



L'Arche Ontario Policy

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Policy Title:	Workplace Violence and Harassment	Policy Review Date: See Policy Review Log

Policy

In compliance with the Bill 168 Occupational Health and Safety Act amendment, L'Arche is committed to providing a safe working environment in which all individuals are treated with respect, civility, and dignity. Workplace violence, workplace harassment, or threats of violence or harassment, will not be tolerated.

All L'Arche employees are responsible for maintaining a safe work environment, and preventing and reporting any workplace violence or harassment that threatens a safe working environment.

Purpose

The purpose of this policy is to establish procedures to reduce the risk of violence or harassment in the community and to foster community safety and security.

This policy applies wherever L'Arche activities are conducted (whether in one of the homes, programs, or other physical spaces) and at all L'Arche events, including appointments, outings and Core Member holidays.

Terms and Definitions

The term "employee", as used in this policy, refers to any L'Arche Assistant, employee, volunteer, or co-op student.

Threat is the implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety, 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.

Workplace violence is the use, or attempted use, of physical force against a worker that could cause physical injury. Workplace violence also includes a statement, behavior, or gesture that a worker could reasonably interpret as a threat to use physical force against him/her that could cause physical injury. Examples include hitting, shoving, pushing, punching, biting, spitting, groping, pinching, or kicking the victim, or unwelcome displays of affection.

Workplace harassment is a course of vexatious comments or conduct against a worker that is known or would be reasonably expected to be known to be unwelcome.

Psychological Abuse is an act that provokes fear or diminishes an individual's dignity or self-worth or that intentionally inflicts psychological trauma on another.

Assault is any intent to inflict injury on another, coupled with an apparent ability to do so; any intentional display of force that causes the victim to fear immediate bodily harm.

Sexual Abuse is any verbal or physical sexual advance that is known or would be reasonably expected to be known as unwelcome. Sexually explicit statements, 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.

Poisoned Work Environment is a hostile and abusive and/or unwelcoming work environment resulting from harassment by comment or conduct that ridicules or demeans an individual or specific group of employees; for example, racial slurs or derogatory comments about sexual orientation.

Discrimination is 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/her human rights and freedoms without distinction, exclusion, or preference based on race, colour, sex (including gender identity and pregnancy), sexual orientation, religion, age, ancestry, citizenship, record of offences, marital status, family status, ethnic or national origin, or the fact that he/she has a physical and/or intellectual disability. Discrimination exists where such distinction, exclusion, or preference has the effect of nullifying or impairing such a right.

Harassment is any behaviour that is verbal, physical, deliberate, unsolicited or an unwelcomed invitation that demeans, embarrasses, humiliates, annoys, alarms, or verbally abuses a person and that is known or would be expected to be known as unwelcome. Harassment includes words, gestures, jokes, remarks, innuendo, taunting about a person's body, attire, age, marital status, ethnic or national origin, and religion. Harassment extends to incidents occurring at or away from the workplace, during or outside normal working hours, provided such incidents are employment related.

Near Miss is an act of striking out, but missing the target.

Bullying can encompass all the definitions above and is when a person hurts, frightens or torments another person, threatening or persecuting them.

Domestic Violence will affect the workplace, directly or indirectly when: the abuser harasses/assaults the victim on the job, the victim is absent from work due to injuries, or the victim is less productive due to stress and distraction. In 9 out of 10 violent workplace incidents, the victim confides in a co-worker. Domestic violence becomes workplace violence as soon as it impacts the workplace.

Prohibited Behaviour

The following behavior is prohibited under this policy and will lead to discipline up to and including discharge from employment:

- workplace violence or harassment;
- threats or intimidation;
- possession of weapons of any kind on L'Arche property, or while engaged in activities for L'Arche in other locations;
- assault;
- physical restraint or confinement;
- dangerous or threatening horseplay;
- blatant or intentional disregard for the safety and well-being of others;
- retaliation against anyone who has made a complaint or who has participated in an investigation under this policy;
- failure to report an incident of workplace violence or harassment of which a worker is aware;
- any other act which is considered to be a violation of this policy, whether or not specifically set out above.

Other examples that will likely constitute workplace harassment, particularly when an employee engages in them as part of an overall pattern, or when an employee engages in several types of behaviours at once, include but are not limited to:

- shouting;
- use of profanity and abusive language;
- slamming doors;
- throwing objects;
- embarrassing, humiliating, degrading, demeaning, belittling, or humiliating another person;
- name calling, persistent teasing where one person is the object;
- cyber-bullying, negative social media postings including blogging;
- retaliation;
- bullying or shunning;
- inappropriate use of progressive discipline from a supervisor;
- blow-ups and eruptions at a person.

For Immediate or Emergency Assistance

If there is or is likely to be a violent incident, immediately remove oneself from the unsafe situation if possible. Contact Emergency Services (9-1-1), where appropriate. For immediate assistance, contact:

- Emergency Services: 9-1-1;
- local Police;
- L'Arche Community Emergency Phone;
- L'Arche Community Office.

Safety Measures

L'Arche strives to ensure the safety of all. To that end, all employees are asked to take the following measures:

- remove oneself from immediate danger;
- follow all L'Arche policies as outlined in the Service Delivery and Human Resources Policies and Procedures Manual;
- let co-workers know of one's whereabouts at all times;
- inform supervisor or co-workers if working alone in the workplace;
- if an unaccompanied stranger or suspicious person is seen in the workplace, call the Community Emergency phone. If appropriate, use the Emergency Services (9-1-1);
- familiarize oneself with the location of all exits;
- when supporting individuals showing signs of aggression, remove oneself and others from the area, inform co-workers, supervisor, and/or call the Community Emergency phone;
- use common sense;
- be alert to one's surroundings.

Workplace Violence Risk Assessments

L'Arche will undertake at least one annual Workplace Violence Risk Assessment of the workplace. If risks are found during the assessment, the Leadership Team will determine and implement a solution.

Disclosure of the Risk of Violent Behaviour

L'Arche will provide information to employees if they are expected to encounter an individual with a history of violent behaviour of which L'Arche is aware, and if the individual poses a risk of workplace violence that is likely to result in physical injury. L'Arche will only disclose the information reasonably necessary to protect an individual from violence.

Work Refusal

Ontario employees have the right to refuse to perform unsafe work (OHS), however "certain workers who have a responsibility to protect public safety cannot refuse unsafe work if the danger in question is a normal part of the job or if the refusal would endanger the life, health or safety of another person. These workers are: police officers; firefighters; workers employed in correctional institutions; and health care workers employed in workplaces like hospitals, nursing homes, psychiatric institutions, rehabilitation facilities, residential group homes for persons with physical or mental disabilities, ambulance services, first-aid clinics, licensed laboratories, and/or in any laundry, food service, power plant or technical service used by one of the above [Section 43(2)].

Bill 168 adds the right to refuse to work where the worker "has reason to believe that workplace violence is likely to endanger him or herself", or, after an investigation the worker may refuse where they have "reasonable grounds to believe workplace violence continues to be likely to endanger himself or herself."

Reporting Violence or Harassment in the Workplace

Any L'Arche employee who is subjected to, witness to, or has knowledge of any incidents or threats of workplace violence or harassment, is required to immediately report the incident to a member of the Leadership Team. This includes reporting domestic violence situations that would likely expose a worker to physical injury in the workplace. If an employee becomes aware, either directly or indirectly, that a

co-worker has been subjected to domestic violence, and that L'Arche employees could be at risk of violence, they are expected to act. They should do the following:

1. Approach the individual to inform them of this policy and the requirement to try and protect workers from violence;
2. Determine if domestic violence is likely to occur in the community and endanger community members;
3. Encourage the Assistant to speak to a member of the Leadership Team, or inform the Leadership Team if the individual will not.

Further steps may involve investigation depending on the circumstances. If necessary, police will be called.

Reporting

Any individual who files a report is required to do so in writing using the Incident Report form. All situations described in this policy require a written report.

L'Arche will comply with all reporting obligations under the Occupational Health and Safety Act, including any reporting obligations related to workplace violence.

This policy does not preclude an employee from contacting the police where he/she feels it is appropriate, and is not intended to discourage an employee from taking any steps he or she feels are necessary in that regard.

Investigations

An incident or complaint of potential or actual workplace violence or harassment will be investigated promptly and impartially. Although L'Arche makes every effort to keep the incident or complaint as confidential as possible, it is not always possible to do so in the course of investigating or resolving an incident or complaint of potential or actual workplace violence or harassment. The investigation will generally be conducted by an investigation team as determined by the Leadership Team.

An incident or complaint will be investigated in the manner appropriate to the circumstances. This may include an internal investigation or the use of external resources. The investigators may undertake some or all of the following procedures as deemed appropriate in the circumstances:

- review the allegations;
- conduct interview(s) of the complainant, potential witnesses, the subject of the complaint, or anyone with relevant information;
- collect and review documents;
- review the workplace or sites of the incident.

After conducting its investigation, the investigation team will make an objective assessment of whether there has been a violation of this policy. The outcome of the investigation will be reported to the complainant and the individual that is the subject of the complaint.

L'Arche reserves the right to reassign, or place on paid leave, either or both of the complainant and the individual who is the subject of the complaint during the investigation or upon completion of the investigation.

Disciplinary Action

Any L'Arche employee who is found to have engaged in prohibited behaviour will be subject to disciplinary action, up to and including discharge from employment.

Support

All L'Arche employees who have experienced workplace violence or harassment have the option of receiving counseling and support, if they so choose. The Assistants Coordinator will make information about support services available to any L'Arche employee in these situations.

Training and Information

Appropriate training is an essential component in enabling employees to manage violent or potentially violent situations. The Assistants Coordinator must ensure that all employees have violence awareness training at the level identified as relevant to their role. A record of completed training will be kept in each individual's personnel file.

- All employees in direct care roles must complete crisis intervention training, such as CPI or Safe Management;
- All L'Arche employees will receive orientation to the Workplace Violence and Harassment Policy as well as an annual review of the components of the same policy.

Record Keeping

All records of reports and investigations of workplace violence or harassment will be kept in a separate confidential file for a period of five years following the end of the investigation.