

**CANADIAN FOUNDATION FOR HEALTHCARE IMPROVEMENT  
GOVERNANCE POLICIES**

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| <b>Subject:</b> Harassment and Violence in the Workplace Policy and Program                      | <b>Policy No.:</b> GP-C6  |
| <b>Category:</b> Human Resources<br><b>Authority:</b> President<br><b>Reviewed by:</b> President | <b>Approved:</b> September 2005<br><b>Last Amended:</b> 15 February 2019<br><b>Next Review:</b> February 2020 |

Preamble

The Canadian Foundation for Healthcare Improvement (CFHI) is incorporated as a not-for-profit corporation under federal legislation, and its directors are responsible for managing and supervising the activities and affairs of the Corporation. In discharging this mandate, the Board must comply with the Foundation's governing documents<sup>1</sup> as well as the rules established under the common law governing directors' duties. In addition, and in accordance with By-law Number 1 of the Corporation, the Board of Directors has appointed a president who has general charge of CFHI's business affairs, is responsible for the overall day-to-day management of CFHI, and has such authority as prescribed by the Board.

Accordingly, a policy has been developed to give direction regarding harassment and violence in the workplace.

**1. OVERVIEW OF POLICY AND PROGRAM**

1.1 *The Policy*

- (a) CFHI is committed to building and preserving a safe, productive, and healthy working environment for its employees, free from violence and harassment. CFHI will take all reasonable measures to ensure job candidates, employees, managers, and clients are not subject to any form of violence or harassment. This commitment applies to all areas of business, including training, performance management, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.
- (b) It is CFHI's policy to prohibit any form of violence and unlawful harassment, including harassment based on race, ancestry, place of origin, colour, ethnic origin, creed, citizenship, sex, sexual orientation, gender

identity, gender expression, age, record of offences, marital status, family status, disability or any other prohibited ground of discrimination.

- (c) CFHI will not tolerate, ignore or condone workplace harassment and violence by or against any worker (permanent, temporary, fixed term); job candidate, consultant, contractor and other service-providers who may provide services on CFHI premises or to CFHI; and all members of the Board of Directors (collectively for ease of reference referred to herein as “worker”). CFHI considers workplace harassment and violence a very serious offence that may result in disciplinary action up to and including termination of employment or cancellation of a contract.
- (d) Every individual has a responsibility to help promote a safe workplace environment. This means not engaging in, allowing, condoning, or ignoring behaviour that violates this Policy. Every individual covered by this Policy also has a responsibility to comply with and support this Policy.
- (e) The provisions of this Policy are intended to protect the safety of all workers and are in no way intended to infringe on a worker’s privacy. The primary goal of this Policy and Program is to encourage an open, ongoing dialogue with the affected worker, and those within CFHI who need to know, so that CFHI can take reasonable steps to protect workplace safety. CFHI’s goal is to handle all situations with the utmost sensitivity to the particular situation, while meeting the goal of workplace safety and security.

## 1.2 *The Program*

The Harassment and Violence in the Workplace Program implements this Policy and includes:

- measures and procedures to protect workers from Workplace Violence, a means of summoning immediate assistance and a process for workers to report incidents, or raise concerns;
- measures and procedures for workers to report incidents of Workplace Harassment or Violence;
- sets out how incidents or complaints of Workplace Harassment or Violence will be investigated and dealt with;
- sets out how information obtained about an incident or complaint of Workplace Harassment or Violence, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law; and sets out how a worker who has allegedly experienced Workplace Harassment or Violence and the alleged harasser, if they are a worker of the employer, will be informed of the results of the investigation and of any corrective action

that has been taken or that will be taken as a result of the investigation.

***Every worker must work in compliance with this policy and the supporting program.***

## **2. SCOPE OF POLICY**

2.1 This Policy applies to all workers (permanent, temporary, fixed term) of CFHI; consultants, contractors and other service-providers who may provide services in the CFHI workplace or to CFHI; and all members of the Board of Directors. To be clear, this Policy also applies to members, clients, suppliers and members of the public whose behaviour is directed at a worker and occurs on CFHI premises or work-related events.

## **3. DEFINITIONS**

3.1 ***Workplace Harassment*** means engaging in a course of vexatious conduct or comment in a workplace that the person knew or ought reasonably to have known would be unwelcome and inappropriate or otherwise offensive to a person or a group of people. Reasonable action taken by an employer or supervisor/manager relating to the management and direction of workers or the workplace is not workplace harassment.

3.2 Workplace Harassment includes ***Sexual Harassment***, which means

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples of conduct that may be considered Workplace Harassment or Sexual Harassment, include but are not limited to the following:

- Inappropriate sexual touching, advances, suggestions or requests
- Making jokes, remarks or innuendos that demean, ridicule, intimidate or offend
- Displaying or circulating threatening, humiliating, derogatory, offensive pictures or materials in print or electronic form
- Bullying
- Lewd remarks made verbally or electronically
- Derogatory comments

- Offensive or intimidating phone calls or e-mails
- Communications of a sexual nature, verbal, written or electronic
- Pornographic or graphic pictures (cartoons, calendars or websites)
- Personal inquiries about social life, sexual life, sexual orientation
- Direct or indirect threats or bribes for unwanted sexual activity
- Stereotyping behaviour or comments around sex, gender or sexual orientation
- Sexually intrusive or explicit questions
- Offering professional incentive for a date or sexual contact
- Threatening a person who does not comply with a solicitation or advancement

### 3.3 **Workplace Violence** means

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or
- (c) 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.

Examples of conduct that would be considered Workplace Violence include:

- Verbally threatening to attack a worker
- Leaving threatening notes at or sending threatening e-mails to the workplace
- Hitting or trying to hit a worker
- Throwing an object at a worker
- Violence or threat of violence against a worker by a domestic/intimate partner that is not a worker
- Sexual violence against a worker

### 3.4 **Workplace** includes any land, premises, location or thing at, upon, in or near which a worker works. For the purposes of this Policy, “workplace” includes any place where the business of the organization is being carried out (including online and remote services such as Skype), and other locations and situations such as during business travel, work-related social gatherings or other locations where the prohibited behaviour might have a subsequent impact on the work relationship, environment or performance.

- 3.5 ***Domestic Violence*** means a pattern of behavior used by one person to gain power and control over another with whom they have or had an intimate relationship. Examples of domestic violence include, but are not limited to, stalking, physical violence, emotional and psychological intimidation, and verbal abuse.

#### **4. ROLES AND RESPONSIBILITIES**

##### 4.1 Workers have a responsibility to:

- (a) act respectfully toward other individuals while conducting work-related activities;
- (b) be familiar with the Harassment and Violence in the Workplace Policy and attend any and all training offered on CFHI's Harassment and Violence in the Workplace Program;
- (c) report to a supervisor/manager or Human Resources concerns, incidents and/or knowledge of Workplace Violence or Workplace Harassment, including threats; and
- (d) follow the measures and procedures set out in the Harassment and Violence in the Workplace Policy and Program.

##### 4.2 Supervisors have a responsibility to:

- (a) promote a violence and harassment-free Workplace;
- (b) adhere to and attend all training with regard to the Harassment and Violence in the Workplace Policy and the supporting Harassment and Violence in the Workplace Program;
- (c) ensure that measures and procedures set out in CFHI's Harassment and Violence in the Workplace Program are followed by workers; and
- (d) ensure workers have received the necessary information and instruction to protect themselves from risks of Workplace Violence.

##### 4.3 Management has a responsibility to:

- (a) promote a violence and harassment free Workplace;
- (b) ensure workers are provided with information and instruction with respect to the prevention of Workplace Violence and Workplace Harassment;
- (c) review the Harassment and Violence in the Workplace Program and procedures on a regular basis; and

- (d) investigate and deal with all concerns, complaints, or incidents of Workplace Violence or Workplace Harassment in a fair and timely manner while respecting workers' privacy as much as possible.

## **5. SAFETY MEASURES**

5.1 CFHI reserves the right to take any measures it deems necessary and lawful for the protection of workers. This includes but is not limited to:

- (a) establishing any rule or practice required to promote a violence and harassment-free work environment;
- (b) disclosing, as legally required and limited, such information as is necessary to equip persons to avoid risk and maintain their personal safety and security;
- (c) barring or limiting access to premises, to certain persons;
- (d) requiring any visitor or worker to permit a search of coats, bags, etc. before granting entry;
- (e) establishing any access protocols, rules, badges, limitations or restrictions deemed necessary, generally or specifically;
- (f) declining to do business with any outside organization that fails to comply, to CFHI's satisfaction, with appropriate measures to ensure the safety and security of CFHI's workers;
- (g) accessing outside expert assistance in the management of situations, and the necessary disclosure of information to those parties; and
- (h) reporting any circumstance or incident to legal authorities.

## **6. ASSESSING PERCEIVED RISK OF VIOLENCE**

6.1 CFHI will conduct a periodic review of working conditions to determine if and where workers may be at risk of violence while working. This will be conducted annually or more often on an as-needed basis, in conjunction with CFHI's Joint Health & Safety Committee, according to the attached *Guideline No. 1 - Risk Assessment*.

6.2 Each worker is required to report any instance of Workplace Violence, be it a perceived threat, an attempt or the actual use of physical force that might cause injury to a worker to Human Resources. Workers shall follow the Reporting Procedures set out below.

- (a) If a worker is dealing with someone known to have a history of violent behaviour, the worker should raise this concern to Human Resources so that the situation can be assessed. Please see attached *Guideline No. 2 - Assessing Perceived Risks of Violence Guidelines*.
- (b) CFHI disapproves of violence against men and women in any form, whether as an act of Workplace violence or in any worker's personal life. CFHI recognizes that Domestic Violence is a crime that may, in some cases, pose a risk to others at the Workplace. CFHI is committed to highlighting the awareness of Domestic Violence and providing guidance for management and workers in addressing these issues in the Workplace. Victims of Domestic Violence are urged to seek confidential help from CFHI. Other workers who know or believe a co-worker is suffering this form of abuse, are expected to report it to Human Resources. Please see the attached *Guideline No. 3 - Recognizing Possible Domestic Violence*.
- (c) Reports of Workplace Violence or suspected Domestic Violence, and concerns about persons with a violent history will be kept as confidential as possible. CFHI shall take every reasonable measure to protect witnesses, complainants and victims from further unsafe behaviour in the Workplace.
- (d) When in doubt, or if in need of additional information, workers are urged to report their concerns so that Human Resources can advise and assist.

## **7. WARNING SIGNS OF POTENTIAL VIOLENCE**

- 7.1 Each person has a duty to be aware of signs of potential violence and alert Human Resources before they arise.
- 7.2 Certain circumstances or indicators may be accurate signs of a potentially violent situation.
  - (a) *Verbal Indicators* such as an angry or threatening tone; unreasonable demands; incoherent or irrational statements; a discussion of weapons or violence; profanity, shouting, screaming; degrading, lewd or other inappropriate comments.
  - (b) *Physical indicators*: clenching of fists or jaw; gripping objects tightly; nervous pacing or restlessness; slurred speech or other signs of possible impaired status; dramatic changes in appearance, demeanour or habits or violent gestures.
  - (c) *Person under strain*: if a person has suffered or is undergoing a high level of strain, due to some personal or work circumstance, that may elevate the likelihood of inappropriate conduct.

### 7.3 Warning Signs of Potential Domestic Violence

- (a) Domestic Violence against a worker can occur in the Workplace. The Ontario *Occupational Health and Safety Act* (OHSA) requires that this risk be controlled.
- (b) Each person has a duty and be alert for signs that a colleague may be suffering Domestic Violence. Indicators may include visible signs of injury, change in attendance or absence patterns, or changes in behaviour.
- (c) This is a sensitive and delicate issue. If a worker suspects that a colleague is suffering from Domestic Violence and the subject cannot be raised comfortably with that person, the worker is advised to discuss it on a confidential basis with Human Resources.
- (d) Please review attached *Guideline No. 3 - Recognizing Possible Domestic Violence* for warning signs of Domestic Violence.

## 8. PROCEDURES IN VIOLENT SITUATIONS

### 8.1 Where any person believes violence is imminent or is experiencing violence, they are to:

- (a) prevent further risk by withdrawing from the situation or seeking help from co-workers or others nearby, if possible;
- (b) call 9-1-1 where risk cannot be avoided; and
- (c) report pursuant to the Incident Reporting Procedures below.

## 9. INCIDENT REPORTING

### 9.1 *General*

- (a) Employees have the right to refuse work if they have a reason to believe that workplace violence is likely to endanger them. Upon refusing to work, the employee must report the circumstance of the refusal to their manager. If their manager is involved in the incident, the employee must report the circumstance to Human Resources, the Vice-President, Corporate Services or the President (or the Chair of the Board of Directors if the President is involved). An investigation will follow in the presence of the Certified members of the Joint Health and Safety Committee.



- (b) In the event that a worker is either directly affected by or witness to any Workplace Violence, it is imperative for the safety of all CFHI's workers that the incident be reported promptly.
- (c) If any visitor to the CFHI Workplace is seen with a weapon (or is known to possess one), makes a verbal threat or assault against a worker or another individual, worker witnesses are required to immediately contact the police, emergency response services, their immediate supervisor and the Vice-President, Corporate Services.
- (d) In the event of a violent, emergency or life-threatening situation, 9-1-1 should be called immediately.

9.2 *Reporting Procedure: Incident of Workplace Violence that Results in Physical Injury to the Worker*

(a) Responsibilities of the Worker

- (i) If physically injured, the worker should obtain appropriate first aid or medical attention after the incident of Workplace Violence.
- (ii) Report the incident to the worker's supervisor/manager, Human Resources, or the Vice-President, Corporate Services immediately or as soon as possible.
- (iii) Inform the worker's supervisor/manager, Human Resources, or the Vice-President, Corporate Services if the worker subsequently receives medical attention or loses time from work due to the incident of Workplace Violence.

(b) Responsibilities of Management

- (i) Advise worker to seek medical attention when required.
- (ii) Provide transportation to an appropriate medical facility if an injured worker requires more than first aid. If necessary, assign someone to accompany the injured worker.
- (iii) Investigate all reported incidents of violence or threats of violence in accordance with this Policy and Program and determine the cause of the incident.
- (iv) Take immediate action to secure the situation and restore worker safety.
- (v) Visit the scene of an incident as soon as possible.

- (vi) Examine the Workplace for security risk factors associated with the incident, including previous reports of inappropriate behavior by the perpetrator.
- (vii) Immediately notify the Ministry of Labour (MOL), Police, if an incident of Workplace Violence results in a critical injury or fatality or if deemed appropriate.
- (viii) Send a written report to the MOL within 48 hours of the fatality or critical injury.
- (ix) Provide written notice, within 4 days to the MOL (only upon request of MOL) if a worker requires medical attention because of an incident of Workplace Violence.

9.3 *Reporting Procedure: Complaints and Threats of Workplace Harassment and Workplace Violence*

The following outlines the procedures that will generally apply when a complaint relating to discriminatory conduct or harassment has been made. CFHI, however, reserves the right to modify any such procedures, as it deems appropriate, in order to achieve the goals of this Policy and comply with applicable legislation.

(a) Informal Reporting Process

The following steps are recommendations intended for workers who have been subjected to Workplace Violence or Workplace Harassment or who have witnessed Workplace Violence or Workplace Harassment. These steps are not pre-conditions for filing a formal complaint. At any time, a worker can contact their supervisor/manager for advice and/or file a formal complaint.

- (i) Any worker who is experiencing Workplace Harassment or Workplace Violence should not wait until a situation becomes intolerable. Sometimes, the person behaving unacceptably may not realize that their behaviour is offensive or unwanted and in such cases the misunderstanding can be resolved quickly.
- (ii) It is recognized that the use of formal procedures can be daunting or counter-productive for both parties. In many cases, drawing early and informal attention to the matter giving rise to Workplace Harassment or Workplace Violence can fully resolve the situation. Workers should try wherever possible to resolve the matter themselves, seeking support when needed.

- (iii) As soon as possible after the incident(s), the worker should take one or more of the following courses of action:
- (A) Commence a record or diary of any incidents or Workplace Harassment or Workplace Violence as follows:
- date and time of incident(s);
  - place;
  - name of person alleged to have been harassing or threatening the worker with Workplace Harassment or Workplace Violence;
  - details of what happened/was said;
  - names of any witnesses;
  - how they felt;
  - action taken (if any); and
  - copies of any documents that may be relevant, e.g., a letter or a note, copy of an email.
- (B) Speak to the person and explain clearly that their behaviour is offensive and that it should stop.
- (C) If the worker feels unable to speak to the person or, if having spoken to them, the behaviour persists, the worker should consider writing to the individual concerned, in the same terms, and keep a copy of the correspondence.
- (iv) If informal attempts at resolution fail, or if the Workplace Harassment or Workplace Violence is potentially of such a serious nature as to require formal action, the worker may initiate a formal complaint and the Formal Reporting Process, as outlined below, will begin.

(b) Formal Reporting Process

- (i) The worker must report incidents of Workplace Violence, Workplace Harassment, threats or complaints to the worker's supervisor/manager. Note that where the worker's supervisor/manager forms part of the report, the worker should direct the report to Human Resources. Similarly, if Human Resources forms part of the report, the worker may direct the report to the Vice President, Corporate Services, the President, or the Chair of the Board. In any event, the President and Chair of the Board will be made aware that a formal complaint has been lodged and an investigation may be undertaken. Strict confidentiality will be

maintained, and information will only be disclosed if necessary, for purposes of investigating the incident or complaint, or as otherwise required by law.

- (ii) The incident or complaint and its effects should be explained verbally or in writing to the worker's supervisor/manager. CFHI reserves the right to request that complaints be made in writing by the complainant.
- (iii) If a worker reports a concern or incident or makes a complaint (informal or formal), the worker has the right:
  - (A) to make the report or complaint and to obtain a fair and timely investigation of the report or complaint without fear of retaliation.
  - (B) to be represented or accompanied by another (uninvolved) individual of their choice (including legal counsel) at any stage in the process.
- (iv) Whether an informal or formal report or complaint is made against a worker, the worker has the right:
  - (A) to be informed in a timely way once a report or complaint has been made.
  - (B) to be provided with a written summary of the allegation.
  - (C) to be afforded the opportunity to respond to the report or complaint.
  - (D) to be represented or accompanied by another (uninvolved) individual of their choice (including legal counsel) at any stage in the process.

## **10. INVESTIGATIONS**

- 10.1 An investigator designated by the President will be responsible for investigating all complaints of Workplace Harassment or Workplace Violence. This investigator may be an unbiased internal party or an outside third party depending on the circumstances of the complaint.
- 10.2 The investigation will be conducted as quickly as possible, given the circumstances of the case and, wherever possible, will commence within five working days of receipt of the formal complaint and will be completed as soon as practicable but normally within ninety (90) days. Should it not be practicable to complete the

- investigation within ninety (90) days, the investigator will keep both the complainant and the person against whom the Workplace Harassment or Workplace Violence is alleged informed of progress.
- 10.3 The investigator will outline the steps of the investigation process, what the investigation will cover, the timeframe of the investigation, what solutions or results are possible, and who will make the final decision.
  - 10.4 Strict confidentiality will be maintained throughout the investigation and circulation of information will be minimized to that which is necessary to ensure fair treatment of all parties. Information will only be disclosed if necessary, for purposes of investigating or taking corrective action with respect to the incident or complaint, or as otherwise required by law.
  - 10.5 The investigator will separately interview the complainant and the respondent as soon as reasonably possible. Parties may be requested to sign their statement.
  - 10.6 The investigator must give the respondent an opportunity to explain their perception of events and to respond to the complainant's account of events. Even if the allegations are denied, the discussion should be treated as a formal warning that inappropriate Workplace behaviour will not be tolerated.
  - 10.7 The investigator should review the interviews and document any inconsistencies or other questions they may have. They should conduct further interviews of the parties if they need to clarify any information.
  - 10.8 All individuals involved in the investigation are required to:
    - (a) Co-operate fully in the investigation and resolution of any concerns, incidents and complaints.
    - (b) Respect the need for confidentiality. This means they must refrain from discussing concerns, incidents or complaints, or the existence of (or their involvement in) any investigation of a concern, incident or complaint, except as strictly required for the purposes of any investigation and resolution, to obtain advice about their rights, or as otherwise compelled by law. This is a critically important obligation and any breach of the confidentiality obligation will be treated as serious misconduct.
    - (c) Once the investigation is completed, the investigator will determine whether the complaint constitutes Workplace Harassment or Workplace Violence. The investigator should produce a brief report summarizing the investigation and forward to the Vice-President, Corporate Services for review and discussion. Where the Vice-President, Corporate Services is involved in the complaint, the President will assume these duties. Where

the President is also involved, the Chair of the Board will assume these duties.

- (d) The investigator may make recommendations for actions to be taken by CFHI.
- (e) Where a concern, incident, or complaint is substantiated, CFHI will take appropriate disciplinary and remedial action against the offender. In appropriate situations, CFHI may contact law enforcement officials or initiate legal action. Where a concern, incident or complaint is not substantiated, as long as the report or complaint was made in good faith, there will be no repercussions against the complainant.
- (f) The worker complaining of Workplace Harassment or Workplace Violence and the respondent, if he or she is a worker of CFHI, shall be informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.
- (g) Workers seeking information or clarification of this procedure or wishing to have an informal discussion regarding a possible complaint, are encouraged to approach Human Resources. Such inquiries will be held in confidence.

*Implementation of this procedure does not prohibit workers from reporting incidents to their respective provincial government body.*

## **11. RECORD KEEPING**

11.1 CFHI will keep records of the investigation, including:

- (a) a copy of the complaint or details about the incident;
- (b) a record of the investigation including notes;
- (c) a copy of the investigation report if an investigation is undertaken;
- (d) a summary of the results of the investigation that was provided to the complainant and respondent;
- (e) a copy of any corrective action taken to address the complaint or incident of Workplace Harassment or Workplace Violence.

11.2 All records of the investigation will be kept confidential. The investigation records will not be disclosed unless necessary to investigate an incident or complaint of Workplace Harassment or Workplace Violence, take corrective action or otherwise as required by law.

- 11.3 The records will be kept for a minimum of two years from the conclusion of the investigation.

## **12. FAILURE TO REPORT VIOLATIONS**

Failure to report a violation of the law or this Policy is itself a violation of this Policy and may result in disciplinary action, up to and including termination of employment.

## **13. RETALIATION PROHIBITED**

CFHI will not tolerate any retaliation against a worker for reporting possible discrimination, Workplace Harassment, Workplace Violence, Domestic Violence, bullying or participating in investigations of complaints of any kind. If a worker believes that they or a fellow worker has been subjected to unlawful retaliation, they should promptly report the concerns to Human Resources or to the Vice-President, Corporate Services.

## **14. DISCIPLINARY AND REMEDIAL ACTION**

- 14.1 Whenever any individual is found to have engaged in conduct that constitutes a breach of this Policy, CFHI will take appropriate disciplinary and remedial action to address and correct the situation. In appropriate situations, CFHI may contact law enforcement officials or initiate legal action.
- 14.2 Disciplinary steps range from informal (e.g. a verbal reprimand) to formal (e.g. a suspension without pay), and from less serious to more serious (e.g. a demotion), up to and including, in appropriate cases, termination for cause or cancellation of an engagement/contract.
- 14.3 Remedial steps range from unstructured (e.g. requiring an apology, rearranging work space) to more structured (e.g. rearranging reporting relationships, requiring attendance at harassment/sensitivity/anger management training sessions).
- 14.4 If the offender is not a worker, CFHI will take available appropriate action (e.g. notification of the individual's employer, cancellation of a contract or a ban from the premises).
- 14.5 The selection of the appropriate disciplinary and remedial action, or any action to be taken, will be in CFHI's sole discretion. What is appropriate in any given situation will vary and will depend on a number of factors including (among other things) the nature and seriousness of the problem, and whether this is a new or recurrent problem.

- 14.6 CFHI also reserves the right to take appropriate interim measures and remedial action against an alleged offender, while a concern, incident or complaint is being investigated (e.g., suspension with or without pay; temporary schedule changes or temporary re-assignment; re-training).
- 14.7 Depending on the nature and seriousness of the incident, CFHI may also:
- (a) consult with law enforcement authorities or other resources it deems appropriate;
  - (b) require a fitness for duty examination or other professional assessment; and/or
  - (c) involve the Employee Assistance Program (EAP) for consultation.

## **15. ANONYMOUS COMPLAINTS**

- 15.1 If the complainant wishes to remain anonymous it may not be possible for CFHI to take any action.
- 15.2 If the complainant has experienced any Workplace Harassment or Workplace Violence, they are advised to contact their supervisor who will support them in the resolution of a genuine complaint or incident of Workplace Harassment or Workplace Violence.

## **16. VICTIMIZATION AND MALICIOUS, VEXATIOUS OR SPURIOUS COMPLAINTS**

- 16.1 Complaints of Workplace Harassment or Workplace Violence are treated seriously by CFHI. Workplace Harassment or Workplace Violence can have serious and far reaching effects on the careers and lives of individuals. A charge of Workplace Harassment or Workplace Violence is not to be taken lightly by the complainant or a respondent. Both parties to a complaint, and any witnesses, will be protected until the outcome of the investigation, whereupon appropriate action to resolve the matter will be taken.
- 16.2 Any worker who victimizes a complainant for bringing an allegation of Workplace Harassment or Workplace Violence will be subject to disciplinary action. False accusations can also have a serious impact on individuals. Workers found to have made mischievous, false or malicious complaints will therefore render themselves liable to appropriate disciplinary action.
- 16.3 Any worker who witnesses or becomes aware of violent, harassing, intimidating or threatening behaviour by any person in the Workplace towards a complainant or respondent should notify their supervisor immediately. The reporting worker will



need to provide full written details of the incident and the names of all persons present or involved.

## **17. DOMESTIC VIOLENCE AND RESTRAINING ORDERS**

- 17.1 Workers are encouraged to discuss any Domestic Violence situation with their supervisor or Human Resources and ask for help. If a worker has concerns that an abusive partner may attempt to gain entry to the Workplace and threaten violence or harass the worker, the worker should notify their supervisor or Human Resources to ensure that appropriate measures are put in place to ensure that access by their partner to the Workplace is restricted. If an abusive partner gains entry to the Workplace, the worker should immediately call the police if the abuser threatens or harasses the worker or violates any civil/criminal orders of protection.
- 17.2 Should a worker have a legal court order (e.g. restraining order, or “no-contact” order) against another individual, the worker is encouraged to notify their supervisor/manager, and to supply a copy of that order to the Vice-President, Corporate Services. This will likely be required in instances where the worker strongly feels that the aggressor may attempt to contact that worker at CFHI in direct violation of the court order. Such information shall be kept confidential.

## **18. TRAINING AND POLICY REVIEW**

- 18.1 CFHI will provide information and training sessions to ensure that all staff are aware of and understand the Harassment and Violence in the Workplace Policy and Program.
- 18.2 CFHI will ensure that workers are trained on the contents of this Policy and Program including how to report incidents and complaints of Workplace Harassment or Workplace Violence.
- 18.3 CFHI will ensure that this Policy and Program is maintained and reviewed annually or when any gaps or deficiencies in its program are identified as a result of an investigation.

## **GUIDELINE NO. 1 – RISK ASSESSMENT**

### **1. Risk Assessment**

In accordance with the Ontario *Occupational Health and Safety Act* (OHSA), the organization shall assess the risk of violence posed to its workers. That assessment shall consider the risks of violence in the workplace and at other locations where CFHI workers work.

The purpose of the Risk Assessment is to identify where potential risks exist and assess where those risks are most pronounced. Risk control is achieved through application of the Harassment and Violence in the Workplace Policy and Program guidelines.

### **2. Risk Assessment Process**

Management, Human Resources and certified members of Joint Health & Safety Committee [“Committee”]) shall participate in the discussion and scrutiny of the risks of violence in the workplace. This process shall yield a Risk Assessment Report which shall be presented both to the President’s Executive Committee and the Joint Health and Safety Committee.

Information pertaining to individuals who are perceived to pose a risk of violence, may be modified in the Risk Assessment Report so as to anonymize those references, or may be edited from any version distributed with the Committee.

The risk assessment shall include external and internal research as required, including where appropriate interviews or surveys of workers and other interested parties. The risk assessment shall be performed on an as-needed basis as determined by management.

### **3. Levels of Assessment**

The Risk Assessment shall identify and examine the following to discern potential risks and measure the degree to which workers may be subject to them:

Industry: What is the record of violence affecting people in our type of business? What lessons can be learned, and approaches taken from that experience?

Organizational: What is the experience of our own organization, overall, with respect to violence affecting our workers?

Location: At each particular location where our workers work, is there a history of risks of violence or potential violence? This evaluation should include an examination of building security issues, access, parking lot safety, specific areas within the building, etc. and will

include consultation with the property management company, if applicable. The surrounding community shall be examined to determine if it poses particular risks.

Off-site locations: Workers may travel to or visit other locations for work purposes. Information should be gathered regarding the risks of violence associated with them.

Jobs, Roles and Tasks: Specific work assignments or functions may have heightened risks of violence, due to interactions with the public, urgent circumstances or the nature of the work. The experience of other organizations and our own, with respect to the risks posed in particular jobs, shall be assessed.

Transactional: Are specific transactions completed between our workers and outside parties more prone to heightened emotion, frustration or anger?

Work relationships: Interactions with colleagues, or with stakeholders, visitors or other members of the public, may lead to tensions and anger, escalating the risk of violence. These risks will be assessed.

Individuals: the Ontario OHSa requires the organization to determine which persons have a history of violence and are likely to pose a risk of violence to workers. Access to this information shall be strictly restricted. However, where individuals are identified as having a history of violence and posing a potential risk, it is the legal duty of the organization to disclose that information to workers who may be at risk. Such assessment and disclosure are addressed under Guideline No. 2 – Assessing Perceived Risks of Violence.

Domestic violence: the Ontario OHSa requires that where a person is believed to be suffering domestic violence, and there appears to be a risk that this violence may pose a risk to workers in the workplace, the organization shall take every precaution reasonable in the circumstances to protect a worker or workers. Examine Guideline No. 3 – Recognizing Possible Domestic Violence.

#### **4. Decision Making**

The Risk Assessment Report shall catalogue findings and shall be used, by the President's Executive Committee, to consider means of eliminating, reducing and/or protecting against the real and identified risks.

The President's Executive Committee shall consider the findings and recommendations of the Report and institute those actions which it deems appropriate.

## **GUIDELINE NO. 2 – ASSESSING PERCEIVED RISKS OF VIOLENCE**

### **Persons with a History of Violent Behaviour**

Workers may encounter, in the course of their work, persons who have a history of violent behaviour. Where the organization is aware of that history, and where management believes that encountering such a person may put a worker at risk of physical injury due to violence, the organization will notify the workers at risk.

#### **1. Information Collection and Retention**

All information indicating that a person has a history of violent behaviour shall be kept confidential by Human Resources, save and except where disclosure is required under the Ontario OHSA.

The organization shall accept reports from any source, regarding an alleged history of violence and shall, in its discretion, take such steps to protect the confidentiality of a source, while determining whether the allegation is accurate.

The organization expects everyone to report where they believe (a) that a person has a history of violence; and (b) that person may be encountered by CFHI's workers, whether on the premises or elsewhere in the course of work. This includes, but is not limited to, situations where it is believed that one of CFHI's workers is experiencing domestic violence that might lead to violence in the workplace. See Guideline No. 3 – Recognizing Possible Domestic Violence for warning signs of domestic violence.

#### **2. Assessing the Risk**

Where the organization has (a) identified a person with a violent history; and (b) knows that such a person may encounter a worker, the following steps shall be followed:

- (a) Human Resources shall first assess whether an encounter with the person is, in fact, likely to expose any workers to a risk of violence. This assessment shall be completed based on information about the person, possibly with outside expert or practitioner advice as necessary to form a conclusion.
- (b) Where the person with the violent history is a worker, Human Resources shall consult with that person, as appropriate and with expert guidance, to determine what if any risk that person may pose.
- (c) Where the risk of violence is believed to be real, Human Resources shall assess whether possible measures to mitigate the potential for violence, by determining, possibly in consultation with the person with the violent history and any other

expert advice necessary, what might be done to alter the person's behaviour or potential behaviour.

- (d) Where any risk is believed to remain, Human Resources shall determine whether the contact between the person with a violent history, and CFHI's worker(s), may be eliminated or modified so as to improve the safety of the worker(s) in question.

### **3. Disclosure of the Risk**

Where, following consideration of mitigation efforts, the organization is of the view that exposure to a person with a violent history will occur and may pose a risk to its workers, the organization shall disclose that conclusion to the workers believed to be at risk. The following steps shall be taken:

- (a) Prior to making a disclosure to any worker, Human Resources shall, in most instances, notify the worker with the violent history that the disclosure is pending. The purpose of this is to manage the disclosure process and to permit any final efforts to eliminate the need for disclosure, through such means as voluntary withdrawal from the work situation by the person.
- (b) Where the person with the history of violence is not a worker or otherwise contracted to work with the organization, in general there shall be no advance notice to that person of the pending disclosure. This shall be handled on a case-by-case basis, in keeping with security of workers and sources of information.
- (c) Where disclosure occurs, it shall be made verbally and in person to the workers receiving it. Any worker receiving the disclosure of such information is entitled to, and shall receive, all possible advice and assistance to reduce, or protect themselves from, the perceived risk.

Any worker receiving the disclosure of such information is required, by policy and in keeping with the law, to keep that information confidential except as necessary to ensure their own safety. In general, workers receiving the disclosure shall be expected not to reveal the information without the permission of the organization.

### **4. Additional Disclosure for Security Purposes**

Where the organization deems it necessary and appropriate, information about persons with a history of violence who are believed to pose a risk to workers or the workplace, shall be provided to reception at workplaces where CFHI's workers are employed and to the property management company, as required.

In addition, this same information may be provided to law enforcement authorities where the organization believes this may enhance the safety and protection of workers.

### **GUIDELINE NO. 3 – RECOGNIZING POSSIBLE DOMESTIC VIOLENCE**

*(Extracted from the publication: Domestic Violence Doesn't Stop When You go to Work: How to get Help or Support a Colleague who may Need Help):*

*[https://www.pshsa.ca/wp-content/uploads/2013/01/VDVBRCEN0110-OHSCO\\_VictimBooklet.pdf](https://www.pshsa.ca/wp-content/uploads/2013/01/VDVBRCEN0110-OHSCO_VictimBooklet.pdf)*

It is in everyone's best interests to be able to recognize the signs of domestic violence. The following are some signs that may be noticed in the workplace.

(a) The victim may:

- try to cover bruises;
- be sad, lonely, withdrawn, and afraid;
- have trouble concentrating on a task;
- apologize for the abuser's behaviour;
- be nervous when the abuser is in the workplace;
- make last-minute excuses or cancellations;
- use drugs or alcohol to cope; or
- miss work frequently or more often than usual.

(b) The abuser may interfere with the victim while at work by:

- repeatedly phoning or emailing the victim;
- stalking and/or watching the victim;
- showing up at the workplace and pestering co-workers with questions about the victim (Where is he/she? Who is he/she with? When will he/she be back? etc.);
- displaying jealous and controlling behaviours;
- lying to co-workers (he/she's sick today, he/she's out of town, he/she's home with a sick child, etc.);
- threatening co-workers (if you don't tell me, I'll...);
- verbally abusing the victim or co-workers;
- destroying the victim's or the organization's property; or
- physically harming the victim and/or co-workers.

(c) The abuser may attempt to prevent the victim from getting to work by:

- interfering with transportation by hiding or stealing the victim's car keys or transportation money;
- hiding or stealing the victim's identification cards;
- threatening deportation in a situation where the victim was sponsored;
- failing to show up to care for children; or
- physically restraining the victim.