

Workplace Violence and Prevention

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Introduction

Simcoe Muskoka District Health Unit (SMDHU) is committed to providing a safe, healthy and supportive working environment by treating our employees and clients with respect, fairness and sensitivity.

Violence in the workplace can have devastating effects on the quality of life for our employees and on the productivity of the organization. Workplace violence is:

- 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 the 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 a worker, in a workplace, that could cause physical injury to the worker.

Purpose

SMDHU is committed to the prevention of workplace violence. The purpose of this policy is to define behaviour that constitutes workplace violence and to explain procedures for reporting and resolving incidents of workplace violence.

SMDHU is committed to providing a working environment free of violence by ensuring that all workplace parties are familiar with the definitions of workplace violence and their individual responsibilities for prevention and corrective action.

To establish this policy, SMDHU has consulted the Joint Health and Safety Committee (JHSC) and appropriate legislative bodies governing workplace violence in Ontario.

Legislative Authority

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

Policy Definitions and Interpretation

Certified Worker: means a committee member who is certified by the Workplace Safety and Insurance Board under the *Workplace Safety and Insurance Act, 1997*, currently SMDHU

has three staff level certified workers and one manager.

Domestic Violence: is widely understood to be a pattern of behaviour used by one person to gain power and control over another person with whom he/she has or has had an intimate relationship. This pattern of behaviour may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking, and using electronic devices to harass and control.¹

Employee/worker: A worker under the Occupational Health and Safety Act, Subsection 1 p. 5 means the person who performs work or supplies services for monetary compensation. For the purposes of this policy, includes SMDHU Board of Health members, management, employees, students, volunteers and contractors. Normal reporting procedures will occur for all of these individuals.

Harassment: engaging in any vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome and causes the person to believe their health and safety are at risk.

Health Unit Lead: First staff member responding.

Health Unit Response Team: includes management representative(s), Human Resources, Certified Worker Representative.

HR Manager or Delegate: if the HR Manager is not working, then this action is delegated to the certified worker or manager representatives – refer to Health and Safety Board for specific names and contact information.

Joint Health and Safety Committee (JHSC): is comprised of elected staff representatives and at least two management representatives. There must be one management and one staff representative certified by the Workplace Safety and Insurance Board.

Management: includes Medical Officer of Health (MOH), Associate Medical Officer of Health (AMOH), Vice Presidents, Managers, Supervisors, and Leads.

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

Physical assault: is any physical force or threat of physical force to create fear and control in another person. Some examples include: hitting, blocking, shoving, choking, slapping or biting, “caring” for the victim in an abusive way, threats of violence, and using a weapon or other object to threaten, hurt or kill.

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

Right to refuse work: workers have the right to refuse work due to a threat of violence; however they must remain in a safe place as near as reasonably possible to his or her workstation while waiting for the employer to investigate Section 43 (5) or for the Ministry of Labour to investigate Section 43 (10).

Risk assessment: is the process where you identify hazards, analyze or evaluate the risk associated with that hazard, and determine appropriate ways to eliminate or control the hazard.

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 the person to believe their health and safety is at risk.

Sexual assault: is any unwanted sexual act done by one person to another. Examples include: kissing or forcing/coercing the person into kissing; touching the person’s body

¹ Developing Workplace Violence and Harassment Policies and Programs: What Employers Need to Know, Occupational Health and Safety Council of Ontario, p. 20.

with or without clothes on; forcing/coercing the person to masturbate; sexual intercourse (oral, anal or vaginal); penetrating with an object; causing bodily harm; removing or attempting to remove clothing; taking advantage of a position, trust or authority to get sex; and threatening to harm someone else if the person does not agree to do any of these things.

Site Commander: External Lead from first responders (police, fire or ambulance) if they have taken charge.

Supervisor: the person to whom an employee directly reports.

Threat (verbal or written): 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." Veiled threats usually involve body language or behaviours that leave little doubt in the mind of the victim that the perpetrator intends to harm.

Verbal/emotion/psychological abuse: is a pattern of behaviour that makes some 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.

Workplace bullying: repeated and persistent negative acts towards one or more individuals, which involve a perceived power imbalance and create a hostile work environment (Salin, 2003).

Workplace: any land, premise, location or thing, at, upon, in, or near which a worker works (section 1 of the OH&SA). A workplace could be a building, vehicle, open field, or road. If the worker is being directed and paid to be there or to be near there, it is a workplace.²

Policy

The SMDHU Board of Health members, management, employees, students, volunteers and contractors recognise the potential for workplace violence and will therefore make every reasonable effort to identify all potential sources of workplace violence to eliminate or minimize these risks.

Management will make every effort to eliminate or minimize the risks through the Workplace Violence Prevention program. SMDHU will not tolerate any type of workplace violence, within the workplace or during work-related activities. Supervisors will investigate all workplace violence incidents in collaboration with the HR Manager. SMDHU is committed to allotting the necessary time, attention, authority and resources to ensure a safe and healthy environment for all employees. SMDHU staff have the right to refuse work due to a threat of violence; however they must remain in a safe place as near as reasonably possible to their workstation while waiting for the employer to investigate.

SMDHU will take every reasonable precaution to protect any employee from physical injury if we become aware, or believe that domestic violence is a risk in the workplace.

² Health and Safety Guidelines, Workplace Violence and Harassment: Understanding the Law, March 2010. p.1.

Procedures

A. Roles and Responsibilities of Workplace Parties for recognition and prevention of workplace violence.

Employer:

- Ensure that measures and procedures in the violence prevention program are carried out. Hold management accountable for responding to and resolving incidences of violence.
- Ensure compliance by all persons who have a relationship with the organization, such as physicians, contractors, volunteers, etc.
- Post a copy of this policy in the workplace.
- In consultation with JHSC, conduct regular risk assessments, establish control measures, establish and deliver training and education for all employees, integrate safe behaviour into day-to-day operations.
- Develop a reporting process for incidents of workplace violence.
- Ensure that all reports or threats of violence are investigated in a prompt, objective and sensitive way.
- Ensure that all incidents of workplace violence are immediately reported to the HR Manager. The HR Manager will inform the JHSC as required.
- Ensure corrective action is taken and appropriate response measures are provided
- Ensure facilitation of medical attention and support for all those either directly or indirectly involved.
- Ensure any deaths or critical injuries are reported to the HR Manager for reporting to the Ministry of Labour (MOL) inspector, the police (as required), the JHSC, the H&S representative and ONA as well as investigated with the JHSC. The HR Manager will send the report explaining the circumstances to all parties in writing within 48 hours of the occurrence. Include information and particulars as the Occupational Health and Safety Act and regulations prescribe.
- Ensure the HR Manager sends a report to WSIB of all accidents 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 seven days.

Supervisors:

- Enforce policy and procedures and monitor worker compliance.
- Identify and alert staff to violent persons and hazardous situations.
- Investigate all workplace violence in collaboration with the HR Manager using the organization's incident investigation procedure and Workplace Violence Incident Report form, and contact the police as required.
- Facilitate medical attention for employee(s) as required.
- Debrief those involved in the incident either directly or indirectly.
- Contact human resources to ensure the employee receives further information specific to the incident.
- Ensure the workplace violence prevention program is reviewed at least once a year.

Employees:

- Understand and comply with the Workplace Violence Prevention policy and all related procedures.
- Participate in education and training programs regarding the workplace violence and prevention program to be able to respond appropriately to any incident of workplace violence.
- Immediately contact Supervisor or designate to report any threats of violence.
- Follow up in writing using the Workplace Violence Incident Report form, all incidents or injuries of violence or threats of violence to their Supervisor immediately.
- If the employee is unable to complete the Reporting form, a designate will complete (i.e., a witness to the incident or Supervisor).
- Inform the JHSC or worker member of the JHSC about any concerns about the potential for violence in the workplace.
- Contribute to risk assessments.
- Seek support when confronted with violence or threats of violence.
- Participate in a review at least annually of the workplace violence prevention program.

Joint Health and Safety Committee (JHSC):

- Ensure consultation about the development, establishment and implementation of the workplace violence prevention program.
- Make recommendations to the employer to develop, establish and provide training for the workplace violence prevention program.
- Ensure a review at least annually of the workplace violence prevention program including risk assessments (environmental and program).
- The certified worker and the HR Manager designate should investigate all critical injuries related to violence.
- Immediately review reports of any critical injury or death and in writing outline the circumstances and particulars as prescribed within 48 hours of the occurrence.
- Within four days, review written notices of lesser injuries where any person is disabled from performing his or her usual work or requires medical attention.
- HR Manager will ensure that the MOL is notified immediately if a death or critical injury is reported, and will involve the police (as required), JHSC and ONA if applicable.
- Certified management and worker representatives and HR Manager will investigate and submit report of the incident to all parties in writing within 48 hours.
- HR Manager will issue required reports to the JHSC and WSIB.
- Track and analyse incidents for trend and prevention initiatives.

B: Responding to a workplace violence event**Recognising a potential workplace violence event**

Workers will identify potential events that may include:

- The exercise of physical force by a person against a worker, in the workplace,

that causes or could cause physical injury to the worker.

- An attempt to exercise physical force against a worker, in the 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 a worker, in a workplace, that could cause physical injury to the worker.
- See definitions for examples of physical force.
- See Harassment Policy B3.190.

Summoning assistance during an emergency event

Workers will summon immediate assistance. The following outline the variety of methods that may occur in responding to an event:

- Remove yourself from the immediate threat and go to a safe place
- Dial 911 – deal with emergency staff and police
- Notify someone in an agreed upon coding system
- Call for help in their immediate area
- Use a personal alarm (available in some office settings)
- Obtain immediate first aid or medical help
- Call Supervisor or designate – continue process until a real person answer, if necessary, call HR/Corporate Services.

Once the immediate health and safety of the employee is secured, the following reporting must be completed

- Immediate to HR Manager to assess the situation regarding securing the area, reporting to MOL, briefing MOH as required.
- To Direct Supervisor.
- The Workplace Violence Incident Report form HS0109 (F1).

Response to a Reported Event:

- HR Manager or delegate in consultation with Senior Management ensures the location of the incident is secured:
 - May be accomplished based on continued risk to others and may include police presence, shutting down an area or building, security guard presence
- HR Manager or delegate will activate the Health Unit Response Team.
- All persons witnessing or responding to the event will be moved to safety. (Consideration must be given to the police investigation and evidence collection and external site commander if first responders have taken charge).
- Health unit lead, who is the staff person who becomes immediately aware of situation and starts the communication process, is onsite until Health Unit Response team is present.
- Response Team will meet with the Health Unit lead and/or first responder site commander, to initiate assessment of risk, plans for staff support/debrief and investigation of event.
 - Assessment

- Is there still an ongoing threat of injury?
- Is the site secured for legal investigation or MOL investigation?
- Number of staff affected?
- What communication is required – sensitivity of the communication – and to whom?
- What is the physical and emotional impact to the employee(s)?
- Implications for other offices or workplaces?
- Staff support
 - plan for a debriefing session, timing based on need of employees
 - options for staff regarding work
 - need for Employee and Family Assistance Program onsite
 - plan to return to normal work practice
 - HR Manager involved in long-term planning as required.
- Investigation
 - collect as much information as possible including:
 - people involved
 - witnesses
 - physical surroundings
 - actions taken
 - actions recommended
 - assist employee as needed in completing the reporting form as soon as possible
 - assess physical location and contact Facilities lead as required
 - plan for next day for staff and location
 - initiate the incident investigation process
 - communicate outcome and draft recommendations for follow-up to Senior Management, JHSC and ONA.

Written Reporting:

- The employee completes the Workplace Violence Incident Report form. No report of workplace violence/harassment or risks of violence may be the basis of reprisal against the reporting employee.
- The Manager or Supervisor receiving the Workplace Violence Incident Report form, reviews and signs off the report form noting their actions and ensures that the measures taken by the Response Team have safeguarded employees and plans are in place to prevent further violence. The report is forward to the appropriate Vice President HR Manager and the Vice President HRI.
- Vice President reviews report form noting future planning and recommendations to safeguard employees and sign off.
- Vice President forwards report to MOH or designate for review to ensure actions have been taken and signs off.
- MOH forwards the report form to HR Manager.
- The HR Manager reports verbally and in writing, all injuries to the MOL and WSIB as

required by the *Occupational Health and Safety Act* and *Workplace Safety and Insurance Act*.

- HR Manager and JHSC reviews all incident reports, monitors trends and makes recommendations to the MOH or designate for prevention and enhancements to the workplace violence prevention program.
- The Managers or Supervisors who investigate the reported incident warn all staff who might be affected about dangerous situations.
- If a violent incident results in a critical injury to a worker, the JHSC representative or worker-designate investigates the incident or injury (Section 9 (31) OHS) and reports to the MOL and JHSC.

C. Emergency Response Measures

- Refer to the organization's emergency response procedure

D. Supports for Employees Affected by Workplace Violence

The Response Team will respond promptly, assess the situation and ensure that these interventions are followed:

- facilitation of medical attention
- debriefing (by skilled professional)
- referrals to community agencies, treating practitioner and employee assistance program
- referral to ONA
- completion of incident reports, WSIB reports, reports to MOL (critical injury or fatality)
- reporting to police (as required)
- team debriefing.

E. Risk Assessment

Management assesses workplace violence hazards in all jobs, and in the workplace as a whole. Risk assessments (environmental & program) are reviewed annually and whenever new jobs are created, or job descriptions are substantially changed (Note: Environmental risk assessment tool is completed, and program risk assessment tool is currently under development).

F. Education

- All new employees will receive both general and site-specific orientation to the Workplace Violence Prevention Program. In addition, all employees (Board of Health members, management, employees, students, volunteers) will receive an annual review of both the general and site-specific components of the program.
- Training developed, established, and provided shall be done in consultation with and in consideration of the recommendations of the joint health and safety committee.

G. Program Evaluation

- The effectiveness of the Workplace Violence Prevention Program is reviewed annually by management and reviewed by the Joint Health and Safety Committee.
- Workers, Managers, and Supervisors are accountable for the policy and procedures

related to workplace violence. Management responsibilities for enforcing policy and procedures, investigation of and response to workplace violence are also included in the internal responsibility system of our health and safety program.

Related Policies

HS0112 Harassment Response Policy

HR0305 Grievance

HS0101 Health and Safety

HR0101 Employee Conduct

Related Forms

HS0109 (F1) Workplace Violence Incident Report

Final Approval Signature: _____

Review/Revision History:

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