

**A MODEL POLICY FOR HARASSMENT AND VIOLENCE PREVENTION
FOR CRANE RENTAL COMPANIES PURSUANT TO CHANGES TO
THE ONTARIO *OCCUPATIONAL HEALTH AND SAFETY ACT***

This Model Policy was devised for members of the Crane Rental Association of Ontario, but may require review and specific amendment to address the circumstances of each Company.

Revised November 2016

[Company Name] (the "Company") is committed to providing its employees and all of its contractors, customers, clients and visitors a work location(s) and work environment that is free from harassment, violence or threats of violence.

The law does not permit, nor will we tolerate, harassing or violent behaviour of employees by other employees, or by contractors, customers, clients or other visitors to the workplace. Likewise, we will not tolerate harassing or violent behaviour against a contractor, customer, client or visitor by any employee of the Company.

Under this policy, the Company will take all reasonable steps to identify risks and prevent harassment and/or violent acts that affect the personal safety and wellbeing of employees, contractors, customers, clients and members of the public who may access our workplace(s) or when our employees are working off-site. The Company will also take appropriate action to protect all persons from the effects of violent behaviour.

Workplace Harassment

Workplace Harassment will include whenever a person:

- engages in a course of vexatious comment or conduct against an employee/contractor/worker in the workplace that is known or ought reasonably to be known to be unwelcome.
- Workplace sexual harassment

Prohibited harassment is any behaviour that interferes with an individual's ability to do his or her job by creating an environment that is intimidating, hostile or offensive to the employee and can include a single event or course of comment or conduct. This will include harassment because of race, sex, sexual orientation, religion, creed, color, national origin, ancestry, disability or medical condition, age, or any other basis protected by federal, provincial or local law or regulation.

Examples of prohibited harassment will include but are not limited to:

- verbal conduct such as epithets, derogatory jokes or comments or slurs;
- unwelcome remarks, questions, jokes, innuendo or taunting about a person's body, sex or sexual orientation, including sexist comments or sexual invitations;
- or unwanted sexual advances, invitations or comments; transmitting or display of derogatory and/or racially/sexually-oriented cartoons, pictures, drawings, posters or photographs;

- leering, staring or making sexual gestures to anyone, regardless of sex of the person commenting and the recipient(s);
- questions or comments about an individual's sex life or sexual history or orientation;
- display of pornographic or other sexual materials;
- unwanted physical contact such as touching, patting, pinching or hugging;
- intimidation, threats or actual physical assault of a sexual nature;

Workplace harassment will not, however, include properly discharged supervisory and management responsibilities including disciplinary action, management of performance and other conduct that does not interfere with a climate of understanding and respect for the dignity and worth of our employees.

Any reasonable action taken by a manager or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

“Workplace sexual harassment” means:

(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,

(b) or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

All managers, supervisors, and employees are equally responsible for following safe work practices and implementing and maintaining the policy and procedures as outlined. Some examples of workplace harassment are:

Workplace Violence

Workplace violent acts will include any act of:

- exercising physical force by a person against a worker, in the workplace, that causes or could cause physical injury;
- any attempt to exercise physical force against a worker in the workplace that could cause physical injury to the worker; and/or
- any statement or behaviour that it is reasonable for a person to interpret as a threat to exercise physical force against them in the workplace, that could cause physical injury to the worker.

Examples of workplace violence will include but are not limited to:

- any assault or physical attack, which will include fighting, punching, slapping, hitting, pushing, shoving, or kicking or any threat or attempt at such acts;
- the use of a weapon (including a knife or tool) or threatened use of any object as a weapon;
- any threatening behaviour such as shaking fists, throwing objects or physical confrontation or intimidation (such as crowding or cornering an individual);
- horseplay;
- stalking;
- sabotage;
- verbal or written threats.

Definition of “Workplace”

Prohibited behavior will be considered unacceptable when it occurs in or at the workplace and at or in connection with other work-related events, which will include business trips, social events with co-workers (whether or not the social event is sponsored by the company) and off-site training events.

Targeted Violence and/or Threats of Domestic Violence

The Company will take steps to plan for the unique safety and security requirements of employees who are the targets of violence, including from an abusive spouse or that otherwise arise from a domestic situation. The Company will take every precaution reasonable in the circumstances for the protection of such employee who is likely to be exposed to physical injury in the workplace from a individual who has a history of violence.

The Company will assess the risk of workplace violence that may arise from:

- the nature of the workplace;
- the type of work; or
- the conditions of work.

The assessment will also take into account:

- the circumstances that would be common to similar workplaces; and
- the circumstances specific to the workplace.

An employer which becomes aware, or ought reasonably to be aware, that domestic violence would likely expose a worker to physical injury in the workplace must take every precaution reasonable in the circumstances for the protection of the worker?

In this regard, the Company must have current knowledge and understanding of the safety, security and privacy needs of persons who may be experiencing such abuse or concern. The circumstances may include the spouse, partner, relative or acquaintance of a worker being threatened with violence and the possibility of an individual arriving in the workplace. While some disclosure of personal information could be necessary, it will be limited to what is reasonably necessary to protect the worker from physical injury. Any employee who has received a protection order preventing contact from or restraining access by another individual to the employee should immediately inform the Company of the "restraining" order, its content and terms and the identity of the individual being restrained.

If an employee, foreman, supervisor or manager becomes aware of a potential threat, reasonable precautions should be taken to safeguard all workers.

History of Violence

An employer has a duty to provide information, instruction and supervision to protect the health or safety of a worker and a supervisor has a duty to advise the worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware. This includes disclosing a reasonable amount of information about a person where a worker can be expected to encounter that person in the course of his or her work, and the risk of violence in the workplace is likely to expose the worker to physical injury.

Reporting Conduct and/or Contravention of this Policy

If an employee feels that he or she is subject to harassment or violence in the workplace or in the performance of their duties, or an employee observes harassment or violent behavior of another employee, contractor, client, customer or visitor, they should immediately report the incident to any foreman, supervisor or manager, regardless of whether the matter has been discussed directly with the individual(s) involved.

All employees are personally responsible for notifying local management of any actual or potential threats, verbal or physical, that they have witnessed, received or have been told that another person has witnessed or received. This includes threats by employees as well as threats by customers, contractors, clients or members of the public. All reports received must be documented. If local management is not available, or if the person who is believed to be committing the harassment or violent behavior is the manager, or if the employee would prefer not to report directly to management, employees should contact the **[Safety Manager and/or Human Resources]** or any other member of management they feel comfortable reporting to.

When a violent incident occurs, action must be taken to minimize its impact. Employees should respond to incidents of violence and must summon immediate security and health care assistance. Such assistance should include, but not be limited to, depending on the incident, involvement of foreman, supervisors or managers, contacting workplace and/or site security, emergency services, police and/or health services, directly or through 911. In the event of potential or actual injury, medical assistance must be contacted **immediately**. An inspector with the Ministry of Labour should be contacted and a written report provided as required by the *Occupational Health and Safety Act* in the event of a critical injury.

Employees who report and/or witness an incident should provide the following information:

- Date(s), time(s), and location(s) of the incident(s);
- Description of the incident(s).
- Name(s) of anyone present during each incident; and,
- Name(s) of anyone with whom the individual may have discussed the event.

Any Supervisor/Foreman who is aware of possible violence/harassment is required to immediately notify the Site/Office Manager, Human Resources and/or Health and Safety Manager and document the incident/report. Supervisors/Foremen and Managers who observe or become aware of a breach of this Policy or receive complaints about behaviour that violates this Policy or observe behaviour that violates this Policy must report it immediately to **[Insert Health & Safety Person/Position]**.

Investigation

Management has a duty to investigate workplace harassment and violence complaints. A thorough investigation of each complaint shall be conducted promptly and appropriate action taken. In the course of the investigation, each of the parties involved may be interviewed, as well as other individuals who may be able to provide relevant information and witness information. All information gathered during the investigation will be documented accurately and completely and will be kept confidential to the extent possible. It is important to know that some information will have to be provided to the

respondent to allow the respondent to fairly respond to the complaint. While the Company will make every effort to be sensitive to privacy issues, including the identity and statements of the parties and witnesses involved, in the course of an investigation relevant information may have to be disclosed to other participants on a need-to-know basis and to facilitate a complete investigation.

A report which summarizes the incident and investigation and results will be completed, although it may not be disclosed. Any recommendations to address the matter in respect of the workplace policies and practices in the future, will be completed and shared with the Joint Health and Safety Committee.

The **[Senior Management Position]** and/or **[Safety and/or Human Resources Manager]** will determine the parties authorized to investigate and resolve the complaint and shall monitor the investigation process.

The complainant and the respondent will be informed of the result of the investigation in writing and whether any corrective action is to be taken.

Enforcement

Behaviour that violates this Policy will not be tolerated and could result in disciplinary action up to and including termination of employment.

Reprisals

Retaliation or reprisal or any kind, by any employee, foreman, supervisor or manager against any employee or individual who has filed or pursued a complaint under this Policy or has provided information or participated in an investigation regarding a complaint, is prohibited. Such prohibited acts of reprisal will result in disciplinary action up to and including termination of employment. Alleged retaliation or reprisals are subject to the same complaint procedures and penalties as complaints of harassment.

Malicious Reports

Where it is determined that a person has made a complaint in bad faith or with the intent to harm another person/employee and/or has misrepresented what is going on in the workplace, then formal disciplinary action may be taken against the person. Conduct based on mistakes or misunderstandings shall not constitute malicious conduct.