

BMS THUNDERBIRD MANAGEMENT & LIFESTYLE CONSULTING, LTD.
POLICY AGAINST VIOLENCE AND HARASSMENT IN THE WORKPLACE

(THIS POLICY EXTENDS BUT DOES NOT REPLACE THE POSITIVE & INCLUSIVE WORKPLACE POLICY)

WORKPLACE THAT IS FREE OF HARASSMENT AND VIOLENCE

BMS Thunderbird Management and Lifestyle Consulting, Ltd. is committed to providing a work environment in which all individuals are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace. Everyone in the workplace must be dedicated to preventing workplace harassment. Every workplace participant is expected to uphold this policy; and all will be equally held accountable by BMS Thunderbird Management and Lifestyle Consulting, Ltd.

BMS Thunderbird Management and Lifestyle Consulting, Ltd. is committed to the prevention of workplace violence and is ultimately responsible for the health, safety and wellbeing of workplace participants. All steps possible, reasonable, and accessible to BMS Thunderbird Management and Lifestyle Consulting, Ltd.; including those that may be from time to time purchased or supplied; will be consulted and established to protect workplace participants from all sources and types of workplace violence. Violent behaviour in the workplace is unacceptable from any workplace participant. No individual will be invited or accepted to remain in the workplace that is engaging in behaviours that are violent or which threaten violence.

WORKPLACE VIOLENCE AND HARASSMENT PREVENTION

Authority

This policy takes into consideration and reflects for its jurisdictional and defining authority the *Occupational Health and Safety Act* and the *Workplace Safety and Insurance Board Act*. Where this policy is discrepant with or falls below the standards and expectations of these and related Acts, those Acts shall supersede this policy. The intention of this policy is for the policy to reflect and align the applicable Acts.

The Criminal Code of Canada deals with matters such as violent acts, threats and behaviours such as stalking. The police are contacted in these situations. Harassment may also be a matter that falls under *Ontario's Human Rights Code* or the *Canadian Human Rights Act*.

Responsibility for Health and Safety and for the Prevention of Harassment and Violence

BMS Thunderbird Management and Lifestyle Consulting, Ltd. is committed to the prevention of workplace violence and is ultimately responsible for the health and safety of workplace participants.

BMS Thunderbird Management and Lifestyle Consulting, Ltd. shares responsibility for occupational health and safety with the employees and other workplace participants as defined within this policy and for the purposes expressed within this policy. In this regard, this policy embraces, establishes and is the guideline and reference document for the internal responsibility system. The internal responsibility system, to be effective, must assure a complete, unbroken chain of responsibility and accountability for health and safety; inclusive of freedom from violence and harassment within the workplace.

Defining Workplace Participants for the purposes of this Policy

For the purposes of this policy, workplace participants include all regular and casual employees, subcontracted individuals, officers and directors of BMS Thunderbird Management and Lifestyle Consulting, Ltd.; and any person involved with services in association; as well as volunteers, clients, and customers involved with BMS Thunderbird Management and Lifestyle Consulting, Ltd. or participating within workplace premises where BMS Thunderbird Management and Lifestyle Consulting, Ltd. is situated for meeting obligations within service agreements. Workplace participants can also be someone with no formal connection to the workplace such as a stranger, a spouse, another family member, or a delivery person.

Defining the Workplace for the purposes of this Policy

For the purposes of this policy, the workplace is defined as those locations where BMS Thunderbird Management and Lifestyle Consulting, Ltd. conducts business and meets the obligations of its service agreements; and will be defined on a case by case basis as part of the verbal and written terms of reference for service agreements that are negotiated or implied.

Definition of Workplace Violence and Harassment as it relates to this Policy

The *Occupational Health and Safety Act* **defines workplace violence** as any exercise of physical force by a person against a worker, in a workplace and that causes or could cause physical injury to the worker. Violence by this definition also includes any:

- Attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker; and any
- Statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force or intimidation against the worker, in a workplace, that could be perceived as an attempt or occurrence causing physical injury or mental injury or emotional injury or social disruption to the worker.

The *Occupational Health and Safety Act* **defines workplace harassment** as engaging in a course of vexatious comment or conduct against a worker, in a workplace – behaviour that is known or ought reasonably to be known to be unwelcome. Typically to be considered harassment such conduct or comments typically must happen more than once. Conduct and comments involving intention or outcome to harass could occur either over a relatively short period of time (during the course of one day) or over a longer period of time (weeks, months or years). 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 can also include behaviour that intimidates or isolates or even discriminates against the targeted individual(s). Workplace harassment often involves repeated words or actions, or a pattern of behaviours, against a worker or group of workers in the workplace that are unwelcome. Workplace harassment includes what is called 'mobbing,' 'psychological harassment,' 'passive harassment,' and 'personal harassment.'

Workplace participants may face violence and harassment in the workplace and from any person in that workplace. Violence and harassment refer to a continuum of unwanted behaviours. Examples of behaviours that constitute the unsafe conditions of violence or harassment are as follows:

EXAMPLES OF WORKPLACE HARASSMENT

- Making offensive remarks toward a workplace participant,
- Using threatening gestures such as thrusting a finger or fist toward a workplace participant,

- Using hostility toward a workplace participant,
- Engaging in vexatious acts,
- Instructing others to act inappropriately, in ways that are meant to offend or inconvenience,
- Instructing others to act inappropriately, in ways that are meant or result in the social exclusion and ostracizing of any workplace participant,
- Making remarks, jokes or innuendos that demean, ridicule, intimidate or offend;
- Displaying or circulating offensive pictures or materials in print or electronic form,
- Bullying,
- Repeated offensive or intimidating phone calls or e-mails,
- Inappropriate touching, advances, suggestions or requests of a sexual or other unwanted nature,
- Making remarks that a reasonable person would consider to contravene the *Ontario Human Rights Code* or the *Canadian Human Rights Act*,

EXAMPLES OF WORKPLACE VIOLENCE

- Sending electronic mail, text messages or voice messages that are threatening,
- Verbally attacking a workplace participant,
- Threatening to break down a doorway or a window,
- Breaking down a doorway or a window,
- Shaking a fist or wielding a weapon in the workplace,
- Directing one's fist or a weapon at a workplace participant,
- Using or allowing or encouraging others to use noxious substances in the workplace or substances that are known allergens or toxins,
- Using gestures toward another person that are intended to be threatening or intimidating,
- Hitting or trying to hit a workplace participant,
- Kicking or trying to kick a workplace participant,
- Grabbing a workplace participant in an unwelcome and uninvited way,
- Grabbing a workplace participant in a way that results in harm to the workplace participant,
- Kicking an object toward a workplace participant with the intention of harming a workplace participant,
- Pushing, shoving or wrestling a workplace participant,
- Threatening or committing acts that are in any way verbally, physically, or sexually violent or which constitute an assault as defined by the *Criminal Code of Canada*.

The act of harassment or violence need not result or intend to result in harm for it to be defined as harassment or as violence based on the way it is defined in the *Occupational Health and Safety Act*.

Exclusion: Reasonable Supervision and Responsible Mitigation of a Negative Workplace is Not Violence nor Harassment

Reasonable action or conduct by an employer, manager or supervisor that is part of his or her normal work function would not normally be considered workplace harassment. This is the case even if there are sometimes unpleasant consequences for a worker or workplace participant. BMS Thunderbird Management and Lifestyle Consulting, Ltd. engaging in verbal or written reprimand and related progressive discipline of an employee or volunteer or another workplace participant does not constitute either harassment or violence.

Differences of opinion, or minor disagreements, between workplace participants do not generally constitute workplace harassment; nor would such acts constitute workplace violence.

In addition, any behaviour that would meet the definition of workplace violence would not be considered to be workplace harassment. However, workplace harassment may escalate over time into threats, or acts, of physical violence. In some cases, a targeted worker may react violently to prolonged harassment in the workplace. BMS Thunderbird Management and Lifestyle Consulting, Ltd. recognizes these behaviours and deals with them promptly and appropriately within the law and in accordance with a duty of care that meets or exceeds that required by the *Occupational Health and Safety Act*.

Responsibilities for meeting the intentions and objectives of this Policy

Through cooperation and commitment, all workplace participants can assure a workplace that is safe, healthy, free of violence and does not allow or encourage or enable harassment of any kind. Further, all workplace participants are expected to work together to prevent the hazards of workplace violence and harassment.

BMS Thunderbird Management and Lifestyle Consulting, Ltd. will take whatever steps are reasonable to protect the workplace premises and workplace participants from unsafe conditions including from violence and harassment.

Workplace Violence Program: Taking Steps to Assess, Prevent, Mitigate or Respond and Address Workplace Harassment and Workplace Violence

BMS Thunderbird Management and Lifestyle Consulting, Ltd. will **assess the risks** of workplace violence and deal with incidents of workplace violence. These risks of workplace violence shall be re-assessed as often as is necessary to protect workplace participants from workplace violence and from workplace harassment.

Measures and procedures as remedies along a continuum of prevention through control and remediation and restoration will be developed to protect the workplace and workplace participants from unsafe conditions including from harassment and violence of any kind.

The first step is to **prevent** unsafe conditions including preventing harassment and violence. This policy is critical as an aid and a guide to preventing unsafe conditions and preventing harassment and violence. Prevention also results by the communication of fact that violent behaviour or behaviour that is intended to harass another workplace participant is unacceptable from anyone within the workplace. Prevention is also effected by communicating and demonstrating that everyone who is a workplace participant must work together to prevent workplace violence. The additional step in prevention and applies across the continuum to control and remediation is that every workplace participant has appropriate information and instruction to protect them from violence in the workplace.

Early intervention using motivational interviewing and restoration of workplace safety reflecting the intention of an inclusive and respectful workplace is a way to mitigate or reduce the impacts of unsafe conditions including harassment and violence. Another measure through which this policy and its procedures will be implemented is that every workplace participant is encouraged and supported to raise any concerns about workplace violence and to report any violent incidents or threats; and can do so without fear of negative reprisal or unreasonable, biased, and unfair outcomes.

Where early intervention using appropriate and progressive steps are ineffective, the procedure of this workplace for **heightened response** is to engage the police as they are the authorized responding organization in all jurisdictions in Ontario. BMS Thunderbird Management and Lifestyle Consulting, Ltd. strives and pledges to investigate and deal with every and all incidents and complaints of workplace violence in a fair and timely manner, respecting the privacy of all concerned to the extent possible.

The following procedures shall be followed and assurance of same is provided by BMS Thunderbird Management and Lifestyle Consulting, Ltd.:

1. The workplace harassment and violence prevention policy shall be consulted whenever there are concerns about harassment or violence in the workplace.
2. Any workplace participant who perceives a risk or an occurrence of harassment or violence shall immediately report this verbally or in writing to an officer, director, or supervisory-level regular staff with BMS Thunderbird Management and Lifestyle Consulting, Ltd.; and shall provide the following information:
 - a. What happened;
 - b. Who was involved;
 - c. How the incident (behaviour / action) affected workplace participants whether physically, emotionally, psychologically, socially;
 - d. Who saw what happened;
 - e. Where it happened;
 - f. How workplace participants responded – what did those present do?
 - g. What if any records exist to document the occurrence whether photographs, recordings, video, witnesses
3. Every workplace participant will be informed verbally; and where warranted because there is a pattern of occurrences they will be informed in writing of their right and their responsibility to assure that the premises of the workplace and any workplace participant are kept free from any risk or occurrence of harassment or violence of any kind including as laid out in this policy;
4. Regarding procedure #3, the following is to be an outcome of any occurrence and is the mutual responsibility of all workplace participants at the time of the occurrence:
 - a. How and when investigations will be conducted;
 - b. What will be included in the investigation;
 - c. Roles and responsibilities of every workplace participant;
 - d. Follow-up to the investigation (description of actions and timeframe)
 - e. Recordkeeping requirements
5. Any situation that may expose a workplace participant to physical injury will result in the summoning of immediate assistance up to and including to summon the jurisdictional policing agency(ies) to the premises / location where BMS Thunderbird Management and Lifestyle Consulting, Ltd., or its staff and agents are located;
6. Any situation that may expose a workplace participant to psychological, emotional, or psychosocial injury will result in the summoning of immediate assistance up to and including to summon the Canadian Mental Health Association Crisis Response Unit to the premises of business;

7. A letter may be written as record of and a response to an occurrence; however it is not necessary for a letter to be written that there may be a record of the occurrences. Rather, the least intrusive measure will be the measure of first reliance, in that verbal warnings and discussions shall be conducted up to the point when a letter of warning and/or a letter of reprimand or other such reasonable progressive disciplinary procedures shall be followed to document the occurrences and the escalation of occurrences within the workplace. A workplace includes any remote working locations where BMS Thunderbird Management and Lifestyle Consulting, Ltd., or its staff and agents, meet obligations of service agreements. An occurrence is any situation which directly or indirectly affects workplace participants under authority of BMS Thunderbird Management and Lifestyle Consulting, Ltd.
8. BMS Thunderbird Management and Lifestyle Consulting, Ltd. will access legal consultation to investigate and deal with incidents or complaints of workplace harassment or violence;
9. BMS Thunderbird Management and Lifestyle Consulting, Ltd. will adhere to all elements as prescribed within the applicable regulations and legislations that bind this policy and the conduct of business.
10. A workplace participant who is unable to agree to meet the terms of this policy or who in the course of their conduct breaks the terms of this policy will be verbally, and where warranted by refusal to abide to verbal conditions, will be provided written correspondence that bans them from the workplace premises. Banishment can be either on a temporary basis until they are willing to comply or on a permanent basis where it is deemed that they may be unwilling or unable to comply with the terms of this policy and its procedures.
11. It is the right and responsibility of BMS Thunderbird Management and Lifestyle Consulting, Ltd.; and the Internal Responsibility System involving all workplace participants (OHSA); to disclose information on a need to know basis and would be reasonably necessary for the protection of workplace participants from physical, psychological, emotional or psychosocial injury; however, this duty is limited and applies only when one or both of the following conditions are met:
 - a. Workplace participant can be expected to encounter a person with a known history of violent behaviour in the course of his or her work or service access within the workplace premises;
 - b. Risk of workplace violence is likely to expose the workplace participant to physical injury
12. Disclosures under any of these procedures or as pertaining to this policy shall be compliant with such privacy legislation as binds the corporate objects of BMS Thunderbird Management and Lifestyle Consulting, Ltd.; and inclusive of the following but not hereby limited to:
 - a. Youth Criminal Justice Act
 - b. Personal Information Protection and Electronic Documents Act (Canada)
 - c. Personal Health Information Protection Act
13. Legal advice and support will be obtained by BMS Thunderbird Management and Lifestyle Consulting, Ltd. in matters pertaining to this policy and its procedures

14. Workplace participants may refuse to participate in the workplace if there is a perception of risk of endangerment by harassment and violence in the workplace.
15. All workplace participants under authority of BMS Thunderbird Management and Lifestyle Consulting, Ltd., are required to sign and date this policy and procedures and by their signature acknowledge their knowledge and acceptance, and intention to comply with all procedures and intentions of this policy and any related policies.

SIGNED: _____

DATED: _____