
 <p>HEALTH, SAFETY & ENVIRONMENTAL PROGRAM</p>	Section 10.2: Workplace Violence and Harassment Assessments		
	APPROVED BY: Sarhan Abu-Kwiek	COR Elements: 13, 8, 9	
	APPROVAL DATE: 02/24/2023	DATE OF ORIGIN: 02/02/2023	REVISION # 1
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WORKPLACE VIOLENCE AND HARASSMENT ASSESSMENTS

PURPOSE

This section outlines J-AAR’s workplace violence and harassment policy and program. It details the responsibilities of the employer and gives information and instructions to workers who may be exposed to violence and/or harassment.

DEFINITIONS

Workplace Violence:

- 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 it 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.

Examples of workplace violence include:

- verbally threatening to attack a worker;
- leaving threatening notes at or sending threatening e-mails to a workplace;
- shaking a fist in a worker’s face;
- hitting or trying to hit a worker;
- wielding a weapon at work;
- throwing an object at a worker;
- sexual violence against a worker;
- kicking an object the worker is standing on such as a ladder or
- trying to run down a worker using a vehicle or equipment.

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.

Workplace Harassment:

- 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

Workplace sexual harassment:

- 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;

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- b) making a 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

Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It also includes behavior that intimidates isolates or even discriminates against the targeted individual(s).

This may include:

- making remarks, jokes or innuendos that demean, ridicule, slander, intimidate, or offend;
- displaying or circulating offensive pictures or materials in print or electronic form;
- bullying;
- repeated offensive or intimidating phone calls or emails;
- inappropriate sexual touching, advances, suggestions or requests.

What isn't workplace harassment?

Reasonable action or conduct by an employer, manager or supervisor that is part of their normal work functions would not normally be considered workplace harassment. This is the case even if there are unpleasant consequences for a worker. Examples include:


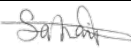
- changes in work assignments;
- scheduling;
- job assessment and evaluation;
- workplace inspections;
- implementation of dress codes or PPE and
- disciplinary action.

Differences of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment.

In addition, any behavior that would meet the definition of workplace violence would not be considered workplace harassment.

Workplace Risk Assessments

- Management will review and assess the risks of workplace violence that may arise from the nature of the workplace, type of work or conditions of work.
- Take into account the circumstances of J-AAR Excavating Limited workplaces and circumstances common to other similar workplaces.
- Develop measures and procedures to control identified risks that are likely to expose a worker to workplace violence and harassment.
- Advise the J.H.S.C., or the Health and Safety Representative of the risk assessment results.

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- Repeat the assessments as often as necessary to ensure the workplace violence/harassment policy and program effectively protects workers.

Management will involve the Joint Health and Safety Committee in developing written programs and procedures, regarding workplace harassment which addresses:

- o the reporting of incidents;
- o the investigation process;
- o how the investigation information will be kept confidential, except for the purposes of taking corrective action or required by law;
- o training under the programs and procedures; and
- o an annual review of the programs and procedures.

PROCEDURES



All workers must consider the following safe work procedures:

Mobile Crews (Worksites)

- Ensure you are able to call for help. Use 2-way radios and/or cell phones in an emergency.
- Keep vehicles well maintained.
- Park all vehicles/equipment in designated safe areas. Inspect as often as necessary.
- Keep trailers locked when not in use. Maintain all lighting if possible.
- Designate a safe meeting area for all workers in case of emergency.
- Work in groups when possible. Work the same operating hours as other workers. If working alone, follow written safety procedures for working alone.
- Perform regular jobsite inspections.
- Review any potential jobsite risks from tender documents and/or client.
- Report all suspicious persons to supervisor.

Main Office

- Maintain outside lighting and keep paths, walkways and parking areas clear of obstructions.
- Maintain visitor / public entrances.
- Keep all doors not in use locked or secure.
- Maintain security alarm and security cameras.
- Front reception area should be staffed during business hours. Lock visitor doors when reception is unavailable. Keep all windows, doors and sightlines clear.
- All visitors must report to front reception desk and only enter employee areas of the building when escorted by an employee.
- Keep all cash and other valuable goods locked and hidden.
- Designate a safe meeting room(s) for employees during emergency.
- Keep all lines of communication operating- 2-way radios, phones
- Work in groups. Maintain regular operating hours with other employees. If working alone, lock all non-essential doors. Follow working alone policy.

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Drivers / Transport

- Passengers are restricted to company employees or those satisfactory to the driver. The general public is not given access to vehicles.
- Any cash/documents should be kept in a locked vehicle and handed in at the end of the shift.
- Maintain communication with other employees (i.e. dispatch, foreman) with 2-way radios or cell phones. If working alone, follow policy.
- Keep vehicles regularly maintained.
- Park in designated, well-lit areas.
- If drivers are to work in high-risk locations, information will be given by office/dispatch prior to job start.
- Never leave your vehicle / machine unlocked at night or on breaks.

Emergency Response Plan- Summoning Assistance

Workers shall:

- Immediately call for assistance if they are a victim of or witness workplace violence. If alone, call for 9-1-1 police assistance, followed by a call to your supervisor. If working in a crew, call the supervisor.
- EMERGENCY PHONE NUMBERS shall be posted at all worksites.

Supervisors shall:



- Call 9-1-1 and get assistance from the police in a violent situation. If required, call for ambulance services as well.
- Keep all other employees in a safe area away from the parties involved.
- Do not attempt to physically separate the parties involved if the violent behavior is on-going.
- Safely remove from the area anything that could be used as a weapon.
- Provide all necessary information to police if required.
- Report the incident to senior management as soon as possible.

Reporting Workplace Violence / Harassment

All workers who have been the victim of or witnessed workplace violence or harassment shall report the following information to their supervisor:

- Date, time of the incident;
- Location of the incident;
- Who were the parties involved;
- Description of the altercation/incident. Contributing factors. Physical or verbal issues. Outcome.
- Any information about other witnesses;
- Possible recommendations for prevention.

NOTE: If the Supervisor is the alleged harasser, then the victim can report to a Manager, Owner, the Ministry of Labour or Police.

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Investigating Workplace Violence / Harassment

Management will investigate all matters involving violence or harassment in the following manner:

- Supervisors will report the incident to management.
- Parties involved will meet to discuss the incident. Corrective actions and solutions will be recommended. (Police actions may determine outcomes).
- If the parties are satisfied with management's response, no further action will be taken. The written investigation and corrective actions will be filed.
- If the parties are not satisfied with management's actions, the Ministry of Labour may be called upon to investigate and offer recommendations.
- The written investigation and any corrective actions shall be available to both the victim and alleged harasser. Privacy concerns and confidentiality will be respected when writing and reviewing reports.

NOTE: Third-party agencies specializing in workplace violence and harassment may be called in to investigate.

All revisions to the program to prevent any future recurrences of the reported incident will be given to the J.H.S.C. or Health and Safety Representatives.

Information about a Person with a History of Domestic Violent Behaviour

The Occupational Health and Safety Act clarifies that employers and supervisors must provide workers with information, including personal information, related to a risk of workplace violence from a person with a history of violent behavior.

However, this duty is limited and applies only when the:

- worker can be expected to encounter the violent person in the course of his or her work and;
- risk of workplace violence is likely to expose the worker to physical injury.



Employers and supervisors must also not disclose more information than is reasonably necessary for the protection of a worker from physical injury.

The employer has to take into account a person's right to privacy under certain laws in addition to a workers' right to be informed of workplace violence risks under the O.H.S.A.

It is the policy of J-AAR Excavating to seek legal advice to comply with this regulation when this type of information is discovered or reported.

Domestic Violence

Under the O.H.S.A. an employer must take every precaution reasonable in the circumstances for the protection or workers when they are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace, and that it would likely expose a worker to physical injury.

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Workers can report their concerns to their employer if they fear domestic violence may enter the workplace.

Employers must be prepared to investigate and deal with these concerns on a case by case basis.

In developing a plan, employers and workers may be able to work with the police, courts or other organizations who may already be involved.

It is the policy of J-AAR Excavating to seek legal advice to comply with this regulation when this type of information is discovered or reported.

Work Refusals

Under the O.H.S.A. a worker can refuse to work if he/she has reason to believe they may be endangered by workplace violence. A worker may refuse work if he/she reasonably determines that a threat to exercise physical force could cause injury to the worker.

However, work cannot be refused on the grounds of workplace harassment.

The Act sets out a specific procedure that must be followed in a work refusal. It is important for employers, supervisors, workers, J.H.S.C. and safety representatives to understand and follow this procedure.

REVIEW

Management and the J.H.S.C. will review the violence and harassment policy and program annually.

ENFORCEMENT

Following this procedure is a condition of employment for all employees. This will be enforced strictly by management and supervision. Failure to follow this procedure, as set out, may lead to progressive discipline up to and including dismissal or removal from site as deemed appropriate by J-AAR Excavating.

DOCUMENT AND RECORD CONTROL

All documents and records generated as part of this procedure will be stored on HCSS/J-AAR's servers indefinitely. Any hard copies generated will be stored at J-AAR's head office for two years after project completion.

REQUIREMENTS

Training:

All employees will undergo a review and understanding of the policy and program. This will occur through the new employee orientation. Initially this was completed at the annual safety meeting.

Legislation:

Occupational Health and Safety Act, Section 32