

## **WORKPLACE VIOLENCE AND HARASSMENT POLICY AND PREVENTION PROGRAM**

### **POLICY STATEMENT**

Ontario Insulation Oshawa Limited is committed to providing a working environment that is safe, secure, and free from threats, intimidation, harassment, and violence. We maintain a zero-tolerance approach to workplace violence and harassment. As such, Ontario Insulation Oshawa Limited will not tolerate these acts and will take all reasonable and practical measures to prevent workplace violence and harassment.

### **DEFINITIONS**

For the purposes of this Policy, the following terms are defined:

**Complainant** - refers to the person who is making a complaint under this Policy.

**Domestic Violence** - is a pattern of behavior used by one person to gain power and control over another person with whom they have, or have had, an intimate relationship with. This pattern of behavior may include, but is not limited to, physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking, and using electronic devices to harass and control.

**Harassment** - engaging in a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome.

**Respondent** - refers to the person against whom a complaint has been filed.

**Reporting Contact** - the person to whom a worker can report any incidents of workplace violence, experienced or observed.

**Sexual Harassment** - engaging in a course of vexatious comments 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 reasonably to be known to be unwelcome, or 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 reasonably to know that the solicitation or advance is unwelcome.

**Sexual Violence** - any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened, or attempted against a person without the person's consent and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

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**Third Party Designate** - An individual or an organization designated by Ontario Insulation Oshawa Limited to whom the worker(s) can report incidents or allegations of workplace violence committed by the employer (e.g., Ontario Insulation Oshawa Limited owner, senior executives, directors, managers, or supervisors).

#### **Workplace Violence –**

- 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 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.

## **ROLES AND RESPONSIBILITIES**

- Everyone at our workplace is expected to adhere to this policy and procedure.
- Management will investigate all reported incidents and complaints of workplace violence/harassment in a fair and timely manner.
- Our managers and supervisors will ensure that this policy is adopted and followed.
- Ontario Insulation Oshawa Limited will conduct a workplace violence risk assessment as often as necessary, considering risks that may arise from the nature, type, and condition of work.
- After training employees are to be aware of threats of violence/ harassment and report the risk.
- Ontario Insulation Oshawa Limited will designate a third party to whom employees can report incidents where the alleged offender is the owner, a director, manager, or a supervisor.
- Employees will not be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment and/ or violence.
- Ontario Insulation Oshawa Limited has a unique work environment due to the legislative requirements for working with hazardous materials (Type-3 Asbestos operations). This work environment requires our staff to change into protective clothing to safely do the duties required. As a result, we require separate change areas for men and women if possible. If this is not possible each gender must allow the other the time and space to appropriately change and shower.

## **EXAMPLES OF WORKPLACE VIOLENCE**

Examples of workplace violence include, but are not limited to:

- Expressions of intent to inflict harm.
- Threatening activity, such as waving a fist.
- Using, or attempting to use, physical force against another person.
- Shoving, pushing, hitting.
- Verbal abuse

## **EXAMPLES OF PROHIBITED HARASSMENT**

Examples of the type of harassment behavior prohibited by this policy include, but are not limited to:

- Bullying.
- Demeaning and/or belittling comments.
- Offensive nicknames, remarks, jokes, or innuendos.
- Obscene remarks or gestures (Epithets, remarks, jokes, or innuendos related to a person's race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other ground).
- Display or circulation of offensive pictures, graffiti, or materials, whether in print form or via e-mail or other electronic means.
- Singling out an individual for humiliating or demeaning teasing or jokes.
- Comments ridiculing an individual; and
- Creating a poisoned work environment through comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management). The comments or conduct may not be directed at a specific individual, and may be from any individual, regardless of position or status.

## **EXAMPLES OF PROHIBITED SEXUAL HARASSMENT**

- Any form of sexual harassment, including touching, petting, pinching, kissing, unwelcome sexual flirtations, advances, requests, or invitations and leering or other suggestive gestures.
- Rough or vulgar humor or language related to sexuality, sexual orientation, or gender.
- Invading personal space.
- Demanding hugs, dates, or sexual favors.
- Asking questions, talking, or writing about sexual activities.
- Leering or inappropriate staring.

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- Unnecessary physical contact.
- Threatening to penalize or otherwise punish a worker if they refuse sexual advance.
- The display of visual sexual material that is offensive, or which one ought to know, is offensive.

Sexual harassment that has taken place at the workplace against a worker or workers is a prominent form of workplace harassment and will be treated as such.

#### **Examples of What is NOT Workplace Harassment**

Reasonable action or conduct by a manager, supervisor or worker that is part of his or her normal work function will not normally be considered harassing. This is the case even if there are sometimes unpleasant consequences for a worker. Examples include:

- Changes in work assignments.
- Scheduling.
- Job assessments and evaluations.
- Workplace inspections.
- The implementation and enforcement of dress codes; and
- Counselling or disciplinary action.

Differences of opinion or minor disagreements between co-workers will also not generally be workplace harassment.

#### **DOMESTIC VIOLENCE**

Ontario Insulation Oshawa Limited encourages disclosure from workers experiencing domestic abuse to ensure the safety of the worker and everyone else in the workplace. A worker is responsible for disclosing situations which may threaten the safety of the worker or anyone else at the workplace to management.

#### **TRAINING**

Upon hire, Ontario Insulation Oshawa Limited will train all employees in workplace violence and harassment prevention and how to recognize work activities and locations where there are higher than normal risks of work-related violence and harassment. Refresher training may be assigned to employees at management's discretion.

## **REPORTING WORKPLACE VIOLENCE AND HARASSMENT**

### **Reporting Procedures for Workers**

#### *Who to Report Workplace Harassment/Violence to?*

Anyone who believes that they are the victim of workplace violence and harassment should immediately report the incident to management verbally or in writing by using the **Workplace Violence and Harassment Reporting Form**. When reporting verbally, the reporting contact, along with the worker who is making the complaint will fill out the Workplace Violence and Harassment Reporting Form.

Where it is alleged that a worker's immediate manager or a supervisor is the alleged offender, or if the worker is uncomfortable addressing the issue with his/her immediate supervisor or manager, the complaint should be made to another manager or supervisor.

In the absence of a Human Resources department or another manager or supervisor to report the incident to, the worker should report the incident to Ministry of Labour, Health & Safety Centre 1-977-202-0008.

All incidents or complaints of workplace harassment/violence 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. If an emergency exists, immediately reported to the police by dialing "9-1-1".

#### *What to include in the Report?*

A report of workplace violence must include the following details about the incident:

- Name and contact information of the worker(s) who has allegedly experienced workplace harassment or violence or threatening behavior.
- Names contact information and position of the alleged offenders.
- Names and contact information of potential witnesses or anyone who may be able to provide relevant information about the alleged incident.
- A detailed summary of what happened with date(s), frequency, location(s) of the alleged incident(s); and any supporting documents such as texts, emails, photos, and letters relevant to the complaint.

### **No Reprisal**

No retaliation or reprisals will be undertaken or tolerated against any worker who, in good faith, complains of, reports, or participates in any investigation into allegations of workplace violence and harassment.

## **WORKPLACE HARASSMENT/VIOLENCE INVESTIGATION**

Upon receiving a complaint(s) or allegation(s) of workplace violence, Ontario Insulation Oshawa Limited shall conduct a prompt, thorough and confidential investigation into the allegation(s) or complaint(s).

Ontario Insulation Oshawa Limited will also investigate if it indirectly becomes aware of an incident of workplace harassment/violence that is not formally reported, such as when a worker, supervisor or manager witnesses an incident of workplace harassment/violence or learns about it from a third party.

Ontario Insulation Oshawa Limited may also, at its discretion, or where required by law, utilize the services of outside legal counsel, or such other external expertise as necessary in the circumstances. Ultimately, it is the aim of Ontario Insulation Oshawa Limited to conduct investigations that are impartial and appropriate in the circumstances.

The investigation shall be completed in a timely manner and within **90 days or less** unless there are extenuating circumstances (e.g., illness, complex investigation) warranting a longer investigation.

A complaint or allegation of workplace harassment/violence cannot be investigated by the individual who is the alleged offender, or by the individual who is alleged to have engaged in violent or violent behavior.

Furthermore, under no circumstances will a complaint or allegation of workplace harassment/violence be investigated by an individual who is under the direct control of the alleged offender.

Ontario Insulation Oshawa Limited will take all reasonable steps to ensure that conflicts of interest are avoided.

### **Investigation Process**

The investigation process will be fair and provide an opportunity for all concerned parties to respond to reports of allegations of workplace violence.

The investigation procedure is as follows:

1. **Interview the complainant(s):** The investigator(s) shall interview the complainant(s) and reporting person(s) concerning the facts underlying their allegation(s).
2. **Interview the respondent(s):** The investigator(s) will interview the worker(s) accused of committing the acts. The worker(s) will be asked for their response to the allegation(s) being made and for his, her or their side of the story.

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3. **Interview witness(es) and other individual(s):** The investigator(s) will then interview any other workers or other individuals who may have witnessed the incident(s) of alleged the alleged actions, or who may otherwise be able to provide information relevant to the investigation.
4. **Record:** The investigation will be documented, and the record will consist of, among other things, detailed notes of all interviews with workers and witnesses and all other information relevant to the investigation.
5. **Report:** The results of the investigation will be reported, in writing, to management. The results will include an assessment of the validity of the complaint(s). The report will set out findings of fact and conclude about whether workplace harassment/violence had occurred or not.

Furthermore, the applicable investigation protocol may be altered if it is necessary to do so, such as where there is a reasonable and imminent threat to a worker's safety.

#### **Employee Cooperation**

If it is necessary for the purposes of completing, carrying out or protecting the integrity of an investigation, or if it is necessary to maintain a work environment that is safe, secure, and free from threats, intimidation, violence, and harassment, Ontario Insulation Oshawa Limited may require a worker to remain out of the workplace (with pay) while an investigation is being conducted.

The refusal or failure of any worker to cooperate with an investigation is a serious form of misconduct for which a worker may be disciplined up to and including immediate dismissal for cause.

#### **External Investigator**

If the incident or complaint involves the owner, senior executives or if an unbiased and fair investigation cannot be guaranteed by Ontario Insulation Oshawa Limited, an external person qualified to conduct a workplace violence harassment investigation who has knowledge of the relevant workplace violence laws may be retained to conduct the investigation.

#### **Results of the Investigation**

Within a reasonable amount of time (10 days as best practice) of the investigation being completed, the worker who allegedly experienced the workplace violence and the alleged offender, if they are a worker of Ontario Insulation Oshawa Limited, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken.

If the investigation corroborates the complaint(s), then Ontario Insulation Oshawa Limited will take appropriate disciplinary action against the offending worker(s) and take

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any other actions or measures it deems necessary to properly address the incident(s) and prevent future incidences of workplace harassment/violence from occurring. The nature and extent of any disciplinary or remedial action shall be determined by Ontario Insulation Oshawa Limited in its sole discretion and may include the immediate dismissal of the offending worker(s) with or without cause.

The amount of information provided about the corrective action will depend on the circumstances but must, at a minimum, indicate what steps Ontario Insulation Oshawa Limited has taken, or will take, to prevent similar incidents of workplace harassment/violence, if workplace harassment/violence is found to have occurred.

#### **Record Keeping**

Ontario Insulation Oshawa Limited will ensure that, as part of the investigation, whether conducted by Ontario Insulation Oshawa Limited itself or by a designated third party, copies of the following documents shall be kept on record:

- Details of the complaint and/or the incident.
- A detailed record of the investigation including all relevant documents and notes.
- A copy of the Workplace Violence and Harassment Reporting Form (if one has been completed).
- A summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace violence and the alleged offender, if a worker of the employer; and
- A copy of any corrective action taken to address the complaint or incident of workplace violence.

All records of the investigation must be kept confidential. The investigation documents should not be disclosed unless necessary to investigate an incident or complaint of workplace violence, take corrective action or otherwise as required by law.

The records must be kept on file for a minimum of one year.

#### **Reporting to the Police**

All situations or any other behavior that requires police intervention or follow up, such as a situation of immediate or danger will be reported to the police.

#### **Intervention**

If a worker is at risk of harassment in the workplace, a plan will be developed to minimize the risk and respond to any potential emergency.



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Should Ontario Insulation Oshawa Limited become aware of an actual or potential incident of workplace harassment, every reasonable precaution will be taken in the circumstances to protect the affected worker.

#### **Corrective Action and Discipline**

If Ontario Insulation Oshawa Limited determines that a worker has engaged in workplace harassment/violence, appropriate corrective action will be taken, up to and including immediate dismissal for cause.

When a violent incident occurs, Ontario Insulation Oshawa Limited will evaluate the safety protocols in place to ensure their effectiveness. Management, in consultation with the HSR, as the case may be (if applicable), will review the incident, outline what corrective or remedial actions are necessary to prevent or minimize the potential and impact of repeat occurrences, identify new or previously undefined risks, and reassess using the **Workplace Violence Risk Assessment Form**, review employee training and education programs and determine if they are adequate or if additional training should be provided.

In addition, Ontario Insulation Oshawa Limited may require that a worker participate in an awareness management program or other forms of counselling, either voluntarily or as a condition of continued employment.

If this behavior is that of a non-employee, then Ontario Insulation Oshawa Limited will take appropriate action to ensure that such behavior is not repeated.

#### **Incident Management**

In the event of a significant incident of workplace harassment/violence, Ontario Insulation Oshawa Limited will immediately assess the situation and arrange for the following interventions as appropriate:

- Facilitation of medical attention.
- If necessary, report the matter to the police.
- Individual debriefing; and
- If necessary, and if possible, arrange for the provision of counselling services to affected workers.

Ontario Insulation Oshawa Limited will investigate the incident(s), and if necessary, Ontario Insulation Oshawa Limited will conduct a review of its workplace(s) and reassess the risk of workplace violence having regard for the circumstances that gave rise to the incident(s) in question. The results of any assessment will be reported to the HSR or JHSC, as the case may be (if applicable).

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## **HAZARD ASSESSMENTS, REVIEW, AND INSPECTIONS**

Ontario Insulation Oshawa Limited shall conduct regular reviews of the Workplace Violence and Harassment Policy and at a minimum, review its prevention plan once every 3 years or more often if there is an incident of violence or if the joint health and safety committee or the health and safety representative request a review of the prevention plans. The results of any assessment will be reported to the HSR.

## **CONFIDENTIALITY**

Ontario Insulation Oshawa Limited recognizes the difficulty of coming forward with a complaint of workplace violence/harassment and a complainant's interest in keeping the matter confidential. All individuals involved in a workplace investigation are expected to keep the substance of the investigation strictly confidential. Records of complaints, including records of meetings, interviews, results of investigations and other relevant material, will be maintained in a confidential file and will be disclosed only to the extent necessary to conduct these procedures or where disclosure is required by law.