

BLD Homes Workplace Violence & Workplace Harassment Policy

Workplace Violence & Workplace Harassment Policy

Intent

BLD Homes is committed to building and preserving a safe, productive, and healthy working environment for its employees based on mutual respect. In pursuit of this goal, BLD Homes does not condone and will not tolerate acts of violence or harassment/bullying against or by any BLD Homes employee.

Our Workplace Violence and Workplace Harassment Policy is not meant to stop free speech or to interfere with everyday interactions. However, what one person finds offensive, others may not. Usually, harassment can be distinguished from normal, mutually acceptable socializing.

It is important to remember that it is the perception of the receiver of the potentially offensive message be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome that determines whether something is acceptable or not.

Definitions

Workplace Violence or Bullying: is the exercise, statement, or behaviour of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, such as:

- **Physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault, etc)**
- **Any threat, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property.**
- **Disruptive behaviour that is not appropriate to the work environment (e.g., yelling, swearing).**

Domestic Violence: a person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member – may physically harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.

BLD Homes Workplace Violence & Workplace Harassment Policy



Personal Harassment: any unsolicited, unwelcome, disrespectful, or offensive behaviour that an underlying sexual, bigoted, ethnic, or racial connotation and can be typified as:

- Behaviour that is hostile in nature, and/or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, and/or any other Human Rights protected grounds.
- Unwelcome sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person.
- Reprisal or a threat of reprisal for the rejection of a sexual solicitation.
- Unwelcome remarks, jokes, innuendoes, propositions, etc
- Offensive jokes or comments of a sexual nature about an employee;
- Displaying of pornographic or sexist pictures or materials;
- Physical contact such as touching, patting, or pinching, with an underlying sexual connotation;
- Sexual assault; for the most part, victims of sexual harassment are female. However, conduct directed by female employees towards males and between persons of the same sex can also be held to constitute sexual harassment.
- Any actions that create a hostile, intimidating or offensive workplace. This may include physical, verbal, written, graphic, or electronic means.
- Any threats of physical violence that endangers the health and safety of the employee.

Racial/Ethnic Harassment: any conduct or comment which causes humiliation to an employee because of their racial or ethnic background, their colour, place of birth, citizenship, or ancestry. Examples of conduct which may be racial or ethnic harassment include:

- Unwelcome remarks, jokes or innuendos about a person's racial or ethnic origin;
- Colour, place of birth, citizenship or ancestry;
- Displaying racist or derogatory pictures or other offensive material;

BLD Homes Workplace Violence & Workplace Harassment Policy

- **Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background.**

Guidelines

BLD Homes is committed to providing a safe and healthy work environment free from violence, threats of violence, discrimination, harassment, intimidation, and any other misconduct.

Similarly, weapons are strictly prohibited from the Company's premises and violators will be subject to disciplinary action and the incident will be reported to the police.

It is also a violation of BLD Homes' Workplace Violence and Workplace Harassment Policy for anyone to knowingly make a false complaint of violence or harassment or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and / or corrective action, up to and including termination of employment.

This Policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence. Reprisal is defined as any act of retaliation, either direct or indirect.

BLD Homes will ensure that all employees are trained and educated on violence and harassment and that they are clear about the roles and responsibilities as well as this policy and its procedures. In addition, a copy of this policy will be made available to all employees.

Application of this Policy

This policy applies to all individuals working for the organization including front line employees, temporary employees, contract service providers, contractors, all supervisory personnel, and managers.

BLD Homes will not tolerate violence or personal harassment whether engaged in by fellow employees, managers, or contract service providers of the organization.

BLD Homes Workplace Violence & Workplace Harassment Policy

BLD Homes will not tolerate any form of harassment or discrimination against job candidates and employees on any grounds mentioned above, whether during the hiring process or during employment. This commitment applies to such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

All BLD Homes employees are personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination or harassing behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.

For the purposes of this policy, harassment/bullying can occur:

- **At the workplace;**
- **At employment-related social functions;**
- **In the course of work assignments outside the workplace;**
- **During work-related travel;**
- **Over the phone, if the conversation is work-related; or**
- **Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship**

Violence Risk Assessment

BLD Homes will conduct a risk assessment of the work environment to identify any issues related to potential violence that may impact the operation and will institute measures to control any identified risks to employee safety. This information will be provided to the Joint Health & Safety Committee or Safety Representative.

The risk assessment may include review of records and reports i.e. security reports, employee incident reports, staff perception surveys, health and safety inspection reports, first aid records or other related records. Specific areas that may contribute to risk of violence may include: contact with the public, exchange of money, working alone or at night etc. Research may also include a review of similar workplaces with respect to their history of violence.

BLD Homes will communicate information relating to a person with a history of violence where:

- **Workers may reasonably be expected to come into contact with the person in the performance of their job duties; and**

BLD Homes Workplace Violence & Workplace Harassment Policy

- **There is a potential risk of workplace violence as a result of interactions with the person with a history of violence.**

BLD Homes will only disclose personal information that is deemed reasonably necessary to protect the worker from physical harm.

Reporting Violence or Bullying

In the event that you are either directly affected by or witness to any violence in the workplace, it is imperative for the safety of all BLD Homes employees that the incident be reported without delay. Reporting any violence or potentially violent situations should be done immediately to management, or the Human Resources department.

Investigating Reports of Violence or Bullying

BLD Homes Shall:

- **Investigate all reported acts / incidents of violence, and:**
- **consult with other parties (i.e. Legal Counsel, Health & Safety consultants, JHSCs, Employee Assistance Provider, Human Rights office, Local Police)**
- **take all reasonable measures to eliminate or mitigate risks identified by the incident;**
- **document the incident, its investigation, and corrective action taken.**
- **Submit a report of the incident to the Ministry of Labour where an employee incurs a lost time injury as a result of violence in the workplace.**
- **Review this policy and hazard assessments annually, or as changes to job responsibilities or environments occur, and revise the assessment as needed.**
- **Review annually, in conjunction with review of hazard assessments, the effectiveness of actions taken to minimize or eliminate workplace violence and make improvements to procedures, as required.**

The Joint Health & Safety Committees/Safety Representative Will:

- **Review the Workplace Violence Hazard Assessment results and provide recommendations to management to reduce or eliminate the risk of violence.**

BLD Homes Workplace Violence & Workplace Harassment Policy

- Review all reports forwarded to the JHSC regarding workplace violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage, or police involvement.
- Participate in the investigation of critical injuries (e.g., incidents that place life in jeopardy, result in substantial blood loss, fracture of leg or arm, etc.).
- Recommend corrective measures for the improvement of the health and safety.
- Respond to employee concerns related to workplace violence and communicate these to management.

In addition, JHSCs may participate in the investigation of reported incidents that result in personal injury or have the potential to result in injury.

Reporting Discrimination or Harassment

Informal Procedure

If you believe you have been personally harassed, you may:

- Confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or
- Discuss the situation with the harasser's supervisor, your supervisor, or any other supervisor other than your own.

Any employee who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the facts directly to your supervisor or manager.

Formal Procedure

If you believe you have been personally harassed, you may make a written complaint. The written complaint must be delivered to the BLD Homes' Human Resources Representative. Your complaint should include:

- the approximate date and time of each incident you wish to report
- the name of the person or persons involved in each incident
- the name of any person or persons who witnessed each incident
- a full description of what occurred in each incident

Investigating Reports of Discrimination or Harassment

BLD Homes Workplace Violence & Workplace Harassment Policy

Once a written complaint has been received, BLD Homes will complete a thorough investigation. Harassment should not be ignored as silence can, and often is, interpreted as acceptance. Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

For the purposes of this section the following definitions apply:

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

The investigation will include:

- informing the harassers of the complaint
- interview the complainant, any person involved in or has knowledge of the incident and any identified witnesses
- A copy of the complaint, detailing the complainant's allegations, is then provided to the respondent(s).
- 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 case proceeds further.
- BLD Homes will do its best to protect from unnecessary disclosure the details of the incident being investigated and the identities of the complaining party and that of the alleged respondent.
- During the investigation, the complainant and the respondent will be interviewed along with any possible witnesses. Statements from all parties involved will be taken and a decision will be made.
- If necessary, BLD Homes may employ outside assistance or request the use of our legal counsel.
- Where it is determined that harassment has occurred, a written report of the remedial action will be given to the employees concerned.
- 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 document(s) with the person(s) against whom the complaint is laid (the respondent(s)).
- If it is determined that personal harassment has occurred, appropriate disciplinary measures will be taken as soon as possible.

BLD Homes Workplace Violence & Workplace Harassment Policy



Seeking Immediate Assistance

Canada's Criminal Code deals with matters such as violent acts, threats and behaviours such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a coworker, volunteer, contractor, student, vendor, visitor or client/ customer then an immediate call to "911" is required.

Special Circumstances

Should an employee have a legal court order (e.g. restraining order, or "no-contact" order) against another individual, the employee is encouraged to notify his or her supervisor, and to supply a copy of that order to the Human Resources Department.

This will likely be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at BLD Homes, in direct violation of the court order. Such information shall be kept confidential.

If any visitor to BLD Homes' workplace is seen with a weapon (or is known to possess one), makes a verbal threat or assault against an employee or another individual, employee witnesses are required to immediately contact the police, emergency response services, their immediate supervisor, and the Human Resources Department.

All records of harassment, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law. In cases where criminal proceedings are forthcoming, BLD Homes will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Fraudulent or Malicious Complaints

This policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded/frivolous allegations

BLD Homes Workplace Violence & Workplace Harassment Policy

of personal harassment may cause both the accused person and the company significant damage.

If it is determined by BLD Homes that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

Disciplinary Measures

If it is determined by BLD Homes that any employee has been involved in a violent behaviour, unacceptable conduct or personal harassing of another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counselling, a formal warning and could result in immediate dismissal without further notice.

Workplace Coordinator

For the purposes of this policy [Marc Thumm/ Project Manager/Health and Safety Lead] shall act as a Workplace Coordinator with respect to workplace violence and harassment issues.

Confidentiality

BLD Homes 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.

BLD Homes will protect this privacy 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.

Any disciplinary action will be determined by BLD Homes and will be proportional to the seriousness of the behaviour concerned. BLD Homes will also provide appropriate assistance to any employee who is victim of discrimination or harassment.

BLD Homes Workplace Violence & Workplace Harassment Policy

Managing and/or Coaching

Counselling, performance appraisal, work assignment, and the implementation of disciplinary actions is not a form of personal harassment, and the policy does not restrict a manager/supervisor's responsibilities in these areas.

Policy Review

As required by the Occupational Health and Safety Act, BLD Homes will review this policy annually and will post the policy on the Health and Safety Bulletin Board on site and in the office(s).

Acknowledgment and Agreement

I, _____, acknowledge that I have read and understand the Workplace Violence and Workplace Harassment Policy of BLD Homes. I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules set forth by this policy, I may face disciplinary action up to and including termination of employment.

Name: _____

Signature: _____

Date: _____

Witness: _____

BLD Homes Workplace Violence & Workplace Harassment Policy

