

FAIRLEA PARK HOUSING CO-OPERATIVE, INC.

Member and Workplace Violence and Harassment By-Law No. 44

A by-law dealing with prevention and responding to violence and harassment at Fairlea Park Housing Co-op,

Passed by the Board of Directors on **Month DD, YYYY.**

Confirmed by 2/3 of the Members on **Month DD, YYYY.**

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1. By-law Statement

Fairlea Park Housing Co-op is committed to the safety of its Staff, Contractors and Members. They should enjoy a workplace or housing that is free from violence and harassment. No worker, volunteer, member or any other individual associated with the co-op shall subject any other person to violence or harassment or allow or create situations that allow violence or harassment to occur. The co-op will

- Support and promote a program on the prevention of violence and harassment
- Regularly assess the risks of violence and harassment
- Identify possible sources of violence and harassment;
- Strive to eliminate or reduce the risk of violence and harassment;
- Take every precaution reasonable in the circumstances to protect workers from domestic violence that would likely cause physical injury to workers in the workplace;
- Investigate and deal with all incidents and complaints of workplace violence and harassment in a fair and prompt manner

2. Purpose of By-law

The purpose of this by-law is to

- Identify roles and responsibilities when violence or harassment take place with members, staff and/or contractors;
- Set out how the co-op will respond to reports of violence or harassment
- Work in conjunction with Occupancy Bylaw 41 Article 5.7 Violence, Article 5.8 Domestic Violence, Article 5.9 Return of member and Article 5.10 Explanations

3. Definition of Workplace Violence and Harassment

Under the Occupational Health and Safety Amendment Act 2009, workplace violence means

- The exercise of physical force by a person against a worker, in a workplace, that causes, or could cause, physical injury to the worker,
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- A statement or behaviour that 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.

Under the Occupational Health and Safety Amendment Act 2009, workplace harassment means

- 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.
- This includes 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 includes behaviour that intimidates, isolates or discriminates against the targeted individual.

Contractors are responsible to provide proof of their own Violence and Harassment policy to the co-op office.

Members

- The exercise of physical force by a person against a member that causes or could cause physical injury to the member
- An attempt to exercise physical force against a member, within the co-op, that could cause physical injury to the member
- A statement or behaviour that is reasonable for a member to interpret as a threat to exercise physical force against the member, within the co-op, that could cause physical injury to the member.
- Engaging in a course of vexatious comment or conduct against a member, within the co-op; that is known, or ought reasonable to be known, to be unwelcome.
- This includes unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a member or group of members. It includes behaviour that intimidates, isolates or discriminates against the targeted individual.

4. Definition of Worker

For the purposes of this policy, a worker means a person who performs work or services for monetary compensation at the co-op and includes all full-time and part-time employees, casual workers, individual contractors and employees or staff of any contractor or service provider carrying out business for the co-op.

The definition of a member is someone who is 16 years of age or older and has been approved by the Board and have become residents of the co-op. Members are also responsible for their guests as per Occupancy Bylaw 41 article 5.12 Act of Others on page 15.

The definition of a complaints officer is someone who has been appointed by the board, and has signed a confidentiality agreement and is impartial and unbiased; to deal with the allegations.

5. Rights and Duties

5.1 A. Workers' Rights

Workers have a right

- a) to report an incident of violence or harassment or file a complaint without fear of retaliation;
- b) to be told about the co-op's process for looking into the incident or complaint.
- c) To choose a person to be with them during meetings about the incident or complaint.
This can be a lawyer or other person;
- d) To get information about the review of the incident or complaint;
- e) To be treated fairly while the co-op is looking into the incident or complaint;
- f) To get information about the action taken by the co-op because of the incident or complaint;
- g) To refuse work if the worker has reason to believe that workplace violence is likely to endanger himself or herself.

5.1 B. Member's Rights

Member's have a right

- a) to report an incident of violence or harassment or file a complaint without fear of retaliation;
- b) to be told about the co-op's process for looking into the incident or complaint.
- c) To choose a person to be with them during meetings about the incident or complaint.
This can be a lawyer or other person;
- d) To get information about the review of the incident or complaint;
- e) To be treated fairly while the co-op is looking into the incident or complaint;
- f) To get information about the action taken by the co-op because of the incident or complaint;

5.2 A. Workers' Duties

- a) Workers have a duty to report any incidents of violence or harassment they become aware of, even if they are not personally involved.
- b) Workers who feel they have been harassed have a duty to communicate clearly to the person who harassed them that the behaviour was unwelcome, unless it is unreasonable to expect them to do so.
- c) Workers who report an incident or file a complaint have a duty to co-operate with the people who are looking into the incident or complaint.

5.2 B. Member's Duties

- a) Members have a duty to report any incidents of violence or harassment they become aware of, even if they are not personally involved.
- b) Members who feel they have been harassed have a duty to communicate clearly to the person who harassed them that the behaviour was unwelcome, unless it is unreasonable to expect them to do so.
- c) Members who report an incident or file a complaint have a duty to co-operate with the people who are looking into the incident or complaint.

5.3 Rights of the Person Accused of Violence or Harassment

A person whether a member, contractor or worker accused of violence or harassment has the right:

- a) To be told that a report or complaint has been filed;
- b) To know who filed the report or complaint, unless the co-op decides that reprisals are an issue, in which case the name may be withheld. This should be done only in most extreme circumstances;
- c) To be told about the co-op's process for looking into the incident or complaint;
- d) To choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person;
- e) To be treated fairly during the investigation process

5.4 Duties of the Person Accused of Violence or Harassment

Anyone accused of violence or harassment has a duty to co-operate with the co-op in the investigation of the incident or complaint. The exception is where the accused is a contractor, in which case it would fall under the contractor's violence and harassment policy and report to the Board.

6. Reporting Violence and Harassment

6.1 Contractor, Worker or Staff

- a) When an incident of workplace violence occurs, the co-op will notify police or emergency responders for immediate assistance where necessary.
- b) If the incident results in a person being killed or critically injured, the co-op will immediately notify a Ministry of Labour health and safety inspector, the co-op's health and safety representative and union, if any, and within 48 hours notify, in writing a director of the Ministry of Labour.

6.2 Members/Persons

- a) When an incident occurs if it is an incident between members the member should notify the police right away.
- b) After reporting the incident to the police members should report the incident to the board of directors and the office so that they are aware of the situation and can take appropriate measures.

7. Investigating Incidents and Complaints

The co-op will investigate all incidents and complaints about violence and harassment promptly:

- a) An incident report or a complaint must be in writing and signed by the person filing the report or making the complaint unless this is unreasonable. The report or complaint should be given to the co-op manager. If the report or complaint is about the manager it can be given to the President. If the report or complaint is about both the manager and the President it can be given to any director.
- b) The co-op will designate a person, chosen by the Board of Directors, to look into the incident. This position may be called the Incident Investigator or the Complaints Officer. The designated person may or may not be a director or staff member and may be from outside the co-op.
- c) The Board of Directors will ensure that the person investigating the complaint is given the appropriate resources to carry out the investigation and will be assigned in a fair and timely manner.
- d) The designated person may be authorized to consult the co-op lawyer with the Board's consent or the consent of the President prior to the call being made. Where there is a possible legal liability on the part of the co-op, the co-op lawyer will be consulted before proceeding further.
- e) The investigation into the incident or complaint will include interviews with the parties and any others that may have knowledge of the incident or complaint. The investigation may include a review of co-op files and inspection of parts of the co-op as necessary. The designated person will submit a written report to the board.
- f) The board will consider the report and take the appropriate action where there is evidence of violence or harassment. In determining the action to take, the board will consider the seriousness of the acts. Possible actions include, in no particular order:
 - A letter of apology or a performance agreement, if the parties will agree to these;
 - Mediation between the parties or mandatory counselling;
 - Proceedings to remove someone from the board if the person at fault is a director;
 - Reprimand, suspension or dismissal if the person at fault is a worker;
 - Eviction, if the person at fault is a resident of the co-op. However, in determining what to do, the board will be guided by the eviction process;

- Establishing appropriate security measures as part of the workplace violence and harassment program.

8. Privacy

As far as possible, the co-op will keep all information relating to an incident or complaint confidential.

However, in order to investigate an incident or complaint, the person conducting the investigation may have to interview people in order to get at the facts. As far as possible in doing these interviews, that person will try to protect the identity of those involved, but this will not always be possible.

The Co-op will disclose information only on a need-to-know basis.

9. Action by Co-operative

While the incident or complaint is being investigated, the co-op is to

- a) Limit contact between the parties involved in the incident or complaint
- b) Assist the affected worker/ persons in obtaining help to deal with any stress they may be feeling (refer to the Employee Assistance Program for counselling).

10. Other Legal Rights

This by-law does not in any way limit the right of workers, members, staff or contractors to take any other legal action resulting from violence or harassment.

CERTIFIED to be a true copy of a By-law passed by the board of directors at a meeting held on the ____ day of _____, 20__.

_____ c/s

Secretary