



Professional Engineers
Ontario

PEO

Anti-Workplace Violence, Harassment and Discrimination Policy



SEPTEMBER 27, 2024

Professional Engineers Ontario Anti-Workplace Violence, Harassment, and Discrimination Policy

Note: This policy replaces the 2014 PEO Anti-Workplace Violence and Harassment Policy.

Statement of Principles

1. Professional Engineers Ontario (PEO) is committed to providing a work environment in which everyone is treated with dignity and respect, and where violence, harassment, and discrimination are not tolerated.
2. PEO is committed to ensuring a safe workplace that is free from violence for everyone, including all staff, volunteers, and Councillors.
3. PEO recognizes its obligations under the *Occupational Health and Safety Act (OHSA)* and Ontario *Human Rights Code* (“**the Code**”) with respect to workplace violence, workplace harassment, harassment, and discrimination.
4. PEO is committed to fostering an organizational culture that encourages inclusiveness, mutual respect, and psychological safety.

Purpose

5. The purpose of this policy is to:
 - a) Foster and maintain a safe, inclusive, and respectful work environment at PEO;
 - b) Ensure that PEO meets its obligations under the OHSA and the Code to prevent and address workplace violence, workplace harassment, harassment, and discrimination;
 - c) Ensure that all participants in the PEO workplace are aware of their rights and responsibilities with respect to violence, harassment, and discrimination in the workplace, including the right to make a complaint under this policy;
 - d) Identify the conduct and actions prohibited by this policy;
 - e) Establish procedures to report incidents of workplace violence or workplace harassment;
 - f) Establish procedures for addressing incidents or complaints of workplace violence, harassment, or discrimination;

- g) Outline preventative actions that may be taken to foster a safe and respectful environment; and
 - h) Outline possible remedial actions and penalties when an incident or complaint of workplace violence, harassment, or discrimination has been brought forward and substantiated.
6. This policy is *not* intended to constrain acceptable professional and social interactions at PEO, such as respectful vigorous debate at committee meetings.

Scope and Application of Policy

7. This policy applies:
- a) To all PEO staff, volunteers, and Councillors;
 - b) At every level of PEO and in all work settings, including off-site meetings, PEO-sanctioned social events, Chapter events, and all forms of electronic communication related to work;
 - c) To all aspects of the employment relationship, contractual relationship, volunteer relationship, and Councillor role and to the services provided to PEO by staff, volunteers, and Councillors.

Accessibility of Policy

8. PEO shall ensure this policy is made available to all staff, volunteers, and Councillors and that it is posted in a conspicuous place at PEO head office and on the PEO website.

Confidentiality

9. Information about an incident or complaint under this policy, including identifying information about any individuals involved, shall not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

Definitions

10. **Council** – the Council of the Association of Professional Engineers of Ontario.
11. **Councillor** – elected or appointed member of PEO Council.

12. **Discrimination** – differential treatment, whether intentional or not, that imposes a disadvantage or burden on a person or group of persons, or that results in the denial of a benefit to a person or group of persons based on one or more of the protected grounds enumerated in the *Code*.

See **Appendix 1** for a list of protected grounds and **Appendix 2** for examples of discrimination.

13. **Harassment** – engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Harassment can also include single incidents depending on factors such as their severity. Harassment includes bullying and sexual harassment. Harassment is a form of **Discrimination** when it relates to one or more of the *Code's* protected grounds.

Workplace Harassment – engaging in a course of vexatious comment or conduct against a staff member, volunteer, or Councillor in the workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment includes Workplace Sexual Harassment.

Workplace Sexual Harassment — engaging in a course of vexatious comment or conduct against a staff member, Councillor, or volunteer in the 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.

Workplace Sexual Harassment also means 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 staff member, volunteer, or Councillor and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

A reasonable action taken by an employer or supervisor relating to the management and direction of Staff or Volunteers or the workplace is not workplace harassment.

A reasonable action taken by Council relating to the governance of Councillors or Volunteers is not workplace harassment.

See **Appendix 2** for examples of harassment.

14. **Staff** – PEO employees, including contract employees and independent contractors.

Where the term “Chief Legal Officer” is used, it means the general counsel of the Association or equivalent.

Where the term “CEO/Registrar” is used, it means the Registrar of the Association.

15. **Volunteer** – any individual who provides services to PEO who is not a staff member, a Councillor, or a third party supplier. Examples of volunteers at PEO include any Chapter volunteers and any member of a regulatory committee such as the Complaints Committee or the Academic Requirements Committee. Some volunteers are appointed by Council and may be approved by the provincial government. Some volunteers may receive remuneration for their services.
16. **Workplace** - means any land, premises, location or thing at, upon, in or near which a PEO staff member or volunteer or Councillor works. For greater clarity, this includes off-site meetings, PEO-sanctioned social events, Chapter events including social events, and all forms of electronic communication related to work.
17. **Workplace Violence** -
 - a) The exercise of physical force by a person against a staff member or volunteer or Councillor, in a workplace, that causes or could cause physical injury to the staff or volunteer or Councillor;
 - b) An attempt to exercise physical force against a staff member or volunteer or Councillor, in a workplace, that could cause physical injury to the staff or volunteer or Councillor;
 - c) A statement or behaviour that is reasonable for a staff member or volunteer or Councillor to interpret as a threat to exercise physical force against the staff member or volunteer or Councillor, in a workplace, that could cause physical injury to the staff member or volunteer or Councillor.

See **Appendix 2** for examples of workplace violence.

Policy Statement

Rights and Responsibilities

18. Workplace violence, all forms of harassment, and discrimination are prohibited at PEO, and incidents of, or complaints about, prohibited conduct

shall be dealt with by PEO in a manner that is fair for all parties, timely, and consistent with the principles of procedural fairness.

Workplace Violence

19. PEO prohibits acts or threats of violence in the workplace.
20. PEO shall take appropriate action to help prevent workplace violence.
21. PEO shall make every reasonable effort to assess and mitigate the risks of workplace violence as follows:
 - a) PEO shall provide for safe work procedures;
 - b) PEO shall ensure safety in the physical work environment;
 - c) PEO shall put procedures in place for informing or advising staff, volunteers, and Councillors of potentially violent situations or people;
 - d) PEO staff, volunteers, and Councillors shall be trained on the workplace violence policy;
 - e) PEO shall provide contact information for reporting incidents of workplace violence;
 - f) PEO shall have emergency procedures in place for summoning immediate assistance when workplace violence occurs or is likely to occur.
22. PEO shall reassess the risks of workplace violence that may arise from the nature of the workplace, the type of work, or the conditions of work as often as is necessary to ensure that this policy and its workplace violence program continue to protect staff, volunteers, and Councillors from workplace violence.
23. Firearms, weapons, and explosives of any kind are strictly prohibited.
24. PEO shall investigate and deal with incidents or complaints of workplace violence as set out in the **Incidents and Complaints Investigation Procedure** at **Appendix 5**.

Domestic Violence

25. If PEO becomes aware or ought reasonably to be aware that domestic violence that would likely expose a worker to physical injury may occur in the

workplace, PEO shall take every precaution reasonable in the circumstances for the protection of the worker.

Right to Refuse Unsafe Work

26. A staff member, volunteer, or Councillor may refuse to do work where they have reason to believe that workplace violence is likely to endanger them. In such cases, the staff member, volunteer, or Councillor shall report the circumstances following the process at **Appendix 3**.

Harassment and Discrimination

27. Everyone has a right to freedom from harassment in the workplace, including harassment because of sex, sexual orientation, gender identity, gender expression, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability.
28. Staff, volunteers, Councillors, licence holders, and those accessing PEO's services have a right to be free of discrimination.
29. Staff, volunteers, and Councillors at PEO are prohibited from engaging in harassment or discrimination in the workplace.
30. Any individual, including those accessing PEO's services, is prohibited from engaging in harassment or discrimination against staff, volunteers, or Councillors in the workplace.
31. PEO shall investigate and deal with incidents or complaints of harassment or discrimination as set out in the **Incidents and Complaints Investigation Procedure at Appendix 5**.

Harassment or Discrimination in the Provision of Services

32. PEO recognizes that its staff, volunteers, and Councillors may be subjected to harassment or discrimination by individuals at PEO who are not staff, volunteers, or Councillors, such as applicants or licence holders. PEO acknowledges its responsibility to support and assist staff, volunteers, and Councillors subjected to such harassment or discrimination and to do all it can to ensure that the behaviour stops.
33. PEO also prohibits harassment and discrimination in the provision of services to third parties, including licence holders, suppliers or service providers. PEO acknowledges its responsibility to address such behaviour.

Threats, Reprisals or Retaliations and Bad Faith Complaints

34. Threats, reprisals, or retaliation in relation to the assertion of rights under this policy or enforcement of this policy are prohibited. Any such conduct is a violation of this policy and may result in disciplinary action or sanction.
35. Malicious or bad faith complaints are prohibited. A bad faith complaint is one that may be motivated by an ulterior motive, ill will, hostility, personal animosity, a lack of fairness, or a lack of total honesty. Any such conduct may result in disciplinary action or sanction. Submitting a complaint in good faith, even when the complaint cannot be proven, is not a violation of this policy.

Legal Recourse

36. No part of this policy shall at any time prevent an individual who has experienced workplace violence, harassment, or discrimination from taking legal action regarding the incident, including exercising their rights under the *Code* within the time limits specified by that legislation.

Investigation of Incidents and Complaints

37. A staff member, volunteer, or Councillor may make a complaint under this policy per the **Incidents and Complaints Investigation Procedure at Appendix 5**.
38. The CEO/Registrar or staff designate (or Council, where the incident or complaint involves the CEO/Registrar) shall ensure that an investigation is conducted into incidents and complaints of workplace violence, harassment, or discrimination that they determine appropriate in the circumstances.
39. The investigation shall ensure a fair and timely process for all parties involved. The CEO/Registrar or staff designate may engage an external investigator where they determine it is appropriate or where it is required by this policy.
40. Where the incident or complaint involves the CEO/Registrar as a complainant or a respondent, or in circumstances where it would otherwise not be appropriate for the CEO/Registrar to be responsible for the investigation, the President is responsible for ensuring there is an appropriate investigation, and an external investigator shall be engaged. Where the incident or complaint involves both the CEO/Registrar and President, the Past President shall be responsible for ensuring there is an appropriate investigation, and an external investigator shall be engaged. Where the incident or complaint involves the CEO/Registrar and the President and the Past President, the President Elect shall be responsible for ensuring there is an appropriate investigation, and an external investigator shall be engaged.

41. Where the incident or complaint involves a Councillor, an external investigator shall be engaged.
42. Where a regulated professional has been found in violation of this policy following the procedure established by this policy, the CEO/Registrar or staff designate should consider whether to make a regulatory report or complaint. Where the CEO/Registrar has been found in violation of the policy, Council should consider whether to pursue a regulatory referral.

Reporting of Incidents

43. Staff, volunteers, and Councillors at PEO shall report incidents of workplace violence and are encouraged to report incidents of harassment or discrimination, as outlined in Appendices 3, 4 and 5, in order to help foster a safe, respectful, and inclusive workplace.

Conflict with Other Policies

44. If there is a conflict between a provision in this policy and a provision in another PEO policy, the provision in this policy prevails.

Annual Review

45. This policy and its programs shall be reviewed by Council as often as necessary, but at least annually.

Appendix 1: Protected Grounds under the *Human Rights Code*

Appendix 2: Examples of Discrimination, Harassment, and Workplace Violence

Appendix 3: Workplace Violence Program

Appendix 4: Workplace Harassment Program

Appendix 5: Incidents and Complaints Investigation Procedure

Appendix 6: Process Flow Chart

Appendix 1: Protected Grounds under the *Human Rights Code*

The Ontario *Human Rights Code* prohibits actions that discriminate against people based on a protected ground in a protected social area. Protected grounds are:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity
- Gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding/nursing)
- Sexual orientation

Protected social areas are:

- Accommodation (housing)
- Contracts
- Employment
- Goods, services and facilities
- Membership in unions, trade or professional associations.

Appendix 2: Examples of Discrimination, Harassment, and Workplace Violence

Examples of Discrimination

- Not selecting someone to sit on a committee because of beliefs about their race
- Asking an applicant who is a woman whether she intends to have children
- A poisoned environment. “Poisoned environment” describes a discriminatory work environment where harassing or discriminatory comments or conduct have created a workplace that is broadly hostile, intolerable, and/or negative

Examples of Harassment

- Unwelcome remarks, jokes, innuendos, propositions, or taunting about a person’s body
- Hostile behaviour that degrades an individual based on personal attributes including age, race, gender identity, creed (e.g. religion), or any other protected ground in the Code
- Displaying racist or derogatory pictures or other offensive material
- Reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer or deny a benefit to the person
- Suggestive or offensive remarks
- Actions that create a hostile, intimidating, or offensive workplace, which may include physical, verbal, written, graphic, or electronic means
- Bullying or aggressive behaviour

Examples of Workplace Violence

- Hitting, pushing, assault or attempts thereof

- Stalking
- Standing in a manner that is intended to intimidate
- Yelling at someone
- Veiled or open threats of harm
- Aggressive or threatening hand gestures
- Displaying objects in a manner that suggests they will be used as a weapon
- Throwing objects
- Utilizing property (such as a vehicle) in an aggressive and dangerous manner

Appendix 3: Workplace Violence Program

Provision of Training and Information

PEO shall provide training for staff, volunteers, and Councillors on workplace violence, including familiarizing them with this policy and program.

PEO shall provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if,

- a) The staff member, volunteer, or Councillor (as the case may be) can be expected to encounter that person in the course of their work; and
- b) The risk of workplace violence is likely to expose the staff member, volunteer, or Councillor to physical injury.

Confidentiality

Information about an incident or complaint of workplace violence, including identifying information about any individuals involved, shall not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

Summoning Immediate Assistance

If workplace violence occurs or is likely to occur, impacted staff, volunteers, or Councillors shall:

- a) Remove themselves from the situation, where possible;
- b) Assess whether there is a need to contact first responders for immediate assistance and summon immediate assistance such as security personnel or police if the circumstances warrant; and
- c) Follow relevant emergency procedures, including notifying the appropriate PEO personnel.

Reporting Incidents of Workplace Violence

Staff shall advise, as applicable, the following persons about all incidents of workplace violence they witness, of which they have knowledge, or in which they are involved:

- Their direct manager, or the CEO/Registrar where the workplace violence involves their direct manager, or

- The Chief Legal Officer where the workplace violence involves the CEO/Registrar. The Chief Legal Officer shall inform the President of the incident.

Where a staff member feels there is a risk of workplace violence, they are encouraged to raise their concerns as set out above.

Volunteers shall advise, as applicable, the following persons about all incidents of workplace violence they witness, of which they have knowledge, or in which they are involved:

- Their PEO staff liaison, or the CEO/Registrar where the workplace violence involves their PEO staff liaison, or
- The Chief Legal Officer where the workplace violence involves the CEO/Registrar. The Chief Legal Officer shall inform the President of the incident.

Where a volunteer feels there is a risk of workplace violence, they are encouraged to raise their concerns as set out above.

Councillors shall advise, as applicable, the following persons about all incidents of workplace violence they witness, of which they have knowledge, or in which they are involved:

- The CEO/Registrar, or
- The President where the workplace violence involves the CEO/Registrar. The President shall inform the Chief Legal Officer.

Where a Councillor feels there is a risk of workplace violence, they are encouraged to raise their concerns as set out above.

The CEO/Registrar or staff designate shall report to Council on all incidents of workplace violence. Incidents of workplace violence shall be reported to relevant authorities, where required by law.

Appendix 4: Workplace Harassment Program

Provision of Training

PEO shall provide training for staff, volunteers, and Councillors on workplace harassment, including familiarizing them with this policy and program.

Confidentiality

Information about an incident or complaint of workplace harassment, including identifying information about any individuals involved, shall not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.

Reporting Incidents of Workplace Harassment

Staff – Where a staff member feels they have experienced or witnessed workplace harassment, they are encouraged to raise their concerns with:

- Their direct manager, or
- The CEO/Registrar where the workplace harassment involves their direct manager, or
- The Chief Legal Officer where the workplace harassment involves the CEO/Registrar. The Chief Legal Officer shall inform the President of the incident.

Volunteer - Where a volunteer feels they have experienced or witnessed workplace harassment, they are encouraged to raise their concerns with:

- Their PEO staff liaison, or the CEO/Registrar where the workplace harassment involves their PEO staff liaison, or
- The Chief Legal Officer where the workplace harassment involves the CEO/Registrar. The Chief Legal Officer shall inform the President of the incident.

Councillor – Where a Councillor feels they have experienced or witnessed workplace harassment, they are encouraged to raise their concerns with:

- The CEO/Registrar, or

- The President where the workplace harassment involves the CEO/Registrar. The President shall inform the Chief Legal Officer of the incident.

Appendix 5: Incidents and Complaints Investigation Procedure

This procedure sets out how PEO will investigate and deal with incidents or complaints of workplace violence, harassment, and/or discrimination.

Any staff member, volunteer, or Councillor may file a complaint under this policy by submitting a complaint in writing.

Complaints and incidents that are reported shall be investigated.

Incidents shall also be investigated in the absence of a formal report or complaint, if information has arisen that warrants it.

For the purpose of this procedure, the subject of an incident (the party whose conduct is at issue) will be referred to as a “respondent.”

Incidents and Complaints

Where the respondent to an incident or complaint is a **staff** member or a **volunteer**, the incident is reported, or complaint is made, to the CEO/Registrar or staff designate.

Where the respondent to an incident or complaint is a **Councillor**, the incident is reported, or complaint is made, to the CEO/Registrar.

Where the **CEO/Registrar** is involved in an incident or complaint as either a complainant or respondent, or in circumstances where it would otherwise not be appropriate for the CEO/Registrar to be responsible for the investigation, the incident is reported, or complaint is made, to the President. Where the President is involved in the incident or complaint, the incident is reported or complaint is made to the Past President. Where both the President and the Past President are involved in the incident or complaint, the incident is reported or complaint is made to the President Elect.

Where Council is Employer

Upon receipt of information about an incident or complaint of workplace violence where the employer is Council, Council shall be informed and shall be apprised of the progress of the investigation.

Scope of the Investigation

Upon receipt of information about an incident or complaint where a **staff** member or a **volunteer** is the respondent, the CEO/Registrar or staff designate shall authorize an investigation and determine its appropriate scope.

Upon receipt of information about an incident or complaint where a **Councillor** is the respondent, the CEO/Registrar shall authorize an investigation and determine its appropriate scope.

Where the incident or complaint involves the **CEO/Registrar** either as a complainant or a respondent, or in circumstances where it would otherwise not be appropriate for the CEO/Registrar to be responsible for the investigation, the President shall authorize an investigation and determine its appropriate scope.

Where the President is involved, the Past President shall authorize an investigation and determine its appropriate scope. Where both the President and the Past President are involved, the President Elect shall authorize an investigation and determine its appropriate scope.

Internal or External Investigator

Where the investigation involves an incident or complaint where a staff member or volunteer is the respondent, the investigation may be conducted by an internal or external investigator, as determined and appointed by the CEO/Registrar or staff designate.

Where the investigation involves the CEO/Registrar or a Councillor, an external investigator shall be appointed.

Timeline

Any investigation shall be completed within 90 days, unless delays occur due to the complexity of the matter, in good faith, and no substantial prejudice results to any person affected by the delay. Where appropriate, parties to a complaint shall be updated periodically on the status of the investigation.

Process

The investigation shall be thorough, comprehensive, and be conducted in accordance with the principles of natural justice, including:

- The right to know the case against you;
- The right to an impartial and unbiased decision-maker;
- The opportunity to be heard; and
- The right to a decision and the rationale for that decision.

Accordingly, it is expected that, for example:

- The investigator shall provide a protocol with respect to the conduct of the investigation, including with respect to process and confidentiality.
- Generally, the complainant, respondent, and relevant witnesses should be interviewed by the investigator.
- The complainant, respondent and relevant witnesses shall cooperate in the investigation, including by providing any relevant documents, unless doing so would put them at risk of violence or harassment. No one shall obstruct the investigation or withhold information or records relevant to the investigation absent a compelling reason.
- The respondent shall be permitted to fully respond to the case that is made.
- The complainant should be given the opportunity to address any such response.

Investigation Report

The investigator shall prepare a written report, setting out all steps in the investigation, the specific allegations, the responses, witness accounts, evidence gathered, findings, and the conclusion reached.

Where the respondent is **staff**, a **non-appointed volunteer**, or a **Councillor**, the written report shall be provided to the CEO/Registrar or staff designate.

Where the incident or complaint involves the **CEO/Registrar** as a complainant or a respondent, the written report shall be provided to Council.

Where the respondent is a **volunteer appointed by Council**, the written report shall be provided to Council.

The CEO/Registrar or staff designate shall report the results of all investigations to Council.

Decision and Sanctions

Based on the investigation findings, and all relevant facts and evidence, the appropriate decision-maker shall decide whether the policy has been violated, and:

- Where the respondent is a **staff member**, action and sanctions shall be determined by the appropriate employment superior in the ordinary course of employment.

- Where the **CEO/Registrar** is the complainant or respondent, action and sanctions shall be determined by the Council in the ordinary course of employment.
- Where the respondent is a **Council-appointed volunteer**, action and sanctions shall be determined by the Council.
- Where the respondent is a **non-Council appointed volunteer**, action and sanctions shall be determined by the CEO/Registrar or staff designate.
- Where the respondent is a **Councillor**, the investigation report shall be referred to the process prescribed in the Code of Conduct.

Decisions and actions taken by PEO shall be communicated to the parties.

Respondents shall receive written investigation results and information about corrective action that has been taken or will be taken. Where a complainant has alleged that they experienced workplace harassment, they shall be informed in writing of the results of the investigation and information about corrective action that has been taken or will be taken.

Record-Keeping

PEO shall keep records of all reports, complaints, or incidents of workplace violence for at least one year from the conclusion of the investigation. Records shall include written details about the incident or a copy of the complaint, investigation notes and report, copies of any witness statements, and a copy of any corrective action taken to address the incident or complaint.

Penalties for Breaches of this Policy

Where a breach of this policy has been determined in accordance with this policy, the penalties available to the decision maker where applicable are:

For Staff: determined in accordance with HR policies.

For Council-Appointed Volunteers: determined by Council.

For Non-Council Appointed Volunteers: determined in accordance with volunteer policies.

For Councillors: determined in accordance with the Code of Conduct.

Remedial Actions

Where an investigation finds harassment and/or discrimination has occurred, remedial actions may be considered depending on the nature or severity of the behaviour and the circumstances. Remedial actions include:

- An apology
- Education
- Counseling
- Where an investigation shows that workplace harassment or discrimination are prevalent or part of workplace culture, a remedial action could be training for an entire committee, Chapter, or all staff, volunteers, and Council.

Appeal Rights

There is no right of appeal under this policy. If a complainant is dissatisfied with the disposition of a complaint related to a Code protected ground, they have a right to file an application with the Human Rights Tribunal of Ontario within the time limits specified by that legislation.

Approved By: Council

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