



Harassment and Violence Prevention Policy

Table of Contents

[Mission statement](#)

[Application](#)

[Definitions](#)

[Definition of harassment and violence](#)

[Harassment](#)

[Harassment is not](#)

[Violence](#)

[Role of CHLY-FM](#)

[Role of the designated recipient \(The Personnel Committee\)](#)

[Role of the health and safety representative](#)

[Role of employees](#)

[Factors that contribute to workplace harassment and violence](#)

[People characteristics](#)

[Physical work environment](#)

[Work activity/culture](#)

[Job factors](#)

[Other external factors](#)

[Harassment and violence prevention training](#)

[Outline of the resolution process](#)

[Notice of an occurrence](#)

[Negotiated resolution](#)

[Conciliation](#)

[Investigation](#)

[Representation](#)

[Protection against reprisal](#)

[Workplace assessment](#)

[Emergency procedures](#)

[Violence in the workplace](#)

[Active shooter](#)

[Bomb threat](#)

[Privacy protection](#)

[Recourse avenues](#)

[Support measures](#)

[Notices submitted in bad faith](#)

[Complaints related to employer non-compliance with the Code or Regulations](#)

[Created](#)

[Policy to be Approved By](#)

Mission statement

CHLY-FM, in cooperation with our staff, is committed to a healthy, harassment-free and violence-free environment for all our employees. CHLY-FM has developed a policy intended to:

- Prevent and respond to workplace harassment and violence of any type, and;
- Effectively address any incident that might occur.

Application

This policy applies to all employees, volunteers and contractors at CHLY-FM who are engaged in work, work-related activities or work-related relationships. It applies to employees, volunteers and contractors both on station property and outside of station property. This policy applies to all incidents of workplace harassment and violence, including sexual harassment and sexual violence, family violence and third-party violence.

Definitions

The following definitions apply to this policy:

- Designated recipient means the team that has been designated by CHLY-FM, to whom a notice of an occurrence may be submitted. For the purposes of this Policy, the Personnel Committee will act as the designated recipient
- Occurrence means an occurrence of harassment and violence in the workplace
- Principal party means an employee or employer who is the object of an occurrence
- Responding party means the person who is alleged to have been responsible for the occurrence in a notice of an occurrence provided to the designated recipient
- Witness means a person who witnessed an occurrence of harassment and violence or is informed of an occurrence by the principal party or responding party
- Workplace means any place where an employee is engaged in work for the employee's employer as per 122(1) of the Code.

Definition of harassment and violence

The Canada Labour Code (the Code) defines harassment and violence at subsection 122(1) as “any action, conduct or comment, including of a sexual nature that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.”

Harassment

Harassment can include, but is not limited to any of the following acts or attempted acts:

- Spreading rumours or gossip about an individual or group;
- Cyberbullying (threatening, spreading rumours or talking negatively about an individual online);
- Threats made over the phone, by email, or through other mediums to an employee, including from an (ex) partner or family member;
- Making offensive jokes or remarks;
- Playing unwanted practical jokes;
- Socially excluding or isolating someone;
- Stalking or inappropriately following a person;
- Tampering with someone's work equipment or personal belongings;
- Vandalizing or hiding personal belongings or work equipment;
- Impeding a person's work in any deliberate way;
- Persistently criticizing, undermining, belittling, demeaning or ridiculing a person;
- Intruding on a person's privacy;
- Public ridicule or discipline;
- Unwelcome physical contact;
- Sexual innuendo or insinuation;
- Unwanted and inappropriate invitations or requests, including of a sexual nature;
- Displaying offensive posters, cartoons, images or other visuals;
- Making aggressive, threatening or rude gestures;
- Misusing authority, including:
 - Constantly changing work guidelines;
 - Restricting information;
 - Setting impossible deadlines that lead to failure, and/or;
 - Blocking applications for leave, training or promotion in an arbitrary manner;
- Engaging in any of the actions, conduct and comments outlined above against a person because of that person's:
 - Race;
 - National or ethnic origin;
 - Colour;
 - Religion;
 - Age;
 - Sex;
 - Sexual orientation;
 - Gender identity or expression;
 - Disability, or;
 - Any of the other prohibited grounds that the Canadian Human Rights Act lists.

Harassment is not

Harassment is not any of the following:

- Consensual workplace banter and interactions (unless it includes hurtful remarks about others, especially if they pertain to any of the prohibited grounds listed above);
- Reasonable management action carried out in a fair way, such as day-to-day actions by a supervisor or manager related to:
 - Performance;
 - Absenteeism;
 - Assignments;
 - Discipline, and;
 - Even dismissal (unless it is abusive or discriminatory);
- Every workplace disagreement, although if a conflict is poorly handled or left unresolved, it can lead to harassment.

Violence

Violence can include but is not limited to the following acts or attempted acts:

- Verbal threats or intimidation;
- Verbal abuse, including swearing or shouting offensively at a person;
- Contact of a sexual nature;
- Kicking, punching, scratching, biting, squeezing, pinching, battering, hitting or; wounding a person in any way;
- Attack with any type of weapon;
- Spitting at a person.

Role of CHLY-FM

The role of CHLY-FM in relation to harassment and violence prevention includes:

- Committing to preventing harassment and violence in the workplace;
- Jointly reviewing and, when necessary, updating this policy with the health and safety representative at least once every 3 years or following any change to an element of this policy;
- Jointly conducting an initial workplace assessment with the health and safety representative;
- Jointly monitoring and, when necessary, updating the workplace assessment with the health and safety representative when there is:
 - A change to the risk factors identified, or;
 - A change in the effectiveness of the preventive measures that have been developed and implemented;
- Jointly reviewing and updating the workplace assessment with the health and safety representative:

- In situations where the principal party chooses to end the resolution process but the occurrence is not resolved, or;
- In situations where the responding party is not an employee or the employer;
- Jointly reviewing the workplace assessment with the health and safety representative and, when necessary, updating it;
- Jointly developing emergency procedures with the health and safety representative;
- Deploying the workplace emergency procedures whenever an incident, including an incident of family violence or domestic violence, poses an immediate danger to the health and safety of an employee or there is a threat of such an incident;
- Jointly reviewing and, when necessary, updating the emergency procedures with the health and safety representative;
- Making available to all employees information related to support services;
- Jointly developing or identifying harassment and violence prevention training with the health and safety representative;
- Delivering harassment and violence training to all employees and the designated recipient;
- Jointly reviewing and, when necessary, updating the training with the health and safety representative at least once every 3 years and following any change to an element of the training;
- Ensuring that the designated recipient correctly follows the resolution process that is outlined in the Workplace Harassment and Violence Prevention Regulations (the Regulations);
- For investigations into an occurrence of harassment and violence, providing a copy of the investigator's report to the principal party, responding party, and workplace committee;
- Jointly determining with the workplace committee which recommendations from the investigator's report should be implemented;
- Implementing the jointly determined recommendations from the investigator's report;
- Ensuring the resolution process is completed within 1 year after the day on which a notice of an occurrence is received;
- Reporting to the [Labour Program](#) employee deaths resulting from occurrences of harassment and violence, within 24 hours of becoming aware of the death;
- Complying with all other aspects of the Regulations and the Code as it relates to harassment and violence.

Role of the designated recipient (The Personnel Committee)

Under this policy, the Personnel Committee will act as the designated recipient. The role of the Personnel Committee in relation to harassment and violence prevention at CHLY-FM includes:

- Responding to all notices of an occurrence within 7 days of receiving the notice
- Initiating negotiated resolution with the principal party within 45 days after the day on which the notice of an occurrence is received;

- Reviewing every notice of an occurrence with the principal party against the definition of harassment and violence outlined subsection 122(1) of the Code;
- Making every reasonable effort to resolve an occurrence for which a notice has been provided;
- Allowing the principal and responding parties the option of participating in conciliation if they both agree to participate and on who will facilitate the conciliation;
- Providing notice of an investigation to the principal and responding parties if the principal party requests an investigation;
- In the case of an investigation, selecting a person to act as an investigator from the list of investigators developed jointly by CHLY-FM and the health and safety representative;
- Ensuring selected investigators have the necessary knowledge, training and experience required by the Regulations;
- Ensuring investigators provide a written statement indicating they are not in a conflict of interest with respect to the occurrence;
- Providing investigators all the information that is relevant to their investigation;
- Providing monthly status updates to the principal and responding parties on the status of the resolution process.

Role of the health and safety representative

The role of the Health and Safety Representative in relation to harassment and violence prevention at CHLY-FM includes: Implementing the preventive measures developed by the health and safety representative at the local workplace level;

- Jointly reviewing and updating with CHLY-FM the workplace assessment:
 - In situations where the principal party chooses to end the resolution process but the occurrence is not resolved, or;
 - In situations where the responding party is not an employee or the employer (for example volunteers, contractors, former partners);
- Jointly determining with CHLY-FM which of the investigator's recommendations from the investigator's report are appropriate to implement.

Role of employees

The role of all employees in relation to harassment and violence prevention at CHLY-FM includes:

- Refraining from committing harassment and violence;
- Where appropriate and safe, informing a person committing harassment and violence that their actions are inappropriate and unwelcome;
- Reporting all occurrences of harassment and violence to their supervisor or the Personnel Committee when they experience or witness it;

- Where appropriate, making every reasonable effort to resolve an occurrence of harassment and violence through a negotiated resolution if they were a party to an occurrence;
- Cooperating with an investigator and the investigation process related to an occurrence;
- Refraining from retaliatory behaviour against the principal party, responding party, witnesses and any other individuals who are involved in the resolution process for an occurrence;
- Respecting the confidentiality of the information shared throughout the resolution process of an occurrence.

Factors that contribute to workplace harassment and violence

There are a number of factors that can contribute to workplace harassment and violence. These factors can be divided into 5 general categories:

- People characteristics;
- Physical work environment;
- Work activity/culture;
- Job factors, and;
- Other external factors.

Note: The following list is customizable. As the employer, you should, jointly with your health and safety representative, add or remove the risk factors that are applicable to your workplace or that you identified in your risk assessment.

People characteristics

Working with people who exhibit certain characteristics can put employees at greater risk of harassment and violence. This can include working with volunteers, and their relatives, who may lash out at the closest person due to:

- Being angry and frustrated with the system
- Having a history of violence
- A mental health condition, emotional disorder, or a head injury
- Racist, sexist, homophobic, transphobic, ableist or otherwise discriminatory attitudes and behaviours
- Being under the influence of drugs or alcohol

Physical work environment

Certain work environments and workplace designs can result in additional risks that may lead to harassment and violence. These can include:

- Working alone, in small numbers or in isolated or low-traffic areas (for example isolated reception area, washrooms, storage areas, utility rooms);
- Working in community-based settings (for example home visitors)
- having a mobile workplace;
- Working in a poorly designed area, such as a cramped room or a room that has poor visibility of volunteers or staff;
- Working in an overcrowded environment;
- Working in an environment with high noise levels.

Work activity/culture

- Working with the public;
- Handling money, prescription medication or items of significant value;
- Working in an environment that tolerates or promotes racist, sexist, homophobic, ableist, or otherwise discriminatory attitudes and behaviours;
- Working during periods of intense organizational change (for example strikes, privatization, restructuring, downsizing);
- Working in the same workplace with an (ex) partner who is abusive.

Job factors

Aspects specific to a job, such as the mental and physical demands of the job, can result in additional hazards that may lead to harassment and violence. This can include:

- Lack of control over how work is done;
- Excessive workload;
- Unreasonable or tight deadlines leading to high stress;
- Confusing, conflicting or unclear jobs or roles;
- Ambiguous or complicated reporting structures;
- Lack of job security.

Other external factors

Other external factors that can result in harassment and violence include:

- Family violence or domestic violence, such as a family member or (ex) partner:
 - Threatening an employee or co-workers either verbally or over the phone or email;
 - Stalking the employee;
 - Verbally abusing the employee or co-workers;
 - Destroying the employee or organization's property;
 - Physically harming the employee or co-workers;
 - Using work time or workplace resources to monitor or attempt to control the actions of an (ex) partner.

Interim Policy

Harassment and violence prevention training

CHLY-FM will provide all of its employees with a harassment and violence training course. This course will cover:

- Elements of the workplace harassment and violence prevention policy;
- The relationship between workplace harassment and violence and the prohibited grounds of discrimination under the Canadian Human Rights Act;
- How to recognize, minimize and prevent workplace harassment and violence.

All new employees will receive training within 3 months after the day on which their employment begins. Further, all employees will receive this training again at least once every 3 years.

The following groups will receive training on their obligations in relation to harassment and violence at least once every 3 years:

- Managers;
- Members of the Personnel Committee.

Outline of the resolution process

Below is a summary of the resolution process. It includes how a principal party, or witness, can submit a notice of an occurrence.

Notice of an occurrence

You are encouraged to notify the Personnel Committee (the designated recipient) if:

- You are an employee who experiences harassment and violence in the workplace, or;
- You are an individual (employee or non-employee) who witnessed an occurrence of harassment and violence in the workplace.

Notify the Personnel Committee by telephone at (250) 716-3410, or by email at: personnel@chly.ca.

The Personnel Committee will ask the employee or individual to fill out a form, in which they provide the following information:

- The name of the principal party and the responding party (if known);
- The date of the occurrence;
- A detailed description of the occurrence.

If an employee or individual is not able to provide this information in written form, they may provide this information to the Personnel Committee orally. The Personnel Committee will then transcribe the information for them on the form.

Please note that, in order to proceed with the resolution process, it is mandatory to provide the name or identity of the principal party who was involved in the occurrence. If you do not provide the name or identity of the principal party, the occurrence will not be further reviewed.

CHLY-FM cannot reveal the identities of the parties involved in the resolution process for an occurrence to either the health and safety representative without the consent of the parties. However, the identities of the parties may be revealed to each other as part of the resolution process.

Negotiated resolution

Negotiated resolution is a form of informal resolution where the principal party meets with the employer or designated recipient to:

- Discuss the occurrence;
- Clarify what was submitted in the notice of occurrence, and;
- Attempt to reach a resolution.

During negotiated resolution, the Personnel Committee will ask the principal party to meet, either in person or by phone, with a member from the Personnel Committee. This meeting is for an initial discussion regarding the occurrence. During this discussion, the members of the Personnel Committee and the principal party will review the notice of occurrence that they received against the definition of harassment and violence in the Code. Together, they will try to determine whether the occurrence meets the definition. If both the member of the Personnel Committee and the principal party agree that the occurrence does not meet the definition, then they will deem the occurrence as resolved. If the member of the Personnel Committee and the principal party do not agree as to whether the occurrence meets the definition, and the principal party wishes to continue with the resolution process, then the principal party has the option of either:

- Continuing with negotiated resolution, or;
- Pursuing conciliation and/or an investigation.

If the principal party wishes to continue with a negotiated resolution, they must inform the Personnel Committee of this decision. The Personnel Committee will schedule a series of meetings with the principal party. At the meetings, where applicable, the responding party will discuss the occurrence and attempt to achieve a resolution. The responding party does not have to be informed of the principal party's notice of occurrence or be involved at this stage of the resolution process. This is only if the principal party does not wish for them to be notified or involved. The Personnel Committee can arrange for any of the following meetings:

- Meetings with only the principal party and a member from the Personnel Committee;
- Meetings with the principal party, responding party and a member from the Personnel Committee;
- Meetings between the principal party and a member from the Personnel Committee with concurrent but separate meetings between the responding party and a member from the Personnel Committee.

Conciliation

A principal party and responding party may engage in conciliation at any time during the resolution process. However, conciliation can only proceed if both the principal party and the responding party agree to engage in conciliation. They must also agree on the person who will facilitate the conciliation. However, conciliation can only proceed if an investigator has not provided their final investigation report.

The principal party and responding party are required to inform the Personnel Committee of their desire to participate in conciliation. The Personnel Committee will then facilitate discussion around the selection of a conciliator who is agreeable to both parties. The Personnel Committee will also schedule time for both parties to meet with the conciliator.

Investigation

The principal party may request an investigation at any time during the resolution process. If the principal party wishes to proceed with an investigation, they must inform the Personnel Committee. The Personnel Committee will then:

- Provide notice of an investigation to the principal and responding party, and;
- Select an investigator from the list that has been jointly developed with the health and safety representative.

The selected investigator will investigate the occurrence and provide CHLY-FM a report outlining:

- A general description of the occurrence;
- Their conclusion, and;
- Their recommendation to eliminate or minimize the risk of a similar occurrence.

CHLY-FM will then provide a copy of this report to the principal party, responding party and the workplace committee.

The report will not reveal, directly or indirectly, the identity of the persons who were involved in the occurrence or the resolution process for the occurrence.

CHLY-FM and the health and safety representative will then meet to determine which of the recommendations in the investigator's report are to be implemented. CHLY-FM will implement those recommendations within 1 year of receiving the notice of occurrence.

CHLY-FM may take into consideration the findings in an investigator's report when applying disciplinary measures. However, disciplinary measures will also depend on the findings from a separate administrative investigation that the CHLY-FM will conduct in some circumstances.

CHLY-FM cannot use the findings in an investigator's report for any of the following purposes:

- Replenishment of sick leave;

- Granting of any additional paid or unpaid leave;
- Monetary remuneration for damages.

However, the section Recourse avenues in this policy describe other recourse methods an employee can pursue.

Representation

At any time during the resolution process, an employee may be accompanied or represented by a:

- Union representative;
- Friend;
- Partner;
- Colleague, or;
- Person of their choosing.

Protection against reprisal

Parties involved in an occurrence are forbidden from seeking retaliation. If you experience any retaliatory action or threat of retaliatory action from the responding party, witnesses, management, or other people within or outside the organization, please inform the Personnel Committee immediately.

Workplace assessment

The Personnel Committee will conduct a joint review. If necessary, they will update the workplace assessment if an employee submits a notice of an occurrence and the resolution process cannot proceed for any of the following reasons:

- The principal party chooses to end the resolution process at any point during the resolution process but the occurrence is not resolved;
- The responding party is not an employee or the employer (for example, the responding party is a member of the public, a volunteer, or an (ex)partner or family member).

The purpose of the review and update of the workplace assessment is to:

- Determine what happened, taking into account the circumstances of the occurrence;
- Determine whether all risk factors have been appropriately identified;
- Develop new preventive measures, if needed, to mitigate the risk of a similar occurrence.

For more information, consult the [sample risk assessment](#).

Emergency procedures

If a harassment and violence occurrence poses an immediate danger to the health and safety of an employee, or if there is a threat of such an occurrence, please call 911 for emergency services (police, fire and ambulance).

Below is a summary of the emergency procedures that the CHLY-FM must implement in various types of situations.

Violence in the workplace

If you witness or experience violence at work:

- Remove yourself from the situation if you can;
- Inform your manager or seek help from a co-worker immediately;
- If your manager is the perpetrator, notify another manager, or representative of the Board in the line of authority;
- If your physical security or well-being is threatened if possible call 911;
- Contact the Security Office as soon as you are able to do so IF APPLICABLE.

If you are dealing with a violent person:

- Stay calm;
- Try to calm the other person or diffuse the situation;
- Avoid saying or doing anything that could aggravate the situation;
- Avoid eye contact or sudden movements that can be perceived as threatening;
- Respect the person's personal space;
- Continue the conversation with the person only if the person calms down;
- Tell the person that you understand the reason for their anger;
- If the behavior persists, end the conversation;
- Politely notify the person that you will leave the work area or ask them to do so;
- Notify your manager or seek help from a co-worker immediately (use the panic button if necessary);
- If the person refuses to leave the premises and the situation escalates call 911 and contact the Security Office IF APPLICABLE.

Active shooter

If you witness an incident involving an active shooter outside the building:

- Stay out of sight (away from windows) and warn colleagues and visitors;
- Leave the area at risk;
- When safe to do so, call 911, the Security Office IF APPLICABLE and other building occupants;
- If you cannot evacuate the building safely, lock outside doors and close the blinds and curtains;

- Wait for instructions from first responders.

If you witness an incident involving an active shooter inside the building:

- Stay calm;
- If you can do so safely, leave the area immediately;
- Warn as many others as possible without attracting the attention of the assailant;
- If you can do so safely, call 911 and notify the Security Office IF APPLICABLE and other building occupants;
- Lock the doors or barricade yourself in a room using furniture;
- Block the windows; close the office blinds and curtains;
- If the workspace has no door, hide under your desk or where you cannot be seen;
- If you are in a washroom, remain there if safe to do so;
- Silence your cellphone, turn off radios and computers;
- If you cannot escape, remain silent and hide until first responders arrive;
- Wait for instructions from first responders.

Bomb threat

If you are made aware of a bomb threat by telephone:

- Listen to the caller calmly and do not interrupt them
- Try to get as much information as possible, such as:
 - When the bomb is supposed to explode;
 - Where the bomb is located;
 - Description of the device;
 - Reason for the call or motivation for the threat;
 - Telephone number on the display screen (if possible);
- Remember any details you can about the caller, such as:
 - Approximate age;
 - Gender;
 - Accent;
 - Level of nervousness;
 - Any background noise;
- Call 911 and inform your manager and the Security Office IF APPLICABLE;
- Remain available to provide information to first responders.

If you are made aware of a bomb threat by email:

- Save the email (or letter);
- Send it immediately to the police or Security Office IF APPLICABLE.

If a bomb alert is activated (for example, over intercom):

- Visually inspect your immediate work area including:
 - Wastepaper baskets;
 - Storage areas;
 - Dislodged suspended ceiling panels;
 - Furniture that has been moved;
 - Closets;
- Inform your manager of the results of your search;
- If you find a suspicious package, do not touch it and inform the police or Security Office IF APPLICABLE immediately;
- Do not evacuate the building until the security services authorize you to do so.

Privacy protection

CHLY-FM is committed to the protection of the privacy of the persons involved in an occurrence. As such, the health and safety representatives are not permitted any involvement in the resolution process of an occurrence (unless also on the Personnel Committee). Only trained staff in the Personnel Committee will engage in the resolution process with the principal party and responding party. Further, we will not permit an investigator to disclose in any report it produces and distributes, the identity of any of the persons involved in an occurrence or the resolution process for an occurrence. This includes the principal party, responding party, witnesses and any other individuals interviewed by the investigator.

Recourse avenues

Employees can pursue multiple recourse avenues for their occurrence. This includes:

- Pursuing recourse under the Canadian Human Rights Act with the Canadian Human Rights Commission, or;
- Pursuing recourse under the Criminal Code.

Support measures

Employees can access a list of medical, psychological or other support services available within a 30-km radius at [this link](#). Supports and resources related to family violence are available at [Ending Violence Canada - Support Services](#).

Notices submitted in bad faith

Notices of harassment and violence that are identified throughout the resolution process as having been made in bad faith may be subject to disciplinary action.

Complaints related to employer non-compliance with the Code or Regulations

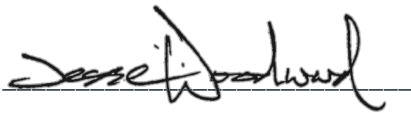
In accordance with section 127.1 of the Code or Regulations, if you, as an employee believe that there has been a contravention of the Code as it relates to an occurrence of harassment and violence, you may make either an oral or a written complaint to your the Executive Director or to the Personnel Committee. You can reach Executive Director Jesse Woodward at (250) 716-3410 or at jesse.woodward@chly.ca. You can reach the Personnel Committee at personnel.committee@chly.ca.

Created

This policy was adapted from a model policy circulated by the NCRA in 2021.

Executive Director Posting Date*: 2024-04-03.

Executive Director Signature:

A handwritten signature in black ink, appearing to read "Jesse Woodward", is written over a horizontal line.

-Jesse Woodward, Executive Director

Board Ratification Date: Not yet ratified.

Last Modified: Not yet modified.

Policy to be Approved By

Director Name

Janel Jezierski

Jay Mcdonnell

Camille James

Bryan Gibbons

Robin Davies

Empty Seat

Lauren Mayes

Jesse Scott Bradley

Savanna Lawless

Robert Thompson

Position

President

Vice President

Secretary

Treasurer

Faculty Rep

Admin Rep

Member at Large (Community)

Member at Large (Student)

Member at Large (Student)

Member at Large (Student)

Interim Policy Comes into Effect: 2024-04-03

