

Section: D	Policy Number: D-007	Approval Date: Mar. 17, 2004
Subject: Bullying, Harassment and Workplace Violence Policy and Procedures	Total Pages: 8	Revision Date(s): Nov. 18, 2009 Sept. 21, 2011; June 20, 2012; January 16, 2013, May 18, 2016
(Formerly Bullying and Workplace Violence Policy and Procedures, Originally Workplace Violence Policy)		

BULLYING, HARASSMENT AND WORKPLACE VIOLENCE POLICY AND PROCEDURES

Community Living-Central Huron is committed to providing a safe, respectful, healthy and supportive work environment that is free from bullying, harassment, violence or threats of violence for all employees, volunteers and/or people supported. This will be accomplished by providing orientation, relevant/pertinent information, on-going education and training to be aware of risk factors and strategies to avoid/minimize potential hazards. All Agency employees and volunteers are required to report actual or alleged incidents of bullying, harassment or violence in the workplace. Non-compliance with this Policy and Procedure is subject to discipline, up to and including dismissal from the Agency's employ and/or its services.

Individuals who engage in bullying, harassment, violent or prohibited behaviour (see below) may be removed from the premises, and may be subject to dismissal or other disciplinary action, arrest and/or criminal prosecution. This Policy applies to all work locations including offices, work sites, vehicles, and the community. In addition, it is important to note that bullying, harassment and workplace violence can occur outside of work locations, yet be work related (ie. threatening and/or repeated telephone calls, e-mails received at home; social media).

Community Living-Central Huron provides services to people who, as a result of personal experiences, may demonstrate disruptive and, at times aggressive/responsive behaviour. Aggressive/responsive behaviours are those where there is no intent to cause harm; there is an underlying physiological/psychiatric condition and/or resulting from difficulty communicating a need. Aggressive/responsive behaviour is not classified as workplace violence as per definitions outlined in Bill 168 amendments to the *Occupational Health and Safety Act*.

Goal and Objectives:

The goal of this Policy is to increase and maintain awareness and education of bullying, harassment and workplace violence, by ensuring information, procedures and protocols to control risks or potential injury is provided to all Staff, volunteers and/or people supported. Further objectives of the Policy are to reduce occurrences and to comply with Occupational Health & Safety legislation. This will be accomplished through a participatory program by the Board of Directors, management, support workers, volunteers and people supported.

Definitions:

For purposes of this Policy:

- a) **Bullying**, involves persistent and ongoing acts of incivility (rude behaviour) directed toward an individual or group with the intent to harm or manipulate. Although bullying is defined as involving persistent and ongoing acts, a single act or incident may be considered bullying, should the behaviour be egregious (shocking, appalling, flagrant, intolerable) and involves significant physical and emotional impact on the target. Generally, bullying is any behaviour that is unwelcome, offensive, inequitable, unsolicited or objectionable and can be physical, psychological, verbal, sexual or racial.

- b) **Workplace harassment** means engaging in a course of vexatious comment or conduct in a workplace that is known or ought to be known to be unwelcomed. Workplace harassment may include bullying, intimidating or offensive jokes or innuendoes, displaying or circulating offensive pictures or materials or offensive or intimidating phone calls.
- c) **Workplace violence** means exercising or attempting to exercise physical force by a person, in a workplace that causes or could cause physical injury. Also, a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force with or without weapons in a workplace that could cause physical injury.

Types of Workplace Violence:

- Type I. External perpetrator (thefts, vandalism, assaults by a person with no relationship to the workplace).
- Type II. Person Supported/Customer (physical or verbal assault of an employee by a person supported/family member or customer).
- Type III. Employee to employee (physical or verbal assault from an employee or former employee; includes harassment, stalking and bullying).
- Type IV. Domestic violence (personal relationship).

Additional Definitions Associated With Bullying, Harassment or Workplace Violence:

- a) Verbal Abuse:
use of vexatious comments that are known, or that ought to be known, to be unwelcomed, embarrassing, offensive, threatening or degrading to another person (including swearing, insults or condescending language).
- b) 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 (ie. "I am going to make you pay for what you did to me"). A conditional threat involves a condition (ie. "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.
- c) Physical Attacks:
any 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, un-welcomed displays of affection or inciting a dog to attack.
- d) Psychological Abuse:
an act that provokes fear or diminishes an individual's dignity or self-worth or that intentionally inflicts psychological trauma on another.

- e) Assault:
any intent to inflict injury on another, coupled with an apparent ability to do so; any intentional display of force (ie. stalking that causes the victim to fear for their safety or the safety of anyone known to them).
- f) Sexual Abuse:
any unwelcomed 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.
- g) Sexual Assault:
the use of threat or violence to force one individual to touch, kiss, fondle or have sexual intercourse with another.
- h) Near Miss:
refers to an incident or hazardous condition/event that did not result in an injury/illness.
- i) Poisoned Work Environment:
is characterized by an activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive workplace and threatens the physical or psychological health and safety of employees.
- j) Discrimination:
a showing of partiality or prejudice in treatment: specific action or policies directed against the welfare of minority groups. Every person has a right to full and equal recognition and exercise of his or her human rights and freedoms without distinction, exclusion, or preference based on race, colour, sex, sexual orientation, civil status, religion, political convictions, language, ethnic or national origin, social condition, or the fact that he/she is an individual with a disability, or that he/she uses any means to palliate the handicap. Discrimination exists where such distinction, exclusion, or preference has the effect of nullifying or impairing such a right.
- k) Examples:
Although there can be no exhaustive list, examples of behaviour and impact that may signify bullying, harassment and workplace violence include, but are not limited to:

Behaviours	Impact
• insulting or derogatory remarks, gesture or actions	• undermines
• rude, vulgar language or gestures	• humiliates
• malicious rumours, gossip or negative innuendo	• offends
• verbal aggression and/or verbal abuse	• embarrasses
• swearing, name calling	• intimidates
• glaring or staring	• frightens
• outbursts or displays of anger directed at others	• de-motivates
• targeting an individual through persistent, unwarranted criticism	• demoralizes
• public ridicule	Can cause:
• verbal, written or physical threats and intimidation	• depression

- mobbing and/or swarming
- misuse of power or authority
- isolation and/or exclusion from work related activities
- violent (causing or attempting to cause physical and/or emotional harm)
- persistent contact, pressure of an individual or group to participate or not participate in an activity contrary to the individual's preference
- interference or sabotage
- faultfinding or unwarranted blaming
- anxiety
- emotional distress
- physical distress
- low morale
- inability to perform work tasks
- absenteeism
- loss of productivity
- turnover
- poisoned work environment

Reporting and Investigation:

It is the responsibility of all employees and volunteers to immediately report all incidents or potential incidents of bullying, harassment and workplace violence to their immediate Supervisor or designate using the Workplace Hazard & Suggestion Report. Employees and volunteers have a responsibility to promptly report to their immediate Supervisor, or designate, or pager, as appropriate, any incidents of bullying, harassment and/or workplace violence, whether or not those involved are Community Living-Central Huron employees. Any employee or volunteer who follows the foregoing policy/procedure and reports bullying, harassment and/or workplace violence will not suffer recourse. The Supervisor will investigate the report, as soon as possible and take appropriate steps to address any continuing risk to the health and well-being of all employees, volunteers and people supported.

Every effort will be made to treat all incidents and/or complaints of bullying, harassment and/or workplace violence as confidential. Any information related to alleged incidents will be restricted, as much as possible, to people directly involved in the incident. If external authorities are involved, an employee or volunteer involved in the external investigation will be required to comply with the law.

A copy of the Workplace Hazard & Suggestion Report is provided to the relevant work location Health and Safety Representative. The name of the individual(s) may be withheld. Employees have the option of addressing their concerns directly to their work location Health and Safety Representative at any time after they have first addressed with their Supervisor or designate.

What to do if you are a victim of bullying, harassment or workplace violence:

Step 1.

- ▶ Request that the specifically identified behaviour stop;
- ▶ Inform the individual the behaviour is unwanted and unwelcome;
- ▶ Document the events, complete with times, dates, location, witnesses, and details;
- ▶ Preserve any evidences, such as communications.

For situations of workplace violence where risk of physical harm is imminent, call 911.

Any situation where there is an injury or suspected injury:

- ▶ Contact the Supervisor, designate or pager the same day the injury or suspected injury occurs;
- ▶ If possible, complete an Employee Incident Report and take the WSIB package from the work location to the health professional for completion. The WSIB package contains: Workers Claim/Consent Form, Treatment Memorandum, Health Professional's First Report (Form 8), Functional Abilities Form. Copies of the WSIB package are available at the Central Admin Office (267 Suncoast Dr. E., Goderich).

Step 2.

Should the problem persist or communicating with the accused compromises your physical or emotional safety, seek support:

- ▶ Contact the Supervisor, designate or pager (for after hours, if necessary) and advise of the behaviour;
- ▶ Complete a Workplace Hazard & Suggestion Report, to include the remedy sought;
- ▶ Attach/include all documentation and evidence, to date.
- ▶ Address with your Work Location Health and Safety Representative at any time after you have first addressed with your Supervisor, if desired.

Witnesses:

What to do if you witness bullying, harassment or workplace violence:

Step 1.

- ▶ For situations of workplace violence where risk of physical harm is imminent, call 911;
- ▶ Any situation there is an injury or suspected injury, contact the Supervisor, designate or pager as soon as possible.

Step 2.

- ▶ Report workplace violence or suspected bullying and/or harassment to the Supervisor, designate or pager (for after hours, if necessary);
- ▶ Complete a Workplace Hazard & Suggestion Report.

Failure to report a situation of bullying, harassment and/or workplace violence will be cause for disciplinary action, up to and including termination.

Supervisors:

What to do for reports of bullying, harassment or workplace violence:

Step 1.

- ▶ Confirm the safety and well being of all involved.

For all reports of fatalities/critical injuries, the Supervisor will immediately notify the Program Coordinator and/or Executive Director; Ministry Of Labour, Inspector and the Work Location Health and Safety Representative. The Supervisor will conduct an investigation with the Work Location Health and Safety Representative as soon as possible and provide a written report, using the form as per Critical Injury Policy D-006. If the Work Location Health and Safety Representative is unavailable, a work location employee would be asked to participate in the investigation.

Within 48 hours, the Employer must also notify, in writing, a director of the Ministry of Labour, giving the circumstances of the occurrence. Refer to the Occupational Health and Safety Document, "Incident/Accident Investigation" and the Critical Injury Policy for further details.

Step 2.

- ▶ Initiate the investigation by reviewing the Workplace Hazard & Suggestion Report (s), Employee Incident report and WSIB employer forms, if applicable;
- ▶ Seek clarification from the complainant, including how they wish to proceed; document;
- ▶ Seek clarification, if necessary, from witnesses; document.

Step 3.

- ▶ If possible and safety is not of concern, arrange to meet with the person accused of the bullying, harassment or workplace violence. Supervisors will first consult with the Program Coordinator or Executive Director to determine if the inclusion of a recorder is necessary for the meeting;
- ▶ Confirm the accuracy of the information contained in the Workplace Hazard & Suggestion Report (s), Employee Incident report and WSIB employer forms;
- ▶ The Supervisor or recorder will take notes of the meeting which will be filed in the relevant CL-CH Staff, Volunteer and/or person supported file, with a copy going to the Program Coordinator and Executive Director.

Step 4.

- ▶ In consultation with the Program Coordinator and/or Executive Director, recommendations will be provided and noted on the Workplace Hazard & Suggestion Report. Recommendations may include, but are not limited to: education, training; workplace inspection; review of Agency policies, procedures, protocols; external resources; disciplinary action, up to and including termination;
- ▶ The complainant will be apprised of the outcome of the investigation by the Supervisor or designate.

Note:

Details of any disciplinary action will not be specified on the Workplace Hazard & Suggestion Report due to the Work Location Health and Safety Representative receiving a copy of the form(s). Should any disciplinary action occur, a letter would be issued, as per the Agency's Disciplinary Policy, specifically the Progressive Disciplinary Process. In addition, should there be any criminal charges laid, the Supervisor will include documentation of the charges and outcome of said charges in the file of the relevant CL-CH Staff, Volunteer and/or person supported.

Roles and Responsibilities:

As with all matters relating to health and safety, responsibilities are shared among the workplace parties, more specifically:

Employer (Sections 25 and 26, Occupational Health & Safety Act):

The Employer will:

- act respectfully towards all employees, volunteers and people supported while at work and/or participating in any work related activity;
- provide awareness and education materials to all employees and volunteers to aid in the prevention of bullying, harassment and workplace violence (ie. non-violent crises intervention training, relevant videos, etc.);
- monitor that all employees and volunteers are using safe work practices;
- improve its knowledge of measures to reduce incidents of bullying, harassment and workplace violence in all work locations; and
- review reports and statistics annually with the Work Location Health and Safety Representatives to identify work areas which may require additional education of such and a means to reduce any potential injuries.

Supervisor (Section 27, Occupational Health & Safety Act):

The Supervisor will:

- act respectfully towards all employees, volunteers and people supported while at work and/or participating in any work related activity;
- document all reports of bullying, harassment and/or workplace violence and the measures taken to address them, using the Workplace Hazard and Suggestion Report and ensure copies/reports are provided to the relevant Coordinator, Executive Director and the Work Location Health and Safety Representative;
- investigate all reports of bullying, harassment and workplace violence and ensure appropriate measures are taken to safeguard employees, volunteers and people supported; the investigating Supervisor, will also inform the employees and/or volunteers who made the report of the outcome of the investigation;
- educate employees, volunteers and people supported on the hazards and provide written measures, protocols and procedures as required; and
- lead by example (ie. always direct and perform work in a safe manner themselves).

Work Location Health and Safety Representatives:

Representatives will:

- during regular inspections of the workplace inquire with employees to ensure a safe and healthy environment;
- be knowledgeable about bullying, harassment and workplace violence, as well as prevention ideas/procedures; and
- make recommendations to the Employer on how to eliminate, control or reduce hazards or risks that increase the likelihood that employees, volunteers and people supported may be exposed to bullying, harassment and workplace violence.

Workers (Sections 28, Occupational Health & Safety Act):

Employees will:

- act respectfully towards all employees, volunteers and people supported while at work and/or participating in any work related activity;
- ensure that safe work practices include procedures, protocol, education and other measures that prevent bullying, harassment and workplace violence;
- report to their Supervisor, using the Workplace Hazard & Suggestion Report, in a timely manner, anything that may be a hazard or risk factor that could cause or contribute to bullying, harassment and workplace violence; failure to report a situation of bullying, harassment and/or workplace violence will be cause for disciplinary action against the Staff and/or volunteer;
- understand and comply with the Agency's Bullying, Harassment and Workplace Violence Policy and Procedures;
- inform the individual(s) engaging in bullying, harassment and/or workplace violence that a specific identified behaviour stop and that it is unwanted and unwelcomed;
- take part, when requested, in a workplace inspections to advise of any hazards or risks associated with bullying, harassment and workplace violence; and
- participate in education sessions and comply with safe work procedures.

Evaluation:

Community Living-Central Huron is committed to looking at leading indicators of bullying, harassment and workplace violence through information gathering from employees and volunteers and providing continuing education and awareness as necessary. Supervisors will regularly audit employees and volunteer practices related to bullying, harassment and workplace violence, as well as review the monthly checklist for any noted hazards and corrections. Work Location Health and Safety Representatives will make recommendations to the Employer to identify bullying, harassment and workplace violence issues and potential hazards, as well as monitor outcomes of strategies for improvement.