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| <b>TYPE:</b>            | Employment-Related                                  |
| <b>TITLE:</b>           | Workplace Violence Prevention                       |
| <b>NO.:</b>             | EMPL-313  |
| <b>RESPONSIBILITY:</b>  | Chief Administrative Officer + AVP, Human Resources |
| <b>APPROVED BY:</b>     | Durham College Leadership Team                      |
| <b>EFFECTIVE DATE:</b>  | February 2022                                       |
| <b>REVISED DATE(S):</b> |   |
| <b>REVIEW DATE:</b>     | February 2023                                       |

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## 1. Introduction

Durham College is committed to providing a respectful, supportive, healthy, safe, and violence-free learning/working environment. Any act of [workplace violence](#) committed by or against any member of the College community or any member of the public, is unacceptable conduct that will not be tolerated. This policy and procedure applies to all activities that occur working, on College property, or while engaging in College business such as activities and social events that happen off property, including all forms of direct or indirect communication. All reported incidents are taken seriously and dealt with appropriately and, to the extent possible, confidentially. In determining the appropriate response, the College will take into account the assistance available from law enforcement agencies to supplement the College's resources.

## 2. Purpose

Durham College is committed to providing a safe learning and working environment that is violence-free to protect workers from threats, attempted or actual physical harm, as required by the *Occupational Health and Safety Act* (OHSA). The commitment extends to students, volunteers, external contractors and visitors on its campuses. This policy and procedure formally establishes this commitment, which will be implemented through a workplace violence prevention program.

## 3. Definitions

Refer to [Durham College's Standard Definitions](#).

## 4. Policy statements

4.1. Workplace violence is strictly prohibited. Prevention and intervention are key to achieving an environment free of workplace violence. As an employer, Durham College will exercise due diligence and promote good workplace practices through compliance with the OHSA and all other relevant standards and guidelines. The College will take every reasonable precaution in the protection of employees and the promotion of a safe and healthy work and learning environment. Workplace violence includes domestic/partner violence where a worker may be injured at a workplace.

- 4.2. All [supervisors](#) and [employees](#) must be dedicated to the continuing objective of reporting and reducing instances of workplace violence. Supervisors will be held accountable for the health and safety of employees under their supervision, while ensuring that their work environment is safe. Supervisors will also ensure that their employees will be given the training necessary to identify, report and prevent workplace violence.
- 4.3. All employees are expected to be familiar with and fulfill their responsibilities identified in this policy and procedure. Students and visitors shall be cognizant that acts of workplace violence are not tolerated or ignored on College campuses.
- 4.4. Durham College's commitment to its Workplace Violence Prevention Program will be reflected by the promotion of and support of education, awareness and co-operative solutions.
- 4.5. Throughout these procedures, all information collected remains confidential, except when disclosure is necessary to protect students or employees from physical injury. Only information that is reasonably necessary will be disclosed.
- 4.6. Where a member of the Office of Campus Safety (OCS) or Human Resources or any other persons in positions described in the procedures is personally involved in a situation involving workplace violence or the potential for workplace violence, the President will appoint other person(s) as appropriate.
- 4.7. An employee or student who makes a false accusation under this Policy, knowingly or in a malicious or bad faith manner, may be subject to disciplinary action under the appropriate Code of Conduct Policy and Procedure.
- 4.8. The College will not tolerate reprisals or retaliatory measures against a member of the College community who, in good faith, raises a complaint of workplace violence within the meaning of this Policy. These protections apply to anyone who cooperates in the investigation of a complaint. Any behavior that is deemed to constitute reprisal may be subject of disciplinary action under the appropriate Code of Conduct Policy and Procedure.

## **5. Procedure**

### **5.1. Imminent Danger-Immediate Reporting**

Any worker who finds or considers themselves or someone else to be in imminent danger while on College property or while engaged in any College-approved activity can summon immediate assistance by contacting Campus Security or Durham Regional Police.

#### **5.1.1. On Campus: Campus Security**

- Extension 2400 or 905.721.3211 (direct line)
- Code Blue Stations

### 5.1.2. Off Campus – Durham Regional Police Service

- 911 (emergency)
- 905.579.1520 (non-emergency)

### 5.2. Violent Incidents/Threats of Violence

Workers who become involved in or witness a violent incident or a threat of violence or who receive a report of such an incident are required to:

- a) Ensure their own safety;
- b) Do what is safely possible to ensure the safety of others;
- c) Contact Campus Security immediately (ext. 2400) or call 911 if necessary;
- d) Make a formal report/statement to Campus Security.

### 5.3. Non-Urgent Threats

- 5.3.1. Incidents involving statements or behaviours that do not present an immediate risk of physical harm, but make the worker feel threatened or otherwise concerned for his/her safety must be reported promptly to a supervisor. Examples of such unwanted activity include a threatening comment, note, email, voicemail, gesture or a behaviour such as stalking. Alternatively the worker can contact Human Resources, or Campus Security.
- 5.3.2. Employees may refuse to work or do particular work where they have reason to believe workplace violence is likely to endanger them. In such circumstances the employee will promptly report the circumstances to their manager and relocate to a place that the employee(s) and manager agree on and to remain available for the purposes of an investigation.

### 5.4. Management Responsibilities

- 5.4.1. Management members responding to an employee's report of workplace violence when the alleged offender (employee, student, or visitor) is still on the scene and there is an immediate safety risk should:
  - a) Contact Campus Security at ext. 2400 or 905.721.3211 to request immediate response and intervention;
  - b) Where possible, address any immediate safety concerns without compromising their own personal safety (e.g. evacuation, first aid).
- 5.4.2. Management members responding to an employee's report of workplace violence when the alleged offender (employee, student, or visitor) is still on the scene and there is no immediate safety risk should:
  - a) Contact Campus Security at ext. 2400 or 905-721-3211 to request Security attend to monitor, if required;

- b) Where the alleged offender is an employee, recognize that if there is a concern for potential continued safety risk, they have the option to suspend an employee (with pay), pending the outcome of the investigation. Human Resources should be advised or consulted where one of the above options is exercised;
- c) Where the alleged offender is a student or visitor, notify the OCS in order to engage related policies or legislation;
- d) Identify and isolate victim/witnesses;
- e) Gather information and complete an [Incident Report Form](#), as soon as practicable, using all sources of information available.

5.4.3. Management members responding to an employee's report of workplace violence when the alleged offender (employee, student, or visitor) is no longer on scene and there is no immediate safety risk should:

- a) Where the alleged offender is an employee, recognize that if there is a concern for a continued safety risk, they have the option to suspend an employee (with pay), pending the outcome of the investigation;
- b) Where the alleged offender is a student or visitor, notify the OCS in order to engage related policies or legislation;
- c) Identify and isolate victim/witnesses;
- d) Gather information and complete an [Incident Report Form](#), as soon as practicable, using all sources of information available.

## 5.5. Responding to Incidents

5.5.1. Upon receipt of information concerning any type of workplace violence, a member of the OCS will initiate a preliminary review to determine if the circumstances fall within the purview of this procedure and shall advise the employee and/or manager if:

- a) The matter should be dealt with through other College policies and procedures such as a collective agreement, the Durham College Harassment, Workplace Sexual Harassment and Discrimination policy, the Sexual Violence policy, Employee Code of Conduct policy or the Student Conduct policy;
- b) The matter is not within the jurisdiction of the College (e.g. Criminal Code offences, civil wrongs and remedies to be sought in the courts); or,
- c) The report/complaint cannot be supported under any of the policies or procedures and/or substantiated.

5.5.2. Where a member of the OCS or Human Resources is of the opinion that an informal resolution of the matter is possible and appropriate, informal intervention or mediation may be attempted by a manager of the affected department or other administrator as assigned by Human Resources. In such cases:

- a) Resolution of issues between parties by way of mediation shall be purely voluntary;
- b) The mediator shall meet with the individuals involved and attempt to affect a settlement of the issues between them;
- c) Where a resolution is achieved, it shall remain confidential, be documented and filed within confidential policy investigation files (not within employee files) and the issue will be considered resolved.

## 5.6 Employee Responsibilities

- a) Comply with this policy at all times to protect themselves and others in the workplace from violence;
- b) Promptly report to their manager (or an appropriate alternative) of any incident where the employee is subjected to, witnesses, or has the knowledge of workplace violence, or has reason to believe that workplace violence may occur;
- c) Participate in training regarding this policy, as well as College procedures directed at preventing workplace violence in the workplace; and
- d) Cooperate in any investigation of complaints or incidences of workplace violence or breaches of this policy.

## 5.7 Formal Investigation of Workplace Violence Reports

5.7.1 Where a criminal investigation by the police is ongoing, the police investigation shall take priority. The OCS will act as a liaison to ensure that any actions taken by the College do not impede the criminal investigation process.

5.7.2 A formal investigation shall be conducted where, in the opinion of the member of the OCS or Human Resources, the report/allegation(s) of workplace violence, if proven, falls within one of the following areas:

- a) Involves violations of the Criminal Code of Canada or other federal or provincial statutes;
- b) Poses a threat to the safety of College employees;
- c) Reduces the security, health or safety of College employees in the workplace;
- d) Would have an adverse effect on working conditions at the College;
- e) Would have an adverse effect on the College's reputation; and/or
- f) Warrants disciplinary action.

- 5.7.3 An investigator will be assigned by the OCS or Human Resources to investigate the allegation/situation. Upon receipt of this assignment, the investigator will investigate the matter and affect a timely and appropriate report for the Chief Administrative Officer. This [investigative report](#) will normally be completed within 15 working days of receiving the request to investigate the allegation/situation. If complexities demand, the investigator may apply in writing to the Chief Administrative Officer for an extension, normally no more than 10 additional working days will be provided.
- 5.7.4 The College reserves the right to retain such expert advice and services including the services of an external investigator where in the opinion of the College, the circumstances of the complaint warrant such action. The process of investigation in such cases shall be determined by the investigator. Extensions of time limits, as outlined in these procedures, may be required in the circumstances of any particular report/complaint.
- 5.7.5 Within 10 working days of receipt of the investigator's final investigation report, the Chief Administrative Officer, or designate, shall prepare a determination report that will describe what actions, if any, are required to minimize the risk of any recurrence of workplace violence to assure compliance with this procedure. These actions may include but are not limited to education and information about counseling options, sanction and/or redress, directive(s) on future behaviour. The report may include recommendations to amend the Workplace Violence policy and procedure.

## **6. Roles and responsibilities**

- 6.1. The roles and responsibilities of the directors and officers of the College, its supervisors and its employees are stipulated in the [OHSA](#). All employees are responsible for, and have a role in, ensuring a violence-free workplace.

## **7. Accessibility for Ontarians with Disabilities Act considerations**

Accessibility for Ontarians with Disabilities Act (AODA) standards have been considered in the development of this policy and procedure and it adheres to the principles outlined in the College's commitment to accessibility as demonstrated by the Accessibility Plan (ADMIN-203).

## **8. Non-compliance implications**

Failure to comply with the OHSA, its regulations and all other relevant standards and guidelines could result in injury, impairment or loss of life. If convicted of an offence under the OHSA, significant individual and corporate fines could result. Under the Workplace Safety and Insurance Board disability insurance plan, significant surcharges could be levied on the College for high frequency and/or severity of employee injuries.

## **9. Related forms, legislation or external resources**

- Academic Employees Collective Agreement
- Criminal Code of Canada
- Occupational Health and Safety Act
- Ontario Human Rights Code
- Support Staff Collective Agreements