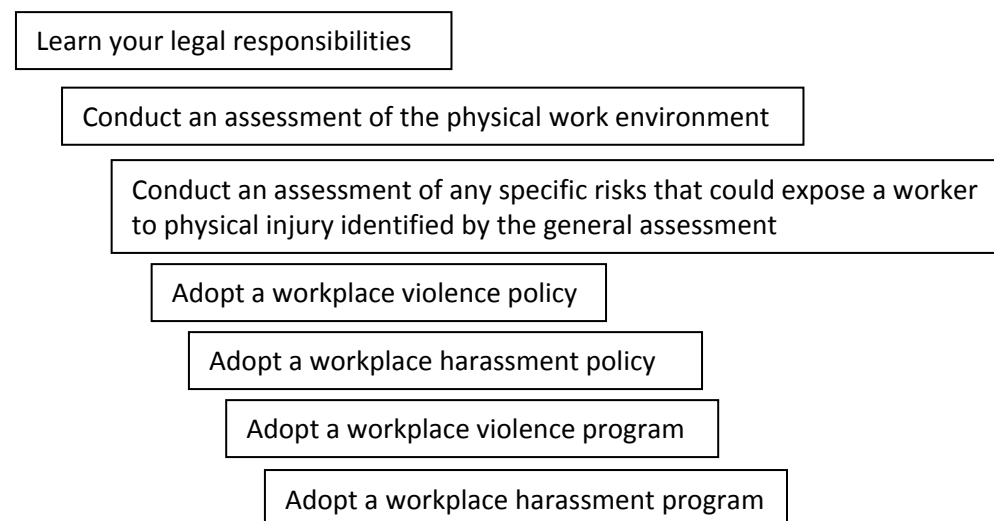


INTRODUCTION

On **June 15, 2010** Bill 168, which amends the *Occupational Health and Safety Act* (the “Act”), will take effect. Physicians operate as employers in a variety of settings and should be aware of their obligations under the amended legislation.¹ Physicians who are employees and physicians who are self-employed (without employees) should also familiarize themselves with this legislation as they too have responsibilities under the Act.

The OMA has prepared a summary of the legislation and collated various templates to assist you to make your practice compliant with the legislation.

Begin by reading over the changes to the Act. This will help familiarize you with the other steps required in the package. Once you understand the amendments, conduct an assessment of the physical work environment and of the specific risks associated with the workplace to determine if there is a possibility that a worker could be exposed to physical injury. It is then necessary to fill out the policy templates for both workplace violence and harassment. Next, use the program templates and risk assessment results to create a workplace violence program and a workplace harassment program. Finally, ensure that your training program includes the required information, and that you understand your duties to provide information to workers and protect against domestic violence in the workplace.



CONTENTS OF THIS PACKAGE:

1. Summary of Legislation
2. Assessment Template – Workplace Violence
3. Policy Template – Workplace Violence
4. Policy Template – Workplace Harassment

¹ The definition of “employer” and “self-employed persons” under sections 1(1) and 4 of the Act as: “means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services”.

This definition is quite broad. Physicians can thus be classified as employers for the purposes of the Act in a number of circumstances. Members are encouraged to review the legislation and understand any and all legal duties outlined therein.

5. Program Template – Workplace Violence
6. Program Template – Workplace Harassment
7. Training, Duty to Provide Information, Recognizing Domestic Violence, and Safety Plans

DISCLAIMER

This package is a consolidation of materials provided by the Occupational Health and Safety Council of Ontario (OHSCO) and is designed to assist in complying with the law. Please refer to the OHSCO documents, “Developing Workplace Violence and Harassment Policies and Programs: A Toolbox”, “Developing Workplace Violence and Harassment Policies and Programs: What Employers Need to Know”, and the Ministry of Labour document, “Workplace Violence and Harassment: Understanding the Law” for further detail.

Note that the resource materials provided in this package are for general information purposes only. The package is not intended, and should not be construed, as legal or professional advice or opinion. The information contained in the package may not address all situations in specific situations. Appropriate policies must be prepared to address the specific circumstances in each setting. Thus, physicians are advised to seek legal advice on creating and implementing appropriate policies to address workplace violence and harassment.

Summary of Legislation

The legislation will require that you, as an employer:

Workplace violence

1. Prepare a policy with respect to workplace violence.
 - a. The policy must be in writing and displayed at a conspicuous place in the workplace if there are six (6) or more employees, or where an inspector orders it be done.
 - b. The policy must be reviewed at least once a year.
2. Assess the risks of workplace violence that may arise from (1) the nature of the workplace (2) the type of work or (3) the conditions of work.
 - a. The assessment must take into account:
 - i. Circumstances that would be common to similar workplaces; and
 - ii. Circumstances specific to your workplace.
 - b. The risks of workplace violence must be reassessed as often as is necessary to ensure that the related policy and program continue to protect workers from workplace violence. It is recommended that this is done at least once a year.
 - c. An assessment or reassessment may be ordered to be in written form by an inspector.
3. For any assessment or reassessment:
 - a. The Joint Health and Safety Committee or a Health and Safety Representative should be advised of the results, and provided with a copy if the assessment or reassessment is in writing.
 - b. If there is no Joint Health and Safety Committee or Health and Safety Representative, the workers should be advised of the results, and provided with copies on request or instructions on how to obtain copies if the assessment or reassessment is in writing.
4. Create and maintain a program to implement the workplace violence policy.
 - a. This must include:
 - i. Measures and procedures to control the risks identified in the assessment as likely to expose a worker to physical injury;
 - ii. Measure and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
 - iii. Measure and procedures for workers to report incidents of workplace violence to the employer or supervisor; and
 - iv. How the employer will investigate and deal with incidents or complaints of workplace violence.
 - b. According to the Ministry of Labour document "Workplace Violence and Harassment: Understanding the Law," it is suggested that the program should be reassessed if:
 - i. A reassessment of risks indicates revisions are needed;
 - ii. Authorities indicate the program is insufficient;
 - iii. A violent incident shows that the measures or procedures are inadequate; and/or
 - iv. The workplace's response to a violent incident shows that the reporting or investigation procedures are insufficient.
5. Provide a worker with information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence.
6. Provide a worker with information, instruction and supervision to protect the health or safety of the worker with respect to workplace violence.
 - a. This may include personal information, related to a risk of workplace violence from a person with a history of violent behaviour if:

Summary of Legislation

- i. The worker can be expected to encounter that person in the course of his or her work; and
 - ii. The risk of workplace violence is likely to expose the worker to physical injury.
- b. Note that an employer or supervisor must not disclose more personal information than is reasonably necessary to protect the worker from physical injury.

Workplace harassment

- 7. Prepare a policy with respect to workplace harassment.
 - a. The policy must be in writing and displayed at a conspicuous place in the workplace if there are six (6) or more employees, or where an inspector orders it be done.
 - b. The policy must be reviewed at least once a year.
- 8. Create and maintain a program to implement the workplace harassment policy. This must include:
 - a. Measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor; and
 - b. Set out how the employer will investigate and deal with incidents and complaints of workplace harassment.
- 9. Provide a worker with information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment.

Domestic violence

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

Refusal to work

- 11. A person may refuse to do work or particular work where he or she has reason to believe that workplace violence is likely to endanger himself or herself.
 - a. An inspector is to decide whether a circumstance is likely to endanger the worker or another person, with respect to the refusal to work.

Injury as a result of workplace violence

- 12. If a person is disabled from performing his or her usual work or requires medical attention because of an incident of workplace violence, but no person dies or is critically injured, the employer shall within four days of the occurrence give written notice of the occurrence containing the prescribed information to the Joint Health and Safety Committee, a Health and Safety Representative, and any involved union.

General Physical Environment Risk Assessment Form

***Adapted from Occupational Health and Safety Council of Ontario document, "Developing Workplace Violence and Harassment Policies and Programs: A Toolbox."**

http://www.labour.gov.on.ca/english/hs/pdf/wvps_toolbox.pdf. To be completed annually by the employer. Note that this assessment is conducive to most physician office environments. If your workplace has certain unique characteristics and requires a more detailed assessment, please refer to the Occupational Health and Safety Council of Ontario document.

Location: _____

Date: _____ **Time:** _____ ☐ a.m. ☐ p.m.

Completed by: _____

	YES	NO	Recommended Improvement (Person assigned to task)
Parking Lot			
Are the entrances and exits well marked?			
Is the lot appropriately signed with security reminders? (e.g. "lock your car, security patrolled)			
Is there sufficient lighting?			
Are alarms clearly marked and easily accessible?			
Is access to the lot controlled by pass cards?			
Have there been vehicle thefts from the parking lot?			
Comments:			
Building Perimeter			
Is your workplace near any buildings or businesses that are vulnerable to violent crime (Bars, banks)?			
Are there any signs of vandalism?			
Is the exterior of the building adequately lighted?			
Is the building entrance adequately lighted?			
Is the entrance to the building easily seen from the street and free of heavy shrub growth?			
Comments:			
Access Control			
How many public entrances are there to your building?			
Is your building connected to any other buildings?			
If yes, is there access control to your building?			
Is your building shared with other businesses?			
Are offices designed/arranged to distinguish public versus private spaces?			
Are coded cards keys used to control access to the building or			

General Physical Environment Risk Assessment Form

	YES	NO	Recommended Improvement (Person assigned to task)
certain areas in the building?			
Comments:			
Security System			
Is there a security system in place at this location?			
Is the system tested on a regular basis to assure correct functions?			
Are there security guards (safety walking services) available at this location?			
Have you posted signs indicating there is a security system in use?			
Are security cameras and mirrors placed in locations that would deter potential offenders?			
Comments:			
Reception			
Is the reception area easily identifiable and accessible?			
Can the receptionist see incoming visitors?			
Is there a widened reception desk or a barrier?			
Is the reception area visible to fellow employees or members of the public?			
Is the reception area staffed at all times?			
Can outsiders enter the building when there is no receptionist present?			
Is the reception area the first point of contact for patients?			
Is there a policy for receiving and identifying patients, family members or other visitors?			
Does the area function well as a security screening area?			
Does the receptionist work alone at times?			
Is there an emergency call button at the reception area?			
Comments:			
Signage			
Upon entering the building, are there signs to identify where you are?			
Are there signs indicating where to get emergency assistance, if needed?			
Are visitor areas and private areas clearly marked?			
Are rules for patients and other visitors clearly posted?			
Are there exit signs?			
Are there areas where exit signs are not present, but are needed?			
Are signs posted to be highly visible to all?			

General Physical Environment Risk Assessment Form

	YES	NO	Recommended Improvement (Person assigned to task)
Are the hours of operation adequately posted?			
Impression of overall signage: <input type="checkbox"/> very poor <input type="checkbox"/> poor <input type="checkbox"/> satisfactory <input type="checkbox"/> good <input type="checkbox"/> very good			
Comments:			
Lighting			
Is the interior of the building well lit?			
Is the lighting evenly spaced?			
Are there any lights out?			
Can an employee access main light control switches?			
Comments:			
Stairwells and Exits			
Do exit doors identify where they exit to?			
Are there places at the bottom of stairwells where someone could hide?			
Is the lighting adequate?			
Can lights be turned off in the stairwell?			
Is there more than one route?			
Do the stairwell doors lock behind you: During regular hours of operation? After regular hours of operation?			
Comments:			
Working Alone			
At the time of inspection, did any areas feel isolated?			
In these areas, is there a telephone or a sign with emergency assistance information?			
In these areas, how far is the nearest person to hear calls for help?			
Are there any alarms or panic buttons? If yes, are they easily accessible?			
Are alarms or panic buttons regularly tested?			
Comments:			
Elevators			
Do you have full view of whether the elevator is occupied before entering?			
Is there an emergency phone or emergency call button in each elevator?			
Is there a response procedure for elevator emergencies?			

General Physical Environment Risk Assessment Form

	YES	NO	Recommended Improvement (Person assigned to task)
Comments:			
Washrooms			
Is public access to washrooms controlled?			
Can the lights in the washroom be turned off?			
Are washrooms checked before building is vacated?			
Comments:			
Meeting/Examination Rooms			
Do you have separate meeting/examination rooms?			
Is there an alarm system in these rooms?			
Is the furniture arranged to allow emergency exits?			
Do the rooms have multiple exits?			
Comments:			
Individual Offices/Tasks			
Are certain employees at higher risk of having violent acts bestowed upon them due to the nature of their position?			
Has the furniture been arranged to allow quick exit from the office?			
Comments:			
Emergency Assistance			
Has an emergency contact number been established: During regular hours of operation? After regular hours of operation?			
Are emergency numbers posted on phones?			
Are emergency phones accessible in all areas?			
Do you have a designated "safe" room where employees can go during an emergency?			
Does this room have a telephone and a door to which can be locked from the inside?			
Comments:			
Training			
Have employees been trained in preventive work practices relevant to their jobs?			
Have employees been trained in appropriate responses for violent situations that they may encounter?			
Have employees been trained in the procedure for reporting suspicious persons or incidents?			
Comments:			

**General Physical Environment
Risk Assessment Form**

Location of Medicines			
Are medications properly locked and stored?			
Is access to medication restricted to staff?			

Workplace Violence Specific Risk Assessment Form

* Adapted from Occupational Health and Safety Council of Ontario document, "Developing Workplace Violence and Harassment Policies and Programs: A Toolbox."-

http://www.labour.gov.on.ca/english/hs/pdf/wvps_toolbox.pdf. To be completed annually by the employer. Note that this assessment is conducive to most physician office environments. If your workplace is subject to additional risk factors and requires a more detailed assessment, please refer to the Occupational Health and Safety Council of Ontario document.

Department: _____

Completed by: _____

Date: _____

This form is designed to assist in identifying risks that are specific to your workplace. You may wish to rank or prioritize the risks to determine which hazards must be addressed first. It should be completed with input from employees.

Section 1: Work Area

Please describe the work area and the types of activities performed.

Section 2: History

Have there been incidents where employees have experienced or been threatened with physical violence?

☐ No ☐ Yes – Please describe.

Have there been incidents where employees have experienced verbal abuse, i.e. shouted at, threats or obscene phone calls?

☐ No ☐ Yes – Please describe.

Section 3: Identifying higher-risk activities

Do employees in your workplace:

- | | |
|---|--|
| a) Handle cash or valuables such as medication? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| b) Deliver or Collect items of value? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| c) Have direct physical contact with patients? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| d) Deal with people who may be under the influence of drugs or alcohol? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| e) Deal with people who are troubled or distressed? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| f) Perform duties that may elicit a negative or confrontational response? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| g) Monitor or regulate the activities of others, or carry out procedures or make decisions which adversely affect others? | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| h) Do employees attend patients in their personal dwellings? | <input type="checkbox"/> No <input type="checkbox"/> Yes |

Workplace Violence Specific Risk Assessment Form

Are there other aspects of the work in your department that might spark a violent response?

What controls are currently in place to address these higher-risk activities? What recommended controls must be established? Identify person responsible and expected completion dates, if possible.

Comments:

Section 4: Factors that increase the risk of violence

- a) Do your employees work alone, where assistance is not readily available in the event of an incident? ☐ No ☐ Yes
- b) Do your employees work alone after regular business hours? ☐ No ☐ Yes
- c) Do your employees work in isolated areas such as examination rooms, away from other workers? ☐ No ☐ Yes
- d) Is your workplace located in an area where there is a high risk of assault or robbery? ☐ No ☐ Yes
- e) Can workers call for immediate help when workplace violence occurs or is likely to occur? ☐ No ☐ Yes
- f) Is public access to the workplace restricted? ☐ No ☐ Yes
- g) Are there objects or equipment in the workplace that could be used to hurt people? ☐ No ☐ Yes

Please describe other factors which you feel might increase the risk of violence

Comments:

Section 5: Prevention

- a) Please describe any precautions already taken to safeguard employees who work alone or with unstable/volatile patients, members of the public, or family members. If additional precautions are necessary, identify person responsible and expected completion dates. (Ex. physical/environmental controls, administrative procedures, violence prevention training)
- b) Please describe any precautions already taken to safeguard employees when dealing with strangers or intruders. If additional precautions are necessary, identify person responsible and expected completion dates. (Ex. physical/environmental controls, administrative procedures, violence prevention training)
- c) Please describe any precautions already taken to recognize and deal with potentially violent people, situations or high-risk locations. If additional precautions are necessary, identify person

Workplace Violence Specific Risk Assessment Form

responsible and expected completion dates. (Ex. physical/environmental controls, administrative procedures, violence prevention training)

c) What assistance do you need to accomplish any of the above steps?

d) Do you have any other concerns with respect to workplace violence?

If needed, any additional concerns or questions may be included on a separate page.

SAMPLE CODE OF CONDUCT

[CLINIC NAME] prides itself on providing a professional and respectful environment. To assist in that endeavor, we ask that staff, physicians, and patients follow this Code of Conduct.

ZERO TOLERANCE ENVIRONMENT

- [CLINIC NAME] endeavors to create and provide a safe, welcoming and inclusive environment for its patients and staff. Discrimination, harassment, bullying, and violent behaviour and language will not be tolerated in the clinic by anyone. This includes, but is not limited to, offensive language, acts or gestures, violence, abuse (verbal or physical), or aggressive behaviour. Behaviours of this nature may result in the physician ending the patient relationship.

MUTUAL RESPECT

- [CLINIC NAME] respects the time, rights, and privacy of its patients. It requests that patients recognize and respect the time, rights, and privacy of all its health care providers and staff.

TELEPHONE CALLS

- Phone calls are answered Monday through Friday, from •am to •pm. [We do not take calls during •pm to •pm due to the office lunch hour.]

REASON FOR VISIT

- When booking your appointment, advise our staff of the reason for your visit so that appropriate time can be allotted for the visit. I understand that I may need to return if my appointment length is not adequate to assess and address multiple concerns.

APPOINTMENT TIMES

- [CLINIC NAME] knows your time is important and we make every effort to see patients at their scheduled appointment time, and late arrivals make this difficult. We request patients arrive on time and understand any delays experienced due to unexpected circumstances.

CANCELATIONS AND MISSED APPOINTMENTS

- To ensure accessibility and fairness to our patients, [CLINIC NAME] strongly encourage patients to give at least 24 hours notification to cancel an appointment. There may be a fee for missed appointments ("no-shows")/late cancellations, set in accordance with any relevant CPSO policy.

PRESCRIPTION REFILLS

- If you require a renewal of your prescription medication, your community pharmacist may be able to renew your prescription or make a request to your provider. Please note that prescription medications need monitoring and your provider may ask you to book an appointment to have your medication renewed. There is a charge for any medications renewed over the phone or by fax if medically appropriate.

UNINSURED SERVICES

- Certain services provided to patients are not covered by the Ontario Health Insurance Plan (OHIP). These may include: writing sick notes, cosmetic procedures, charges for missed appointments, or completing forms or notes for school, insurance or employment purposes. Payment for uninsured services are due upon receipt of the service and is based on the Ontario Medical Association's suggested fees as set out in its annual PHYSICIAN'S GUIDE TO UNINSURED SERVICES. We accept [Cash, Debit, Visa or Mastercard].

PRIVACY

- We value patient privacy and act to ensure that your health information is protected. [CLINIC NAME] complies with the *Personal Health Information Protection Act, 2004* (PHIPA) for the collection, use and disclosure of patient personal health information. It is your responsibility to inform [CLINIC NAME] staff if there is a change to your personal health or contact information.

SAMPLE RESPECT AND SAFETY IN THE WORKPLACE POLICY

MISSION

[CLINIC NAME] is committed to providing and maintaining a safe and healthy work environment where all workers are treated with dignity and respect and prohibits discrimination, violence, harassment or sexual harassment in the workplace.

Discrimination, harassment, and violent behaviour is prohibited and will not be tolerated from any person in the workplace. This includes, but is not limited to, workers as defined under the *Occupational Health and Safety Act*, patients, and visitors.

PURPOSE OF THE POLICY

This Respect and Safety Policy (the “Policy”) outlines the requirements and expectations of all of us to ensure a respectful and safe workplace is always maintained and defines behaviour that constitutes workplace violence and harassment and explains procedures for reporting and resolving such incidents.

[CLINIC NAME] will ensure that a resolution process appropriate to the circumstances is conducted in a fair, respectful, and timely manner once management becomes aware of an incident or receives a complaint of discrimination, harassment, bullying, or violence.

DEFINITIONS

- **Complainant:** The individual who is accusing another of unwelcome behaviour.
- **Discrimination:** when a worker suffers adverse treatment based on belonging to a protected group under the *Ontario Human Rights Code* or a characteristic associated with that group. At work, this might mean that someone is denied a job, a pay increase, or a promotion, because of their citizenship, race, place of origin, ethnic origin, colour, ancestry, physical or mental disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity or expression, or record of offences.
- **Harassment:** is defined in the *Ontario Human Rights Code* as engaging in a course of vexatious comments or conduct related to one or more of the prohibited grounds that is known or ought reasonably to be known to be unwelcome. Such behaviour includes, but is not limited to making remarks, jokes, threats or innuendos that demean, humiliate, intimidate or offend; displaying or circulating offensive pictures or materials in print or

electronic form; bullying; repeated offensive or intimidating phone calls or emails; or inappropriate sexual acts, advances, suggestions or requests.

Harassment may also relate to a form of discrimination as set out in the *Ontario Human Rights Code*, though it does not have to. Under the *Ontario Human Rights Code* harassment must be based on citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex, family or marital status, sexual orientation, gender identity or expression, or record of offences.

Workplace sexual harassment refers to:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- (b) 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.

Monitoring performance at work or absenteeism, the assignment of tasks, reference checks, and the application of progressive discipline, up to and including termination, all constitute the legitimate exercise of management's authority.

- **Respectful and Safe Workplace** refers to:
 - An environment that is free from workplace harassment and discrimination as prohibited by the *Ontario Human Rights Code*, as well as workplace violence, bullying, and harassment as defined herein.
 - An environment that embraces diversity and promotes human dignity and respectful behaviours at work. It is a work environment where employees feel comfortable, safe, and valued as individuals.
 - A healthy work environment where employee concerns and complaints are acknowledged and dealt with in a timely and effective manner, while respecting the privacy of all concerned as much as possible.
- **Respondent:** The individual who is being accused of unwelcomed behaviour described under this Policy.
- **Threat (verbal or written):** is a communicated intent to inflict physical or other harm on any person or to property by some unlawful act. A direct threat is a clear and explicit communication distinctly indicating that the potential offender intends to do harm, for example, "I am going to make you pay for what you did to me." A conditional threat involves a condition, for example, "If you don't leave me alone you will regret it." Veiled threats usually involve body language or behaviours that leave little doubt in the mind of the victim that the perpetrator intends to harm.

- **Violence:** is the exercise of physical force or threat of physical force by a person against a worker in the workplace which causes or could cause physical injury to the worker. Some examples include: verbally threatening to attack or inflict harm, physically aggressive behaviours including hitting, blocking, kicking or shoving, throwing an object, and using a weapon or other objects to threaten or injure.

ROLES & RESPONSIBILITIES

Every worker must accept personal responsibility to co-create and maintain a respectful workplace. That includes complying with the Policy on a personal level but also:

- Encouraging others to do so;
- Not tolerating discrimination, violence, bullying, or harassment by others and reporting it if necessary;
- Cooperating in any investigation and/or remedial actions; and
- Reporting violent incidents or risks of violence in the workplace to management.

[CLINIC NAME] is responsible for ensuring that they do not discriminate or harass workers based on enumerated grounds and for ensuring that the workplace is free from discrimination, harassment, bullying, and violence as defined in the Policy. If management suspects that discrimination, harassment, bullying, or violence is occurring, they must take steps to address the issue.

Workers that are found to be engaging in behaviour that breaches the Policy will be supported to change behaviour so that it conforms to Policy expectations and may also be disciplined. Workers that are unwilling or unable to amend behaviour or are found responsible for serious breaches of the Policy, will be subject to discipline which could include termination.

REPORTING AND INVESTIGATION

- If a worker sees others behaving in a way that is contrary to the Policy, the worker may, if they feel comfortable doing so, speak respectfully to the respondent. However, in cases of serious breach of the Policy, it is mandatory to bring the matter to the attention of management.
- Workers are encouraged to report all incidents of workplace harassment, violence, threats or hazards to management as soon as possible. [IF DESIRED, include additional information about how to report incidents]. No report of workplace violence/harassment or risks of violence may be the basis of reprisal against the reporting worker.
- [CLINIC NAME] takes all reported concerns, complaints, or incidents of workplace discrimination, harassment or violence seriously and will not ignore, condone or tolerate disruptive, threatening or violent behaviour by any person in the workplace. The [CLINIC

NAME] or the manager receiving a report of threatening or violent behaviour will respond promptly and ensure that reasonable measures are taken to safeguard workers in the workplace, including:

- reporting to police (as required);
 - facilitation of medical attention;
 - debriefing (by skilled professional);
 - completion of incident reports, WSIB reports, reports to MOL (critical injury or fatality) as required by the *Occupational Health and Safety Act* and *Workplace Safety and Insurance Act*; and
 - team debriefing.
- Until a complaint is resolved, the [CLINIC NAME] may take interim measures, including separating the individuals involved in the complaint/incident.
 - Nothing in this Policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's Human Rights Code within one year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available.

RESOLUTION PROCEDURE

- In less serious cases, the [CLINIC NAME] may offer the complainant the option of informal complaint resolution, typically involving facilitating a resolution of the problem with the respondent.
- If the complainant requests a formal resolution (or in cases of serious misconduct) a formal investigation can be undertaken if management determines the complaint falls within this Policy. The investigation will be undertaken by an appropriate employee or external resource as determined by the [CLINIC NAME].
- Depending on the nature of the complaint, the investigation may entail interviewing the complainant, witnesses, and the respondent, and a review of documents or other evidence. In some cases, interim protective measures may be taken during the investigation, i.e., arranging for the complainant and respondent to work in separate areas.
- To protect the interests of everyone involved, confidentiality will be maintained throughout the complaint/incident and resolution process. Information that must be shared, particularly in an investigative process, will be disclosed on a 'need to know' basis only or as otherwise required by law. Both the complainant and respondent, as well as co-workers, must not discuss the complaint, allegations or evidence. Breach of this requirement may be considered a breach of this Policy and subject to discipline up to and including termination.

- At the conclusion of an investigation, the [CLINIC NAME] will determine whether any remedial action such as discipline is warranted and share the key findings and remedies of the investigation with the complainant and respondent.

Note: Privacy rules, as well as other considerations, will limit the extent of disclosure of details of the investigation to all participants.

RISK ASSESSMENT

Management (with worker involvement) assesses workplace violence hazards in all jobs, and in the workplace as a whole. It reviews risk assessments annually, as well as when new jobs are created or job descriptions are changed substantially.

EDUCATION/TRAINING

[CLINIC NAME] will provide a copy of this Policy to all new workers upon hiring and all new hires will be required to acknowledge in writing or by email that they have received and read the Policy and will be held accountable for complying with the Policy, program, measures and procedures.

This Policy will be placed in a prominent location where all workers will see it and have regular access to it.

All workers will be trained on an ongoing basis and/or when any changes are made to the Policy, programs and procedures relating to respect and safety in the workplace.

POLICY REVIEW

This Policy will be reviewed annually to ensure appropriate preventative measures are in place to effectively manage and avoid the risk of harassment, discrimination, incivility, and violence in the workplace.

At the time this document was drafted, the Policy complied with provincial legislation. In the event of any changes in the law, it is understood that the Policy shall be deemed amended.

Dated at _____ on _____, 20__

Signed _____

(management to sign)

POLICY TEMPLATE – WORKPLACE VIOLENCE

WORKPLACE VIOLENCE POLICY

***Adapted from Occupational Health and Safety Council of Ontario document, “Developing Workplace Violence and Harassment Policies and Programs: A Toolbox.”-**

http://www.labour.gov.on.ca/english/hs/pdf/wvps_toolbox.pdf.

_____ is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. We will take whatever steps are reasonable to protect our workers from workplace violence from all sources. Workplace violence is defined as (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; (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; and (c) 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.

Violent behaviour in the workplace is unacceptable from any person in the workplace. This includes, but is not limited to, workers as defined under the *Occupational Health and Safety Act, R.S.O. 1990, c. O.1*, patients, and visitors. Everyone is expected to uphold this policy and work together to prevent workplace violence.

There is a workplace violence program that implements this policy. It includes measures and procedures to protect workers from workplace violence, a means of summoning immediate assistance and a process for workers to report incidents, or raise concerns. *(If desired, include any specific policies and expand on components of the workplace violence program here.)*

_____, as the employer, will ensure that this policy and the supporting program are implemented and maintained and that all workers and supervisors have the appropriate information and instruction to protect them from violence in the workplace.

Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the information that they need to protect themselves.

Every worker must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats. *(If desired, include additional information about how to report incidents, and emphasize that there will be no negative consequences for reports made in good faith.)*

_____ will investigate and deal with all incidents and complaints of workplace violence in a timely and fair manner, respecting the privacy of all concerned to the extent possible. *(If desired, include information about how incidents and complaints will be investigated and/or dealt with.)*

Signed: _____ Date: _____

POLICY TEMPLATE – WORKPLACE HARASSMENT

WORKPLACE HARASSMENT POLICY

***Adapted from Occupational Health and Safety Council of Ontario document, “Developing Workplace Violence and Harassment Policies and Programs: A Toolbox.”-**

http://www.labour.gov.on.ca/english/hs/pdf/wvps_toolbox.pdf.

_____ is committed to providing a work environment in which all individuals are treated with respect and dignity.

Workplace harassment will not be tolerated from any person in the workplace. This includes, but is not limited to, workers as defined under the *Occupational Health and Safety Act, R.S.O. 1990, c. O.1*, patients, and visitors. Everyone in the workplace must be dedicated to preventing workplace harassment.

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace – a comment or conduct that is known or ought reasonably to be known to be unwelcome. Such behaviour includes, but is not limited to making remarks, jokes or innuendos that demean, ridicule, intimidate or offend; displaying or circulating offensive pictures or materials in print or electronic form; bullying; repeated offensive or intimidating phone calls or emails; or inappropriate sexual touching, advances, suggestions or requests.

Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code, though it does not have to. Under the Ontario Human Rights Code harassment must be based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status, or disability.

This policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace.

Workers are encouraged to report any incidents of workplace harassment. *(If desired, include additional information about how to report incidents, and emphasize that there will be no negative consequences for reports made in good faith.)*

_____ will investigate and deal with all concerns, complaints, or incidents of workplace harassment in a timely and fair manner, respecting the privacy of all concerned to the extent possible.

Nothing in this policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario’s Human Rights Code within one year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available.

Signed: _____ Date: _____

PROGRAM TEMPLATE – WORKPLACE VIOLENCE

WORKPLACE VIOLENCE PROGRAM

The bullet points are only recommended procedures for a workplace violence program and you are not required to use all or any of them. Note however that you are required to have a workplace violence program.

1. Remedying Identified Risks:

- *Include solutions to all risks identified in the conducted risk assessments as likely to expose a worker to physical injury.*

2. Measures and Procedures for Summoning Immediate Assistance when Workplace Violence Occurs or is likely to Occur:

- *Provide equipment to summon assistance such as fixed or personal alarms, locator or tracking systems, phones, cell phones, ect.*
- *Provide emergency telephone numbers and/or email addresses.*
- *Include emergency procedures.*

3. Measures and Procedures for Workers to Report Incidents of Workplace Violence:

- *Information on how, when and to whom a worker should report incidents or threats.*
- *Specify a reporting form or reporting mechanism that your workplace will use.*
- *Note the roles and responsibilities of employers, supervisors, workers, Joint Health and Safety Committees, Health and Safety Representatives, and others in the incident reporting process.*
- *Note when an incident requires external reporting.*

4. Measures and Procedures for Investigating and dealing with Incidents of Workplace Violence:

- *Information on how and when investigations will be conducted.*
- *Include what will be included in the investigation.*
- *Note the roles and responsibilities of employers, supervisors, workers, Joint Health and Safety Committees, Health and Safety Representatives, and others.*
- *Specify details about the follow-up to the investigation (description of actions and timeframe).*
- *Include recordkeeping requirements.*

PROGRAM TEMPLATE – WORKPLACE HARASSMENT

WORKPLACE HARASSMENT PROGRAM

The bullet points are only recommended procedures for a workplace harassment program and you are not required to use all or any of them. Note however that you are required to have a workplace harassment program.

1. Measures and Procedures for Workers to Report Incidents of Workplace Harassment:

- *Information on how, when and to whom a worker should report incidents.*
- *Specify a reporting form or reporting mechanism that your workplace will use.*
- *Note the roles and responsibilities of employers, supervisors, workers, and others in the incident reporting process.*

2. Measures and Procedures for Investigating and dealing with Incidents of Workplace Harassment:

- *Information on how and when investigations will be conducted.*
- *Include what will be included in the investigation.*
- *Note the roles and responsibilities of employers, supervisors, workers, and others.*
- *Specify details about the follow-up to the investigation (description of actions and timeframe).*
- *Include recordkeeping requirements.*

TRAINING

All workers must receive information and instruction on the contents of the workplace violence and harassment policies and programs. This should include:

- How to summon immediate assistance;
- How to report incidents of workplace violence or harassment;
- How the employer will investigate and deal with complaints; and
- Instruction on procedures that are in place to protect workers from workplace violence and harassment.

Employers should identify what information and training is needed when the worker is hired. Training should then be repeated as needed.

DUTY TO PROVIDE INFORMATION – HISTORY OF VIOLENT BEHAVIOUR

Employers have a duty to provide information, instruction, and supervision to protect workers from workplace violence. This information should include anything that can protect a worker, such as if a patient is prone to violent outbursts.

This can include a duty to provide personal information about a person (including, but not limited to, a worker and a patient) who has a history of violent behaviour. To provide a worker with a person's personal information:

- The worker must be expected to encounter that person in the course of his or her work; and
- The risk of workplace violence must be likely to expose the worker to physical injury.
 - To decide if there is a risk of workplace violence that is likely to expose the worker to physical injury, consider the following:
 - Was the history of violence associated with the workplace or work?
 - Was the history of violence directed at a particular worker or workers in general?
 - How long ago did the incident(s) of violence occur?
 - What measures and procedures are in place in the existing workplace violence program?

Make sure to disclose only as much information as is needed to protect workers from physical injury while respecting privacy as much as possible. Note that you are not required to conduct criminal background checks on people in the workplace.

You must also comply with privacy laws, such as the Youth Criminal Justice Act, Personal Information Protection and Electronic Documents Act, and Personal Health Information Act. If you are in doubt, contact the OMA Legal Department or your legal representative.

RECOGNIZING DOMESTIC VIOLENCE

If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer must take every precaution reasonable in the circumstances for the protection of the worker. These precautions must be undertaken even if the worker does not want action taken. Work with the worker to develop reasonable precautions to address the situation while attempting to respect the worker's privacy and sensitivity of the issue.

Signs of domestic violence:

- The victim:
 - Tries to cover bruises;
 - Is sad, lonely, withdrawn and afraid;
 - Has trouble concentrating on a task;
 - Apologizes for the abuser's behaviour;
 - Is nervous when the abuser is in the workplace;
 - Makes last minute cancellations or excuses;
 - Uses drugs or alcohol to cope; or
 - Misses work frequently, or more often than is normal.
- The abuser may attempt to interfere with the victim at work by:
 - Repeatedly phoning or emailing the victim;
 - Stalking and/or watching the victim;
 - Showing up at the workplace and pestering coworkers with questions;
 - Displaying jealous and controlling behaviour;
 - Lying to co-workers;
 - Threatening coworkers;
 - Verbally abusing the victim or coworkers;
 - Destroying the victim's or organization's property; or
 - Physically harming the victim and/or coworkers.
- The abuser may attempt to prevent the victim from getting to work by:
 - Interfering with transportation by hiding or stealing the victim's car keys or transportation money;
 - Hiding or stealing the victim's identification cards;
 - Threatening deportation if applicable;
 - Failing to show up to care for the children; or
 - Physically restraining the victim.

SAFETY PLAN

Employers may wish to create a safety plan with any workers that they feel are at risk of domestic violence in the workplace. Such a plan identifies actions that should be taken during a workplace violence incident to increase the safety of the worker. The specifics of such a plan will vary greatly depending on the situation. For more information, please refer to the Occupational Health and Safety Council of Ontario document, "Developing Workplace Violence and Harassment Policies and Programs: A Toolbox."