

4 – WORKPLACE VIOLENCE AND WORKPLACE HARASSMENT POLICY

Application

1. This Policy applies to all individuals who perform work for the CPA including employees, managers, supervisors, temporary workers, volunteers, student volunteers, part-time workers, the Board of Directors, and independent contractors (“Workers”) who feel they have been harassed within the Workplace.

Purpose

2. The CPA is committed to providing an environment in which all Workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace.

Definitions

3. The following terms are defined in the *Code of Behaviour*:
 - a) Harassment
 - b) Sexual Maltreatment
 - c) Workplace
 - d) Workplace Harassment
 - e) Workplace Violence
4. Importantly, reasonable action taken by the CPA relating to the management and direction of Workers or the Workplace (e.g., scheduling or conducting an annual performance review) is not Workplace Harassment.

Responsibilities

5. Managers are responsible to take appropriate preventive or corrective action and to put a stop to any harassment they are aware of, whether or not a complaint is filed. Failure to take appropriate action may result in disciplinary measures being imposed on the manager as well as the offending person.
6. In addition, management’s responsibility is to ensure all complaints or incidents of Workplace Harassment are investigated and dealt with in a fair, respectful and timely manner.
7. Management will also ensure that all Workers receive annual training on Workplace Harassment and supervisors and managers will receive advanced training. Proof of completion will be placed in each Worker’s file.
8. Workers are responsible for not engaging in Harassment, Sexual Maltreatment, Workplace Harassment, or Workplace Violence in the Workplace. Workers are strongly encouraged to report any instances of this behaviour pursuant to the procedures described in this Policy.

Procedures

Reporting Workplace Harassment

9. If a Worker feels that they are being harassed, the Worker should first advise the person harassing them to stop, if they feel comfortable in doing so. If the Worker does not feel comfortable doing so, or if the harassment continues, the Worker is encouraged to report any incidents of Workplace Harassment to their supervisor or the CEO. Workers are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving Workplace Harassment.

Where to File a Workplace Harassment Report

10. An incident or a complaint of Workplace Harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

11. A Workplace Harassment incident or complaint must be reported directly to the Workplace Harassment Officer:

Sr. Manager, Human Resources & Operations – Megan Labonte

Email: mlabonte@physiotherapy.ca

Phone: 1 (613) 564-5454 ext. 231

12. If the Workplace Harassment Officer is the alleged harasser, the Worker should report the complaint to the CEO.
13. All incidents or complaints of Workplace Harassment shall be kept confidential except to the extent necessary to protect Workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

How to File a Workplace Harassment Report

14. Workers may report incidents or complaints of harassment verbally or in writing. When submitting a written complaint, Workers are asked to use the Workplace Harassment Incident Report Form (**Appendix A**). When reporting verbally, the Workplace Harassment Officer along with the Worker will complete the Workplace Harassment Incident Report Form.
15. The report of the incident should include the following information:
- a) Name(s) and contact information of the Worker who has allegedly experienced harassment
 - b) Name(s) and contact information, if available, of the alleged harasser(s)
 - c) Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
 - d) Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
 - e) Any supporting documents the Worker may have that are relevant to the complaint (e.g., emails, texts, etc.).
 - f) A list any documents that may be relevant to the complaint.

What Happens After Filing a Workplace Harassment Report

16. All incidents or complaints will be kept confidential except to the extent necessary to protect the Worker, to investigate the complaint or incident, to take corrective action, or otherwise as required by law.
17. In particular, the Workplace Harassment Officer may inform the Board of Directors that a Workplace Harassment complaint has been filed and needs to be investigated. The Workplace Harassment Officer may recommend that the investigation be conducted by an outside third party and the Chief Executive Officer (or designate) and/or Board of Directors may not unreasonably withhold funding for any outside third-party investigator.
18. The Workplace Harassment Officer is not required to reveal the name(s) of the Worker and alleged harasser(s), or details of the incident, at this stage of the process unless the safety of students or Workers may be at risk and/or if temporary action (e.g., a suspension of the alleged harasser(s) while an investigation takes place) is required.

Responses to Workplace Harassment Complaints

Investigation

19. The CPA will ensure that an investigation is conducted when it becomes aware of an incident of Workplace Harassment or receives a complaint of Workplace Harassment. If an internal investigation is not possible or appropriate, an external Investigator qualified to conduct a Workplace Harassment investigation and who has knowledge of the relevant Workplace Harassment laws will be retained to conduct the investigation.

20. The Workplace Harassment Officer will send written notice to the alleged harasser that an investigation of a report of Workplace Harassment under this Policy is being initiated and will provide the name of the Investigator. This notice will include the particulars of the incident reported and indicate that the alleged harasser will have an opportunity to respond to the allegations.

Timing of the Investigation

21. The investigation will be completed in a timely manner and generally within 60 days or less unless there are extenuating circumstances (i.e., illness, complex investigation) warranting a longer investigation.

Investigation Process

22. The Investigator will conduct the investigation in a manner befitting the Investigator's experience and recommendations with such matters, with the following guidelines:

- The Investigator will ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation.
- The Investigator will interview the Worker who allegedly experienced Workplace Harassment and the alleged harasser(s), if the alleged harasser is a Worker of the CPA. If the alleged harasser is not a Worker, the Investigator will make reasonable efforts to interview the alleged harasser.
- The alleged harasser(s) will be given the opportunity to respond to the specific allegations raised by the Worker.
- The Investigator will interview any relevant witnesses employed by the CPA who may be identified by either the Worker who allegedly experienced the Workplace Harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The Investigator will make reasonable efforts to interview any relevant witnesses who are not employed by the CPA if there are any identified.
- The Investigator will collect and review any relevant documents.
- The Investigator will take appropriate notes and statements during interviews with the Worker who allegedly experienced Workplace Harassment, the alleged harasser and any witnesses.
- The Investigator will provide the alleged harasser with a reasonable opportunity to respond in writing or orally to the allegations. If the response is oral, the Investigator should normally confirm the content of the response with the alleged harasser in writing. If they do not respond within a reasonable timeframe set by the Investigator, or chooses not to participate in the investigation, the Investigator may proceed in the absence of their response.
- The Investigator will prepare a written Investigator's Report summarizing the steps taken during the investigation, the complaint, the allegations of the Worker who allegedly experienced the Workplace Harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The Investigator's Report will set out the findings of fact and come to a conclusion about whether or not, on a balance of probabilities, Workplace Harassment occurred.

Results of the Investigation

23. Within ten (10) business days of the investigation being completed, the Worker who allegedly experienced the Workplace Harassment and the alleged harasser, if they are a Worker of the CPA, will be informed in writing of the results of the investigation, and optionally an executive summary, but they are not to be sent the full Investigator's Report.

24. The parties will also be informed of any corrective action taken or that will be taken by the CPA to address Workplace Harassment.

Confidentiality

25. Information about complaints and incidents will be kept confidential to the extent possible. Information obtained about an incident or complaint of Workplace Harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect Workers, to investigate the complaint or incident, or to take corrective action or otherwise as required by law.
26. While the investigation is on-going, the Worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses must not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The Investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation. All records of the investigation will be kept confidential.

Handling of Complaints

27. While the investigation is underway, the Workplace Harassment Officer will consider whether interim measures are necessary to minimize contact between the complainant and the accused harasser. Interim measures will be reasonable for the circumstances and may include granting time off, suspension, assigning different shifts, etc.

Disciplinary Action

28. Harassment by a Worker is a serious offence. If an accusation is substantiated, the harasser will be subject to immediate disciplinary action, up to and including dismissal.
29. After receiving the results of the investigation from the Workplace Harassment Officer, the Board of Directors will consider the evidence, the nature of the harassment, whether physical contact was involved, whether the situation was isolated, and whether there was an abuse of power to determine what is the appropriate corrective action.
30. Disciplinary actions may include:
- Verbal or written apologies
 - A letter of reprimand or suspension
 - A referral to counselling
 - Remedial training
 - Schedule changes
 - Termination of employment
 - Referral to police or other legal authorities

Unsubstantiated Complaints and Retaliation

31. Intentionally accusing someone of harassment, known to be false, is a serious offence and may be subject to disciplinary action. The CPA reserves the right to discipline those whose complaints are frivolous or vexatious.
32. Any interference with the conduct of an investigation, or retaliation against the Worker filing the complaint, the alleged harasser, or witness, may itself result in disciplinary action.

Record Keeping

33. The CPA will keep records of the investigation including:
- A copy of the complaint or details about the incident;
 - A record of the investigation including notes;
 - A copy of the Investigator's Report (if any);
 - A summary of the results of the investigation that was provided to the Worker who allegedly experienced the Workplace Harassment and the alleged harasser, if a Worker of the CPA; and
 - A copy of any corrective action taken to address the complaint or incident of Workplace Harassment.
34. All records of the investigation will be kept confidential. Records will be kept indefinitely. If the investigation does not find evidence to support the complaint, no record will be kept in the file of the alleged harasser.

When the investigation finds harassment occurred, the incident and the corrective action will be recorded in the harasser's personnel file.

Date Approved: February 26, 2022	Approved By: Board of Directors
Date(s) Revised: N/A	Dept. Responsible: Human Resources

Appendix A – Workplace Harassment Complaint Form

Date:

Your name, position, and contact information:

Have you been harassed? _____ or, Did you witness what you are about to report? _____

Name(s) of alleged harasser(s), and position and contact information if available:

Details of the complaint of Workplace Harassment:

Please describe in as much detail as possible the harassment incident(s), including: (a) the names of the parties involved; (b) any witnesses to the incident(s); (c) the location, date and time of the incident(s); (d) details about the incident(s) (behaviour and/or words used); (e) any additional details. Attach additional pages if required.

Relevant documents/evidence:

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.