

SECTION II – ESSENTIAL ORGANIZATIONAL POLICIES

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SUBJECT: Work place anti violence policy and Discrimination and Harassment	PAGE: 33
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PURPOSE

The Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009 or Bill 168 addresses harassment, bullying and violence in the workplace as part of the Occupational Health and Safety Act of Ontario.

The management of West Scarborough Neighbourhood Community Centre is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. West Scarborough Neighbourhood Community Centre will take whatever steps necessary to protect our workers from workplace violence from all sources.

The Centre does not tolerate violence or unacceptable behaviour in the workplace perpetrated by or against employees, clients, volunteers, students or other third parties. In the event of a violent incident or unacceptable behaviour perpetrated by an employee, the Centre will take disciplinary action, up to and including discharge for cause.

The Centre shall establish programs and procedures to reduce the risk of violence and unacceptable behaviour in the workplace.

All employees are expected to be aware of and adhere to such policies and procedures, as required.

The violence prevention program shall include:

- Risk assessment process
- Measures and procedures to protect workers from workplace violence
- Measures and procedure for staff to report incidents or raise concerns of workplace violence
- Reporting and investigation process
- Training and educating staff (policies and procedures)

A workplace violence assessment will be conducted periodically or as required to ensure every step possible is taken to control the risk of violence in the Centre and can include but is not limited to monitoring incident reports for trends, surveying staff regarding workplace safety, monitoring community safety data.

The purpose of this policy is to establish procedures to minimize and/or prevent violence and unacceptable behaviour in the workplace and to foster the safety and security of the Centre employees, clients, and visitors to our work sites. Everyone is expected to uphold this policy and to work together to reduce workplace violence.

This policy applies to all employees, clients, visitors and suppliers of the Centre.

RESPONSIBILITY

Employees

- (a) Employees are responsible for informing their Supervisors of any violence, potential risk of violence, or unacceptable behaviour they may experience or witness. This includes issues in the employee's non-work life that may impact on the employee's or his or her co-worker's safety.
- (b) Employees are responsible for reporting to their Supervisors any incidents of violence or close calls, according to the procedures set out in this protocol.
- (c) Employees are responsible for attending any training or information sessions provided by the employer to reduce violence or risks of violence.
- (d) Employees are expected to co-operate with the police, investigators or other authorities as required during any investigation related to workplace violence.

Supervisors

- (a) Supervisors are responsible for adhering to the policy and associated program.
- (b) Supervisors are responsible for assessing the risk of violence to employees in their jurisdiction, minimizing those risks where necessary or reasonably possible and informing any affected employee of such risk or potential risk. Supervisors will provide information, including personal information, to a worker about a person with "a history of violent behaviour" if:
 - the worker could be expected to encounter that person in the course of his/her work;
 - there is a risk of workplace violence likely to expose the worker to physical injury.
- (c) Supervisors are responsible for ensuring employees are trained to:
 - (i) recognize the potential for violence;
 - (ii) follow the procedures and protocols developed to minimize risk;
 - (iii) respond to incidents appropriately; and
 - (iv) report and document such incidents.
- (d) Supervisors are responsible for tracking and reporting risks of violence, incidents of violence, and close calls to the Joint Health and Safety Committee and Management, according to the time lines set out in the procedures.
- (e) Supervisors are responsible for ensuring proper medical care is provided for anyone involved in an incident and for securing the safety of employees, before investigating the incident or taking reports.
- (f) Supervisors are responsible for co-operating with police, investigators or other authorities, as required during any investigation related to workplace violence.

DEFINITIONS

1. "Workplace violence" means:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or
- 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. (Bill 168)

2. "Violence" means unacceptable behaviour as defined above and also includes any incident in which:

- (a) An employee is threatened or assaulted on WSNCC premises or in circumstances relating to the employee executing his or her job duties;
- (b) A client or visitor to the workplace is threatened or assaulted on company premises;
- (c) An employee threatens or assaults a client, co-worker or other individual in circumstances relating to the employee's execution of his or her duties. (Bill 168)

3. "Domestic violence" means a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. (Bill 168)

4. "Workplace" means in or on the property of the Centre, or away from the Centre property if the employee is engaged in work-related activities. (Bill 168)

5. **“Unacceptable Behaviour”** means physically or psychologically aggressive behaviours including but not limited to:

- Hitting, kicking, punching, pushing, shoving, slapping, pinching, grabbing, biting
- Carrying or brandishing weapons of any sort
- Throwing objects at an individual with a view to cause physical injury or fear
- Destruction of workplace or co-workers’ property
- Threats of violence
- Intimidating behavior that causes the recipient to have a fear of physical violence
- Obscene or harassing telephone calls

6. **“Close Calls”** means incidents which did not result in actual physical harm but, except for circumstance, had the potential to result in physical harm.

7. **“Minor Incident”** means an incident in which no one is physically harmed in any way and which was resolved through employee or supervisory mediation.

8. **“Serious Incident”** means an incident in which someone was physically harmed (whether requiring medical attention or not), or which continued or escalated after supervisory mediation.

PROCEDURES

Risk Assessment

The Management Team shall initiate a process to involve employees and the Joint Health and Safety Committee in assessing the risk of violence in the work environment on a periodic basis.

A written report on the results will be provided to all parties to the risk assessment process as well as all employees.

Once the results have been analyzed by the parties, recommendations as well as actions must be taken to remove as many risks as can be reasonably removed and instructing employees to recognize risk.

Written protocols and procedures must be developed or modified to respond to any identified risks. It will cover everything from work arrangements and the work environment to employee training and education. Everything the employer does to prevent workplace violence should be documented in procedures or cross referenced to another specific policy.

The risk assessment shall be reviewed at least annually.

Domestic Violence

The Centre will take every precaution reasonable in the circumstances for the protection of the worker, if it becomes aware of a domestic violence risk to the worker that would likely result in physical injury that may occur in the workplace.

Each situation shall be dealt on a case-by-case basis, taking into account the needs of the individuals involved. A Safety Plan shall be developed with the victim’s input in order to keep all of the employees safe from domestic violence that might occur at work.

The Centre’s duty to take every precaution reasonable in the circumstances to protect workers may outweigh the individual’s expectation of privacy. Information about the domestic violence situation shall be kept confidential and shall be communicated on a “need to know” basis.

The Management Team shall ensure that the Workplace Anti-Violence policy and procedure are reviewed with each new employee during that employee’s orientation process. The policy and procedure shall be made accessible (electronic, hard copies) to all workers.

All aspects of the violence prevention plan including the policy and procedure will be reviewed annually as part of the Occupational Health and Safety Committee workplan, to ensure it is effective.

Training and Education

All employees are required to be educated and trained on the contents of the policy.

Training program for workers shall include:

- (a) The means to recognize potentially violent situations;
- (b) Policies, procedures, work practices, administrative arrangements and engineering controls that have been developed or modified to minimize or eliminate the risk to workers;
- (c) The appropriate responses of workers to incidents of violence, including how to obtain assistance;
- (d) Procedures for reporting violent incidents. Supervisors and managers will also be trained have the necessary training to safely supervise all workers.

Reporting and Investigation

Each and every incident of violence in the workplace shall be reported immediately to the Supervisor. The Supervisor shall investigate the incident immediately.

1. The Supervisor shall immediately make the appropriate inquiries of the victim and/or witnesses to determine if the incident is minor or serious.
2. If the incident is minor:
 - the Supervisor will determine if mediation is appropriate and if so, mediate or arrange for mediation of the situation;
 - conduct the appropriate investigation immediately; and
 - within twenty-four (24) hours, write an incident Report outlining the details, facts and witnesses of the incident and submit the report to the Executive Director and the Joint Health and Safety Committee.
 - If the assailant is an employee, the Executive Director shall apply appropriate disciplinary measures based on the facts of the incident and the assailant's employment record.

If the incident is serious:

- (i) the Supervisor must first ensure the safety of employees and him/herself;
- (ii) ensure proper medical treatment is provided or sent for;
- (iii) contact the authorities as soon as possible (police or Ministry of Labour, where appropriate), to report the incident;
- (iv) contact the Executive Director and the Joint Health and Safety Committee, as appropriate, as soon as possible, to assess who should be involved in the investigation;
- (v) conduct a thorough investigation, keeping detailed notes of facts, times, witnesses, and witness accounts;
- (vi) within twenty four (24) hours after the completion of the investigation write and submit a detailed incident report to the Joint Health and Safety Committee and the Executive Director, and any other parties required by law;
- (vii) consult with the Executive Director regarding any disciplinary action to be applied.

Right to refuse unsafe work

Any worker, volunteer or student of West Scarborough Neighbourhood Community Centre may refuse to work or to do particular work where she/he has reason to believe that she/he is in danger of being a victim of workplace violence.

DISCRIMINATION AND HARRASSMENT.

Specific Employee:

1. Any employee who believes she or he is being harassed by another employee, volunteer, or participant, should, if practical, immediately inform the harassing individual that his or her behaviour is not welcome.

2. The employee should also begin to keep a record of the harassment.
3. Any employee may, at any time, seek advice or assistance from the Executive Director on how to deal with a situation of harassment and how to make a complaint.
4. Complaints of harassment may be reported, to any of the following people:
 - Immediate Supervisor
 - Executive Director
 - Chairperson of the Board of Directors, in cases where the person engaging in harassment is the Executive Director.
5. The person receiving the complaint will explain the harassment procedure to the employee.
6. If the employee wishes, the problem may be dealt with in an informal manner through a discussion with the harasser. An action plan should be developed and the supervisor or Executive Director should check with the employee periodically to ensure the problem has not persisted.
7. If the problem cannot be resolved informally or if the employee wishes, he/she may put the complaint in writing and submit this report to the Executive Director who will conduct an investigation (or in the case of a complaint against the Executive Director, the Chair of the Board of Directors will conduct the investigation).
8. If the employee is not satisfied with the outcome of the investigation, he or she can appeal to the Chairperson of the Board after receiving the response of the Executive Director. The Chairperson will conduct a further review and will respond in writing to the complainant and to any other employee involved in the matter.
9. All employees have the right to file a complaint with the Human Rights Commission instead of, or in addition to following this complaint procedure.
10. WSNCC has the responsibility to create a work place free of harassment. If the Executive Director (or in the case of the Executive Director, then the Board) feels the harassment reflects a significant power imbalance or creates a poisoned environment for the employee, WSNCC may proceed to investigate the situation even if the employee does not file a formal complaint.
11. Disciplinary sanctions may be levied for violation of this policy as appropriate, up to and including termination of employment.