

Bain Apartments Co-operative Incorporated

## **Policy on Workplace Violence and Harassment**

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A policy dealing with preventing and responding  
to violence and harassment in the workplace

For Co-ops in Ontario

Passed by Residents' Council on September 13<sup>th</sup>, 2023

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## **1. Policy Statement**

Bain Apartments Co-operative Incorporated (“the Co-op”) is committed to the safety of its workers, directors, and residents. All members of the Co-op community should enjoy a workplace and home that is free from violence and harassment. No worker, volunteer or any other individual associated with the Co-op shall subject any other person to workplace violence or harassment or allow or create situations that allow workplace violence or harassment to occur. The Co-op will:

- support and promote a program on the prevention of workplace violence and harassment;
- regularly assess the risks of workplace violence;
- identify possible sources of violence and harassment;
- strive to eliminate or reduce the risk of workplace violence and harassment;
- take every precaution reasonable in the circumstances to protect workers from domestic violence that would likely cause physical injury to workers in the workplace;
- investigate and deal with all incidents and complaints of workplace violence and harassment in a fair and prompt manner; and
- annually review the Policy to ensure it is up to date with all legislation.

## **2. Purpose of Policy**

The purpose of this policy is to

- identify roles and responsibilities when violence or harassment take place in the workplace;
- set out how the Co-op will respond to reports of violence or harassment in the workplace.

## **3. Definition of Workplace Violence and Harassment**

Under the *Occupational Health and Safety Amendment Act 2009*, workplace violence means:

- the exercise of physical force by a person against a worker, in a workplace, that causes, or could cause, physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,

- a statement or behaviour that 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.

The *Occupational Health and Safety Act* defines workplace sexual harassment as:

- engaging in a course of vexatious<sup>1</sup> comment or conduct against a worker, in a workplace because of sex, gender 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
- making a sexual solicitation or advance where the person making the advances is in a position to confer, grant or deny benefit or advancement to the worker and the person knows or ought reasonably to know the solicitation or advance is unwelcome

Under the *Occupational Health and Safety Amendment Act 2009*, workplace harassment means:

- engaging in a course of vexatious<sup>2</sup> comment or conduct against a worker in a workplace that is known, or ought reasonably to be known, to be unwelcome.

## 4. Definitions

### 4.1 Worker

For the purposes of this policy, a worker means a person who performs work or services for monetary compensation at the Co-op and includes all full-time and part-time employees, casual workers, individual contractors and employees or staff of any contractor or service provider carrying out business for the Co-op.

### 4.2 Directors

For the purposes of this policy, a director means a person who is currently a sitting member of the Residents' Council of the Co-op.

### 4.3 Residents

For the purposes of this policy, a resident means a person who is currently residing in a Co-op unit including members, dependents and guests.

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<sup>1</sup> Vexatious: causing or tending to cause annoyance, frustration, or worry.  
<sup>2</sup> Same as above.

## **5. Rights and Duties**

### **5.1 Complainants' Rights**

Complainants have a right:

- a) to report an incident of violence or harassment or file a complaint without fear of retaliation;
- b) to be told about the Co-op's process for looking into the incident or complaint;
- c) to choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person;
- d) to get information about the review of the incident or complaint;
- e) to be treated fairly while the Co-op is looking into the incident or complaint;
- f) to get information about the action taken by the Co-op because of the incident or complaint;
- g) to refuse work if they have reason to believe that workplace violence is likely to endanger themselves.

### **5.2 Complainants' Duties**

- a) Complainants have a duty to report any incidents of violence or harassment they become aware of, even if they are not personally involved.
- b) Complainants who feel they have been harassed have a duty to communicate clearly to the person who harassed them that the behaviour was unwelcome, unless it is unreasonable to expect them to do so.
- c) Complainants who report an incident or file a complaint have a duty to Co-operate with the people who are looking into the incident or complaint.

### **5.3 Rights of the Person Accused of Violence or Harassment**

A person accused of violence or harassment has the right:

- a) to be told that a report or complaint has been filed;

- b) to know who filed the report or complaint, unless the Co-op decides that reprisals are an issue, in which case the name may be withheld. This should be done only in the most extreme circumstances;
- c) to be told about the Co-op's process for looking into the incident or complaint;
- d) to choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person;
- e) to be treated fairly during the investigation process

#### **5.4 Duties of the Person Accused of Violence or Harassment**

Anyone accused of violence or harassment has a duty to Co-operate with the Co-op in the investigation of the incident or complaint.

## **6. Reporting Workplace Violence**

- a) When an incident of workplace violence occurs, the Co-op will notify police or emergency responders for immediate assistance where necessary.
- b) If the incident results in a person being killed or critically injured, the Co-op will immediately notify a Ministry of Labour health and safety inspector, and within 48 hours forward a written report to a director of the Ministry of Labour.

## **7. Investigating Incidents and Complaints**

An individual who experiences workplace violence or harassment may choose to proceed informally at first. They may ask the Co-op's General Manager to help them communicate to the other person that their behaviour is not welcome.

Once complaints are formally reported, the Co-op will investigate all incidents and complaints about violence and harassment promptly:

- a) If the incident or complaint is on human rights grounds, the Co-op will follow the process set out in the Ontario Human Rights Code.
- b) An incident report or a complaint must be in writing and signed by the person filing the report or making the complaint unless this is unreasonable. The report or complaint should be given to the Co-op's General Manager. If the report or complaint is about the General Manager, it can be given to the President. If the report or complaint is about both the General Manager and the President, it can

be given to any director.

- c) The Co-op will designate a person to look into the incident or complaint. This will be a specially trained person from within the Co-op or a consultant. This position may be called the Incident Investigator or the Complaints Officer. The designated person may or may not be a director or a staff member and may be from outside the Co-op.
- d) The designated person may be authorized to consult the Co-op lawyer. Where there is a possible legal liability on the part of the Co-op, the Co-op lawyer will be consulted before proceeding further.
- e) The investigation into the incident or complaint will include interviews with the parties and any others that may have knowledge of the incident or complaint. The investigation may include a review of Co-op files and inspection of parts of the Co-op as necessary. The designated person will submit a written report to Residents' Council summarizing the incident or complaint, deciding whether, on a balance of probabilities the harassment did take place, and recommending appropriate remedies, penalties or other action. If there is not enough evidence to support an allegation of harassment, the investigator will not recommend any penalties or remedies.
- f) Residents' Council will consider the report and take the appropriate action where there is evidence of violence or harassment. In determining the action to take, Residents' Council will consider the seriousness of the acts. Possible actions include:
  - a letter of apology or a performance agreement, if the parties will agree to these;
  - mediation between the parties or mandatory counselling;
  - proceedings to remove someone from the Residents' Council if the person at fault is a director;
  - reprimand, suspension or dismissal if the person at fault is a worker;
  - eviction, if the person at fault is a resident of the Co-op. However, in determining what to do, the Residents' Council will be guided by the eviction process;
  - anti-harassment training;
  - establishing appropriate security measures as part of the workplace violence and harassment program.
- g) In the rare event that the complaint was made in bad faith, that is deliberately and maliciously filed knowing it had absolutely no basis, the complainant can be subject to the same penalties as a harasser. The person unjustly accused of harassment will have their reputation restored, and will be given the benefit of any necessary remedies that would be given in a case of harassment.

- h) The General Manager has a responsibility to make sure harassment ends as soon as they become aware of it. Complaints will be resolved as quickly as possible, ideally within one month of being made.

## 8. Privacy

As far as possible, the Co-op will keep all information relating to an incident or complaint confidential.

However, in order to investigate an incident or complaint, the person conducting the investigation may have to interview people in order to get at the facts. As far as possible in doing these interviews, that person will try to protect the identity of those involved, but this will not always be possible.

The Co-op will disclose information only on a need-to-know basis.

## 9. Action by Co-operative

While the incident or complaint is being investigated, the Co-op will:

- (a) limit contact between the parties involved in the incident or complaint;
- (b) assist the affected worker in obtaining help to deal with any stress they may be feeling (refer to the Employee Assistance Program for counselling).

## 10. Other Legal Rights

This policy does not in any way limit the right of workers to take any other legal action resulting from violence or harassment.

CERTIFIED to be a true copy of a Policy passed by Residents' Council at a meeting held on the 13 day of September, 2023

Alvina c/s  
Secretary