

Smithers Community Radio Harassment and Violence Prevention Policy

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Glossary

The following definitions apply to this policy:

- **Designated recipient** means the team that has been designated by Smithers Community Radio, to whom a notice of an occurrence may be submitted. For the purposes of this Policy, the HVP Team will act as the designated recipient
- **Occurrence** means an occurrence of harassment and violence in the workplace
- **Principal party** means an employee, volunteer or employer who is the object of an occurrence
- **Responding party** means the person who is alleged to have been responsible for the occurrence in a notice of an occurrence provided to the designated recipient

- **Witness** means a person who witnessed an occurrence of harassment and violence or is informed of an occurrence by the principal party or responding party
- **Workplace** means any place where an employee or volunteer is engaged in work for the employee's/volunteer's employer as per 122(1) of the Code
- **Work** can be defined as required station activities
- **Worker** is an employee or volunteer performing necessary station activities
- **Employee** is a paid employee or contractor
- **Volunteer** is a non-paid individual. This can be a programmer or anyone involved in day to day station activities
- **HSR** - health and safety representative (often Station Manager) who assists in defining policy, training and is often first to receive complaint
- **HVP** - Harassment and Violence Prevention team. Based of trained board members, staff and volunteers who enact the policy

Workplace Harassment & Violence Mission statement

Smithers Community Radio Society, in cooperation with our staff, is committed to a healthy, harassment-free and violence-free environment for all our employees/volunteers. Smithers Community Radio Society has developed a policy intended to:

- prevent and respond to workplace harassment and violence of any type, and
- effectively address any incident that might occur

Application of Policy

This policy applies to all employees, volunteers and contractors at Smithers Community Radio Society who are engaged in work, work-related activities or work-related relationships. It applies to employees, volunteers and contractors both on station property and outside of station property. This policy applies to all incidents of workplace harassment and violence, including sexual harassment and sexual violence, family violence and third party violence.

Privacy protection

Smithers Community Radio is committed to the protection of the privacy of the persons involved in an occurrence. As such, the Health and Safety Representative (see definition) is not permitted any involvement in the resolution process of an occurrence (unless also on the Harassment and Violence Prevention team) (see definition). Only trained volunteers/staff in the Harassment and Violence Prevention team will engage in the resolution process with the principal party and responding party. Further, we will not permit an investigator to disclose in any report it produces, the identity of any of the persons involved in an occurrence or the resolution process for an occurrence. This includes the principal party, responding party, witnesses and any other individuals interviewed by the investigator.

Definition of harassment and violence

The *Canada Labour Code* (the Code) defines harassment and violence at subsection 122(1) as “any action, conduct or comment, including of a sexual nature that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee or volunteer including any prescribed action, conduct or comment.”

Harassment is:

Harassment can include, but is not limited to any of the following acts or attempted acts:

- spreading rumours or gossip about an individual or group
- cyber bullying (threatening, spreading rumours or talking negatively about an individual online)
- threats made over the phone, by email, or through other medium to an employee or volunteer
- making offensive jokes or remarks
- playing unwanted practical jokes
- socially excluding or isolating someone
- stalking or inappropriately following a person
- tampering with someone’s work equipment or personal belongings
- vandalizing or hiding personal belongings or work equipment
- impeding a person’s work in any deliberate way
- persistently criticizing, undermining, belittling, demeaning or ridiculing a person

- intruding on a person's privacy
- public ridicule or discipline
- unwelcome physical contact
- sexual innuendo or insinuation
- unwanted and inappropriate invitations or requests, including of a sexual nature
- displaying offensive posters, cartoons, images or other visuals
- making aggressive, threatening or rude gestures
- misusing authority, including:
 - constantly changing work guidelines
 - restricting information
 - setting impossible deadlines that lead to failure, and/or
 - blocking applications for leave, training or promoting in an arbitrary manner
- engaging in any of the actions, conduct and comments outlined above against a person because of that person's:
 - race
 - national or ethnic origin
 - colour
 - religion
 - age
 - sex
 - sexual orientation
 - gender identity or expression
 - disability, or
 - any of the other prohibited grounds that the *Canadian Human Rights Act* lists

Harassment is not:

- consensual workplace banter and interactions (unless it includes hurtful remarks about others, especially if they pertain to any of the prohibited grounds listed above)
- reasonable management action carried out in a fair way, such as day-to-day actions by a supervisor or manager related to:
 - performance
 - absenteeism
 - assignments
 - discipline, and
 - even dismissal (unless it is abusive or discriminatory)

- every workplace disagreement, although if a conflict is poorly handled or left unresolved, it can lead to harassment

Violence

Violence can include but is not limited to the following acts or attempted acts:

- verbal threats or intimidation
- verbal abuse, including swearing or shouting offensively at a person
- contact of a sexual nature
- kicking, punching, scratching, biting, squeezing, pinching, battering, hitting or wounding a person in any way
- attack with any type of weapon
- spitting at a person

Role of Smithers Community Radio

The role of Smithers Community Radio in relation to harassment and violence prevention includes:

- Smithers Community Radio will ensure a Health and Safety Representative (**HSR**) has been appointed. In regards to this document the **HSR** will be the Station Manager. In the event that the Station Manager can not assume the role of **HSR**, the society board of directors will appoint another representative and communicate to staff and volunteers at the station. The Harassment and Violence Preventative Team can review and replace the Health and Safety Representative at any time.
- committing to preventing harassment and violence in the workplace
- jointly reviewing and, when necessary, updating this policy with the **HSR** at least **once every 3 years** or following any change to an element of this policy
- jointly conducting an initial workplace assessment with the **HSR**
- jointly monitoring and, when necessary, updating the workplace assessment with the **HSR** when there is:
 - a change to the risk factors identified, or
 - a change in the effectiveness of the preventive measures that have been developed and implemented
- jointly reviewing the workplace assessment with the **HSR** and, when necessary, updating it
- jointly developing emergency procedures with the **HSR**

- deploying the workplace emergency procedures whenever an incident, including an incident of family violence or domestic violence, poses an immediate danger to the health and safety of an employee or volunteer or there is a threat of such an incident
- jointly reviewing and, when necessary, updating the emergency procedures with the **HSR**
- making available to all employees and volunteers information related to support services
- jointly developing or identifying harassment and violence prevention training with the **HSR**
- delivering harassment and violence training to all employees and volunteers who play a role in the **HSR** or Harassment and Violence Prevention team (**HVP**) and the designated recipient
- jointly reviewing and, when necessary, updating the training with the **HSR** at least once every **3 years** and following any change to an element of the training
- ensuring that the designated recipient correctly follows the resolution process that is outlined in this document
- for investigations into an occurrence of harassment and violence, providing a copy of the investigator's report to the principal party, responding party, and **HVP** team
- jointly determining with the **HVP** team which recommendations from the investigator's report should be implemented
- implementing the jointly determined recommendations from the investigator's report
- ensuring the resolution process is completed within 1 year after the day on which a notice of an occurrence is received
- reporting to the [Labour Program](#) employee or volunteer deaths resulting from occurrences of harassment and violence, within 24 hours of becoming aware of the death
- complying with all other aspects of the Regulations and the Code as it relates to harassment and violence

Role of designated recipient (the HVP Team)

Under this policy, the Harassment and Violence Prevention team (**HVP**) will act as the designated recipient. The **HVP** is composed of at least one board member, the Station Manager and potentially one or more qualified individuals. Each member of the HVP team will receive appropriate training within 3 mths of appointment. The **HVP** team role is for **one year** and can be renewed at a Smithers Community Radio Society board meeting. The role of the **HVP** Team in relation to harassment and violence prevention at Smithers Community Radio includes:

- Attempt to respond to all notices of an occurrence within 3 days of receiving the notice with a maximum of 7
- Ensuring workplace harassment and violence prevention policy is provided to the principal party that outlines each step in the resolution process
- Informing the Principal party of their right to have representation during this process. Representation can include (but is not limited to)
 - A colleague
 - Spouse or partner
 - Family member
 - friend
- An initial review of every notice of an occurrence will be conducted
- reviewing every notice of an occurrence with the principal party against the definition of harassment and violence outlined subsection 122(1) of the Code
- making every reasonable effort to resolve an occurrence for which a notice has been provided
- allowing the principal and responding parties the option of participating in conciliation if they both agree to participate and on who will facilitate the conciliation
- providing notice of an investigation to the principal and responding parties if the principal party requests an investigation
- in the case of an investigation, selecting a person to act as an investigator from the list of trained investigators developed jointly by Smithers Community Radio and the **HSR**. This list is reviewed annually and is made available on the Smithersradio.com website within the About section.
- ensuring selected investigators have the necessary knowledge, training and experience required by the Regulations. Eg.
 - Be trained in investigative techniques

- Have the knowledge, training and experience related to harassment and violence in the workplace
- Have the knowledge of the Canada Labour Code, Part II, The Canadian Human Rights Act and other relevant legislation
- Have no conflict of interest in the occurrence
- providing investigators all the information that is relevant to their investigation
- providing monthly status updates to the principal and responding parties on the status of the resolution process
- Documentation of past cases will be kept in confidence indefinitely for historical tracking and reference.

Role of the Health and Safety Representative (HSR)

The **HSR** at Smithers Community Radio will be the Station Manager. The role of the **HSR** in relation to harassment and violence prevention at Smithers Community Radio includes:

- implementing the preventive measures developed by the **HSR** at the local workplace level
- jointly reviewing and updating with Smithers Community Radio the workplace assessment:
 - in situations where the principal party chooses to end the resolution process but the occurrence is not resolved, or
 - in situations where the responding party is not an employee or the employer (for example volunteers, contractors, former partners)
- jointly determining with Smithers Community Radio which of the investigator's recommendations from the investigator's report are appropriate to implement

Role of volunteers and employees

The role of all volunteers and employees in relation to harassment and violence prevention at Smithers Community Radio include:

- refraining from committing harassment and violence
- where appropriate and safe, informing a person committing harassment and violence that their actions are inappropriate and unwelcome
- reporting all occurrences of harassment and violence to their supervisor or the **HVP** team when they experience or witness it
- where appropriate, making every reasonable effort to resolve an occurrence of harassment and violence through negotiated resolution if they were a party to an occurrence
- cooperating with an investigator and the investigation process related to an occurrence
- refraining from retaliatory behaviour against the principal party, responding party, witnesses and any other individuals who are involved in the resolution process for an occurrence
- respecting the confidentiality of the information shared throughout the resolution process of an occurrence

Background Factors that contribute to workplace harassment and violence

There are a number of factors that can contribute to workplace harassment and violence. These factors can be divided into 5 general categories:

- people characteristics
- physical work environment
- work activity/culture
- job factors, and
- other external factors

People characteristics

Working with people that exhibit certain characteristics can put employees at greater risk of harassment and violence. This can include working with people who may lash out at the closest person due to:

- being angry and frustrated with the system
- having a history of violence
- a mental health condition, emotional disorder, or a head injury
- racist, sexist, homophobic, transphobic, ableist or otherwise discriminatory attitudes and behaviors
- being under the influence of drugs or alcohol

Physical work environment

Certain work environments and workplace designs can result in additional risks that may lead to harassment and violence. In relation to CICK, the environment our volunteers and employees experience may include:

- working alone, in small numbers or in isolated or low-traffic areas which is common in our studio
- working in community-based settings (music festivals, etc)
- having a mobile workplace
- working in a poorly designed area, such as our cramped studios or music library where there is poor visibility of volunteers or staff
- working in an overcrowded environment (music festival)
- working in an environment with high noise levels (fundraising events)

Work activity/culture

- working with the public
- handling money, or items of significant value (eg. sound equipment)
- working in an environment that tolerates or promotes racist, sexist, homophobic, ableist, or otherwise discriminatory attitudes and behaviours
- working during periods of intense organizational change (for example strikes, privatization, restructuring, downsizing)
- working in the same workplace with an (ex) partner who is abusive

Job factors

Aspects specific to a job, such as mental and physical demands of the job, can result in additional hazards that may lead to harassment and violence. This can include:

- lack of control over how work is done
- excessive workload
- unreasonable or tight deadlines leading to high stress
- confusing, conflicting or unclear job or roles
- ambiguous or complicated reporting structures
- lack of job security

Other external factors

Other external factors that can result in harassment and violence include:

- Family violence or domestic violence, such as a family member or (ex) partner

Harassment and violence prevention training

Smithers Community Radio will provide all of its employees and those on the **HSR** and **HVP** teams with a harassment and violence training course. This course will cover:

- elements of the workplace harassment and violence prevention policy
- the relationship between workplace harassment and violence and the prohibited grounds of discrimination under the *Canadian Human Rights Act*
- how to recognize, minimize and prevent workplace harassment and violence

All new employees will receive training within **3 months** after the day on which their employment begins. Further, all employees will receive this training again at least once every **3 years**.

The following groups will receive training on their obligations in relation to harassment and violence at least once every **3 years**:

- managers
- members of the **HVP** Team

Outline of the resolution process

Below is a summary of the resolution process. It includes how a principal party, or witness, can submit a notice of an occurrence.

Notice of an occurrence

You are encouraged to notify the Station Manager or the **HVP** Team (the designated recipient) if:

- you are an employee or volunteer who experience harassment and violence in the workplace, or
- you are an individual (employees or non-employees) who witnessed an occurrence of harassment and violence in the workplace

Notify the **HVP** Team by telephone at **(250)847-9455**, or by email at: **CICK-HVP@gmail.com**

The **HVP** Team will ask the employee or individual to fill out a form, in which they provide the following information:

- the name of the principal party and the responding party (if known)
- the date of the occurrence
- a detailed description of the occurrence

If an employee or individual is not able to provide this information in written form, they may provide this information to the **HVP** Team orally. The **HVP** Team will then transcribe the information for them on the form.

Please note that, in order to proceed with the resolution process, it is mandatory to provide the name or identity of the principal party who was involved in the occurrence. If you do not provide the name or identity of the principal party, the occurrence will not be further reviewed.

Smithers Community Radio cannot reveal the identities of the parties involved in the resolution process for an occurrence to either the **HSR** without the consent of the parties. However, the identities of the parties may be revealed to each other as part of the resolution process.

Negotiated resolution

Negotiated resolution is a form of informal resolution where the principal party meets with the employer or designated recipient to:

- discuss the occurrence
- clarify what was submitted in the notice of occurrence, and
- attempt to reach resolution internally

During a negotiated resolution, the **HVP** Team will ask the principal party to meet, either in person or by phone, with a member from the **HVP** Team. This meeting is for an initial discussion regarding the occurrence. During this discussion, the member of the **HVP** Team and the principal party will review the notice of occurrence that they received against the definition of harassment and violence in the Code. Together, they will try to determine whether the occurrence meets the definition. If both the member of the **HVP** Team and the principal party agree that the occurrence does not meet the definition, then they will deem the occurrence as resolved. If the member of the **HVP** Team and the principal party do not agree as to whether the occurrence meets the definition, and the principal party wishes to continue with the resolution process, then the principal party has the option of either:

- continuing with negotiated resolution, or
- pursuing conciliation and/or an investigation

If the principal party wishes to continue with a negotiated resolution, they must inform the **HVP** Team of this decision. The **HVP** Team will schedule a series of meetings with the principal party. At the meetings, where applicable, the responding party will discuss the occurrence and attempt to achieve resolution. The responding party does not have to be informed of the principal party's notice of occurrence or be involved at this stage of the resolution process. This is only if the principal party does not wish for them to be notified or involved. The **HVP** Team can arrange for any of the following meetings:

- meetings with only the principal party and a member from **HVP** Team
- meetings with the principal party, responding party and a member from the **HVP** Team
- meetings between the principal party and a member from **HVP** Team with concurrent but separate meetings between the responding party and a member from the **HVP** Team

The **HVP** Team will attempt to reach resolution with the principal party within 45 days after the day on which the notice of an occurrence is received.

Conciliation

A principal party and responding party may engage in conciliation at any time during the resolution process. However, conciliation can only proceed if both the principal party and the responding party agree to engage in conciliation. They must also agree on the person who will facilitate the conciliation. However, conciliation can only proceed if an investigator has not provided their final investigation report.

The principal party and responding party are required to inform the **HVP** Team of their desire to participate in conciliation. The **HVP** Team will then facilitate discussion around the selection of a conciliator who is agreeable to both parties. The **HVP** Team will also schedule time for both parties to meet with the conciliator. The conciliator may or may not be another member of the organization.

Investigation

When no resolution is found through negotiated resolution or conciliation, and when requested to do so by a principal party, an investigation will occur. The **HVP** Team will then:

- provide notice of an investigation to the principal and responding party, and
- select an investigator from the list that has been jointly developed with the **HSR**

The selected investigator will investigate the occurrence and provide Smithers Community Radio a report outlining:

- a general description of the occurrence
- their conclusion (which will include the circumstances that contributed to the occurrence), and
- their recommendation to eliminate or minimize the risk of a similar occurrence

Smithers Community Radio will then provide a copy of this report to the principal party, responding party and the **HVP** team.

The report will not reveal, directly or indirectly, the identity of the persons who were involved in the occurrence or the resolution process for the occurrence.

Smithers Community Radio and the **HVP** will then meet to determine which of the recommendations in the investigator's report are to be implemented. Smithers Community Radio will aim to implement those recommendations within **6 months** and a maximum of **1 year** of receiving the notice of occurrence.

Smithers Community Radio may take into consideration the findings in an investigator's report when applying disciplinary measures. However, disciplinary measures will also depend on the findings from a separate administrative investigation that the Smithers Community Radio will conduct in some circumstances.

Smithers Community Radio cannot use the findings in an investigator's report for any of the following purposes:

- in the case of paid staff specifically - replenishment of sick leave
- in the case of paid staff specifically - granting of any additional paid or unpaid leave
- monetary remuneration for damages

However, the section Recourse avenues in this policy describes other recourse methods an employee can pursue.

The principal party may stop the resolution process at any time. They must inform the **HVP** Team or designated recipient that they are choosing not to continue with the process. If an investigator has filed a report, neither the negotiated resolution nor conciliation mechanisms may be used.

Protection against reprisal

Parties involved in an occurrence are forbidden from seeking retaliation. If you experience any retaliatory action or threat of retaliatory action from the responding party, witnesses, management, or other people within or outside the organization, please inform the **HSR** or the **HVP** Team immediately.

Workplace assessment

The **HVP** Team will conduct a joint workplace assessment. The assessment will examine:

- Internal factors, including the culture, conditions, activities and organizational structure
- External factors, including family violence that may occur in the workplace
- Any reports, records or data about harassment and violence
- The physical design of the workplace
- Any measures that are in place to protect psychological health and safety

Smithers Community Radio must work with the **HSR** to develop preventive measures to reduce risks (and not create any further risks), develop a plan to put these measures in place, and then implement the plan. These preventive measures must be developed and implemented within **six months** after the risk factors are identified.

If necessary, they will update the workplace assessment if an employee submits a notice of an occurrence and the resolution process cannot proceed for any of the following reasons:

- the principal party chooses to end the resolution process at any point during the resolution process but the occurrence is not resolved
- the responding party is not an employee or volunteer of the employer The purpose of the review and update of the workplace assessment is to:
- determine what happened, taking into account the circumstances of the occurrence
- determine whether all risk factors have been appropriately identified
- develop new preventive measures, if needed, to mitigate the risk of a similar occurrence

For more information, consult the [sample risk assessment](#) or on our website [here](#).

Emergency procedures

If a harassment and violence occurrence poses an immediate danger to the health and safety of an employee or volunteer, or if there is a threat of such an occurrence, please contact the Station Manager at **778-210-0990** or call **911 for emergency services** (police, fire and ambulance).

Below is a summary of the emergency procedures that the Smithers Community Radio must implement in various types of situations.

Violence in the workplace

If you witness or experience violence at work:

- remove yourself from the situation if you can
- inform the station manager or seek help from a co-worker immediately
- if the station manager is the perpetrator, notify another staff member, a representative of the Board in the line of authority or the **HVP** team.
- if your physical security or well-being is threatened if possible call 911
- contact the Emergency Contact individual(s) that are posted within the train-car studio or within the CICK Orientation Manual as soon as you are able to do so

Tips on De-escalation:

- stay calm
- try to calm the other person or diffuse the situation
- avoid saying or doing anything that could aggravate the situation
- avoid eye contact or sudden movements that can be perceived as threatening
- respect the person's personal space
- continue the conversation with the person only if the person calms down
- tell the person that you understand the reason for their anger
- if the behavior persists, end the conversation
- politely notify the person that you will leave the work area or ask them to do so
- notify the station manager or seek help from a co-worker immediately (contact info on studio wall)
- if the person refuses to leave the premises and the situation escalates call 911

Active shooter

If you witness an incident involving an active shooter outside the train-car:

- stay out of sight (away from windows) and warn colleagues and visitors
- leave the area at risk
- when safe to do so, call 911, the emergency contacts within train-car studio and other building occupants
- if you cannot evacuate the building safely, lock outside doors and close the blinds and curtains
- wait for instructions from first responders

If you witness an incident involving an active shooter inside the train-car:

- stay calm
- if you can do so safely, leave the area immediately
- warn as many others as possible without attracting the attention of the assailant
- if you can do so safely, call 911 and notify the emergency contacts available on the studio wall and other building occupants
- lock the doors
- close the blinds and curtains
- if you are in a washroom, remain there if safe to do so
- silence your cellphone, turn off radios and computers
- if you cannot escape, remain silent and hide until first responders arrive
- wait for instructions from first responders

Bomb threat

If you are made aware of a bomb threat by telephone:

- listen to the caller calmly and do not interrupt them
- try to get as much information as possible, such as:
 - when the bomb is supposed to explode
 - where the bomb is located
 - description of the device
 - reason for the call or motivation for the threat
 - telephone number on the display screen (if possible)
- Remember any details you can about the caller, such as:
 - approximate age

- gender
- accent
- level of nervousness
- any background noise
- call 911 and inform the station manager or notify the emergency contacts available on the studio wall
- remain available to provide information to first responders

If you are made aware of a bomb threat by e-mail:

- save the email (or letter)
- send it immediately to the police and Station Manager

If a bomb alert is activated (for example, over intercom):

- visually inspect your immediate work area including:
 - wastepaper baskets
 - storage areas
 - dislodged suspended ceiling panels
 - furniture that has been moved
 - closets
- inform the station manager of the results of your search
- if you find a suspicious package, do not touch it and inform the police and station manager immediately
- do not evacuate the building until the security services authorize you to do so

Recourse avenues

Employees or volunteers (see definition) can pursue multiple recourse avenues for their occurrence. This includes:

- pursuing recourse under the *Canadian Human Rights Act* with the *Canadian Human Rights Commission*, or
- pursuing recourse under the *Criminal Code*

Support measures

Employees and volunteers can access a list of medical, psychological or other support services available within a 30-km radius at the following links:

<https://domesticpeace.ca/contact/>

<http://www.smitherscommunitydirectory.com/directory>

<http://www.crisisservicescanada.ca/>

Suicide hotline - 1-833-456-4566 (Canadian Mental Health Assoc)

Supports and resources related to family violence are available at:

[Ending Violence Canada - Support Services](#).

Notices submitted in bad faith

Notices of harassment and violence that are identified throughout the resolution process as having been made in bad faith may be subject to disciplinary action.

Complaints related to employer non-compliance with the Code or Regulations

In accordance with section 127.1 of the *Code* or Regulations, if you, as an employee or volunteer believe that there has been a contravention of the *Code* as it relates to an occurrence of harassment and violence, you may make either an oral or a written complaint to both the Station Manager and the HPV team. You can reach Glen Ingram at 250-847-8769 (glen@smithersradio.com) and the HPV team at CICK-HVP@gmail.com