



L'ARCHE OTTAWA POLICY

Policy Type: Human Resources

Policy Number: HR-F5

Policy Area: Code of Conduct - F

Title: Workplace Violence and Harassment

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1.0 MISSION AND STANDARDS

The Mission of L'Arche is to:

- Make known the gifts of people with intellectual disabilities, revealed through mutually transforming relationships.
- Foster an environment in community that responds to the changing dreams and needs of our members, while being faithful to the vision and core values of our founding story.
- Engage in our diverse cultures, working together toward a more human society.

The mission of L'Arche requires that our personal and professional behaviour be of the highest standard.

Participants in the life and mission of L'Arche, must commit to the following standards and principles:

1. Treating every person with dignity and respect.
2. Not discriminating on the basis of race, gender, religion, colour, national or ethnic origin, language, marital status, sexual orientation, gender identity, gender expression, age, ability, political conviction, or social status.
3. Representing and promoting the values of the mission of L'Arche
4. Facilitating open and honest communication within L'Arche, while maintaining the highest degree of confidentiality in professional matters and interpersonal relationships
5. Using the proper channels of communication in order to protect the integrity of our working environment and/or community life
6. Reporting any witnessed or suspected unacceptable behaviours.

2.0 SCOPE

This policy applies wherever L'Arche activities are conducted including in our homes, programs, offices, or other physical spaces and at all L'Arche events, including appointments, outings and community vacations.

For the purposes of this policy, the terms “employee”, “individual”, “worker” and “personnel” refer to any paid worker, volunteer, or co-op student in L'Arche. The harassing or violent person may be someone the worker encounters due to the nature of his or her work and may include, but is not limited to, a co-worker, parent/advocate, or volunteer.

L'Arche is committed to providing a safe working environment in which all individuals are treated with respect, civility, and dignity. Workplace violence and harassment will not be tolerated. Violence and harassment in the workplace can have devastating effects on all members of the community and the spirit of our life together, and as such, all personnel are responsible for maintaining a safe work environment and preventing and reporting any workplace violence or harassment. This policy follows the directives of the Ontario Health & Safety Act (OHSA) as enforced by the Ministry of Labour, as well as the amendment to OHSA, Bill 168.

3.0 DEFINITIONS

Workplace Violence is the exercise of, or attempt to exercise, physical force by a person against a worker that causes or could cause physical injury to the worker. This includes:

- **Physical Abuse/Assault:** involves a physical contact intended to cause feelings of intimidation, pain, injury or other physical suffering or bodily harm;
- **Sexual Abuse/Assault:** encompasses any situation in which force, threat or power is used to obtain participation in non-consensual sexual activity or coercing a person to engage in sexual activity against their will.

Workplace Harassment is any action, conduct or comment that can reasonably be expected to cause offence, humiliation or other psychological injury or illness to the worker. This includes:

- **Workplace Bullying:** repeated and persistent negative acts towards one or more individuals, which create a hostile environment;
- **Discrimination:** discrimination is an action or a decision that threatens a person or a group negatively for reasons that are protected under the Canadian Human Rights Act: race; national or ethnic origin; colour; religion; age; sex; sexual orientation; gender identity or expression; marital status; family status; genetic characteristics; disability; conviction for an offence for which a pardon has been granted;
- **Spiritual abuse:** any attempt to exert power and control over someone using religion, faith or beliefs;
- **Threat** (verbal or written): is a communicated intent 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;
- **Threat to immigration status:** intimidate or threaten any employee in respect to immigration status, visa renewal or deportation.

Workplace Sexual Harassment: behavior characterized by the making of unwelcome and inappropriate sexual remarks or physical advances. This also includes engaging in a course of vexatious comments or conduct against a worker because of sex, sexual orientation, gender identity or gender expression.

Examples of Workplace Violence, Harassment, or Sexual Harassment include but are not limited to:

- Kicking, punching, scratching, spitting, biting, hitting or wounding a person in any way;
- Attack with any type of weapon;
- Unwelcomed physical contact;
- Inappropriate invitations or requests, including of sexual nature;
- Spreading rumours or gossip about an individual or group; or socially excluding or isolating someone;
- Cyber bullying (threatening, spreading rumours or talking negatively about an individual online);
- Making offensive jokes or remarks;
- Making aggressive, threatening or rude gestures;
- Slamming doors or throwing objects;
- Stalking or inappropriately following a person;
- Vandalizing or hiding personal belongings or work equipment;

- Shouting, blow-ups at a person and/or use of profanity and abusive language;
- Inappropriate use of power and inappropriate use of progressive discipline from a supervisor;
- Disrespect for personal belongings and private space;
- Retaliation against anyone making a workplace violence complaint or participating in an investigation.
- Any behavior which is considered dangerous, disrespectful and/or inappropriate in the workplace

4.0 PROCEDURES

Preventive Measures

- **Orientation and Training:** L'Arche Ottawa will ensure that all personnel in direct care roles complete:
 - The Workplace Violence & Harassment Awareness training which includes an annual review of this Workplace Violence and Harassment Policy. A record of completed training will be kept in each individual's personnel file.
 - Crisis intervention training, such as Crisis Prevention Institute (CPI) or Safe Management.
- **Workplace Violence and Harassment Risk Assessments:** L'Arche Ottawa will undertake at least one annual Workplace Violence Risk Assessment. This assessment is to focus on : prevention policy; emergency procedures; training; resolution process; physical work environment; type of work; psychological protection; leadership and organizational structure. If risks are found during the assessment, the Leadership Team will determine and implement a solution.
- **Disclosure of the Risk of Violent Behaviour:** L'Arche Ottawa will provide information to any personnel who is expected to encounter an individual with a history of violent behaviour of which L'Arche is aware, and if the individual poses a risk of workplace violence that is likely to result in physical injury. L'Arche will only disclose the information reasonably necessary to protect an individual from violence.

Safety Measures

To ensure the safety of all, all personnel are asked to take the following measures:

- if there is, or is likely to be, a violent incident, immediately remove oneself from the unsafe situation, if possible, and call Emergency Services (9-1-1), where appropriate, and the Community Emergency Phone.
- let co-workers know of one's whereabouts at all times and inform a co-worker if possible;
- when supporting individuals showing signs of aggression, remove oneself and others from the area, follow the direction of the individual's Behaviour Support Plan (B.S.P.) and/or follow the best practices from the CPI training;
- be familiar with the location of all exits, be alert to one's surroundings and use common sense.

Reporting

Everyone in the workplace has a role to play in keeping our workplaces safe. Workers have a duty to report any situation that presents a hazard or threat to our safety, and employers are required to address those situations. L'Arche acknowledges that incidents of workplace violence and harassment can be frightening or embarrassing, and therefore the person may choose not to report such an incident. Workplace harassment is NEVER ok. We strongly encourage any person who experiences workplace violence or harassment to report the incident. This will allow L'Arche to take appropriate action to stop such unwelcome conduct.

An act of violence, or threat of violence in the workplace should be reported to the police. This policy does not prohibit an employee from contacting the police where he/she feels it is appropriate and is not intended to discourage an employee from taking any steps he or she feels are necessary in that regard.

- Any personnel who is subjected to, witness to, or has knowledge of any incidents of violence or harassment as described in this policy is required to report the incident in writing to the Community Leader or the Chair of the Board of Directors using the Code of Conduct Violation Report form (attached).
- The Community Leader/designate or the Chair of the Board of Directors will immediately ensure the individual is safe and contact the police if applicable. L'Arche will comply with all reporting obligations under the Ministry of Labour's Occupational Health and Safety Act, including any reporting obligations related to workplace violence.

In the case of the Community Leader/designate being the accused, the report should be submitted in writing using the Code of Conduct Violation Report form (attached) to the Chair of the Board of Directors or, alternatively, it may be reported through the L'Arche Canada website at: <https://www.larche.ca/en/safeguarding>.

Any personnel have the right to send a complaint directly to the L'Arche Canada website at: <https://www.larche.ca/en/safeguarding>. The complaint sent to L'Arche Canada may be filed anonymously.

Investigation

Although L'Arche makes every effort to keep the incident or complaint as confidential as possible, it is not always possible to do so while investigating or resolving an incident or complaint of potential or actual workplace violence or harassment.

- The Community Leader/designate or the Chair of the Board of Director will acknowledge the reception of the incident report within the first 24 hours.
 - For the safety of all individuals involved in the incident, L'Arche will ensure there is no contact between involved parties as soon as the incident is reported and during the investigation.
 - The Community Leader/designate or the Chair of the Board will indicate if an investigation will be undertaken and, if applicable, which type of investigation (i.e., internal or external) and will communicate this to the involved parties.
 - In the case of the Community Leader/designate being accused the Chair of the Board of Director will employ an independent third party to lead an investigation.
- If applicable, an **external investigation** will be led by local police authorities or an independent 3rd party:
 - the Community Leader/designate will work closely with these individuals to provide all information regarding the allegation and to determine whether this policy has been violated;
 - during the external investigation, the Community Leader/designate will ensure the safety of the accuser and the well-being of the community;
 - the outcome of the external investigation will be reported to the Chair of the Board of Director.
- In the case of an **internal investigation**:
 - an investigation team will be determined by the Community Leader/designate or the Chair of the Board of Director and must be completely objective with no member of the team being directly involved in the incident or complaint, and not under the direct control of the accused.
 - within the first 7 days after the receipt of the incident report, the parties will be informed of the projected length of the investigation. If a prolongation is necessary, the parties will be informed in writing of the reasons to extending the investigation time;
 - the process of investigation will include thoroughly understanding the allegation, interviewing those involved or other relevant individuals, collecting and reviewing documentation, and reviewing the site of the incident. The parties to the complaint will be updated periodically as to the status of the investigation;

- after conducting the internal investigation, the investigation team will make an objective assessment of whether there has been a violation of this policy. The outcome of the investigation will be reported to the parties. The Community Leader/designate will also inform the Chair of the Board of Directors of the results.

All records of reports and investigations of workplace violence or harassment will be kept in a separate confidential file indefinitely following the end of the investigation.

Disciplinary Action

Any personnel who is found to have engaged in workplace violence or harassment will be subject to disciplinary action, up to and including an apology, education, counseling, reassignment, reprimand, suspension, or discharge from employment. L'Arche reserves the right to reassign, or suspend with pay, either or both the parties, during the investigation. This does not include any criminal charges from police authorities.

Support

All personnel who have experienced workplace violence or harassment have the option of receiving counseling and support. L'Arche Ottawa will make information about support services available in these situations

Work Refusal

Ontario employees have the right to refuse to perform unsafe work, however "certain workers who have a responsibility to protect public safety cannot refuse unsafe work if the danger in question is a normal part of the job or if the refusal would endanger the life, health or safety of another person. These workers are: police officers; firefighters; workers employed in correctional institutions; and health care workers employed in workplaces like hospitals, nursing homes, psychiatric institutions, rehabilitation facilities, residential group homes for persons with physical or mental disabilities, ambulance services, first-aid clinics, licensed laboratories, and/or in any laundry, food service, power plant or technical service used by one of the above [Occupational Health & Safety Act, Section 43(2)].

Bill 168 adds the right to refuse to work where the worker "has reason to believe that workplace violence is likely to endanger him or herself", or, after an investigation the worker may refuse where they have "reasonable grounds to believe workplace violence continues to be likely to endanger himself or herself."

5.0 ANNUAL REVIEW

This policy, and any incidents which occur, are reviewed annually to ensure the effectiveness of the policy. If needed, changes will be made to the policy at that time.