



Workplace Violence & Harassment Prevention Policy

Please note: The policy description, definitions, and responsibilities are harmonized across the Huron Perth & Area Ontario Health Team Accreditation Collaborative.

BACKGROUND

The organizations are committed to building and preserving safe, productive and healthy work environments for all employees and volunteers based on mutual respect and are united against acts of violence, harassment, or bullying against or by any employee or volunteer. Harassment and violence in any form are unacceptable and will not be tolerated. The organizations are committed to facilitating the resolution of reported incidents of workplace violence and workplace harassment.

All patients/residents/clients, employees and volunteers of the partner organizations have a responsibility to treat each other with respect and to speak up if they or others are being neglected, abused, harassed or the victim of any type of violence. Each person has a responsibility to report neglect, abuse, harassment or violence to the appropriate authority within the organization and to maintain the confidentiality of anyone involved in a complaint or an investigation.

Reported workplace harassment, and sexual harassment or violence will be investigated as soon as possible in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. When warranted, reported incidents will be filed and investigated through each organization's defined process.

POLICY

The organizations will not tolerate retaliation against any employee or volunteer who reports workplace violence, harassment, or discrimination in good faith or participates in an investigation. No employee or volunteer shall be disciplined, or reprisal taken for reporting an incident of violence or refusing to perform work as a result of a health and safety concern. Organizations shall inform employees and volunteers of workplace resources available to address workplace violence and harassment including union representation, joint health and safety committee members, employee assistance programs or other resources as appropriate.



Each organization will be responsible to create a workplace violence and harassment program to support this policy. Each organization will ensure the relevant parties are involved in/consulted regarding the development of the Workplace Violence and Harassment Program (e.g., Occupational Health and Safety Committee, Health and Safety representative, Labour Relations staff etc.) and align with any organizational policies and procedures including Codes of Conduct.

EQUITY, INCLUSION, DIVERSITY AND ANTI-RACISM

The Huron Perth & Area Ontario Health Team (HPA-OHT)'s **Equity, Diversity, Inclusion and Anti-Racism (EID-AR) Working Group** was established in spring 2021 as part of the Accountability and Implementation Structure for HPA-OHT.

We are committed to addressing all forms of discrimination, including anti-racism, gender bias, and rights of 2SLGBTQIA+ communities. We will acknowledge and respect the multiple identities of every person who visits, works for, volunteers or receives care at our member organizations and provide a workplace that creates a sense of belonging for everyone.

As such, we are committed to ensuring all employees, job applicants and service recipients of all backgrounds have a right to be treated with respect and dignity. Any derogatory comments made about an individual's race, sexual orientation, gender identity or any of the other protected grounds under the Ontario Human Rights Code will be treated as a violation of this policy.

This policy and resolution process does not apply to complaints from the general public or residents/clients/patients regarding service-specific issues. These types of complaints will be addressed by each organization's specific processes.

DEFINITIONS

Court Order: An order by a Court that specifies and/or restricts the behavior of an individual. Court Orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.

Discrimination: The Ontario Human Rights Code provides protection from harassment and discrimination. The Code provides every person in the workplace the right to freedom from harassment that is related to their race, colour, ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, marital status, family status, family affiliation, political belief, political association, social condition or pardoned criminal conviction.



Domestic Violence: In a situation where a person who has a personal relationship with a worker (e.g. spouse, former spouse, current or former intimate partner, or a family member) may physically harm, or attempt or threaten to physically harm that worker at work, domestic violence is considered workplace violence.

Intimidation: causing others to be afraid or fearful through threatening behavior.

The Criminal Code of Canada was amended in February 2022 to include:

- Intimidation — health services
 - 423.2 (1) Every person commits an offence who engages in any conduct with the intent to provoke a state of fear in
 - a) a person in order to impede them from obtaining health services from a health professional;
 - b) a health professional in order to impede them in the performance of their duties; or
 - c) a person, whose functions are to assist a health professional in the performance of the health professional's duties, in order to impede that person in the performance of those functions.
- Obstruction or interference with access
 - 423.2 (2) Every person commits an offence who, without lawful authority, intentionally obstructs or interferes with another person's lawful access to a place at which health services are provided by a health professional.
- Punishment
 - 423.2 (3) Every person who commits an offence under subsection (1) or (2) is
 - a) guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years; or
 - b) guilty of an offence punishable on summary conviction.
- Defence
 - 423.2 (4) No person is guilty of an offence under subsection (2) by reason only that they attend at or near, or approach, a place referred to in that subsection for the purpose only of obtaining or communicating information.



➤ Definition of health professional

- 423.2 (5) In this section, health professional means a person who is entitled under the laws of a province to provide health services.

Racial/ethnic harassment: is any conduct or comment which causes humiliation to an employee because of their racial or ethnic background, colour, place of birth, citizenship or ancestry. Examples of conduct which may be racial or ethnic harassment include, but are not limited to:

- Unwelcome remarks, jokes, or innuendos about a person's racial or ethnic origin; citizenship or ancestry
- Displaying racist or derogatory pictures or other offensive material;
- Insulting gestures or practical jokes based on racial or ethnic grounds which create awkwardness or embarrassment; and/or
- Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background.

Roles

- **Complainant:** The person who has made a complaint about another individual who they believe committed an act of violence, discrimination, or harassment against them.
- **Respondent:** The person whom another individual has accused of committing an act of violence, discrimination, or harassment.
- **Supervisor:** a person who has charge of a workplace or authority over a worker
- **Worker:** Also referred to as "employee" for the purpose of this policy; is a person who performs work or supplies services for monetary compensation. The definition extends to a secondary or post-secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by their academic program.
- **Volunteer:** a person who voluntarily undertakes tasks for an organization without monetary compensation

Threat: The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property

Workplace: is defined as any location where any worker is carrying out any work-related function, appreciating that some environments are outside of the organization's control (e.g. private residence or community location). In such environments, workers



are to follow their organization's applicable policies. Examples of possible "workplaces" include:

- Multi-site environment
- Organization-sponsored conference or training site
- Worker-accompanied client transport
- Employment related social functions
- Telephone conversation
- Electronic communication (e.g. email or text)

Workplace Harassment - defined as engaging in a course of vexatious comments or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Workplace harassment includes behaviour that is hostile in nature or intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, gender identity, gender expression, or any other protected ground under human rights legislation.

The comments or conduct typically occur more than once and could occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or years).

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

- Verbal/emotional/psychological harassment: swearing, put-downs/name calling over a period of time, derogatory labels, acts of humiliation, extreme jealous behaviour, attacking the victim's self-esteem.
- Workplace bullying: a repeated pattern of intentional inappropriate behavior, direct or indirect, whether verbal, physical or otherwise, which could reasonably be regarded as undermining the individual's right to dignity at work.
- Unwelcome remarks, jokes, insults, nicknames, innuendo, or taunting.
- Repeated offensive or intimidating phone calls or emails.
- Posters, notices, bulletins or electronic photos which may cause offence and encourage discrimination or create a hostile environment.
- Racial or ethnic slurs, and use of terminology that reinforces stereotypes based on prohibited grounds.
- Abuse of supervisory authority that endangers a person's employment, work performance or interferes or negatively influences the person's career. This includes misuses of power including intimidation, threats, blackmail and coercion.



- Public humiliation or degrading behavior to a subordinate or co-worker; swearing or yelling, at subordinate or co-worker in an aggressive manner.

Workplace harassment does not include:

- reasonable action or conduct by an employer or supervisor that is part of the normal job function even if there are unpleasant consequences for the worker, for example,
 - changes in work assignments or scheduling
 - job assessment and evaluation
 - workplace inspections
 - implementation of dress codes
- disciplinary action
 - differences of opinion or minor disagreements between co-workers which are handled respectfully
 - In addition, any behaviour that would meet the definition of workplace violence would not be considered to be workplace harassment

Workplace Sexual Harassment – defined as:

- a) engaging in a course of vexatious comments 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.

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

- Sexual solicitation or advance made by a person in a position to confer, grant, or deny a benefit or advancement to the person, where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.
- Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person.
- Unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, sex or sexual orientation, or religion;
- Suggestive or offensive remarks;
- Bragging about sexual prowess;



- Offensive jokes or comments of a sexual nature about an employee;
- Unwelcome language related to gender;
- Displaying of pornographic or sexist pictures or materials;
- Leering (suggestive persistent staring);
- Physical contact such as touching, patting, or pinching, with an underlying sexual connotation;
- Sexual assault.

Workplace Violence defined 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 a worker, in a workplace, that could cause physical injury to the worker

Categories of workplace violence include:

1. The perpetrator who has no relationship to the workplace, i.e., burglary by stranger
2. The perpetrator who is a client or visitor or other third party affiliated with the organization who becomes violent towards a worker
3. The perpetrator who is a current or former worker or other individual performing work at the workplace
4. The perpetrator who has an intimate relationship with a worker e.g., domestic violence.

Examples of workplace violence include, but are not limited to:

- Physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault, throwing an object at a worker, kicking an object the worker is standing on such as a ladder, or trying to run down a worker using a vehicle or equipment).
- Leaving threatening notes at, or sending threatening e-mails to, a workplace
- Any threatening behavior, gesture or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property e.g. wielding a weapon at work, shaking a fist in a worker's face
- Disruptive behavior that is not appropriate to the work environment (e.g., yelling or swearing).
- May include verbal, written, electronic (e.g. social media) or graphic communication



Workplace violence does not require that the perpetrator have the capacity to appreciate that their actions could cause physical harm. For example:

- A person with a medical condition that causes them to act out physically in response to a stimulus in their environment, resulting in injury to a worker. This would be considered workplace violence.
- Situations where two non-workers (e.g. clients) are fighting and a worker could be injured when they intervene. The non-worker may not intend their violence to affect anyone else, but their use of physical force could ultimately cause physical injury to a worker.

NOTE: Workplace violence does not include a situation where a worker is accidentally hurt (e.g. a worker tripping over an object and then falling into or pushing another worker).

Zero Tolerance: a standard that establishes that any behaviour, implied or actual, that violates the policy will be identified, investigated and appropriately addressed.

2SLGBTQIA+: Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer and or Questioning, Intersex, Asexual and the plus reflects the countless affirmative ways in which people choose to self-identify.

RESPONSIBILITIES

Role Responsibilities

These role responsibilities are general statements with organization-specific roles and responsibilities to be detailed as indicated.

Employer:

- Ensure that written measures and procedures to prevent workplace violence and harassment are in place and implemented. Hold management accountable for responding to and resolving complaints of violence and harassment.
- Ensure compliance by all who have a relationship with the organization, such as physicians, contractors, volunteers, etc.
- Ensure a copy of this policy is posted in the workplace in a conspicuous place. The policy must be dated and signed by the CEO or designated senior manager of the organization.
- Ensure risk assessments are being completed and in consultation with Joint Health and Safety Committee (JHSC) or Health and Safety (H&S) representative.



- Ensure training and education for all employees and volunteers is established and delivered in consultation with JHSC or H&S representative.
- Ensure all staff know to seek help to address workplace harassment
- Integrate safe behaviour into day-to-day operations.
- Ensure a confidential reporting process for incidents of workplace violence and harassment is in place.
- Ensure all reports or threats of violence/harassment are investigated in a prompt, objective and sensitive way.
- Ensure a quarterly review of workplace violence incidents is completed and utilize this information to improve safety, reduce the incidence of violence and inform updates to the policy and program.
- Provide necessary resources and support to supervisor in carrying out their duties.
- Ensure the workplace violence and harassment prevention policy and program is reviewed at least once a year.

Supervisors:

All supervisory personnel are responsible for fostering a safe, respectful and non-violent environment. Supervisory personnel are expected to set an example of appropriate behaviour and must address situations of alleged neglect, abuse, harassment or violent behaviour immediately on becoming aware of the situation, whether or not there has been a formal complaint. Supervisor responsibilities include:

- Ensure and monitor compliance with policy and procedures.
- Complete risk assessment of their areas in consultation with employees
- Identify and alert staff to violent persons and hazardous situations.
- Ensure employees and volunteers complete required training and/or education related to workplace violence and harassment
- Ensure control measures are established and in place
- Ensure all staff know to seek help to address workplace harassment
- Integrate safe behaviour into day-to-day operations.
- Investigate all workplace violence using the organization's investigation processes, and contact the police as required.
- Debrief those involved in the incident either directly or indirectly in a timely manner
- Ensure corrective action is taken.
- Ensure response measures are provided.
- Ensure medical attention and support are facilitated for those directly or indirectly involved.
- Ensure any deaths or critical injuries are reported to a Ministry of Labour (MOL) inspector, the police (as required), JHSC or H&S representative and union, as



well as investigated with the JHSC or H&S representative. Ensure the report explaining the circumstances is sent to all parties in writing within 48 hours of the occurrence, including information and particulars prescribed by the *Occupational Health and Safety Act* and regulations.

- Ensure a report is sent to WSIB of all accidents where a worker loses time from work, requires healthcare, earns less than regular pay for regular work, requires modified work at less than regular pay or performs modified work at regular pay for more than seven days. Ensure incidents where an employee is disabled from performing their own work and/or receives medical attention are reported to the JHSC or H&S representative and the union (where applicable) within four days of the occurrence manner if of an incident per the *Occupational Health and Safety Act*.
- Track and analyze incidents for trending and prevention initiatives.

Employees:

- Contribute to a safe and healthy work environment through respectful and appropriate conduct at work.
- Accept personal responsibility for own role in eliminating the risk of workplace violence, harassment, bullying and sexual harassment in the day-to-day activities of their own work.
- Actively participate in education and training programs to ensure appropriate response to any incidents of workplace violence or harassment.
- Understand and comply with the violence and harassment prevention policies and related procedures.
- Report all potential for or actual incidents or injuries of violence/harassment or threats of violence/harassment to supervisor immediately.
- Actively participate in the completion of the risk assessments.
- Seek support when confronted with violence/harassment or threats of violence.
- Seek medical attention as needed
- Review workplace violence and harassment prevention policies and procedures at least once a year.

Joint Health and Safety Committee (JHSC)/Health and Safety Representative:

- Consulted regarding to development, establishment and implementation of violence prevention measures and procedures
- Make recommendations to the employer regarding developing, establishing and providing training in violence prevention measures and procedures.
- Investigate all critical violence-related injuries with worker representative/designate



- Participate in review of workplace violence and harassment prevention program at least once per year.
- Attend and actively participate in the investigation (as appropriate) without delay.

HPA-OHT Accreditation organizations will include an organization-specific addendum to the harmonized policy to address their respective processes.