



GENERAL MANUAL PROCEDURE

APPROVED BY:



Executive Director

CATEGORY: Human Resources

TOPIC: Violence in the Workplace

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PROCEDURE:

Definitions associated with violence in the workplace:

“Physical Assault” means inflicting injury on an employee or a display of force that causes an employee to fear immediate bodily harm, e.g. hitting, shoving, pushing, punching, biting, spitting, groping, pinching, or kicking, or unwelcome displays of affection.

“Complainant” means the person making the complaint of alleged violent or inappropriate behaviour.

“Confidential” means that that information concerning a violent incident(s) is accessible only to those authorized to have access. It is not to be discussed with or divulged to an unauthorized third party, (this does not include co-workers and colleagues) with the exception of Human Resources, union representation, legal counsel or the police.

“Discrimination” means any practice or behaviour, whether intentional or not, that has a negative effect on an individual or group because of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity or expression, age, marital status, family status, or handicap (disability) – See the Ontario Human Rights Code.

“Employee” means an individual performing work for Community Living Thunder Bay and includes staff, volunteers, placement students, and contract and temporary workers.

“Harassment” means any type of behavior which disregards the dignity and worth of other human beings, and is known or ought to be known to be unwelcome. It embarrasses and humiliates. It is any unwarranted or offensive comment or gesture which is considered unwelcome.

“Malicious Report” means reporting abuse with the intent of causing harm to an otherwise innocent person. Any person found guilty of maliciously reporting an incident will be subject to discipline as per HR #16 – Progressive Discipline Policy.

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“**Near Miss**” means the act of striking out, but missing the target.

“**Psychological Abuse**” means an act that provokes fear or diminishes an individual’s dignity or self-worth or that inflicts psychological trauma on another.

“**Respondent**” means the person(s) about whom the complaint is being made.

“**Serious Incident**” means an incident in which an employee is physically harmed to the extent that his/her injuries place his/her life in jeopardy, produce unconsciousness or results in substantial loss of blood.

“**Sexual Harassment**” The *Occupational Health and Safety Act, R.S.O. 1990, C.O.1* defines “workplace sexual harassment” as:

- (a) engaging in a course of vexatious comment [aggravating] 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;

Sexual harassment may be any comment or action with sexual overtones which is likely to offend or humiliate a fellow worker or prospective employee, or that might, on reasonable grounds, be perceived by an employee or prospective employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

“**Sexual Assault**” means the use of threats or violence to force one individual to touch, kiss, fondle or to have sexual intercourse with another.

“**Threat**” means a communicated intent (verbal, gestures or written) 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, e.g. “I am going to make you pay for what you did to me”
- A conditional threat involves a condition, e.g. “If you don’t leave me alone, you will regret it”
- Veiled threats usually involve body language or behaviours that leave little doubt in the mind of the individual that the perpetrator intends harm

“**Domestic Violence**” occurs when a perpetrator has a personal relationship with the victim and employs a pattern of coercive tactics meant to hurt or intimidate the victim through the use of

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physical force, verbal harassment or manipulation (financial or emotional) in order to establish and maintain power and control over the victim.

“Unacceptable Behaviour” means physically or psychologically aggressive behaviours that could reasonably be perceived as unprofessional, disrespectful, intimidating, hostile or harassing.

Unacceptable behaviour includes but is not limited to:

- use of patronizing or condescending tone or words
- invasion of another person’s physical or personal space, possessions or property
- threatening or aggressive body language or facial expressions
- berating a person, whether alone or in front of others
- exclusionary behaviour including the silent treatment
- hitting, kicking, punching, pushing, shoving, slapping, pinching, grabbing, biting
- carrying or brandishing weapons of any sort
- throwing objects with a view to causing physical injury or fear
- destruction of the workplace or the property of another in the workplace
- verbal aggression including shouting, swearing, derogatory or degrading statements
- obscene or harassing telephone calls
- using exclusionary language, i.e. speaking in a language that others in the workplace do not understand with the intent to exclude them from the conversation

“Violence” means an act or a continuum of behaviours that jeopardizes one’s physical and psychological wellbeing. It is a threat, or perceived threat, to one’s life and/or a risk to one’s safety, health or integrity. It is an act of verbal, psychological, sexual and/or physical assault. It can be an attack on one’s person, one’s personal beliefs or an attack on one’s property. The intent is to control, dominate, injure, destroy, or deprive a person of their dignity.

“Witness” is any person who has direct (first-hand) information about the incident in question.

“Workplace” means any premises, location in which a worker works.

“Workplace Violence” is defined by the *Occupational Health and Safety Act, R.S.O. 1990, c. O.1* as:

- (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 behaviour 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.

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“Workplace Bullying” (Source: Code of Practice on the Prevention of Workplace Bullying under the Safety, Health and Welfare at Work Act, 1989)

A repeated pattern of inappropriate behaviour, direct or indirect (aggressive or passive), whether verbal, physical or otherwise, performed by one or more persons against another person or group of people, which could reasonably be regarded as undermining the individual's right to dignity at work.

RIGHTS

Complainant's Rights

The complainant has the right to:

- File a complaint and have it dealt with promptly, without fear of embarrassment or reprisal.
- Have a representative present during the complaint process
- Be informed of the outcome of their complaint (substantiated, partially substantiated, unsubstantiated)
- Receive fair treatment

Retaliation against the target as a result of reporting violence will be regarded as a serious breach of this policy and may result in disciplinary action being taken against the perpetrator, up to and including termination. Making false or malicious complaints of violence will be regarded as a serious disciplinary offence.

The Respondent's Rights

The accused has the right to:

- Be informed of the complaint
- Be given an opportunity to respond to the allegation(s)
- Have an unbiased investigation conducted
- Have a representative present during the complaint process
- Be informed of the outcome of their complaint (substantiated, partially substantiated, unsubstantiated)
- Receive fair treatment

ROLES AND RESPONSIBILITIES

The Employer is responsible for:

- Training and education of all employees
- Integrating safe behaviour into day to day operations

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- Review of all reports of violence, and/or threats of violence in a prompt, objective and sensitive manner
- Take immediate measures to respond to all reports of incidents of violence in the workplace
- Facilitate medical attention and appropriate support for all those directly and indirectly involved in any incident of violence in the workplace

The Employees are responsible for:

- Understanding and complying with this statement of policy and all related procedures
- Reporting to their supervisor immediately all incidents of violence, potential risk of violence or unacceptable behaviour that they experience or witness, and completing an Incident Report documenting the incident. No adverse action will be taken against anyone who, in good faith and on the basis of reasonable belief, makes such a report. In cases where an employee's immediate superior perpetrates the violence, then they should report this to the person to whom their immediate superior reports or to the Human Resources Manager
- Participating in education and training programs that are offered in order to reduce the risk of violence and to be able to appropriately respond to any incident of violence
- Follow all established support protocols and programs in the day to day support of individuals who receive support and services from Community Living Thunder Bay
- Maintaining confidentiality, i.e. they will not disclose any information pertaining to a violent incident(s) to anyone who is not authorized to have this information
- Speaking to the person who is committing the act, if it is safe to do so
- Assisting in maintaining a safe work environment.
- Making themselves available to meet with internal investigators, police, or any other authority, and provide written documentation and statements when requested.
- Seeking medical attention when necessary or when advised to do so

The Supervisor is responsible for:

- Enforcing policies and procedures and monitoring compliance
- Investigating and documenting alleged incidents of violence and unacceptable behaviour by, or against, our employees using the Incident Report and contacting the police department as appropriate. S/he also must ensure appropriate measures are taken to safeguard the complainant(s) and minimize the violence
- Facilitating medical attention or other suitable supports for the victim and securing his/her safety, if required, before investigating the incident or writing reports
- Maintaining confidentiality, i.e. s/he will not disclose any information pertaining to violent incident(s) to anyone who is not authorized to have this information
- Intervening when inappropriate conduct has been observed or brought to their attention in a timely manner
- Notifying their Manager of any incidents of violence and/or unacceptable behaviour by, or against our employees
- Acting as a role model for their staff
- Refusing to tolerate workplace violence

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- Conduct an annual risk assessment of each work site

Union leadership is responsible for:

- Providing representation to both complainant(s) and respondent(s)
- Maintaining confidentiality, i.e. they will not disclose any information pertaining to violent incident(s) to anyone who is not authorized to have this information
- Cooperating and ensuring union member cooperation during the investigation process

Human Resources is responsible for:

- Maintaining confidentiality, i.e. they will not disclose any information to anyone who is not authorized to have this information
- Enforcing corrective and/or disciplinary measures where applicable
- Providing the JOHSC (or the designated OHS Representative) and the union with a copy of WSIB's Form 7 in accordance with OHSA, sec. 52(1), Reg. 67/93

Joint Occupational Health and Safety Committee members (JOHSC) are responsible for:

- Maintaining confidentiality, i.e. they will not disclose any information pertaining to violent incident(s) to anyone who is not authorized to have this information
- Reviewing immediately any critical injury or death reports received within 48 hours of their occurrence in compliance with sec. 51(1) of the OHSA
- Reviewing all accident information

Supports for Victim

Management will respond promptly in a supportive and compassionate manner, assess the situation, and ensure that the interventions listed below are offered, if appropriate:

- Facilitation of medical attention, if needed.
- Referral to EFAP if desired
- Completion of incident reports, WSIB reports, MOL reports (in the case of critical injury or fatality)
- Reporting to police (if necessary)

Components of Violence in the Workplace Prevention Program Procedure

1. Analysis of a worksite (risk assessment)
2. Control measures – general orientation and site specific training
3. Reporting, Investigating all incidents of violence in the workplace
4. Responding to all incidents of violence in the workplace
5. Education and Training of Employees

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6. Evaluation of the program/procedure
7. Accountability
8. Records

1. Analysis of Worksite

Risk Assessment

Risk assessment will be completed on each site on an as needed basis within Community Living Thunder Bay programs, as per 32.0.3 (1) and (4) of the OHSA, which states

“An employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.”

“An employer shall reassess the risks of workplace violence as often as is necessary to ensure that the related policy under clause 32.0.1 (1) (a) and the related program under subsection 32.0.2 (1) continue to protect workers from workplace violence.”

This will be completed together by the site Supervisor and Health and Safety Advisor. Once completed it will be forwarded to the Joint Health and Safety Committee.

As part of the risk assessment, each employee shall be provided the opportunity to give input regarding issues of violence in the workplace at a designated team meeting. Input shall be recorded in the team meeting minutes. The information gathered through the employee input shall be included in the risk assessment.

Results from all risk assessments and employee input will be used to develop, adapt and/or revise each worksite's support protocols, specific training needs, or worksite modifications.

Feedback and recommendations will be sent to the Executive Director. The risk assessment will be conducted more frequently if there is a significant change within the support requirements of any given program.

2. Control and Response Measures

Training/Orientation

All new employees to Community Living Thunder Bay will receive violence in the workplace training as part of the general orientation. Non-Violent Crisis Intervention Training will be completed when hired. There will be re-certification as required. The On-call system will be reviewed during general orientation. Site specific orientation will include physical layout of the work site, medications, universal precautions, and specific individual support needs and protocols.

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Where appropriate, CLTB will provide specific training around demographic groups within their organization or in its client base who experience unique violence and discrimination to better educate employees and stakeholders (ie. LGBTQ+ inclusion training).

3. Reporting and Investigating

Workers are to report all incidents of violence against them to their Supervisor and/or On-Call Supervisors when after administration hours of work.

In cases where an employee's immediate superior perpetrates the violence, then s/he should report this to the person to whom their immediate superior reports or to the Human Resources Manager.

All incidents of violence and unacceptable behaviour in the workplace need to be reported, appropriately investigated, documented and the police department should be contacted, if necessary. Appropriate measures must be taken to safeguard the complainant(s) and to minimize the violence.

Reports of workplace violence will be treated seriously, and investigated promptly, confidentially and impartially. All aspects of prevention and problem-solving will be fair, timely, confidential, professional, impartial, consistently applied and will aim to preserve the dignity, self-respect and rights of all parties.

The Human Resources Department will document and report all injuries to the WSIB as required by the WSIA, sec. 21(1) /93.

4. Response Procedures

All incidents as defined in this statement of policy shall be reported immediately and investigated in a timely manner.

All injuries should be reported to the WSIB as required by the WSIA, sec. 21(1)/93.

The employee's direct Supervisor shall conduct a preliminary inquiry sufficient to determine whether or not a full investigation needs to be conducted, ensure that appropriate measures are taken to safeguard the complainant(s) and curtail the behaviour.

In all cases of violence the Supervisor/Contact Person will notify their Manager/Director who will arrange for this incident to be investigated as per Supports and Services Policy #5.2 - Conducting the Investigation. The Investigation team will ensure communication of any potentially dangerous situations to employees of the worksite, the Joint Health and Safety Committee Co-Chairs and the Executive Director.

The complainant, the alleged perpetrator and witnesses are reminded of the Confidentiality Agreement they sign upon hire, compelling them to keep information pertinent to the incident confidential – see definitions.

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5. Education and Training of Employees

All new employees will receive general orientation to the Diversity and Inclusion Policy, Violence in the Workplace Policy, Procedure, and Prevention Program.

All employees will have an annual review of the Policy, Procedure and Prevention Program. Staff will be required to sign off that they have read and understood the policy and procedure annually.

6. Evaluation

The effectiveness of the Violence in the Workplace Policy, Procedure and Prevention Program will be reviewed and approved annually by management in conjunction with the Violence in the Workplace Committee.

7. Accountability

All Management and Workers are accountable for following and enforcing policies and procedures related to violence in the workplace.

8. Records

All reports and records of investigations at Community Living Thunder Bay will be kept for at least five (5) years after the date of report.

9. Prohibition against reprisals

To the best of its abilities, Community Living Thunder Bay will protect all complainants and witnesses to acts of violence or inappropriate behaviours from acts of retaliation as a result of bringing a complaint forward or being a party to a complaint. Reprisals or threats of reprisals shall be considered a serious violation of employee rights, and will be treated as serious offence, subject to discipline as per *HR #16 – Progressive Discipline Policy*

Policy and Procedure Review

This policy and procedure will be reviewed annually or as relevant legislation is passed and entered into law.