

Respect in the Workplace: Violence & Harassment



**Hamilton
Conservation Authority**

Healthy Streams...Healthy Communities!

Introduction

We would all like to think ourselves as safe at work, however, wherever people interact there is a chance of violence and harassment.

It is a fact that *1 in 5* violent incidents occur at work (Stats Canada, Feb 2007).

Conservation Authorities across Ontario are committed to providing a work environment in which all individuals are treated with respect and dignity.

Our goal is to provide a safe and healthy work environment that is free of any form of harassment or violence.



The Ontario Occupational Health & Safety Act

As of June 15, 2010, the Ontario Occupational Health & Safety Act (OHSA) formally recognizes and defines:

- Workplace Violence
- Workplace Harassment



The Ontario Ministry of Labour states that:

“everyone should be able to work without fear of violence, in a safe and healthy workplace”.

Workplace violence and harassment are therefore health & safety issues and must be reported and documented. Workplace violence and harassment is considered to be serious misconduct and any employee will be subject to discipline, up to and including termination.

Workplace Violence

Definition

- A. the **exercise of physical force** by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- A. an **attempt to exercise physical force** against a worker, in a workplace, that could cause physical injury to the worker;
- A. a statement of behaviour that 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

**Threat, Attempt, or Use
of Violence**

Examples of Workplace Violence

- **Physically threatening behaviour**

-> shaking a fist at someone, finger pointing, destroying property, throwing objects

- **Verbal or written threats** to physically attack a worker
- **Leaving threatening notes** or sending threatening emails
- **Wielding a weapon** at work
- **Stalking** someone
- **Trying to run down a worker** using a vehicle or equipment
- **Inciting a dog to attack** a worker
- **Physically aggressive behaviours**

-> hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, physically restraining someone, any form of physical or sexual assault



What if a worker is accidentally pushed or hurt?

Accidental situations, such as a worker or visitor tripping over an object and pushing a worker or co-worker as a result, are *not meant to be included*.

Sources of Workplace Violence

Acts of workplace violence can be committed by anyone, including:

- Customers, clients or visitors
- Contractors
- Strangers or people with no ties to the workplace
- Other employees
- Intimate relationships outside of work (such as intimate partners and family, see domestic violence below)

Domestic Violence

Under the OSHA, “if an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury that may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.”

Therefore if you are experiencing domestic violence that would likely expose you, or other workers, to physical injury that may occur in the workplace, you should **tell your supervisor.**

Workplace Harassment

Definition

“Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known as unwelcome.”

Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code, but it does not have to.

Workplace harassment may have some or all of the following components:

- It is generally repetitive, although a single serious incident may constitute workplace harassment;
- It is hostile, abusive or inappropriate;
- It affects the person’s dignity and
- It results in a poisoned work environment

In addition, behaviour that intimidates, isolates or discriminates against a worker may also be included.

What is considered Workplace Harassment?

Workplace Harassment includes:

- Verbally abusive behaviour
 - yelling, insults, ridicule, name calling, jokes/remarks that demean, intimidate or offend
- Workplace pranks, vandalism, bullying and hazing
- Gossiping or spreading malicious rumours
- Bullying
- Displaying or circulating offensive pictures or materials in print or electronic form
- Repeating offensive or intimidating phone calls or emails
- Inappropriate advances, suggestions or requests
- Providing only demeaning or trivial tasks in place of normal job duties
- Undermining a worker's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a person to do their job
- Sabotaging someone else's work



What is NOT considered Workplace Harassment?

Reasonable action or conduct by an employer, manager or supervisor that is part of his or her normal work function would not normally be considered workplace harassment. *This is the case even if there are possible unpleasant consequences for a worker.* Examples include:

- Changes in work assignment or schedule
- Measures to correct performance deficiencies
- Imposing discipline for workplace infractions
- Requesting medical documents in support of an absence from work
- Implementation of dress codes

Difference of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment.

In addition, any behaviour that would meet the definition of workplace violence would not be considered to be workplace harassment. However, it is important to be aware that *workplace harassment may escalate over time into threats or acts of physical violence.*

The Test of Harassment

It does not matter whether you intended to offend someone.

The test of harassment is **whether you knew or should have known that the comment or conduct was unwelcome to the other person.**

E.g., someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case you must *immediately stop* that behaviour.



Similar to Workplace Violence, Workplace Harassment may come from many different sources including; customers, clients, visitors, other employees, contractors, strangers or people with no ties to the workplace.

Effects of Violence and Harassment

Harassment and violence at work can damage an employee's confidence, morale, motivation and mental or physical health causing them to be less productive, effective or engaged and may lead to acts of physical violence in the workplace.

Employee and Family Assistance program (EFAP)

The Hamilton Conservation Authority provides access to free assistance for employees and their immediate family, who are experiencing any sort of personal or family problems.

The counselling service is strictly confidential – no reports or records are sent to the Conservation Authority. Using the EFAP will not jeopardize any employee's job or future.

The assistance is on a self referral basis and the employee makes the call for an appointment with the EFAP counsellor.

The HCA provides EFAP services through ComPsych.

Call toll-free, 24 hours a day, 7 days a week 1- 844-814-2415

What may increase my risk of experiencing Workplace Violence?

Handling cash – workers who handle cash, such as gate staff or food concession cashiers, might become a target for theft or loss.

If You Handle Cash:

- Be aware of people around you.
- Try not to count cash in public view
- Put personal safety ahead of money -- if you are being robbed, do not argue or fight
- Go along with the demands of the robber and give him/her all the cash or merchandise they want
- Do not attempt to apprehend or chase the robber
- Call police immediately after robber has left



**Don't be a
HERO!**

What may increase my risk of experiencing Workplace Violence?

Working alone or in small numbers – workers required to work alone or with very few other workers such as a lone employee to lock up park gates at dusk.

Working early in the morning or late at night when it is dark outside and/or there are fewer people around.

Carrying out security or enforcement duties

Working in isolated properties or buildings



What may increase my risk of experiencing Workplace Violence?

Working with the public

If You Work with the Public:

Listen carefully, use active listening:

eg. “yes sir, I understand you are upset about this issue”

If you encounter a threatening situation with a patron or non- co-worker, respectfully and safely:

**Remove yourself from the situation
&
Call your supervisor**



Prevention

Prevention is the First Priority

Violence or abuse is not part of any job. Every effort should be made to avoid a potentially violent situation.

Top Five Violence Prevention Tips:

1. Be prepared; know the risks
2. Trust your instincts
3. Be ready to respond
4. Remain calm
5. Report all incidents

Prevention

In General Do:

- Be polite and friendly to all co-workers, customers, clients and contractors
- Listen and respond calmly in all discussions you have
- Steer anger away from you – explain that you are following procedure or laws
- Encourage angry individuals to speak to your supervisor

In General Don't:

- Trade insults or react to rage
- Take complaints personally
- Try to physically stop or hold anyone
- Fight

Tips for Dealing with a Potentially Violent Person:

- **Encourage the person to talk.**

 - Ask questions that require a lengthy explanation as this can defuse the intensity of the interaction. Do not tell the person to relax or calm down.

- **Look at the person when they are talking.** Do not look away as if disinterested.

- **Speak simply.** Do not rely on official language or complex terminology

- **Try to understand. Ask questions.**

 - Make statements like “help me understand why you are upset”.

- **Acknowledge the person’s feelings.** Indicate that you can see he or she is upset.

- **Do not pose in a challenging stance,**

 - such as standing directly opposite someone, putting your hands on your hips, pointing your finger, waving or crossing your arms.

- **Use calm body language** with a relaxed posture and hands unclenched.

- **Do not glare or stare** at a potentially violent person as this may be perceived as a challenge.

- **Give the person enough physical space.**

 - This varies by culture, but normally 2 – 4 feet is considered an adequate distance

What to do if you are Attacked

- **Make a scene, yell or scream as loud as possible.**
Try shouting words like STOP, FIRE or HELP
- If you are being pulled along or dragged, fall to the ground and roll
- If you have a radio use it or hold the talk button down so other employees can hear and assist or use your cell phone if you have one
- Run to the nearest safe place
- Call 911 if needed
- As soon as possible, report the incident to your supervisor



Procedure for Resolving & Investigating Workplace Violence & Harassment

In general, all employees are required to **report the existence or threat** of workplace violence/harassment to your supervisors or another designated person or committee either verbally or in writing using a special report form.

This individual or committee will start an investigation as quickly as possible and prepare a report of the findings.

Right to Refuse Work

Under the OHSA, employees can refuse to work where “workplace violence is likely to endanger” a worker. In that instance please immediately contact your supervisor at which point appropriate measures will be taken to protect you and investigate the situation.

You will be moved to a safe place as near as reasonably possible to your normal work station and will need to be available to the employer or supervisor for the purposes of the investigation. You may be provided with reasonable alternative work during normal working hours.

Work cannot be refused on the grounds of workplace harassment.

What to do if you are experiencing Workplace Harassment

The first thing to do is to **tell the person to stop.**

→ Do so as soon as you receive any unwelcome comments or conduct.

Telling the person you don't like their actions is often enough to stop the behaviour.

Ignoring the situation rarely makes it better.

Do not blame yourself or feel guilty as you are not responsible for the behaviour of others.

Some suggestions of what to say include:

“I don't find it funny when you say or do...”

“It makes me uncomfortable when you say or do...”

“Please stop saying or doing....”



What to do if you are experiencing Workplace Harassment

Document your conversation including the date and time and any witnesses as this will help if an investigation process becomes necessary.

If the harassment continues after you have advised the individual to stop, you should report the situation to your supervisor.

It is understood that some victims of harassment are reluctant to confront their harasser and they may fear retaliation . They may also fear lack of support from their work group or disbelief by others. If this is the case, the incident should be brought to the attention of your supervisor, another manager or Human Resources.

What if a finding of Workplace Violence of Harassment is made?

If a finding of workplace violence or harassment is made, the Conservation Authority will take appropriate corrective measures.

Corrective measures may include one or more of the following:

- Discipline, such as verbal or written warning or suspension without pay
- Termination with or without cause
- Referral for counselling (sensitivity training, anger management training, supervisory skills training or similar training)
- A demotion
- Reassignment or transfer
- Any other disciplinary action deemed appropriate under the circumstance

If you make a complaint in good faith, regardless of the outcome of the investigation, you will not be subject to any form of discipline.

The Conservation Authority will discipline or terminate anyone who brings forward a false and malicious complaint.

Employee Responsibilities

- Embrace a violence and harassment-free workplace and refrain from engaging in any harassing, threatening or violent behaviour
- Be an attentive participant in all training that is required and provided
- Immediately report any incidence of violence or threat of violence towards yourself, or one that you witness, to either your immediate supervisor, the director of your department or the committee as per your Conservation Authority's policy
- Cooperate with police and all other people or agencies involved in an investigation



Supervisor Responsibilities

- **Assess the risk** of violence to employees in their areas of responsibility
- **Minimize those risks** where necessary or reasonably possible
- **Inform employees** of any known risk of violence they will encounter in their work
- **Train employees** to recognize the potential for violence
- **Ensure** that employees follow policies and procedures to minimize risk
- **Respond to all incidents** appropriately and confidentially
- **Ensure that medical attention is provided** where required to anyone involved in an incident of violence
- **Secure** the safety of employees
- **Report and document** all reported incidents
- **Do not react negatively** against employees for reporting workplace violence or harassment
- **Lead by example!** As a leader, it is important that you engage in behaviour that is fair and harassment free

Role of the Ministry of Labour and the Police

The Ministry of Labour health and safety inspectors may check to ensure employers, supervisors and workers are complying with the workplace violence and harassment requirements. They may do this as part of a general inspection of a workplace or when investigating a specific complaint or incident.

Inspectors may issue written orders to comply with the act when contraventions of the Occupational Health & Safety Act are found.

The Ministry may also prosecute an employer, supervisor or worker if a contravention is found or if they have failed to comply with an order of an inspector.



Role of the Ministry of Labour and the Police

Police may also investigate violent incidents and complaints. Canada's Criminal Code deals with matters such as violent acts, threats and behaviours such as stalking.

It is not the role of Ministry inspectors to resolve or mediate specific allegations of harassment in the workplace. Employers are responsible for investigating and dealing with incidents and complaints of workplace harassment. They are also responsible for making decisions on what steps, if any, should be taken as a result.

A worker may also seek resolution of a workplace harassment incident or complaint outside of a Conservation Authority's procedure, such as contacting the Human Rights Tribunal of Ontario if the alleged harassment is based on one of the grounds prohibited under the Ontario Human Rights Code or seek to resolve harassment issues through civil litigation, depending on the circumstance.



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Thank you.

