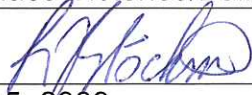




PERSONAL ATTENDANT CARE INC.

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SUBJECT		Workplace Violence/Bullying Prevention
APPROVED BY (signature)	CHIEF EXECUTIVE OFFICER	
APPROVED DATE		June 15, 2009
REVIEWED BY		Joint Health and Safety Committee
REVIEW DATE		September 2016

OPERATIONAL PROCEDURES

Personal Attendant Care Inc. is committed to the prevention of workplace violence/ bullying and refuses to tolerate any type of workplace violence within the workplace or work related activities. Personal Attendant Care Inc. Management recognizes the potential for violence in the workplace and therefore will make every reasonable effort to identify potential sources of violence to eliminate or minimize these risks through the workplace violence/bullying prevention program.

Personal Attendant Care Inc. is committed to the expenditure of time, attention, authority and resources to the workplace parties to ensure a safe and healthy work environment.

Reference

The Occupational Health & Safety Act
 Bill 168, Violence in the Workplace
 The Ontario Human Rights Code

The Criminal Code of Canada
 Workplace Safety & Insurance Act 1997
 Bill 132, Sexual Violence and
 Harassment Action Plan Act

Definitions

Workplace Violence

Workplace Violence means:

- 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",
- 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".

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Workplace Harassment means:

- (a) “engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or”
- (b) “workplace sexual harassment;”

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Workplace Sexual Harassment means:

- (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;”

Discrimination

Discrimination can be defined as unfair treatment or consideration of, or making a distinction in favour of or against, a person based on race, sex, colour, creed, ancestry, place of origin, ethnic origin, marital status, same sex partner status, sexual orientation, age, record of offences, disability, citizenship, family status or religion. Discrimination is a form of harassment.

Workplace Bullying

Bullying is usually seen as acts of verbal comment that could “mentally” hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.

Domestic Violence

Domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom he/she has or has had an intimate relationship. This pattern of behaviour may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control.

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Types of Perpetrators

Type I (Criminal Intent): Committed by a perpetrator who has no relationship to the workplace

Type II (Client): The perpetrator is a person receiving services at the workplace who becomes aggressive towards the worker.

Type III (Worker to Worker): The perpetrator is an employee or past employee of the workplace.

Type IV (Personal Relationship): The perpetrator usually has a relationship with an employee i.e. Domestic violence in the workplace.

Procedures

Risk Assessments

A risk assessment and reassessment is conducted in the workplace in which a risk of injury to a worker from violence arising out of their employment may be present.

This is accomplished by:

- Identifying risks for Community Personal Support Workers and Administration Employees is accomplished by administering a Workplace Assessment survey to all employees;
- Identify workplace design, administrative and workplace procedures to minimize risk is accomplished by an analysis of the completed Workplace Assessment;
- Creating an action plan to eliminate or minimize risk is prepared by management and communicated to the Joint Health & Safety Committee for their review and input;
- Communication of the plan to all employees, volunteers and students.

The Manager/Supervisor will inform the employee who may be exposed to the risk of violence of the nature and extent of the risk as follows:

- Information sharing about potential and actual risk during the initial orientation;
- Identify risks on the Client Service Plan;
- Incident Reports;
- Shift exchange;
- Employee training.

Training

The following training is provided to all employees:

- Health & Safety Awareness (WHMIS, Violence in the Workplace, Slips, Trips and Falls, WSIB, Personal Protection Against Infection);
- Orientation specific;
- Annual review of Violence/Bullying in The Workplace Operational Procedures.

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Reporting & Complaint Response

- Notify your Manager/Supervisor or designate immediately.
- Complete and return to management an Employee Incident and/or Complaint Report.
- All workplace complaints are dealt with according to the operational procedures of Personal Attendant Care Inc.'s Employee and Client Complaint Policy 2:04 and 2.05.
- Management takes necessary steps to remedy the effects of harassment and violence.
- Involvement of a third party in discussions may be utilized to facilitate a mutual solution and can be requested by either party in the dispute.
- Depending on the severity of the complaint the Police may be contacted by management.

In an emergency or if there is immediate danger (i.e. if a situation turns violent or if there is a threat of violence) contact police (911). Police Officers deal with violent individuals and matters under the Criminal Code.

Work Refusal Protocol

An employee has the right to refuse work when they believe that the work will cause danger to him/her or another worker. The employee is responsible for immediately reporting their concern to the Client Service Supervisor/designate who will then notify the Chief Executive Officer/designate immediately.

1. The flow chart "WORK REFUSAL" must be followed (attached)
2. Employee, Supervisor, Joint Health and Safety Committee completes a Work Refusal Report after contacting the CEO.
3. The Client Service Supervisor/designate notifies the client if the Ministry of Labour is being called in for unresolved Health and Safety work refusal issue.

Please Note:

If the client refuses to have the Ministry of Labour do an inspection, the Client Service Supervisor/designate advises the client that any service related to the unresolved Health and Safety issue will be discontinued until the issue is resolved. If the Health and Safety issue results in a discharge of services, the Client Service Supervisor/designate advises the Chief Executive Officer, Community Care Access Centre and LHINS to discuss any discharge decisions by Personal Attendant Care Inc.

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Informal Dispute Resolution

In the interest of preserving workplace relationships, employees are encouraged to discuss concerns informally with their Supervisor or Human Resource Manager. If the initial step does not resolve the issue, employees should discuss the complaint with the Chief Executive Officer.

Employees may proceed directly to the formal dispute resolution if a dispute cannot be resolved informally to the satisfaction of all parties involved or the parties wish to proceed directly to the formal process.

Formal Dispute Resolution

Employees may initiate a formal dispute resolution process by forwarding a written request to their Supervisor and Manager including:

- The nature of the problem or complaint
- A summary of the communication that has taken place between the employee and other parties involved
- The reasons why the employee disagrees with the response
- Suggestions for proper resolution of the matter

In the event that the dispute cannot be resolved the Employer and Union may engage a third party to mediate the dispute. The Human Resource Manager in collaboration with the Union may contact an appropriate mediator and arrange a meeting between the parties involved.

All persons involved with a complaint are to maintain confidentiality, except where disclosure is necessary for the purposes of investigating the matter.

Practices for Community Personal Support Workers

High Risk Areas:

- Working with the public;
- Providing care, service, advice or education;
- Working with unstable or volatile persons (person with unpredictable moods/behaviours);
- Possible assault by a client, animal, family member and/or affiliate;
- Employees vs. employees (physical, emotional, racial, sexual, slander, bullying, gossip, rumours);
- Employees driving have additional risks (i.e. road rage, car jacking);
- Working late into the evening;

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- Working in community based settings, particularly in high crime areas;
- Working in segregated areas (rural);
- Possible knowledge of medications/narcotics in the client's home.

Workplace Design & Work Practices

To reduce the risk in the workplace, some preventative methods and the activities employees do on the job to minimize risk:

- Limiting access to the client's home while providing service (locking doors).
- Be aware of your surroundings;
- Park in well lit areas, if possible;
- Confidential information and employee schedules are not to be shared with anyone;
- Follow all policies and operational procedures that are set for the safety of employees;
- Be familiar with the Client Service Plans so you are able to handle any incident with confidence and you are aware of any hazards or risks;
- Keep vehicle doors locked when driving.

Administrative Practices

Decisions made about how business is done:

- Constant communication is key, pass on any incidents happening at or around your shift so all employees are prepared to deal with the unknown;
- Management support is available at all times through on-call system;
- Orientate all employees to the policies and operational procedures around potential and actual hazards;
- Train employees to identify signs of escalating behaviours that could lead to violence;
- Train employees on techniques to defuse potentially violent situations;
- Employees receive Health and Safety Awareness training;
- Service Plans are written for all clients indicating potential hazards;
- All employees upon hire and annually thereafter, provide a criminal reference check;
- Explore alternative work arrangements to make your work pattern less predictable in the case of domestic violence;
- Provide priority parking near the building or have escorts/security escort you to your vehicle.

Practices for Administrative Employees

High Risk Areas:

- Working with the public
- Providing care, service, advice or education;
- Organization participates in activities that may increase stress (i.e. terminations, discipline, conflict resolution);

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- Employees vs. employees (physical, emotional, racial, sexual, slander, bullying, gossip, rumours);
- Working in the evening with limited employees;
- Employees driving have additional risks;
- Working in community-based settings.

Workplace Design & Work Practices

The physical building and the activities employees do on the job to minimize risk:

- Limit the number of entrances or exits to the public;
- Posted emergency numbers;
- Keep workplace entrances, exits and parking lot well lit;
- Entrance door is automatically locked at 16:30 and opens at 8:30;
- Camera surveillance is utilized for the parking lot, North Fire Exit, hallway and South West Fire Exit;
- Doors remain locked in the secondary office and access is monitored by reception during business hours.

Administrative Practices

Decisions made about how business is done:

- Procedures are in place for reporting incidents with follow up and recommendations;
- Review of violence prevention procedures during orientation;
- Sign in/out book at reception with signs posted to remind those coming in to sign in and out;
- In high risk situations call 911 for Police support;
- Employees receive Health and Safety Awareness training;
- All employees upon hire and annually thereafter, provide a criminal reference check.

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Harassment

If the employee is being harassed.

1. Take action. Tell the harasser to stop the unwelcome and offensive behaviour.
2. Report the problem to the immediate Manager/Supervisor.
3. If the harassment persists after you have made the harasser aware that the behavior is not acceptable, report the problem to the Human Resources Manager or Chief Executive Officer.
4. If the alleged harasser is the Employer or Manager/Supervisor report the problem to the Board Chair.
5. The employee completes a Complaint Form and an Employee Incident Form and submit within 48 hours of the incident to the Client Service Manager and/or the Human Resource Manager. If the alleged harasser is the Employer or Manager/Supervisor submit forms to the Board Chair.
6. Keep a record of the harassment. When did it start? What happened? Were there any witnesses? What was your response? A written record will help support your claim. (A failure to keep a written record will not invalidate your claim).

INVESTIGATION OF A COMPLAINT

1. The Employer will ensure that an investigation is conducted into incidents and complaints of workplace harassment that is "appropriate in the circumstances".
2. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed, unless necessary for investigation or taking corrective action, or by law.
3. Where appropriate or required, an external third party may be utilized in order to provide an unbiased and fair investigation of the alleged complaint.

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4. The investigative process shall include the following;

- Interview with the complainant, respondent and witness to the allegation.
- Follow up letters to be given to the complainant and respondent outlining the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.
- If required, appropriate discipline shall be levied according to Personal Attendant Care Inc.'s discipline procedures.

Program Review

Our workplace Violence/Bullying prevention policies, procedures and program will be reviewed as often as necessary but at least annually.

Attached Forms

Client Service Plan	5(d)
Complaint Report	4(c)
Employee Accident Investigation Report	4(e)
Employee Incident Report	4(f)
Work Refusal Flow Chart	4(l)
Workplace Assessment	4(r)