

1.0 Preamble

This procedure sets out how the policies in SKG's Policy HR 04, Safe and Healthy Workplace shall be put into effect.

2.0 Definitions

"Director of Human Resources" means the senior executive appointed by SKG's board who is responsible for SKG's human resources policies and oversight of processes concerning human resources, regardless of the title of that position.

"OHSА" means the Occupational Health and Safety Act.

"SKG" means Shingwauk Kinooamaage Gamig.

"WSIB" means the Workplace Safety and Insurance Board.

3.0 Health and safety

3.1 Ensuring a safe and healthy workplace

The Director of Human Resources shall ensure that SKG:

- Complies with all applicable health and safety standards and requirements set out in the Occupational Health and Safety Act (OHSА), regulations concerning hazardous products and materials (WHMIS), and other applicable legislation.
- Establishes and maintains an internal responsibility system to ensure that employees, students, and others on SKG premises are in a healthy and safe workplace.
- Establishes, supports, and maintains engagement with an employee Health and Safety Representative, or Joint Occupational Health and Safety Committee (whichever is required under legislation), and meets all legislated requirements concerning the functions of the representative or committee as applicable.
- Reviews its occupational health and safety policies and processes at least once a year and shares this review with its employee Health and Safety Representative or Joint Health & Safety Committee (as applicable) in writing.
- Provides occupational health and safety awareness training to all employees as required by the OHSА.
- Posts information relevant to employees' safety, and employees' rights and responsibilities as required by the OHSА.

- Reports accidents promptly, as required by legislation.
- Participates in workplace inspections.
- Monitors on-the-job safety performance.
- Evaluates and controls risks to staff, students, visitors, volunteers, and contractors.
- Periodically reviews its health and safety program success.
- Resolves health and safety challenges in a co-operative approach with employees.
- Improves health and safety performance where risks or issues have been identified.

SKG shall train employees for safety performance. Training shall provide all employees with current safety knowledge as relevant for their duties.

3.2 Responsibilities of employees and others

SKG requires that all employees shall regard safety as a priority in all employment-related activities and they shall not endanger the health and safety of themselves or others in the workplace. Employees are expected to be familiar with prescribed safety requirements and institutional policies pertaining to their jobs, to report safety hazards or contraventions to their supervisors, and to support employee and management initiatives for improving workplace health and safety conditions. Failure to abide by these legislative standards or by applicable SKG policies, standards, or programs may result in disciplinary action up to and including dismissal.

Students, visitors, and contractors of SKG are also expected to comply with all relevant legislation and SKG policies.

3.3 Reporting and response to workplace injury

The Director of Human Resources shall ensure that SKG:

- Participates in the insurance program of the WSIB and pays required premiums.
- Complies with all requirements of WSIB concerning health and safety training, reporting of workplace-related injuries and illnesses, return to work of employees, and any other requirements.
- Provides information to employees about their entitlements from and obligations to WSIB, and, where applicable, provides appropriate support to employees in meeting their obligations to WSIB.
- Makes all reasonable efforts to facilitate and support the return to work of employees who have sustained a workplace-related injury or illness.

- Conducts a thorough review of any workplace-related injury or illness to identify preventative measures that should be taken to avoid future injuries or illness and puts into effect those preventative measures.

4.0 Reporting of and response to workplace violence

Workplace violence is prohibited at SKG. SKG will not tolerate workplace violence from any person, including employees, students, customers, contractors, and members of the public.

4.1 Definition of workplace violence

Workplace violence is defined in the Occupational Health and Safety Act (OHSA) as:

- 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 it 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.

This definition of workplace violence is broad enough to include acts that would constitute offences under Canada's Criminal Code.

Domestic violence

SKG shall meet its obligations under the OHSA to take reasonable precautions to protect employees and students if SKG is aware that domestic violence may occur in the workplace.

4.2 Reporting of workplace violence

All employees have the obligation under the OHSA to report incidents of workplace violence that are experienced or witnessed.

The Director of Human Resources shall ensure that appropriate processes are in place to:

- Inform employees about SKG's policies and their obligations concerning workplace violence,
- Encourage employees to report concerns about workplace violence and inform them of the process for reporting, and
- Investigate and respond to workplace violence in a timely and effective manner.

4.3 Response to workplace violence

SKG shall investigate any complaint raised by an employee concerning workplace violence.

4.3.1 Resolution to a complaint based on restorative justice

After a preliminary stage of investigation, the Director of Human Resources may seek resolution to a complaint based on principles of restorative justice through :

- Engaging an independent and qualified third party to pursue a response to a complaint, or
- Engaging an Elder Advisor under SKG's HR 07 Conflict Resolution policy and its associated procedure to determine a response.

The Director of Human Resources may initiate a resolution based on principles of restorative justice only if the following conditions have been met:

- Such a process would be appropriate given the nature or impact of the alleged violence that is the subject of a complaint;
- The terms of the restorative justice process clearly address whether and under what conditions the complainant, respondent, or SKG may cease the process and move to an investigation; and
- Both the complainant and the respondent (person alleged to have committed violence) have given free and informed consent to this approach.

The Director of Human Resources may initiate an investigation at any time during a response based on a restorative justice approach, if warranted by new information concerning the nature or impact of the alleged violence.

4.3.2 Investigation

Depending on the nature or impact of the alleged violence that is the subject of a complaint, SKG's Director of Human Resources may conduct an internal investigation or may request an independent and qualified third party to investigate.

Interim measures may be put in place during the investigation process.

The person(s) conducting the investigation will gather all relevant information from the appropriate parties (complainant, respondent, witnesses) and prepare and submit a written report summarizing the facts and findings and conclude whether there is sufficient evidence to substantiate a finding of a violation of policy or law. As appropriate, the report may also include recommendations on actions or sanctions relating to the issues in the complaint or on more general issues of workplace conflict or climate.

The respondent (person alleged to have committed violence) will be given the opportunity to respond to the specific allegations raised by the employee.

Information obtained about a complaint or incident of workplace violence, including identifying information about any individuals involved, will not be disclosed unless (1) disclosure is necessary to protect the employee, investigate, take corrective action, or otherwise as required by law, or (2) the individuals involved in the complaint provide free and informed consent to disclosure.

4.3.3 Outcomes of a complaint resolution

Based on the findings of the resolution based on principles of restorative justice or investigation, the Director of Human Resources will decide whether the policy has been violated.

If the policy has been violated, the Director of Human Resources shall determine the appropriate consequences for the person(s) who violated the policy.

If the matter has been addressed through SKG's policy HR 07 Conflict Resolution or another resolution process based on principles of restorative justice, consequences may include steps to be taken in restoration through that process.

If the matter has been addressed through investigation, consequences may include:

- An apology
- Counselling
- Steps to be taken in restoration agreed to in a dispute resolution process based on
- Education and training
- Verbal or written reprimand
- Suspension with pay
- Suspension without pay
- Termination of employment
- Referral to academic discipline (in the case of a student)

In determining the appropriate consequences, the Director of Human Resources shall take into account the nature of the violation of the policy, its severity, and whether the individual has previously violated the policy.

The employee who allegedly experienced the workplace violence and the respondent, if s/he is an employee of SKG, will be informed in writing of the results of an investigation and any corrective action taken or that will be taken by SKG to address workplace harassment or violence.

While employees will be advised of the outcome of an investigation, they will not generally be advised of the details of any sanction and/or remedial action against any other party.

In the event the investigation finds the complaint (in whole or in part) is upheld, SKG will undertake reasonable steps to address the complaint, which may include sanctions or other appropriate actions, including disciplinary action up to and including termination of employment.

4.3.4 Records relating to complaints, investigation, and resolution

The Director of Human Resources shall ensure that documentation related to complaints, investigations, and resolution is collected and preserved.

Documentation to be preserved includes witness interviews, notes of meetings, evidence gathered, any investigation report, and documentation on the outcome of the investigation.

This documentation shall be securely kept apart from other personnel records.

4.3.5 Where a complaint relates to the Director of Human Resources

If an employee makes a complaint relating to the conduct of the Director of Human Resources, the responsibilities given to the Director of Human Resources under this policy shall be carried out by the chair of the board.

4.4 Reporting of and response to workplace harassment

Workplace harassment is prohibited at SKG. SKG will not tolerate workplace harassment from any persons, including employees, students, customers, contractors, and members of the public.

Reporting of and response to workplace harassment is addressed by SKG's policy HR 05 Prevention of Harassment and Discrimination and its associated procedure.

4.5 Risk assessment of workplace violence and harassment

SKG shall perform a proactive assessment of the risk of potential violence that may arise from the nature of the workplace, type of work or the conditions of work, and shall develop measures and procedures to control the risk identified in the risk assessment.

SKG shall reassess the risk of workplace violence as often as necessary to ensure that its policy and processes continue to protect employees from workplace violence and/or harassment.

SKG shall review its policies concerning workplace violence and harassment at least once a year and share this review with its employee Health and Safety Representative or Joint Health & Safety Committee (as applicable) in writing.

5.0 Related Policies, Procedures & Documents

HR 04 Safe and Healthy Workplace

HR 05 Prevention of Harassment and Discrimination and its associated procedure

Supervisor Handbook

Employee Handbook

These and other SKG human resources policies and procedures may be found [here](#).

6.0 Responsible Officer

Director of Human Resources

7.0 Version history

Approved by: Director of Operations

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8.0 Resources relevant to this procedure

Guide to OHSA:

<https://www.ontario.ca/document/guide-occupational-health-and-safety-act#>

Workplace violence and harassment:

<https://www.ontario.ca/page/preventing-workplace-violence-and-workplace-harassment>

WSIB overview of responsibilities of employers:

<https://www.wsib.ca/en/businesses/resources/your-guide-services-and-responsibilities-business-edition>