

<b>Temiskaming Hospital - Policy</b>			
Authorized by	President and CEO	Number	<b>ADM-G-66</b>
Responsible	Human Resources Manager, Health & Safety	Effective Date	02-March-2020
Distribution	Staff, Board Trustees, Professional Staff	Reviewed	See footer
<b>RESPECTFUL WORKPLACE VIOLENCE/HARASSMENT FREE ENVIRONMENT</b>			

## **STATEMENT OF POLICY:**

Temiskaming Hospital is committed to creating and maintaining a workplace environment which promotes a safety culture, mutual respect, integrity and professional conduct. Temiskaming Hospital recognizes that inappropriate behaviours compromise the integrity of the employment relationship and undermines an employee's self-respect and productivity. The purpose of this policy is to prevent inappropriate and disrespectful behavior, harassment and violence from becoming part of our workplace by increasing awareness, promoting the Hospital's fundamental values and beliefs and identifying processes for early intervention and resolution. All employees, professional staff, volunteers and contractors are expected to conduct themselves professionally, while considering the perception and behaviours of others, based on the principles of reasonableness, respect, teamwork and professionalism. These same principles are the basis for interpreting and applying this policy.

Any act of inappropriate behaviour, violence or harassment committed by or against any member of our workplace, is unacceptable conduct and will not be tolerated. All reported or suspected occurrences of inappropriate behavior, harassment or workplace violence will be promptly and thoroughly investigated. Allegations will be taken seriously and, if substantiated, addressed through appropriate measures, which may include disciplinary action, up to and including dismissal.

Temiskaming Hospital recognizes that a respectful workplace is the shared responsibility of all employees and non-employees. It is the responsibility of all to anticipate, respond to, and report all incidents of inappropriate behavior, workplace violence and harassment, as well as to cooperate with any related investigations.

## **APPLICATION**

This Policy governs the conduct of all individuals in the workplace, including employees, Professional staff, volunteers, students, visitors and others.

In the event of a physician complaint, the Chief of Staff would be approached. In the event of a complaint against the Chief Executive Officer or the Chief of Staff, the Board Chair would be approached and assume responsibility in fulfilling the obligations of the Policy.

For the purposes of this Policy, the workplace includes all of the Hospital's physical premises and any other area where the Hospital's work is being performed.

Each and every member of the organization is expected to support the implementation of this Policy by:

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- Conducting themselves in a manner which demonstrates professional conduct, mutual respect for others and which honors diversity in the workplace.
- participating fully and in good faith in any resolution process or formal complaint and investigation process where they have been identified as having potentially relevant information
- reporting any incidents which may be in violation of this Policy
- respecting the rights to personal dignity, privacy and confidentiality pertaining to this Policy

## **DEFINITIONS**

### **Inappropriate / Disrespectful Behaviour**

Inappropriate / Disrespectful Behaviour is a course of conduct or comments that are inappropriate, demeaning or otherwise offensive behavior which create an uncomfortable, hostile and/or intimidating work environment. Disrespectful Behavior does not include: consensual banter or consensual romantic relationships; performance reviews, counseling, and/or discipline imposed by the employer.

### **Workplace Violence**

“Workplace violence” is defined in the *Occupational Health and Safety Act* (“OHS”) and this Policy as follows:

- (a) The exercise of physical force by a person against a worker, in the 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;
- (c) A statement or behavior that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical harm to the worker.

### **Harassment (sexual or otherwise)**

“Harassment” means a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, whether or not it is based on a prohibited ground in the Ontario *Human Rights Code* (the “Code”).

Harassment typically involves a pattern of comment or conduct that occurs over time. However, a single incident of a serious nature may be sufficient to constitute harassment.

Harassment can involve behavior that demeans, humiliates or embarrasses a person and that the individual should have known would be unwelcome. Workplace harassment can be directed at a co-worker, subordinate or manager.

Sexual harassment is any conduct, comment, gesture or contact of a sexual nature, including, but not limited to, the following:

- (a) Any sexual advance or other conduct of a sexual nature which is known or ought reasonably to be known to be unwelcome,

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- (b) any reprisal or threat of reprisal (such as a loss of job, or denial of advancement) for rejecting sexual advance or other conduct of a sexual nature from a person in a position of authority who knows or ought reasonably to know that it is unwelcome.

The reasonable exercise of management functions is not considered harassment for the purpose of this Policy. The reasonable exercise of management functions includes, but is not limited to, giving reasonable instruction or supervisory direction to an employee, providing constructive criticism or counseling, enforcing workplace standards, taking corrective or disciplinary action, or conducting performance appraisals.

## **IN CASES OF IMMEDIATE VIOLENCE**

If workplace violence is imminent or occurring, either to you or if you are a witness, including instances of violence from patients, visitors, contractors, staff, professional staff, domestic violence etc., the code white procedure is to be followed immediately (see Code White). Contact your supervisor or designate as soon as you are safely able to do so.

## **PATHWAYS FOR RESOLUTION OF NON VIOLENT SITUATIONS**

### **Immediate Resolution**

Be proactive. If you are comfortable doing so, try to resolve the problem directly with the person with whom you have a concern. Do not wait until it happens again or think the problem will go away. Approach the person who made you feel uncomfortable, explain how it affected you and ask them to stop. Do this calmly, respectfully, and in confidence. Often, an individual may not be aware that her or his behaviour is offensive, and most will change the behaviour once s/he is aware of the problem. If another person approaches you with a concern about your own behaviour, listen carefully and respectfully. Honest, direct discussion will often lead to a resolution.

### **Consultation**

If you have attempted to resolve the problem without success or if you are not comfortable addressing the problem on your own, discuss the problem and possible solutions with your immediate supervisor, human resources or a union representative. Consulting these supports, does not commit you to filing a formal respectful workplace complaint. You will be assisted in identifying appropriate ways of responding to the concerns through both informal and formal means. Whenever reasonable, informal steps to resolve these matters are preferable as they focus on rebuilding and repairing the on-going relationship between the people involved.

### ***Options Following Consultation***

Following consultation, you may consider, but are not limited to the following options:

- you may pursue an informal resolution process; or
- you may decide to file a formal complaint.
- you may decide not to pursue the matter further;
  - the employer may determine that the concern does not fall under the provisions of the Respectful Workplace Policy and no further action will be taken under the Policy;

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- the employer may decide to pursue the matter on its own initiative due to the serious nature of the concern raised and either an informal process will be pursued or a formal investigation will begin;

**Informal Resolution Process**

Whether any of the options listed below are appropriate will depend on the situation. Other options not currently contained within this material may also be appropriate. The decision on appropriate options will be at the discretion of the Employer. Some of the options for informal resolution include:

***One-on-One Discussion***

After consulting with other parties you may feel equipped on how to discuss the concerns directly with the individual with whom you have concerns. This can often lead to an effective resolution as it is likely the individual will modify his/her behaviour once s/he is made aware of the concern.

***Management Involvement***

This may include management taking any number of steps including but not limited to the setting and confirming of expectations, clarification of obligations, introduction of certain rules, procedures, guidelines, etc.

***Human Resources Involvement***

Human Resources staff can assist in any number of ways including providing education and information sharing sessions with affected staff; reinforcement of standards and expectations as well as providing certain cautions such as safety plans for affected employees

***Conciliation/Mediation***

This option uses the assistance of a neutral third party to meet with the two parties (together or separately) in an attempt to resolve the concerns and to build agreement on how interactions will occur into the future. The focus is on rebuilding the relationship and not on finding fault of either party. An individual from human resources, a manager, other employer representative or outside service providers may also serve in this role.

**Filing a Formal Complaint**

Not every complaint of disrespectful behaviour warrants a formal investigation. In fact, it is hoped that most complaints can be resolved between the people involved, with subsequent monitoring by management to ensure that there is no recurrence. However, at times, an investigation will be required.

A formal complaint must be in writing, signed, dated and include all particulars of the allegations and the names of any witnesses to the behaviour or event. Send it to the Human Resources Manager in a sealed envelope marked confidential. **To ensure all applicable information is included, a Respectful Workplace Formal Complaint form should be completed (see Form 1252 Workplace Violence, Harassment Reporting).**

The HR Manager will confirm that s/he has received your complaint via a letter of acknowledgment and will determine, based on the content of the complaint, whether the concerns fall within the Respectful Workplace Policy:

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- (a) If the concern falls under the Policy, the HR Manager will then determine whether a formal investigation is appropriate or whether an informal resolution process should be pursued.
- (b) If the concern does not fall under the Policy, the HR Manager will advise you that it will not be pursued under the Policy and will advise of other possible processes that may be appropriate.

If an informal process is identified, the HR Manager or designate will work with you and your union representative, at your express wish, and others identified in your complaint in an effort to satisfactorily resolve the concern.

If a formal investigation is determined appropriate, the HR Manager will advise you and the respondent and will assign an investigator (most likely the HR Manager). The respondent will be provided with a copy of the written complaint. Management in the respective areas will be advised as appropriate.

The investigator will contact you and the respondent to answer any procedural questions and to identify next steps. The respondent will be advised of the need to file a written reply to the complaint with the investigator by a set date (average length of time to reply no longer than 1 week).

#### Steps of a Formal Investigation

A **formal investigation** generally includes the following:

- Interviewing (union representation during the investigation is available as applicable)
  - the person who has raised the concern
  - witnesses
  - the person who has allegedly acted disrespectfully along with his/her representative to present the complaint and hear the response
- Determining the facts
- Maintaining confidentiality among the individuals involved
- The investigator will evaluate all of the evidence and prepare a written report that will be provided to the HR Manager
- The HR Manager in consultation with the Senior Leadership Team and appropriate management representatives will determine what action, if any will be taken as a result of the findings contained within the investigation report.
- A summary of the final report will be shared with you and respondent unless circumstances warrant otherwise, in which case a summary of the findings will be shared. The report may be shared with your union representative if you wish.

#### ***Time Frame***

A complaint shall be brought to the attention of the responsible Chief of Staff, Senior Leader, Chief Executive Officer, or Board Chair within five (5) working days of the incident. Reasonable efforts shall be undertaken to complete an investigation within 30 days from date of approval to proceed unless circumstances warrant otherwise. Severity of the case will impact this time frame. If the investigation is expected to be longer in duration, all parties will be appropriately notified.

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***Time Limits for Filing a Complaint***

A complaint and/or portions of a complaint which identify matters which occurred on a date more than one year prior to the filing of the complaint will not be investigated. Time limits may be extended at the discretion of the HR Manager when:

- circumstances warrant an extension of the deadline;
- the delay in filing the complaint was incurred in good faith; and
- no substantial prejudice will result to any person because of the delay.

Historical incidents older than one year may form part of an investigation at the discretion of the investigator for the purpose of determining a more timely incident.

**Interference or Retaliation**

Every staff member has a right to bring forward a legitimate concern under the Respectful Workplace Policy. Interference with this right or with an investigation or retaliation against a complainant, respondent, witness, or any other person involved will not be tolerated and may, by itself result in disciplinary action. Interference or retaliation may take the form of direct contact between the parties or more subtle actions such as shunning, reassignment, spreading of rumours, and breaches of confidentiality, among others.

**Vexatious and Bad Faith Complaints**

If the investigation proves that the complaint was deliberately made for frivolous or vindictive reasons, the employee making the false allegation is subject to discipline. This does not apply to complaints made in good faith but which are not proven.

**Confidentiality**

Managers, Human Resources and investigators keep the details of a complaint confidential to the best of their ability. However, confidentiality does not mean anonymity because witnesses may be involved. If the matter involves discipline, employees covered by a collective agreement have a right to grieve through their union and non-union employees can file an appeal to the HR Manager. This grievance process may lead to a formal hearing which could involve testimony from the complainant, witnesses, the accused individual and management. These limitations on confidentiality should not discourage employees from making a complaint. Most complaints are resolved without a formal investigation. Issues should be raised at an early stage to facilitate a mutual resolution.

**Appeals Procedure**

If the complainant or person or the person alleged to have committed the violence or harassment is not satisfied with the action taken, he/she may pursue any of the following actions:

- a) Submit a formal complaint to the Chief Executive Officer, or Board Chair; or
- b) Submit a formal grievance under the appropriate collective agreement

**Effect of Complaint On Other Proceedings**

*This Policy in no way prevents Staff from exercising any other legal rights available to them under any other process or law.*

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## **DOMESTIC VIOLENCE IN THE WORKPLACE**

The Hospital recognizes that domestic/intimate partner violence may impact an employee or employees in the workplace, The Occupational Health and Safety Act requires employers to take every precaution reasonable in the circumstances for worker protection if they become aware, or ought reasonably to be aware, of an employee in a domestic/intimate partner violence situation that may expose a worker to physical injury in the workplace.

Domestic/intimate partner violence is the intentional and systematic use of tactics to induce fear and establish and maintain power and control over the thoughts, beliefs and conduct of another in an intimate/familial relationship. The pattern of behaviour may include physical violence, sexual, emotional /psychological abuse exhibited by verbal abuse, stalking and using electronic means. The abuser may be a current or former spouse or partner, relative or friend. Other common terms for domestic/intimate partner violence include personal relationship violence or family violence.

The Hospital recognizes that **employees experiencing domestic/intimate partner violence** may be reluctant to disclose the problem to a supervisor or manager. The Hospital encourages disclosure in order to protect the safety of the employee and others in the workplace. Disclosure also enables the Hospital to support the employee and provide links to appropriate services. Although the Hospital respects the employee's need for confidentiality, an employee is responsible for:

- Disclosing to their supervisor/manager any situation that threatens the safety of the workplace
- Disclosure to Human Resources if disclosing to manager / supervisor is problematic, or if the employee would like guidance on the process
- Informing the supervisor/manager or Human Resources if they have applied for, or obtained, a restraining order that includes the workplace as a protected area.

The Hospital is committed to meeting its legal responsibility in a manner that:

- is sensitive to, and supportive of, the needs of employees who are in domestic/intimate partner violence situations
- provides employees who are in domestic/intimate partner violence situations access to information regarding resources and available supports
- is protective of the health and safety of all employees that may be placed at risk as a result of domestic/intimate partner situations impacting the workplace while respecting the privacy rights of the employee in a domestic/intimate partner violence situation

## **PROCEDURE FOR MITIGATION OF RISK OF WORKPLACE VIOLENCE**

### **1. Risk Assessment**

#### **1.1. Management**

- Ensure the completion of hazard identification and risk assessments in their work areas, in collaboration with Health and Safety Coordinator
- Develop and maintain a plan to reduce identified work area risks
- Steward education and training of employees for workplace violence prevention

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- Review reports of violence and/or threats of violence in the work area and, where necessary, develop plans to mitigate risk in future

**1.2. Joint Health and Safety Committee:**

- Investigates incidents as identified in Committee Terms of Reference
- Participates in the identification, assessment and control of actual or potential health and safety hazards in the workplace.

**1.3. Risk Management:**

- Identifies and notifies potential risks and trends to the organization
- Works with management to ensure the completion of hazard identification and risk assessments in their work areas, in collaboration with Health and Safety Coordinator

**2. Education and Training**

**Level 1**

Completed by all new employees during general orientation. This is a mandatory e-learning Violence Prevention Module

**Level 2**

For employees who work in areas that have a greater risk of violence, learning formats include

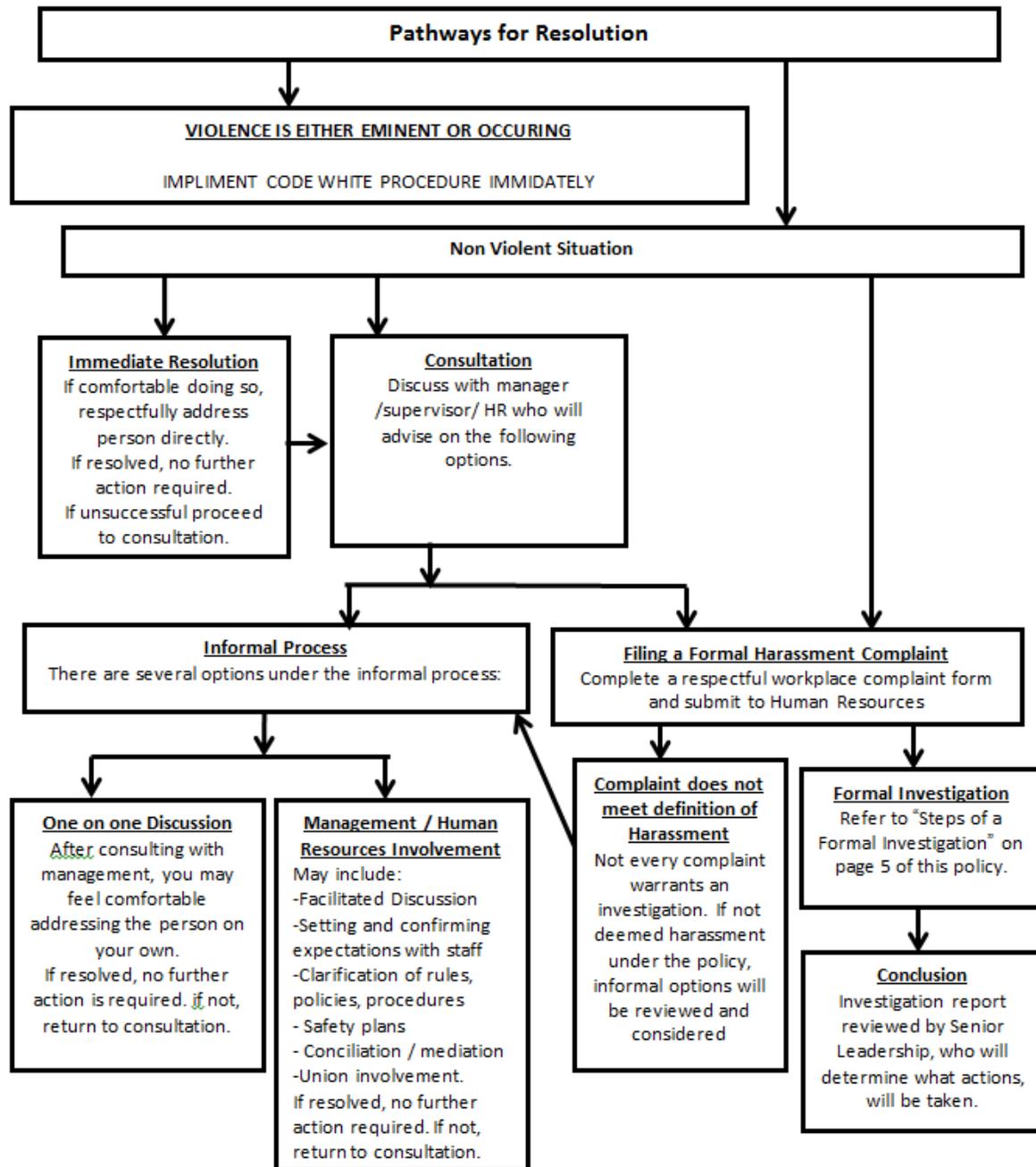
- a) e-learning programs to augment Level 1 training
- b) Classroom session on violence prevention

**Level 3**

Code White Responders

- a) Mandatory e-learning program
- b) Classroom education and training session on violence prevention

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**References**

Occupational Health & Safety Act  
Public Services Health & Safety Association  
Ontario Ministry of Labour  
Ministry of Health & Long Term Care

**Cross References**

Form 1252 Workplace Violence, Harassment Reporting

<b>Revision History</b>			
<b>Revision</b>	<b>Date</b>	<b>Name</b>	<b>Summary of Changes</b>
10	02-Mar-2020	HR Manager	Updated to include disrespectful behaviour and informal resolution
9	23-Aug-2018	Summer Student	ADM-G-66 renamed from ADM-G-17-12
8	17-Oct-2017	Health & Safety Coordinator	ADM-G-17-02 Legislative Requirements
7	2014		ADM-G-14-07
6	2012		ADM-G-12-10
5	2010		ADM-G-10-10
4	2003		ADM-G-03-19
3	2002		ADM-G-02-07
2	1999		ADM-G-99-01
1	1998		ADM-G-98-27

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