

Association of
Workers' Compensation Boards
of Canada



Respectful Workplace Policy

NOVEMBER 2019

Guidelines

AWCBC is committed to providing a work environment that is free from discrimination, violence and harassment and one where the dignity and self-esteem of all employees are respected. All employees, clients, vendors, suppliers and members of the general public, have a right to work and conduct their business in a safe and secure environment. Relationships and communications in AWCBC's workplace will be free of discrimination, violence, bullying and harassment.

Workplace discrimination, violence and harassment in any form will not be tolerated or condoned. Every effort will be made to identify acts or incidents, regardless of whether the conduct is perpetrated by an employee or member of the public. However, all employees must work together to create a work environment free from discrimination, violence and harassment.

Anyone found to have engaged in any act of discrimination, violence or harassment will be subject to discipline up to and including termination for cause.

This policy provides clear guidelines of what is considered unacceptable conduct. This policy will be renewed annually to ensure continued compliance with statutory requirements. All employees are expected to conduct themselves in accordance with this policy when on AWCBC premises, at an AWCBC-sponsored event, such as holiday celebrations or after-hours gatherings and when conducting business on behalf of AWCBC.

AWCBC is committed to full compliance with the laws and regulations wherever it operates. Employees are expected to comply with all local laws in conducting the association's business.

Definitions

Discrimination – Discrimination is differential treatment based on a personal characteristic which has an adverse impact on an individual or group. Discrimination isn't always overt. It also includes practices that have the effect of being discriminatory.

The Ontario Human Rights Code (the "Code"), prohibits discrimination on the following "Prohibited Grounds": race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or record of offences (for which a pardon has been granted).

Workplace Harassment – The Occupational Health and Safety Act ("OHSA") defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought to be known to be unwelcome.

Reasonable actions taken by employers or supervisors relating to the management and direction of workers or the workplace is not workplace harassment.

Workplace Sexual Harassment – The OHSA defines workplace sexual harassment as 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 the 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.

Workplace Violence – Workplace violence includes the use, attempted use or threatened use of physical force by a person against an employee in the workplace that causes or could cause physical injury to the employee. Workplace violence includes, but is not limited to, acts of physical violence (i.e., hitting, punching, kicking and intimidation) and threats of violence.

Domestic Violence – If AWCBC becomes aware or ought reasonably to be aware that an employee may be exposed to domestic violence that could result in physical injury to anyone in the workplace, it is obligated to take action to protect its employees. Protective measure may include:

- restricting access to the workplace;
- removing the employee’s name and contact information from external sources;
- changing the physical location of the employee’s workspace to an area that is not accessible to the public.

Unless otherwise noted in this policy, “employee(s)” includes managers, supervisors, executives, contracts, and temporary or agency employees. This policy also applies equally to the AWCBC Board Directors.

Complaint Procedure

It may be difficult to come forward with complaints of this nature. AWCBC will make every reasonable effort to ensure that the privacy of the persons involved in a complaint is protected. To the extent practical and appropriate under the circumstances, confidentiality will be maintained unless disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

What to do in cases of discrimination, violence or harassment

If an employee has experienced any form of discrimination, violence, harassment, threat of violence (including domestic violence) in the workplace, or witnesses or has reason to believe that another employee has been subject to acts of discrimination, harassment or violence (including domestic violence), they should immediately take the following steps:

- 1. Corrective Action.** If the employee is comfortable doing so, clearly communicate to the individual that his or her behaviour or conduct is unwelcome. In some cases, this may be sufficient to put an end to the conduct.
- 2. Report the Incident.** Alert the CEO if you witness an act that could amount to workplace discrimination, violence (including domestic violence) or harassment. If the CEO is the alleged harasser, the incident should be reported to the Board Chair and AWCBC Executive Committee.
- 3. Document the Incident.** Take detailed written notes or otherwise record each incident, including the date, time, place and details of what was said and done, names of possible witnesses and the surrounding circumstances.
- 4. Co-operate with the Investigation.** With the employee's assistance, AWCBC will be able to conduct a timely investigation into the allegations and take corrective action, if necessary.

Allegations of discrimination, violence and harassment are serious matters; however, in the event that AWCBC finds the allegations to be "trivial", it may not conduct a full investigation.

Investigation of a Complaint

Upon receipt of the complaint, depending on the seriousness of the allegations, the CEO or the Board Chair and/or designate (the "Investigator") will conduct a thorough investigation of the matter. By choice of the CEO or Board Chair, an investigator may be hired at the employer's expense from an impartial third-party firm specializing in these investigations. The investigation procedure will include discussions with the employee making the complaint as well as the other individual(s) involved.

At the conclusion of the investigation, the Investigator will make one of the following decisions:

- the complaint was substantiated;
- the individual(s) involved voluntarily resolved the matter to the satisfaction of all parties; or
- the complaint was not substantiated.

If a complaint is substantiated, the Investigator will provide recommendations to avoid a similar incident in the future. These recommendations will be shared with AWCBC Executive Committee.

Where it is necessary to impose corrective action against an employee, the range of action could include measures such as a formal apology, referral to appropriate counseling, reassignment, leave of absence with pay, demotion or termination, depending upon the seriousness of the offence. Both the employee who experienced workplace harassment and the alleged harasser will be informed in writing of the results of the investigation, and of the corrective action that has been or will be taken.

Retaliation against any individual for reporting alleged acts of discrimination, violence or harassment is not tolerated. Equally, because false accusations can have a serious effect on innocent persons, the willful misuse of this policy or making false accusations will not be tolerated and may be grounds for discipline.

Workplace Violence Prevention Program

The reporting and investigation procedure set out above may not be suitable in all cases of workplace violence. As such, we have developed the Workplace Violence Prevention Program. It is designed to identify and minimize the risk of violence.

Risk management

AWCBC will annually conduct a violence risk assessment in the workplace. The assessment will focus on identifying the areas and positions where there is a risk of violence and the degree of risk present. Based on the results of the assessment, AWCBC will develop protective mechanisms specifically designed to safeguard employees who occupy the high-risk positions and workspaces.

AWCBC will make every effort to identify possible sources of workplace violence and take steps to manage or eliminate the associated risk. However, AWCBC will only provide personal information to the extent that is reasonably necessary to protect employees from physical injury.

AWCBC will reassess the risks of workplace violence as often as is necessary, at least annually, to ensure that the policies and programs continue to protect employees.

APPROVED BY: STUART MACLEAN, AWCBC CHAIR
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