Workplace Violence and Harassment
Prevention Program Policy

SECTION 2 – EMPLOYMENT PRACTICES

THIS POLICY/DOCUMENT APPLIES TO: All YWCA Hamilton Employees

Description: Under the Occupational Health and Safety Act, all employers must take every precaution reasonable in the circumstances to protect the health and safety of their workers in the workplace. This includes protecting them against the risk of workplace violence and harassment.

YWCA Hamilton is committed to workplace health, safety and security for all employees, clients, members, volunteers and visitors. YWCA Hamilton has consulted the joint health and safety committee (JHSC) and the following legislation governing workplace violence and harassment in Ontario:

The Occupational Health and Safety Act
The Criminal Code of Canada
The Ontario Human Rights Code
The Workplace Safety and Insurance Act, 1997
The Compensation for Victims of Crime Act
The Regulated Health Professions Act

YWCA Hamilton will support and maintain strict compliance expectations regarding violence and harassment. To support this commitment, YWCA Hamilton has developed a workplace violence and harassment policy applicable to all locations and work-sites.

Scope: Violent behaviour and harassment in the workplace from anyone is unacceptable. Employees are expected to uphold this policy and to work cooperatively to prevent workplace violence and harassment.

Violence is any incident, in which an employee is abused, threatened, harassed, assaulted by inflicting injury or damage to property or threatened damage to property. It can be in the form of offensive comments including: jokes, comments, obscene remarks, insult, ridicule, swearing, shouting, demeaning or belittling statements, threats without weapons, causing emotional distress or personal humiliation, or threatening the health, safety and livelihood of the employee. The act may be implied or actual, and be either verbal or physical in nature.
Physical violence can be aggravated assault, assault, sexual assault, stalking, gestures, kicking, pushing, biting and/or spitting. Violence also includes acts or threats of aggression resulting in physical or psychological damage, pain or injury to a worker.

Workplaces are more than just offices. When an employee is at an off-site meeting, the meeting place is the workplace. When an employee is travelling in their automobile or by transit in the performance of their job, the vehicle is a workplace.

Workplace violence and harassment can occur during work-related functions at off-site locations such as conferences, social events, or the offices of community based institutions such as schools, hospital, doctor’s offices and courts. Violence can also happen in an employee’s home, if it is work related: for example, threatening telephone calls from co-workers, clients or managers. Workplace violence and harassment can be committed by anyone.

Policy: The YWCA Hamilton is committed to providing a safe, healthy working environment. Violence and harassment in the workplace has been proven to have devastating effects on the quality of life for employees and on the productivity of the organizations. All members of the YWCA Hamilton community, employees, clients, members, residents, visitors, volunteers, placement students, guests, contractors, sub-contractors and board members, have the right to work, live and use our facilities in an environment free from violence and harassment. YWCA Hamilton is committed to this policy and charges YWCA Management to create an environment that supports YWCA Hamilton’s goal of strict compliance.

The work performed by YWCA Hamilton has the potential for staff to encounter violence and harassment in the workplace. YWCA Hamilton will make every reasonable effort to:

- train management and staff;
- identify sources of violence and harassment;
- establish reporting requirements and procedures designed to address violent acts, threats of violence and harassment;
- reduce or eliminate the risk of violence and;
- Implement policies and procedures to be adhered to by the workforce.

Protection of employees from workplace violence and harassment is established under the Ontario Occupational Health and Safety Act. It is occupational health and safety hazard when occurring in the workplace. It is defined as:

- The exercise of physical force by a person against a worker that causes or could cause physical injury.
An attempt to exercise physical force against a worker that could cause physical injury.

- A statement or behaviour that a worker would have reason to interpret as a threat to exercise physical force and that could cause physical injury.

- Domestic violence is workplace violence if it occurs in the workplace. YWCA Hamilton shall take every reasonable step to protect employee(s), if the Employer is aware, or ought reasonably to be aware, that domestic violence would likely expose an employee to a physical injury. YWCA Hamilton will take every reasonable precaution in the circumstances to protect the individual and other employees.

YWCA Hamilton and staff may request involvement of the police and will work cooperatively with the police in matters of workplace violence and harassment.

All managers, supervisors and staff are responsible to adhere to safe work practices and the policy and procedures outlined in the Workplace Violence and Harassment Prevention Program Policy.

This Policy is designed to ensure that all employees are aware of and adhere to the work practices designed to make the workplace safe. YWCA Hamilton encourages and supports the involvement, the commitment of employees and the Joint Health and Safety Committee in the design and the implementation of this policy, subsequent review and in establishing Workplace Violence and Harassment Prevention Program(s).

Every employee must promptly report to his or her supervisor or management any incidence of workplace violence and harassment. Management staff are responsible to promptly respond and investigate complaints, reports, incidents, and the risks or threats of workplace violence and harassment; take steps to protect employees in accordance with this policy.

The management of YWCA Hamilton is responsible for ensuring that health and safety practices and procedures, including workplace violence and harassment prevention, are clearly communicated and understood by all employees. Management staff are required to enforce this policy and program requirements fairly and consistently throughout the organization.

Definitions:

**Verbal/Emotional/Psychological abuse:** is a pattern of behaviour that makes someone feel worthless, flawed, unloved, or endangered. Like other forms of abuse, it is based on power and control. Examples include: swearing, put-downs/name calling over a period of time, labelling the victim in a derogatory way such as stupid, crazy or irrational, acts of humiliation, extreme jealous behaviour,
attacking the victim’s self-esteem in other ways. It can also include harming pets and damaging property.

**Threat:** (verbal or written) is the 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.” Veiled threats usually involve body language or behaviours that leave little doubt in the mind of the victim that the perpetrator intends to harm. It can include stalking behaviours. Various electronic social media may be included in forms of either threats or abuse.

**Physical Attacks:** is aggression resulting in 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 an animal 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 bodily harm.

**Sexual Abuse/Harassment:** is any unwelcome verbal or physical advance or sexually explicit statement, such as jokes, displays of pornographic material, pinching, brushing against, touching, patting or leering that makes a person feel humiliated, intimidated or uncomfortable, thus interfering with work performance.

Incidents involving sexual harassment include unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature when:

- Such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group; OR
- Submission to such conduct is made either implicitly or explicitly a condition of employment, appointment, approval of privileges, an educational/training opportunity, or receipt of services or a contract; OR
- Submission to or rejection of such conduct is used as a basis for any employment, reappointment, or advancement decision (including, but not limited to, matters of promotion, raise in salary, job security and benefits affecting the employee); OR
- Such conduct has the purpose or the effect of interfering with a person’s work performance or creating a difficult, intimidating, hostile or offensive work environment.
Within this context, types of behaviour which constitute sexual harassment include, but are not limited to:

- Sexist jokes causing embarrassment or offence
- Leering (suggestive staring)
- Sexually derogatory or degrading remarks directed towards a person because of their sex or sexual orientation
- Sexually suggestive or obscene comments or gestures
- Unwelcome inquiries or comments about a person’s sex life
- Inappropriate or unwelcome focus/comments on a person’s physical attributes or appearance
- Persistent or unwelcome sexual flirtation(s), advance(s), proposition(s)
- Displaying printed material of a suggestive or sexually offensive nature.
- An implied or expressed promise of a reward, benefit or advancement in return for sexual favours, or reprisal if such favours are not given
- Persistent unwanted contact or attention after the end of a “consensual” relationship
- Unwanted touching or patting
- Verbal abuse or threats

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

Examples of sexual assault include, but are not limited to:

- Touching which is committed in circumstances of a sexual nature; and
- The threatened use of violence to force a person to engage in sexual conduct.

**Near Miss:** is an act of acting out and or striking out, but missing the target. This may include: a punch or hit thrown but missed, object thrown but missed, lurking and stalking.

**Poisoned Work Environment:** is a hostile and abusive work environment resulting from harassment by comment or conduct that ridicules or demeans an individual or specific group of employees: for example, racial slurs or derogatory comments about sexual orientation. It can also include actions or inactions witnessed that create or can be interpreted as creating an offensive term or condition of employment or continued employment. The offending action does not need to be directed at the individual who claims to be harassed.

**Harassment:** is acting in a manner contrary to the prohibited ground for discrimination in employment and services as established under the Ontario Human Rights Code. The Ontario Human Rights Code
recognizes the inherent dignity and equal and inalienable rights of all members of the human family. The aim is to create a climate of understanding and mutual respect for the dignity and worth of each person so that each feels part of the community and is able to contribute fully to the development and well-being of the community and the Province.

Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, gender, citizenship, creed, sex, sexual orientation, age record of offences, marital status, family status or disability. Every person has a right to freedom for sexual harassment. Harassment and sexual harassment, includes instances of conduct that is known or ought to reasonably be known to be unwelcome and unwanted.

Harassment may include words, use of social media, gestures, jokes, remarks, innuendo, taunting about a person’s body, attire, age, marital status, ethnic or national origin, religion and so on. Harassment extends to incidents occurring at or away from the workplace, during or outside normal working hours when such incidents are employment related.

Examples of harassment include, but are not limited to:

- Remarks, jokes, taunts, or insults about a person or a group of people identified by a Prohibited Ground (i.e., such things as race, colour, place of origin, ancestry, ethnic background, gender, creed, disability, etc.);
- The displaying of racist, sexually suggestive or other offensive or derogatory pictures, cartoons or material;
- Insulting gestures or practical jokes based on sexual, racial or ethnic grounds which cause embarrassment or awkwardness;
- Knowingly making a false complaint;
- Insisting that employees only speak English if it does not negatively affect the work being done;
- Making ridicule, taunting, belittling, humiliating or insulting comments;
- Physically intimidating behaviour or threats;
- Use of profane, abusive or threatening language;
- Harassment does not include appropriate direction, evaluation, appraisal or discipline of an employee by a supervisor or manager.

Workplace Bullying: is repeated and persistent negative acts towards one or more individuals which involve a perceived power imbalance and creates a hostile work environment. Workplace bullying can include, social isolation, personal attacks on a person’s private life or personal attributes, over monitoring of work, intentionally withholding information required for the performance of the job, rumours, excessive criticism, verbal aggression, with holding job responsibilities and the inappropriate use of social media. Bullying extends to incidents occurring at or away from the workplace, during or
outside normal working hours provided such incidents are employment related.

**Domestic Violence**: is also known as personal relationship violence in the workplace. It is normally from someone who has or has had a personal relationship with an employee. They employ a pattern of coercive tactics meant to hurt, intimidate through the use of or the threat of physical force, verbal harassment or manipulation (i.e. financial or emotional).

**Employees**: Unless otherwise noted in this policy, employees shall mean such individuals as but not limited to directors, managers, supervisors, front line staff, board members, contractors, subcontractors, volunteers and placement students.

**Responsibilities**: Human Resources/Health & Safety Officer shall provide the guidance to Management and the Joint Health and Safety Committee and involve the employee(s), in the assessing of workplace violence and harassment hazards in all jobs and in the workplace as a whole. The risk assessment of workplace violence and harassment shall occur at least annually, whenever new situations of risk occur or when new jobs are created or jobs are substantially changed. The assessment of risk is communicated to employees affected.

All employees in their work are expected to be vigilant of risks of violence/harassment and are required to report risks/hazards to their supervisor in a timely fashion. Employees who are victims of violent incidents in the workplace are advised to consult a physician for treatment or referral for counselling. Staff who may be victims or exposed to violence/or harassment are encouraged to make use of the confidential Employee Assistance Program.

YWCA Hamilton is committed to working with its employees to develop strategies and practices for the ongoing reduction of risks of workplace violence and harassment. These include but are not limited to training, education, information exchange and annual and periodic reviews of practices and procedures.

**YWCA Hamilton is committed to**:
- The training and education of all employees
- Integrating safe behaviour into day-to-day operations
- Ensure that measures and procedures in the violence and harassment prevention program are carried out. Hold management accountable for responding to and resolving complaints of violence
- Reviewing of all reports of violence and/or threats of violence in a prompt, objective and sensitive manner. This includes a review of all investigations associated with violence-related incidents.
• Providing appropriate response measures.
• Facilitating medical attention and appropriate support for all those either 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 trade union, as well as investigated with the JHSC. Send the report explaining the circumstances to all parties in writing within 48 hours of the occurrence. Include information and particulars prescribed by the Occupational Health and Safety Act and regulations
• Tracking and analyzing incidents.
• Taking appropriate corrective and disciplinary action.
• In consultation with the JHSC, conduct regular risk assessments.
• Posting this policy on the health and safety notice boards
• Including details of this policy in new employee orientation package

Supervisors/Managers/Directors:
• Shall enforce policy, procedures and monitor worker compliance.
• Not permit any worker to do work if it is likely to endanger the worker or another worker.
• Not engage in or condone any acts or behaviours that are in conflict with this policy.
• Investigate all workplace violence using the organization’s accident investigation procedure and form, and contact the police as required
• Shall complete the WSIB Form 7 when required.
• Shall notify and request police involvement as required.
• Provide for first aid and/or medical attention if required.
• Debrief those involved in the incident either directly or indirectly.
• Contact Human Resources/Health & Safety Officer to ensure the employee receives further counselling about her/his legal rights.
• Request other supports through the Employee Assistance Program
• Track and analyze incidents for trending and prevention initiatives.
• Immediately report a death or critical injury to an MOL inspector, the police (as required), JHSC, H&S representative and trade union, and investigate with JHSC Report the circumstance to all parties in writing within 48 hours. Include information and particulars prescribed by the regulations.
• Issue a report to the employer and WSIB on all lost-time accidents where an employee 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. Copies of accident information where there is no critical injury must be provided to the JHSC and the trade union within three (3) days of the occurrence, as prescribed by the Occupational Health and Safety Act.
Employees:
- Participate in education and training programs so you can respond suitably to any incident of workplace violence or harassment.
- Understand and comply with the violence and harassment prevention policies and related procedures.
- Report all incidents or injuries of violence/harassment or threats of violence/harassment to your supervisor immediately. Complete the Accident/Incident Form.
- Inform the JHSC or the employee member of the JHSC about your concerns regarding the potential for violence/harassment in the workplace.
- Contribute to risk assessments.
- Seek support when confronted with violence/harassment or threats of violence.
- Not engage in or condone any acts or behaviours that are in conflict with this policy.
- Shall refuse to do work if he/she has reason to believe that it is likely to endanger himself or herself or another worker.
- Report all incidents of violence and/or threats of violence to their supervisor immediately.
- Seek appropriate support from available resources, when confronted with violence or threats of violence.
- Shall not voluntarily get directly involved in any actions to deter robbery, violent acts or other serious criminal behaviour where such involvement would result in violence directed at them. This does not include immediately notifying police.
- Shall, except for the duty to report violence, maintain this type of sensitive personal information as confidential.
- Be supportive of staff that may be experiencing forms of harassment especially domestic violence.

Joint Health and Safety Committee (JHSC):
- Participate in the development, establishment and implementation of violence prevention measures and procedures (the violence and harassment prevention program).
- Make recommendations to the employer for developing, establishing and providing training in violence prevention measures and procedures.
- At least once a year, take part in a review of the workplace violence and harassment prevention program.
- The employee-designate should investigate all critical violence-related injuries.
- Immediately review reports of critical injury or death. Outline in writing the circumstances and particulars within 48 hours of the occurrence.
- Within four days, review written notices lesser injuries where any person is disabled from performing his or her usual work or requires medical attention.
Procedure:

Reporting
All reports of incidents or potential incidents of violence will be taken seriously and dealt with in an appropriate, respectful and timely fashion.

- Reporting Emergencies: (Immediate danger; weapons involvement; physical injury related to violent behaviour; and obvious signs of abusive and/or threatening behaviour):
  1. Staff who are being physically threatened or feel there is a potential for violence, are to CALL 911 immediately. Critical information will be required by the 911 Attendant (i.e. offender still present; whether weapons are involved; etc.). If possible, the staff in question should contact his/her supervisor. After the emergency has been handled, an Accident/Incident Report must be completed.
  2. In the Developmental Services, Supervised Access and Transitional Housing programs, staff will follow written protocols/behaviour escalation continuums including on-call emergency procedures for dealing with client-related physical & verbal aggression directed towards staff or other clients.

- Employees are to report all violence-related incidents including abuse, assault, near misses, threats, verbal abuse, domestic violence and harassment using the Internal Complaints Protocol.
- Confidentiality of personal sensitive information will be maintained to the extent possible. The commitment to confidentiality does not apply in any situation when it is necessary to protect the safety of others and prevention of reoccurrence.
- Workplace violence incidents shall be reported by completing the Accident/Incident Report Form and following the steps in the Internal Complaints Protocol.
- WSIB will be informed in accordance with the reporting requirements.
- Safety alerts to all staff will occur when required.
- Work refusals and critical injury reporting shall be in accordance with the Right to Refuse Policy
- The supervisor will investigate and ensure that appropriate and reasonable measures are taken to safeguard employees.
- YWCA Hamilton is committed to providing support services to victims of violence. Confidential counseling through the Employee Assistance Program (EAP) shall be available to employees who are victims of violence and to those who are experiencing personal problems in relation to violence.
- No employee shall be disciplined or reprisal taken for an employee reporting an incident of violence or refusing to perform work as a result of a health and safety concern.
• Failure to adhere to this policy, engaging in acts of violence or failing to report violence or high risk situations, may be subject to disciplinary measures up to and including dismissal for cause.

Investigation and Response
• The Director of Operations will initiate the investigation of any incidents relating to workplace violence or harassment as per the Internal Complaints Protocol and will complete the Accident/Incident Report form.
• The Director of Operations will decide on the appropriate involvement of Human Resources, Directors, Managers and/or Supervisors in the investigation process as appropriate.
• The Director of Operations will review reports of workplace violence and ensure that appropriate actions have been taken.
• The Joint Health and Safety Committee will be informed, make any recommendations and participate in investigations and any related matters, including reports, trends etc.
• The Director of Operations will review all workplace violence or harassment reports, monitor trends and make recommendations for prevention and changes to the Workplace Violence and Harassment Prevention Program Policy.
• If an incident of violence or harassment represents a potentially dangerous situation, the Director/Manager/Supervisor shall notify the Director of Operations immediately to ensure appropriate safety plans are initiated.
• The Director of Operations may, as necessary, instruct the supervisor/manager(s) to inform other employees in their unit to protect their health and safety.

Work Refusal
A worker may refuse to work or do particular work where he or she has reason to believe that such work is likely to endanger himself or herself or another worker. This includes when they believe they are in danger from workplace violence, in accordance with the Occupational Health & Safety Act. A worker who in accordance with this policy reports workplace violence or refuses to perform work will not be subject to any form of reprisal or disciplinary action. However if a worker may not refuse if it is a normal condition of the worker’s employment or when the worker refusal would directly endanger the life, health or safety of another person. Example workers in a residential group home or other facility for persons with behavioural or emotional problems, or physical mental or developmental disability. Refer to Section 43 (1)(2) of the Occupational Health and Safety Act.

Consequences
Violence is a serious offence. Any individuals found to have perpetrated an act of violence may be subject to disciplinary action up to and including dismissal for cause. In addition, individuals may be subject to action under the Criminal Code of Canada.
Training

Violence and harassment prevention training shall be offered to Directors, Managers, Supervisors, employees and volunteers. This training shall include workplace violence and harassment prevention strategies including policy awareness, complaint resolution, listening and communications skills, identifying problematic behaviour characteristics, anger management and any other topics that may be deemed necessary.

Related Policies/Procedures/Documents:
- YWCA Internal Complaints Protocol