

Homes First Foundation Workplace Violence Policy

April 20,2017

POLICY STATEMENT

Homes First Foundation is committed to a workplace and living environment that is free of violence. Homes First Foundation views any acts of violence or threats of violence at any Homes First locations or locations being utilized for Foundation activities as unacceptable. Homes First Foundation is committed to measures that will prevent violence in the workplace and to responding appropriately if violence does occur. There is a shared responsibility on the part of all employees, Board Members, and guests of Homes First Foundation to ensure a violence-free environment.

In implementing this Workplace Violence Policy (the “Policy”) Homes First Foundation affirms that it:

- does not tolerate, accept or condone violence of any kind;
- where violence occurs, will take action appropriate to the specific incident;
- will apply this Policy consistently and fairly with all staff, tenants, residents, guests and other persons associated with, working on, or visiting Homes First Foundation premises;
- requires prompt and accurate reporting of all incidents of violence; and
- will provide support and assistance to those who experience acts of violence.

This Policy does not interfere with every person’s right to pursue legal remedies under relevant legislation in Ontario and Canada, or to seek the assistance of the police. Every employee is expected to respond to complaints and/or incidents in an appropriate and timely manner and consistent with the provisions of this Policy in order to ensure the safety and security of the workplace environment and the well-being of all staff and members of the broader community.

PURPOSE

This Policy is designed to:

1. alert all staff, and members of the community that violence in the workplace is against the law;
2. minimize the risk of violence in the workplace;
3. define the types of behaviour that may be considered violent;
4. clarify that violence will not be tolerated in any Homes First Foundation location; and

5. set out the procedures in place for addressing incidents of violence and the consequences of engaging in violent behaviour.

SCOPE OF POLICY

(a) To Whom Does the Policy Apply?

This Policy applies to all Homes First Foundation members, which includes employees, contractors, guests and members of Homes First Foundation Board of Directors (the “Board”) (hereinafter collectively referred to as “Members”).

A Member’s behaviour will be subject to this Policy when that person:

- visits Homes First Foundation or Society activity locations for any reason; or
- is engaged in conduct in their capacity as a Member, regardless of location.

(b) To What Type of Conduct Does the Policy Apply?

For the purpose of this Policy, violence is defined as words, actions, gestures, conduct, or behaviour that negatively affects a positive work and/or living environment and that is intended to or would objectively be reasonably expected to intimidate, coerce, injure, or threaten a Homes First Foundation employee, guest, volunteer or Board Member.

Violence under this Policy also includes “workplace violence” which is defined by the Ontario *Occupational Health and Safety Act* as:

- (i) the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker,
- (ii) an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker,
- (iii) 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.

Violence can be physical, emotional or psychological in nature and, depending on the circumstances, can involve one or more of the following:

- verbal threats of violence;
- the application of force (with or without a weapon) or threats of the application of force;
- carrying a weapon;
- verbal and emotional abuse;

- unwanted comments, inferences and suggestions;
- inappropriate pranks and horseplay;
- various forms of intimidation and aggressive behaviour;
- bullying, which is an attempt to undermine individuals through cruel or humiliating behaviour;
- mobbing, which involves a collective effort to psychologically harass a person; or
- any other behaviour that intended to physically or psychologically intimidate, coerce, injure, or threaten a Member.

Domestic Violence

In the event that Homes First Foundation becomes aware of domestic violence that could likely expose a worker to physical injury that may occur in the workplace, Homes First Foundation will take every precaution reasonable in the circumstances for the protection of any affected workers.

(c) Where Does this Policy Apply?

Locations and situations where behaviour will be subject to this Policy include, but are not limited to:

- Homes First offices and premises;
- Homes First-related social functions;
- buildings under the jurisdiction of Homes First;
- in the course of work-related assignments outside of Homes First facilities;
- during work-related travel;
- at work-related conferences or training sessions; and
- in communications between Members that arise out of the workplace or using Homes First Foundation equipment. Such communications may be by telephone or other means of electronic written communication including, but not limited to, e-mail, voicemail, internet, fax and/or text messaging.

REPORTING REQUIREMENTS

All Members should report any incident of violence immediately to a Homes First Foundation Executive Director for appropriate and timely action. A complaint may first be made verbally. However, a written letter of complaint will also be required. A letter

of complaint should contain a brief account of the offensive incident(s), when it occurred, the person(s) involved and the names of witnesses, if any.

Complaints should be reported within six months of the incident. Promptness in reporting a complaint protects the rights of both the person making the complaint and the person complained against. The Executive Director may, in his or her discretion, decline to deal further with a complaint reported later than six months after the incident.

Members are required to immediately report any incident of violence or potentially violent behaviour to the Executive Director of Homes First Foundation as well as to the police in cases involving assault or other criminal activity. All reported incidents of violence will be fully investigated by Homes First Foundation.

Everyone filing a complaint may be accompanied by an advocate of their choice throughout the complaint process.

In cases of emergency or imminent violence where there is a real danger to a Member, that Member or any other Member should contact the police directly.

INVESTIGATION

Upon receipt of a complaint, Homes First Foundation will:

- a. provide the person against whom the complaint is made (the “respondent”) with an overview of the complaint; and
- b. provide a copy of this Policy to the person making the complaint (the “complainant”) and to the respondent.

The Executive Director will take any interim action necessary to ensure the safety of all parties pending investigation of the complaint.

The Executive Director will designate an external investigator(s) to conduct the formal investigation.

(a) The Investigation Process

The investigator(s) will interview the complainant to document the details of the complaint and the remedy the complainant is seeking. The investigator(s) will also interview any witnesses identified by the complainant.

The investigator(s) will interview the respondent to document his or her perspective of the events in question. If any additional witnesses are identified by the respondent, the investigator(s) will interview those witnesses as well.

Each party may appoint an advocate and/or supporter to be present at any interviews dealing with the complaint. Each party may request cultural, language or other interpreters throughout the process.

The investigation will be conducted in confidence, subject to the exceptions identified below. The investigator will ask those who were interviewed to sign written statements summarizing their evidence.

(b) The Investigation Report

The investigator will prepare an investigation report which will include:

- a. the allegations of workplace violence;
- b. summaries of the interviews with the complainant, the respondent and each witness;
- c. the findings of fact; and
- d. if requested by the Executive Director, recommendations on appropriate resolutions.

The investigator will provide the final investigation report to the Chief Executive Officer.

(c) Outcome of the Investigation

Based on the findings of the investigator and in consultation with management personnel as appropriate, the Executive Director will make a final decision as to whether the Policy has been violated and what action will be taken as a result of the findings, if any.

The parties and the appropriate managers will be informed of the outcome of the investigation, the decision made by the Executive Director as to whether the Policy has been violated and what action will be taken, if any. The parties are to keep this information confidential. The parties may disclose information only to the extent necessary to implement the action directed by the Executive Director, or as required by law.

If there is sufficient evidence to conclude that violence in breach of this Policy has occurred, Homes First Foundation will take appropriate remedial action against the individual(s) responsible as outlined below.

(d) Non Co-operation

Employees refusing to cooperate will be subject to discipline up to and including termination of employment.

REMEDIAL AND DISCIPLINARY ACTION

Members, regardless of status, seniority, influence or position, who are found to have engaged in conduct constituting violence contrary to this Policy may be severely disciplined (or restricted from access to services provided by Homes First Foundation). In appropriate cases the Member's conduct may be reported to police.

The following are specific measures that may be taken in the event that the Policy has been violated and based on the type of association with Homes First Foundation:

Persons working for Homes First Foundation – severe discipline up to and including dismissal from employment as well as potential reporting to police.

Board Members – serious remedial action including recommendations for removal from the position as well as potential reporting to police.

Others (visitors, volunteers, permit-holders, contractors, etc.) – access to Homes First Foundation premises or activity locations may be limited or completely barred; a permit may be revoked or not renewed, or a contract may be terminated or not renewed. As well, conduct may be reported to police.

REPRISAL

For the purposes of this Policy, “reprisal” means a negative action or omission against a Member carried out in relation to the Member having:

1. invoked this Policy (whether on behalf of oneself or another individual);
2. participated or co-operated in any investigation under this Policy; or
3. associated with a person who has invoked this Policy or participated in its procedures.

Any form of reprisal against a Member who avails himself or herself of this Policy is not acceptable. Any complaint of reprisal will be investigated and addressed in accordance with the provisions of this Policy and the Workplace Discrimination, Harassment, and Bullying Policy and, where appropriate the specific measures set out above with respect to violations of the Policy will apply.

CONFIDENTIALITY

Homes First Foundation understands that it is difficult to come forward with a report of actual or potential violence and recognizes an individual’s interest in keeping the matter confidential.

To protect the complainant, those alleged to have been involved in the incident, and for any others who may report incidents of violence, confidentiality will be maintained throughout the investigation process to the extent practicable and appropriate under the circumstances. Examples of exceptions to confidentiality include, but are not limited to, the following:

- a. all Homes First Foundation staff must bring violations of this Policy to the attention of the Executive Director, who must in turn notify the police, if appropriate;

- b. information may also have to be disclosed where required by law; for example, in grievance proceedings, proceedings before the Human Rights Tribunal of Ontario or criminal proceedings; and
- c. in cases of workplace violence arising under the *Occupational Health and Safety Act*, investigation findings and a copy of the investigation report may be provided to the health and safety representative and may also be provided to workers.

Confidentiality is not the same as anonymity. The names of people involved in a complaint may have to be divulged in order for the complaint process to proceed fairly.

Breaches of confidentiality on the part of staff members, witnesses, advocates and Board members are subject to disciplinary action, up to and including:

- a written warning or reprimand;
- suspension; and
- termination of employment or services.

RECORDS AND DOCUMENTATION

All records of a complaint under this Policy will be kept strictly confidential, except where disclosure is required by a disciplinary or other remedial process, or if it is required by law or as a consequence of litigation, potential or actual. All records of complaints under this Policy will be kept separate from existing files and will be kept exclusively by the Executive Director in a secure location identified by the Executive Director.

The Executive Director will keep detailed records of all communication that involve or are brought to his or her attention during the investigation of a complaint.

If a complaint cannot be supported, documentation of the complaint will not be maintained in any file.

There will be no reference to a complaint under this Policy in an employee's personnel file except where disciplinary or other cautionary or remedial action was taken against that employee.

RIGHT TO REFUSE UNSAFE WORK

In the event that any worker has reason to believe that workplace violence is likely to endanger himself or herself, the worker has a right to refuse to perform work.

For some workers the right to refuse work for any reason, including for workplace violence, is limited if:

- the danger is an inherent or normal part of their job; or
- the refusal would endanger the life, health or safety of another person.

The worker who is refusing to work because of workplace violence which is likely to endanger the worker must immediately report that refusal to his or her supervisor or manager.

The Executive Director of Homes First Foundation will assign an investigator to investigate the work refusal in accordance with this Policy. During the investigation, the worker must remain in a safe place that is as near to his or her work station as reasonably possible and be available to the investigator for the purpose of the investigation.

HISTORY OF VIOLENT BEHAVIOUR

Under the *Occupational Health and Safety Act*, Homes First Foundation is required to provide information (including personal information) to its workers about a person with “a history of violent behaviour” if:

- (a) the worker can be expected to encounter that person in the course of his or her work; and
- (b) the risk of workplace violence is likely to expose the worker to physical injury.

Pursuant to this obligation, if Homes First Foundation is of the view that there is a risk of workplace violence such that a worker is likely to be exposed to physical injury, Homes First Foundation will provide information, including personal information, that is reasonably necessary to protect the worker from physical injury.

REVIEWING AND EVALUATING THIS POLICY

This policy will be reviewed annually and updated as necessary. All Staff will be provided with a copy of this policy annually.

Date of Policy: April 20, 2017