

WORKPLACE VIOLENCE AND HARASSMENT POLICY

Policy Type: General CMTCA Policies
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Approval By: Board of Directors

Policy

Canadian Massage Therapy Council for Accreditation (CMTCA) is committed to ensuring a workplace free of violence, harassment, bullying, or discrimination and will not tolerate any form of violence or harassment including physical, psychological, verbal, financial or sexual. Harassment toward any CMTCA representatives will not be tolerated from any person including:

- employees, contractors, volunteers, Board members, and supervisors
- clients representing an education program seeking to achieve or maintain accreditation
- members of the public

In pursuit of this commitment, CMTCA will take reasonable steps to prevent discrimination, harassment, and violence, and will deal with incidents and complaints made in good faith in a fair, consistent, and timely manner. CMTCA is committed to investigating any complaints regarding violence or harassment, bullying and/or discrimination, using the method of progressive discipline, up to and including the point of dismissal of perpetrator(s) from any and all CMTCA work. If the perpetrator is a representative of an education program client seeking to achieve or maintain accreditation, CMTCA shall use progressive disciplinary measures up to and including termination of the program from eligibility for accreditation services.

Canada's Criminal Code specifically lays out matters such as violent acts, sexual assault, threats and behaviours such as stalking. In the event of any such behaviours, CMTCA will immediately contact the police.

Rationale

CMTCA is committed to a workplace free from all forms of workplace violence and harassment. All those who conduct any work for CMTCA including permanent and temporary staff, contractual workers and volunteers, partners and subcontractors must uphold the highest standards of professional and personal conduct. At all times CMTCA representatives must treat each other and those we serve with respect and dignity.

¹ Revised from Governance Policy GP11 - Document and Records Retention, which was approved by the Board February 17, 2021



In turn, CMTCA is committed to protecting its representatives (paid and volunteer representatives) from violence or harassment in any form in its dealings with education programs seeking to achieve or maintain accreditation, or with the public while conducting CMTCA business.

This policy will automatically apply to all of the work that CMTCA does both in Canada and internationally.

Definitions^{2,3}

Workplace violence is defined as:

- **Physical abuse** (e.g., pushing, shoving, shaking, slapping, hitting or other physical force and aggressive and/or intimidating physical actions that may cause harm);
- **Verbal abuse** (e.g., derogatory or demeaning comments, cultural slurs, use of profane language, insults, communicating in a non-professional, non-compassionate and/or disrespectful manner when delivering and receiving information including the use of a raised voice, rude, aggressive, discriminatory and threatening language);
- **Emotional abuse** (e.g., threats, intimidation, insults, humiliation and harassment);
- **Financial abuse/exploitation** (e.g., theft, forging a person's signature, influencing a person to use funds against their will);
- **Cyber abuse** (e.g., cyber bullying by conveying inappropriate images and words through any form of electronic media including text messaging, Facebook, Twitter, Instagram, TikTok, etc.); and
- **Sexual abuse/assault** (e.g. any unwanted, unsolicited sexual advances and/or comments)

Harassment is defined by the *Ontario Occupational Health and Safety Act* as “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 definition includes sexual harassment, personal harassment, psychological harassment, and bullying.

Workplace harassment does not include reasonable actions taken by an employer or supervisor relating to the management or direction of workers in the workplace.

Note that this Workplace Violence and Harassment Policy is administered in conjunction with *Ontario’s Human Rights Code*, and includes freedom from discrimination under any of the grounds established by the *Ontario Human Rights Code*, including race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy), sexual orientation, gender identity, gender expression, age (18 and over),

² College of Respiratory Therapists of Ontario. (2023, December). *Abuse Awareness & Prevention Professional Practice Guideline*. <https://www.crto.on.ca/pdf/PPG/Abuse.pdf>

³ College of Nurses of Ontario. (2020, November 11). *Sexual Abuse of Patients - What is Sexual Abuse?*. <https://www.cno.org/en/protect-public/preventing-harm/sexual-abuse-of-patients/>

marital status (including same sex partners), family status, disability, and record of offences.

Common harassing behaviours include:

- Rumour spreading;
- Jokes about sex;
- Email chains with jokes about specific individuals;
- Excluding individuals from work-related activities;
- Reviewing work unfairly or trivial fault-finding; and
- Belittling behaviour or comments.

Harassment can either occur over a period of time, or in a specific instance, depending on the specific situation.

CMTCA Representatives: Refers to but is not limited to all who do work for CMTCA including:

- Employees
- Board members,
- Volunteers,
- Surveyors and contractors.

CMTCA Workplaces: Refers to anywhere that CMTCA work is occurring, including online and in-person meeting locations, as well as site visit locations when survey teams are present.

Poisonous Work Environment: Refers to the environment created when workplace harassment or discrimination creates a hostile, negative, intolerable workplace as assessed by a reasonable, objective observer.

Prevention

In pursuit of a workplace violence and harassment-free environment, CMTCA is committed to fully preventing and/or addressing any instances of workplace violence or harassment, including sexual harassment, by:

- Providing education and training in order to ensure that all representatives understand their rights and responsibilities regarding workplace violence and harassment;
- Providing a procedure for complaints (outlined below) that is fair, timely, and effective;
- Promoting appropriate standards of conduct; and
- Informing CMTCA Representatives of their rights to a work environment in which they are always treated with respect and dignity, and the appropriate actions should those rights be violated.

This policy also prohibits any CMTCA representative who is in a position to be able to grant or deny a benefit to another representative from sexually soliciting or making advances on that person. This could include board member to board member, or surveyor

to surveyor or contractor to surveyor. Further, any reprisals for the rejection of these advances are not permitted.

CMTCA will also not permit the creation of a poisonous work environment, as created by comments or any forms of conduct that are known to be unwelcome. CMTCA will investigate all complaints in order to prevent this poisonous environment.

In addition, any representatives who experience workplace violence or harassment while in the course of representing CMTCA or conducting work for CMTCA have the right to file a complaint without any fear of reprisal. CMTCA will ensure that an investigation is conducted into any incidents or complaints of workplace violence or harassment, as appropriate.

Responsibilities

All CMTCA Representatives have the responsibility to adhere to the contents of this policy and refrain from enacting or condoning any form(s) of workplace violence or harassment as defined in this policy. When experiencing an incident of workplace violence or harassment, CMTCA representatives will first ensure immediate physical safety using any reasonable measures. Once safety is assured, all CMTCA representatives have the responsibility of immediately reporting any incident of violence or harassment witnessed, and fully cooperating in any internal or external investigations concerning all incidents. However, there is no obligation placed on any individual to report any incident that has happened to them.

All CMTCA representatives who are in positions of leadership have an additional responsibility of acting immediately upon either receiving a complaint of workplace violence or harassment or witnessing it themselves. Supervisors and managers are responsible for the creation and maintenance of a harassment-free workplace and must immediately investigate as soon as any forms of harassment become known in the workplace. CMTCA leaders have a responsibility to proactively identify risks of workplace violence and harassment and take steps to reduce any risks identified. They are also responsible to educate and train workers on this policy, to ensure this policy is available to all workers, and to review this policy on a regular basis.

CMTCA leadership is responsible to ensure that education program seeking to achieve or maintain CMTCA accreditation are made aware of CMTCA's commitment to providing a workplace free of violence and harassment for its representatives and the consequences to their accreditation application or status should they violate this policy.

Procedure

CMTCA requires any of its representatives who witness violence, harassment, bullying, or discrimination to bring forward the information as soon as possible so that an investigation may immediately commence.

Representatives will not wait to report an instance they have witnessed, or which has been reported to them, or try to investigate or resolve the issue themselves (for example waiting to assess credibility of the allegation).

Failure to report suspicion of violence or harassment relating to someone else is a breach of this policy and could lead to disciplinary action being taken. Reporting can be done without sharing details of cases where information has been shared in confidence.

At CMTCA, complaints regarding workplace violence, harassment, bullying, or discrimination may be brought forward to:

- Either the Executive Director or Chief Program Officer
- An alternate report may be made to the chair of the CMTCA board of directors if either of the above are implicated in the complaint

Immediately upon receipt of a complaint, an investigation will be started, and additional information and context will be sought. The investigator(s) will complete these actions within 30 days of the report. The investigation may include:

- A review of the details of the incident;
- Separate interview(s) with the parties involved and any witnesses;
 - The alleged perpetrator of workplace violence or harassment will be advised of the allegations, orally or in writing, and will be given the opportunity to provide relevant information and respond to specific allegations verbally or in writing.
- Examination of any relevant documents, emails, notes, photographs, or video;
- A decision about whether the complaint constitutes workplace harassment;
- The preparation of a report which summarizes the incident, the steps of the investigation, the evidence collected, and any findings;
- The implementation of potential consequences including possible dismissal of staff or board member and,
- Within 10 business days of the conclusion of the investigation, the investigator(s) will make the outcomes of their investigation available to the survivor, the accused party, and the CMTCA Executive Director.

These steps may be modified in the most appropriate manner for the circumstance and to reflect local applicable laws.

The investigation will adhere to the following transparency and confidentiality guidelines:

- Throughout the investigation, the complainant, witnesses, and the alleged perpetrator will be treated with respect and dignity.
- The investigator(s) will keep confidential all details relating to the incident, including the identities of those involved, except where it is essential to share information for the purposes of the investigation or to comply with the law.
- The investigator(s) will be transparent about the process and status of the investigation, systematically keeping survivors, complainants, witnesses, and alleged perpetrators informed of relevant aspects of their investigation process.

- All information will be received in confidence and will be documented.
- During the investigation period, the complainant and the alleged perpetrator and any individuals involved in the investigation, including witnesses, will not discuss the case with other co-workers or interested parties to ensure investigation to remain objective and unbiased. The investigator is responsible for informing all involved parties of this requirement for confidentiality.
- The investigator(s) will define which individuals need to have access to each type of information in relation to their investigation and will securely manage records such as by using password protection of files, secure computers, and locked filing cabinets and offices.
- Throughout their investigation, survivors, complainants, witnesses, and alleged perpetrators will be provided with adequate protection and support. This may include legal counsel, emotional or advisory support, and mental and physical health support.

CMTCA will take appropriate measures to ensure that representatives and/or witnesses involved in filing the complaint are protected, as necessary. This may include:

- Temporary project reassignments or flexible work options. CMTCA will ensure that these changes do not penalize any representative who brought forward a complaint, or any witness to the complaint.
- Not disclosing any information regarding a complaint of workplace violence or harassment (including any identifying personal information of any of the individuals involved), to those unaffected by the incident unless the disclosure is determined necessary. The disclosure may become necessary for the purposes of investigating the complaint, taking disciplinary action, or as required by law.
- Keeping the representative who disclosed the complaint, as well as the alleged perpetrator (provided they are both CMTCA representatives), informed about the investigation and notifying them of the results of the investigation and any subsequent actions to be taken.

Conclusion and consequences

Any CMTCA Representative found to have breached this policy by engaging in violence, harassment, discrimination, or a form of reprisal; or who breaches confidentiality expectations, fails to cooperate with an investigation, makes a complaint in bad faith, or falsifies information; may be subject to disciplinary action. Disciplinary action may range from training, counselling, written warning, work transfer, to termination of employment.

Any education program seeking to achieve or maintain CMTCA accreditation whose representatives are found to have breached this policy by engaging in violence, harassment, or discrimination toward a CMTCA Representative may be subject to disciplinary action. Disciplinary action may range from a verbal or written warning, administrative fee, to termination of accreditation agreement and status or eligibility for application for accreditation for a time determined by CMTCA.

Penalties to an education program’s accreditation status or cancellation of an accreditation application due to breach of this policy shall be subject to approval by the CMTCA Board of Directors.

Those who report an incident in good faith will be protected from all forms of retaliation, including any form of disciplinary action. This remains true if an investigation finds that their report is unfounded.

Anyone proven to have knowingly made a false report of violence or harassment shall be subject to disciplinary action.

If retaliation for an incident report occurs, it will be reported immediately to the investigator, the supervisor of the personnel experiencing retaliation, or to their supervisor if they are implicated. Any instances of retaliation will be treated as misconduct.

Any reports resulting from an investigation into complaints of violence or harassment, discrimination, or bullying are not considered to be Occupational Health and Safety reports and will not necessarily be shared with employees.

CMTCA will securely retain records of all complaints or incidents of violence or harassment including complaint reports, investigation records including witness statements and reports, and communications provided to the complainant and perpetrator, if any, according to the Records Retention and Destruction Policy.

Note: This policy will be provided in written form to all CMTCA representatives and posted in a conspicuous place at the CMTCA office and electronically in the shared drive. It will be reviewed as often as necessary, but at least annually and during the onboarding of CMTCA representatives.

Education program representative will be made aware of this policy when signing an Accreditation Agreement.

Annex

The signatory below has read, understood and is in agreement with the content of the CMTCA workplace violence and harassment policy as described above. This policy is valid until the CMTCA representative ceases to represent or work with CMTCA. This policy shall be subject to periodic revision and review. The signatory accepts the consequences of any violation of any of the above provisions under this policy. All CMTCA representatives are required to sign this policy.

Name: _____

Position: _____

Signature: _____

Date: _____

Place: _____