

Violence & Harassment Prevention in the Workplace

Awareness Training



Course Outline

1. Workplace Violence and Harassment Legislation
2. Recognizing sources of harassment and violence
3. Control Measures and Resources
4. Reporting complaints or incidents
5. Violence and Harassment Investigations
6. University of Windsor Policies & Programs
7. Quiz



Workplace Violence & Harassment Legislation

- All employees in the province of Ontario have a right to work without fear of violence, and in an environment free of harassment.
- In 2010, the Occupational Health & Safety Act (OHSA) was amended to include legislation to protect workers from workplace violence and harassment.



Definition of Workplace Harassment

Under the Occupational Health & Safety Act, workplace harassment is defined as:

- *engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or*
- *workplace sexual harassment*



Definition of Workplace Harassment

Workplace Sexual Harassment is further defined as:

- 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
- 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.



Definition of Workplace Violence

The Occupational Health & Safety Act defines workplace violence as:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace violence includes domestic violence that could cause physical injury to a worker in a workplace.



Workplace Violence Legislation

Ontario employers have a legal responsibility to take reasonable precautions to create safe workplaces in order to protect workers from workplace violence and domestic violence that may follow workers to work.

- The legislation protects workers' rights to refuse work where they do not feel safe due to a violent situation.
- The legislation includes a requirement for employers to advise workers of possible dangers from persons with histories of violent behaviour.



Recognizing Harassment and Violence in the Workplace



Types of Harassment

- Harassment due to discrimination, based on the protected grounds of the Human Rights Code
- Harassment based on other personal circumstances - unwelcome comments / actions



Types of Harassment

Harassment can manifest itself in many ways, including:

- Bullying: Repeated, persistent, patterned and enduring acts of aggression
- Stalking: Unwanted/repeated communication or contact
- Mobbing: “ganging up”
- Intimidation
- Inappropriate or offensive comments / jokes



Conduct Considered as Harassment

- unwelcome words or actions that are known to be offensive, embarrassing, humiliating, or demeaning to a worker or group of workers
- behaviour that intimidates, isolates or discriminates against a worker or group of workers
- repeated words or actions, or a pattern of behaviours, against a worker or group of workers, that are unwelcome
- purposefully setting someone up to fail
- intentionally holding back the information a person needs to perform their job effectively



Conduct Considered as Harassment

- offensive jokes of any kind
- displaying images that are offensive –art, posters, calendars etc.
- sharing offensive or inappropriate images, emails, notes, etc.
- inappropriate touching or physical contact
- unwanted sexual contact or sexual advances
- any type of innuendos or veiled threats



Harassment does not include:

- legitimate performance management;
- operational directives;
- job assignments;
- inadvertent management errors; or
- a single incident unless grave or harmful



Types of Violence

Violent behaviours include

Physical violence:

- hitting, pushing, kicking, punching, use of a weapon;

Threatening behaviour:

- verbal, written, or electronically communicated threats via University or personal social media
- throwing objects, property destruction, shaking fists, and showing physical intimidation



Domestic Violence

- Domestic violence can come into the workplace when the abuser harasses the victim while they are at work. This may come in various forms, i.e. harassing phone calls, dropping in to check up on the victim's activities or whereabouts. These behaviours make the workplace a more stressful place for all involved.
- Anyone can be a victim of domestic violence, whatever their age, race, economic status, religion, sexual orientation or education. While men can be victims of domestic violence, women represent the overwhelming majority of victims of such violence. Domestic violence can have serious and even lethal consequences.



Domestic Violence cont'd

- Behaviours such as emotional and psychological intimidation and harassment can be disruptive and harmful to the victim and can quickly turn into physical violence. Warning signs must be taken seriously and immediate action taken when violence threatens to affect your work area.
- Stalking has been identified as one of the primary risk factors for attempted and actual murder of female partners in intimate relations.
- Recent separation is also an important flag, as many deaths related to domestic violence in Ontario occurred when the relationship was ending or following separation.



Right to Refuse Unsafe Work

- Workers have the right to refuse unsafe work which they believe may endanger the health or safety of themselves or another worker.
- There are procedural guidelines which must be followed as per section 43 of the Occupational Health & Safety Act as well as the University of Windsor's document OHS-4.5.2 Work Refusal.
- Work refusals as they relate to workplace violence will be resolved based on an objective assessment of risk.



Sources of Harassment or Violence

Potential sources of workplace harassment or violence are:

- University staff members (co-workers, Supervisor)
- Persons related to the functions of the University (students, contractors)
- Persons indirectly related to the functions of the University (friends, family members, estranged spouse, former employee)
- Persons unrelated to the University (members of the public)



Risk Factors for Workplace Violence

Risk assessments for workplace violence are completed across campus based on the following identified risk factors:

- Working Alone or in Isolation
- Travel to Remote/Hazardous Locations
- Dealing with Sensitive Personal Matters
- Providing Services Directly to the Public
- Handling or Securing Cash/Valuables
- Patrolling/providing Protective Services
- Decisions on Academic/Employment Status
- Public or other Events not Assessed for Risk
- Dealing with Unstable/Volatile Individuals
- Transporting People and/or Goods



Evaluating Risk Factors

- Supervisors are responsible to assess their work areas to identify risk factors for workplace violence
- Should any of the ten risk factors be identified, a comprehensive risk assessment shall be completed. Risk assessment forms can be found at www.uwindsor.ca/safety
- Each risk assessment outlines existing controls, and any further recommended controls



Times of Increased Risk

The risk of violence can be increased during:

- late hours of the night or early hours of the morning, when it is dark and there are not a lot of people around
- stressful times, i.e. exam periods
- activities which may increase stress, i.e. performance appraisal reviews, contract negotiations



Control Measures and Resources



Control Measures: Violence Prevention

Preventive measures can reduce the likelihood of someone engaging in violent behaviour:

Workplace design (work area set-up, exits, lighting, security devices such as panic buttons and cameras)

Administrative practices (keep cash to a minimum, adequate staffing where cash is handled, regular testing of security devices)

Work practices (departmental work alone procedures, use of buddy system, leave or do not enter any situation where you feel threatened or unsafe, take precautions when working at times of increased risk)



Control Measures: Workplace Violence

Examples of risk-based control measures in place on campus include:

Camera Surveillance Program –camera systems have been placed in areas that have a demonstrated need for extra surveillance

Access Control Systems – monitors the automation/access control systems (Campus Community Police)

Campus CPTED (Crime Prevention Through Environmental Design) Program – a full campus assessment is facilitated annually on the exterior of the campus and departmental assessments are conducted as necessary.

WebEOC – The University is able to manage crises on campus in a virtual environment. Cameras monitor key evacuation routes, triage and emergency staging areas on campus to increase situational awareness.



Campus Resources

Campus Community Police

respond to and investigate calls for service as well as deliver community crime prevention and emergency preparedness services to our campus community www.uwindsor.ca/campuspolice

The following pages outline some of the Campus Community Police services available to UWindsor community members



Campus Resources (cont'd)

Work Alone Service

- When working and studying alone on campus after-hours, members of the campus community are encouraged to use the WorkAlone Service offered by Campus Community Police.
- In the event of an emergency, Campus Community Police will be able to contact you and advise you of appropriate procedures to follow.
- For more information and to register using the WorkAlone Service, please visit:
- www.uwindsor.ca/campuspolice/workalone-service



Campus Resources (cont'd)

UWindsor Alert Emergency Notification System

- The University's campus emergency notification system, called UWindsor Alert, enables fast and efficient distribution of critical information to members of the University community during a major emergency.
- The system sends messages simultaneously through email, text, voicemail, and other registered devices.
- Campus Community Police encourages all members of the campus community to register with UWindsor Alert to receive these emergency notifications at:
www.uwindsor.ca/alert



Campus Resources (cont'd)

UWindsor Safe Lancer App

Features include:

- One-touch access to Campus Police and Windsor Police (emergency and non-emergency numbers)
- Virtual Walk home feature which allows Campus Police (or a friend in lieu of Campus Police) to follow a walker online to their destination
- “Chat with Campus Police” dispatcher directly using the app
- Emergency alerts to the home screen
- Access to campus emergency plans and procedures



Campus Resources

Employee and Family Assistance Program (EFAP)

Morneau Shepell - outside counseling service that provides professional counseling and services to staff and their eligible immediate family members.

More information on this service can be found online at:
www.workhealthlife.com, or by calling 1-844-880-9142

Walksafe – free service provided to all students, faculty, employees & visitors designed to assist in getting people safely to their destination, i.e. parking lots, buildings, etc.:

www.uwindsor.ca/walksafe



Campus Resources (cont'd)

- **Student Counselling Centre**– The Student Counselling Centre at the University of Windsor provides free, confidential counselling to registered students as well as consultation and referral services for University of Windsor faculty and staff
www.uwindsor.ca/scc/
- **Office of Sexual Misconduct Response and Prevention** - Free, confidential support and advocacy for members of the University community who have experienced sexual violence - ext. 4550

More information, including on-campus and off-campus resources, can be found at:

www.uwindsor.ca/sexual-assault



Domestic Violence Resources

- Assaulted Women's Hotline: 1-866-836-0511 www.awhl.org
- [Hiatus House](http://www.hiatushouse.com) 519-252-7781
- [Sexual Assault/Domestic Treatment Centre](http://www.sexualassault.ca) (Windsor Regional Hospital): 519-255-2234
- Employee and Family Assistance Program (EFAP)– Mourneau Shepell: 1-800-387-4765 www.workhealthlife.com
- Victim Services of Windsor Essex 519-723-2711 www.vswec.ca
- [Neighbours, Friends and Families Program](http://www.neighbours.ca) 519-471-6590



Domestic Violence Resources cont'd

- Windsor Essex Country Children's Aid Society:
519-252-1171 www.wecas.on.ca
- Windsor Essex County Health Unit:
519-258-2146 ext. 1350 www.wechealthunit.org
- Windsor Police Services – Special Services Branch:
519-255-6700 ext. 4308 www.police.windsor.on.ca



Reporting Procedures: Workplace Violence & Harassment



Summoning Immediate Assistance

The University of Windsor has various ways in which a person, who is experiencing violence or feels that it is likely to occur, can summon for immediate assistance. These various ways include:

Panic Buttons or Robbery Buttons – these buttons are installed so that immediate assistance can be obtained. Robbery buttons are placed in departments where cash is handled. Both of these buttons are a direct alarm into Campus Community Police dispatch. When a robbery button alarm is received at Campus Community Police, Windsor Police is also dispatched to respond.



Summoning Immediate Assistance

Emergency Call Boxes – these phones are placed inside washrooms, corridors, residence buildings and common areas. These call phones are a one touch button with a direct line into Campus Community Police.

Emergency Pole Phones – these poles are dispersed across campus and are also a direct line to Campus Community Police. Once activated, the poles also provide a visual notice that someone in the area requires assistance as there is a blue flashing light at the top of the poles.



Summoning Immediate Assistance

Campus Pay Phones – all pay phones on campus have a Campus Community Police direct line button.

Campus Phones – dial ext. 9-1-1 from any campus phone to connect to Campus Community Police dispatch. Should 9-1-1 be dialled from a cell phone it would be received by Windsor Police/Fire/EMS and the location on campus would not be known.

Safe Lancer App – this app provides one-touch access to contact Campus Police and Windsor Police



Reporting an Act of Violence

In the event of an act of physical violence, follow the reporting procedure in the Workplace Violence Prevention Program:

- a) If in immediate danger, notify Campus Community Police at ext. 911
- b) Report the incident to your immediate Supervisor or person in authority
- c) Obtain first aid or medical attention if necessary.
- d) Complete an Accident/Incident Investigation Report



Report of Domestic Violence

When a Supervisor becomes aware or ought reasonably to be aware about a domestic situation that could likely expose a worker to physical injury within the workplace, they are required to take steps to protect the worker and co-workers.



Report of Domestic Violence

What can you do to help when a worker is a victim of domestic violence?

- If warning signs are noticed or if a worker discloses abuse, steps must be taken to assist the victim.
- These steps are outlined in the [Workplace Violence Prevention Program](#).



Reporting of a Workplace Harassment Complaint

- All workers are responsible for reporting workplace harassment as defined by the Act to their Supervisor.
- Should the Respondent be the Complainant's immediate Supervisor, the Complainant should contact the next level of authority, or Human Resources.
- Within two days of receiving the complaint, the Supervisor assesses the immediate risk, gathers information and documents the concern.



Reporting of a Workplace Harassment Complaint cont'd

- If the concern falls within the scope of the *Human Rights Code*, the Supervisor may refer the concern to the Office of Human Rights, Equity and Accessibility (OHREA) for support.
- If the concern is deemed as unsafe to intervene, the Supervisor should contact Campus Police
- If the concern does not fall within the scope of the *Human Rights Code* or Campus Community Police, the Supervisor determines whether the resolution falls within the informal or formal resolution process.



Reporting Harassment by/of Students

- If a worker is subjected to harassing behaviour by a student, he or she should seek support from their Supervisor, who will refer the matter to the Associate Vice-President, Student Experience
- Although students are not identified under the *Occupational Health and Safety Act*, a student who is subjected to harassing behaviour by a University of Windsor worker should report it to the Associate Vice-President, Student Experience; Dean; Department Head; the worker's Supervisor; and/or Office of the Vice-President, Human Resources.



Harassment by/of Visitors

- If a worker is subjected to harassment by a visitor, he or she should seek support from his/her Supervisor.
- Campus Community Police may be called by a Supervisor to escort the visitor(s) off campus and/or take other appropriate action.
- Although visitors are not identified under the *Occupational Health and Safety Act*, visitors who are subjected to harassment by a University of Windsor worker should report it to the worker's Manager and/or the Office of the Vice-President, Human Resources.



Complaint Process

The complaint process will be fair:

- The Respondent will be informed of the allegations
- The Respondent will be provided the opportunity to respond
- A decision will be made by the appropriate level of management in consultation with the Vice-President, Human Resources or Associate Vice-President (AVP) Academic; if required
- In the event of conflict of interest, appropriate alternative measures will be taken
- Interim measures may be taken at any stage of the process, to safeguard the environment of the Complainant or Respondent.



Early Resolution

- Whenever possible, a first step is to approach the worker whose conduct is at issue and inform them that the conduct or behaviour is inappropriate, unacceptable and unwelcome.
- Should discussion with the worker not resolve the issue, or if, for some reason, such discussion is not appropriate, speak with the Supervisor and/or union representative, if applicable
- If a Complainant requires assistance raising a concern before proceeding to a complaint, or in the event direct contact did not resolve it, the Complainant is to contact their own Supervisor and/or union representative, if applicable



Informal Process

- A Supervisor who receives a complaint of workplace harassment resolvable through informal resolution must take reasonable action to assist the Complainant in achieving a resolution within ten (10) days of receiving the complaint
- The Supervisor shall record the details of information provided during the informal resolution process and complete the Workplace Harassment Reporting Form (OHS-4.5.7b).



Informal Process cont'd

- **The primary objective of the informal resolution process is to promptly restore and/or maintain a safe and harassment free work environment.**
- If the concern is not resolved at this stage, then the Supervisor may also seek assistance from the Associate Vice-President, Academic, the Vice-President Human Resources, or Labour Relations. After consultation, the Supervisor may then attempt further informal resolution



Formal Process

- If informal resolution is not possible, the Supervisor shall forward the complaint to the appropriate next level; the Associate Vice-President, Academic; or Vice-President, Human Resources; to initiate a formal investigation using the *Workplace Harassment Reporting Form* (OHS-4.5.7b).



Formal Investigation Procedure

- Upon receipt of a request for a formal investigation of a Workplace Harassment concern, the recipient of the complaint will consult with the Vice-President, Human Resources regarding the appointment of an investigator and the investigation shall not exceed 20 working days, unless both parties agree to extend.
- There may be extenuating circumstances that require this timeframe to be extended without consent of the parties (e.g. availability of investigator)



Formal Investigation Procedure

One of three types of investigators may be appointed:

- internal investigator (i.e. Senior Manager or trained investigator, including where appropriate, the union designated investigator)
- third-party investigator
- Campus Police, where harassment is criminal in nature or constitutes a hate crime.

The Vice-President, Human Resources (VPHR) shall consider if interim measures are required



Investigation Process

The investigation process will be fair:

- The Respondent will be informed of any and all allegations
- The Respondent will be provided the opportunity to respond
- A decision will be made by an impartial decision-maker, and
- In the event of conflict of interest, appropriate alternative measures will be taken.



Investigation Process - cont'd

The investigation process will be fair:

- The investigator interviews the Complainant(s)
- The investigator interviews Respondent(s) if identified
- The investigator meets with any witnesses identified as having knowledge of the incident, if necessary.
- If required, the investigator will re-interview the Complainant(s), Respondent(s) or witness(es).



Investigative Report

The investigator will submit a report within 20 working days, unless both parties agree to extend, summarizing the findings and determine whether, on a balance of probabilities, there is:

- Sufficient evidence to substantiate a finding of violation of the policy,
- Insufficient or lack of credible evidence to substantiate the alleged violation of the policy, or
- No violation of the harassment policy



Resolution & Follow Up

Once the investigative process is complete, the Complainant and Respondent shall be notified in writing of the following:

- The results of the investigation
- Corrective actions to be taken, if any; and
- Timeframes to complete any corrective actions

The file will be considered closed upon completion of any corrective actions. The Supervisor will follow-up as necessary to ensure the workplace is harassment-free.



U of W's Workplace Violence & Harassment Prevention Program



- The University of Windsor's programs can be found at www.uwindsor.ca/safety
- Posted on the website is the UofW's policies; programs; risk assessments for completion; the CCOHS Violence in the Workplace Prevention Guide and workplace violence resources



Workplace Violence & Harassment Training Quiz

Please complete the Violence in the Workplace Training quiz here:

<http://ctl2.uwindsor.ca/safety/HS-0046/quiz/>

Please note that a record of training will be produced upon successful completion of the quiz.

