

Sexual Violence Prevention Policy

Policy Statement

[Insert Company Name] (“Insert Acronym If Applicable”) is committed to providing a working environment that is safe and free from sexual violence (i.e., sexual assault, stalking, and dating/domestic violence) for all employees (“workers”). [Insert Company Name] has an obligation and legal responsibility to maintain a workplace that is free from any form of harassment and violence. [Insert Company Name] wishes to assure all workers that it takes seriously its commitment to adhere to both the spirit and provisions of the *Human Rights Code and Occupational Health & Safety Act* to prevent sexual violence in the workplace.

[Insert Company Name] recognizes sexual violence as a potential risk to workers, and will take every reasonable precaution to protect any worker subject to the threat of violence. This includes sexual assault, stalking, dating/domestic violence and other forms of sexual harassment that cross over into the workplace.

Our work culture of respect means no type of sexual violence will be tolerated, and all incidents of intolerant or disrespectful conduct will be addressed. [Insert Company Name] will strive through proactive training and deterrence to create an environment free from such behaviour. Whether committed by a co-worker, supervisor, member of the public, or any other person with whom our organization interacts in a business capacity, conduct that is intolerant, disrespectful or sexually threatening will be considered a violation of [Insert Company Name]’s policy.

The intent of this policy and its procedures is to prevent sexual violence from taking place, and to act upon complaints promptly, fairly and thoroughly. It is recognized that [Insert Company Name] has other policies in place that pertain to harassment, discrimination and violence. This policy complements other such policies. It is not intended to supersede or conflict with any other company policies, collective agreement or prevailing laws.

Supervisors have an obligation to model professional behaviour and respond quickly to concerns and incidents of sexual violence, and not ignore, condone or tolerate such behaviour. Failure to act in such circumstances may also be a violation of the *Human Rights Code*, the *Occupational Health & Safety Act* and [Insert Company Name]’s own policy.

Complaint Procedure

If you are a target of sexual violence:

1. Tell your immediate supervisor or a member of Human Resources if you have experienced sexual violence, or are concerned for your, and your co-workers' safety.
2. Keep a record of incidents (date, times, locations, possible witnesses, what happened, your response).

If you experience, witness or learn of potential sexual violence or any other type of disrespectful or inappropriate behaviour, do not ignore it. The person observing the behaviour should either report it immediately or inquire with the individual(s) involved to determine whether the conduct observed should be reported.

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It is important to report any and all concerns of sexual violence, threats, or inappropriate sexual conduct to a supervisor or the HR director as soon as possible. Management must be made aware of the situation so that it can put in action emergency response measures, conduct an immediate and impartial investigation, and take appropriate steps to remediate or prevent the prohibited conduct from continuing. To initiate a formal investigation into an alleged violation of this policy, employees may be asked to provide a written statement about the alleged misconduct to the HR director.

Any employee who has obtained an order of protection or restraining order against an individual should notify security personnel or HR and, where possible, provide them with a picture of that individual.

Responsibility of Management

[Insert Company Name] has resources to help you, and will take your concerns seriously. [Insert Company Name] will provide information on health care, counselling, and other support services available for workers who have made a complaint of sexual violence.

Upon receipt of a report of prohibited conduct, [Insert Company Name] will take prompt action, which may include conducting an investigation. The investigative process may require [Insert Company Name] to contact the individual(s) who may have engaged in the prohibited conduct as well as witnesses to such conduct. Where there is an act or threat of workplace violence, information may be gathered to assess if the police need to be contacted.

Reprisal against a worker after they have brought forth a complaint of sexual violence or participated in an investigation is unlawful. Once allegations of such conduct is raised, management is duty-bound to investigate. Confidentiality will be maintained where possible and on a “need to know” basis. Those participating in the investigation will be required to keep their testimony confidential from others in the workplace, and Instructed not to discuss the case.

The HR director is responsible for arranging for an investigation of the alleged violence and the preparation of a written report. The complainant and respondent will be notified of the corrective actions to be taken, if any. Company officials will be advised of the results of the investigation and will administer recommendations, if any.

Under no circumstances will a legitimate complaint be dismissed or downplayed nor the complainant be told to deal with it personally.

Definitions

For the purposes of this policy, the following terms are defined:

Dating/Domestic Violence:

Dating/domestic violence is widely understood to be a pattern of behaviour used by one person to gain power and control over another person with whom they have or have had an intimate relationship. This pattern of behaviour may include physical violence; sexual, emotional, and psychological intimidation; verbal abuse; stalking; and using electronic devices to harass and control. Anyone can be a victim of dating/domestic violence, whatever their age, race, economic status, religion, sexual orientation, or education. While men can be victims of dating/domestic violence, women represent the overwhelming majority of victims.

Sexual Assault:

Sexual assault is defined as an assault of a sexual nature that violates the sexual integrity of the victim. It can include unwanted kissing, hugging, molestation, rape, and attempted rape. The Supreme Court of Canada has held that the act of sexual assault does not depend solely on contact with any specific part of the human anatomy but rather the act of a sexual nature that violates the sexual integrity of the victim. The victim of the sexual assault can be a man or woman and the attacker can be of the same sex as the victim. A spouse may be charged with sexual assault upon the other spouse.

Sexual Harassment:

Sexual harassment is any unsolicited conduct, comment, or physical contact of a sexual nature that is unwelcome by the recipient. It includes, but is not limited to, any unwelcome sexual advances (verbal, written or physical), requests for sexual favours, sexual and sexist jokes, racial, homophobic, sexist or ethnic slurs; written or verbal abuse or threats; unwelcome remarks, jokes, taunts, or suggestions about a person's body, a person's physical or mental disabilities, attire, or on other any physical or other attributes that are captured by a prohibited ground of discrimination; unnecessary physical contact such as patting, touching, pinching or hitting; unwanted attention of a sexually oriented nature such as personal questions or remarks about one's sex life or sexual orientation; patronizing or condescending behaviour; persistent requests for a date(s); displays of degrading, offensive or derogatory material such as graffiti or pictures; physical or sexual assault.

Stalking:

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. It can include, but is not limited to, acts in which the stalker directly or indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Section 264 of the Criminal Code of Canada makes stalking a crime.

Reprisal:

Reprisal is retaliation. It refers to a negative action or omission against a worker who:

- Invokes this policy, whether on behalf of themselves or another individual;

- Participates or co-operates in any inquiry under this policy;
- Associates with a person who has invoked this policy or participated in its procedures; and/or
- Performs a legitimate role under this policy.

Supervisor:

A person who has charge of a workplace or authority over a worker. Generally this would include those with a position title such as Director, Manager or Supervisor, as well as any other management type position, or those in a temporary supervisory position.

Worker:

Refers to any person regarding whom [Insert Company Name] pays wages or a salary, has control over their assigned work and has a right to control the details of their work. It also extends to the senior management level.

This includes, but is not limited to:

- a. full-time workers
- b. part-time workers
- c. seasonal workers
- d. contract workers

Workplace:

The definition of workplace means more than the four walls of a building. Workplace harassment, bullying, discrimination and violence can occur anywhere the business of the company is conducted – this includes places such as social functions, conferences, parking lots, and anywhere outside of the workplace, if the harassment and discrimination has, or could have, workplace repercussions.

Policy Administrative Controls

Responsibilities

[Insert Company Name] is responsible for reviewing this policy every three (3) years and implementing recommended amendments to ensure on-going compliance with regulated standards and legislated obligations.

Management personnel will ensure that they and the workers under their supervision are familiar with this policy.

Monitoring and Contraventions

Management personnel will monitor current practices to ensure compliance. Disciplinary action for violations of this policy will take into consideration the nature and impact of the violations,

and may include a verbal or written reprimand, suspension (with or without pay) or dismissal (with or without notice).

Similarly, any deliberate false accusations are of equally serious nature, and will also result in disciplinary action up to and including dismissal without notice for just cause.

Please note

This policy is subject to amendment and/or revocation at the company's sole discretion, without prior notice to workers.

Issue Date:	May 24, 2016	Revision Frequency:	3 years or as required
Revision Date:	New Issue	Revision Number:	0.0
Signing Authority:	[Insert Name]		
Function:	[Insert Job Title of Signing Authority]		

WORKER ACKNOWLEDGEMENT FORM

For Receipt of the Sexual Violence Prevention Policy

I have read, understood and agree to comply with the terms of this policy. I understand that violation of this policy may result in disciplinary action, possible termination and/or civil and criminal penalties.

Signature:	Date:
Printed name:	Location: