



## Extend-A-Family Waterloo Region

### WORKPLACE HARASSMENT AND VIOLENCE PREVENTION POLICY FOR DIRECT SUPPORT PEOPLE/PROVIDERS/VOLUNTEERS

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#### **Policy:**

Extend-A-Family Waterloo Region (EAFWR) believes that every employee or volunteer has the right to work in an atmosphere that is safe and free from violence, threat of violence and harassment. Unacceptable or violent behaviour perpetuated by or against an employee, volunteer, family, individual or other third party at EAFWR is not acceptable and will be dealt with appropriately. For the purpose of this policy the term Direct Support Person (DSP)/Provider will include volunteers doing work for EAFWR.

Due to the nature of the work involved, the work environment and EAFWR's ability to control the work environment, this policy has been created for DSP's/Providers/Volunteers. A separate policy has been created for Staff.

EAFWR interprets workplace harassment and workplace violence as defined in Bill 168, an amendment to the Ontario Occupational Health and Safety Act effective June 2010.

Workplace harassment means 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.

In compliance with Bill 132 effective September 8, 2016, EAFWR further defines 'workplace sexual harassment as:

- a) Engaging in a course of vexatious (distressing/inappropriate) comments or conduct in a workplace because of sex, sexual orientation, gender identity or expression where it is known or should be known to be unwelcome ; or
- b) A sexual request or advance where a person is in a position to give, grant or deny a benefit or advancement to the worker and the person knows or should be known that the request or advance is unwelcome.

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

Violence that occurs outside the normal workplace but which has an impact on the working environment, including relationship and/or domestic violence, may also be considered violence in the workplace. (See Policy for Domestic Violence in the Workplace.)

Following are examples of harassing and violent behaviour, including but not limited to:

- Unwelcome, suggestive or bothersome remarks
- Jokes, innuendos, taunts about another person's body or attire
- Making offensive gestures or leering
- Non-work related discussions that are harassing in nature
- Unwelcome physical contact (examples: touching, patting, pinching, grabbing)

- Implied or actual threats of violence to a person
- Stalking, obscene or unwelcome phone calls
- Sexual or physical assault

Harassing and violent behaviour should not be ignored, and reports of such behaviours in the workplace will be considered and dealt with appropriately.

**Responsibility- DSP's/Providers:**

DSP's/Providers are responsible for informing their Support Coordinator/Supervisor of any unacceptable behaviour, potential risk of violence or violence they may experience or witness. This includes issues in the employee's non-work life that may impact on the DSP's/Provider's or other's safety in the workplace.

DSP's/Providers are responsible for attending any training or information sessions provided by EAFWR and following all policies, procedures or guidelines provided to reduce harassing behaviour, violence or risks of violence.

DSP's/Providers are expected to co-operate with EAFWR investigators or other authorities as required during any investigation related to harassment or workplace violence.

**Responsibility – Support Coordinators/Supervisors:**

Support Coordinators/Supervisors are responsible for assessing the risk of violence to DSP/Providers in their case load or jurisdiction, minimizing those risks where necessary or reasonably possible and informing any affected DSP/Provider of such risk or potential risk.

Some exposure to the threat of violence or violence while working with a supported individual is inherent to the work we do and as such should be considered for the purposes of clause 43 (1) (a), (b) as an exemption to the right to refuse or stop work. It is recommended that workers/providers and staff subject to such exposure, be trained in Crisis Prevention (Safe Management).

Support Coordinators/Supervisors are responsible for ensuring DSP's/Providers are trained to:

- a) Be aware of and follow the policies, procedures, protocols or guidelines developed to handle harassment and minimize the risk of violence,
- b) Recognize and know how to mitigate the potential for violence and respond to the incident appropriately,
- c) Know when and how to report and document incidents of harassment, potential violence or violence.

Support Coordinators/Supervisors are responsible to ensure that any medical treatment as required has been provided and reported as part of the investigation and that any medical treatment given to a worker has been reported to Human Resources so a WSIB claim can be initiated.

Support Coordinators/Supervisors are expected to co-operate with EAFWR investigators or other authorities as required during any investigation related to harassment or workplace violence.

**Procedure:****Complaint Process:**

It is suggested that a note of the dates, times, nature of the behaviour and any witnesses to the incident be made by the impacted party as soon as possible after the incident(s).

- a) If safe to do so, make your objection to the behaviour clearly known and ask the individual to stop. If you are unable to confront the individual, then seek assistance from your Support Coordinator/Supervisor as soon as possible to remedy the situation.
- b) If the behaviour continues and/or becomes or is threatening or violent, report the behaviour to your Support Coordinator/Supervisor. If the situation warrants, while continuing to supervise the supported individual, remove yourself from the immediate proximity as soon as possible. If immediate help is required, call 911 prior to reporting to your Support Coordinator/Supervisor. If unable to bring the matter to your Support Coordinator/Supervisor, report the behaviour to the Program Manager. If the incident happens during off hours, call the EAFWR on call service and do a follow up call to your Support Coordinator as soon as possible.
- c) Once this report has been made, this will initiate the investigation process. A complaint report form will be filled out by the complainant.

EAFWR wishes to provide a safe environment for claims to be made. However, disciplinary action may be taken if any employee or any witness makes a claim or statement that is *knowingly* false.

**Investigation Process:**

All inquiries and formally lodged complaints will be treated with the utmost confidentiality. Every effort will be made to ensure that investigations will be fair and impartial to all parties concerned.

- a) The Support Coordinator/Supervisor or the Program Manager and/or alternates will investigate the complaint by meeting separately with the complainant, the alleged offender and any witnesses. Any person attending an investigation may come with an appropriate support person. A written record will be kept of all statements made during the investigation and the person giving the statement will be asked to sign the statement. All statements obtained as a result of the investigation will be given to the Program Manager or alternate and as appropriate, Human Resources, within ten days of completion of the investigation.
- b) The Program Manager or their alternate with input from Human Resources Manager, as required, will determine as expeditiously as possible if a violation of this policy has occurred and will determine the appropriate action to be taken. A written report will be prepared by the Program Manager or their alternate and will include any recommended actions or resolutions. Both the alleged offender and the complainant will be advised in writing, of the outcome of the investigation and any actions to be taken.
- c) All documents concerning the complaint and its resolution are to be maintained in the appropriate confidential files, (family/DSP/volunteer files) depending on the participants in the incident(s) and the circumstances.
- d) A follow-up will be conducted by the Program Manager or their alternate within three months of the final decision in order to ensure that the resolutions and actions have been followed and whether any further action needs to be taken.

At any time during this process the parties may seek consultation and/or resolution outside the Organization.

Appendices:

Worker/Provider Safety & Health Protocols