1. **Purpose and Commitment:**

Ontario Shores Centre for Mental Health Sciences (Ontario Shores) is committed to providing a safe and healthy workplace. The purpose of this policy is to ensure that:

- individuals are aware of and understand that acts of workplace violence are considered a serious offence for which necessary action will be taken by Ontario Shores;
- those subjected to acts of workplace violence are encouraged to access any assistance they may require in order to pursue a complaint or to participate in any aspect of this policy;
- individuals are advised of available recourse if they are subjected to, or become aware of, situations involving workplace violence;
- patient care can be delivered in an environment that promotes the safety and well being of all those giving or in receipt of services at Ontario Shores; and
- workplace parties are familiar with the definition of workplace violence and their respective duties and responsibilities under this policy.

2. **Policy:**

Any act of violence is unacceptable conduct and will not be tolerated.

This policy applies to all persons employed by Ontario Shores (hereinafter employees) , and in addition those working under contractual arrangements, service providers, volunteers, students, physicians and others carrying out business on behalf of Ontario Shores (hereinafter affiliates) wherever that business may be conducted. Sections of this policy also apply to the conduct of patients and visitors in respect to violence in the workplace.

The policy applies as well to social activities conducted under sponsorship of Ontario Shores whether on or off its premises. An employee or affiliate of Ontario Shores that subjects another individual to workplace violence may be subject to disciplinary action commensurate with the seriousness of the incident.

The required follow-up by management and the employer’s obligation to staff safety as outlined in the Employer Responsibilities and Management Responsibilities sections of this policy & procedure is the same regardless of the source of violence and aggression. The procedure to deal with acts of violence or aggression against employees or affiliates by a patient, or visitor, is outlined in the Employee or Affiliate Being Assaulted/Abused/Harassed by a Patient or Visitor and Visitors sections below.
Ontario Shores will:
- investigate reported incidents of workplace violence in an objective and timely manner;
- take necessary action to respond to those incidents;
- provide support for complainants and for the accused (if needed);
- provide education and training for all employees and physicians in regard to Workplace Violence; and,
- provide support services to victims of violence. Confidential counseling through the Employee Assistance Program (EAP) shall be available to victims of violence and to those who are experiencing personal problems in relation to violence.

While not directly covered by this policy the possibility of non-workplace violence (e.g. domestic abuse) impacting an individual’s work life and performance at work is of concern to Ontario Shores. Employees and affiliates experiencing these types of problems are encouraged to bring these issues to the attention of their manager or the Human Resources Department in order to put in place as many measures as possible to protect their safety and well being. Refer to the Domestic Violence Policy & Procedure.

N.B. The duties and responsibilities of the identified groups, found in sections 4 through 7, have application regardless of the source of violence. Procedures which involve patients and visitors are detailed in the Employee or Affiliate Being Assaulted/Abused/Harassed by a Patient or Visitor and Visitors sections of this policy.

3. Definitions:

Acts of violence may occur as a single event or may involve a continuing series of incidents. Workplace violence means:
- 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; and
- a statement or behaviour 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 injury to the worker.

Examples of workplace violence include, but are not limited to:
- threatening behaviour such as shaking fists, destroying property or throwing objects;
- verbal or written threats that imply or express intent to harm;
- physical attacks; and,
- any other act that would arouse fear in a reasonable person in the circumstances.
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### Section: Human Resources

| Issued By: | Human Resources |
| Approval Date: | August 19, 2011 |
| Approved By: | Chief Operating Officer |
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**Assault:** any intent to inflict injury on another, coupled with an apparent ability to do; any intentional display of force that causes the victim to fear immediate bodily harm.

**Complainant(s):** A person or persons alleging that an act in breach of this policy has been committed by a respondent.

**Harassment:** engaging in any vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, humiliates, insults, or degrades and causes the person to believe their health and/or safety is impacted. Refer to Workplace Harassment, Discrimination and Bullying, Admin 5.210.

**Physical Attack:** an act of aggression resulting in a physical assault or abuse with or without the use of a weapon. Examples include hitting, shoving, pushing, punching, biting, spitting, groping, pinching or kicking the victim, unwelcome displays of affection or inciting a dog to attack.

**Psychological Abuse:** an act that provokes fear or diminishes an individual’s dignity or self-worth or that intentionally inflicts psychological trauma on another.

**Respondent(s):** A person or persons alleged by a complainant to have committed an act in breach of this policy.

**Risk Assessment:** management is responsible for establishing a process for assessing the potential for workplace violence and hazards in all jobs, and in the workplace as a whole. A risk assessment should be conducted if there is substantial change in the workplace environment such as renovations or reconfiguration of the physical space of a unit or department. Risk assessments are reviewed as required but at least annually and whenever new jobs are created or job requirements or methods of performing the job are changed substantially.

**Sexual Abuse:** any unwelcome verbal or physical advance or sexually explicit statement, displays of pornographic material, pinching, brushing against, touching, patting or leering that causes the person to feel humiliated, intimidated, uncomfortable or to believe their health and safety is at risk.

**Sexual Assault:** the use of threat or violence to force one individual to touch, kiss, fondle or have sexual intercourse with another.
Threat: a communicated intent (verbal or written) to inflict physical or other harm on any person or to property by some unlawful act. A direct threat is a clear and explicit communication distinctly indicating that the potential offender intends to do harm, for example, “I am going to make you pay for what you did to me.” A conditional threat involves a condition, for example, “If you don’t leave me alone you will regret it.” Veiled threats usually involve body language or behaviours that leave little doubt in the mind of the victim that the perpetrator intends to harm.

Verbal Abuse: the use of vexatious comments that are known, or that ought to be known, to be unwelcome, embarrassing, offensive, threatening or degrading to another person (including swearing, insults or condescending language)

Workplace: According to the Occupational Health and Safety Act the workplace means any land, premises, location or thing at, upon, in or near which a worker works. Also included are parking lots, fields, satellite buildings, or anywhere activities related to work or study takes place.

4. Employer Responsibilities:

Ontario Shores is responsible to:
- ensure measures and procedures identified in the violence prevention program are carried out and management is held accountable for responding to and resolving complaints of violence;
- ensure compliance by all employees and affiliates;
- in consultation with the Joint Occupational Health & Safety Committee (JOHSC):
  - ensure regular risk assessments are conducted;
  - review policy on an annual basis and post written policy in a conspicuous place;
  - establish and deliver workplace violence prevention policy and procedure and Safe Management Group crisis management training and education for all employees. Any training developed, established and provided shall be done in consultation with and in consideration of the recommendations of the JOHSC.
  - implement approved recommendations from the JOHSC
- integrate safe behaviour into day to day operations;
- investigate reports of workplace violence;
- take corrective action to respond to incidents and attempt to prevent similar incidents in the future;
- provide support for complainants and for the accused (if needed);
- provide and/or facilitate support to victims of workplace violence; and
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- ensure there is at least an annual review of the workplace violence prevention program, policy and procedure to ensure that it conforms with any changes to the Occupational Health and Safety Act, Code and Regulations and that it continues to address the needs of Ontario Shores;
- maintain a commitment to the privacy and confidentiality where possible unless required by law; and
- inform employees if they become aware of any risks associated with domestic violence. Refer to Domestic Violence (Intimate Partner), Admin 5.207.

5. Management Responsibilities:

The manager or supervisor is responsible to:
- ensure reporting individuals sign off the Code of Conduct and attend the mandatory Respect in the Workplace education;
- enforce policy and procedures and monitor worker compliance;
- act respectfully towards other individuals while at work and participating in any work-related activity;
- develop workplace arrangements, measures and procedures that minimize the risk of workplace violence and promote a non-violent workplace;
- identify and alert individuals to violent patients and hazardous situations;
- ensure that this policy is explained to all individuals under their supervision;
- identify training needs and contact Human Resources for assistance in providing same;
- ensure that individuals understand who to contact regarding concerns about the workplace violence policy or when reporting an incident;
- ensure their own immediate physical safety if an incident of workplace violence occurs;
- provide support to an individual wishing to report an incident of workplace violence to police;
- facilitate medical attention and support for all those either directly or indirectly involved;
- ensure the security and safety of all parties involved during an investigation of an incident of workplace violence;
- ensure that debriefing is completed for those either directly or indirectly involved in the incident;
- ensure any deaths or critical injuries have been reported as per legislated guidelines to a Ministry of Labour (MOL) inspector, the police (as required), and the JOHSC including the trade union’s Occupational Health and Safety Committee co-chair. A written report will then be prepared and delivered to all parties within 48 hours of the occurrence on the circumstances of the occurrence, including such information and particulars as the Occupational Health & Safety Act and regulations prescribe; and
• ensure a report goes to WSIB of all accidents where a worker loses time from work, requires healthcare, earns less than regular pay for regular work, requires transitional work at less than regular pay or performs transitional work at regular pay for more than seven days. Accident information (where there is not critical injury) must be provided to the JOHSC and trade union within four days of the occurrence, as the Occupational Health and Safety Act and regulations prescribe.

6. **Employee and Affiliate Responsibilities:**

Employees and affiliates are responsible to:
• participate in education and training programs to be able to respond appropriately to any incident of workplace violence;
• understand and comply with the violence in the workplace prevention policy and all related procedures;
• report all incidents or injuries of violence or threats of violence to their manager immediately and complete an Employee Safety Occurrence Report in accordance with the Incident (Safety Occurrence) Reporting Policy and Procedure;
• inform their manager or supervisor and the JOHSC or worker member of the JOHSC about any concerns about the potential for violence in the workplace;
• act respectfully towards other individuals while at work and participating in any work-related activity;
• contribute to risk assessments;
• ensure their own immediate physical safety in the event of workplace violence, then to report the incident to the police or their manager or supervisor as the situation warrants;
• seek support when confronted with violence or threats of violence;
• seek medical attention, as required; and
• co-operate with any efforts to investigate and resolve matters arising under this policy.

7. **Joint Occupational Health and Safety Committee Responsibilities:**

The JOHSC is responsible to:
• provide consultation about the development, establishment and implementation of violence measures and procedures (the violence prevention program);
• provide consultation and make recommendations to the employer to develop establish and provide training in violence measures and procedures;
• take part in an annual review, or sooner if indicated, of the workplace violence prevention program;
• ensure the worker designate investigates all critical injuries related to violence;
receive and review reports of any critical injury or death immediately and in writing outlining the circumstances and particulars as prescribed within 48 hours of the occurrence; and
review written notice within four days on lesser injuries where any person is disabled from performing his or her usual work or requires medical attention.

8. **Complaint Procedure:**

Dependent on the seriousness and nature of the violence and prior to reporting the incident, a person who believes they are a victim of workplace violence (the Complainant) should let their objections to the behaviour be known to the alleged offender (the Respondent), directly or with the assistance of a third party if it is safe to do so.

The Complainant may ask for support from their supervisor to communicate their objections to the incident and/or to prepare and submit a formal complaint if they choose.

The Complainant with the assistance of their manager (if needed) should carefully record 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. This document is the Complainant’s personal record and property.

The Complainant may choose to file a formal complaint that documents their concerns directly to the Human Resources Department.

If the Complainant’s immediate supervisor is the source of threats or other acts of violence the Complainant should contact the Director of Human Resources to determine a course of action.

9. **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 Complainant. Gossiping about an incident seriously undermines the privacy of all parties involved and will not be tolerated. Those with questions or concerns about an incident should speak to the Director of Human Resources or their supervisor/manager.
10. **Non-Retaliation:**

All persons involved in the processing of a complaint will ensure that the Complainant is neither penalized nor subjected to any prejudicial treatment as a result of making the complaint. Disciplinary action will be taken against any person who takes any reprisal against a person who reports workplace violence.

11. **Investigation:**

**N.B.** The procedure for initiating an investigation involving patients and visitors who are the source of violence can be found in the Employee or Affiliate Being Assaulted/Abused/Harassed by a Patient or Visitor and Visitors sections of this policy and procedure.

Investigations involving patient to staff violence will be reviewed by the Department/Unit Manager and when applicable the Risk Management and Patient Safety Department will assist with an investigation. Staff to staff incidents of violence will be investigated by the Department/Unit Manager with assistance from the Human Resources department if requested.

If the Human Resources department receives a formal complaint of a violation of the Workplace Violence policy the Director of Human Resources or designate will determine whether an investigation will be pursued, and will:

- advise the Respondent in writing of the investigation and nature and specifics of the complaint, while maintaining confidentiality at all times;
- advise the Complainant of the investigation; and
- assign the investigation to a competent internal or external person (investigator) to investigate.

The Investigator will:

- advise all parties to the investigation that they may seek union or legal representation; and
- explore all allegations by interviewing the Complainant, the Respondent, and others who may have knowledge of the incident(s) or circumstances that led to the complaint, or are responsible for the workplace.

The Investigator may make a finding of:

- sufficient evidence to support a finding of violation of this policy;
- insufficient evidence to support a finding of violation of this policy, or
The Investigator must prepare a written report of the investigation’s finding, and forward that report to the Director of Human Resources and the Complainant’s supervisor within fifteen (15) working days from the Respondent being advised of the complaint.

The Director of Human Resources should make a decision whether to dismiss or act upon the report from the Investigator as soon as possible but in any event no greater than fifteen (15) working days of receiving the report and advise the Complainant and Respondent in writing of the outcome.

If the Complainant disagrees with the decision to dismiss or act upon the report as noted above they may appeal the decision to the Chief Operating Officer.

12. **Corrective Action and Discipline:**

If the Director of Human Resources or designate decides to act on the report from the investigator 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 incident(s); and
- the vulnerability of the Complainant.

The following corrective actions may be considered depending on the particular incident and the conditions in the previous paragraph:

- apology;
- mediation (agreed to by both parties);
- counseling;
- training;
- referral to an assistance program;
- reassignment or relocation;
- report to a professional body;
- suspension;
- dismissal; and / or
- legal action.
13. **Record Keeping:**

The documents corresponding to the investigation will be kept on file in a secured location, separate from the Complainant and Respondent’s personnel files, for seven (7) years from the date of the incident to be readily available for inspection by anyone with the legal authority to access such information.

The investigation report should be kept in a secured location for longer than seven (7) years when it is reasonable to do so in the circumstances. Examples of reasonable circumstances include: to wait for the expiration of a limitation period, for the program supervisor to evaluate the workplace violence policy, and to monitor persons of ongoing concern.

14. **False Accusations:**

A person who submits a complaint in good faith, even where the complaint cannot be proven, has not violated the policy.

If an investigation results in a finding that the Complainant falsely accused the Respondent of workplace violence knowingly or in a vexatious or malicious manner, the Complainant will be subject to appropriate sanctions, including the possibility of termination. Such action is considered a violation of the policy, and the investigation results and any sanctions will be recorded in the Ontario Shores’ personnel records relating to the Complainant.

15. **Complaint Resolution Alternatives:**

An individual affected by workplace violence has the right to pursue their concern through alternative forums such as the grievance process (where applicable) mediation, or other forms of dispute resolution.

Nothing in this policy prevents an individual from pursuing other remedies to an incident of workplace violence such as a criminal or civil action, or a complaint to the Ontario Human Rights Commission.

16. **Assistance:**

An Ontario Shores employee or affiliate with questions, concerns or a complaint regarding workplace violence may contact the Human Resources Department. This information will be kept confidential except in the case of an imminent physical threat in the workplace.
17. **Employee or Affiliate Being Assaulted/Abused/Harassed by a Patient or Visitor:**

If an incident of assault, abuse, or harassment of an employee or affiliate by a patient or visitor is observed or experienced respond immediately. If time permits take other actions including reviewing any relevant Ontario Shores policies and procedures or consulting with Human Resources, Risk Management, Occupational Health and Wellness, or your manager.

The nature of the response depends on the severity of the situation, ability/training and self-determination of risk. An urgent response can be one or several of the following:

- intervene personally;
- alert other department staff;
- if a patient, initiate Code White in accordance with Code White policy and procedure; and
- if a visitor, contact 5555 for Security Assistance.

**The injured employee/affiliate:**

Notifies his/her immediate manager/delegate of the event as soon as possible after the incident has occurred, and Complete an Employee Safety Occurrence Report. The employee/affiliate may also:

- choose not to pursue any follow up;
- attend at the Occupational Health and Wellness Department;
- contact Employee Assistance Program: Sheppel.fgi, 1 800 268-5211;
- secure assistance from Human Resources;
- contact Durham Regional Police Services (905) 579-1520 to report the assault/abuse/harassment;
- discuss with their supervisor/manager the possibility of attending Durham Regional Police Services in person to file their report;
- the name, division and badge number of the responding Police Officer who attends the workplace or investigates the incident should be recorded;
- disclosure of patient personal health information is limited to what is permitted by law in accordance with the Mental Health Act, Criminal Code of Canada, Personal Health Information Protection Act and other applicable legislation. Consult with the Leader Privacy, Policy & Procedure or the Director of Risk Management & Patient Safety to determine what extent of personal health information may be disclosed in your specific circumstances, if there is any question;
- request their manager/delegate call Durham Regional Police Services on their behalf;
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The manager:

If required, the manager ensures the immediate appropriate treatment of the injured employee/affiliate is initiated either in Occupational Health & Wellness or the employee/affiliate is transported to an Emergency Department if injuries warrant. The manager:

- If a person, whether a worker or not, has been critically injured or killed at the workplace, the employer must immediately notify an inspector, the joint committee (or health and safety representative) and the union, if there is one. This notice must be by direct means, such as by telephone, telegram or facsimile. Within 48 hours, the employer must also notify, in writing, a director of the Ministry of Labour, giving the circumstances of the occurrence and any information that may be prescribed. The Program Administrative Director, Risk Management and Human Resources should also be notified as soon as reasonably possible.
- If there is an incident of workplace violence and a worker is disabled or requires medical attention, the employer must notify the joint health and safety committee or health and safety representative and the union, if any, within four days of the incident.
- If an accident, explosion or fire occurs and a worker is disabled or requires medical attention, the employer must notify the joint committee (or health and safety representative) and the union, if any, within four days of the incident. This notice must be in writing and must contain any prescribed information [section 52(1)]. If required by an inspector, this notice must also be given to a director of the Ministry of Labour.
- determines whether the employee/affiliate wishes further support from family, friend(s) or co-workers) and facilitates this support, as requested;
- secure the scene of the incident if possible;
- at the request of the employee/affiliate, contacts the Durham Regional Police Service to report the assault/abuse/harassment;
- ensures an Employee Safety Occurrence Report is completed, reviews and signs off on report;
- commence civil action against the individual who committed the assault/abuse/harassment by contacting their own legal counsel; or
- secure assistance through the Ontario Ministry of the Attorney General Victim Witness Assistance Program (416) 212-1310.
- Contact the Criminal Injuries Compensation Board (416) 326-2900 or (800) 372-7463 or by fax (416)326-2883, 439 University Avenue 4th floor, Toronto, Ontario M5G 1Y8.
- Pursue community support resources which may include counseling, stress debriefing, family physician.
reassigns or redistributes the employee/affiliate’s workload as necessary; and

if patient is the alleged perpetrator, ensures patient reassessment and treatment plan is updated to eliminate or reduce, to the fullest possible extent the likelihood of further incidents of assault/abuse/harassment of staff by the patient.

For the patient who is cognitively capable:
  o they will be advised their actions were in contravention of the Patient Charter of Rights and Responsibilities; and
  o if the patient does not require further inpatient hospitalization, outpatient treatment or detention under the Mental Health Act or Criminal Code of Canada, and attending physician is of the opinion the patient no longer suffers from a serious mental illness that requires hospitalization, discharge arrangements will be made.

For the patient who is cognitively impaired or incapable:
  o they and their Substitute Decision Maker will be advised patient actions were in contravention of the Patient Charter of Rights and Responsibilities; and
  o ensures patient reassessment findings and treatment plan revision including rationale for same is documented in the patient health record.

If visitor is the alleged perpetrator, ensures follow-up is completed in accordance with Visitors section below.

Ensures cooperation with any police investigation into the incident.

Seeks support from the Program Administrative Director and Risk Management if the employee/affiliate decides to seek criminal charges against a patient.

Seeks direction from the Leader, Privacy, Policy & Procedure, Risk Manager or Director, Risk Management & Patient Safety if there is any question regarding the type and extent of patient personal health information that may be released.

The healthcare team will:

• Provide reassessment of clinical conditions giving rise to the behaviour and adjust the treatment plan accordingly.

• Determine impact on therapeutic relationship between staff and patient, and determine appropriateness to reassign patient care to another staff person or the transfer to another unit on either a permanent or temporary basis.

• Make a clinical determination as to whether the patient is certifiable pursuant to Mental Health Act criteria.

• Take into consideration forensic status and Ontario Review Board disposition and orders when reassessing and revising treatment plan needs.

• Review professional practice standards regarding provision of patient care and not abandoning a patient.
18. **Visitors:**

The following steps will be taken in case of abuse/violence by a visitor:

- The visitor will be informed that his or her behaviour is perceived as threatening and will be asked to modify the behaviour.
- If visitor does not comply, s/he will be informed by a supervisor or designate that their behaviour is unacceptable, and may be requested to leave the building.
- If the visitor does not modify his or her behaviour, the security department will be notified and, if necessary, the visitor will be escorted off the premises. If necessary, the police may be contacted.
- The visitor may be prohibited from coming onto hospital property. This will be monitored by the security department.

19. **References:**

Workplace Harassment, Discrimination and Bullying, Admin 5.210
Domestic Violence (Intimate Partner), Admin 5.207
Code of Conduct, Admin 5.33
Incident Reporting, Admin 3.110
Abuse of Patients, Admin 9.03
Confidentiality, Admin 5.39
Occupational Health & Safety Act
Criminal Code of Canada
Personal Health Information Protection Act
Mental Health Act
Southlake Regional Health Centre: Violence Prevention Program: Reporting and Investigation, February 2009
University Health Network: Workplace Violence, September 2007
20. **Reviewed By:**

   Human Resources
   Risk Management & Patient Safety
   Professional Practice
   Occupational Health and Wellness
   Joint Occupational Health & Safety Committee
   Senior Management Team

21. **Revision History:**

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   ____________________________________________________________________________
   Karim Mamdani
   Chief Operating Officer