



Policy: **WORKPLACE VIOLENCE / SAFE WORKPLACE**
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PURPOSE

This policy shall provide employees with a clear definition of what constitutes workplace violence pursuant to the *Occupational Health and Safety Act* and describes internal processes available to employees with allegations of workplace violence. Huron University College (Huron) believes that the assessment and early intervention are key in preventing situations from escalating. Therefore, Huron is committed to ensuring that employees requiring this skill set have the education and training in recognition and management of aggressive behaviour and procedures that offer the best care, welfare, safety and security of everyone involved.

POLICY

Huron is committed to providing a safe employment and educational environment free from workplace violence, including domestic violence. Any act of workplace violence against staff, faculty, students, visitors or others on Huron property is strictly prohibited and will not be tolerated.

SCOPE

This policy applies to all areas on Huron's campus. This includes, but not limited to, all buildings on Huron's campus, which further includes all classrooms, offices, residences, dining hall, washrooms, parking lots, meeting rooms, common area or any other environment on or off campus where Huron business is conducted.

This policy applies to all staff, faculty, students and members of the general public on Huron's campus.

Huron's Harassment, Sexual Harassment and Discrimination prevention policy, and as applicable, any collective agreement or other supporting documents should be consulted regarding issues of harassment and/or discrimination.

PRINCIPLES

1. Fairness

Huron recognizes its obligations to ensure that this policy and procedure are fair and applied consistently. Individuals should feel free to bring their complaints forward and those against who allegations are made should have a full and fair opportunity to meet those allegations. This policy provides an opportunity to deal with the workplace violence issues quickly and fairly

2. Non-interference

Nothing in this policy is intended to prevent a complainant from using an alternative procedure such as the *Ontario Human Rights Code*, *Occupational Health and Safety Act*, other policies, procedures outlined in any applicable collective agreement(s) or other legal action. If the complainant chooses one of the alternative forms, a complaint under this policy may be held in abeyance until the alternate form has been abandoned by the complainant(s) or brought to a formal conclusion. Complainant(s) are encouraged to utilize the processes outlined within the policy by commencing legal or such similar action.

3. Confidentiality

To protect the interest of the individuals involved in conflicts and to improve the chances of a successful outcome, confidentiality will be maintained throughout the resolutions process to the extent practical and appropriate. Information that must be shared will be disclosed on a 'need to know' basis only. Any breach of confidentiality may be considered a breach of this policy.

4. Retaliation/Reprisals and Vexatious Complaints

Retaliation / reprisals against a staff, faculty or student for filing a complaint, participating in any procedures or being associated with a person who filed a complaint under this policy shall be treated as harassment and are strictly prohibited and will not be tolerated. Any reprisals against a staff, faculty or student making a complaint in good faith are prohibited and unlawful. Anyone found through investigation to have participated in a reprisal will be subject to discipline up to and including termination of employment.

DEFINITIONS

The *Occupational Health and Safety Act* defines:

Worker:

- A person who performs work or supplies services for monetary compensation; or
- 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; or
- 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; or
- 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; or
- Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.

Workplace:

- Any land, premises, location or thing at, upon, in or near which a worker works.

Workplace Violence:

- 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 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.

Domestic violence:

- An assaultive, threatening or violent behaviour that functions to dominate, control, or punish another individual involved in a past or present actual, perceived, or potential close relationship with the abuser.

Huron is required, in accordance with the *Occupational Health and Safety Act*, to respond to situations of domestic violence that may expose an employee to physical injury in the workplace. Individuals who are aware that an employee is at risk of being exposed to physical injury in the workplace as a result of domestic violence are strongly encouraged to report the risk to the Director, Human Resources, or designate. Huron will take every reasonable precaution reasonable in the circumstances for the protection of the employee.

Huron recognizes that an employee experiencing domestic violence may be reluctant, for safety and other reasons, to disclose the problem to their Manager. Huron strongly encourages disclosure in order to ensure the employee's safety and that of his or her co-workers. Disclosure also enables Huron to support the employee and provides links to appropriate community resources.

An employee must inform his or her Manager if they have applied for, or obtained, a restraining order that lists any Huron location as being a protected area, or that requires a person to remain a certain distance away from the employee at all times, including during the work day.

Violent Behaviours:

- Assault: any willful intent or threat to inflict injury to another, occupied with a perceived ability to do so. Any intentional display of force that would give the victim reason to fear immediate bodily harm. Examples include, but are not limited to, hitting, shoving, pushing or kicking.
- Threat: a communicated intent to inflict physical or other harm to any person or property by some unlawful acts, such as shaking ones fist, destroying property, or throwing objects. Threats may be verbal or written.
- Verbal Abuse: The use of bothersome comments known, or ought to reasonably known to be unwelcoming, embarrassing, offensive, threatening, or degrading to another person.

Examples may include, but are not limited to, swearing, insults, and condescending language.

Other examples of workplace violence may include pranks, arguments, property damage, vandalism, sabotage, theft, psychological trauma and anger related incidents.

Complainant(s):

- Defined as the person(s) who experiences the negative impacts and is the target of the violent behaviour.

Respondent(s):

- Defined as the person(s) who is allegedly engaging in the violent behaviour against the complainant(s) and will be responding to the allegations as part of the intervention to resolve to complaint

RESPONSIBILITIES

Huron will not tolerate any level of workplace violence directed at staff or faculty, including management and administration, between staff or faculty or by a staff or faculty member towards a member of the public, student or otherwise. Huron shall take every reasonable precaution to prevent or minimize violence in the workplace. Any employee, knowingly or not, who fails to follow any rule outlined below, will be subject to the disciplinary process, up to and including termination of employment.

ALL staff and faculty have a duty to report workplace health and safety issues, including workplace violence to their Manager as soon as possible. Where the Manager is the individual alleged to have committed the act of violence, the employee shall report the incident of workplace violence to the Director, Human Resources. Questions or concerns regarding potential or actual incidents of workplace violence may be directed to the employee's manager or any member of the Management team.

1. Staff, Faculty, Volunteers, Students, and Contractors shall:

- Read, understand and become familiar with this policy and procedures outlined herein;
- Attend and participate in any and all education and training provided by Huron related to workplace violence;
- Not engage in any level of workplace violence as defined above;
- Report any situations of domestic violence to their Manager;
- Not use, possess or threaten to use a weapon against any person while on Huron property;
- Report any threats of violence to Management immediately. Failure to do so could result in serious disciplinary consequences up to and including termination of employment;
- When there is potential for serious injury or death, call campus police or 911 immediately provided it is safe to do so;
- Be subject to disciplinary action up to and including termination of employment if he/she intentionally falsely reports any incident of workplace violence.

2. Management shall be responsible for:

- Provided training and education to all employees related to this policy, procedure and workplace violence;
- Ensuring their behaviours at all time reflect this policy in their dealing with peers, staff and faculty members, students, and members of the general public on Huron campus;
- Ensuring employees understand this policy and understand who to contact in the event of an incident of workplace violence;
- Dealing with any comments or behaviours that might be a violation of this policy immediately upon becoming aware;
- Promptly seeking advice and support from the Director, Human Resources whenever there is an issue of workplace violence;
- Ensuring there are no reprisals or negative consequences to anyone as a result of a good faith complaint under this policy;
- In consultation with the Joint Health and Safety Committee, conduct risk assessments to determine whether the nature of the work or the work environment places, or may place, employees at risk of violence and develop practical steps to minimize or eliminate identified risks;
- Assisting the Director, Human Resources or designate in conducting a thorough and timely investigation upon receipt of any report of workplace violence when requested;
- To keep records of discussions with staff who raise concerns under this policy as well as their response to the situations.

3. Joint Health and Safety Committee shall be responsible for:

- Reviewing risk assessment results and providing recommendations to Management on how to reduce or eliminate identified risks of violence;
- Reviewing all reports of workplace violence;
- Recommending corrective measures for the overall improvement of the health and safety of all Huron employees;
- Promptly responding to employee concerns of workplace violence and communicating same to Management;
- Participating in the review of this policy on an annual basis;
- Assisting the Director, Human Resources or designate in conducting a thorough and timely investigation immediately upon receipt of any report of workplace violence when requested.

PREVENTION

Preventing workplace violence is everyone's responsibility. All staff and faculty, students, volunteers and contractors and any person acting on behalf of Huron are expected to:

- Set a good example;
- Take action against workplace violence regardless of whether a complaint has been or is being lodged;
- Refrain from comments and/or behaviours that may be considered violent in nature;
- Express their disapproval if they encounter violent behaviour in the workplace, and;
- Report evidence of violence to the appropriate Management representative.

Huron encourages all employees to seek assistance through the Employee Assistance Program (EAP) where required before any situation escalates and becomes detrimental to themselves and/or Huron. The EAP is completely confidential and is available to all employees.

RISK ASSESSMENT

At least annually and after each and every incident of workplace violence, Huron shall complete an evaluation to determine whether a risk of violence exists due to the nature of the work and/or work environment. Where workplace violence risks are identified, evaluation and implementation of appropriate corrective measures are required to reduce or eliminate the identified risks.

RESPONSE

1. Informal Resolution

Upon learning of an incident, and where the Manager reasonably believes that the incident can be resolved without a formal investigation and all parties agree, efforts can be made to achieve an informal resolution.

If the matter is not resolved at this stage, one party does not agree to an informal resolution or the Manager does not believe that the incident can be resolved without a formal investigation, the employee shall complete an incident report and proceed to the investigation stage. The incident report must be provided to the Manager within four (4) working days of the alleged incident.

Where appropriate and respecting confidentiality, the Manager may seek the assistance and support of other members of the senior leadership team (Principal, Vice-Principals or Deans) or the Director, Human Resources to act as a resource in determining the best course of action and recommendation given the circumstances of the incident of workplace violence.

2. Formal Resolution and Investigation

Where an investigation is warranted, the Principal or designate will ensure an unbiased, impartial fact finding review is conducted. This may be done internally by, in most circumstances by the Director, Human Resources, or by an appointed external source (any one of which shall be referred to as the 'Investigator'). The investigation shall commence no later than five (5) working days from receipt of the incident report.

The investigation may include any of the following:

- Review of the notes prepared by Management;
- Interview of the complainant(s) and the respondent(s);
- Interview of the witnesses suggested by the parties;
- Interview of other witnesses who may provide useful information for the investigation, including contractors and visitors;
- Gathering of any other evidence as appropriate.

Upon receiving the forgoing information, the investigator may, using discretion, make an attempt to achieve an informal resolution of the incident by agreement or mediation and may retain an external mediator for this purpose.

Any mediated settlement shall take into account the following principles:

- The safety of the workplace;
- The privacy and reputation of the individuals involved, and;
- The rights of the employees.

Failing resolution, the investigator shall submit, no later than ten (10) working days from the beginning of his/her investigation, a written report of their findings. The report shall set out the nature of the alleged incident of workplace violence, nature of the investigation conducted and any findings of fact reached by the investigator. If the investigator concludes that the complaint is not supported by the evidence gathered and reviewed, then the complaint will be dismissed and both parties informed, in writing, within five (5) working days of that decision and the reasons why.

If the investigator concludes that the complaint is supported by the evidence gathered and reviewed, the respondent(s) will be advised in writing and within five (5) working days, will also be advised of any penalty, discipline, sanction or censure to be imposed.

This may consist of, but is not limited to, requiring the respondent(s) to:

- Offer an apology in the presence of a witness;
- Be reassigned (team or work location);
- Attend counselling and/or training;
- Be disciplined with a warning, suspension or termination;
- In the case of a non-employee, placing restrictions on the individual's attendance on the Huron campus.

Huron takes the issues of workplace violence very seriously. However, not every complaint will warrant remedial action.

No record will appear on any employee's file unless there is a finding of a violation of the policy.

Pending the results of an investigation into an alleged incident of workplace violence, Huron may impose such interim measures as it deems necessary. Interim measures may include relocating the individual(s) involved, changing reporting structures or placing him or her on a non-disciplinary suspension with pay pending the outcome of the investigation.

EVALUATION

This policy will be reviewed on an annual basis to ensure that it conforms to any changes to the *Occupational Health and Safety Act* and any associated regulations and to ensure it continues to address the needs of Huron.