoJo Construction* shall take

reasonably practicable action to stop or reduce the risk to its workers of being harassed by third parties. This action may include:

- posting the workplace violence and harassment policy in a location visible to third parties; and
- requiring certain contractors and their workers to accept and meet the terms of the workplace violence and harassment policy; and
- removing workers who participate in aggression/harassment.

Where a client or customer has been asked to stop abusing or harassing a worker and does not, workers are authorized to:

- end telephone conversations;
- politely decline service; and
- ask the customer or client to leave the workplace.

Malicious Complaints

Where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate discipline.

Other Options for Complainants

Nothing in this policy prevents or discourages a worker from referring a harassment complaint to the Ministry of Labour, Training and Skills Development under The Ontario Employment Standards Act.

A worker may also file a complaint with the Ontario Human Rights Commission under the Ontario Human Rights Code.

A worker also retains the right to exercise any other legal avenues available.

For further details:

https://www.labour.gov.on.ca/english/hs/pubs/fs_vvh_atwork.php

Appendix A – Workplace Violence and Harassment Reporting Form

VIOLENCE AND HARASSMENT REPORTING FORM

PART 1 – INCIDENT DETAILS (to be completed by party reporting incident)		
Date of report		
Reporter's name		
Location of incident		
Date of incident		
Time of incident	<div style="display: flex; align-items: center;"> <div style="border-bottom: 1px solid black; width: 40px; margin-right: 10px;"></div> <div style="display: flex; gap: 10px;"> <input type="checkbox"/> AM <input type="checkbox"/> PM </div> </div>	
Victim's name		
Relationship to (co. name)		
Contact information		
Additional witnesses	Name	Contact Information
Injuries and damage	Yes	No
Were there any injuries or property damage reported?		
Medical attention/first aid obtained?		
Any time missed from work as a result of the incident?		
WSIB Form 7 submitted?	Yes	No
If "yes" to any of above provide details of injuries, property damage, treatment and/or repairs:		

PART 2 – DESCRIPTION OF INCIDENT (to be completed by party reporting incident)

In your own words, please provide detailed description of the incident based on what you experienced or was reported to you and other pertinent information.

Describe immediate actions taken (e.g., contacted supervisor, told Respondent to stop behaviour, called 911, etc.).

Describe your recommendations for corrective and preventive actions, if any.

Reporter's signature

PART 3 – INVESTIGATION INTERVIEWS (to be completed by investigator)

Interviews with victim, alleged perpetrator and witness shall be conducted where possible. Where such interviews are not conducted this report shall indicate why.

Name of person interviewed	
Event role (victim, alleged perpetrator or witness)	
Person conducting the interview	
Date of interview	

Interview Notes

PART 4 – OTHER INFORMATION PERTINENT (to be completed by investigator)

Identify pertinent information possibly including but not limited to:

- Police report
- Violence risks and controls from risk assessment
- Past incidents
- Worker training

PART 5 – INVESTIGATION CONCLUSIONS (to be completed by investigator)			
<i>Based on the evidence revealed on investigation, it is the opinion of the investigator that:</i>			
the reported incident of (circle one)	workplace violence	workplace harassment	workplace sexual harassment
was (circle one)	adequately substantiated	not adequately substantiated	fabricated with malicious intent
Additional comments from Investigator			

PART 7 – COMMUNICATION OF RESULTS			
Party	Name	Signature	Date
Investigator			
Victim			
Alleged perpetrator			

(p): 613.821.4193

(f): 613.821.4163

info@rojoconstruction.com

2-1368 Greely Lane,
Greely, Ontario
K4P 1A1

www.rojoconstruction.com

Nicolas Rooney

President

(p) 613.821.4193 x113

(f) 613.821.4163

nrooney@rojoconstruction.com