

# THE EXCHANGE B R E W E R Y

## Workplace Violence and Harassment Policy

### Workplace Violence

The management of The Exchange Brewery is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. We will take whatever steps are reasonable to protect our workers from workplace violence from all sources.

The Occupational Health and Safety Act defines workplace violence 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. It also includes an:

- attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker; and
- a statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

This may include:

- verbally threatening to attack a worker;
- leaving threatening notes at or sending threatening e-mails to a workplace;
- shaking a fist in a worker's face;
- wielding a weapon at work;
- hitting or trying to hit a worker;
- throwing an object at a worker;
- sexual violence against a worker;
- kicking an object the worker is standing on, such as a ladder; or
- trying to run down a worker using a vehicle or equipment such as a forklift.

Violent behaviour in the workplace is unacceptable from anyone. This policy applies to all staff, customers, suppliers, delivery persons, or others visiting the brewery. Everyone is expected to uphold this policy and to work together to prevent workplace violence.

There is a workplace violence and harassment program that implements this policy. It includes measures and procedures to protect workers from workplace violence, a means of summoning immediate assistance and a process for workers to report incidents, or raise concerns.

The Exchange Brewery, as the employer, will ensure this policy and the supporting program are implemented and maintained. All workers and supervisors will receive appropriate information and instruction on the contents of the policy and program.



Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the information they need to protect themselves.

Every worker must work in compliance with this policy and the supporting program. All workers are encouraged and expected to raise any concerns about workplace violence and to report any violent incidents or threats.

Management pledges to investigate and deal with all incidents and complaints of workplace violence in a fair and timely manner, respecting the privacy of all concerned as much as possible.

## **Workplace Harassment**

The Exchange Brewery Inc. is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace (including customers, clients, other employers, supervisors, workers, suppliers, and members of the public, as applicable).

**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, or workplace sexual harassment.

Workplace harassment can involve 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, in a workplace. It can also include behaviour that intimidates, isolates or even discriminates against the targeted individual(s).

This may include:

- making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
- displaying or circulating offensive pictures or materials in print or electronic form;
- bullying;
- repeated offensive or intimidating phone calls or e-mails; or
- workplace sexual harassment

**Workplace discrimination** means any form of unequal treatment based on an Ontario Human Rights Code ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy.

This policy prohibits discrimination or harassment based on the following grounds, and any combination of these grounds:

- Age
- Creed (religion)



- Sex (including pregnancy and breastfeeding)
- Sexual orientation
- Gender identity
- Gender expression
- Family status (such as being in a parent-child relationship)
- Marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship)
- Disability (including mental, physical, developmental or learning disabilities)
- Race
- Ancestry
- Place of origin
- Ethnic origin
- Citizenship
- Colour
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received)
- Association or relationship with a person identified by one of the above grounds
- Perception that one of the above grounds applies.

**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, or
- b) 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Workplace sexual harassment may include:

- asking questions, talking, or writing about sexual activities;
- rough or vulgar humour or language related to sexuality, sexual orientation or gender;
- displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form;
- leering or inappropriate staring;
- invading personal space;
- unnecessary physical contact, including inappropriate touching;
- demanding hugs, dates, or sexual favours;
- making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes;
- verbally abusing, threatening or taunting someone based on gender or sexual orientation; or
- threatening to penalize or otherwise punish a worker if they refuse a sexual advance.



Where the conduct or behaviour includes inappropriate sexual touching, this may also constitute a criminal offence such as sexual assault.

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Workers are encouraged to report any incidents of workplace harassment to either Robin Ridesic or whomever you report to.

Management will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Managers, supervisors and workers are expected to adhere to this policy, and will be held responsible by the employer for not following it. Workers are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment. The provisions of this policy and procedure in no way affect the right of any person to exercise his or her rights under the Ontario Human Rights Code, within the time limits specified by that legislation.

If a worker needs further assistance, he or she may contact Robin Ridesic, Sam Maxbauer or your manager.

Signed February 1, 2021

A handwritten signature in black ink, consisting of two stylized 'R' characters followed by a horizontal line.

Robin Ridesic

CEO





## **Workplace Violence and Harassment Program**

The Exchange Brewery is committed to providing a work environment free from violence and harassment, in which all workers are treated with respect and dignity. Workplace violence and/or harassment will not be tolerated from any person in the workplace (including customers, supervisors, workers, suppliers, and members of the public, as applicable).

The workplace violence and harassment program applies to all workers including managers, supervisors, temporary employees, students and subcontractors.

### **1. Workplace Violence and Harassment**

**Workplace violence** is the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.

**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 or workplace sexual 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, or
- b) 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment (egs., scheduling, annual performance review)

### **2. Reporting Workplace Violence or Harassment**

#### **a. How to Report Workplace Violence or Harassment**

If there are immediate safety concerns due to workplace violence workers should call the police for assistance.

Workers can report incidents or complaints of workplace violence or harassment verbally or in writing. When submitting a written complaint, please use the workplace harassment complaint



form (see attached). When reporting verbally, the reporting contact, along with the worker complaining of harassment, will fill out the complaint form.

The report of the incident should include the following information:

- i. Name(s) of the worker who has allegedly experienced workplace violence or harassment and contact information
  - ii. Name of the alleged harasser(s), position and contact information (if known)
  - iii. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
  - iv. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
    - a. Any supporting documents the worker who complains of violence or harassment may have in his/her possession that is relevant to the complaint.
    - b. List any documents a witness, another person or the alleged harasser may have in their possession that is relevant to the complaint.
- b. **Who to Report Workplace Violence or Harassment?**

An incident or a complaint of workplace violence or harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report a workplace violence or harassment incident or complaint to Robin Ridesic, Sam Maxbauer or your manager. If the worker's supervisor, or the reporting contact is the person engaging the workplace violence or harassment, contact Robin Ridesic. If the owner is the person engaging the workplace violence or harassment, contact Sam Maxbauer.

Robin Ridesic shall be notified of the workplace violence or harassment incident or complaint so that she can ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complaint involves the owner an external person qualified to conduct a workplace violence or harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complaints of workplace violence or harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

### 3. Investigation

#### a. Commitment to Investigate

The Exchange Brewery will ensure that an investigation appropriate in the circumstances is conducted when the employer, a manager or supervisor becomes aware of an incident of workplace violence or harassment or receives a complaint of workplace violence or harassment.



**b. Who Will Investigate**

Robin Ridesic will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace violence or harassment involve the owner, the investigation will be referred to an external investigator to conduct an impartial investigation.

**c. Timing of the Investigation**

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

**d. Investigation Process**

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

- i. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. The investigator must thoroughly interview the worker who allegedly experienced the workplace violence or harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- iii. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.
- iv. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace violence or harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- v. The investigator must collect and review any relevant documents.
- vi. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace violence or harassment, the alleged harasser and any witnesses.
- vii. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace violence or harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.



**e. Results of the Investigation**

Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace violence or harassment and the alleged harasser, if the he or she is a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace violence or harassment.

**f. Confidentiality**

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace violence or harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced violence or harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

**g. Handling Complaints**

When a complaint is received, the investigator will first determine if work can continue, if the worker's health and safety is not in danger. Then, based on the findings in the investigator's report, the owner (or external investigator) will decide whether the policy has been violated.

If the policy has been violated, the owner or external investigator will determine the appropriate consequences for the person(s) who violated the policy. These may include:

- An apology
- Counselling
- Education and training
- Verbal or written reprimand
- Suspension with pay
- Suspension without pay
- Termination of employment.

In determining the appropriate consequences, the owner or external investigator will take into account the nature of the violation of the policy, its severity, and whether the individual has previously violated the policy.





Where a violation of the policy is found, the owner or external investigator will also take any steps necessary to repair the effects of the discrimination or harassment on the complainant, and to prevent any further recurrences of harassment or discrimination within the organization.

Robin Ridesic will be responsible for monitoring the outcome of the complaint.

#### 4. **Record-Keeping**

The employer (Robin Ridesic) will keep records of the investigation including:

- a) a copy of the complaint or details about the incident;
- b) a record of the investigation including notes;
- c) a copy of the investigation report (if any);
- d) a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace violence or harassment and the alleged harasser, if a worker of the employer;
- e) a copy of any corrective action taken to address the complaint or incident of workplace violence or harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace violence or harassment, take corrective action or otherwise as required by law.

Records will be kept for at least 2 years.

**Date Created:** February 1, 2021

**Annual Review Date:** February 1, 2022





7 QUEEN ST PO BOX 1880 L0S 1J0 NIAGARA-ON-THE-LAKE CANADA

THE  
**EXCHANGE**  
B R E W E R Y

**Harassment Complaint Form**

Name of the Complainant \_\_\_\_\_

Phone Number \_\_\_\_\_

E-mail \_\_\_\_\_

Today's Date \_\_\_\_\_

Name of the Accused \_\_\_\_\_

Position \_\_\_\_\_

Relationship of the Accused to the Complainant (manager, co-worker, client, etc.)  
\_\_\_\_\_

Phone Number \_\_\_\_\_

E-mail \_\_\_\_\_

Please describe, in as much detail as possible, the incident(s) of alleged harassment. You may attach additional sheets if required. Please include:

- who was involved;
- what was specifically said or done (words, tone, actions, etc.);
- when it happened (dates and times);
- where it happened;
- any witness to the incident(s) described (names and contact information, if possible);
- how the incident(s) impacted you; and
- if the incident was reported to anyone prior to submitting this form (please provide details – who, when, what action was taken, etc).



When did the harassment begin? \_\_\_\_\_

When did the most recent incident of alleged harassment occur? \_\_\_\_\_

Summary information

	Yes	No	Unsure
Involves a single incident of alleged harassment			
Involves multiple incidents of alleged harassment			
Involves physical contact and/or assault			
Involves verbal abuse and/or threats			
Involves reprisals and/or retaliation			
Involves abuse of authority (use of authority serving no legitimate work purpose)			
Involves sexual harassment (harassment which is gender-based/of a sexual nature)			
Involves discriminatory harassment (based on prohibited ground of discrimination)			

Do you believe the Employer needs to take any interim measures pending resolution of your complaint (e.g., separation of parties, workspace relocation)?  Yes  No

If yes, please describe the requested measure and the reason why you think it is necessary.

I certify that the information provided in this complaint is true and correct to the best of my knowledge. I understand that I will not be subject to any adverse treatment as a result of making this complaint, provided that it has not been made for an improper purpose and that I have not provided information that I know to be incorrect, untrue or misleading. I understand that the Employer will maintain confidentiality of any information gathered as a result of this complaint, but will share such information as necessary to pursue resolution, including disclosing the complaint and related information to the Respondent or as otherwise required by law.

Signature \_\_\_\_\_

Date \_\_\_\_\_

