



Effective Date: July 1, 2020

Review Date: July 1, 2021

Workplace Violence Policy

1. PURPOSE

The purpose of this policy is to ensure that:

- individuals are aware of and understand that acts of workplace violence are considered a serious offence for which necessary action will be taken by the Ontario Medical Association (OMA);
- those subjected to acts of workplace violence are encouraged to access any assistance they may require in order to pursue a complaint or to participate in any aspect of this policy;
- individuals are advised of available recourse if they are subjected to, or become aware of situations involving workplace violence;
- OMA business is delivered in an environment that promotes the safety and well being of all those giving or in receipt of services at the OMA; and
- all workers are familiar with the definition of workplace violence and their respective duties and responsibilities as per the Occupational Health and Safety Act and in accordance with OMA policies and procedures.

2. SCOPE

This policy applies to all employees, members and visitors (referred collectively as “worker” or “workers”) of the Ontario Medical Association.

3. DEFINITIONS

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 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.

Examples include, but are not limited to,:

- Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects;
- Verbal or written threats that express an intent to inflict harm;
- Physically aggressive behaviours including hitting, shoving, pushing, kicking, etc.
- Any other act that would arouse fear in a reasonable person under the circumstances.

Violence that occurs outside the normal workplace, but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

Domestic Violence: when a person who has a personal relationship with a worker, such as a spouse or former spouse, current or former intimate partner or a family member, physically harms, or attempts or

threatens to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.

4. POLICY STATEMENT

The Ontario Medical Association is committed to providing a working environment free of violence and the risk of violence for all workers and visitors.

The OMA will not tolerate any acts of violence and will take all reasonable and practical measures to prevent and protect workers from violence in the workplace.

All OMA workers are responsible for understanding their roles and responsibilities, such that:

- Everyone in the workplace is dedicated to preventing violence in the workplace and will comply with this policy and supporting legislation;
- Employees are aware of and understand that violence in the workplace will not be tolerated from any person in the workplace;
- Those who are subjected to (or witness) acts of workplace violence should report these acts that threaten or perceive to threaten a safe work environment;
- Employees will participate in applicable training and awareness initiatives;
- Employees are advised of available recourse if they are subjected to, or become aware of, situations involving workplace violence; and,
- Association business is delivered in an environment that promotes the safety and well-being of all those giving and/or in receipt of services at the Ontario Medical Association.

Responsibilities of Management

It is the responsibility of managerial staff to:

- Take all reasonable precautions to protect the health and safety of all workers
- Ensure to the best of its ability that the workplace is free from violence or threats of violence;
- Conduct periodic workplace violence risk assessments to determine whether the nature of work, or the work environment places or may place employees at risk of violence; results of assessments and reassessments will be reported to the Joint Health & Safety Committee;
- Respond promptly to all reports of violence, address all incidents of workplace violence immediately and not condone or allow any behaviour that is contrary to this policy;
- Investigate and respond to all complaints of workplace violence in accordance with this policy;
- Take appropriate disciplinary action for any acts of violence in the workplace;
- Ensure the security and safety of all parties involved during an investigation of an incident of workplace violence;
- Ensure any deaths or critical injuries are reported as per legislation to a Ministry of Labour (MOL) inspector, the police (as required), and the Joint Health and Safety Committee (as required).

Responsibilities of All Workers

It is the responsibility of all workers to:

- participate in education and training programs to be able to respond appropriately to any incident of workplace violence;
- understand and comply with the Workplace Violence Policy and all related procedures;
- report all incidents or injuries of violence or threats of violence to their manager immediately;
- inform their manager or supervisor and the Joint Health and Safety Committee about any concerns about the potential for violence in the workplace;

- contribute to risk assessments, as applicable;
- co-operate with any efforts to investigate and resolve matters arising under this policy.

An employee who has been subjected to, witnessed, or has knowledge of any acts of workplace violence that has occurred or may occur, should take the following actions:

- Inform the aggressor that the conduct is unacceptable and should stop;
- Keep a written record of date(s), time(s), location(s), what was said and done, and name(s) or witness(es) to the incident(s), if any;
- Contact their immediate supervisor, the Executive Director of Human Resources and/or the Chief Executive Officer for advice and assistance.

Responsibilities of the Joint Health and Safety Committee

It is the responsibility of the Joint Health and Safety Committee to:

- Provide recommendations to management on the development, establishment and implementation of violence measures and procedures;
- Recommend corrective measures for the improvement of the health and safety of employees; and/or
- Maintain all other powers/responsibilities for workplace violence hazards as they do for other occupational health and safety hazards under the Occupational Health and Safety Act.

5. PROCEDURE

Depending on the nature of violence or perceived threat of violence, a worker who believes they are or may become a victim of violence should let their objections to the behaviour be known to the alleged offender.

Workers should escalate more complicated or contentious issues to management or Human Resources.

A worker may wish to initiate a formal complaint by contacting one of the following individuals, as appropriate:

- Immediate supervisor or department head;
- Executive Director, People & Culture;
- Chief Executive Officer.

Complaints should be made in writing and should include details of the alleged incident including date and time of the alleged incident, the nature of the violence or threat of violence, and any witnesses to the alleged incident.

Note: The possibility of non-workplace violence, such as domestic violence, impacting an employee's work life and performance at work, is of concern to the OMA. Under the Occupational Health and Safety Act, employers who are aware or who ought reasonably to be aware that domestic violence might expose an employee to injury in the workplace must take every precaution practicable in the circumstances to protect the employee and ensure the safety of all others in the workplace. Employees who are concerned about their safety in the workplace are encouraged to bring the issue(s) to the immediate attention of their manager or to Human Resources so that appropriate measures are put in place (to the extent possible) to protect the victim's safety and the well-being of all staff in the workplace.

Seeking Immediate Assistance/Emergency Situations

In an emergency situation where there is an imminent threat, staff should:

- Immediately call **911 for emergency services** and initiate any appropriate action such as calling for staff trained in first aid/CPR. Then notify the Crisis Manager (Director, Office Services) and department management, who will initiate next steps and follow up.

Staff should familiarize themselves with the **OMA Safety and Security Plan and Procedures** and the **Coordinated Emergency Response Plan** as found on [StaffSpace](#).

Investigations

The OMA will investigate all complaints filed in accordance with this policy, as well as any possible violation(s) of this policy, of which we are made aware.

The OMA is committed to a fair investigation process. Following a report of an (alleged) incident, Human Resources will do a preliminary review of the incident and initiate the investigation process.

The following steps will be taken to ensure an investigation and outcome that is fair to all parties:

- i) A neutral investigator will be appointed. The investigator may be selected from amongst the OMA's Human Resources department and/or by General Counsel or his or her designate. At the discretion of the OMA's HR department and/or General Counsel or his or her designate, an external third-party investigator may be retained. The investigator will at all times remain neutral and preserve confidentiality.
- ii) The Complainant will be asked to provide details of the complaint in writing. Follow-up with the complainant will then take place to clarify details, identify witnesses, and understand the scope of the complaint.
- iii) Respondent will be given notice in writing of the investigation, unless this would be prejudicial to the investigation. The respondent will also be cautioned about interfering in the investigation. At the appropriate time, the respondent will be provided sufficient particulars of the allegations and be provided the opportunity to respond.
- iv) The Investigator will conduct the investigation by interviewing all relevant individuals. Witness statements and any other key evidence will be properly documented so as to ensure procedural fairness for all parties involved.
- v) The Investigator will consider the matter and draft a report with conclusions supported by the evidence. The conclusions may recommend penalties as outlined below ("Complaint Resolution").

The OMA will seek legal counsel and/or summon immediate emergency assistance, if necessary.

Complaint Resolution

If an investigation substantiates an act of violence did occur, appropriate disciplinary action will be taken immediately, up to and including termination.

Allegations of workplace violence by or against any other individuals providing services on behalf of the OMA, including contractors, consultants, volunteers, etc., will be dealt with by the OMA and, if substantiated, may be considered a breach of contract that may affect the person's right to be present at the OMA and/or to participate in any of its activities.

It is a breach of this policy for any person to take reprisal against any individual because they have participated in a process under this Policy. A written allegation of reprisal will be treated as a complaint under this policy.

Confidentiality

Confidentiality will be maintained throughout the process. In accordance with the Occupational Health and Safety Act and the Human Rights Code, the information obtained about an incident or complaint of workplace violence will not be disclosed unless the information is necessary for the purpose of investigating the incident or complaint; or for taking corrective action; or as required by law.

Employees who allege that they have experienced workplace violence or the threat of violence against them, and employees who are respondents, will be provided with appropriate communication in writing of the results of the investigation and any corrective action that has or will be taken.

All investigation notes and findings will be maintained in a confidential file in Human Resources.

Policy Review and Training

As per the Occupational Health and Safety Act, the OMA will consult with the Joint Health and Safety Committee (or a JHSC Representative) to review this policy annually and to develop and maintain the program and procedures to implement this policy.

All staff will be trained on an ongoing basis and/or when any changes are made to the policy, programs and procedures relating to Workplace Violence.

6. SUPPORTING/REFERENCED DOCUMENTS

Use Type	Document Title
Mandatory/Optional	OMA Health and Safety Policy OMA Safety and Security Plan and Procedures OMA Coordinated Emergency Response Plan OMA Respect in the Workplace Policy
Legislation	Occupational Health and Safety Act Ontario Human Rights Code

7. RESPONSIBILITIES

Position	Actions
CEO	Approve operating policies and/or procedures.
Policy Owner/Author	Communicate and provide guidance on this policy to all employees. Coordinate and provide essential training. Respond to questions about this policy. Review the policy with appropriate parties on an annual basis. Executive Director, People & Culture, will investigate the validity of any complaints, determine a course of action to resolve the issue and escalate the allegation to the appropriate level, if necessary.
Department Directors	Monitor compliance with this policy by employees and comply with management responsibilities. Obtain training for employees, if required.
Employees	Acknowledge as required and comply with policies/procedures.

Author: Human Resources
Process/Service Owner: People & Culture

Approved by: CEO
(Title of Approver)

Signature

Date