



## **CORK WORKPLACE VIOLENCE POLICY**

### **POLICY STATEMENT**

CORK believes in the prevention of violence and promotes a violence-free work and sporting environment in which all people respect one another and work together to achieve objectives. Any act of violence committed by or against any member of CORK or member of the public, is unacceptable conduct that will not be tolerated.

This applies to all activities that occur while on CORK premises or while engaging in CORK activities, or social events.

This policy outlines the guidelines for a violence-free workplace.

The purpose of this policy is to:

1. Ensure individuals are aware of and understand that acts of workplace violence are considered a serious offence for which necessary action will be imposed.
2. Provide a definition of workplace violence.
3. Ensure that incidents of workplace violence are reported to management/designated individuals and/or law enforcement as appropriate.
4. Ensure that complaints of workplace violence are handled in a timely and efficient manner and individuals are advised of available recourse if they are subjected to, or become aware of, situations involving workplace violence.

For incidents involving Harassment or Discrimination, refer to the Harassment and Discrimination Policy. For incidents involving Complaints or Disputes, refer to the Complaints Policy.

### **APPLICATION:**

This policy applies to all directors, officers, volunteers, coaches, athletes, parents, guardians, officials, judges, employees, and members of CORK. It applies to violence which may occur during all CORK business, activities and events.

For the purpose of this policy, a CORK workplace includes all places where CORK activities and business occurs and includes buildings, parking lots, perimeters, race courses, ramps and off-site locations where CORK events or activities may take place.

### **DEFINITION:**

Workplace violence is defined as:

1. The use of physical force against or by an individual that causes, could cause, or is intended to cause injury. This includes, but is not limited to, physical acts such as punching, hitting, kicking, pushing, intentionally damaging property or throwing objects.
2. The attempted use of physical force against or by an individual that could have caused or was intended to cause physical injury.
3. An action or statement (or series of actions or statements) reasonably believed to be a threat of physical harm or a threat to safety or security in the workplace; and
4. Bringing a weapon of any kind to CORK or possessing a weapon (excluding tools such as sailing/rigging knives) of any kind while carrying out activities or threatening to bring a weapon of any kind.

Every person at CORK is responsible for acting in compliance with this policy.

### **CORK EXECUTIVE RESPONSIBILITIES:**

- To understand and abide by the requirements of this policy
- To ensure that the workplace is free from violence and that no individual is subjected to violence in the workplace to the best of our abilities
- To ensure this policy and all supporting programs are implemented and maintained and that all individuals have the appropriate information and instruction to prevent workplace violence
- To encourage individuals to report complaints or incidents of workplace violence to CORK
- To respond promptly and professionally to any complaints of workplace violence

### **CORK MEMBER AND INDIVIDUAL RESPONSIBILITIES:**

- To comply with the policy at all times and to protect themselves and others in the workplace from workplace violence.
- To notify their supervisor or other designated person of any incident of workplace violence whether the notifying individual is the victim or not. In the case of an extreme or imminent threat of physical harm to themselves or any person from workplace violence, the individual should ensure their own immediate safety and then contact the police.
- To understand this policy and procedures directed at workplace violence risks in the workplace; and
- To fully cooperate in any investigation of complaints or incidents of workplace violence or breaches of this policy.

### **DOMESTIC VIOLENCE:**

Any individual experiencing violence outside of the workplace (i.e. domestic violence) that may create a risk of danger to themselves or others in the workplace is encouraged to report such violence so that CORK can take appropriate steps to assist.

Supervisors must report any incidences related to domestic violence that pose a threat to the workplace to the CORK Executive.

## **COMPLAINT PROCEDURE:**

1. Prior to filing a formal complaint of the incident, a person subjected to workplace violence (the complainant) is encouraged to let their objections to the behaviour be known to the alleged offender (the offender), directly or with the assistance of a third party. Should attempts to resolve the situation not be possible, or if the behaviour should continue, the complainant should submit a formal complaint.
2. A complainant may ask for support from their supervisor to communicate their objections to the incident and/or to prepare and submit a formal complaint if they choose.
3. The complainant should carefully record details of the incident including the date and time of the incident, the nature of the violence, and names of people who may have witnessed the incident. This document is the complainant's personal record and property.
4. The complainant may choose to file a formal complaint that documents their concerns to their supervisor.

## **REPORTING WORKPLACE VIOLENCE:**

Individuals who wish to file a formal complaint of workplace violence may do so by speaking with their supervisor and/or contacting a member of CORK staff or CORK Executive.

All complaints and incidents are to be recorded in writing by the reporting individual and the supervisor/individual receiving the report. The date, time, location, potential witnesses, and nature of the incident should be documented.

## **INVESTIGATION:**

1. Upon receipt of a formal complaint of workplace violence CORK will respond promptly and determine whether an investigation will be pursued, and will:
  - a) Advise the complainant within 48 hours of receipt of the complaint and intention to investigate
  - b) Advise the offender in writing of the investigation and nature and specifics of the complaint.
  - c) Assign the investigation to designated individual to investigate, the individual will be a member of the CORK ExecutiveThe investigator will:
  - a) Advise all parties to the investigation that they may have representation.
  - b) Conduct the investigation in accordance with the principles of natural justice; and
  - c) Explore all allegations by interviewing the complainant, the offender, and others who may have knowledge of the incident(s) or circumstances that led to the complaint or are responsible for the workplace.
2. The investigator may make a finding of:
  - a) Sufficient evidence to support a finding of violation of this policy,
  - b) Insufficient evidence to support a finding of violation of this policy, or
  - c) No violation of this policy.
3. At the conclusion of the investigation into an incident or complaint, the investigator will prepare a written report of the findings and forward to the CORK Executive.

4. The CORK Executive will decide regarding any outcome or action required from the report from the investigator and advise the complainant and offender of the outcome.

#### **CORRECTIVE ACTION AND DISCIPLINE:**

1. If the report from the investigator is such that disciplinary action is required, the CORK Executive will work together to determine the appropriate actions keeping in mind the following:
  - a) The impact of the incident on the complainant.
  - b) The nature of the incident.
  - c) The degree of aggressiveness and physical contact.
  - d) The period of time and frequency of the incidents.
  - e) The vulnerability of the complainant.
2. The following corrective actions may be considered depending on the incident and the factors in the previous paragraph:
  - a) Apology.
  - b) Training.
  - c) Referral to an assistance program.
  - d) Reassignment or relocation.
  - e) Report to a professional body.
  - f) Suspension.
  - g) Discharge; and/or
  - h) Legal action.
  - i) Payment for equipment damages where applicable
  - j) Any measure stated in the CORK Code of Conduct
  - k) Any measure stated under rule 69.1 of the Racing Rules of Sailing during an event at CORK
  - l) Any measure stated in the Sail Canada Code of Conduct
  - m) Informing law enforcement as necessary

The severity of any disciplinary action, which may include dismissal from assignment or employment will be consistent with the seriousness of the conduct at issue such that more significant discipline will follow more serious conduct or repeated violations of this policy.

#### **MEDICAL AID:**

If an individual has been injured because of workplace violence, they are encouraged to obtain medical treatment. Transportation to a medical facility will be arranged by CORK if required.

#### **NO REPRISAL:**

All persons involved in the processing of a complaint will ensure that the complainant is neither penalized nor subjected to any prejudicial treatment because of making the complaint. Disciplinary action will be taken against any person who takes any reprisal against a person who reports workplace violence.

Reprisal includes any retaliation because a person has complained of or provided information about an incident of workplace violence; or pressuring a person to ignore or not report an incident of workplace violence.

**RECORD KEEPING:**

Documents corresponding to any investigation will be kept on file in a secured location, separate from the complainant and respondent's personal files, for two years from the date of the incident to be readily available for inspection by anyone directly affected by the incident, or an Occupational Health and Safety Officer. The investigation report should be kept in a secured location for longer than two years when it is reasonable to do so in the circumstances. Examples of reasonable circumstances include: to wait for the expiration of a limitation period and to monitor persons of ongoing concern.

**POLICY REVIEW:**

This policy will be reviewed every three years or as required by the CORK Executive to ensure that it meets the needs of the organization regarding violence prevention.

Approved 2021-02-08