

## Respect In the Workplace Policy:

1. Policy Statement
2. Scope
3. Purpose
4. Definitions
5. Duties of Supervisors and Management
6. Duties of Employees and Contractors
7. Procedures for resolving and investigating harassment complaints
8. Procedures for resolving and investigating workplace violence
9. Procedures for addressing domestic violence
10. Protection from retaliation
11. Acknowledgement and Agreement

### 1. Policy Statement:

The Marathon Family Health Team (MFHT) is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Marathon Family Health Team's goal to provide a healthy and safe work environment that is free of any form of harassment or violence.

Workplace harassment is unacceptable conduct that will not be tolerated. Any employee found to have engaged in such conduct will be subject to disciplinary action, up to and including termination.

It is the responsibility of all employees to address concerns about, and to not condone, workplace harassment.

### 2. Scope:

This policy applies to all employees, contractors and consultants. It applies in any location in which you are engaged in work-related activities. This includes, but is not limited to:

- the workplace
- during work-related travel
- at restaurants, hotels or meeting facilities that are being used for business purposes
- in company owned or leased facilities
- during telephone, email or other communications; and
- at any work-related social event whether or not it is company sponsored

## **Respect in the Workplace Policy (Cont'd):**

This policy also applies to situations in which you are harassed or subjected to violence in the workplace from individuals who are not employees of the organization, such as patients, other suppliers of health care services, although the available remedies may be constrained by the situation.

### **3. Purpose:**

The purpose of this policy is:

- a) To maintain a working environment that is free from workplace violence, harassment and discrimination;
- b) To clarify inappropriate conduct and provide examples of behaviour, actions and language that constitute workplace violence, harassment or discrimination;
- c) To alert all employees, contractors and consultants, that violence, harassment and discrimination in the workplace are demeaning, an offence under the law, and will not be tolerated at MFHT; and
- d) To establish effective complaint procedures for employees, contractors and consultants who believe they have been subject to workplace violence, harassment or discrimination.

### **4. Definitions:**

#### **Workplace Harassment**

For the purposes of this policy “workplace harassment” is:

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Workplace harassment may have some or all of the following components:

- It is generally repetitive, although a single serious incident may constitute workplace harassment if it undermines the recipient’s psychological or physical integrity and has a lasting harmful effect
- It is hostile, abusive or inappropriate
- It affects the person’s dignity or psychological integrity; and
- It results in a poisoned work environment

**Respect in the Workplace Policy (Cont'd):**

In addition, behavior that intimidates isolates or discriminates against the recipient may also be included.

Some examples of workplace harassment are:

- verbally abusive behavior such as yelling, insults, ridicule and name calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- workplace pranks, vandalism, bullying and hazing
- gossiping or spreading malicious rumours
- excluding or ignoring someone, including persistent exclusion of a particular person from work-related social gatherings
- undermining someone else's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a person to do their job
- providing only demeaning or trivial tasks in place of normal job duties
- humiliating someone
- sabotaging someone else's work
- displaying or circulating offensive pictures or materials
- offensive or intimidating phone calls or emails
- impeding an individual's efforts at promotions or transfers for reasons that are not legitimate; and
- making false allegations about someone in memos or other work related documents

**Sexual Harassment:**

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender.

Both men and women can be victims of harassment, and someone of the same or opposite sex can harass someone else.

## **Respect in the Workplace Policy (Cont'd):**

Some examples of sexual harassment are:

- sexual advances or demands that the recipient does not welcome or want
- threats, punishment or denial of a benefit for refusing a sexual advance
- offering a benefit in exchange for a sexual favor
- leering (persistent sexual staring)
- displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material
- distributing sexually explicit e-mail messages or attachments such as pictures or video files
- sexually suggestive or obscene comments or gestures
- unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
- persistent, unwanted attention after a consensual relationship ends
- physical contact of a sexual nature, such as touching or caressing; and
- sexual assault

### **Discriminatory Harassment:**

Discriminatory harassment includes comments or conduct based on the protected grounds in the *Ontario Human Rights Code*, which the recipient does not welcome or that offends him or her.

Some examples of discriminatory harassment include:

- offensive comments, jokes or behavior that disparage or ridicule a person's membership in one of the protected grounds, such as race, religion or sexual orientation
- imitating a person's accent, speech or mannerisms
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children; or
- inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight.

Harassing comments or conduct can poison someone's working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a ***poisoned working environment*** and it is also a form of harassment.

## **Respect in the Workplace Policy (Cont'd):**

Some examples of actions that can create a poisoned work environment include:

- displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers
- distributing offensive e-mail messages, or attachments such as pictures or video files
- practical jokes that embarrass or insult someone; or
- jokes or insults that are offensive, racist or discriminatory in nature.

### **Harassment does not include:**

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- measures to correct performance deficiencies, such as placing someone on a performance improvement plan,
- imposing discipline for workplace infractions; or
- requesting medical documents in support of an absence from work

It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

### **The Test of Harassment:**

It does not matter whether you intended to offend someone. The test of harassment is whether you *knew* or *should have known* that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behavior is unwelcome, in which case you must immediately stop that behavior.

Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

## **Respect in the Workplace Policy (Cont'd):**

### **Workplace Violence**

For the purposes of this policy “workplace violence” is defined as:

- 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 behavior 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

Examples of behavior which constitute workplace harassment or violence under this policy include, but are not limited to:

- Threatening behavior – such as shaking fists, finger pointing, destroying property or throwing objects
- Verbal or written threats to physically attack a worker
- Any behavior that demeans, embarrasses, or humiliates a person.
- Leaving threatening notes or sending threatening e-mails
- Wielding a weapon at work
- Stalking someone; and
- Physically aggressive behaviors including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault
- Verbal abuse – swearing, insults or abusive language.
- Unwelcome remarks, jokes, innuendoes or taunting about a person’s body, attire, age, marital status, ethnic or national origin, religion, etc.
- Displaying of sexually explicit, racist or other offensive or derogatory pictures.
- Unnecessary physical contact such as touching, patting, pinching or punching.
- Refusal to work or converse with an employee because of their racial background or gender, etc.

## **Respect in the Workplace Policy (Cont'd):**

### **Domestic Violence:**

If you are experiencing domestic violence that would likely expose you, or other workers, to physical injury that may occur in the workplace, we will take every precaution reasonable to protect you and your co-workers in the circumstances. This may include some or all of the following:

- Creating a safety plan
- contacting the police
- establishing enhanced security measures such as a panic button, code words, and door and access security measures
- screening calls and blocking certain email addresses
- setting up priority parking or providing escorts to your vehicle
- adjusting your working hours so that they are not predictable; and
- facilitating your access to counseling through internal or community programs

We appreciate the sensitivity of these issues and will do our best to assist you as discreetly as possible while maintaining your privacy.

### **Workplace Discrimination**

For the purpose of this policy “workplace discrimination” includes:

Any distinction, exclusion or preference based on the protected grounds in the Ontario Human Rights Code, which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment.

The protected grounds of discrimination are:

- race, color, ancestry, citizenship, ethnic origin or place of origin
- creed, religion
- age
- sex (including pregnancy and gender identity)
- sexual orientation
- family, marital (including same-sex partnership) status
- disability or perceived disability

## **Respect in the Workplace Policy (Cont'd):**

- a record or offences for which a pardon has been granted under the *Criminal Records Act (Canada)* and has not been revoked, or an offence in respect of any provincial enactment

### **Preventing Harassment and Violence**

It is our mutual responsibility to ensure that we create and maintain a harassment and violence-free workplace and address violence and/or the threat of violence from all possible sources (including patients, specialists, consultants, other health agencies, employers, supervisors, co-workers, strangers and domestic/intimate partners).

### **Marathon Family Health Team's Commitment**

The Marathon Family Health Team will do its part by not tolerating or condoning discrimination, harassment, or violence in the workplace. This includes making everyone in our organization aware of what behavior is and is not appropriate, assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures.

### **5. Duties of Supervisors and Management**

Supervisors and management are expected to assist in creating a harassment-free workplace and to immediately respond within a reasonable timeframe if they receive a complaint of workplace harassment or violence or witness or are aware of harassing or violent behavior. Supervisors and management must also take every reasonable precaution to protect employees from workplace violence, including evaluating a person's history of violent behavior to determine whether and to whom this employee poses a risk. In making this evaluation supervisors and management should consider:

- whether the person's history of violence was associated with the workplace or work;
- Whether the history of violence was directed at a particular employee or employees in general; and
- How long ago the incidence of violence occurred

In certain circumstances, supervisors and management may have a duty to provide information about a risk of workplace violence from a person with a history of violent behavior if an employee can be expected to encounter that person during the course of his or her work, and the risk of workplace violence is likely to expose the employee to physical injury.

**Respect in the Workplace Policy (Cont'd):**

Supervisors and management will only release as much personal information about the person with a history of violent behavior as is reasonably necessary to protect the employee from physical injury.

**6. Duties of Employees and Contractors**

You must do your part by ensuring that your behavior does not violate this policy and by fostering a work environment that is based on respect and is free of harassment.

You are also required to report to the Executive Director or other management officers, the existence of any workplace violence or threat of workplace violence.

**7. Procedure for Resolving and Investigating Harassment Complaints:**

Complaints of harassment will be taken seriously and handled in a confidential and sensitive manner. The following procedures should be implemented in the event that an employee or contractor believes he or she has been subjected to workplace harassment:

Informal Procedure

In many situations, simply informing the offending person that his or her conduct is unwelcome will resolve the issue. Telling a person to “stop” may be difficult to do, but it is frequently the most effective means of eliminating the problem. An employee or contractor who believes that he or she has been subjected to workplace harassment is encouraged, wherever possible to attempt to make it known to the offending party that their behavior is offensive and unwelcome, and must stop.

Some of the things you can say that might stop the behavior may include:

- “I don’t want you to do that”
- “Please stop doing or saying .....
- “It makes me uncomfortable when you .....
- “I don’t find it funny when you .....

If the harassment continues after you have confronted the individual, you may want to provide him or her with a written statement of the situation. Include specific details of the behavior you consider to be harassing, your request to the harasser to stop and your expectations that he or she will stop. Provide details of the next steps you plan to take if the harassment does not stop, e.g. proceeding to file a formal complaint. Make sure you keep a copy of this statement for yourself. Make sure it is dated.

## Respect in the Workplace Policy (Cont'd):

It also helps to keep a record of any incident(s) that you experience. This includes when the harassment started, what happened, whether there were any witnesses and what was your response.

If you believe that someone who is not a member of our organization, e.g. patient, specialist, consultant, other health agency employee, etc., has harassed or discriminated against you, please report that harassment to the Executive Director. Although the Marathon Family Health Team has limited control over third parties, we will do our best to address the issue and prevent further problems from arising.

### Formal Procedure

If the complaint cannot be resolved informally or if it is too serious to handle on an informal basis, you may bring a formal complaint forward to the Executive Director or any member of the Board of Directors. The Executive Director or Board member will act as our workplace coordinators with respect to harassment or violence in the workplace.

If you bring a formal complaint forward we will need as much written information as possible, including the name of the person you believe is harassing you, the place, the date and time of the incident(s), and the names of any possible witnesses. A copy of the workplace respect complaint form is available from either the Executive Director or any member of the Board.

It is important that we receive your complaint as soon as possible so that the problem does not escalate or happen again. Once we receive your complaint, we will initiate a formal investigation, if it is necessary and appropriate to do so.

Discrimination and harassment are serious matters. Therefore, if you decide not to make a formal complaint, we may still need to investigate the matter and take steps to prevent further harassment. For example, we may need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the respondent.

It is our policy **not** to investigate anonymous complaints unless there are extenuating circumstances.

## **Respect in the Workplace Policy (Cont'd):**

### Investigative Procedure

An investigation will commence as quickly as possible. We may choose to use an internal or external investigator, depending on the nature of the complaint.

The investigation will include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- interviewing witnesses, if any
- reviewing any relevant documentation; and
- making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings to senior management and all Board members. A summary of the findings will also be provided to the complainant and respondent.

It is our goal to complete any investigation and communicate the results to the complainant and respondent within thirty (30) days after we receive the complaint, where possible.

### Corrective Action

The Executive Director or Board member will determine what action should be taken as a result of the investigation.

The Board of Directors will inform the complainant and respondent of the results of the investigation and whether (but not necessarily what) corrective measures were taken, if any were necessary.

If a finding of harassment is made, the Marathon Family Health Team will take appropriate corrective measures, regardless of the respondent's seniority or position in the Marathon Family Health Team.

## **Respect in the Workplace Policy (Cont'd):**

Corrective measures may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counseling (sensitivity training), anger management training, supervisory skills training, or attendance at an educational program on workplace respect
- a demotion or denial of a promotion
- reassignment or transfer
- financial penalties such as a the denial of a bonus or performance related salary increase; and
- any other disciplinary action deemed appropriate under the circumstances

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Marathon Family Health Team will, however, discipline or terminate anyone who brings a false and malicious complaint.

### **8. Procedure for Resolving and Investigating Workplace Violence**

#### Workplace Violence

You have the right to refuse work if workplace violence is likely to endanger you. In that instance, please immediately contact the Executive Director at which point appropriate measures will be taken to protect you and investigate the situation. You will be moved to a safe place as near as reasonably possible to your normal work station and will be need to be available for the purposes of investigating the incident. In some circumstances, you may be provided with reasonable alterative work during normal work hours.

In appropriate circumstances, we may contact the police or other emergency responders as appropriate to assist, intervene or investigate workplace violence. Details about the measures and procedures for summoning immediate assistance will be provided and may include:

## **Respect in the Workplace Policy (Cont'd):**

- equipment to summon assistance such as fixed or personal alarms, locator or tracking systems, phones, cell phones, etc;
- emergency telephone numbers and/or email addresses;
- emergency procedures such as dialing 911 to bring in the local police

Provided the situation is dealt with quickly and the danger to workers is removed, the necessity of work refusal may be alleviated.

### **Investigation Procedure**

You are required to report the existence of any workplace violence or threat of workplace violence to the Executive Director or Board member. The Executive Director or Board member will commence an investigation as quickly as possible. We may choose to use either an internal or external investigator, depending on the nature of the incident.

The investigation will include:

- conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- reviewing any related documentation; and
- making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings. A copy of the report will be provided to the Executive Director and all Board members.

### **Corrective Action**

The Board of Directors will determine what action should be taken as a result of the investigation.

If a finding of workplace violence is made, the Marathon Family Health Team will take corrective measures, regardless of the respondent's seniority or position in the Marathon Family Health Team.

## **Respect in the Workplace Policy (Cont'd):**

Corrective measures may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
- a demotion or denial of a promotion
- reassignment or transfer
- financial penalties such as the denial of a bonus or performance related salary increase; and
- any other disciplinary action deemed appropriate under the circumstances

If you make a complaint in good faith without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Marathon Family Health Team will, however, discipline or terminate anyone who brings a false and malicious complaint.

### **9. Procedures for Addressing Domestic Violence**

If you are experiencing domestic violence that would expose you to physical injury in the workplace or you are experiencing workplace violence or believe that workplace violence is likely to occur, you may seek immediate assistance by contacting any member of the Board or the Executive Director. We will assist in preventing and responding to the situation.

### **Confidentiality of Complaints and Investigations**

We recognize the sensitive nature of harassment and violence complaints and we will keep all complaints confidential, to the extent we are able to do so. We will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

Out of respect for the relevant individuals, it is essential that the complainant, respondent witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

**Respect in the Workplace Policy (Cont'd):**

**10. Protection from Retaliation**

Retaliation or reprisals are prohibited against any employee or contractor who has filed a complaint of harassment, or has provided information regarding a complaint of harassment. Any retaliation or reprisals are subject to immediate disciplinary action, up to and including termination. Alleged retaliation or reprisals are subject to the same complaint procedures and investigations as complaints of harassment.

**11. Acknowledgement and Agreement**

I, [Employee Name, Contractor Name], acknowledge that I have read and understand the Marathon Family Health Teams Respect in the Workplace policy, and I agree to adhere to this agreement in its entirety.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

**Marathon Family Health Team**

**Workplace Violence Policy Statement**

The management of **Marathon Family Health Team** is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. We will take whatever steps are reasonable to protect our workers from workplace violence from all sources.

Violent behavior in the workplace is unacceptable from anyone. This policy applies to patients, clients, visiting doctors, consultants, specialists, delivery persons, volunteers or any other member of a healthcare agency. Everyone is expected to uphold this policy and to work together to prevent workplace violence.

There is a workplace violence program that implements this policy. It includes measures and procedures to protect workers from workplace violence, a means of summoning immediate assistance and a process for workers to report incidents, or raise concerns.

The Marathon Family Health Team, as the employer, will ensure that this policy and the supporting program are implemented and maintained and that all workers and management have the appropriate information and instruction to protect them from violence in the workplace.

Management will adhere to this policy and the supporting program. Management are responsible for ensuring that measures and procedures are followed by workers and that workers have the information that they need to protect themselves.

Every worker must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats.

Management pledges to investigate and deal with all incidents and complaints of workplace violence in a timely and fair manner, respecting the privacy of all concerned to the extent possible.

Signed: \_\_\_\_\_ Executive Director  
Joanne Berube

Date: \_\_\_\_\_

**Marathon Family Health Team**

**Workplace Harassment Policy Statement**

The management of the Marathon Family Health Team is committed to providing a work environment in which all individuals are treated with respect and dignity.

Workplace harassment will not be tolerated from any person in the workplace. Everyone in the workplace must be dedicated to preventing workplace harassment. Managers, Board Members and workers are expected to uphold this policy, and will be held accountable by the Board of Directors of the Marathon Family Health Team.

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace – a comment or conduct that is known or ought reasonably to be known to be unwelcome.

Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code, but it does not have to.

This policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace.

Workers are encouraged to report any incidents of workplace harassment.

Management will investigate and deal with all concerns, complaints, or incidents of workplace harassment in a fair and timely manner while respecting workers' privacy as much as possible.

Nothing in this policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario Human Rights Code within one year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available.

Signed: \_\_\_\_\_ Executive Director  
Joanne Berube

Date: \_\_\_\_\_

**Marathon Family Health Team  
Workplace Violence and Harassment Complaint Form**

I, \_\_\_\_\_ working at the Marathon Family Health Team Corporation believe I have reasonable grounds to file a complaint under the Marathon Family Health Team's Respect in the Workplace Policy. This complaint is based on an alleged violation of the Ontario Human Rights Code. I am being discriminated against, harassed or violated because:

---

---

---

---

---

---

Please choose one:

**Informal Complaint:** \_\_\_\_\_

**Formal Complaint:** \_\_\_\_\_

The particulars are as follows: (include name of respondent (alleged offender), location(s), time(s), date(s), names of witnesses and details of the offensive behavior.

---

---

---

---

---

---

---

---

---

---

I request that the matter be investigated in accordance with the Marathon Family Health Team's Respect in the Workplace Policy.

\_\_\_\_\_  
(Signature of Complainant)

Date: \_\_\_\_\_

\_\_\_\_\_  
Witness: \_\_\_\_\_

Received By

Note: All information regarding harassment complaints shall remain confidential at all levels and will not be disclosed except as required by law.

