



BUSU

BROCK UNIVERSITY
STUDENTS' UNION

WORKPLACE VIOLENCE AND HARASSMENT PROGRAM

INTRODUCTION

Brock University Students' Union Inc. ("BUSU") is committed to providing a safe working environment in which all individuals are treated with respect and dignity.

Incidents or complaints of violence or harassment will be responded to in a timely and efficient manner in accordance to the guidelines set out by the *Occupational Health and Safety Act* and or the Ontario *Human Rights Code*.

PURPOSE

The purpose of this program is to provide instruction regarding how incidents or complaints of workplace violence or harassment may be pursued and responded to.

A. WORKPLACE HARASSMENT & DISCRIMINATION PROCEDURES

INFORMAL PROCEDURE

1. BUSU understands that, at times, individuals may not be aware that their behaviour, words or attitudes are inappropriate or of the impact of their behaviour, words or attitudes. In many cases, speaking to the person in private about your concerns will be enough to resolve the situation.
2. In some instances, it may be most effective and less disruptive to working relationships if a person who feels they are being discriminated against, harassed or bullied informs the offending person that they find certain conduct offensive. In other instances, it may be more effective for a Supervisor or Manager to speak with the offending person. At other times, a meeting between the person who feels they are being discriminated against, harassed, or bullied and the offending person facilitated by a Supervisor may be appropriate. In contentious or uncomfortable situations, mediation may be most helpful. When serious allegations arise, or when harassment persists, a full investigation may be warranted.

3. If you believe that you are being harassed or discriminated against the first thing to consider is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like their actions is often enough to stop the behaviour. (Note: If the behavior is very serious or involves multiple people or a supervisor/manager or it has gone on for an extended period of time, confronting the person may aggravate the situation. In such circumstances, you may wish to seek assistance from the Director of Operations or General Manager).
4. Some of the things you can say that might stop the behaviour 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 . . ."
5. It helps to keep a record of any incident(s) that you experience. This includes when the harassment or discrimination started, what happened, whether there were any witnesses, and what your response was.
6. If you believe that someone who is not a member of our organization, e.g., a customer, supplier, or member of the public, etc., has harassed or discriminated against you in the workplace please report the incident to any of the following:
 - a. Your Supervisor
 - b. Director of Operations
 - c. General Manager
7. Although BUSU has limited control over third parties, we will do our best to address the issue and prevent further problems from arising.
8. Individuals should not be encouraged to confront the offending individual if:
 - a. They are reluctant to do so;
 - b. The discrimination or harassment is serious in nature.

FORMAL PROCEDURE

1. If the complaint cannot be resolved informally or if it is too serious to handle on an informal basis, you should bring a formal complaint to the Director of Operations. If your complaint involves the Director of Operations, you should file a formal complaint with the General Manager.

2. Complaints should be pursued as soon as possible but not later than one (1) year from the date of the alleged violation.
3. If you wish to bring forward a formal complaint, we will need as much written information as possible, including the name of the person you believe is discriminating against or harassing you, the place, date and time of the incident(s) and the names of any possible witnesses. The Director of Operations will assist you in completing a Workplace Complaint Form.
4. 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 that is reasonable in the circumstances, and that is fair, respectful, and timely.
5. 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 and/or discrimination. 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.
6. Please note that it is our policy not to investigate anonymous complaints unless there are extenuating circumstances.

B. WORKPLACE VIOLENCE PROCEDURES

1. You have the right to refuse work if workplace violence is likely to endanger you. In that instance, please immediately contact either:
 - a. Your Supervisor;
 - b. Director of Operations
 - c. General Manager
2. You will be moved to a safe place as near as reasonably possible to your normal workstation and will need to be available for the purposes of investigating the incident.
3. 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:
 - equipment to summon assistance such as fixed or personal/pendant alarms, locator or tracking systems, phones, cellphones, etc.
 - security cameras
 - emergency telephone numbers and/or e-mail addresses

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

DOMESTIC VIOLENCE

If you are experiencing domestic violence that would expose you to physical injury, you are required to report the risk of injury to the Director of Operations and precautions shall be taken for your protection and the protection of BUSU employees to assist in preventing and responding to the situation.

INVESTIGATION PROCEDURES

1. Notwithstanding the investigation provisions, BUSU may proceed directly to implement resolution, discipline, corrective behavior, and/or training that is appropriate in the circumstances, where having regard to all the circumstances the respondent is alleged to have committed a violation of the Workplace Harassment and Discrimination Policy or the Workplace Violence and Domestic Violence Policy., and has admitted to behaviour that is the subject of the complaint. Such an admission may eliminate the need for a full investigation thereby permitting BUSU to immediately propose or negotiate a resolution and consider corrective action appropriate to the circumstances.
2. BUSU 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 complaint. If the investigation involves the General Manager, a Board Director, an Executive, or a senior management member of BUSU, BUSU will refer the investigation to an external investigator to conduct an impartial investigation.
3. Understand that in the event that BUSU becomes aware of conduct that is in violation of this policy, BUSU has an obligation to investigate the conduct regardless of whether you wish to pursue a complaint.
4. If BUSU has grounds to believe that a complainant could be exposed to continued discrimination, workplace harassment, violence or reprisal while waiting for the investigation or resolution process to occur, BUSU may exercise its discretion to protect the employee from any such risk including:
 - cautioning the employee or other person about the types of behavior or reprisals that will not be tolerated;
 - removing the staff person to another work group or work area;

- at the complainant's request, removing the complainant to another work group or work area;
 - suspending the staff being complained about with pay while waiting for a final determination;
 - suspending access to BUSU property.
5. BUSU is committed to completing the investigation in a timely manner and generally within ninety (90) days or less, unless there are extenuating circumstances (i.e., illness, complex investigation) warranting a longer investigation period.
 6. The investigation, whether conducted internally or externally, will at a minimum, complete the following:
 - The investigator must ensure that the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation for the purpose of preserving the integrity of evidence gathered during the investigation process.
 - The investigator will thoroughly interview the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations.
 - If the respondent is not a worker, the investigator should make reasonable efforts to interview the alleged respondent.
 - The respondent will be given an opportunity to respond to the specific allegations raised by the complainant.
 - The investigator shall interview relevant witnesses, if any, and shall make reasonable efforts to interview any relevant witnesses who are not employed by BUSU if they are any identified.
 - The complainant and the respondent may be requested to review and sign written statements of their evidence.
 - The investigator shall review relevant documentation.
 - The investigator shall make detailed notes of the investigation and maintain them in an investigation file.
 7. Once the investigation is complete, the investigator(s) will prepare a detailed report of summary evidence received, description of any conflict of evidence, findings of credibility, findings of fact and conclusion about whether a violation of this policy and/or the provisions of the *Ontario Human Rights Code* or *Occupational Health and Safety Act*, as amended, has occurred. The report shall be provided to the General Manager and/or his/her designate. Where it is alleged that General Manager is directly involved in the complaint, the report shall be delivered to the BUSU Board of Directors.
 8. Upon receipt of the report, BUSU will review the findings and take appropriate steps in the circumstances.

9. Within ten (10) days of receiving the investigation report, the complainant and respondent will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by BUSU to address a substantiated violation of this policy. Such time frame may be extended in appropriate circumstances (i.e. availability of the individuals to meet, illness, absence from the workplace etc.)

CORRECTIVE ACTION

1. BUSU will determine what action should be taken as a result of the investigation.
2. If a finding of discrimination, harassment, or violence is made, BUSU will take appropriate corrective measures and will consider such facts including but not limited to:
 - a. The seriousness of the offending conduct;
 - b. Whether or not the conduct is an offence under the Criminal Code;
 - c. The harm caused to the Complainant;
 - d. Whether the respondent engaged in or encouraged reprisal or retaliation;
 - e. Whether the respondent abused a position of authority;
 - f. Risk of the respondent continuing or engaging in similar future conduct;
 - g. Any admission of wrongdoing, willingness to make restitution, or apology;
 - h. Willingness of the respondent to engage in awareness sessions, training, or other recommended counselling or treatment.
3. 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 counselling (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
 - any other disciplinary action deemed appropriate under the circumstances
4. Corrective measures against third parties while limited may include:
 - a. Verbal or written warning
 - b. Permanent ban from BUSU's property
5. If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

6. 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. BUSU will, however, discipline or terminate anyone who brings forward a false and malicious complaint.

CONFIDENTIALITY - DISCLOSURE OF COMPLAINTS AND INVESTIGATIONS

1. We recognize the sensitive nature of discrimination, harassment and violence complaints and we will keep all complaints confidential to the extent that we are able to do so. We will only release as much information as is necessary to investigate and respond to the complaint, take corrective action with respect to the incident, complaint, or situation, or if required to do so by law.
2. 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. The objective of this provision is to ensure the independence of evidence obtained from individuals involved in the investigation. In most situations, those involved in the complaint process will be required to sign a confidentiality agreement.
3. The provision of confidentiality is in no way intended to inhibit a complainant's ability to seek counselling, professional or support services during the complaint process.

RECORD KEEPING

BUSU 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 investigation 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 employer;
- a copy of any corrective action taken to address the complaint or incident of workplace harassment.

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