



Manual:	Occupational Health & Safety	Policy #10.0	Page 1 of 7
Policy Title:	WORKPLACE ANTI-VIOLENCE & WORKPLACE ANTI-HARASSMENT	Original Date:	September 2000
Prepared by:	Occupational Health & Safety Committee	Previous Approval Date:	January 2018
Reviewed by:	Occupational Health & Safety Committee	Review Date:	January 2023
Approved by:	Executive Director & Teams Leads Board of Directors	Approval Date:	May 2023

Policy

North Lambton CHC recognizes the potential for violence and harassment, including domestic violence, in the workplace. Our priority is to provide a safe and secure workplace. Violent behavior or harassment in the workplace is unacceptable from anyone and will not be tolerated.

North Lambton CHC is committed to providing a working environment free of violence by ensuring that all workplace parties are familiar with the definitions of workplace violence and harassment, and by ensuring that all workplace parties understand their responsibilities and work together to prevent violence and harassment.

North Lambton CHC is committed to allotting whatever time, attention, authority, and resources that are necessary to ensure a safe and healthy working environment for all employees and volunteers, and clients to whom we provide care.

North Lambton CHC policy regarding workplace anti violence and workplace anti-harassment shall be available in written form and shall be posted at a conspicuous place in its workplaces, including the North Lambton CHC Intranet.

Purpose

The North Lambton CHC is committed to providing a work environment in which all individuals are safe from harm and treated with respect and dignity. The purpose of this policy and program is to define behavior that constitutes workplace violence and harassment, and to define the program in place to implement this policy and protect workers. This includes but is not limited to:

1. Measures and procedures to control the risks identified through risk assessment.
2. Measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur.
3. Measures and procedures for workers to report incidents of workplace violence and/or harassment to the employer or supervisor.
4. How the employer will investigate and deal with incidents or complaints of workplace violence and/or harassment.

Scope

This policy and program apply to all employees of the North Lambton CHC, as well as clients, visitors, delivery persons, contractors, volunteers, students, etc. Everyone is expected to uphold this policy and to work together to prevent violence and harassment.

Definitions:

Workplace Violence:

- a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- c) A statement or behavior that it is reasonable for a worker to interpret as a **threat to exercise physical force** against the worker, in a workplace, that could cause physical injury to the worker.\

Violence may include, but is not limited to, kicking, pushing, biting and/or spitting, hitting, scratching choking, pulling hair, threatening harm. It is important to note that workplace violence can occur outside of work settings. It can occur during work-related functions at off-site locations such as conferences and social events. It can also happen in an employee's home, yet be work related: for example, threatening telephone calls from coworkers, clients, or visitors.

Types of Workplace Violence:

Type I: External Perpetrator (Involves a person with no relationship to the workers or workplace who commits a violent act: theft, hostage taking, kidnapping, physical assault, etc.)

Type II: Customer/Client (Involves a customer/client who acts with willful intent to cause harm such as verbal threats, aggression – no contributing physiological or psychological conditions rendering person incompetent)

Type III: Employee Related (Involves an employee or past employee, includes hostility, intimidation that may result in violence)

Type IV: Domestic Violence (Known concerns which may enter the workplace.)

Domestic Violence

Domestic Violence is a pattern of behavior exhibited by one person to gain power and control over another with whom he/she has or has had an intimate relationship. Domestic Violence occurs in all sectors of society regardless of age, gender, marital status, socioeconomic status, sexual orientation, culture, or ethnicity.

This behavior is generally characterized by acts of:

- * Physical violence
- * Sexual abuse
- * Emotional abuse
- * Psychological Intimidation
- * Verbal abuse
- * Stalking
- * Using electronic devices and other means to harass and control the victim.

Threat (verbal or written)

A communicated intent to inflict physical or other harm on any person or to property by some unlawful act. A direct threat is a clear and explicit communication

distinctly indicating that the potential offender intends to do harm; for example, “I am going to make you pay for what you did to me.” A conditional threat involves a condition, for example, “If you don’t leave me alone you will regret it.” Veiled threats usually involve body language or behaviors that leave little doubt in the mind of the victim that the perpetrator intends to harm.

Working Alone

Work situations where an employee is not directly supervised, and immediate assistance is not readily available.

Workplace Harassment

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.

Workplace Sexual Harassment: one, or a series of, comments or conduct of a gender-related or sexual nature that is known, or ought reasonably to be known, to be unwelcome/unwanted, offensive, intimidating, hostile, or inappropriate.

Workplace Discrimination: unequal treatment because of an individual’s race, ancestry, place of origin, racial origin, ethnic origin, citizenship, religion, creed (religion), colour, sex (including pregnancy and gender identity), sexual orientation, age, record of offences (in employment), marital status, family status (being in a parent-child relationship), receipt of public assistance (in accommodation), disability, or any other grounds prohibited under the Ontario Human Rights Code.

Examples of Harassing Behavior:

- Written or verbal abuse or threats
- Unwelcome remarks, jokes, comments, or innuendos about a person regarding any discriminatory subject
- Displaying pornographic, racist, or other offensive/derogatory pictures or graffiti on Centre premises (including online)
- Practical or sexual jokes that cause awkwardness or embarrassment.
- Leering, whistling, or other gestures
- Unwanted physical contact – such as patting, pinching, touching, or demanding hugs.
- Implied or expressed threat of reprisal for refusal to comply with a sexual request.
- Repeatedly asking for dates, and not taking “no” for an answer
- Calling people sex-specific derogatory names
- Making sex-related comments about a person’s physical characteristics or actions
- Saying or doing something because you think a person does not conform to sex-role stereotypes.

Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code.

The Ontario Human Rights Codes states that it is public policy in Ontario to recognize the dignity and worth of every person and to provide equal rights and opportunities without discrimination. The aim is to create a climate of understanding and mutual respect for the dignity and work of each person so that each person feels a part of the community and feels able to contribute to the community.

Employers have a responsibility to:

- provide a working environment that is free from harassment and discrimination; and,
- deal effectively, quickly, and fairly with any situations involving claims of harassment or discrimination that come to their attention.

This policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace. Management and supervision that includes counseling, coaching, performance appraisal, work assignment, and the use of disciplinary actions is not a form of harassment.

Nothing in this policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's Human Rights Code within one year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available.

Measures and Procedures to Control the Risk Identified:

Risk Assessments will be used to identify risks of violence in the workplace. Risk Assessments will be reviewed at least annually, otherwise when changes are made. Risk Assessment results shall be provided to the Joint Occupational Health & Safety Committee.

Workplace Violence Risk Factors include:

- Working in a community-based setting
- Working with unstable or volatile clients
- Handling cash
- Mobile workplaces (travelling)
- Contact with clients
- Working in a high-crime area
- Securing/Protecting valuables
- Transporting people and/or goods
- Working alone or in small numbers

From the results of the Risk Assessments, the Joint Occupational Health & Safety Committee shall forward suggestions to best mitigate identified potential workplace violence.

Examples of **Engineering Controls / Workplace Adaptations** include:

- Alarm systems and other security devices
- Enclosed area(s) – behind glass and locked doors
- Maintenance of bright, effective lighting, both indoors and outdoors

Examples of **Administration / Work Practice Controls** include:

- State clearly to patients, clients, visitors, and employees that violence is not permitted or tolerated.
- Employees to report all assaults or threats to a Team Lead or the Executive Director
- Ensure all employees are trained and educated in anti-workplace violence and harassment.
- Employees know how to summon police assistance and how to file charges when assaulted, and help them do so if necessary.
- Sign-in procedure for contractors, visitors
- Controlled access to facilities other than waiting rooms, particularly drug storage areas.
- Working Alone and Home Visit policies

- System to identify clients with assaultive behavior problems.
- Weekly collaborative meetings to case conference ways to effectively treat potentially violent clients.
- Employees have a designated contact person knowing of their whereabouts

Summoning Immediate Assistance

All staff shall know and understand how to summon assistance via the methods provided, including:

- Panic buttons, Doorbell devices
- Calling 911, pulling a fire alarm station
- Calling out to other staff
- Elevator phone connected to security company
- Not working alone if possible
- Providing estimated times of return when working off site
- Use of electronic communication devices (cell phones, blackberries, smart phones, etc.)
- Advising Team Leads, the Executive Director, or co-workers of a potentially threatening situation

Reporting Incidents of Workplace Violence

It is the employee's responsibility to report in good faith any and all identified hazards, including workplace violence and/or harassment, to their Team Lead or the Executive Director. Employees can also raise concerns with their Joint Occupational Health & Safety Committee Certified Representative.

In the case of Critical Injury or Fatality:

- The scene is not to be disturbed other than to provide immediate medical attention and/or to prevent further injury, including removing the endangered person to a safe place.
- The scene is to be secured and immediate notification made to the Executive Director or his/her designate, the Ministry of Labour, and the Joint Occupational Health & Safety Committee.

Reporting Incidents of Workplace Harassment

Workers are encouraged to report any incidents of workplace harassment. There will be no negative consequences for reports of workplace harassment made in good faith.

1. Anyone who feels that they have been harassed or discriminated against in the workplace may discuss the situation with a Centre staff member who is familiar with this policy – such as a Certified Representative of the Occupational Health & Safety Committee, a Team Lead or the Executive Director – otherwise known as a Staff Advisor.
2. The Staff Advisor will be neutral, objective, confidential, and knowledgeable about human rights issues in order to provide and explain information regarding choices for dealing with the problem – including the option of approaching the Human Rights Commission for help.

Investigation of Incidents or Complaints of Workplace Violence

A full investigation is required for any incident or complaint of workplace violence or harassment. All employees are expected to cooperate and provide assistance as required during the investigation.

Investigations shall include:

- Taking notes and/or photos, if appropriate, of any physical evidence
- Interviewing witnesses and the involved employee(s) – finding out what happened, not who is to blame – asking what they actually saw or heard, (not providing them information and asking them to confirm it)
- Asking for recommendations to prevent the situation from happening again.
- Provision of debriefing if determined to be needed.
- Identification of contributing factors, looking for root causes - looking for substandard or inappropriate actions and/or conditions
- Completion of “Incident Report” by those involved (OH&S Manual Appendix A)
- Completion of “Emergency Treatment Record” if treatment provided (OH&S Manual Appendix B)
- Follow-up of corrective actions identified and implemented – Ask for feedback from employees affected.
- Written communication, provided to the workers directly involved, will include information of the incident, conclusions of the investigation, and/or any corrective actions.
- Ensure all required reports are submitted to the Ministry of Labour and/or Workers Safety Insurance Board as per regulations.

Investigation of Incidents and Complaints of Workplace Harassment

1. In most cases, an investigation will start immediately after an investigator is chosen and will conclude within ninety (90) days.
2. Everyone involved in the process of resolving the situation should make and keep written notes about the events leading to the complaint – including what happened, when it happened, where it happened, and who saw it happen.
3. Any other documents or materials, such as letters, notes, offensive pictures, etc., that may have something to do with the complaint should be kept for presentation during the investigation.
4. Both the person making the complaint and the person against whom the complaint is made will be made aware of, in writing, who will investigate, how long the process is likely to take, who will decide what action the employer will take, and what solutions or results are possible.
5. For complaints not settled through internal investigation and its resulting decisions, the person making the complaint will be advised that a grievance may be filed through the North Lambton CHC’s Human Resource Policies and/or may be filed with the Human Rights Commission.
6. If it is determined that the harassment complaint was submitted in a vexatious, frivolous, or insincere manner, the employee laying the complaint will be subject to disciplinary action up to, and including, termination of employment. (Refer to HR Policy 13.0 Frivolous & Vexatious Complaints).

Penalties for Violation (and for vexatious complaints):

- Written apology
- Reprimands
- Referrals to Counselling
- Reassignment

- Withhold promotions or salary increases
- Temporary suspension
- Terminations

Workplace Violence & Harassment Corrective Actions

- Any employee found liable for workplace violence is subject to disciplinary action.
- A follow-up with a victim of workplace violence will be conducted by the Team Lead and Executive Director.
- If it is determined that the harassment complaint was submitted in a vexatious, frivolous, or insincere manner, the employee laying the complaint will be subject to disciplinary action up to, and including, termination of employment. (Refer to HR Policy 13.0 Frivolous & Vexatious Complaints).

Supports for Employees affected by workplace violence & harassment

- The Team Lead and Executive Director will respond promptly and will assess the situation and ensure that the following interventions are followed:
- Facilitate medical attention
- Debriefing
- Referrals as required to community agencies, treating practitioner, and/or Employee Assistance Program
- Completion of Incident reports and incident investigation
- Reporting to Police

Training & Education

- All staff will be trained in this policy and procedure at orientation to effectively carry out their role in the internal responsibility system.
- The training and education program will be developed or selected in consultation with the OH&S Committee.
- All staff will receive and participate in refresher training as often as necessary but at least annually.
- Training records will be maintained for a period of seven years.

Evaluation

- An annual review will be completed in consultation with the OH&S Committee to ensure that all company policies and procedures related to workplace violence and harassment are in compliance with legislation, are effective, and are being followed by all employees. Any changes will be communicated to all staff.
- Injury/incident reports will be reviewed to look for new incidents and trends.
- Reviewed at Board of Directors meeting annually.

References:

PSHSA Workplace Violence and Harassment Tools

Occupational Health & Safety Act and Regulations, Bill 168

Preventing Violence and Harassment at Work: How to Integrate Bill 168 Requirements in Your OHS Program, IAPA Participant's Guide TPG16591101

Guidelines for Preventing Workplace Violence for Health Care & Social Service Workers, Occupational Safety and Health Administration, OSHA 3148-01R 2004

Personal Relationship Violence in the Workplace: A handbook for the workplace, First Edition, Ontario Safety Association for Community & Healthcare

Workplace Violence and Harassment: Understanding the Law, Occupational Health and Safety Branch, Ministry of Labour, March 2010

Ontario Human Rights Commission - <http://www.ohrc.on.ca/en/sexual-harassment-employment-fact-sheet>

OH&S Policy 10.0 Workplace Violence & Workplace Harassment - APPROVALS

Policy Reviewed and Adopted by Occupational Health & Safety Committee:

Date: _____ OH&SC Representative: _____

Policy Reviewed and Adopted by Resources Committee:

Date: 23 May 2023 Resources Representative: _____

Policy Reviewed and Adopted by Board of Directors:

Date: 23 May 2023 Board of Directors Representative: _____

Policy Approved by:	Signature:	Date:
Executive Director		
Quality & Chronic Disease Team Lead		
Data Management Team Lead		
Finance Team Lead		
Health Promotion Team Lead		
Primary Care Team Lead – West		
Primary Care Team Lead – North		