

WORKPLACE VIOLENCE

Approved by: Academic Coordinating Committee

Authorizer: Director, Safety and Security

Reference Code: OSP-027 / O17 V2

Effective Date: 1/26/2011

PROCEDURE STATEMENT:

Conestoga believes in the prevention of violence and promotes a violence-free workplace in which all people respect one another and work together to achieve common goals. Any act of violence committed by or against any member of our workplace or member of the public is unacceptable conduct that will not be tolerated.

The purpose of this procedure is to ensure that:

- Individuals are aware of and understand that acts of workplace violence and harassment are considered a serious offence for which necessary action will be imposed;
- Those subjected to acts of workplace violence are encouraged to access any assistance they may require in order to pursue a complaint; and
- Individuals are advised of available recourse if they are subjected to, or become aware of, situations involving workplace violence.

SCOPE:

This procedure is intended to protect all individuals including employees, students, visitors, etc., and applies to all activities that occur while on Conestoga premises or while engaging in business, activities or social events

DEFINITIONS:

a) Workplace Violence

- 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; or
- A statement or behavior 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.

b) Workplace Harassment

- Engaging in a course of vexatious comment or conduct against a workers in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonable to e known to be unwelcome, or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

c) Weapon

- anything used, designed to be used or intended for use in causing injury; or
- anything used, designed to be used or intended for use for the purpose of threatening or intimidating any person.

d) Retaliation/Reprisal

Includes any adverse action against another person for reporting violence under the procedure, for participating/cooperating in any investigation under this procedure or for associating with someone who has either reported violence or participated/cooperated in this procedure.

RESPONSIBILITIES:

Employer

- a) Investigate reported incidents of workplace violence in an objective and timely manner;
- b) Take the necessary action to respond to those incidents; and
- c) Provide support for complainants.

Supervisor

- a) Develop workplace assessments that minimize the risk of workplace violence;
- b) Promote a non-violent workplace;
- c) Ensure this procedure is explained to all employees that you supervisor or manage;
- d) Identify training needs for employees;
- e) Ensure employees understand who to contact regarding concerns about the procedure or when reporting an incident; and
- f) Enforce this procedure.

Employees

- a) Understand and comply at all times with the requirements of this procedure for maintaining a safe campus environment;
- b) Report incidents of violence; and
- c) Participate and cooperate fully in an investigation, should an incident of violence occur.

Security Services

- a) Respond immediately to all calls for assistance associated with violence or violent behavior;

- b) Investigate allegations of violence, in consultation with the Director of Safety and Security and the Occupational Safety Supervisor;
- c) Initiate appropriate response to an incident of violence; and
- d) Assist the Occupational Safety Office with the development and maintenance of reporting and investigating with regard to this procedure.

Occupational Safety Office and Director of Safety and Security

- a) Oversee the administration and coordinate responsibilities under this procedure;
- b) Escalate incidents of violence to coordinating committees; eg., Threat Assessment Team;
- c) Develop and maintain current reporting and investigation procedures relating to this procedure;
- d) Assist with the facilitation of training for employees;
- e) Review this procedure annually; and
- f) Ensure this procedure is posted.

PROCEDURE ELABORATION:

Conestoga is committed to providing a safe campus environment that is free from violence. Every person is expected to contribute to the development of a safe campus environment by behaving in acceptable ways at all times and discouraging offensive behaviour of others. Every person has the right and responsibility to communicate concerns and cooperate in efforts to resolve concern.

- a) All Conestoga employees are responsible for notifying their supervisor of any threats which they have witnessed, received, or have been told that another person has witnessed or received, including those related to partner violence. If an emergency exists and the situation is one of immediate danger, employees shall contact Conestoga Security, where available, and local emergency services by dialing 911, and take whatever emergency steps are available to protect themselves from immediate harm, such as leaving the area.
- b) Even without an actual threat, employees should report any behaviour they have witnessed which they regard as threatening or violent, when that behaviour is job related or might be carried out on Conestoga property.
- c) Employees are responsible for making a report regardless of the relationship between the individual who initiated the threat or threatening behaviour and the person or persons who were threatened or were the focus of the threatening behaviour.
- d) If a manager or supervisor is not available, employees should report the threat to Security Services and complete the Safety Concern Report Form.

e) Any person who makes substantial threats, exhibits threatening behaviour or engages in violent acts on Conestoga premises shall be removed from the property as quickly as safety permits, and may be asked to remain away from Conestoga premises pending the outcome of an investigation into the incident.

f) People who commit these acts of violence outside the workplace, but which impact the workplace, are also violating this procedure and will be dealt with appropriately.

g) Where Conestoga becomes aware of an incident of violence which occurs on Conestoga property or in connection with an activity and function conducted off Conestoga property including employment, educational, or business dealings and field placements, social events or meetings, the incident will be promptly acted upon and investigated.

h) Students alleged to have contravened this procedure will be subject to the Conestoga Student Code of Conduct.

i) Retaliation/reprisal is contrary to this procedure and, upon awareness, any allegation of retaliation/reprisal will be acted upon.

j) Vexatious or bad faith allegations include any allegation of violence made against a person knowing such allegation to be false or an allegation of violence made or a report of violence submitted against a person for purely frivolous, malicious or vindictive purpose. Vexatious or bad faith allegations are contrary to this procedure.

k) Where an offender is not a Conestoga employee or student, Conestoga may take such action as is reasonable in the circumstances and permitted by law.

l) Confidentiality with respect to reports of violence will be maintained to the extent possible, having regard to the circumstances giving rise to the report and subject to Conestoga's obligation to conduct a thorough investigation.

m) Parties and witnesses to an investigation of violence are expected to keep information discussed confidential. Unwarranted breaches of confidentiality will result in disciplinary action.

REFERENCES:

- a) Criminal Code of Canada
- b) Occupational Health and Safety Act

- c) Ontario Freedom of Information and Protection of Privacy Act
- d) Ontario Trespass to Property Act.
- e) OSP-032 Work Refusal Procedure
- f) OSF-032 Work Refusal Report Form
- g) OSP-002 Statement of Responsibilities
- h) OSF-0024 Safety Concern Report Form
- i) HR Workplace Harassment Procedure
- j) O33 V1 Conestoga College Sexual Assault and Sexual Violence Policy
- k) O34 V2 Sexual Assault and Sexual Violence Procedure

REVIEW LOG:

As owner of this Procedure, I certify that the Workplace Violence Procedure is appropriate and provides an up-to-date framework in which decisions can be made and implemented.

Kirsty Bradley-McMurtrie

August 1, 2016

Kirsty Bradley-McMurtrie,
Director, Security Services

Date

REVISION LOG:

Revision Date Summary of Changes

January 2011 Procedure Developed

August 2016 Procedure updated to include new OHS definitions: Section 3.0 adjusted.

Related documents adjusted to new policy reference numbers