



Item	6.10.1
Parent Policy	Workplace Violence Prevention
Framework Category	Legal, Compliance and Governance
Approving Authority	Senior Leadership Team
Policy Owner	Vice-President, Human Resources and Services
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WORKPLACE VIOLENCE PREVENTION PROCEDURE

Any worker who finds or considers themselves or someone else to be in imminent danger while on university property or while engaged in any university-approved activity can summon immediate assistance by contacting:

On Campus: Campus Security

- a. Extension: 2400
- b. Direct line: 905.721.3211
- c. Code Blue Stations

Off Campus: Durham Regional Police Service

- d. 911 (emergency)
- e. 905.579.1520 (non-emergency)

1.0 PURPOSE

The purpose of this document is to set out the procedures and responsibilities required to implement the UOIT Workplace Violence Prevention Policy (“the Policy”).

2.0 BACKGROUND

UOIT is committed to establishing and maintaining a safe and secure working and learning environment that is free from acts of violence, intimidation, verbal abuse, threats and weapons. All UOIT workers are responsible for their own actions at all times, are expected to contribute positively to the university environment, conduct themselves in a mature and responsible manner and adhere to university policies, procedures, rules and regulations.

The procedures outlined in this document are not intended to replace the normal exercise of management or operational functions at UOIT. In addition, there is no intention to deny the rights of workers to appropriately exercise their pre-existing legal rights in addition to or in place of process and procedures articulated in this or other university policies or procedures.

3.0 REPORTING OF WORKPLACE VIOLENCE

We all share responsibility in creating a workplace that is free of violence and does not tolerate incidents or threats of violence. All members of the university community (including workers,

supervisors, union representatives, faculty members, students, contract workers, tenants, guests and visitors) have a duty to report incidents of workplace violence as outlined below.

3.1 Imminent Danger—Immediate Reporting

Any worker who finds or considers themselves or someone else to be in imminent danger while on university property or while engaged in any university-approved activity can summon immediate assistance by contacting Campus Security or Durham Regional Police:

On Campus: Campus Security

- a. Extension: 2400
- b. Direct line: 905.721.3211
- c. Code Blue Stations

Off Campus: Durham Regional Police Service

- d. 911 (emergency)
- e. 905.579.1520 (non-emergency)

3.2 Violent Incidents/Threats of Violence:

Workers who become involved in or witness a violent incident or a threat of violence or who receive a report of such an incident are required to:

- Ensure their own safety,
- Do what is safely possible to ensure a victim's safety,
- Contact Campus Security immediately (ext. 2400) or call 911 if necessary,
- Make a formal report/statement to Campus Security.

3.3 Non-Urgent Threats

Incidents involving statements or behaviours that do not present an immediate risk of physical harm, but make the worker feel threatened or otherwise concerned for his/her safety must be reported promptly to a supervisor. Examples of such unwanted activity include a threatening comment, note, email, voicemail, gesture or a behaviour such as stalking. Alternatively the worker can contact Human Resources, another supervisor or Campus Security.

3.4 Domestic Violence

Workers in a personal relationship involving domestic violence are encouraged to report their concerns to their immediate supervisor. Alternatively the worker can contact Human Resources, another supervisor or Campus Security and should do so if they feel the violence may extend to university property or to a university-sanctioned activity.

Workers who become aware, or ought reasonably to be aware, of workers involved in domestic violence that would likely expose the worker to physical injury on university property must

immediately inform their supervisor. The supervisor will assume responsibility for informing Campus Security.

3.5 Persons with a History of Violence

Workers must immediately inform their supervisor if there is the potential for encountering a person known to them as a person with a history of violence on UOIT property **and** if the risk of violence is likely to expose the worker to physical injury. The supervisor must assume responsibility for informing Campus Security.

3.6 Threatening Behaviour

Workers who become aware of a person exhibiting behaviour that may lead to violence must immediately contact their supervisor, who will assume responsibility for informing Campus Security. Examples of such behaviour include inappropriate or aggressive discussions or communication via phone, text message, email, websites, social media or essays, or a fascination with death or weapons, and other anti-social behaviour.

3.7 General Reporting Requirements

All workers are required to immediately report acts of violence, threats or possession of weapons on university property or during university-approved activities to Campus Security.

All workers are encouraged to report persons of concern to Campus Security or to their supervisor.

3.8 Documenting a Report of Workplace Violence

Each worker involved in witnessing an incident should complete a Workplace Violence Incident Report form within 24 hours of the incident. If several workers are involved in or witness the incident, each should file a report with Campus Security.

Incident reports should also be completed and forwarded to the Director of Human Resources, within the 24 hours, when there is a situation that presents a threat of or incident of workplace violence to workers, volunteers or visitors.

4.0 RESPONDING TO INCIDENTS OR CONCERNS OF WORKPLACE VIOLENCE

All reports will be taken seriously and investigated. No reprisals will be taken against any worker who makes a report in good faith. The following section sets out the response of the appropriate university authorities.

4.1 Campus Security Response

In response to a worker's call for assistance regarding an incident of violence in progress or threatening behaviour, Campus Security will attend immediately, assess the nature of the incident and report to the Office of Campus Safety.

4.2 Human Resources Response

Human Resources is responsible for providing support services that are available to provide immediate emotional support and counselling to those who are involved in the incident.

5.0 RESPONDING TO INCIDENTS OF DOMESTIC VIOLENCE

For situations involving domestic violence that would likely expose a worker to physical injury on university property, Human Resources or a supervisor will assist by:

- Meeting with the worker and developing a safety plan, if necessary, in consultation with the Office of Campus Safety, police, courts or other agencies that may already be involved and identify measures that may be taken by the worker and the university to increase the worker's safety while on campus;
- Reviewing and revising the plan as necessary;
- Informing the Director of Human Resources of situations involving workers.

6.0 INVESTIGATING INCIDENTS OR CONCERNS OF WORKPLACE VIOLENCE

6.1 Initial Investigation

Upon receipt of information concerning any type of alleged workplace violence or threat of violence, a member of the Office of Campus Safety in consultation with the Human Resources department will initiate an initial investigation to determine if the circumstances fall within the purview of the Workplace Violence Prevention Policy and shall advise the worker and/or supervisor if:

- The matter should be dealt with through other university procedures such as a collective agreement or the UOIT Harassment and Discrimination Policy;
- The matter is not within the jurisdiction of the University (e.g. Criminal Code offences, civil wrongs and remedies to be sought in the Courts); or
- On preliminary review, the report/complaint cannot be supported or substantiated under the Policy.

When the University is aware that a criminal investigation by the police has been initiated, the Office of Campus Safety will act as a liaison to ensure that any actions taken by the University do not impede the criminal process.

Resolution: If the Human Resources department is of the opinion that an informal resolution of the matter is possible and appropriate, informal intervention or mediation may be attempted by a supervisor, or other member, as assigned by the Human Resources department. In such cases the Human Resources staff member shall meet with the workers involved and attempt to effect

a settlement of the issues between them. Any resolution of issues between parties through this process shall be purely voluntary.

When a resolution is achieved, it shall remain confidential, be documented and filed within confidential policy investigation files (not within worker files) and the issue will be considered resolved.

6.2 Formal Investigation of Workplace Violence Reports

After an initial investigation is conducted, the Director of Human Resources, may determine that the report/allegation(s) of workplace violence, requires a formal investigation. The Director of Human Resources may determine a formal investigation is required if, after the initial investigation, any of the following areas of concern are identified:

- Involves violations of the Criminal Code of Canada or other federal or provincial statutes;
- Poses a threat to the safety of university workers;
- Reduces the security, health or safety of university workers in the workplace;
- Would have an adverse effect on working conditions at UOIT; and/or
- Warrants disciplinary action.

An investigator will be assigned by the Director of Human Resources to investigate the allegation/situation. The University reserves the right to retain such expert advice and services including the services of an external investigator when, in the opinion of the University, the circumstances of the complaint warrant such action. The process of investigation in such cases shall be determined by the investigator.

The investigator will interview the person making the report, any complainant, any alleged respondent and any witnesses who may possess facts pertinent to the report/allegation. The investigator will be provided access to any documentation and/or physical evidence that may be pertinent to the report/allegation.

The investigator will prepare a Draft Investigative Report which will be provided to any complainant and any respondent worker. These parties will have five working days to provide the investigator with any perceived corrections or additions to the description of facts, allegations or responses. After the five working day period for receipt of such responses, the investigator will make such other inquiries as he/she sees fit and prepare a Final Investigation Report. The Final Investigation Report will be provided to the Director, Office of Campus Safety, the Vice President Human Resources and Services, any complainant and any respondent.

Upon receipt of the Final Investigation Report, the Vice President Human Resources and Services shall prepare a Determination Report that will describe what actions, if any, are required to achieve compliance with the Policy in respect of the report/complaint including but not limited to: education, counselling, sanction, discipline and/or redress, directive(s) on future behaviour and changes in practice and/or procedure. The Determination Report will determine the disposition of the matter and will be provided to any complainant and any respondent.

6.2.1 Interim Measures

In some cases, measures may be put in place to separate parties during an investigation. In all cases such measures will be in accordance with the relevant agreement documenting the relationship between that worker and the University.

6.2.2 Remedies and Penalties

A worker who is found to have engaged in workplace violence will be subject to disciplinary action, up to and including the termination of his/her employment.

A student who is found to have engaged in violence will be subject to remedies and penalties under the Student Code of Conduct. A student worker will be subject to this policy and procedure, and relevant collective agreements. A person who is not a student or a worker who is found to have engaged in violence will be subject to penalties that are appropriate in view of their relationship to the University. Criminal conduct may be subject to action under Canada's Criminal Code or other statutes.

6.3 General Procedures

6.3.1 Confidential Information and Disclosure

- Throughout these procedures, all information collected remains confidential, except when disclosure is necessary to protect workers from physical injury, to implement these procedures, or to fulfill legal requirements.
- All collection, use and disclosure of personal information will be carried out in accordance with the Freedom of Information and Privacy Protection Act (FIPPA). The University will share personal information related to workplace violence as appropriate. Supervisors should seek guidance from Human Resources.

6.3.2 In all cases, initial and formal investigations will be consistent with the relevant collective agreement, employment policy, student policies, and/or other agreements documenting the relationship between that worker and the University, as well as the OHSA.

6.3.3 Situations not involving a student or worker will be investigated by UOIT Office of Campus Safety in accordance with security policies and procedures.

6.3.4 Situations involving persons who work at UOIT for a third party contractor will generally be jointly managed by UOIT Campus Security, the UOIT department that is responsible for the contract and the contract company.

6.3.5 Duty to Warn: If a worker with a history of violent behaviour presents a threat of workplace violence and a community member can be expected to encounter that person in the course of his/her work or study, and the risk of workplace

violence is likely to expose the community member to physical injury, then the University will provide information to the appropriate community member(s) about that risk.

- 6.3.6 Reprisals: There will be no reprisals against persons who raise issues under this program in good faith.
- 6.3.7 Bad Faith Use of the Policy: There may be penalties or sanctions outlined in various policies for making vexatious complaints of workplace violence, or making such complaints in bad faith.

7.0 ASSESSING AND MANAGING RISKS OF WORKPLACE VIOLENCE

The University has in place many measures and procedures for controlling risks that arise from the nature of the workplace, the type of work, or the conditions of the work. The risk assessment process will be managed by the Vice President Human Resources and Services.

The purpose of the risk assessment is to identify risk that may expose a worker to physical injury. The risk assessment takes into account both circumstances that are specific to our workplace and circumstances that would be common to similar workplaces.

When risks of workplace violence are identified, the University will put into place responsive measures and procedures to control such risks.

The results of risk assessment will be provided to the Joint Health and Safety Committee.

8.0 TRAINING AND AWARENESS PROGRAM

UOIT provides various training programs related to personal and workplace safety through the Human Resources department. Information about workplace violence prevention and response, including training programs, is available on the UOIT Health and Safety Website (<http://healthandsafety.uoit.ca/>).

9.0 RESPONSIBILITIES

Details about the roles and responsibilities of each member of the UOIT community to prevent and respond to workplace violence are set out below. It is not an exhaustive list of duties, but is intended to provide community members with a general understanding of their role and the role of others in preventing and responding to workplace violence.

9.1 Workers

Workers share the responsibility for ensuring that their work environment is free from physical violence, including threats and attempts of physical violence, by:

- Refraining from acts of violence;
- Treating all students, workers and members of the public with respect and dignity;
- Reporting to supervisors any concerns or incidents that occur in the workplace;

- Reporting to their supervisors situations that occur outside of the workplace that may affect workplace safety (e.g., instances where court orders have been issued or threats made by others); and
- Co-operating fully and honestly in any investigation.

9.2 Supervisors

The term “supervisor” as used throughout this document refers to workers with supervisory responsibilities such as managers, supervisors, chairs, directors, deans, senior directors, faculty members and instructors, principal investigators, etc.

Below is a list of supervisors’ responsibilities in various situations.

- When a supervisor becomes aware, directly or indirectly, of a threat, an attempt or an incident of physical violence, he/she must act in accordance with this Procedure. He/she is responsible for assessing situations, making judgments and responding to reports of, or knowledge of, workplace violence.
- When a supervisor becomes aware of or suspects that a victim or threatened victim of violence is reluctant or unwilling to report their circumstances as required by the Workplace Violence Prevention Policy, the supervisor has an obligation to do so.
- If a supervisor becomes aware of, or reasonably suspects that, domestic violence has occurred that might expose a worker or workers to the possibility of physical injury in the workplace from a person with a history of violent behaviour, she or he must take every step reasonable in the circumstances to protect all potentially affected workers. This may include sharing personal information as necessary to reduce the risk of harm to any worker.
- A supervisor may advise a worker to contact the Office of Campus Safety or police or, alternatively, may decide that the circumstances warrant the supervisor making such contact directly.
- Supervisors are responsible for ensuring that measures and Workplace Violence Prevention Procedure are followed and members of the university community have the information they need to protect themselves.

9.3 UOIT Joint Occupational Health and Safety Committee

The University has a Joint Health and Safety Committee (JHSC) as required by the Occupational Health and Safety Act (OHSa). The role of each JHSC in accordance with the OHSa is to:

- Inspect the physical conditions of the workplace.
- Make recommendations for the improvement of the health and safety of workers.
- Recommend the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of workers.
- Follow the existing procedures for reporting any physical aspects of the work or workplace that are identified in inspections as ones from which risks of workplace violence may arise.

- Report immediately any incident of workplace violence (including an attempt or threat and including domestic violence that may flow into the workplace) of which the committee or any of its members become aware directly to the Office of Campus Safety, and the committee co-chairs. Upon receipt of the report, the management co-chair of the JHSC will immediately forward this issue to Human Resources and the relevant supervisor.
- Collaborate with appropriate stakeholders on campus in order to provide appropriate training on matters relating to workplace violence.

9.4 Human Resources

UOIT's Human Resources department is responsible for:

- Responding to information, complaints and reports about Workplace Violence that are brought directly to Human Resources staff.
- Working with the Office of Campus Safety to complete and facilitate initial investigations under this Procedure.
- Determine the need for, and provide for the conduct of, formal investigations under this Procedure.
- Ensuring that risk assessments are performed as necessary.
- Ensuring that appropriate training is provided as required.
- Connecting workers with appropriate victim support services.

9.5 Office of Campus Safety

The Office of Campus Safety is responsible for responding to, investigating and taking the immediate measures necessary for reported acts of workplace violence and for taking reasonable steps to ensure the general safety of workers associated with the occurrence and others that may be affected.

9.6 University

9.6.1 Victim Support

The University will provide appropriate support services to workers and students who are victims of workplace violence. This may include the creation of a personal safety plan through the Office of Campus Safety, the provision of worker counselling through the Employee Assistance Program administered through the Human Resources department and/or referral to the Victim Service Unit of Durham Regional Police Services.

9.6.2 Institutional Initiative

The University has an obligation to provide a violence-free working environment. Accordingly, the University may act on information that has come to its attention, whether or not a complaint has been made.

10.0 DEFINITIONS

direct communication – May include verbal threats or gestures made in person.

domestic violence – A pattern of behaviour used by one person to gain power and control over another person with whom he or she has or has had an intimate relationship. This pattern of behaviour may include: physical violence; sexual, emotional, and psychological intimidation; verbal abuse; stalking; and criminal harassment.

emergency - An immediate concern that physical violence will occur or has occurred.

worker - Any person who has an employment relationship with the University.

indirect communication – May include communication that is electronic (e.g. text message, e-mail, social-network site), written (cards, letters), via third person (relay message, delivery), via telephone or fax, or any other means.

supervisor – Workers with supervisory responsibilities with respect to other workers. Supervisors include but are not limited to: managers; supervisors; chairs; directors; deans; senior directors; faculty members; and instructors.

non-emergency situations – Any situation in which it is unlikely that physical violence will result immediately.

university community - Includes workers, students, members of the Board of Governors, members of standing and ad hoc committees established by the institution, members of societies and associations that have a direct relationship to or are under the authority of these institutions, contractors, service providers, researchers and visitors, including invitees, guests or persons who have no ongoing connection to the institution but are on campus.

workplace – Any university building or property where any worker is present, for the purpose of employment, or any other location in which work activities occur. This may include university-related social functions, athletic events in the course of work, off-campus employment-related field trips or employment-related travel or professional development.

workplace violence – Defined under the Occupational Health and Safety Act as follows:

- 2.1.3.1 The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;

- 2.1.3.2 An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;
- 2.1.3.3 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.

11.0 REFERENCES

This document was drafted with reference to the following documents:

- UOIT Workplace Violence Prevention Policy
- UOIT Health and Safety Policy
- Workplace Violence Incident Report
- The Criminal Code of Canada
- Occupational Health and Safety Act
- UOIT Occupational Health and Safety Management System
- UOIT Harassment and Discrimination Policy
- UOIT Harassment and Discrimination Procedure
- UOIT Student Conduct Policy
- UOIT-Durham College Threat Assessment Procedures