


Policy Name:	WORKPLACE VIOLENCE AND HARASSMENT PREVENTION POLICY AND PROGRAM		
Policy Number:	OHS-303/GOV-411	Formerly	OHS-17 ORG-104/GOV-411
 West Elgin Community Health Centre	Creation Date: September 2005	Reviewed Date: March 2020	Approved by: Executive Director

POLICY STATEMENT

The West Elgin Community Health Centre (the “Centre”) is committed to providing a work environment which values and promotes diversity, inclusion, respectful and equitable treatment of all persons.

The Centre is committed to providing a work environment which is safe, healthy and free from workplace violence and harassment and will take all reasonable and practical measures to prevent workplace violence and harassment.

The Centre will not tolerate any type of violence or harassment within the workplace and will take appropriate disciplinary measures up to and including dismissal against any employee committing acts of workplace violence or harassment.

APPLICATION

This policy applies to all employees, volunteers including the Board of Directors, students, clients, visitors and persons engaged in business with the Centre. This policy is applicable at all workplace settings including work related travel or events that take place offsite.

The Workplace Harassment-Violence Reporting Form will be used to record and report incidents or threats.

This policy and its procedures will be reviewed as often as necessary, but at least annually, with the Occupational Health and Safety Committee and adheres to the Occupation Health and Safety Act and the Human Rights Code that governs workplace violence, harassment and discrimination in Ontario.

A Workplace Violence and Harassment policy compliance statement will be maintained and reviewed by the OHS Committee and re-signed by the Executive Director and Board Chair annually. This compliance statement is posted in an accessible area of the Health Centre.

DEFINITIONS

WORKPLACE VIOLENCE:

- The exercise of, or an attempt to exercise, physical force against an employee in a workplace that could cause physical injury to the employee, or
- A statement or behaviour that an employee could reasonably interpret as a threat to exercise physical force against the employee, in the workplace, that could cause physical injury to the employee.

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The definition of workplace violence is broad enough to include acts that would constitute offences under Canada's Criminal Code.

Violent acts may include but are not limited to:

- Verbally threatening to attack an employee.
- Leaving threatening notes, texts or sending threatening emails to a workplace.
- Shaking a fist in an employee's face.
- Wielding a weapon at work.
- Sexual violence against an employee.
- Hitting or trying to hit an employee or throwing an object at an employee.

DOMESTIC VIOLENCE: Is understood to be a pattern of behaviour used by one person to gain power and control over another person with whom they have, or 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.

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.

Examples of workplace harassment may include but are not limited to:

- Making remarks, jokes or innuendos that are offensive, demean, ridicule, and / or intimidate.
- Displaying or circulating offensive pictures or materials.
- Bullying (can include social isolation, personal attacks on a person's private life or personal attributes, over monitoring of work, intentionally withholding information required for the performance of the job, rumours, excessive criticism, verbal aggression, inappropriate use of social media, intimidating phone calls, texts, or emails).

Harassment is in no way to be construed as properly discharged management responsibilities including the delegation of work assignments, the assessment of performance, discipline or discharge or any conduct that does not undermine the dignity of the individual. Reasonable management actions are a part of the Director / Coordinator work function.

WORKPLACE SEXUAL HARASSMENT:

- a) Engaging in a course of vexatious comment 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.

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Examples of sexual harassment include, but are not limited to, the following:

- Conduct such as stalking, physical or sexual assault or abuse.
- Unwelcome physical contact, propositions of physical intimacy, leering or staring.
- Suggestive / offensive remarks or jokes / innuendoes / rough and vulgar humour or language about members of a specific gender / sexual nature.
- Gender-related verbal abuse, threats or taunting.
- Display of sexually offensive pictures, graffiti, or other materials.
- Questions or discussions about sexual activities / bragging about sexual prowess.
- A demand for sexual favours in return for (continued) employment or more favourable employment treatment.

WORKPLACE VIOLENCE AND HARASSMENT PROGRAM

TRAINING

Workplace violence and harassment prevention training will be provided at orientation / onboarding and annually as part of mandatory refresher training. Training will also be provided when there is any change to policy, procedure or legislation.

The Centre's workplace violence and harassment prevention training shall include policy awareness, how to assess risk, summoning immediate assistance, how to report incidents of workplace harassment and violence, how the Centre will investigate incidents, threats or complaints, confidentiality of the investigative process and include how investigation results and corrective actions will be communicated.

Employees will also receive training and information on any workplace violence risks identified.

Employees and Directors / Coordinators will receive additional training related to workplace violence, harassment and sexual harassment in relation to their duties under the Occupational Health and Safety Act.

RISK MANAGEMENT

The Centre will assess the risks of workplace violence including the nature of the workplace, the type of work and the conditions of the work in consultation with its employees, management and the Occupational Health and Safety Committee.

Formal risk assessment will occur as often as necessary to ensure that related workplace violence and harassment policies and procedures continue to be adequate in protecting employees from workplace violence. The workplace violence and harassment policy and procedures will be updated if new risks are identified.

Certain changes will prompt a reassessment of risks including if workplace locations are moved, renovated, or reconfigured or if there are significant changes to the conditions of work such as the hours of work or the ways in which employees interact with the public or if a violent incident indicates a risk that was not identified in an earlier assessment.

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The Centre maintains protocols to ensure that appropriate individuals are informed of potential risks of workplace violence or harassing behaviour associated with clients and will be advised about precautionary measures on a case-by-case basis involving clients.

PROCEDURES

SUMMONING IMMEDIATE ASSISTANCE

Any individual who considers themselves or someone else to be in imminent danger must follow the emergency management procedures of the Centre.

VIOLENCE AND HARASSMENT REPORTING PROCEDURES

The Workplace Harassment-Violence Reporting Form will be used to record and report incidents of workplace harassment, sexual harassment, violence or threats of violence. If the occurrence includes physical harm an incident report will also be completed.

All employees of the Centre who observe or become aware of an incident of workplace harassment or a potentially dangerous situation or domestic violence will immediately notify their Director / Coordinator or designate and complete the Harassment-Violence Reporting Form and take appropriate steps related to safety, support and investigation reasonable in the circumstances.

Employees should also notify their Director / Coordinator if a restraining order is in effect or if a potentially violent or harassing non-work related situation exists that could result in violence or harassment in the workplace.

If allegations of workplace harassment concern a supervisor (Director / Coordinator), please notify Human Resources / Violence and Harassment Coordinator for reporting and investigation proceedings.

If allegations of harassment concern Human Resources / Violence and Harassment Coordinator, the Executive Director of the Centre will be the primary contact for reporting and investigation proceedings.

If allegations of harassment concern the Executive Director, the Board of Directors chair is to be the primary contact for reporting and investigation proceedings.

WORK REFUSAL

Under the Occupational Health and Safety Act an employee can refuse to work if they have reason to believe they may be endangered by workplace violence. Work cannot be refused on the grounds of direct workplace harassment, however, in extreme cases it is possible that harassment may create a psychologically unsafe work situation. The Centre outlines a reasonable grounds work refusal procedure in its policies.

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HISTORY OF VIOLENT BEHAVIOUR

Employees must be provided information related to a risk of workplace violence from a person with a history of violent behaviour. This duty applies if:

- a) An employee can be expected to encounter the violent person in the course of their work, and
- b) The risk of violence is likely to expose the employee to physical injury.

The Centre will take reasonable precautions in the circumstances to protect its employees. For concerns involving persons with a history of violent behaviour, the appropriate Director / Coordinator must inform the employee of the potential risk.

Disclosure will include information reasonably necessary to protect the employee. For example, the information disclosed should allow employees to identify the person with the violent history and, if appropriate, the triggers of their potential aggression. If a client is involved such disclosure shall only be made following consultation with the appropriate Director and Privacy Officer.

DOMESTIC VIOLENCE

The Centre will take every reasonable precaution in the circumstances for the protection of employees when they are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace and that it would likely expose an employee to physical injury.

Employees who become aware, or ought reasonably to be aware, of individuals involved in domestic violence, must inform their Director / Coordinator. The Director / Coordinator will assume responsibility for informing Human Resources and any other service, including police, as deemed necessary.

Even if an employee does not want any steps taken in a potential domestic violence situation, the Centre may still be required to take some action to protect the employee and other employees depending on the circumstances. Any attempt at reasonable precautions to address the situation will be with the upmost respect for the employee's privacy and sensitivity of the issue.

As necessary, the employee, Human Resources and the Director / Coordinator will develop a safety plan in consultation with police, courts or other agencies that may already be involved and identify measures that may be taken by the employee and the Centre to increase the individual's safety while at work.

The Director / Coordinator is responsible for informing the affected department and disclosing only as much information about the situation as necessary to protect the individual and employees from physical injury.

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INVESTIGATION

All reports of workplace violence and harassment will be taken seriously and will be investigated promptly by an impartial and objective investigator (either conducted by or facilitated through Human Resources / Violence and Harassment Coordinator).

The Centre has a duty to conduct investigations into incidents and complaints with the investigation appropriate to the circumstances. Alternative dispute resolution or mediation cannot replace the investigation.

The Centre has an obligation to investigate incidents that come to their attention, or of which the Centre reasonably ought to be aware, even if the complainant does not wish the matter to be investigated.

The extent of the investigation shall be appropriate to the circumstances which may include, but not limited to, internal investigation, third party investigation or if there is an immediate threat of bodily harm, police will be contacted with an investigation conducted by the police. An investigation will be completed as soon as possible and within 90 calendar days unless there are extenuating circumstances warranting a longer investigation.

At the discretion of the Centre a third party investigator may be retained to conduct the investigation. The Ministry of Labour may also order an independent workplace harassment investigation at the Centre's expense.

All parties involved in a report of workplace violence or harassment will be interviewed as deemed appropriate.

The Centre will consider "support persons" during an investigation. A support person may include peer support, an Occupational Health and Safety Committee member, or in some cases, Legal Counsel.

As required by law the Centre will provide the respondent with sufficient information to respond to the allegations.

INCIDENT MANAGEMENT

In the event of a significant incident of workplace violence or harassment, the Centre will assess the situation and arrange for the interventions as appropriate which may include facilitation of medical attention, individual debriefing, individual counselling, team debriefing and / or counselling.

If it is determined that the continued presence of an individual could constitute a safety risk or could be perceived to interfere in an investigation, the alleged offender will be removed from the Centre's property. Potentially dangerous situations and precautionary measures will be communicated to employees who may be at risk.

All physical assaults will be reported to the police as will any behaviour or threat of workplace violence or harassment requiring police intervention or follow-up.

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CONFIDENTIALITY

The Centre will endeavour to protect the privacy of the individuals involved in an investigation and to ensure that complainants, witnesses and respondents are treated fairly and respectfully. Information about a complaint or incident will not be disclosed except to the extent necessary to protect employees, to investigate the complaint or incident and to take corrective action or as otherwise required by law.

Confidentiality cannot be assured when an individual is at imminent risk of self-harm, imminent risk of harming another or when there are reasonable grounds to believe that others in the Centre may be at risk of harm.

Those involved in the investigation, including witnesses, will be advised that all information discussed must be kept confidential. A breach of such confidentiality will be subject to disciplinary action.

CORRECTIVE ACTION AND DISCIPLINE

If the Centre determines that an employee has engaged in workplace violence or harassment, appropriate corrective action will be taken up to and including termination. If the violent or harassing behaviour is that of a non-employee, the Centre will take appropriate action in an effort to ensure that such behaviour is not repeated.

Not every complaint will warrant corrective action. Corrective action will be determined on a case-by-case basis.

INVESTIGATION OUTCOME

The Violence and Harassment Coordinator or designate will inform the complainant and the respondent of the investigation results and of any corrective action that has been taken, or that will be taken, as a result of the investigation. This will occur in writing within ten (10) calendar days of the investigation conclusion in separate meetings with the complainant and the respondent. These discussions will be conducted with discretion and confidentiality.

The formal written investigative report is not required to be issued to the complainant and respondent.

FRAUDULENT OR MALICIOUS COMPLAINTS

This policy must never be used to bring fraudulent or malicious complaints against employees. If it is determined that any employee has knowingly made false statements regarding an allegation of workplace harassment or violence, immediate disciplinary action up to dismissal will be taken by the Centre.

RECORDS

All records of reports and investigations of workplace violence or harassment are kept as per legislative requirements.

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Information gathered during the investigation and contacts made will be documented and maintained in a confidential file, separate from the personnel file, by the Human Resources Officer.

The investigation documents will not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise required by law.

For OHSA purposes records must be kept for at least one year from the conclusion of the investigation.

RESPONSIBILITIES

CENTRE as EMPLOYER

- Consult with the Occupational Health and Safety Committee when developing workplace violence policies and programs and review its policy at least annually with the Occupational Health and Safety Committee.
- Post the workplace violence and harassment policies in a conspicuous place.
- Conduct workplace violence and harassment risk assessments.
- Provide all employees, and continuously provide, appropriate information and training regarding the Centre's policy and procedures governing workplace violence and harassment.
- Take immediate measures to respond appropriately to all incidents, or reasonable suspicion of, workplace violence, harassment, sexual harassment or domestic violence.
- Investigate all reports or incidents of workplace violence or harassment in a prompt, objective and sensitive manner with an investigation appropriate to the circumstances.
- When an incident of workplace violence occurs notify police or emergency responders for immediate assistance as necessary.
- Facilitate medical attention and appropriate support for individuals directly or indirectly involved.
- Maintain confidentiality and discretion when investigating a claim of conduct that falls within this policy.

MANAGEMENT/SUPERVISORY STAFF

- Participate in ongoing supervisory training related to the prevention of workplace violation, harassment and sexual harassment.
- Ensure employee's awareness, enforcement and compliance with respect to the Centre's workplace violence and harassment policy and promote / demonstrate appropriate behaviours in the workplace.
- Assess hazards related to the conditions and circumstances of jobs being performed and provide an updated assessment as changes occur in job responsibilities and working conditions.
- Provide information to an employee about a person with "a history of violent or harassing behaviour" as appropriate and necessary.
- Identify exceptions that may apply to clients with developmental, cognitive or psychiatric disabilities (exceptions must be communicated to staff and must not condone physical or other assaults against staff).

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- Respond promptly to all reports of workplace violence, harassment, sexual harassment or domestic violence and address immediate threats to employee safety.
- Investigate, document and debrief any incidents of workplace violence or harassment and maintain confidentiality and discretion when investigating a claim.
- Take all reasonable measures to protect employees, including witnesses, from reprisal or further violence who, in good faith, report workplace violence or harassment.
- Take appropriate corrective action based on the nature of each incident and the actual or potential threat posed to employee safety including developing individual safety plans.
- Collaborate with team members, service partners and medical professionals in risk management protocols.
- Contact and consult with police as appropriate.

EMPLOYEES

- Not engage in or ignore violent, threatening, intimidating, harassing or other disruptive behaviours in the workplace.
- Promptly report to management any incident of workplace violence, harassment, sexual harassment or suspicion of domestic violence which is experienced, witnessed, or known of, or there is reason to believe may occur.
- Participate in and comply with strategies to prevent and reduce risk of workplace violence or harassment and comply with all training related to workplace violence, harassment and sexual harassment and risk management protocols.
- Maintain confidentiality and discretion if involved in an investigative process related to a claim of conduct that falls within this policy.
- Have the right to refuse work in various circumstances where health and safety is in danger.

OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

- Work with the management of the Centre to design and maintain a workplace violence, harassment policy and program. Review its effectiveness and recommend changes as appropriate.
- Review workplace violence hazards identified through workplace inspections, incident reports and hazard and risk assessments.
- Provide recommendations to management to reduce or eliminate the risk of violence or harassment.
- Participate in the investigation if a person is killed, critically injured, disabled from performing their usual work or requires medical attention due to workplace violence.

WORKPLACE VIOLENCE AND HARASSMENT COORDINATOR (Human Resources)

- Ensure this policy and the supporting programs are implemented and maintained.
- Provide information and instruction to employees, students and volunteers during orientation / onboarding, annually and other training schedule as deemed necessary.
- Collaborate with Directors / Coordinators and the OHS Committee on workplace violence risk assessment and the development and maintenance of workplace violence, harassment and sexual harassment free programs and other preventative measures.
- Provide employees, students and volunteers with appropriate supports as necessary (EAP or other resources) and work in collaboration with Director / Coordinator and employee, student or volunteer to create a safety plan where appropriate.

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- Work with police, social service or other agency as necessary in the course of an investigation and safety planning for an employee, student, or volunteer.
- Take the lead or participate in the investigations of workplace violence and harassment or work in collaboration with a third party investigator.
- Maintain confidentiality of process, findings, actions, and records of investigative files.

PROGRAM EVALUATION

The effectiveness of the workplace violence and harassment prevention policy and program is evaluated at least annually in consultation with the Occupational Health and Safety Committee.
