



<b>Policy Title</b>	Workplace Violence Policy
<b>Issued By</b>	Office of the President
<b>Contact</b>	Director of Human Resources
<b>Approved By</b>	President, Brescia University College
<b>Effective Date</b>	November 10, 2023
<b>Last Review</b>	January 2021
<b>Next Review</b>	November 2024

## **PURPOSE**

Brescia University College (Brescia) is committed to providing a working environment that is safe from all forms of violence, including domestic violence. Accordingly, Brescia will not tolerate acts of workplace violence. Any allegations of workplace violence will be investigated promptly and appropriate action will be taken, which may include the discipline of offenders up to and including termination. The purpose of this policy is to ensure that all parties understand their roles and responsibilities in regard to preventing workplace violence.

## **APPLICABILITY**

This policy applies to the Brescia community, which for the purposes of this policy includes all persons working for Brescia, including but not limited to managerial, supervisory, full-time and part-time staff, as well as to all students registered or attending classes at Brescia or living in a Brescia residence, members of Brescia Boards and committees, members of the Alumnae Council, the Ursuline Sisters, the Mother St. Anne Lachance Society and students of Western University or affiliates while they are at Brescia.

Other individuals providing services or conducting research on Brescia grounds, contractors, volunteers, visitors or guests to Brescia are also expected to adhere to this policy and to conduct themselves while at Brescia or conducting any Brescia-related activity, in a manner consistent with this policy. Allegations of workplace violence by such individuals will be dealt with by Brescia and, if substantiated, may be considered a breach of contract or affect the person's right to be present at Brescia or to participate in any of its activities.

## **RELATIONSHIP TO OTHER POLICIES**

Some behaviours that are defined as workplace violence under this policy can also constitute discrimination and harassment and/or sexual violence under the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*. As such, Brescia's Harassment and Discrimination Policy (and Sexual Violence Policy) may also be applicable.

## **RESPONSIBILITIES**

Administrative and supervisory officers are responsible for communicating to all members of the Brescia community that workplace violence will not be accepted or condoned. Administrative and supervisory officers will make every effort to prevent workplace violence by:

- (i) Identifying those operations or campus locations where workplace violence incidents have occurred or where there is a significant probability that workplace violence, including domestic violence, may occur;
- (ii) Establishing and implementing specific procedures, response plans and other controls where these risks occur or may occur to help minimize or eliminate the risk. The measures shall be reviewed by Brescia community members involved and by the Health and Safety Committee;
- (iii) Where appropriate, providing training and education to employees that will allow them to manage and de-escalate crisis situations that may lead to violence and to establish personal safety measures;
- (iv) Investigating and implementing corrective actions to minimize potential future occurrences;
- (v) Ensuring that employees who are experiencing workplace or domestic violence and/or exhibiting behaviours that may contribute or lead to workplace violence are aware of, and support given to them to attend, the Employee Assistance Program (EAP) or other community services; and,
- (vi) Ensuring that employees who are exposed to a violent or traumatic situations are aware of, and support given to them to attend, the Employee Assistance Program (EAP) or other community services, if appropriate.

Each member of the Brescia community is responsible for creating and maintaining an environment that is free from workplace violence. All employees must work in compliance with this policy. The responsibilities of employees include:

- (i) Not engaging in any behaviour that would constitute workplace violence, including coercion, threat and intimidation;
- (ii) Participating and providing input in regard to the development of workplace violence procedures, response plans and other controls that are proposed or implemented to minimize or eliminate the risk;
- (iii) Attending education and training sessions offered by the employer regarding workplace violence;
- (iv) Where possible reporting all workplace violence incidents to the employee's direct supervisor or departmental head;
- (v) Where possible, advising the employee's supervisor or departmental head that there is a risk of workplace violence in the workplace;
- (vi) Co-operating and assisting with investigations regarding workplace violence incidents;
- (vii) Seeking support and assistance from the Employee Assistance Program (EAP) or other community service when experiencing stress or other personal difficulties that may contribute to workplace violence; and,

- (viii) Seeking support and assistance from the Employee Assistance Program (EAP) or other community service if exposed to a violent or traumatic situation, if appropriate.

Brescia recognizes that a community member experiencing domestic abuse may be reluctant, for safety and other reasons, to disclose the problem to a direct supervisor or departmental head, or other Brescia authority. Brescia encourages disclosure in order to ensure the community member's safety as well as the safety of their coworkers and fellow Brescia community members. Disclosure also enables Brescia to support the community member and provide referrals to appropriate local community resources.

Although Brescia respects an individual's need for confidentiality and self-determination, each Brescia community member is responsible for disclosing any situation which threatens the safety of the workplace. This includes threats an intimate partner or ex-partner has made towards the community member. A community member must inform his or her direct supervisor, departmental head, the Director of Human Resources or the President if they have applied for, or obtained, a restraining order that lists any Brescia location as being a protected area, or that requires a person to remain a certain distance away from the community member at all times.

## **DEFINITIONS**

For the purposes of this Policy:

- a) **Assault**  
An application of force to another person, without that person's consent, or the attempt or threat by act or gesture to apply physical force to another person.
- b) **Domestic Violence**  
Domestic violence is defined as the intentional and systematic use of physical and/or non physical tactics to induce fear, and establish and maintain power and control over the thoughts, beliefs and conduct of another in an intimate/familial relationship. The pattern of behaviour in question may include:
- Physical violence;
  - Emotional/psychological abuse;
  - Verbal abuse; and/or,
  - Stalking.

Brescia recognizes that measures and procedures in this workplace violence program can help protect all Brescia community members from domestic violence in the workplace. As with other instances of workplace violence or harassment, Brescia community members can report their concerns to management if they fear that domestic violence may enter the workplace.

Brescia will investigate and deal with domestic violence concerns on a case-by-case basis. In addition to evaluating a community member's specific circumstances, management will determine how measures and procedures in the existing workplace violence program or other appropriate measures could be used to support the development of reasonable precautions for the community member in question.

c) **Workplace Violence and Workplace Harassment**

Under the *Occupational Health and Safety Act* (“*OHSA*”), 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;
- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.

d) **The Workplace**

For the purposes of this policy, the workplace includes, but is not limited to, all Brescia facilities and worksites, including vehicles, cafeterias, training sessions, business travel, conferences and all locations where the business of the organization is conducted. The workplace also includes all Brescia sanctioned social functions or business performed at any location away from Brescia, whether performed during or outside of normal working hours.

## **RIGHTS AND DUTIES**

### **Brescia community members have a right:**

- (i) To report an incident of violence or file a complaint without fear of retaliation;
- (ii) To be told about Brescia’s process for investigating incidents or complaints;
- (iii) To choose a person to be with them during meetings about the incident or complaint;
- (iv) To get information about the incident or complaint;
- (v) To be treated fairly while the incident or complaint is being investigated;
- (vi) To get information about the action taken by Brescia as a result of the incident or complaint;
- (vii) In the case of Brescia employees, to refuse to work if the worker has reason to believe that workplace violence is likely to endanger himself or herself.

### **Duties of Brescia Community Members:**

- (i) Community members have a duty to report any incidents of violence or harassment they become aware of, even if they are not personally involved;
- (ii) Community members who feel they have been the victim of workplace violence have a duty to communicate clearly to the person by informing them that their behaviour was unwelcome, unless it is unreasonable or unsafe to expect them to do so;
- (iii) Community members who report an incident or file a complaint have a duty to co-operate with any investigation into the incident or complaint.

### **Rights of the Person Accused of Violence:**

A person accused of workplace violence has the right:

- (i) To be told that a report or complaint has been filed;
- (ii) To know who filed the report or complaint, unless Brescia decides that for safety and security reasons, the identity of the complainant should remain withheld;

- (iii) To be told about Brescia's process for looking into the incident or complaint;
- (iv) To choose a person to be with them during meetings about the incident or complaint;
- (v) To be treated fairly during the investigation process.

Throughout this policy, if one of the individuals involved is the President, the Chair of the Board of Trustees would be considered the appropriate individual to be informed and involved in the process described herein. If the Director of Human Resources is involved, then the President will fulfill, or will designate an alternate Brescia authority to fulfill, responsibilities described in this policy and the accompanying process, and failing the President, then the Chair of the Board of Trustees.

## **PROCEDURES**

### **Immediate Action**

Where a community member is the subject of or witness to an incident of workplace violence, the community member should assess the situation and respond appropriately as follows:

- (i) Where an incident of workplace violence or assault has occurred, medical attention should be sought as required;
- (ii) If the situation warrants immediate notification of the police, it should be done directly by the community member affected, any community members who have witnessed the assault or (in the case of an employee) the supervisor. Brescia encourages and supports community members to lay criminal charges where appropriate. Any investigation carried out by the police will be in addition to the investigation conducted by Brescia;
- (iii) Record events as soon as possible. The written record should include a description of the workplace violence, dates, times, locations and the identity of any witnesses to the alleged workplace violence;
- (iv) Employees are responsible for immediately reporting all incidents of workplace violence to their direct supervisors or departmental head. The direct supervisor or departmental head or the Director of Human Resources will conduct a preliminary investigation to assess the incident and the appropriate immediate response;
- (v) It is the responsibility of all members of the Brescia community to ensure that the safety and well-being of the individual(s) involved are attended to immediately.

### **Reporting Workplace Violence**

- (i) When an incident of workplace violence occurs, Brescia will notify the police or emergency responders for immediate assistance where deemed necessary;
- (ii) If the incident results in a person being killed or critically injured, Brescia will immediately notify the Ministry of Labour, Brescia's Health and Safety representative and the Joint Health and Safety Committee within 48 hours.

### **Interim Measures**

Pending the results of an investigation into an alleged incident of workplace violence, Brescia may impose such interim measures as it deems necessary. Interim measures may include relocating the

individual(s) involved, changing reporting structures or placing them on a non-disciplinary suspension with pay pending the outcome of the investigation.

### **Investigation**

Brescia will investigate **all** incidents and complaints about workplace violence promptly and in accordance with the following procedure:

- (i) If the incident or complaint is on human rights grounds, Brescia will follow the **Investigative Process** set out in its **Harassment and Discrimination Policy**;
- (ii) If the incident or complaint is related to harassment, or sexual harassment, Brescia will follow the **Investigative Process** set out in its **Harassment and Discrimination Policy**;
- (iii) An incident report or a complaint must be in writing and signed by the person filing the report or making the complaint, unless this is unreasonable or impracticable. The report or complaint should be given to a manager or supervisor;
- (iv) If the report or complaint is about a manager or supervisor it may be given to any Brescia employee with managerial authority or directly to the Director of Human Resources or the President. If the issue involves the President, the Chair of the Board of Trustees may refer the matter to an external investigator;
- (v) Brescia will designate a person to investigate the incident or complaint. Brescia reserves the right to designate an external investigator.
- (vi) The investigation into the incident or complaint may include interviews with the parties and any others who may have knowledge of the incident or complaint. The investigation may include a review of Brescia's files and inspection of parts of Brescia's workplace, as necessary.
- (vii) Upon completion of the investigation, the designated investigator shall submit a written report to the Director of Human Resources, and may recommend whether or not disciplinary action is required.
- (viii) Human Resources will consider the report and take the appropriate action where there is evidence of workplace violence. Possible disciplinary actions include:
  - A letter of apology or a performance agreement, if the complainant and respondent agree;
  - Require the introduction of information or education sessions for the respondent(s) or a particular group;
  - Mediation between the parties or mandatory counselling;
  - Proceedings to remove someone from a managerial position or from the workplace altogether, if the perpetrator is a Brescia employee or works for Brescia;
  - Reprimand, suspend or dismiss the perpetrator if the perpetrator is a worker;
  - Establish appropriate security measures as part of the workplace violence and harassment program;
  - Re-train any offenders on workplace violence.

### **Domestic Violence**

Brescia shall take every precaution reasonable in the circumstances to protect community members from domestic violence that would likely cause physical injury to community members in the

workplace. Brescia's obligation shall arise as soon as an employee or managerial staff member is aware, or ought reasonably to be aware, of the occurrence of domestic violence against or in respect of a community member in the workplace.

Brescia shall ensure that all managerial staff are familiar with, and trained on, signs or observable behaviour that may indicate domestic abuse and encourage employees to review the actions that they can take to minimize risks.

Each managerial staff member shall take appropriate action, when they reasonably suspect or confirm that a community member is a victim of domestic violence, including reporting their observations immediately to Human Resources.

### **Work Refusals**

Any employee of Brescia has the right to refuse work where he/she has reason to believe that he/she is in danger of being a victim of workplace violence.

In the event that an employee refuses work on these grounds, the normal health and safety work refusal process will be triggered.

### **Disclosure of Persons with A Violent History**

Brescia and its managerial staff shall provide information, including personal information, to a community member about a person with "a history of violent behaviour" if:

- The community member could be expected to encounter that person in the course of his/her work; and,
- There is a risk of workplace violence likely to expose the community member to physical injury.

### **Restraining Orders, Etc.**

Although Brescia respects a community member's confidentiality, a community member is responsible for disclosing any situation which threatens the safety of the workplace. This includes threats that an intimate partner or ex-partner has made towards the community member.

A community member must inform his or her direct supervisor, departmental head, the Director of Human Resources or the President if they have applied for, or obtained, a restraining order that lists any Brescia location as being a protected area, or that requires a person to remain a certain distance away from the community member at all times.

Where a complaint of workplace violence is substantiated, a formal record of the action taken will be placed in the respondent(s)'s personnel file or record.

### **RETALIATION/REPRISAL**

All persons to whom this policy applies have a right to be free of retaliation and/or reprisal or threat of retaliation and/or reprisal as a result of being involved in a complaint of workplace violence.

Retaliation will be deemed to be a breach of this policy and/or Brescia University College's Harassment and Discrimination Policy.

### **MALICIOUS AND VEXATIOUS COMPLAINTS**

If, as a result of an investigation, it is determined that an otherwise unfounded complaint of workplace violence was intended to be malicious, it will be considered a form of violence and/or harassment and will be dealt with in accordance with this policy and/or Brescia University College's Harassment and Discrimination Policy.

### **CONFIDENTIALITY**

Brescia understands that it may be difficult to come forward with a complaint of workplace violence and recognizes that a complainant and/or a respondent may wish to keep the matter confidential. To protect the interests of the complainant, the respondent and any others who may report incidents of workplace violence, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

All records of complaints, including minutes of meetings, interviews, results of investigations and other relevant material will be kept confidential by the Director of Human Resources and/or investigator except where disclosure is provided for by this policy or is necessary to conduct an investigation and to take remedial and/or disciplinary action in relation to the complaint, or as may be ordered be disclosed pursuant to a legal proceeding.

### **EMPLOYEE TRAINING**

Brescia shall provide training, information and instructions on the contents of this Policy and program with respect to workplace violence to all existing employees **within 90 days of the implementation of this policy.**

Brescia shall provide training on this Policy and Program to all new employees within 90 days of their hire.

### **COLLABORATION WITH JHSC**

This policy has been drafted in collaboration with Brescia's Joint Health and Safety Committee.

The JHSC/Health and Safety Representative has been afforded the opportunity to provide input into this Policy.

### **REVIEW**

This policy will be reviewed by Brescia **at least once per calendar year**, or as often as necessary to address workplace needs and/or amendments to this Policy as may be required from time to time.

Reviews shall be conducted in collaboration with the Joint Health and Safety Committee.

**Reviewed: November 2023 by Brescia Human Resources, Brescia JHSC**