



LIFESAVING SOCIETY

The Lifeguarding Experts

Respect in the Workplace Policy

Approved by Board of Directors January 23, 2020

The Lifesaving Society is committed to providing a work environment that is free of discrimination and harassment in compliance with the *Ontario Human Rights Code*, and free of harassment and violence in compliance with the *Ontario Occupational Health and Safety Act*.

The Lifesaving Society has an obligation to ensure that the work environment is free from discrimination, harassment and violence from both internal and external parties.

This Policy, including the responsibilities and procedures described, provides an overview of the Lifesaving Society's expectations regarding respect in the workplace and of the procedure to be followed should incidents of misconduct, violence and/or harassment arise.

It is a violation of this Policy for employees, volunteers and/or anyone representing the Lifesaving Society, either on a paid or volunteer basis, to engage in workplace misconduct, discrimination, harassment or violence when dealing with members of Board and Council, employees, volunteers, award holders, other members of the public, or with others with whom they have professional dealings, such as suppliers or service providers.

Communication

The Lifesaving Society upholds the principle of open, timely and accurate communication and the creation of a positive work environment that supports Lifesaving Society values.

Employees are expected to communicate in a courteous and respectful manner that avoids rude, provocative, disruptive, threatening, intimidating or discriminatory behaviours or attitudes.

Communication can include, but is not limited to, verbal communication, voicemail messages, and written communications including all electronic communications, including email and photo/video capture. Employee communications are expected to be representative of the Lifesaving Society: employees should exercise caution in expressing personal opinion.

Discrimination

All employees have the right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy), sexual orientation, age (18 years and above), record of offences, marital status, family status or disability (physical or mental).

Exception

The *Ontario Human Rights Code* sets out a number of exceptions to workplace discrimination. The exceptions include, but are not limited to, special programs to serve the needs of historically disadvantaged communities.

Workplace Harassment

Employees and volunteers have the right to freedom from harassment in the workplace by the employer, agent of the employer, by another employee or volunteer. Examples of harassment include:

Physical harassment

- Persistent leering (suggestive staring) or other obscene/offensive gestures;
- Unwanted and inappropriate physical contact such as touching, kissing, patting, pinching, brushing up against a person.

Verbal harassment

- Racial or ethnic slurs including racially derogatory nicknames;
- Unwelcome remarks, jokes, innuendos or taunting about a person's physical attributes, age, marital status, gender, ethnic/racial origin, religion, accent or disability;
- Unwelcome sexually oriented remarks, initiations, requests, whether indirect or explicit.
- Humiliating an employee in front of co-workers

Documented harassment

- Posters or calendars that are sexually oriented;
- Any material created, accessed, stored or distributed by way of the Lifesaving Society's computer systems which make vexatious comments or describes vexatious conduct that is known to be or should reasonably be known to be unwelcome or is discriminatory based upon one or more of the prohibited grounds;
- Any printed material including but not limited to letters, notes and memoranda, which make vexatious comments, describes vexatious conduct that is known to be or should reasonably be known to be unwelcome, or is discriminatory based upon one or more of the prohibited grounds.

Workplace harassment is not

- Appropriate evaluation, direction or discipline by a member of management;
- The normal day-to-day stressors associated with the performance of legitimate and reasonable job requirements.

Poisoned Work Environment

Employees and volunteers have the right to freedom from a poisoned work environment. According to the Ontario Human Rights Code, a poisoned work environment "...is a form of discrimination and can arise from even a single incident. It may be created by the comments or actions of any person, regardless of his or her status. The comments or conduct do not have to be directed at a particular individual."

Workplace Violence

Employees and volunteers have the right to freedom from violence in the workplace. “Workplace violence” means:

- 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;
- 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:

Physical assault is any physical force or threat of physical force to create fear and control another person. Some examples include hitting, blocking, shoving, choking, slapping, biting, or pulling hair; threats of violence, and using a weapon or other object to threaten, hurt or kill.

Sexual assault is any unwanted sexual act done by one person to another. Some examples include kissing, touching, removal or attempted removal of clothing, causing bodily harm, taking advantage of a position, trust or authority to get sex; or threatening to harm someone else if the person does not agree to any of these things.

Threat (verbal or written) is a communicated intent to inflict physical or other harm on any person or to property by some unlawful act. A direct threat is clear and explicit communication distinctly indicating that the potential offender intends to do harm, for example, “I am going to make you pay for what you did to me.” A conditional threat involves a condition, for example, “If you don’t leave me alone you will regret it.” Veiled threats usually involve body language or behaviours that leave little doubt in the mind of the victim that the perpetrator intends to harm.

Verbal/Emotional/Psychological abuse is a pattern of behavior that makes someone feel worthless, flawed, unloved, or endangered. Like other forms of abuse, it is based on power and control. Examples include: swearing, put-downs/name calling over a period of time, labelling the victim in a derogatory way (stupid, crazy or irrational), acts of humiliation, extreme jealous behavior, attacking the victim’s self-esteem. It can also include harming pets and damaging property.

Workplace bullying is repeated and persistent negative acts towards one or more individuals, which involve a perceived power imbalance and creates a hostile work environment.

RIGHTS AND RESPONSIBILITIES

Management Responsibilities

- Create and maintain a workplace that is free from misconduct, discrimination, harassment and violence;
- Ensure that workplace misconduct, discrimination, harassment and violence are not allowed, condoned or ignored;
- Take every precaution reasonable in the circumstances for the protection of workers when they are aware, or ought to reasonably be aware, that domestic violence may occur in the workplace, and that it would likely expose a worker to physical injury.

Domestic violence may put the targeted worker at risk, and may also pose a threat to co-workers. Management staff may be considered party to and/or holding partial responsible for workplace discrimination, harassment and violence if they fail to take necessary corrective actions;

- Ensure that all employees review, understand and agree to abide by this policy upon hire.

Employee / Volunteer Responsibilities

- Refrain from and stop or report incidents of workplace misconduct, discrimination, harassment, and violence including offensive remarks or other actions that create intimidating, hostile or humiliating working conditions.

It is expected that:

- Employees and volunteers will report all allegations of workplace misconduct, discrimination, harassment or violence as soon as possible after having occurred;
- Employees and volunteers will report all workplace misconduct, discrimination, harassment or violence that they have witnessed as soon as possible after having occurred;
- Employees review, understand and agree to abide by this policy.

EMPLOYEE/VOLUNTEER RIGHTS

All employees have a duty to report workplace safety issues, including incidents of workplace harassment and/or sexual harassment, to their supervisor or manager.

Incidents may involve fellow employees, members of the public, customers or volunteers.

With the exceptions as directed by the *Occupational Health and Safety Act*, a worker can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence. The employee who refuses work must follow the specific procedures as directed under the *Occupational Health and Safety Act*.

Canada's *Criminal Code* deals with matters such as violent acts, threats and behaviours such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence.

Where the Lifesaving Society determines that a complaint warrants investigation, the investigation will proceed in a professional, unbiased, fair and timely manner and will maintain confidentiality where possible. The process will aim to preserve the dignity, self-respect and rights of all parties.

No one who brings a legitimate complaint of workplace misconduct, discrimination, harassment or violence forward will receive any form of reprisal. Retaliation or reprisals are prohibited against any individual who has complained under this policy, or has provided information regarding a complaint. Any retaliation or reprisals are subject to immediate corrective action, up to and including termination for cause. Alleged retaliation or reprisals are subject to the same complaint procedure and penalties as complaints of violence, discrimination and harassment. Frivolous or malicious complaints may lead to discipline.

Personal Resolution

If you feel you are being discriminated against, bullied or harassed, or the subject of workplace violence, provided you feel comfortable doing so, you should advise the offending party in a reasonable and appropriate manner that his or her behavior is unwelcome and should stop. Attempt at personal resolution are often very effective, but are not required to advance to a formal resolution process.

REPORT/COMPLAINT PROCEDURE

Any employee who is a witness to or a victim of workplace harassment and/or sexual harassment should report the incident to his or her supervisor or manager as soon as possible. The person receiving the report from the employee shall advise the appropriate staff Senior Officer, Manager or Director and endeavour to ensure the incident or complaint is documented. It is important to include specific details including when the concern started (dates, times, location); what happened; were there any threats of reprisal; were there any witnesses?

Where an employee's Senior Officer, Manager or Director is the person who is alleged to have committed the act of violence, harassment and/or sexual harassment, the employee can report the incident to the Senior Operations Officer or CEO.

The Lifesaving Society recognizes the emotional impact of workplace discrimination, harassment and violence on a victim. Delays in reporting will not automatically preclude the Lifesaving Society from investigating the complaint although it may make the investigation more difficult.

If it is determined that an incident is to be dismissed, the employee's Senior Officer, Manager or Director, in consultation with the Senior Operations Officer, shall notify the complainant in writing of the decision to dismiss their complaint.

Where an employee's Senior Officer, Manager or Director determines that the alleged incident should be dealt with under this procedure the following shall occur.

INVESTIGATION PROCEDURE

A member of management who is approached with an allegation of workplace misconduct, discrimination, harassment or violence is to consult with the Senior Operations Officer who will conduct an investigation (formal or informal) that is appropriate in the circumstances and who will also determine what investigator(s) will be assigned.

To provide for cohesive working environments, informal resolutions will be explored prior to formal investigations. Where the employee's Senior Officer, Manager or Director reasonably believes that the incident can be resolved without a formal investigation and all the parties to the incident agree, efforts may be made to achieve an informal resolution. An informal resolution may be achieved with the utilization of mediation services or internal resources.

Informal investigations will involve the Senior Operations Officer working with all parties (complainant, alleged offenders and such representatives of management as may be required) to address the matter.

The findings and any resolution of those findings will be communicated as soon as possible to both the complainant(s) and respondent(s) as far as is practicable without violating the confidentiality of an individual(s) who was not named in the complaint.

Following the resolution, management is to monitor the workplace in order to ensure that any agreement is upheld, any inappropriate actions do not reoccur and that a positive work environment is maintained.

Employees found to have violated this policy will receive penalties where appropriate up to and including termination of employment.

Formal investigations depending on the situation can involve the following: interviews with the complainant(s), the alleged offender(s), and potential witnesses found to be critical to the investigation and such representatives of management as may be required to address the matter.

Parties will be required to sign a statement of events as they relate to the complaint.

Following the investigation, a report will be prepared by the investigator(s) and forwarded to the Senior Operations Officer (if not the investigator) or designate for review, recommendation and resolution.

The findings and any resolution of those findings will be communicated as soon as possible to both the complainant(s) and respondent(s) as far as is practicable without violating the confidentiality of an individual(s) who was not named in the complaint.

Following the resolution, management is to monitor the workplace in order to ensure that any agreement is upheld, any inappropriate actions do not reoccur and that a positive work environment is maintained.

Employees found to have violated this policy will receive penalties where appropriate up to and including termination of employment.

CONFIDENTIALITY

The Lifesaving Society will endeavor to ensure that complaints of workplace misconduct, discrimination, harassment and violence are investigated and handled in a manner that protects the confidentiality of individuals as far as is practicable.

Information obtained about an incident or complaint of workplace misconduct, harassment, including identifying information about any individuals involved, will not be disclosed unless the 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.

It is an expectation of employment that all parties involved in an interview associated with a workplace misconduct, discrimination, harassment or violence investigation will maintain the complete confidentiality of such discussion except as required by the Lifesaving Society or by law.

The Lifesaving Society will advise both the complainant and the respondent (subject of the complaint) in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

The Lifesaving Society has a duty under the *Occupational Health and Safety Act* to provide workers with information, including personal information, related to a risk of workplace violence from a person with a known history of violent behavior. However, this duty is limited and applies only when:

- a) The worker can be expected to encounter the person with the history of violence in the course of his or her work;
- b) The risk of workplace violence is likely to expose the worker to physical injury.

Employers must not disclose more information than is reasonably necessary for the protection of a worker from physical injury.