

## **Workplace Violence and Harassment Policy**

Issue Date: January 23, 2018

Revision Date: January 25, 2020

Revision Number: 003

Policy Number: HSMS 17-01

  
Approved By: President



### **POLICY GOAL**

King Paving & Construction Ltd. is committed to providing a safe and healthy work environment for all employees, subcontractors, and visitors by ensuring everyone is treated with dignity and respect and have a work environment which is safe, productive, healthy, and free from harassment and violence.

This policy applies to all employees while in the workplace, or during any work-related and/or social functions. The Company is committed to familiarizing all workplace parties with the related terminology as well as their individual responsibilities for prevention and corrective action.

### **SCOPE AND REGULATION**

This policy pertains to all levels of the organization, subcontractors, customers, and visitors while in the workplace, or during any work-related and/or social functions.

Project Site Specific Risk Assessments will be conducted at project start and reviewed at least on an annual basis.

The Occupational Health & Safety Act

The Criminal Code of Canada

The Ontario Human Rights Code

The Workplace Safety and Insurance Act

The Compensation for Victims of Crime Act


### **DEFINITIONS**

For the purpose of this policy, the following definitions will be used:

**Company** – Means the company to whom the subcontractor is providing services to King Paving & Construction Ltd.

#### **Workplace Harassment –**

- Engaging in a course of hurtful (vexatious) comment or conduct against a worker in a workplace that is known or ought to be reasonably known to be unwelcome. May include bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls; or
- Workplace sexual harassment:
  - Engaging in a course of hurtful (vexatious) comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought to be reasonably known to be unwelcome, or

<b>Workplace Violence and Harassment Policy</b>	Issue Date: January 23, 2018	
	Revision Date: January 25, 2020	
<b>Policy Number: HSMS 17-01</b>	Revision Number: 003	
	<hr/> <b>Approved By: President</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 to reasonably know that the solicitation or advance is unwelcome.

### **Workplace Violence –**

- The exercise of physical force or an attempt to exercise physical force by a person against a worker in a workplace, that causes or could cause physical injury to the worker.
- A statement or behavior that is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a workplace, which could cause physical injury to the worker.

**Complainant** – The person who has made a complaint about another individual whom they believe committed an act of violence or harassment against them.

**Respondent** – The person whom another individual has accused of committing an act of violence or harassment.

**Physical Assault** – Is any physical force or threat of physical force to create fear and control over another person. Some examples include hitting, blocking, shoving, choking, slapping, biting, or pulling hair, caring for a victim in an abusive way, threats of violence and using a weapon or other objects to threaten, hurt or kill.


**Sexual Harassment** – Is often interpreted as objectionable comments or conduct of a “sexual nature”. However sexual harassment in the broader context of unequal treatment based on gender, may refer to instances where the behavior is not overly sexual in nature, but is related to the person’s gender, and demeans or causes personal humiliation or embarrassment to the recipient. Examples include degrading words, rude jokes or sexual comments, name calling (such as bitch, chick, etc.), physical contact, sexual demands, unwanted kissing or touching of a sexual nature, and insulting remarks about the person’s sexual orientation, race, culture, ability and/or income.

**Sexual Assault** – Is any unwanted sexual act done by one person to another. Examples include kissing or forcing/coercing the person into kidding, touching the person’s body with or without clothing on, removing or attempting to remove clothing, taking advantage of a position, trust or authority to get sex, and threatening to harm someone else if the person does not agree to do 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 a 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 perpetrators intend 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 (such as: stupid, crazy,



<b>Workplace Violence and Harassment Policy</b>	Issue Date: January 23, 2018	
	Revision Date: January 25, 2020	
<b>Policy Number: HSMS 17-01</b>	Revision Number: 003	
	<div style="border-top: 1px solid black; width: 100%; text-align: center;"> <i>Approved By: President</i> </div>	

or irrational), acts of humiliation, extreme jealous behavior, attacking the victim's self-esteem in other ways. It can also include harming pets and damaging property.

**Workplace Bullying** – Repeated and persistent negative acts towards one or more individuals, which involve a perceived power imbalance and create a hostile work environment.

## PROCEDURES

### Reporting and Investigation

When witnessing or experiencing an incident of workplace harassment, sexual harassment, or violence, employees have a responsibility to:

- In the case of workplace violence call 911 if the situation warrants it and you find a co-worker or yourself in immediate danger.
- In the case of workplace harassment, if appropriate make the objection clearly known to the offender and ask the individual to stop the behaviour.
- Inform your Manager (or another Manager if your Manager is involved) immediately of any incident.
- A written record of the incident should be provided to Payroll including the dates, times, witnesses (if any) and description of the incident.

### Filing a Report of Violence or Harassment

All incidents of harassment and/or violence must be reported to Senior Management.


When filing a formal report of the incident, the following should be noted:

- Specific details of the incident.
- The nature of the violent or harassing act.
- The names of any person(s) who may have witnessed the incident.

Reported incidents will be treated as confidentially as possible. In order to properly investigate the incident and offer adequate support to those involved, complete confidentiality cannot be guaranteed. Disclosure may be necessary in conducting the investigation or required by law.

### Investigation Process

- Upon notification of a complaint of workplace harassment, sexual harassment, or violence, a thorough investigation will be completed.
- Management will appoint two co-investigators who will interview all individuals involved and record their statements. The investigators are to be unbiased and not having any form of authority over either the respondent or the complainant.
- The investigation process will include:
  - Informing the local Joint Health and Safety Committee of the complaint
  - Informing the respondent of the complaint

<b>Workplace Violence and Harassment Policy</b>	Issue Date: January 23, 2018	
	Revision Date: January 25, 2020	
<b>Policy Number: HSMS 17-01</b>	Revision Number: 003	
	<hr/> <b>Approved By: President</b>	

- Interviewing the respondent, complainant, any person involved in the incident, any person who may have knowledge of the incidents or similar incidents, and any identified witnesses.
- A copy of the complaint, detailing the complainant's allegations, is then provided to the respondent.
  - The respondent is invited to reply in writing to the complainant's allegations, and the reply will be made known to the complainant before the investigation proceeds further.
  - If necessary, the Company may employ outside assistance or request the use of legal counsel.
  - The complainant and/or respondent reserves the right to seek legal counsel and to have a representative of their choosing to aid in the process.
  - Upon completion of the investigation, the investigator will present a report to management who will decide upon the appropriate action to be taken.
  - The Company will inform both the complainant, the respondent, and the local Joint Health and Safety Committee in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.

If the complainant decides not to lay a formal complaint, Senior Management may decide that a formal complaint is required (based on the investigation of the incident) and will file such documents with the person against whom the complaint is laid (the respondent).

If it is determined that harassment in any form has occurred, appropriate disciplinary measures will be taken as soon as possible.

### **Fraudulent or Malicious Complaints**

This Workplace Violence and Harassment Policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded or frivolous allegations of person harassment may cause both the accused person and the Company significant damage.

If it is determined by the company that any employee has knowingly made false statements regarding an allegation of person harassment, immediate disciplinary action will be taken.


### **Disciplinary Action**

Any employee found to have engaged in conduct that violates this policy will be subject to disciplinary action that may include reprimand, suspension, or dismissal.

### **Confidentiality**

All incidents reported will be handled discreetly and sensitively. The Company will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully.

This privacy will be protected so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever unless such disclosure is necessary for an investigation or disciplinary action.

<b>Workplace Violence and Harassment Policy</b>	Issue Date: January 23, 2018	
	Revision Date: January 25, 2020	
<b>Policy Number: HSMS 17-01</b>	Revision Number: 003	
	<hr/> <b>Approved By: President</b>	

### Reprisals

All individuals involved in the processing of a complaint will ensure that the complainant is neither penalized nor subjected to reprisals as a result of making the complaint. Disciplinary action will be taken against any person who takes any reprisal against a person who reports workplace harassment, sexual harassment, or violence.

### Emergency Response Measures

Management will respond promptly, assess the situation, and ensure that these interventions are followed:

- Facilitation of medical attention
- Debriefing by skilled professionals
- Referral to community agencies, treating practitioner and employee assistance program
- Referral to trade union
- Completion of incident report, Workplace Safety and Insurance Board reports, reports to Ministry of Labour (critical injury or fatality)
- Reporting to the police
- Team debriefing

### Risk Assessment

Management (with worker involvement) will complete an annual workplace violence hazard assessment in the field and office environment. The review will cover new jobsites as well as existing and office workplaces.

## ROLES AND RESPONSIBILITIES


### Senior Management will:

- Assume ultimate responsibility for the development and implementation of an effective Workplace Violence and Harassment Program.
- Allocate appropriate resources, training, and employees to implement and maintain the Workplace Violence and Harassment Program.
- Review the policy at least annually and approve all revisions. A signature is required on the policy as proof of approval.
- Review deficiencies and take actions to correct identified deficiencies.
- Ensure compliance with all those who have a relationship with the organization.

### Foremen/Supervisors/Managers/Superintendents will:

- Be knowledgeable in the Workplace Violence and Harassment Program.
- Enforce the policy and procedures and monitor for compliance.
- Work together with the Health & Safety Department when a complaint has been made.
- Complete all incidents reporting requirements as per company guidelines on e-Compliance.



<b>Workplace Violence and Harassment Policy</b>	Issue Date: January 23, 2018	
	Revision Date: January 25, 2020	
<b>Policy Number: HSMS 17-01</b>	Revision Number: 003	
	<hr/> <b>Approved By: President</b>	

- Contact the Health & Safety Department immediately to report a death or critical injury. The Health & Safety Department may contact the Ministry of Labour, Police, Joint Health & Safety Committee certified members, and trade union representative.
- Post the company Workplace Violence and Harassment statement on all job sites.
- Facilitate medical attention as required.
- Participate in the investigations with the JHSC when required.
- Preserve the scene as required for investigation purposes.
- Communicate the policy to the workers as required.

#### **Workers will:**


- Participate in education and training programs in order to respond in a suitable manner to any incident of workplace violence and harassment.
- Understand and comply with the violence and harassment prevention policies and related procedures.
- Report all incidents or injuries of violence/harassment to your supervisor immediately. Complete the report with the Health & Safety Department and/or the JHSC.
- Inform the Joint Health & Safety Committee management or worker member about your concerns regarding potential for violence/harassment in the workplace.
- Seek support when confronted with violence/harassment or threats of violence.
- Get medical attention when required.
- At least annually participate in the assessment of workplace violence and harassment survey completed by the company.
- Participate in the review of the workplace violence and harassment prevention program.

#### **Subcontractors will:**

- Develop a workplace violence and harassment program and train their employees.
- Provide training records as requested.
- Participate in any investigations related to workplace violence and harassment complaints involving any employees that occur in the workplace or company sponsored event.
- Participate in the onsite Job Hazard Analysis and toolbox talks with regards to workplace violence and harassment program.
- Report all incidents or injuries of violence/harassment or threats of violence/harassment to your supervisor immediately. Complete the report with the Health & Safety Department.

#### **Joint Health & Safety Committee members will:**

- Work together with employees, Health & Safety Department and Management to review the Workplace Violence and Harassment Program annually and make recommendations for continuous improvements.
- Re-enforce compliance of the Workplace Violence and Harassment Program in the workplace.
- At least annually, participate in the workplace violence and harassment assessment.

<b>Workplace Violence and Harassment Policy</b>	Issue Date: January 23, 2018	
	Revision Date: January 25, 2020	
<b>Policy Number: HSMS 17-01</b>	Revision Number: 003	
	<hr/> <b>Approved By: President</b>	

- Review the annual workplace violence and harassment survey results and make recommendations for improvement.
- Certified members participate in investigations when required.

#### **Health & Safety Department will:**

- Ensure that the Program and relevant operating procedures are maintained at the job sites or workplace.
- Communicate the requirements of the Program and associated procedures to all relevant parties.
- Complete formal field audits to ensure compliance with the policy requirements.
- Ensure that the requirements of the program are embedded in safety forums to ensure a continued understanding of the roles and responsibilities of all relevant parties are effectively communicated. This can be achieved through any of the following: Safety Day, Toolbox Talks or onsite training.
- Ensure tracking of the safety data and prepare the quarterly, and annual reports for review.
- Present the results to all levels of management and the Joint Health & Safety Committee.
- Promote feedback and recommendations from employees.
- Review and advice on the audit results and findings.
- Assist in revisions to the Program, as required.
- Keep abreast of the updated legislation with regards to Occupational Health and Safety Act standards through industry education.
- Maintain the safety data requirements with third party prequalification companies such as Comply works, Contractor check and ISNetwork.
- Be responsible to update the policy on an annual basis with Senior Management and the Joint Health & Safety Committee.

#### **TRAINING/RECORD KEEPING**


Training for all workers will be completed at least every three years. All new hires will complete the training during the new hire orientation process.

Training records shall be maintained for workers who complete Workplace Violence and Harassment training.

The records will contain the name of the employee trained, date of training and the signature of the person who conducted the training and expiry date.

Training records shall be maintained by the Health & Safety Department.

Annual toolbox talks will be issued as part of the ongoing program awareness.

<b>Workplace Violence and Harassment Policy</b>	Issue Date: January 23, 2018	
	Revision Date: January 25, 2020	
<b>Policy Number: HSMS 17-01</b>	Revision Number: 003	
	<hr/> <b>Approved By: President</b>	

## COMMUNICATION

Managers/Foremen/Superintendents/Supervisors/Workers and Subcontractors will be trained in their responsibilities to communicate this policy through any of the following events:

- Scheduled meetings
- Safety communication board postings
- New employee orientation
- Subcontractor orientation
- Posted signage
- Equipment alerts
- Toolbox talks
- Company emails
- Annual safety day

Records of communication will be recorded and stored using eCompliance or other means when required.

## REFERENCES

Workplace Violence and Harassment Reporting Form

Workplace Violence and Harassment Policy Statement

KING Site Specific Risk Assessment

Ontario Human Rights

Occupational Health and Safety Act R.S.O. c.O.1 Part iii Violence and Harassment

Subcontractor Page

## CONTINUOUS IMPROVEMENT


The policy for the Workplace Violence and Harassment Program will be reviewed annually jointly by Senior Management and Joint Health & Safety Committee.

Legislative and industry updates will be reviewed to ensure the Workplace Violence and Harassment Program meets the Occupational Health and Safety Act, and any other governing legislation that pertain to this program.

The amended policy shall be kept as record of review and the required changes.

The revision of the policy shall be tracked on the bottom of the policy and recorded on the document maintenance and tracking log.



<b>Workplace Violence and Harassment Policy</b>	Issue Date: January 23, 2018	
	Revision Date: January 25, 2020	
<b>Policy Number: HSMS 17-01</b>	Revision Number: 003	
	<div style="border-top: 1px solid black; width: 100%; text-align: center;"> <i>Approved By: President</i> </div>	

Description of Change(s)	Reason for Change (s)	Date	Revision No.
Update policy format	COR requirement Element #17	Jan 23, 2018	000
Update policy	Policy review & company name change	Oct 17, 2019	001
Update policy	Annual review	Feb 13, 2020	002
Update policy	Annual review	Jan 25, 2021	003