

Madawaska Valley

Association For

Community Living

**POLICY: WORKPLACE VIOLENCE & HARRASSEMENT**

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­Madawaska Valley Association for Community Living is committed to the prevention of Workplace Violence.

The purpose of this policy is to define behaviour that constitutes workplace violence and harassment and to define procedures for reporting and resolving incidents of workplace violence. ***Madawaska Valley Association for Community living*** is committed to providing a working environment free ofviolence and harassment by ensuring that all workplace parties are familiar with the definitions of workplace violence and harassment and their individual responsibilities for prevention and corrective action. ***Madawaska Valley Association for Community Living*** *has used the* following legislation governing workplace violence and harassment in Ontario to establish this policy.

* The Occupational Health and Safety Act;
* The Criminal Code of Canada;
* The Ontario Human Rights Code;
* The Workplace Safety and Insurance Act,
* The Compensation for Victims of Crime Act;

## Policy Statement:

The management of ***Madawaska Valley Association for Community Living*** recognizes the potential for violence and harassment in the workplace and therefore will make every reasonable effort to identify all potential sources of violence and harassment in order to eliminate and/or minimize these risks. ***Madawaska Valley Association for Community living*** refuses to tolerate any type of workplace violence and harassment, within the workplace or at work related activities. ***Madawaska Valley Association for Community living*** is committed to the expenditure of time, attention, authority and resources to the workplace parties in order to ensure a safe and healthy working environment for all employees and clients for whom we provide care.

For the purpose of this policy, “violence” is any actual, attempted or threatened conduct of a person that causes or is likely to cause physical and/or psychological harm/injury/illness or that gives a person reason to believe that s/he or another person is at risk of physical and/or psychological harm/injury/illness, including but not limited to, any actual or attempted assault (including sexual assault and physical attacks), threat, verbal, psychological or sexual abuse and harassment.

For the purposes of this policy, harassment is (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of gender identity, or gender expression, where the course of the 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.

All managers and employees are responsible for following safe work practices, the policy and the procedures outlined in the Workplace Violence and Harassment Prevention Program. Management is responsible for implementing and maintaining the Policy and Procedures.

The Workplace Violence and Harassment Prevention Policy was developed to ensure that all managers and employees are aware of and adhere to the work practices designed to make the workplace safe. ***Madawaska Valley Association for Community Living*** encourages and supports employee involvement and commitment to the design and implementation of the Workplace Violence and Harassment Prevention Program and will ensure that such design and implementation is conducted in consultation with the JHSC. Every employee is responsible for promptly reporting to their manager or to a member of JHSC, any incidence of workplace violence and harassment. Every manager is responsible for promptly responding to and investigating allegations of workplace violence and harassment in accordance with this policy.

The management of Madawaska Valley Association for Community Living is responsible for ensuring that all health and safety policies and procedures, including workplace violence and harassment, are clearly communicated and understood by all employees, through both general and site specific training, and annual review of the program. Managers are expected to enforce this policy and program requirements fairly and consistently throughout the organization and are accountable for failure to respond to and investigate allegations of workplace violence and harassment.

## Violence/Harassment in the Workplace Prevention Program:

The Violence and Harassment Prevention Program can improve the quality of the working environment and decrease the risk of workplace violence. Elements of the Workplace Violence and Harassment Prevention Program include:

* Management commitment and Employee and JHSC involvement
* Inclusion of this Policy
* Conducting an evaluation of a worksite risk assessment
* Identification of violence and harassment prevention, control and response measures in place which include hazard prevention controls, methods of responding to, reporting and investigating incidents of violence and harassment
* Education of employees about the program and training employees about the procedures
* Annual evaluation of the program and procedures

It is important to note that workplace violence and harassment can occur outside of work settings. It can occur during work-related functions at off-site locations such as conferences, social events, or visits to clients’ homes. It can also happen in an employee’s home, yet be work related: for example, threatening telephone calls from co-workers, clients, or managers. Workplace violence and harassment can be committed by anyone: employees, managers, clients, students, contract workers, visitors, families of clients, or unauthorized intruders.

Definitions Associated With Workplace Violence:

**Verbal abuse:** is the use of vexatious comments that are known, or that ought to be known, to be unwelcome, embarrassing, offensive, threatening, or degrading to another person (including swearing, insults, or condescending language) which causes the person to believe their health and safety is at risk

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

**Physical attacks:** are aggression resulting in a physical assault/abuse with or without the use of a weapon. Examples include hitting, shoving, pushing, punching, biting, spitting, groping, pinching, or kicking the victim, unwelcome displays of affection or inciting a dog to attack.

**Psychological abuse:** is an act that provokes fear or diminishes an individual’s dignity or self worth or that intentionally inflicts psychological trauma on another.

**Assault:** is any intent to inflict injury on another, coupled with an apparent ability to do so; any intentional display of force that causes the victim to fear immediate bodily harm.

**Sexual abuse:** is any unwelcome verbal or physical advance or sexually explicit statement, displays of pornographic material, pinching, brushing against, touching, patting, or leering which causes the person to believe their health and safety is at risk.

**Sexual assault:** is the use of threat or violence to force one individual to touch, kiss, fondle, or have sexual intercourse with another.

**Near miss:** is an act of striking out, but missing the target.

**Harassment:** Is engaging in any vexatious comment or conduct that is known or out reasonably to be known to be unwelcomeand which causes the person to believe their health and safety is at risk.

**Workplace Sexual Harassment:** (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of gender identity, or gender expression, where the course of the 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 ti 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.

# 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.

Bullying includes but is not limited to:

General Bullying Tactics:

* Spreading rumours, gossip, or innuendo.
* Ostracism/Exclusion.
* Silent treatment.
* Verbal or physical intimidation.
* Physically abusing or threatening abuse.
* Verbal abuse, i.e., yelling, profanity, name calling, offensive jokes.
* Constant criticism of a person or their work performance.
* Belittling a person’s opinions either publically or privately.
* Misusing confidential information.
* Retaliation after a complaint was lodged.
* Sabotage.
* Excessive controlling behaviour with others.
* Withholding necessary information or purposefully giving the wrong information.
* Intruding on a person’s privacy by pestering, spying or stalking or tampering with a person’s personal belongings.
* Mobbing.

Management Bullying Tactics:

Abusing the evaluation process:

* Undermining or deliberately impeding a person’s work.
* Constantly changing work guidelines.
* Establishing impossible deadlines that will set up the individual to fail.
* Assigning unreasonable duties or workload.
* Giving someone the majority of unpleasant tasks.
* Withholding necessary information or purposefully giving the wrong information.
* Intruding on a person’s privacy by pestering, spying or stalking or tampering with a person’s personal belongings.

What Bullying/Harassment is **NOT**:

It is recognized that there may be some circumstances where an employee experiences stress or discomfort in the workplace, which is not related to bullying or inappropriate behaviours.

Unless there is evidence that demonstrates a pattern of humiliating, offensive, or intimidating behaviour, as described previously or there is evidence of one incident having severe impact, such situations may not constitute a basis for complaint under this policy. For example, bullying would not include:

* The normal exercise of supervisory responsibilities, including performance appraisals, direction, counselling and disciplinary action where necessary, provided they are conducted in a respectful, professional manner, in accordance with Madawaska Association for Community Living policies and procedures.
* Legitimate management responses to pressured situations.
* Social interactions, jokes and bantering, which are mutually acceptable, provided the interactions are respectful and there is no negative impact for others in the work environment.
* Disagreements, misunderstandings, miscommunication and/or conflict situations, provided the behaviour of the individuals involved remains professional and respectful.

# Roles and Responsibilities;

The Employer will:

* Ensure that measures and procedures identified in the Violence and Harassment Program are carried out and that management is held accountable for responding to and resolving complaints of violence
* Integrate safe behaviour into operations daily
* Review all reports of violence and/or threats of violence, harassment in a prompt, objective and sensitive manner. This includes a review of all investigations associated with violence-related incidents
* Take appropriate action
* Provide appropriate response measures
* Ensure critical injuries have been reported to a Ministry of Labour (MOL) Inspector, JHSC,

H & S Representative and Trade Union, and the MCSS. Investigate with JHSC and report in writing to all parties within 48 hours of the occurrence, the circumstances of the occurrence including such information and particulars as the Occupational Health and Safety Act and regulations prescribe.

* Ensure all accidents are reported to WSIB where a worker loses time from work, requires health care, 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 7 days. Copies of accident information (not identified as a critical injury) must be provided to the JHSC within 4 days of the occurrence as Occupational Health and Safety Act and regulations prescribe.

### Managers/HR will:

* Enforce policy and procedures and monitor worker compliance
* Identify and educate staff to hazardous situations
* Investigate all incidents of workplace violence and harassment using the organization’s Violence and Harassment Reporting/Investigation Form and contact the police department as required.
* Ask if the employee needs to seek medical attention
* Ensure that debriefing is completed for those either directly or indirectly involved in the incident
* Track and analyze incidents for trending and prevention initiative
* Immediately report critical injuries to, Executive Director, a Ministry of Labour (MOL) inspector, JHSC, and the MCSS (if required). Report to all parties in writing within 48 hours of the occurrence, the circumstances of the occurrence containing all relevant information.
* Report all accidents to the employer/WSIB involving lost time, where a worker requires health care, 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 7 days.

#### Workers will:

* Participate in education and training programs in order to be able to appropriately respond to any incident of workplace violence and harassment.
* Must understand and comply with the violence and harassment in the workplace prevention policy and all related procedures.
* Report all incidents/injuries of violence and/or threats of violence, and harassment to their manager or JHSC member immediately, completing the Violence and Harassment Reporting/Investigation Form
* Inform the JHSC or worker member of the JHSC about any concerns about the potential for violence and harassment in the workplace
* Contribute to Risk Assessments
* Seek appropriate support from available resources as required when confronted with violence or threats of violence and harassment
* Seek appropriate medical attention

The Joint Health and Safety Committee (JHSC) will:

* Be consulted about the development, establishment and implementation of violence/harassment measures and procedures (The Violence Prevention Program)
* Be consulted and make recommendations to the employer to develop, establish and provide training in violence/harassment measures and procedures
* Review at least annually the workplace violence and harassment prevention program
* The worker designate should Investigate all critical injuries related to violence

### Reporting and investigation:

### Workers are encouraged to report all violence-related and harassment incidents/hazards, to a manager or to HR. If not comfortable reporting to a manager or HR the complaint can be reported to a member of the Joint Health and Safety Committee. This report can be made confidentially, at the employee’s request, with the exception of the necessary steps to ensure the safety of others and prevention of re-occurrence. For example, a police report may be necessary.

* Workplace Violence and Harassment Incident Reports accompany this policy and are to be used as a reporting tool directly forwarding a copy of the completed Violence and Harassment Reporting/Investigation Form to the manager.

* The reporting worker may make the report confidentially by simply indicating the need for confidentiality to their direct manager, or in the manager’s absence, to another manager, HR or to a member of JHSC.
* The manager receiving the report will inform HR. HR (in the absence of HR a manager) will investigate the report and ensure appropriate measures are taken to make employees safe. No report of workplace violence and harassment or risks of violence can be the basis of retaliation against the reporting employee.
* The employer will report all injuries to the MOL and WSIB as required by the Occupational Health and Safety Act, Workplace Safety and Insurance Act and a serious occurrence report will be sent to MCSS if the incident involves residents.

### Response Procedures:

* HR will document all reports of workplace violence/harassment and hazards and measures taken to address them using the Violence and Harassment Reporting/Investigation Form.
* If the resolution of the incident is beyond the authority of HR, they must make the executive director aware of the report. The Executive director will involve other managers in the investigation, as appropriate (for example: when the incident involves residents or employees under another manager’s area of responsibility).
* Management will review all incident reports, monitor trends and will make recommendations for prevention and enhancements to the Workplace Violence and Harassment Prevention Program to the Executive Director.
* These findings will be shared with the JHSC and they will be consulted regarding any revision to the Violence and Harassment Prevention Program and Training Program.
* The Executive Director will review reports of workplace violence and harassment and ensure appropriate actions have been taken.
* The manager who investigates the reported incident of violence will ensure communication of potentially dangerous situations associated with a report to all staff potentially affected by the reported incident. The same manager is responsible to inform the employee who made the report, the outcome of the investigation. All parties involved will sign off on the Violence and Harassment Reporting/Investigation Form that a 1:1 in person debrief was conducted with them.
* If a violent incident results in a critical injury to a worker the JHSC worker designate shall investigate the incident.

### Supports for Employees affected by workplace violence and harassment:

Management will respond promptly and will assess the situation and ensure that the following interventions are followed:

* Ask employee if they need to seek medical attention
* Debriefing
* Completion of Incident reports, WSIB Accident Reports, Reports to MCSS, Reports to MOL (if required)
* Reporting to Police
* Team Debriefing

Risk Assessment:

Management (with worker involvement) assesses workplace violence hazards in all jobs, and in the workplace as a whole. Risk assessments are reviewed annually and whenever new jobs are created, or job descriptions are substantially changed. A risk assessment tool is appended.

Management initiates a Violence and Harassment Prevention Program, which includes annual review on general and job specific workplace hazards as well as job specific orientation for new employees and volunteers.

All employees are expected to be attentive to violence and harassment risks. Employees are required to report hazards to the appropriate manager, in a timely fashion.

Management works together with employees and the JHSC to develop strategies and practices for ongoing reduction of risks of workplace violence and harassment. These include, but are not limited to, education, information exchange, and reviews of practices and procedures.

### Education:

All new employees will receive general orientation to the Workplace Violence and Harassment Prevention Program. In addition, all employees will receive an annual review of both the general and site-specific components of the Workplace Violence and Harassment Prevention Program.

### Program Evaluation:

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### Accountability:

Workers and managers are accountable for following policy and procedures related to workplace violence and harassment. All workplace parties are accountable to comply with the policy, program, measures and procedures relating to workplace violence and harassment. Workers and managers are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace violence and harassment.

## Records:

All records of reports and investigations of workplace violence and harassment are kept for a period of two years following the report.

## Policy review:

This Violence and Harassment in The Workplace Prevention Policy and Program will be reviewed annually by the Joint Health & Safety Committee and the Executive Director.

Annual Review By:

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Jaclyn Read, agency rep for JHSC Date

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Jay Fabian, agency LEAD – JHSC Date

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Simon Fero, Agency rep. for JHSC Date

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Charmaine Petroskie, Union rep. - JHSC Date

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Tracy Biskup, Union Lead - JHSC Date

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Eric Visneskie, Union rep. - JHSC Date

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Monica Prymack, Executive Director Date