

## BOARD POLICY

Subject: Violence Policy & Program	Date Approved: December 16, 2010
Subject: Board of Directors	Date Revised:
Specific to: All Staff, Board of Directors	Next Review Date: November 2013

### A. INTRODUCTION

The North Perth Family Health Team (“NPFHT”) is committed to building and preserving a safe working environment. Actions of violence in the workplace will not be tolerated against the NPFHT’s workers.

The NPFHT is committed to assessing the risk factors in the workplace to identify workers who may be exposed to violence. In conjunction with our workers, we will develop a program to minimize or eliminate the risks of violence in the workplace. The NPFHT is also committed to training and informing workers on the contents of the Program to ensure that they are knowledgeable of the risk factors and how to eliminate or respond to violent situations.

The Board of Directors has designated the Executive Director as the Officer in charge of the Violence Prevention Program.

A copy of this Violence Policy and Program shall be posted in a readily accessible location for use by all workers.

### B. SCOPE OF VIOLENCE POLICY AND PROGRAM

This Violence Policy and Program applies to all full-time, part-time, temporary and casual employees. It also applies to all, contractors, students, and volunteers who provide services to the NPFHT. This policy will use the terms “workers” to refer to those persons who are covered by the scope of this policy.

This Violence Policy and Program applies to any incident of workplace violence perpetrated against workers by any other workers, including supervisors or other members of management, members of the Board of Directors, clients, family members, visitors, any person working on behalf of or affiliated with the Organization, or members of the public. It also applies to any violence against workers outside of the workplace, such as in workers’ homes, if there are real or potential consequences of the violence related to the workplace

Any workers that subject other workers to workplace violence may be subject to disciplinary action up to and including termination of employment for cause or any other applicable and available disciplinary remedies.

Other perpetrators of workplace violence against workers will be subject to whatever measures are reasonably available to ensure the safety of the workers.

## **C. DEFINITIONS**

### **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 a worker, in a workplace, that could cause physical injury to the worker**

Violence can be classified into four categories:

- The perpetrator who has no relationship to the workplace, i.e., burglary by stranger
- The perpetrator who is a client or visitor or other third party affiliated with the NPFHT who becomes violent towards a worker
- The perpetrator who is a current or former worker or other individual performing work at the workplace
- The perpetrator who has an intimate relationship with a worker e.g., domestic violence.

Examples of workplace violence include, but are not limited to, the following:

- 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 or making other threatening gestures
- 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.

Workplace violence does not require that the perpetrator have the capacity to appreciate that his or her actions could cause physical harm. For example:

- A person with a medical condition that causes them to act out physically in response to a stimulus in their environment, resulting in injury to a worker. This would still be considered workplace violence.
- Situations where two non-workers, clients for example, are fighting. A worker could be injured when he or she intervenes. The non-worker may not have intended their violence to spill over to anyone else, but they used physical force, which could ultimately cause physical injury to a worker.

However, workplace violence **does not** include a situation where a worker is accidentally hurt, i.e., a worker's tripping over an object and then falling or pushing into another worker.

## **Workplace**

**Any location where any worker is carrying out any work-related function**

Examples of possible "workplaces" for the NPFHT's workers:

- Multi-site office environment
- Organization-sponsored conference or training site
- Worker-accompanied client transport
- Any location workers are required to be during the course of their duties, i.e., client apartment or worker-client meeting location (coffee shop)
- Client residences or community settings

## **Management**

**Managers who control or direct the business of the Organization**

### **Supervisor**

**A person who has charge of a workplace or authority over a worker, whether or not they are managers**

### **Complainant**

**The worker who reports a violent or potentially violent incident**

### **Respondent**

**The person (worker, client, etc.) about whom a complaint of violence or potential violence is made**

## **D. ROLES AND RESPONSIBILITIES**

### **Supervisors and Management**

The NPFHT's supervisors and management must ensure, as much as reasonably practical, that workers are not subjected to violence in the workplace.

Management will take corrective action with anyone under their direction who subjects workers to violence.

Supervisors and management will ensure all workers are aware of the risks of violence in the workplace. Management will ensure that workers are properly trained and equipped to protect themselves.

The NPFHT, its managers and supervisors are responsible for creating a safe working environment, free from violence. Anyone aware of violence in the workplace must bring it to the attention of their supervisor or management so that the issue can be addressed immediately.

## **Workers**

Every worker contributes to the creation of a safe and healthy work environment by demonstrating respectful and appropriate conduct at work.

All workers must accept as a personal responsibility their own role in eliminating the risk of workplace violence in the day-to-day activities of their own work. Therefore, workers must:

- comply with this Violence Policy and Program and refrain from any acts of violence
- work together in a professional manner and resolve issues in a non-violent manner. Workers are to bring issues to their supervisor, if they cannot be mutually resolved
- report to their immediate supervisor or Executive Director or designate any incidents of violence or potential risk of violence they may experience or witness. This includes issues in the worker's non-work life that may impact on the worker's or other workers' safety, such as domestic violence
- attend training and information sessions provided by the NPFHT to reduce violence or risks of violence
- co-operate with police, NPFHT investigators or other authorities as required during any investigation related to violence.

## **The Officer in Charge of the Violence Prevention Program will**

- ensure that the procedures in the Violence Policy and Program are implemented
- review all reports submitted regarding workplace violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage, or police involvement and make recommendations for corrective measures to minimize recurrence of incidents
- in conjunction with the Joint Health and Safety Committee ("JHSC") or the Health and Safety Representative ("H/S Rep.") or workers (where neither exist), respond to concerns related to workplace violence and communicate these to management
- review violence policies and procedures annually to ensure that this Violence Policy and Program and procedures are current and relevant
- conduct a workplace violence risk reassessment as necessary and provide recommendations to management to reduce or eliminate the risk of violence.

## **E. WORKERS' RIGHT TO REFUSE UNSAFE WORK**

A worker who reasonably believes that workplace violence may endanger himself or herself has a right to refuse work. The process for a work refusal is set out in Schedule A attached to this Violence Policy and Program.

A worker's right to refuse work in unsafe conditions is important. However, it should not be the first and automatic response to an unsafe working condition. A workers who identifies unsafe situations must first (if time permits) report the health and safety concern to his/her supervisor and the JHSC or H/S Rep. The worker should work in conjunction with these parties to find solutions to reduce/eliminate the risk before it becomes an immediate danger

Workers must also be cognizant of their standards of practice as established by their professional college or regulatory body. The following standards of practice include but not limited to College of Physicians and Surgeons, College of Nurses of Ontario, Ontario College of Social Workers and Social Service Workers, College of Dietitians of Ontario, and Ontario College of Pharmacists.

Please note that workers cannot be threatened, dismissed, disciplined, intimidated or coerced for complying with the work refusal process.

## **F. REPORTING PROCEDURES**

1. In situations where the violent act or threatened violent act is serious, workers should call 911 immediately. Please review the Code White policy.
2. Workers **must** report all threats and attempted or actual violence, to their immediate supervisor or to Executive Director or designate.
3. The supervisor or Executive Director or designate will take immediate action to resolve any situation that involves violent behaviour and to ensure the safety of workers.
4. The supervisor or Executive Director or designate will ensure the Complainant and any other workers receive first aid or medical aid as required.
5. If the Respondent is a client, the supervisor or Executive Director or designate will notify the client's attending physician and health care team.
6. The Complainant must complete the Violent Incident Reporting Form which records important details of the incident including the date and time of the incident, the nature of the violence, and names of people who may have witnessed the incident.
7. If the Complainant refuses to complete or sign the Violent Incident Reporting Form, the supervisor or Executive Director or designate will complete the form to the best of their ability.
8. The failure of the Complainant to complete the Violent Incident Report Form will not preclude the NPFHT from investigating or dealing with the alleged violent incident; however, it may restrict the NPFHT's range of possible actions in this regard.
9. The supervisor or Executive Director or designate will report all incidents of violence (including situations where there is a reasonable expectation that the threat may become violent) to the Executive Director or designate as soon as possible.

**10. Incidents that constitute criminal acts will be referred to the local police department or other appropriate policing agency.**

11. Should an employee be harassed or threatened by an individual from outside the workplace, and have reason to believe this person may harm them in any way, the employee is required to report concerns to the Executive Director or designate.
12. Should an employee have a legal court order (e.g. restraining order, or “no-contact” order) against another individual, the employee may be required to notify his or her supervisor, and to supply a copy of that order to the Executive Director or designate. This will likely be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at NPFHT, in direct violation of the court order. Such information shall be kept confidential.
13. If any visitor to the NPFHT workplace is seen with a weapon (or is known to possess one), makes a verbal threat or assault against an employee or another individual, employee witnesses are required to immediately contact the police, emergency response services, and the Executive Director or designate.

### **Notification of Workers at Risk**

When an actual incident of violence has occurred or when it is reasonably expected to become violent, the Organization will take the following steps to ensure the safety of all workers:

- The supervisor or Executive Director or designate will advise the workers who are at risk. They will also coordinate a review of current procedures to minimize risk.
- Depending on the circumstances, appropriate steps will be taken to protect workers.

### **Incident Reporting Requirements**

If a person is disabled from performing his/her usual work or requires medical attention because of an incident of workplace violence at a workplace, but no person dies or is critically injured because of that occurrence, the NPFHT must give written notice and details of the occurrence within 4 days to:

- The JHSC, H/S Rep. and workers' union representative (if any exist)
- a Director from the Ministry of Labour if an inspector from the Ministry requires notification.

## **G. INVESTIGATING VIOLENT INCIDENTS**

1. The Executive Director or designate will appoint an internal or external person to investigate all reported incidents of actual or threatened violence.
2. The Complainant and the Respondent will be advised of the investigation.
3. The investigation will be conducted in a fair, efficient and prompt manner. The exact conduct of the investigation will depend on the nature and seriousness of the allegation. Management has the discretion to determine the appropriate investigation procedures in the circumstances. Generally, the investigation will consist of the following:
  - a. Interviews will be conducted of the Complainant, the Respondent, and any witnesses.
  - b. The investigation will involve:
    - obtaining all pertinent information from the Complainant
    - informing the Respondent of the details of the complaint, and getting her or his response
    - interviewing any witnesses
    - deciding whether, on a balance of probabilities, the violent incident or threat of violence did take place
    - recommending appropriate remedies, penalties, or other actions.
4. The Executive Director or designate may separate the Complainant and the Respondent during an investigation, if necessary and if reasonably possible.
5. If the Respondent is a client, the investigation will also focus on the possible cause of the abusive behaviour and the level of responsibility of the abusive client, including the client's cognitive ability to understand his/her actions.
6. All documents related to a complaint or incident of workplace violence, including the written complaint, witness statements, investigation notes and reports, and documents related to the complaint, will be maintained by the investigator separate from personnel files.
7. The investigator shall determine whether there is:
  - a. Sufficient evidence to substantiate that workplace violence has occurred and/or that this Violence Policy and Program was contravened; or
  - b. Insufficient evidence to substantiate that the workplace violence has occurred and/or that this Violence Policy and Program was contravened
8. The investigator will complete a Violent Incident Follow Up Form.
9. All Violent Incident Reports and Violent Incident Follow Up Forms will be sent to the Officer in Charge of the Violence Prevention Program for review. Certain information may be withheld to protect the confidentiality of workers and other parties, as deemed appropriate by management.
10. The Officer will review current procedures, and any recommendations to revise the Violence Prevention Program will be forwarded to the Executive Director or designate.

11. Any proposed revisions to the Violence Prevention Program will be forwarded to the JHSC or H/S Rep. for consultation prior to implementation.

## **H. CORRECTIVE ACTION AND DISCIPLINE**

### **Corrective Action where the Respondent is a Worker**

If management decides there has been a violation of this Violence Policy and Program by a worker, the following conditions should be considered when determining corrective action:

- the impact of the incident on the Complainant
- the nature of the incident
- the degree of aggressiveness and physical contact
- the period of time and frequency of the incidents
- the vulnerability of the Complainant

The following corrective actions may be considered depending on the particular incident and the factors set out above:

- apology
- violence risk assessment by professional
- referral to an assistance program
- reassignment or relocation
- report to a professional body
- suspension (with or without pay)
- demotion
- discharge
- legal action.

### **Corrective Action where the Respondent is a Client**

Following the incident of violence where the Respondent is a client, all reasonable measures will be taken to ensure the safety of workers, including:

- requiring that the client be accompanied by family member or police when visiting the workplace
- issuing verbal or written warnings
- moving the client
- removing items which the client can use as a weapon
- imposing conditions which the client must agree to abide by to continue receiving care
- employing physical or chemical restraints
- contacting the police
- discharging the client or transferring him/her to another facility or services provider
- issuing a trespass warning letter or trespass order

In addition, the health care team will conduct an assessment of the client including reviewing any behavioural triggers and successful de-escalating actions.

The client's plan of care will be updated and the team will ensure appropriate documentation in the patient chart and ongoing evaluation. The plan of care:

- must be documented
- must describe all precautions to be taken by caregivers and recorded in the Care Plan
- must include all medications and restraints reviewed by the physician as the client's condition changes
- must be evaluated for effectiveness on a predetermined periodic basis; those evaluations must be reflected in ongoing documentation
- will include appropriate educational programs, materials and resources for workers to provide help in problem solving and assistance in caring for the abusive client
- must be revised as needed

### **Corrective Action where the Respondent is neither a Worker nor a Client**

If the Respondent is not a worker or a client, the NPFHT will take whatever measures are reasonably available to ensure the safety of its workers.

### **Personnel Files (where Respondent is a Worker)**

No record of the complaint, investigation or decision will go in the Complainant's personnel file, if the complaint was made in good faith.

If the investigation does not find evidence to support the complaint, there will be no documentation concerning the complaint placed in the Respondent's file. When the investigation reveals a violent incident has occurred, the incident and the discipline that is imposed on the abuser will be recorded in the Respondent's file.

### **Complaints made in Bad Faith**

This Violence Policy and Program must never be used to bring fraudulent or malicious complaints against workers or other parties.

In the rare event that a complaint is made in bad faith – in other words, the person making it had absolutely no basis and deliberately and maliciously filed the complaint – that person will be subject to the same remedies as set out above, and a record of the incident will be put in his or her file, if applicable.

## **I. TARGET ASSISTANCE**

Workers who have been the target of violence will be:

- encouraged to obtain medical help
- provided with the opportunity to be examined by a physician
- provided with transportation if required.

Workers and their families can get crisis counseling through the employee assistance plan.

## **J. CONFIDENTIALITY**

Strict confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved. Any individual who becomes aware of an incident of violence should not disclose the details of the incident to any third party without prior consultation with the NPFHT. Gossiping about an incident seriously undermines the privacy of all parties involved and will not be tolerated.

The NPFHT will strive to maintain confidentiality in its handling of any complaint in an attempt to protect the privacy of all individuals. Management will not disclose the name of a complainant or the circumstances of the complaint to anyone except where disclosure is:

- necessary to protect the NPFHT's workers
- necessary to investigate the complaint
- required to take corrective action
- necessary to improve the NPFHT's Violence Prevention Program
- required by law.

## **K. ASSURANCE AGAINST RETALIATION**

This Violence Policy and Program encourages workers to freely express any concerns about violence or potential violence in the workplace. Complainants must not be penalized nor subjected to any prejudicial treatment as a result of making a complaint in good faith. Witnesses must not be subject to any negative repercussions as a result of participating in an investigation.

Any retaliation by the Respondent or anyone acting on behalf of the Respondent against the Complainant or any witnesses is strictly prohibited and will result in appropriate disciplinary action.

## **L. TARGET'S LEGAL RIGHTS**

Nothing in this Violence Policy and Program prevents a worker who has been a target of violence or threat of violence from seeking or pursuing his/her own legal remedies.

## **M. RECORD KEEPING**

The documents corresponding to the investigation will be kept on file in a secured location, for a period of seven years from the date of the incident.

## **N. ANNUAL REPORTING**

The Officer in Charge of the Violence Prevention Program will make an annual report to the Board President of the number of complaints proceeded with and the resolution, mediation, and dispositions made under this Violence Policy and Program. The Board President will present his/her report including the report received from the designated workers to the Board of Directors, together with any recommendations with respect to matters contained in the report.

## **O. VIOLENCE POLICY AND PROGRAM REVIEW**

The Violence Policy and Program will be reviewed as often as necessary, but at least every 3 years, by management.

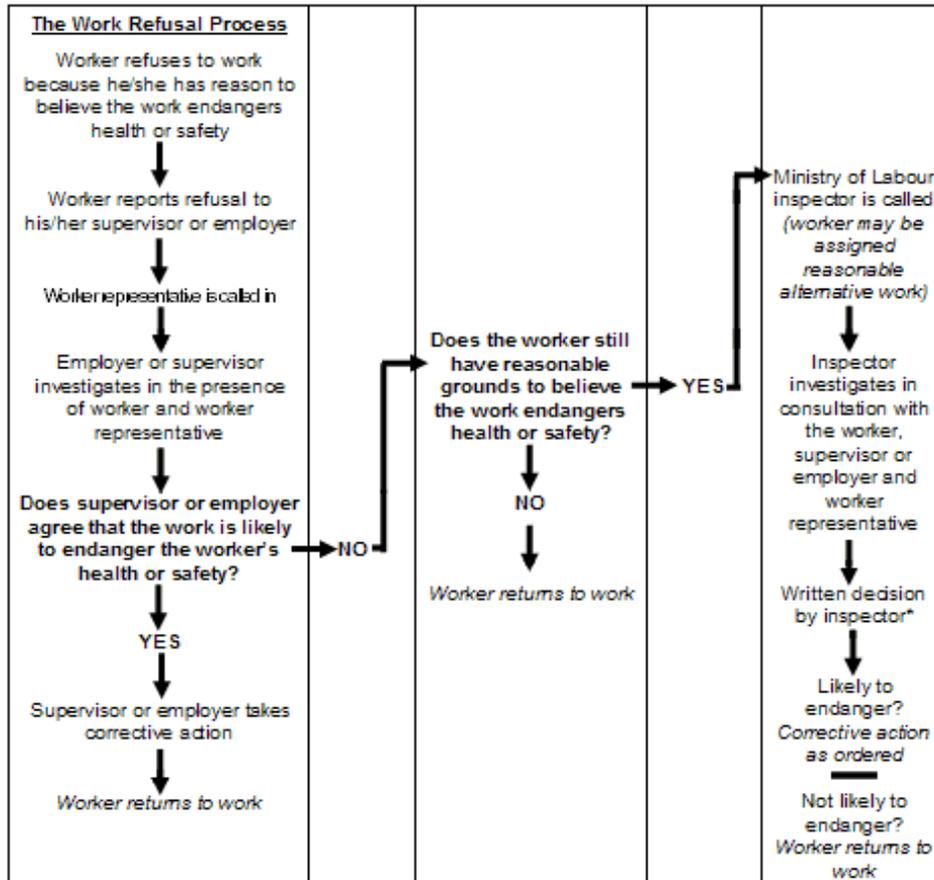
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Executive Director

# SCHEDULE A

## DIAGRAM OF THE WORK REFUSAL PROCESS

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\*Inspector's order can be appealed

## **SCHEDULE**

### **THE WORK REFUSAL PROCESS**

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1. The worker must immediately inform the supervisor or employer of a work refusal with an explanation.
2. The supervisor or employer must investigate the situation immediately and resolve the issue in the presence of the worker and one of the following:
  - JHSC, H/S Rep. or another worker who has been chosen by his peers (or union) to represent the workers.
3. The refusing worker must remain as near as reasonably possible to their work station and remain available to the employer for the purpose of the investigation. This period is defined as the “*first stage*” of a work refusal. If the situation is resolved at this point, the worker will return to work.
4. In the event that a worker is unsatisfied with the results of the investigation, he/she may continue to refuse the work provided he/she has reasonable grounds on which to base their continued refusal. This period is defined as the “*second stage*” of a work refusal and a Ministry of Labor inspector must be notified.
5. The supervisor or employer may assign other reasonable work during normal work hours for a worker who has refused work.
6. The Ministry of Labour inspector conducts an investigation in consultation with the worker, their representative (if any) and the employer.
7. The inspector will determine if the work is likely to endanger the worker or any other person.
8. The inspector’s decision must be given in writing, to the worker, employer and the worker representative.
9. If the work is found to be unlikely to endanger anyone, the refusing worker will be expected to return to work.