

<b>Number:</b>	RHR-224 b
<b>Title:</b>	Prevention of Violence in the Workplace
<b>Person responsible for enforcement:</b>	Secretary General
<b>Entered into force:</b>	June 22, 2016
<b>Approved:</b>	June 22, 2016 by the Council of Administration <i>This document replaces all previous regulations on this subject.</i>
<b>Exception:</b>	No exceptions to this regulation without prior written authorization from the Council of Administration.

*In this document, the masculine form is used without prejudice and for conciseness purposes only.*

## 1. Policy Statement

Saint Paul University recognizes the potential for violence in the workplace and is committed to working with staff members to provide a safe work environment. Threats of violent behaviour by or against a member of the University are unacceptable conduct and will not be tolerated. Saint Paul University is committed to taking steps to prevent workplace violence and protect staff against any act of violence.

This policy complies with Ontario's *Occupational Health and Safety Act (OHSA)*, which recognizes that every employee is entitled to a safe environment in which everyone preserves and maintains his dignity and integrity.

## 2. Objectives

- 2.1 Take reasonable measures to prevent all forms of violence.
- 2.2 Train, inform and educate staff on issues of violence.
- 2.3 Collectively denounce any form of violence to ensure that members of the University staff enjoy a supportive work environment.
- 2.4 Ensure the immediate protection of persons involved in situations of violence and implementation of effective corrective measures where appropriate.

## 3. Areas of Application

- 3.1 This policy aims to protect all staff members and all other users, e.g., members of advisory committees, volunteers and contractors, and applies to:
  - all levels of the organization and all aspects of the workplace and working relationships;
  - all activities which occur either as part of work or any other activity related to the University, including events taking place outside the usual workplace, especially during business trips or social activities of the University.
- 3.2 As for students, their right to a respectful learning environment which promotes mutual respect and is free of harassment and reprehensible behaviour is protected by other policies, laws and regulations, in particular RHR-24 a – *Harassment and Discrimination Prevention in the Workplace and Learning Environment* and accompanying directive, the *Ontario Human Rights Code*, the *Criminal Code* and professional codes of conduct.

## 4. Principles

- 4.1 The University gives priority to the prevention of workplace violence in order to preserve and maintain the dignity and integrity of each staff member.
- 4.2 The University recognizes the right of every employee to be protected, helped and supported fairly and confidentially by appropriate mechanisms and remedies with regards to workplace violence.
- 4.3 This policy does not prevent a person from disclosing and informing any responsible internal authority of any violation of a law or policy, procedure or regulation of the University, nor prevent the University from notifying the competent authorities of any infraction governed by the Act.

## 5. Definitions

- 5.1 Complainant: A person who believes to be the subject of violence and who files a complaint under this policy and *Directive on Filing Complaints of Workplace Violence by University Employees* (“Directive”) under this policy.
- 5.2 Respondent: The person or organization against whom a complaint has been filed.
- 5.3 Workplace Violence: A threat, act or attempt to use physical force against an employee, in the workplace, that causes or could cause physical injury to the employee.  
Among behaviours which could be considered violence in the workplace are:
  - threatening behaviour, such as shaking fists, destroying property or throwing objects;
  - written or verbal threats that express an intent to cause physical injury causing bodily harm;
  - assault or use of a weapon;
  - any other act that a reasonable person might perceive as a threat of violence.

## 6. Responsibilities of Employees

- 6.1 Act respectfully towards others while at work and while participating in all activities organized by the University.
- 6.2 Ensure their own immediate physical safety in the event of workplace violence and report the incident to the police or their immediate supervisor where warranted.
- 6.3 Report any incident of violence of which they are aware.
- 6.4 Cooperate with any investigation or incident resolution efforts arising from this policy.
- 6.5 Attend training sessions required by the Act or offered by the University or other organizations.
- 6.6 Respond appropriately to any incident of violence.

## 7. Responsibilities of the University

- 7.1 Provide mandatory in-person or online training for all full-time and part-time University employees.
- 7.2 Inform employees of the present policy and accompanying directive.
- 7.3 Implement the directive.
- 7.4 Promote the objectives of this policy and accompanying directive and discourage all forms of workplace violence.
- 7.5 Take every reasonable precaution in the circumstances to protect an employee when there is a concrete possibility that domestic violence could occur in the workplace which could result in physical injury.
- 7.6 Review all reported complaints in a timely, impartial and sensitive manner while respecting, as much as possible, the confidentiality of the persons involved.
- 7.7 Provide appropriate support to persons directly or indirectly involved in a workplace violence incident.

## **8. Risk of Workplace Violence from a Person with a History of Violent Behaviour**

- 8.1 The University will provide employees with information, including personal information related to the risk of workplace violence from a person with a history of violent behavior. This information will be disclosed if an employee can be expected to encounter this person in the course of his work or if the risk of workplace violence is likely to expose the employee from bodily harm.
- 8.2 In circumstances described in Section 8.1, the University agrees not to disclose more information than is reasonably necessary to protect a member of staff from bodily harm.

## **9. Report or Complaint of Workplace Violence and Resolution Process**

- 9.1 The University advocates, as a first step, resolution of a complaint of violence through an informal process. However, any complainant acting in good faith may file a formal complaint without going through an informal process beforehand.
- 9.2 The procedure for reporting an incidence of violence or for resolving a formal or informal violence complaint is defined in the directive attached to this policy.
- 9.3 Filing a formal complaint under this policy does not prevent a complainant from using any external process available to him, including but not limited to law enforcement, recourse under the Ontario *Occupational Health and Safety Act* or the pursuit of other legal options.
- 9.4 If an immediate intervention is required, the University's Protection Services will offer assistance to the member of staff who is in distress and will take the necessary steps to ensure the member's safety.

## **10. Institutional Committee Against Workplace Violence**

10.1 To ensure that the present policy is enforced and that complaints are handled impartially, the University creates an Institutional Committee Against Workplace Violence.

10.2 This committee is responsible for:

- assessing the risk of workplace violence;
- proposing appropriate ways of training, informing and educating members of the staff against violence, as well as concrete measures to put in place to prevent, deter and if necessary, stop violence;
- approve the procedure for handling complaints and review it periodically;
- receive and analyze the annual report from Human Resources who receives complaints;
- report to the Council of Administration on an annual basis and if appropriate, suggest modifications to the current policy and make recommendations it considers relevant.

10.3 The Committee is composed of:

- two jointly responsible persons appointed by Executive Committee;
- one person appointed by the Saint Paul University Professors' Association;
- one person appointed by the Public Service Alliance of Canada's local union of part-time professors;
- one person appointed by the Saint Paul University Support staff Bargaining Unit, District 35, Ontario Secondary School Teachers' Federation;
- one person representing middle managers, appointed by his peers;
- one person appointed by the Saint Paul University Student Association.

The Chair is elected by the Committee members amongst themselves.

The Director of Human Resources serves as Secretary to the Committee.

## **11. Responsibility**

The Institutional Committee Against Workplace Violence is responsible for conducting an annual review of the present policy and making recommendations to the Council of Administration.

## PREVENTION OF VIOLENCE IN THE WORKPLACE

### DIRECTIVE ON THE FILING OF COMPLAINTS BY UNIVERSITY EMPLOYEES

**REFERENCE :** RHR-224 b - *Prevention of Violence in the Workplace*

**DATE :** June 22, 2016

*In this document, the masculine form is used without prejudice and for conciseness purposes only.*

#### 1. Purpose

Policy RHR-224 b, *Prevention of Violence in the Workplace*, emphasizes the value Saint Paul University places on creating and maintaining a workplace where employees are treated with respect and dignity, in accordance with the provisions of Ontario's *Occupational Health and Safety Act (OHSA)*.

Measures to prevent workplace violence, immediate intervention in dealing with incidents or complaints of workplace violence as well as sustained follow-ups are essential in creating and maintaining such a workplace. The University is committed to take measures to deal with any informal or formal measure in a prompt manner, as set out in the present directive.

#### 2. Risk Assessment

- 2.1 Saint Paul University reassesses the risks of workplace violence as often as required to ensure that the policy continues to protect employees from workplace violence.
- 2.2 The University informs the Joint Health and Safety Committee (ADM-112) of the results of its risk assessment or reassessment.

#### 3. Procedure for Immediate Assistance

- 3.1 Any employee requiring immediate assistance should call 911 or contact Protection Services at extension 5555 from a University phone.

#### 4. Procedure to Report an Incident or to File a Complaint of Violence

- 4.1 An employee who believes to be a victim of violence, who thinks he has witnessed an act of violence or believes that an act of violence might occur, must immediately contact the Human Resources Services and disclose all relevant information. If the threat is serious and immediate, the University will send information and instructions to employees.
- 4.2 An employee who believes to be a victim of violence should document details of any incident or threat of violence, including the date, time and nature of the incident as well as the name of persons who could testify to the incident.
- 4.3 Based on the information obtained during the meeting mentioned in article 4.1, the Human Resources Services determines whether the situation falls within the scope of this directive. Each situation is assessed individually and the Human Resources Services may, if necessary, refer the file to another authority (e.g., Protection Services) or invite the complainant to opt for another form of recourse (e.g., police).

- 4.4 When the Human Resources Services determines that the situation falls within the scope of this directive, it will inform the employee of the three resolution mechanisms available to resolve the situation, namely:
- informal awareness-raising process;
  - mediation process;
  - formal dispute resolution (investigation).
- 4.5 Recourse under the present directive does not deprive the employee of any other recourse under applicable laws, regulations or collective agreements in force.
- 4.6 Regardless of the recourse selected, the employee may:
- be accompanied by another employee, his supervisor or union representative to facilitate the meeting or to resolve the matter;
  - maintain control of his complaint and choose to stop the process at any time or change the dispute resolution mechanism.
- 4.7 Even in a situation where no formal or informal complaint has been submitted, the University reserves the right to file a complaint and investigate all possible cases of workplace violence.
- 4.8 Informal Awareness-Raising Process
- a) The informal awareness-raising process aims to resolve the situation in an informal manner, without opening a file.
  - b) The informal process is initiated through a verbal request filed by the employee.
  - c) In the informal process, the Human Resources Services, at the request of the employee, intercedes with the person against whom the complaint has been made to inform him of the situation, to foster, if applicable, an awareness of the consequences of a given conduct, to reconcile positions, to eliminate misunderstandings, and if applicable, encourage the person against whom the complaint is made to cease or change the behaviour of which he is accused.
  - d) An informal resolution may be the subject of a written agreement. No other documentation arises from the informal process. However, in such a process, the University expects the parties to :
    - listen to one another;
    - avoid disrespecting one another;
    - reach a mutual understanding;
    - re-establish a normal relationship.

If the employee is not satisfied with the outcome of the informal process, he can request the mediation process or file a formal complaint.

4.9 Mediation Process

- a) The mediation process is initiated by the the filing of a signed written mandate by the complainant. This process requires the following information: the name of the person against whom the complaint is made, a description of the alleged conduct, the date, time and names of witnesses.
- b) Within five (5) business days of filing a written mandate, the Human Resources Services meets with the person against whom the complaint has been made and informs him of the following:
  - the identity of the complainant and the nature of the complaint;
  - the implications and consequences of the alleged conduct;
  - the request for resolution of the dispute through the mediation process.

- c) The Human Resources Services gives a copy of the complaint and a copy of this directive to the person against whom the complaint has been made.
- d) The Human Resources Services appoints a mediator who must be approved by both parties. The mediator contacts the parties involved to obtain their participation in reaching an agreement. The person against whom the complaint has been made has five (5) business days to accept the proposed mediation process.
- e) At no time during the course of the proceedings can a refusal of mediation be used against the party refusing it.
- f) If the parties agree to mediation and an agreement is reached to the satisfaction of those concerned, the terms of the agreement are consigned in a document signed by both parties and filed with the Human Resources Services.
- g) The mediator notifies the Human Resources Services of the outcome of the mediation, and ensures implementation of support and/or corrective measures agreed to in the agreement.
- h) However, the mediator may decide that an investigation might be necessary or that it would be preferable not to proceed any further when:
  - the complainant requests it;
  - either party refuses to participate in the mediation process;
  - there is no agreement between the concerned parties when the mediation process has already begun;
  - the agreement signed by the parties is not honoured.
- i) If applicable, the mediator notifies the Human Resources Services.

#### 4.10 Formal Resolution Process (Investigation)

- a) Any employee who believes to be a victim of violence may file a written formal complaint, without having to resort to the informal process or to mediation beforehand. No action may be undertaken without a written and signed complaint.
- b) Any person involved in the formal process, including witnesses, can request support from a staff member, his supervisor, union representative or other.
- c) This action may be undertaken with the Human Resources Services. If the person against whom the complaint is being made is a Human Resources Services employee, the complaint is then filed with the Secretary General.
- d) Any formal complaint is inadmissible if it is filed more than twelve (12) months after the last of the incidents which is subject of the complaint except in extraordinary circumstances justifying the delay.
- e) A formal complaint of violence is filed in writing and must include:
  - a complete detailed description of the incident or incidents;
  - the date and time of the incident or incidents or an explanation if this information is not available;
  - the identity of the person or persons against whom the complaint is being made;
  - a list of persons who might have witnessed the allegations;
  - if applicable, the measures taken up to now to resolve the situation;
  - the solution or remedy sought by the complainant;
  - the complainant's signature and the date.
- f) The Human Resources Services assesses the merit of the formal complaint and determines the process to select first, either:
  - reject the complaint if it does not meet the definition of violence in the workplace, if it is made in bad faith and close the file;

- forward the complaint to the person against whom it is being made. Request a written reply to the complaint within ten (10) business days. Upon receipt of the reply to the complaint, the Director forwards a copy to the complainant. If the person against whom the complaint is being made does not reply, the Director informs the complainant;
- launch the investigation process.

## 5. Review Process

- 5.1 The complainant may request a review of the assessment by the Human Resources Services only if they determined that the complaint did not meet the definition of violence.
- 5.2 If the complainant disagrees with the conclusion that the complaint does not meet the definition of violence, he can ask the Secretary General to review the assessment made by the Human Resources Services. The complainant must then submit a written request for review within twenty (20) days following the assessment. The Secretary General's decision is without appeal and is conveyed in writing to the complainant and to the person against whom the complaint has been made.
- 5.3 When the Secretary General determines that the situation does not fall under the present directive, the complainant can pursue other forms of recourse under applicable regulations or collective agreements in force.

## 6. Interim Measures and Special Cases

- 6.1 Pending the filing of a complaint or the conclusion of an investigation, if the Human Resources Services or the Secretary General, if applicable, believes that measures must be taken to ensure the security of individuals or respond to the interests of the University, they may impose interim measures after having consulted the Executive Committee.
- 6.2 If circumstances warrant it, interim measures may consist in separating the complainant and the person against whom the complaint is made or ensuring that exchanges between the two be discontinued or reduced to a minimum.
- 6.3 Example of a Special Case: The person against whom the complaint is being made has a business relationship with the University—for example, a supplier of goods or services. Human Resources Services must be notified immediately. Human Resources Services must inform the supplier of goods or services that an investigation will be conducted as well as the process which will be undertaken. If the investigation reveals that the complaint is justified, the Executive Committee must take appropriate measures, including removing the supplier from the University's list of approved suppliers.

## 7. Investigation

- 7.1 When necessary, the Human Resources Services appoints an investigator. The investigator may be in-house or external to the University and assumes this role only during the investigation to which he has been appointed.
- 7.2 During the course of the investigation, the investigator's mandate is to:
- ensure that a summary of the complaint has been given to the person against whom the complaint is being made;
  - ensure that the parties involved are aware of Policy RHR-224 b, *Prevention of Violence in the Workplace*, and this directive, especially the resolution and investigation processes;

- meet with the complainant, the person against whom the complaint has been made and any person likely to have relevant information;
  - examine all documents deemed relevant to the complaint;
  - offer the parties an opportunity to resolve the complaint informally;
  - inform the parties of the availability of support services (e.g., Employee Assistance Program, police, emergency shelter);
  - inform the parties of their right to receive support from another person, as specified in the present directive;
  - inform the parties of the confidentiality of the process and that the University does not tolerate any form of retaliation;
  - conduct his research relating to the complaint of workplace violence with due diligence;
  - determine whether or not a situation of workplace violence exists;
  - write a report.
- 7.3 The results of the investigation may lead to disciplinary measures in accordance with the relevant policies in force.

## 8. Decision

- 8.1 The determination and application of corrective and supportive measures are the responsibility of the University's Executive Committee.
- 8.2 The Executive Committee informs the complainant and the person against whom the complaint has been made the results of the investigation, in writing.
- 8.3 Substantiated Complaint: If the complaint is legitimate, the person found guilty of violence will be subject to any corrective measures deemed reasonable to the act committed and the harm to the complainant.
- Corrective measures may include, amongst others:
- for an employee: a warning, a request to produce a written apology, a suspension or dismissal;
  - for a third party: a warning, a request to produce a written apology, a report to the employer or the loss of access or privileges.
- 8.4 Unsubstantiated Complaint: if a person files a formal complaint in good faith which is later found to be unsubstantiated by the evidence gathered, the complaint is rejected and no sanctions will be imposed either on the person against whom the complaint had been filed or the person who originated the complaint.
- 8.5 Bad Faith Complaint: when a complaint is found to be abusive, frivolous, made in bad faith or filed with intent to harm, the complainant is then subject to corrective measures (administrative or disciplinary) as indicated in Article 8.3.

## 9. Confidentiality

- 9.1 Parties concerned in this directive are held to the strictest confidence. All information gathered in the course of carrying out their duties may only be communicated to the persons and entities directly involved in the case.
- 9.2 Regardless of the resolution process selected for dealing with a file, the complainant, the person against whom the complaint is made and witnesses interviewed, must respect the confidential nature of the information.

- 9.3 Any disclosure of information is subject to “on a need to know” basis or to the level of risk a person may be exposed to harm under Section 32.0.5 (3) of the Ontario *Occupational Health and Safety Act*.
- 9.4 Confidentiality does not mean anonymity. A complainant wishing to use the mediation process or the formal dispute resolution process must be willing to identify himself, and the person against whom the complaint is being made has the right to know the allegations brought against him and the identity of the complainant.

## **10. Record Keeping**

- 10.1 All documents pertaining to an investigation will be kept in a secure location separate from the personal file of the member of the University community, for a maximum period of seven (7) years. The record of any disciplinary measures taken under the policy and the present directive will be kept in the personal file of the member of the University community.
- 10.2 The University will maintain confidentiality of the information obtained with respect to the complaint of workplace violence. However, the University cannot guarantee confidentiality in the following instances:
- in the case of criminal conduct;
  - when disclosure is necessary to the investigation, taking corrective measures, or compliance with the law.

## **11. Reprisals**

Any form of reprisal against a member of the University community availing himself of this directive constitutes a violation of the policy and is subject to disciplinary measures.

## **12. Complaint to the Human Rights Tribunal of Ontario**

The present directive does not prevent a person from filing a complaint with the Human Rights Tribunal of Ontario within the prescribed time limits of the *Human Rights Code*, nor does it deprive a person of the right to seek any other legal recourse available to him.

## **13. Review et Implementation**

The Institutional Committee Against Workplace Violence is responsible for the annual review of this directive.