



Policy: **WORKPLACE VIOLENCE / SAFE WORKPLACE**
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Approved By: President, Huron University College

PURPOSE

This policy provides a clear definition of what constitutes workplace violence pursuant to the *Occupational Health and Safety Act* and describes internal processes available to workers with allegations of workplace violence. Huron University College (Huron) believes that assessment and early intervention are key in preventing situations from escalating. Therefore, Huron is committed to ensuring that workers 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 is not limited to, all buildings on Huron's campus, which further includes all classrooms, virtual classrooms, offices, residences, dining hall, washrooms, parking lots, meeting rooms, common area or any other environment on or off campus where Huron business or events are conducted, including the use of social media, electronic communication, or other electronic forums.

This policy applies to all staff, faculty, students and members of the general public on Huron's campus. Other individuals providing services or conducting research on Huron's campus, such as contractors, volunteers, visitors or guests, or attending/conducting any Huron-related activities are expected to conduct themselves in a manner consistent with this policy. Allegations of workplace violence by such individuals will be dealt with by Huron and if substantiated, may be considered a breach of contract or affect the person's right to be present at Huron or participate in any of its activities.

Huron's Harassment, Sexual Harassment, Racism 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 whom allegations are made should have a full and fair opportunity to respond to 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 procedures, a complaint under this policy may be held in abeyance until the alternate procedure 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 before commencing legal or such similar action.

3. Confidentiality

Huron understands that it is difficult to come forward with a complaint of workplace violence and recognizes the individual's interest in keeping the matter confidential. To protect the interest of all involved, confidentiality will be maintained throughout the resolution and investigatory process to the greatest extent practical and appropriate, and to the extent which does not hinder an adequate investigation. Information will be disclosed only on a "need to know" basis, in accordance with this policy, as necessary to conduct an investigation, take corrective action, protect the health and safety of members of the Huron community, or as otherwise required by law. Any breach of confidentiality may be considered a breach of this policy.

All notes, records, summaries and reports of other documentation produced in connection with the complaint will be kept in a confidential file, except where disclosure is permitted or required pursuant to this policy or any legal requirements. All notes, records, summaries and reports shall be maintained in a locked area for ten years unless otherwise specified by law.

4. Retaliation/Reprisals and Malicious/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. Reprisals by students may be dealt with in accordance with the Non-Academic Student Code of Conduct.

If, as a result of an investigation, it is determined that an unfounded complaint of workplace violence was made maliciously, it will be considered a form of violence and/or harassment and will be dealt with in accordance with this policy, the Harassment, Sexual Harassment, Racism and Discrimination Prevention policy, or the Non-Academic Student Code of Conduct.

DEFINITIONS

The [Occupational Health and Safety Act](#) provides the following definitions of worker, workplace, and workplace violence.

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, private career college or other post-secondary institution; 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.

Workplace violence may include:

- Assault, which can be understood as an application of force to another person, without that person's consent or the attempt or threat by act or gesture to apply physical force to another person. Examples include, but are not limited to, hitting, shoving, pushing or kicking;
- Verbally threatening to attack a worker;
- Leaving threatening notes at or sending threatening e-mails to a workplace;
- Shaking a fist in a worker's face;
- Wielding a weapon at work;
- Hitting or trying to hit a worker;
- Throwing an object at a worker;
- Sexual violence against a worker;
- Kicking an object the worker is standing on such as a ladder; or
- Trying to run down a worker using a vehicle or equipment such as a forklift.

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 the complaint

Domestic Violence:

- 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 a worker to physical injury in the workplace.

Individuals who are aware that a worker 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, Community Safety, the Director, Human Resources, or designate. Huron will take every precaution reasonable in the circumstances for the protection of the worker.

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

A worker must inform the Director, Human Resources or the Director, Community Safety 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 worker at all times, including during the work day.

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 worker, 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. Allegations against students may be dealt with in accordance with this policy or the Non-Academic Student Code of Conduct.

ALL staff and faculty have a duty to report workplace health and safety issues, including workplace violence as soon as possible. Where the Leader is the individual alleged to have committed the act of violence, the worker 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 worker's Leader or any member of the Senior Leadership Team. Huron has identified the following roles and responsibilities for members of the Huron Community.

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;
- Be strongly encouraged to report any situations of domestic violence to the Director, Human Resources or Director, Community Safety;
- For workers who 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 worker at all times, including during the work day, inform the Director, Human Resources or the Director, Community Safety;
- Not use, possess or threaten to use a weapon against any person while on Huron property;
- Report any workplace violence, including threats of violence 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 Western Special Constable Service or 911 immediately provided it is safe to do so;
- Cooperate and assist with investigations regarding workplace violence incidents;
- 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:

- Providing training and education to all workers related to this policy, procedure and workplace violence;
- Ensuring their behaviours at all times reflect this policy in their dealing with peers, staff and faculty members, students, and members of the general public on Huron campus;
- Ensuring workers 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, workers 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;
- Keeping 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 workers;
- Promptly responding to worker 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 workers to seek assistance through the Employee & Family Assistance Program (EFAP) where required before any situation escalates and becomes detrimental to themselves and/or Huron. Huron also encourages workers who have been exposed to violent or traumatic situations to seek assistance through the EFAP. The EFAP is completely confidential and is available to all workers.

Huron will provide information (including personal information) to worker(s) related to a risk of workplace violence from a person with a history of violent behaviour if (a) the worker can be expected to encounter that person in the course of his or her work and (b) the risk of workplace violence is likely to expose the worker to physical injury. Huron will not disclose more information than is reasonably necessary to protect the worker from physical injury.

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. Immediate Action

Where a worker is the subject of or witness to an incident of workplace violence, the worker should assess the situation and respond appropriately as follows:

- i. Where an incident of workplace violence or assault has occurred, medical attention should be sought as required.
- ii. If the situation warrants immediate notification of the police, call Western Special Constable Service (519-661-3300) or 911. If possible, notifying the police should be done directly by the worker affected, any workers who have witnessed the assault or the Leader. Huron encourages and supports staff to lay criminal charges where appropriate.
- iii. Record events as soon as possible. The written record should include a description of the workplace violence, dates, times, locations and the identity of any witnesses to the alleged workplace violence.
- iv. Immediately report all incidents of workplace violence to their direct supervisors or Management.

2. Informal Resolution

Upon learning of an incident, and where the Leader in collaboration with Human Resources, reasonably believes that the incident can be resolved without a formal investigation and the complainant(s) and respondent(s) 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 Leader in collaboration with Human Resources does not believe that the incident can be resolved without a formal investigation, the worker shall complete an incident report and proceed to the investigation stage. The incident report must be provided to the Leader within four (4) working days of agreeing to proceed with a formal investigation.

3. Formal Resolution and Investigation

Where an investigation is warranted, the President or designate will ensure an unbiased, impartial fact-finding review is conducted. This may be done internally by, in most circumstances, the Director, Community Safety and/or the Director, Human Resources, or by an appointed external source (any one of which shall be referred to as the 'Investigator'). If the incident involves the President, the Chair of the Board of Governors may refer the matter to an external investigator. The investigation shall commence no later than five (5) working days from receipt of the incident report.

Upon becoming aware of any incident which may fall under the definition of workplace violence, nothing precludes Huron from deciding it may be necessary to take appropriate action. Where the alleged workplace violence involves a student as the respondent, Huron may choose to proceed under the Non-Academic Student Code of Conduct.

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 foregoing information, the investigator may, using discretion and with the agreement of the complainant(s) and respondent(s), 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 workers.

If the incident is not resolved through an informal resolution, the investigator shall submit, no later than ten (10) working days from the beginning of their 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. Within five (5) working days of the dismissal of the complaint, both the complainant(s) and respondent(s) will be informed, in writing, of that decision and the reasons why.

If the investigator concludes that the complaint is supported by the evidence gathered and reviewed, the President, designate, or Chair of the Board of Governors, as applicable, will make a decision regarding any corrective action, penalty, discipline, sanction or censure to be imposed. Within five (5) working days of receipt of the investigator's report, the complainant(s) and respondent(s) will be advised in writing of the outcome of the investigation and any corrective action to be taken.

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-worker, placing restrictions on the individual's attendance on the Huron campus.

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

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

4. Interim Measures

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, but are not limited to, relocating the individual(s) involved, changing reporting structures or the use of non-disciplinary suspensions with pay pending the outcome of the investigation.

EVALUATION

This policy will be reviewed on an annual basis, in collaboration with the Joint Health and Safety Committee, 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.