

COMMUNITY LIVING DURHAM NORTH

VIOLENCE IN THE WORKPLACE

Policy No: C-25 (Human Resources) Effective Date: May 1, 2007
Last Revision/Review: Sept. 15, 2011

Rationale:

To reinforce the commitment, stated in our Employee Health and Safety policy, to ensure a healthy and safe environment for supported persons as well as employees, students and volunteers.

Policy Statement:

Community Living Durham North is committed to the prevention of workplace violence. It recognizes the potential for violent behaviour and will make every reasonable effort to identify all potential sources of violence with a view to eliminating or minimizing them.

Any resort to violence by an employee will result in disciplinary action up to and including suspension and discharge.

Neither is violence condoned when undertaken by a supported person, and Community Living Durham North recognizes and appreciates the burdens of stress and anxiety that are placed upon employees who deal with aggressive behaviour. Therefore, senior staff will undertake every reasonable action to support and sustain the efforts of staff in such situations. At the same time, we must recognize that behaving aggressively may be an inherent part of a person's disability. It might therefore be unreasonable to make a person's eligibility for service, or continuation in service, contingent upon appropriate behaviour.

Clear procedures will be implemented by Management that define workplace violence and set forth the mechanisms for reporting and resolving incidents of such violence, including violence perpetrated by a supported person.

In developing the procedures that will implement and monitor the effectiveness of this policy, Management will consult with our Joint Health and Safety Committee and be aware of the several pieces of legislation that govern workplace violence in Ontario.

Approved by: _____ Date: _____
for the Board of Directors

COMMUNITY LIVING DURHAM NORTH
VIOLENCE IN THE WORKPLACE

Procedure No: C-25-1

Definitions Associated with Workplace Violence

Effective Date: May 1, 2007

Revision Date: Jan. 30, 2017

- Assault: Any intent to inflict injury, coupled with an apparent ability to do so; any intentional display of force that causes the victim to fear immediate bodily harm.
- Harassment: Any ongoing vexatious comment or conduct that is known, or should be known, to be unwelcome, and that causes the targeted person to believe his health and safety may be at risk.
- 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.
- The Near Miss: Any act of striking out and missing the target.
- Psychological Abuse: Any act that deliberately provokes fear or diminishes an individual's dignity or sense of self worth.
- Sexual Abuse: Any unwelcome verbal or physical advance or sexually explicit statement, displays of pornographic material, pinching, brushing against, touching, patting or leering that causes a person to believe their health and safety is at risk (see *Prevention of Harassment* policy).
- Sexual Assault: The use of a threat or violence to impose sexual contact (touching, kissing, fondling or intercourse) upon another.
- Threats: Any communicated intent, verbal or written, to inflict physical or other harm upon a person or his property. Such threats may be conditional or veiled as well as direct.

- Verbal Abuse: The use of vexatious comments that are known, or ought to be known, to be unwelcome. Attempts to verbally embarrass, offend, threaten or degrade another person.

Note: Several CLDN policies are closely related to this policy statement on Workplace Violence. The reader should consult:

Employee Code of Conduct

Prevention of Harassment in the Workplace

Supporting People who have Challenging Behaviours

Protection of Supported Persons from Physical, Sexual or Emotional Abuse

Procedure No: C-25-2

Effective Date: May 1, 2007

Employers' Responsibilities in Connection with Workplace Violence

- Be familiar with and track changes to: 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, and the Regulated Health Professions Act.
- Communicate policy to employees and enforce compliance.
- Identify and alert staff to hazardous situations (including supported persons who have a tendency to act out violently).
- In consultation with Joint Health and Safety Committee, conduct risk assessments and deliver appropriate staff training.
- Provide employees with clear means of reporting workplace violence, and with full assurances that no reprisals will be taken against individuals making such reports.
- Facilitate medical attention and support for all those either directly or indirectly involved. Ensure that de-briefing occurs.
- Automatically refer to Police all reports of assault (which is clearly defined in the Criminal Code) perpetrated by employees.
- Promptly investigate all other instances or allegations of employee to employee violence in a prompt, objective and sensitive manner. The investigation will include clarifying the allegations with the complainant, questioning the respondent, and interviewing witnesses and any other parties who might be of assistance. The respondent will have a full and fair opportunity to know the nature of the complaint and will be asked to provide a full written response as part of the investigation. The Executive Director or designate will conclude the investigation with a written report that shall be kept on file for at least five years. Take corrective action and, with due regard for issues of confidentiality, communicate the results of the investigation to all those directly involved.

- Normal programmatic procedures call for a full de-briefing process in the case where a supported person is the perpetrator (see *Supporting People who have Challenging Behaviours*).
- Track and analyse all incidents of violence for trending and prevention initiatives.
- Comply with the Occupational Health and Safety Act in reporting, investigating and documenting all deaths or critical injuries within required time lines.
- Comply with the Workplace Safety Act in reporting and documenting all injuries that result in a person receiving medical attention, or in being unable, for any period, to perform his or her usual job duties.

Procedure No: C-25-3

Effective Date: May 1, 2007

Employees' Responsibilities in Connection with Workplace Violence

- Participate in education and training programs provided by the employer.
- Understand and comply with this violence prevention policy statement and its related procedures.
- Seek support when confronted with violence or threats of violence. If victimized, seek medical attention.
- Immediately report all incidents of violence or threatened violence to management; complete written Incident Report.
- Cooperate with subsequent investigation.
- Contribute to attempts made by one's own staff team to develop risk assessments and management strategies, where these are warranted.
- Cooperate with the Joint Health and Safety Committee in its regular round of audits and inform it about the potential for violence in the workplace.

Procedure No: C-25-4

Effective Date: May 1, 2007

The Role of the Joint Health and Safety Committee in Connection with Workplace Violence

- Be consulted, and provide thoughtful input, concerning the development, review and enforcement of this policy and related violence prevention measures.

- Be consulted, and provide thoughtful input, around staff training modules that would reduce instances of workplace violence and assist staff to deal with any incidents that do occur (e.g. anger diffusion, crisis intervention, etc.).
- The certified worker and management designates must investigate all critical injuries where violence is involved.
- In the case of any critical injury or death, immediately (within 48 hours) receive and review a written report.
- Review written reports of lesser injuries at the committee's next regularly scheduled meeting, where the injury resulted in the person receiving medical attention, or where the person was unable, for any period, to perform his or her usual job duties.

Procedure No: C-25-5
Domestic Violence

Effective Date: May 1, 2007
 Last Revision/Review: Feb. 1, 2009

- Victims of domestic violence may exhibit certain signs or symptoms and CLDN managers will be provided with a basic level of training equipping them to recognize these indicators.
- The training will extend to making sure that managers can distinguish between appropriate and inappropriate interventions. Off-hand advice like "You should leave," is not appropriate. More appropriate statements would include "I am here to help whenever you are ready," or "I am afraid for your safety." Provide information about supports that are available in the community.
- The person should be encouraged to consider whether or not co-workers need to be aware of the risk. If they are aware, they will be better prepared should the perpetrator enter the work place.
- Where both spouses are employed by the agency, violence or harassment of domestic origin can be brought into the work place. It must not be tolerated on this account. Instead, it will be dealt with under this policy, or under *C-12 Prevention of Harassment in the Workplace*.

Approved by: _____ Date: _____
 CEO