

# ACAPULCO POOLS VIOLENCE & HARASSMENT IN THE WORKPLACE POLICY



## SCOPE

The scope of this Workplace Violence and Harassment Policy is applicable to all office and operational activities, associated with the construction and service of commercial, residential and institutional aquatic facilities.

## COMMITMENT

Acapulco Pools recognizes that all workers have the right to work in an environment free of violence, discrimination and harassment, where all individuals are treated with respect and dignity, and can contribute fully and have equal opportunities.

Under the Ontario Human Rights Code, every person has the right to be free from harassment and discrimination. Harassment and discrimination will not be tolerated, condoned or ignored at Acapulco Pools. If a claim of harassment or discrimination is proven, disciplinary measures will be applied, up to and including termination of employment.

Acapulco Pools is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. We will take every reasonable step to protect our workers from workplace violence, discrimination and harassment from all sources.

Violence, threats, and harassment are always prohibited, especially whenever: 1) the act, behavior, or communication is abusive and could cause another person physical, emotional, or psychological harm; and/or, 2) the act, behavior, or communication damages or threatens damage to an individual's property or disrupts the work, or activities of an individual or group of people.

Employees who engage in actions or threats of discriminatory, harassing or violent behavior toward other employees, visitors or the public will be disciplined, up to and including dismissal and/or arrest. A purpose of this policy is to deal with workplace violence proactively, through education, mediation, and consultation, before it escalates to the formal level of disciplinary action. Workplace violence threat incidents reaching the formal level will be dealt with by relevant rules, regulations, and policies.

## ROLES AND RESPONSIBILITIES

- Acapulco Pools, as the employer, will ensure this policy and the supporting program are implemented and maintained and that all workers and supervisors have the appropriate information and instruction to protect them from violence in the workplace.
- Management pledges to investigate and deal with all incidents and complaints of workplace violence in a fair and timely manner, respecting the privacy of all concerned as much as possible.
- Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the information they need to protect themselves.
- Managers and supervisors have the additional responsibility to act immediately on observations or allegations of harassment, discrimination or workplace violence. Managers and supervisors are responsible for creating and maintaining a harassment and discrimination-free organization, and should address potential problems before they become serious.
- Every worker must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats to Human Resources or the H&S Manager.

## **WORKPLACE VIOLENCE**

Workplace violence is the attempted, threatened, or actual conduct of a person who endangers or is likely to endanger the health and safety of staff, subcontractors or visitors; any threatening statement, harassment, or behavior that gives an individual reasonable cause to believe that their health and safety is at risk.

Examples of workplace violence include but are not limited to the following:

- Threats of harm
- Brandishing a weapon or an object which appears to be a weapon
- Intimidating, threatening, or directing abusive language toward another person
- Stalking another employee
- Slapping, punching, or otherwise physically attacking a person
- Telling another person you will “beat them up” to intimidate them
- Putting your closed fist close to another’s face in an intimidating/threatening manner
- Using greater physical size/strength or greater positional power to intimidate another

## **DISCRIMINATION**

Discrimination refers to any form of unequal treatment based on a Human Rights Code ground, whether imposing extra burdens or denying benefits. Code grounds include a worker’s citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex / pregnancy, gender identity, gender expression, family status, marital status, sexual orientation, receipt of public assistance, and record of offence(s).

Discrimination may be intentional or unintentional. It may involve direct actions that are discriminatory, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways.

## **WORKPLACE HARASSMENT**

Workplace harassment refers to engaging in a course of vexatious comments or conduct against a worker in a workplace that is known to be unwelcome. A form a harassment, sexual harassment specifically refers to 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 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, if left unchecked can escalate and in some cases, can lead to physical violence or even death.

**Examples of harassment** include but are not limited to the following:

- Epithets, remarks, jokes or innuendos related to a person’s race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other ground
- Sexual harassment, teasing, intimidating or offensive jokes or innuendos
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means
- Unwelcome, offensive or intimidating phone calls or bullying
- Leering, unwelcome gifts or attention or spreading rumors
- Cyberbullying or using the Internet to harass, threaten, or maliciously embarrass
- Comments ridiculing a person because of characteristics that are related to a ground of discrimination
- Singling out a person for humiliating or demeaning “teasing” or jokes because they are a member of a Code-protected group

## **SUMMONING IMMEDIATE ASSISTANCE**

Any person experiencing or witnessing imminent danger, personal injury from violence, violence involving weapons, or actual violence should call security or 911 immediately from their desk/task station or company-issued cellular device. Office and site staff should refer to the Acapulco Crisis Management Plan and Emergency Response Poster/Information for their office and/or geographical location of site.

## **REPORTING & INVESTIGATION PROCEDURE:**

All reporting and investigation procedures noted in section 17.0 INCIDENT/EXPOSURE/NEAR-MISS INVESTIGATION POLICY & PROCEDURE of the Employee Safety Manual should be followed in order to complete any workplace violence threat/incident investigation. Appropriate reporting agencies must be notified as noted below.

## **CRIMINAL COMPLAINTS OF WORKPLACE VIOLENCE**

Any individual who experiences or witnesses violence, threats of violence or harassing behaviour, or who has reason to suspect that these acts or behaviours are occurring, and may be of a criminal nature, should immediately notify Human Resources or the Safety Manger who will assist in completing the Workplace Violence Threat/ Incident Report form.

If these acts or behaviours occur off site or out of office the local law enforcement jurisdiction should be contacted. If the incidents are likely to be work-related or could continue in the work place, Acapulco Pools Management should be notified.

Acapulco Pools Management will investigate any criminal allegation or coordinate with the local law enforcement agency and provide a report(s) on the resources. Alleged behaviours that may not be criminal may still be subject to policy and subject to appropriate disciplinary action, up to and including termination subject to applicable statutes and contractual agreements.

## **NON-CRIMINAL ALLEGATIONS OF WORKPLACE VIOLENCE**

Alleged behaviours that may not be criminal may still be subject to this policy. An employee, subcontractor or visitor may wish to request informal review and action. If this is the case she/he should inform their supervisor/ management, Human Resources, or the Safety Manager, either orally or in writing within 30 calendar days of the last occurrence. It is not necessary to inform a direct supervisor first if an employee would prefer to discuss this matter with any of the other individuals in the positions listed above.

The supervisor, employee representative, or Human Resources staff will talk with the person reporting the workplace violence to get details about the events with the primary goal being to provide an opportunity to resolve the concerns through mediation, conflict resolution, and conciliation. Informal procedures at this time include, but are not limited to, separate meetings with the parties involved, joint meetings with the parties involved, and meetings of only the parties involved.

If resolution does not appear probable, referral of the complainant will be made to the appropriate Management to initiate the formal process and investigation for the complaint. Any employee can go directly to the appropriate formal process by completing the appropriate form. At the completion of an investigation, the worker will be informed of the results of the investigation and of any corrective action that has been or will be taken.

*Forms available include:*

- Workplace Violence Threat/Incident Report
- Domestic Violence Threat Report
- Work Refusal Report
- Employee Report to Supervisor

## **CONFIDENTIALITY**

Confidentiality is important to encourage discussion. Confidentiality will be maintained insofar as it is legal and ethical. It is not guaranteed. Depending upon the facts of a case it may be necessary for Acapulco Pools to take action, including consultation with others.

## **RETALIATION**

To better ensure a safe workplace and to encourage responsible reporting of violence in the workplace, retaliation or harassment against a person making a report in good faith, will not be tolerated and may subject the person engaging in alleged retaliation to discipline.

This Policy Statement will be communicated and displayed in appropriate office and job site locations throughout Canada and the United States. This policy provides the framework for setting and reviewing health and safety objectives of **ACAPULCO POOLS** and at a minimum will be reviewed annually.