


MANUAL: BOARD POLICY MANUAL	INDEX I.D.: A.5
SECTION : GENERAL	PAGE NO. 1 OF 6
TITLE: RESPECT IN THE BOARDROOM (VIOLENCE AND HARASSMENT)	ORIGINAL:
APPROVAL:  BOARD CHAIR	AMENDED: JANUARY 25, 2017

**A.5.1. Policy Statement**

Lumacare’s Board of Directors 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 Board’s goal to provide a healthy and safe work environment that is free of any form of harassment or violence. Lumacare has a “zero tolerance” philosophy on any form of harassment or violence in the workplace.

**A.5.2. Purpose**

Lumacare values the dignity of all stakeholders (Board Members, employees, students, volunteers, Clients, and families). Lumacare is committed to ensuring every person feels safe and respected at work, in accordance with the duties and obligations outlined in the Occupational Health and Safety Act (1990), Violence and Harassment (amendment added 2009).

The purpose of this policy is to provide a shared understanding of Lumacare’s definitions of harassment and violence in the workplace, and to articulate the responsibilities of various stakeholders in promoting and protecting a culture of safety for all stakeholders.

**A.5.3. Scope**

This policy applies to all Lumacare Board Members, ex officio Board Members, and non-Board members of committees. It applies in any location in which individuals are engaged in Lumacare-related activities, whether or not at a recognized Lumacare site.

This policy also applies to situations in which a Lumacare stakeholder is harassed or subjected to violence in the workplace from individuals who are not Board Members or employees of the organization, such as Clients and suppliers.

#### **A.5.4. Procedure**

The Lumacare Board of Directors will not tolerate or condone discrimination, harassment, or violence in all Agency-related work.

##### **A.5.4.1. Responsibilities of Board Members**

1. Upholds the highest standards of personal conduct regarding respect in the workplace.
2. Foster an environment that is based on respect and is free of violence, discrimination and harassment.
3. Board Members are required to report to the Board Chair the existence of any Board/Agency related harassment, discrimination or violence, or threat of Board/Agency related harassment, discrimination or violence.

##### **A.5.4.2. Reporting Harassment Complaints**

###### *Informal Procedure:*

If a Board Member believes they are being harassed, the following steps are to be taken:

1. Tell the person to stop as soon as unwelcome conduct or comments are received.
2. Keep a record of incidents of harassment and details of the conversation where the harasser was confronted. This includes where the incidents happen, when it happened, and whether there were any witnesses.
3. If the harassment continues, following the verbal request to stop, escalate to formal procedures.

###### *Formal Procedure:*

If the complaint cannot be handled informally or if it is too serious to handle on an informal basis, the Board Member will bring a formal complaint to the Board Chair.

Reports of harassment brought to the Board Chair must be made in writing, and must include the name of the harasser, the date, time, location and details of the incident, and the names of any possible witnesses.

The Board Chair will initiate a formal investigation. It is the Board's policy not to investigate anonymous complaints.

#### **A.5.4.3. Reporting Workplace Violence**

All Lumacare stakeholders have the right to refuse Board/Agency work if it is believed to be unsafe. In that instance, the Board Member must immediately contact the Board Chair, at which point appropriate measures will be taken to ensure the safety and security of the individual.

In appropriate circumstances, the police may be contacted, or other emergency responders as appropriate to assist, intervene, or investigate Board/Agency violence.

#### **A.5.4.4. Investigation Procedure**

The Board Chair (or Vice Chair in circumstances involving the Board Chair) will initiate an investigation as quickly as possible. They may choose to conduct the investigation personally, or to engage an internal or external investigator, depending on the circumstances.

The investigation may include:

- Interviewing the complainant and respondent to ascertain all relevant facts;
- Interviewing relevant witnesses;
- Reviewing any related documentation; and
- Making detailed notes of the investigation, and maintaining them in a confidential file.

Following the investigation, a summary, conclusions and recommendations, will be sent to the Board Chair and the Board Executive Committee. A summary of the findings will also be provided to the complainant and the respondent within thirty (30) days, wherever possible.

#### **A.5.4.4. Confidentiality of Complaints and Investigations**

The Lumacare Board of Directors recognizes the sensitive nature of harassment and violence complaints, and will keep complaints confidential to the extent that it is possible to do so within the investigative process. It is also essential and expected that all parties and witnesses involved in the investigative process maintain the strictest standards of confidentiality throughout the investigation and afterwards.

#### **A.5.4.5. Corrective Action**

The Board Chair (or Vice Chair in circumstances involving the Board Chair) will determine what, if any, corrective action will take place as a result of the investigation.

If a finding of harassment or violence is made, the Board Chair will initiate appropriate corrective measures, regardless of the respondent's seniority or position on the Board, or in Lumacare. Corrective action may include one or more of the following:

- Verbal or written warning;
- Termination of his/her position with or without cause;
- Referral for counseling or relevant training;
- Legal action;
- Any other disciplinary action deemed appropriate under the circumstances.

#### **A.5.4.6. Procedures for Addressing Domestic Violence**

If a Board Member is experiencing domestic violence that would expose him or her to physical injury in the workplace, or he/she is experiencing workplace violence or believe that workplace violence is likely to occur, he/she may seek immediate assistance by contacting the Board Chair or Vice Chair. The Board Chair or Vice Chair will assist in preventing and responding to the situation.

If a Board Member has reasonable suspicion that another employee, student, volunteer or Board Member is a victim of domestic violence, that employee must report their concerns to the Executive Director or the Board Chair. The Executive Director, along with the Board Chair will work the employee, student, volunteer, or Board Member to support them in soliciting external help, and where required, will report the matter to the police.

#### **A.5.5. Confidentiality of Complaints and Investigations**

Lumacare recognizes the sensitive nature of harassment and violence complaints, and all parties involved in reporting and investigating, will keep all complaints confidential to the extent that it is possible 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, and in accordance with policy A.2 Confidentiality, 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.

#### **A.5.6. Protection from Retaliation**

Lumacare will not tolerate retaliations, taunts or threats against anyone who complains about harassment or takes part in an investigation. Any person(s) who taunts, retaliates against, or threatens anyone in relation to harassment or violence complaint(s), may be disciplined or terminated.

### **A.5.7. Training and/or Education**

All Board Members will receive a copy of this policy, and will be trained on their rights and responsibilities with respect to workplace violence and harassment at the time of their Board orientation with Lumacare.

### **A.5.8. Glossary of Terms**

**Discrimination:** 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, colour, 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, a record of 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.

**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.

**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.

**Workplace Harassment and Bullying:** The Occupational Health and Safety Act define workplace harassment as: 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:

- a) 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;
- b) It is hostile, abusive or inappropriate;
- c) It affects the person's dignity or psychological integrity; and
- d) It results in a poisoned work environment.

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

- a) Measures to correct performance deficiencies;
- b) Requesting medical documents in support of an absence from work;

- c) Conflict between two parties when professional interaction is maintained (see policy A.6, Conflict Resolution).

**Workplace Violence:** Workplace violence is defined under the Occupational Health and Safety Act as:

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

### **A.5.9. Related Policies**

#### *Board Policy Manual*

- A.1 Code of Conduct
- A.2 Confidentiality
- A.6 Conflict Resolution

#### *Lumacare Personnel Policy and Procedure Manual*

- B.2 Respect in the Workplace

### **A.5.1.7. References**

The Occupational Health and Safety Act (1990), amended with the Workplace Violence and Harassment Clause (2009)