



Understanding and Preventing Violence and Harassment in the Workplace

What constitutes Violence in the workplace?

- The exercise of physical force against a worker
- An attempt to exercise physical force against a worker
- A threat to exercise physical force against a worker – in a workplace, that could cause physical injury to the worker

Different Forms of Violence that can Occur

- Abuse – physical
- Bullying – physical
- Physical or Sexual Assault
- Domestic Violence in the workplace

What constitutes Harassment in the workplace?

- Harassment:

“Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or out reasonably to be known to be unwelcome”

Different Forms of Harassment that can Occur

- Abuse – verbal
- Bullying – verbal or in written form
- Harassment – verbal or written threats
- Stalking or Cyber-stalking

Sources of Violence and Harassment

- Strangers or people with no ties to workplace
- Customers
- Other workers
- Intimate partners, family members or friends

Requirements Under the Occupational Health and Safety Act

- Bill 168 has become law – Part III.0.1 (section 32.0.1 to 32.0.7) outlines specific requirements to create policies, procedures, measures and training to protect workers.
- Employers **must** “take every precaution reasonable in the circumstances to protect workers from workplace violence and harassment”

What Must Employers Do?

1. Prepare written policies addressing workplace violence or harassment.
2. Post policies in a conspicuous place.
3. Review violence and harassment policy annually, at a minimum.
4. Respond to the threat or actual domestic violence entering the workplace.
5. Ensure workers know they have right to refuse work if “workplace violence is likely to endanger himself or herself...”

What Must Employers Do? (cont'd)

6. Assess the workplace for violence hazards
7. Prepare a violence & harassment programs and investigation procedures
8. Ensure workers have process to report incidents of violence/harassment
9. Ensure training, reporting and response mechanisms
10. Reassess periodically to ensure policy/program effectiveness

What the Policy Will Outline

1. The policy will show employer's commitment to protect workers from workplace violence and harassment.
2. Address violence and harassment from all possible sources.
3. Outline roles & responsibilities of workplace parties in the event an incident occurs.
4. Be dated and signed by highest level of management of the organization.

What the Policy Will Outline (cont'd)

- Procedures to control risks identified in risk assessment
- Procedures for summoning immediate assistance
- Procedures for workers to report incidents of workplace violence to supervisor/employer
- Procedures describing how employer will investigate and deal with incidents or complaints of workplace violence
- Train employees on policy & program elements
- Monitor policy regularly

Considerations That Need to be Taken

- Consider the circumstances of the workplace and common to other similar workplaces.
 - ✓ Layout/design of workplace
 - ✓ Geographic location
 - ✓ Work carried out including **high risk circumstances**
 - ✓ Protective procedures already in place
 - ✓ History of violent incidents in the workplace

What Are High Risk Circumstances?

- **High risk** circumstances of the workplace and common to other similar retail workplaces.
 - Handling cash
 - Working alone or with just a few people
 - Working late at night or very early mornings
 - Working with direct contact with clients
 - Working in high crime areas (potentially)
 - Securing or protecting valuable goods (potentially)

Establishing a Prevention Program

- The number one priority is to prevent the incident from happening altogether.
- This can be aided with a prevention program
- Our program includes:
 - Procedures for workers to report incidents in the workplace.
 - Procedures to investigate and deal with incidents and complaints of workplace harassment.

Additional Steps and Measures

- Employers may assist workers in developing an individual safety plan (as it pertains to the workplace)
- When an abuser and worker are both in the same organization
- There is a threat of domestic violence entering the workplace:
 - (Follow the workplace violence policy and program in dealing with the abuser's behaviour.)

(ON. No.) Branch Workplace Violence and Harassment Policy

Policy Statement

(ON. No.) Branch of The Royal Canadian Legion is committed to the safety of its employees. Staff should enjoy a workplace that is free from violence and harassment. No worker, volunteer or any other individual associated with (ON. No.) Branch shall subject any other person to workplace violence or harassment or allow or create situations that allow workplace violence or harassment to occur.

(ON. No.) Branch Will

- support and promote a program on the prevention of workplace violence and harassment;
- regularly assess the risks of workplace violence;
- identify possible sources of violence and harassment;
- strive to eliminate or reduce the risk of workplace violence and harassment;
- take every precaution reasonable in the circumstances to protect workers from domestic violence that would likely cause physical injury to workers in the workplace;
- investigate and deal with all incidents and complaints of workplace violence
 - and harassment in a fair and prompt manner.

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Purpose of Policy (1)

- identify roles and responsibilities when violence or harassment take place
- in the workplace;
- set out how the Branch will respond to reports of violence or harassment
- in the workplace.

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Definition of Workplace Violence and Harassment (2)(under the *Occupational Health and Safety Amendment Act 2009*, 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;**
- a statement or behaviour that 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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Harassment Means: (Under the *Occupational Health and Safety Amendment Act 2009*, workplace)

➤ 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.

▪ Definition of Worker (3)

▪ The definition of “Worker” now includes a person who does work or provides a service to an employer for **NO** monetary compensation – a volunteer.

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“Worker” means any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program:

1. A person who performs work or supplies services for monetary compensation
2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
3. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.

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4. A person who receives training from an employer, but who under the Employment Standards Act, 2000, is not an employee for the purposes of that Act because the conditions set out in subsection 1 (2) of that Act have been met.
5. Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation

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Rights and Duties (4) – Worker's Rights (4.1)

- a. To report an incident of violence or harassment or file a complaint without fear of retaliation;
- b. To be told about (ON. No.) Branch's process for looking into the incident or complaint;
- c. To choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person;
- d. to get information about the review of the incident or complaint;
- e. to be treated fairly while the Branch is looking into the incident or complaint;
- f. to get information about the action taken by the Branch because of the incident or complaint;
- g. to refuse work if the worker has reason to believe that workplace violence is likely to endanger himself or herself.

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Rights and Duties – Worker's Duties (4.2)

- a. Workers have a duty to report any incidents of violence or harassment they become aware of, even if they are not personally involved.
- b. Workers who feel they have been harassed have a duty to communicate clearly to the person who harassed them that the behaviour was unwelcomed, unless it is unreasonable to expect them to do so.
- c. Workers who report an incident or file a complaint have a duty to cooperate with the investigator during the investigation of the incident or complaint.

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Rights of the Person Accused of Violence or Harassment (4.3)

- a. To be told that a report or complaint has been filed;
- b. To know who filed the report or complaint, unless (ON. No.) Branch decides that reprisals are an issue, in which case the name may be withheld. This should be done only in the most extreme circumstances.
- c. To be told about the Branch's process for looking into the incident or complaint;
- d. To choose a person to be with them during meetings about the incident or complaint. This can be a lawyer or other person.
- e. To be treated fairly during the investigation process.

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Duties of the Person Accused of Violence or Harassment (4.4)

- Anyone accused of violence or harassment has a duty to cooperate with (ON. No.) Branch in the investigation of the incident or complaint.

Reporting Workplace Violence (5)

- When an incident of workplace violence occurs, (ON. No.) Branch will notify police or emergency responders for immediate assistance where necessary.
- If the incident results in a person being killed or critically injured, (ON. No.) Branch will immediately notify a Ministry of Labour health and safety inspector, and within 48 hours notify, in writing, a director of the Ministry of Labour.

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Investigating Incidents and Complaints (6)

- If the incident or complaint is on human rights grounds, (ON. No.) Branch will follow the (ON. No.) Branch process set out in the Human Rights By-law (include if has adopted a Human Rights By-Law)
- An incident report or a complaint must be in writing and signed by the person filing the report or making the complaint unless this is unreasonable. The report or complaint should be given to the _____. If the report or complaint is about the _____ then it can be given to the _____. If the report or complaint is about both the _____ and the _____ it can be given to Human Resources at (ON. No.) Branch.
- (ON. No.) Branch will designate a person to look into the incident or complaint. This position may be called the Incident Investigator or the Complaints Officer. The designated person may or may not be an Executive or staff member and may be from outside the Branch.

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- The designated person may be authorized to consult (ON. No.) Branch's lawyer. Where there is a possible legal liability on the part of (ON. No.) Branch, the Branch's lawyer will be consulted before proceeding further.
- The investigation into the incident or complaint will include interviews with the parties and any others that may have knowledge of the incident or complaint. The investigation may include a review of (ON. No.) Branch files and inspection of parts of (ON. No.) Branch as necessary. The designated person will submit a written report to the board.
- The board will consider the report and take the appropriate action where there is evidence of violence or harassment. In determining the action to take, the board will consider the seriousness of the acts.

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Possible actions include:

- a letter of apology or a performance agreement, if the parties will agree to these;
- mediation between the parties or mandatory counselling;
- proceedings to remove someone from the board if the person at fault is a director;
- reprimand, suspension or dismissal if the person at fault is a worker;
- eviction, if the person at fault is a resident of the Branch. However, in determining what to do, the board will be guided by the eviction process;
- establishing appropriate security measures as part of the workplace violence and harassment program.

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Privacy (7)

- (ON. No.) Branch shall keep all the information relating to an incident or complaint confidential.
- However, in order to investigate an incident or complaint, the investigator conducting the investigation shall interview and document statements outlining the facts pertaining to the complaint. The investigator will protect the identity of those involved but this may not always be possible.

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Action by the Branch (8)

- While the incident or complaint is being investigated, (ON. No.) Branch will:
 - limit contact between the parties involved in the incident or complaint;
 - assist the affected worker by providing resources and services to assist them with dealing with any stress they may incur as a result of the incident.

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Other Legal Rights (9)

- This policy does not in any way limit the right of workers to take any other legal action resulting from violence or harassment.

(ON. No. _____) Branch's Workplace Violence and Harassment Policy

Acknowledged by Management

CERTIFIED

to be a true copy of _____ (ON. No. _____) Branch's Workplace Violence
and Harassment Policy at the meeting held on _____ 2019.

(ON. No. _____) Branch's Workplace Violence and Harassment Policy

Thank you for completing this training presentation.

Employees are to sign the training document and forward to the _____ and
_____ (ON. No. _____) Branch's Human Resources Department.

Any other person reviewing this presentation may acknowledge doing so by signing a
different acknowledgement form.

Signature

Print Name

_____ 2019