



***Disclaimer to franchisees: The enclosed copy of the Workplace Violence and Harassment Policy is that of Eh to Zed Preschool Canada Ltd. and is intended for it alone. Any franchisee intending to implement a similar policy or any other policy with respect to their own workplace should seek independent legal advice to determine what is appropriate for the franchisee.***

## **WORKPLACE VIOLENCE AND HARASSMENT POLICY**

### **Commitment Statement**

At Preschool Canada, the health and safety of our employees is paramount. Priority is given to protecting our employees and visitors from violence, intimidating behaviours, and/or harassment. Such conduct interferes with one's ability to perform their job properly and does not keep with the organization's philosophy of trust and mutual respect. By working together and giving the utmost attention to the safety and well-being of each other, we will meet our shared objective of a healthier and safer working environment for all.

Preschool Canada employees, clients, parents and Board Members are entitled to have a work environment free from violence, intimidating behaviours, and harassment as outlined by the *Occupational Health and Safety Act*. This policy applies to all employees and agents/representatives of Preschool Canada while in the workplace, during work-related trips or travel, or during any work-related and/or social functions. Employees are expected to assist Preschool Canada in its attempts to prevent and eliminate violence and harassment in the workplace. Preschool Canada will treat any form of violence and/or harassment that occurs in the workplace seriously regardless of the alleged perpetrator's position. Nothing in this policy limits an individual's right to file a complaint with the Ministry of Labour or take such other action should they feel the situation warrants such action.

### **Definitions**

The *Occupational Health and Safety Act* defines:

1. "workplace harassment" as:
  - a. 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;  
or
  - b. workplace sexual harassment ("harcèlement au travail");

2. “workplace sexual harassment” as:
  - a. engaging in a course of vexatious comment 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
  - b. making 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 (“harcèlement sexuel au travail”);
3. “workplace violence” 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 behaviour 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.

#### Forms of Workplace Violence

1. Violence by Strangers
  - Usually enters the place of work on the pretense of being a customer
  - Normally commits robbery or other violent acts
2. Violence by Customers/Clients/Parents
3. Violence by Co-workers
4. Violence by Personal Relations

#### Forms of Workplace Harassment and Discrimination

1. Discrimination-based harassment includes any verbal or physical conduct that may reasonably be perceived as demeaning or showing hostility toward an individual because of the individual's race, colour, religion, gender, sexual orientation, national origin, age, disability, or other status protected by law, or because of the protected status of the individual's relatives, friends, or associates. This type of harassment includes, but is not limited to:
  - a. epithets, slurs, negative stereotyping, demeaning comments, including comments pertaining to a person's dress, accent or other cultural differences, or intimidating acts that are based on an individual's protected status; and/or,
  - b. written or graphic material (whether by printed or electronic media) circulated within or posted within the workplace that shows hostility toward or is demeaning to an individual or group because of his or her protected status.

2. Sexual harassment includes:

- a. repeated sexual advances or solicitations made by a person where such person knew or ought reasonably to have known that the advance was unwelcome; and/or,
- b. a retaliation or threat of retaliation for the rejection of a sexual solicitation or advance made by a person who is in a position to grant or deny a benefit.

Behaviours Constituting Workplace Violence and Harassment Such threats or acts include, but are not limited to:

- Harming or threatening to harm any employee or visitor
- Damaging or threatening to damage property or the property of any employee or visitor
- Possessing a dangerous weapon or incendiary device on property without prior authorization
- Engaging in stalking behaviour of any employee; Differential treatment of employees or co-workers based on race, gender, age, ethnicity, etc.
- Verbal or written comments, jokes, teasing, and/or other communication of a sexual nature
- Demeaning language based on gender or sexual preference
- The use of sexually degrading words to describe an individual
- The display of sexually suggestive objects and/or pictures in the workplace
- Foul or obscene language and/or gestures
- Unwanted physical conduct such as patting, pinching, and/or brushing up against another person
- A promise of better treatment in return for sexual favours; and/or
- Indirect or expressed threats for refusal of a sexual request

**Note:** Harassment does not include the reasonable exercise of management functions in the workplace that relate to the management or direction of employees or the workplace. Performance reviews, work evaluation and reasonable disciplinary measures do not constitute harassment.

Responsibilities of Board Members, Executive Directors and Supervisors

- Assess risks of violence and harassment at Preschool Canada locations
- Promote a non-violence and harassment-free workplace
- Provide employees with information and instruction regarding the workplace policy and program with respect to workplace violence and harassment including appropriate steps to be taken and investigation procedures

- Take every reasonable precaution for the protection of the worker
- Inform employees of potential risk situations
- Ensure employees understand who to contact regarding concerns about the policy or when to report an incident
- Model behaviour, which helps support a positive work environment
- Ensure the workplace is free from violence, harassment, and discrimination
- Respond to complaints brought to their attention
- Respect the confidentiality and sensitivity of such issues
- Document all information and investigation results
- Request an investigation into allegations of violent situations be conducted; and
- If witnessing harassment or elements of a tainted work environment, take action

### Responsibilities of Employees

- Compliance with this policy is the responsibility of all employees
- Employees must avoid any behaviour or conduct that could reasonably be interpreted as a violation of this policy
- Employees must maintain a work environment free from violence, intimidation, discrimination, and harassment
- Employees should remove themselves, as quickly as possible, from any situation where violence has occurred or imminently likely to occur and should summon immediate assistance by contacting their Supervisor or Executive Director
- In cases of imminent physical violence to the employee or someone else in the workplace or where the circumstances warrant police involvement, the employee should call 911 as soon as possible.
- If an employee or someone else in the workplace is injured, such persons should seek immediate medical assistance and notify their Supervisor or Executive Director as soon as possible.

### Process for Making Harassment-Related Complaints

In cases where the employee believes the incident of harassment to be minor/less serious and can be dealt with by the employee directly, the employee should:

- Make the objection clearly known to the offender
- Ask the individual to stop the behaviour
- Where an employee approaches another employee with a workplace harassment complaint/concern, s/he should clearly state that the perceived action/behaviour is viewed as harassment under the terms of the organization's policy.
- If the behaviour continues after making the objection known, or is more serious in nature, the employee should contact their Supervisor or the Executive Director.

In circumstances where the incident of harassment is more serious or where it is inappropriate for the employee to make his/her objections known directly to the person exhibiting such behaviour or taking such action, or the employee feels uncomfortable in asking the individual to stop, the employee should report the matter directly to their Supervisor or the Executive Director.

A written record of the action/behaviour and complaint should be provided to your Supervisor or the Executive Director including the dates, times, nature of the action/behaviour, and witnesses (if any).

In any case, if the circumstances warrant police involvement, employees should call 911 immediately.

### Process for Making Violence-Related Complaints

Any employee who believes they may be exposed to domestic violence in the workplace should notify their Supervisor or the Executive Director as soon as possible. This will allow Preschool Canada to take reasonable steps for the protection of the employee.

Any employee who is the subject of workplace violence or otherwise becomes aware of an incident of workplace violence is required to report the matter, as soon as possible, to their Supervisor or the Executive Director. The Supervisor or the Executive Director will take steps to ensure the safety of the parties involved and either attempt to informally resolve the matter to the satisfaction of both the victim and the perpetrator (if appropriate) or initiate an investigation.

### Removal of a Person from the Workplace

Any person who makes substantial threats, exhibits threatening behaviour, or engages in violent and/or harassment acts against employees, visitors, or other individuals while on Preschool Canada property shall be removed from the premises as quickly as safety permits, and shall remain off the premises pending the outcome of an investigation. Employees are not to remove individuals from the premises. Assistance must be requested from the Police or security.

### Investigation Process

- All complaints will be investigated promptly
- All those directly involved, and witnesses will be spoken with
- Notes/statements will be prepared during each interview, reviewed by the person(s) being interviewed and signed for accuracy
- Records or other documents relevant to the incident being investigated (this may include safety reports, incident reports, work schedules, injury reports, complaints)

and observation notes and may involve taking pictures of the scene) will be reviewed

- Relevant collective agreement or employment contract language or organizational policies/procedures will be reviewed
- Depending on the scope of the investigation, employees may need to seek the assistance of the Executive Director
- A final summary/report of the investigation will be prepared

### Corrective Action

Any employee found to have engaged in conduct that violates this policy will be subject to discipline, up to and including termination of employment. Allegations of acts of violence and/or harassment are profoundly serious. Frivolous complaints found to have been made for improper purposes will result in disciplinary action being taken against the complainant.

### Confidentiality

Employees should feel secure in knowing that their concerns will be handled discreetly and sensitively. As such, employee issues will usually remain between the employee, and their Supervisor. On occasion, however, an investigation may require consulting with another employee, Supervisor, Executive Director or Board members, in order to ensure an appropriate resolution. In such cases, the employee will be consulted prior to involving others.

### Reprisals

This policy strictly prohibits reprisals against an employee because s/he has brought forward a concern or has provided information regarding a concern under this policy. Any employee who commits or threatens reprisal against another employee for following this, or any of the organization's policies in good faith, may be subject to discipline, up to and including dismissal for cause.

### Policy Review

This policy will be reviewed and updated whenever there is a change that affects its effectiveness in preventing workplace violence and, at a minimum, it will be reviewed every year.