

**POLICY AND PROCEDURE**

**CATEGORY:**  
Administration

**SUBJECT:**  
Workplace Harassment,  
Sexual Harassment  
and Violence Prevention

**SECTION:**  
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Policy:  
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**DATE:**  
January, 2014

**Signature:** \_\_\_\_\_  
ADMINISTRATOR

**REVISION DATE:** July, 2014, November, 2016

**WORKPLACE HARASSMENT,  
SEXUAL HARASSMENT AND VIOLENCE PREVENTION**

**POLICY:** The Leamington Mennonite Home, as the employer, is committed to the prevention of harassment, sexual harassment and violence in the workplace. The Home will take all reasonable precautions to protect our staff from harassment and violence. Harassing or violent behaviours on the part of anyone in **any** workplace, where our employees are working, are unacceptable. This policy applies to all work locations and all work activities, including staff travelling, as part of their job. The policy applies to all staff, contractors, sub-contractors, residents and families, visitors and volunteers. Harassing or violent behaviours among anyone at the Home will be effectively dealt with, in order to provide for optimum health and safety protection for our staff. All affected individuals covered by this policy are responsible for upholding the goals and principles of the policy.

This policy is implemented through a program that includes the identification of hazards, control strategies, measures and procedures to prevent and respond to incidents of harassment or violence. Prompt reporting, investigating, and response to incidents form an integral part of protecting everyone from the hazards of all forms of harassment, sexual harassment and violence. Every reasonable effort will be made to respect the privacy and confidentiality of everyone involved in incidents of harassment, sexual harassment and violence. Elements of the program include the provision of training and information to workers, supervisors, and managers.

The Leamington Mennonite Home, as the employer, will ensure that the policy, program, measures, and procedures are implemented and maintained. Supervisors and Department Leaders are responsible for ensuring that the program, measures, and procedures are followed in their respective work areas.

Workers are responsible for working in conformance to the program, measures and procedures, and for promptly reporting all events or incidents of harassment, sexual harassment or violence.

**DEFINITIONS**

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,
- c) 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.

Workplace harassment means:

1. 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.

Sexual harassment means:

1. 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 that is known or ought reasonably to be known to be unwelcome.
2. 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 to know that the solicitation or advance is unwelcome

Workplace harassment may include:

- vulgar, foul, crude or obscene language
- remarks, jokes, or innuendos that demean, intimidate, ridicule or offend
- displaying or posting offensive pictures or materials in print or electronic format, including social media
- bullying
- repeated offensive or intimidating phone calls or emails

Sexual harassment may include:

- inappropriate sexual touching, advances, suggestion or requests.  
Note: A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

## **PROCEDURE:**

### **Workplace Violence**

A Risk Assessment: Workplace Violence and Harassment Form, specifically for the Leamington Mennonite Home, is reviewed by the Home's Management and Occupational Health and Safety Committee on an annual basis to identify those areas or job activities that have a potential for incidents of workplace violence. This Risk Assessment will guide the development of policies and procedures; measures and programs, which will control exposure to those potentials.

### **Workplace Violence Incident Procedure**

Should an incident of potential or actual workplace violence occur it is to be reported immediately to the Department Leader. Where an incident of potential or actual violence places any worker's health and safety at risk, the worker shall remove himself/herself from the area and call his/her supervisor for assistance. Where the workplace violence would be considered to fall under the Criminal Code, a – 911 – call for assistance may be made before calling a supervisor. Contact with the supervisor must then be made immediately and the staff member is to complete the Complaint Form for Incidents of Abuse, Violence, and Harassment posted in the Staff Room.

Note: A worker may refuse to do work (see Occupational Health and Safety Act section 43) where he or she has reason to believe that workplace violence is likely to endanger himself or herself. In these circumstances, a supervisor shall immediately initiate an investigation that complies with the specific standards set out in section 43 of the Act.

### **Right to Refuse**

An employee experiencing any form of violence in the workplace shall immediately:

- remove him or herself from danger
- report the incident to their supervisor
- the supervising Department Leader, Union Rep. and Administrator shall immediately conduct an investigation into the complaint, consulting with the union chairperson for union members and a peer advocate if requested by a non-union member
- the complainant may be reassigned to a different shift or work location until the investigation has been concluded appropriate measures implemented

Where agreement cannot be reached on a plan of action, the employer may contact an outside party to provide assistance with the investigation. Where all measures fail to obtain consensus, the issue shall be reported to the MOL as an unresolved concern.

### **Domestic Violence**

Where the potential or a real incident of domestic violence could affect the workplace in any way, the worker shall report such an incident to the Department Leader or Administrator and a union representative, where the worker is a member of the union. An immediate meeting will take place with the affected staff member identifying:

- real or potential risk factors at the workplace
- measures already taken by the worker
- measures required to be incorporated into a Safety Plan to be developed by the employer for such an employee experiencing the real or potential domestic violence

A Safety Plan will be developed by the employer, to be reviewed every 3 months, until no risk factors for potential violence at the workplace can be identified.

### **Violence and Aggression of a Resident with Dementia or Cognitive Impairment**

Violence or aggression of a resident suffering from dementia or cognitive impairment shall be reported immediately to the Supervisor with the Supervisor taking immediate action to ensure that the resident can be cared for by the staff without risk of harm to the resident and staff, family and volunteers. The resident incident shall be processed within 24 hours through a multi-disciplinary effort led by the Director of Nursing and Personal Care and the Administrator including:

- implementation of DOS assessment tool
- review and readjustment of medications
- review and modification of personal care routines as recommended by the Behaviour Support Team
- referral to the BSO Network and Psycho-Geriatric Team
- education and instruction of staff on care routines and modifications

### **Workplace Violence Incident Reports**

The Workplace Complaint Report shall be submitted to the Joint Occupational Health and Safety Committee for their review and follow up.

## **Workplace Harassment & Sexual Harassment**

Should any incident of harassment or sexual harassment occur within the workplace or at any place where you are doing assigned work:

- The employee should request a **stop** of the unwanted behaviour.
- Inform the individual(s) that they are harassing you and that the behaviour is unwanted and unwelcome.
- Report the incident as soon as practical to your supervisor. If the supervisor is not a Department Leader, the supervisor is to contact the Department Leader directly and inform him/her of the issue. The employee should also inform their union representative.
- The employee shall follow up their verbal notification of harassment with the submission of a Complaint Form for Incidents of Abuse, Violence and Harassment.
- The Administrator shall initiate an investigation within 24 hours in consultation within the union chairperson.
- Where the person alleged to be the harasser is a manager, the employer shall obtain the services of an outside resource to assist with the investigation. (section 32.0.6(2)(b))
- The results of the investigation, including any corrective measures to be taken, shall be provided in writing to any person alleging harassment or sexual harassment and any alleged harasser.
- An action plan shall be developed by the employer in conjunction with the union chairperson. At the conclusion of this step, the complaint, if unresolved may be pursued through the grievance procedure. The Ministry of Labour may also be consulted.

## **Information to Employees**

The employer will provide information to workers, including personal information, related to the risk of workplace violence from any person entering the Home with a history of violent behaviour, if a worker can be expected to encounter that person in the course of his work and the risk of workplace violence is likely to expose the worker to physical injury.

## **Policy Review**

The Workplace Harassment, Sexual Harassment and Violence Policy and Program will be reviewed at least annually by the Employer to determine:

- if the Risk Assessment remains valid
- if the manner of dealing with reported incidents has been effective in reducing or minimizing risks to workers

The policy and requirements to report any incident of workplace harassment, sexual harassment or potential or actual workplace violence will be reviewed with all workers upon hiring and at least annually thereafter. Written records of these reviews shall be maintained in each person's training records.

# LEAMINGTON MENNONITE HOME

## Complaint Form

For Incidents of Abuse, Violence, Harassment and Sexual Harassment  
(To be completed by the Department Leader/Supervisor)

Name of Person Filing Complaint:		
Department:	Position:	
<b>INCIDENT:</b>		
Date of Incident	Time:	Date Incident Reported:
<b>DETAILS OF INCIDENT:</b>		
Administrator/ Department Leader/Supervisor completing form:		
Position:	Department:	
Names of Witnesses: _____ _____ _____ _____	Phone No.: _____ _____ _____ _____	
<b>DESCRIBE THE INCIDENT: (Provide as much information as possible)</b>		
_____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____		
Signature of Person Filing Complaint:	Date:	
Signature of Person Completing Form:	Date:	

Person Completing the Form must notify the Administrator or Designate immediately & forward this Complaint Form to the Administrator.