 <div>MARKHAM STOUFFVILLE HOSPITAL CORPORATION</div>	WORKPLACE VIOLENCE AND HARASSMENT PREVENTION	
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Approved By: Chief Human Resources Officer	Latest Version: 01/05/2018	
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PURPOSE AND SCOPE:

The purpose of this document is to ensure the identification of all potential or actual sources of workplace violence and harassment and the elimination or the minimization of risks, incidents, injuries or illnesses related to violence (including domestic violence) and harassment in the workplace and the promotion of respect in the workplace.

Compliance to this policy will ensure Markham Stouffville Hospital is meeting the requirements of all applicable legislations, standards, codes and regulations.

The hospital's *Expect Respect* Program applies to all Markham Stouffville Hospital employees, medical/dental/midwifery staff, volunteers, students, patients and their family members, visitors, suppliers, vendors, contractors, consultants and to any person working on behalf of the hospital.

For the purposes of this policy, workplace includes all areas within the hospital's control and hospital sanctioned events, training or conferences.

POLICY STATEMENT(S):

Markham Stouffville Hospital is committed to providing a work environment that is safe, healthy, supportive, secure, and respectful of each individual. We foster behaviours that contribute to minimizing the risk of violence and harassment in the workplace. The hospital community has a shared interest, role and responsibility in connection with securing and maintaining a hospital that is free from any form of violence or harassment.

The hospital has a zero tolerance of violence and harassment in the workplace environment. Employees found to be engaging in workplace violence or harassment will be subject to disciplinary action up to and including termination. Medical/dental/midwifery staff found to be engaging in such behaviours will be subject to disciplinary action up to removal of privileges.

The hospital expects that everyone will be treated and will treat others with dignity and respect.

PROCEDURE:

Roles and Responsibilities	
Employer (Senior Leadership, Board)	<ul style="list-style-type: none"> • Sign a <i>Statement of Commitment</i> to the prevention of violence in the workplace and the Code of Behaviour. • Attend appropriate training regarding workplace violence and harassment prevention. • Promote respectful interactions upholding the Expect Respect program. • Ensure that measures and procedures identified in the violence and harassment prevention program are carried out and that management is held accountable for responding to and resolving complaints of violence and harassment • Promote and enforce compliance to the workplace violence and harassment prevention policy and referenced policies. • Allocate ongoing human and financial resources to support the awareness, education and training provided to MSH agents. • Establish a Violence Prevention Committee. • Ensure risk assessments, control measures, training and education for all MSH agents are established and maintained. • Review trends and statistics provided by the Joint Occupational Health and Safety Committees and Violence Prevention Committee and ensure corrective action taken as necessary. • Ensure compliance by all persons who have a relationship with the organization, such as medical/dental/midwifery staff, contractors, volunteers, etc.
Leaders (Directors/Managers/Supervisors)	<ul style="list-style-type: none"> • Sign a <i>Statement of Commitment</i> to the prevention of violence in the workplace and the Code of Behaviour. • Attend appropriate training regarding workplace violence and harassment prevention. • Promote respectful interactions upholding the Expect Respect Program. • Ensure employees and students receive

	<p>initial and ongoing annual training on violence and harassment prevention and maintain records of training.</p> <ul style="list-style-type: none">• Enforce policy and procedures and monitor worker compliance.• Complete a <i>Workplace Violence Prevention Risk Assessment</i> form and action plan as needed.• Identify and alert employees and students of violent individuals and/or hazardous situations and take necessary preventative measures. Take all reports of violence seriously and investigate all workplace violence and harassment incidents, including sexual harassment in a fair, timely and sensitive manner and take corrective action as necessary and liaise with the Human Resources Department and Security as necessary. If the incident is of a criminal nature as defined under the <i>Criminal Code of Canada</i>, Security will contact the Police.• Ensure that debriefing is completed and documented for those both directly and indirectly involved in the incident.• Facilitate appropriate supports, including medical attention, for workers under their direction, as required.• Contact Human Resources to ensure the employee/student receives further counselling about the employees/students legal rights.• For any incidents resulting in workplace injury or illness, follow the hospital policy <i>Reporting and Investigation of Employee Accidents and Incidents</i>.• Where there is no Manager and/or for all direct reports, the Director is responsible for the actions noted above.• Take all reasonable precautions to protect workers if aware or should reasonably be aware of domestic violence that would potentially expose a worker to physical injury in the workplace.• Provide information, including personal information, to an employee/student about a person with a history of violent behaviour if:
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	<p>a) the employee/student can be expected to encounter that person in the course of his or her work; or, b) the risk of workplace violence is likely to expose the employee/student to physical injury. The disclosure is limited to information that is reasonable necessary to protect employees/students from physical injury.</p>
<p>MSH Agents (Employees/Students/Medical Staff/Midwives/Volunteers)</p>	<ul style="list-style-type: none"> • Sign a <i>Statement of Commitment</i> to the prevention of violence in the workplace and the Code of Behaviour. • Contribute to the creation of a safe and healthy work environment by demonstrating respectful and appropriate conduct at work. • Participate in all required education and training related to workplace violence/harassment and understands and complies with the violence and harassment in the workplace prevention policy and all related procedures. • Report all incidents or injuries of violence/harassment, including sexual harassment or threats of violence to their Manager/Director/ Preceptor/Volunteer Coordinator and Security immediately. If the employee's direct manager is involved in the act, the employee/student/volunteer will contact the Human Resources Department/Volunteer Services. Complete the online IReport form. In cases where employee's direct manager is involved, the Human Resources Department will complete the online IReport form on behalf of the employee. • Report concerns of harassment if the employee witnesses another employee being harassed. • In cases of medical/dental/midwifery staff/trainees, report all incidents or injuries of violence/harassment or threats of violence/harassment to the Chief of the Department and/or Chief of Staff and complete the online IReport form. • Seek medical attention if required. • For any incidents resulting in workplace injury or illness, follow the hospital policy

	<p><i>Reporting and Investigation of Employee Accidents and Incidents.</i></p> <ul style="list-style-type: none"> • Seek support when confronted with violence/harassment or threats of violence/harassment. • Assist management with investigations and risk assessments when required. • Participate in recognizing, identifying, preventing, assessing and controlling hazards in the workplace. • Participate, if required, in workplace inspections. • Participate, if required, in accident investigation procedures (refer to <i>Reporting and Investigation of Employee Accidents and Incidents</i>) • Participate, as required, in a review at least annually of the workplace violence prevention program.
Occupational Health and Safety Department (OHS)	<ul style="list-style-type: none"> • Uphold the Expect Respect Program. • Review incident/accident investigation reports related to workplace violence and harassment and compile statistics related to violence/harassment to monitor trends in violent/harassment incidents. • Report trends and statistics to the Joint Occupational Health and Safety Committee (JOHSC), Workplace Violence Prevention Committee and Senior Leadership, as appropriate. • Follow up on safety inspections and other reports, as appropriate, to ensure violence/harassment issues are addressed in collaboration with Director/Manager and/or employee.
Human Resources Department	<ul style="list-style-type: none"> • Model the substance and intent of this policy and promote respectful interactions upholding the Expect Respect Program. • Take all reports of violence seriously. • Provide advice and counseling in workplace violence/harassment incidents and investigations. • Offers advice on appropriate options for dealing with a situation and help determine if, or which other stakeholders, including the union need to be engaged, including

	<p>facilitating medical attention for employee(s) as required.</p> <ul style="list-style-type: none"> • Assist managers with investigating, arranging debriefing sessions and/or counselling through EAP or other resources • Investigate all workplace incidents involving an employee's direct manager. • Ensure that debriefing is completed for those both directly and indirectly involved in the incident. • Acts as a process lead back up to OHS if they are the first point of contact. • Ensure the employee receives further counseling about the employee's legal rights. • Investigate any employee, medical/dental/midwifery staff, volunteers and students, with a history of violence to determine if disclosure is required at the hospital.
Joint Occupational Health and Safety Committees (JOHSC)	<ul style="list-style-type: none"> • Uphold the Expect Respect Program. • Review incident/accident data related to violence/harassment in the workplace and analyze for trends and make recommendations for prevention and enhancement of health and safety related policies, including risk assessments and/or safety plans at MSH. • Participate, if required, in violence/harassment and accident investigations. • Review policy and procedure annually for ongoing quality improvement in collaboration with Directors, Managers, employees and Occupational Health and Safety Department. • Be consulted about the development, establishment and implementation of violence/harassment prevention measures, procedures and training and education (the Violence/Harassment Prevention Expect Respect Program).
Violence Prevention Committee	<ul style="list-style-type: none"> • Uphold the Expect Respect Program • Assist in developing and maintaining the hospital's Expect Respect Program and provide input on the delivery and training of the Expect Respect Program • Assist in conducting risk assessments in

	consultation with the JOHSCs and develop action plans from the risk assessments. <ul style="list-style-type: none"> • Review quarterly reports of employee workplace violence incidents and report trends to Senior Leadership. • Annually review and revise the Expect Respect Program
Other Individuals (Patients, Visitors, Contract Workers, any persons working on behalf of the hospital)	<ul style="list-style-type: none"> • Comply with the hospital's Code of Behaviour as outlined in the Patient and Family Guide provided to patients and family members.

REPORTING AND INVESTIGATION PROCEDURES

The Markham Stouffville Hospital has a zero tolerance approach to workplace violence/harassment. Zero tolerance means that every reported action of abusive/aggressive harassing or threatening behavior will be tracked and resolved based on the individual facts. Individual cases may require different resolutions. Although measures will be put in place to assist parties in conflict resolution, where appropriate, disciplinary action will be taken, up to and including termination of employment for cause, reporting to the Regulatory College, revocation of medical/dental/midwifery staff's privileges, contacting police regarding possible criminal charges, and/or termination of volunteer/student/contract agreements.

Reporting Procedure:

1. All MSH stakeholders are responsible for reporting threats or violence/harassment to their Manager/Director/ Chief/Volunteer Coordinator and complete the IReport form. The Clinical Operations Manager and/or Manager-On-call should be contacted after hours for serious incidents of violence/harassment. If the incident is a criminal matter, Security should be contacted immediately. The employee/student/volunteer is to complete the IReport form.
 - a. If the employee's direct manager is involved in the act, the employee contacts the Human Resources Department. The Human Resources Department will complete the online IReport form on behalf of the employee.
2. If the perpetrator has no relationship to the organization (Type I) or has a personal relationship with an employee/student (Type IV), the Manager/Director will consult with Human Resources and Security, and if there is a threat of physical violence, Security will contact the Police Department.
3. In no circumstances will any person who in good faith reports an incident of threat, intimidation or violence, or assists in its investigation, be subject to any form of retribution, retaliation or reprisal. Any person who makes or participates

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in such retribution or retaliation, directly or indirectly, will be subject to disciplinary action. A person who believes he/she has been or is being subjected to retribution or retaliation should immediately notify his/her Manager/Director or Human Resources Department.

4. Individuals must recognize that any complaint found to have been made in bad faith will be considered serious misconduct, could result in severe disciplinary action being taken by the employer and could result in legal action by the individual accused or the hospital.

Investigation Procedure:

1. Managers/Directors must investigate all reports of violence/harassment. In cases of employee incidents, contact Human Resources and the appropriate union representative, if applicable. Security is to be contacted if the incident is of a criminal matter who in turn will contact the Police Department.
2. In cases of medical/dental/midwifery staff, the Chief of Department and/or the Chief of Staff will be consulted in the investigation and resolution of incident. An IReport is to be completed, as well as the procedures in the *Complaints Regarding the Behaviour of Members of the Board Appointed Professional Staff (Medical/Dental/Midwifery Staff)* policy are to be followed.
3. In cases of violence of patients by employees and volunteers, incidents are to be reported to the Manager/delegate immediately and an IReport completed. The Manager / delegate will follow the procedures set out in the *Abuse of Patients by Staff or Volunteers* policy.
4. The hospital takes all reported incidents of violence/harassment seriously and will not ignore, condone or tolerate disruptive, threatening or violent/harassing behaviour by any member of the organization. If deemed necessary, anyone engaged in such behaviour may be removed from the premises. They may be banned from access to the hospital's premises pending the outcome of an investigation. However, a patient's health, safety or life should not be placed in jeopardy by such removal from the premises.
5. In unusual circumstances the hospital reserves the right to refer the investigation to an external investigator to conduct an impartial investigation.
5. The individual conducting the investigation will not be directly involved in the incident or complaint and will not be under the direct control of the alleged offender. This individual will be trained in investigation techniques.
6. The parties to the complaint will be updated periodically on the status of the investigation.

7. The investigation will be completed within 90 calendar days or less unless there are extenuating circumstances warranting a longer investigation, i.e. multiple witnesses, key witness unavailable due to illness.
8. A summary of the investigation findings and any corrective action are shared with both the complainant and the alleged offender in writing within 10 calendar days of the investigation being concluded.
9. If an individual involved believes the matter has not been resolved in a satisfactory manner, the individual may follow up as a complaint as per hospital procedures.
10. Confidentiality: The hospital will attempt to preserve and protect the confidentiality in the alleged case. However, where required by law or required in order to investigate and/or resolve the matter it may be necessary for the hospital to disclose confidential information. All records of the investigation will be kept confidential and maintained for a period of at least one year from the conclusion of the investigation. All reports and information related to the investigation will be kept by Human Resources.

If an incident of workplace violence occurs that is of an immediate or threatening nature and immediate response is required, follow the Emergency Response Measures below.

EMERGENCY RESPONSE MEASURES

If an incident of workplace violence occurs that is of an immediate or threatening nature and immediate response is required, please refer to the hospital's emergency response procedures located in the Emergency and Disaster Manual:

Code White – Violent Person

- Policies # 090.917.045 – Both sites;

Code Purple – Hostage Taking Procedures

- Policies # 070.917.035– Both sites

Code Black – Bomb Threat

- Policies # 020.917.010 – Both sites;

The police may be called at any time for assistance.

A Safety Plan may also be developed as needed, and specific to the case. A safety plan involves identifying actions that will increase employee safety, and prepare for the possibility of future violence. A Safety plan will be developed with input from the MSH agent, Occupational Health and Safety and Security Services.

RISK ASSESSMENT/PROGRAM

The Workplace Violence Prevention Committee will facilitate the assessment of risks associated with workplace violence and the development of action plan to eliminate or minimize violence in the workplace. The purpose of the risk assessment is to identify which MSH agent may be at risk of violence, the degree of risk, whether control measures are in place to address this risk, and if so, whether these measures are adequate.

The results of the risk assessment will be communicated with the JOHSCs and all appropriate parties at the workplace.

All or part of the risk assessment will be reviewed at least annually.

DISCLOSURE PROCEDURES

The hospital is required to provide information, including personal information, to an employee, student and medical/dental/midwifery staff about a person with a history of violent behaviour if: a) the employee can be expected to encounter that person in the course of his or her work; or, b) the risk of workplace violence is likely to expose the employee to physical injury. The disclosure is limited to information that is reasonably necessary to protect employees, students and medical/dental/midwifery staff from physical injury. Human Resources, in consultation with appropriate parties, is responsible for the investigation of these incidents to determine if disclosure is required at the hospital and the extent of the disclosure. Written procedures/guidelines for disclosure of violent persons are located on the Hospital's intranet, Occupational Health and Safety page, Expect Respect Program tab.

For patients with a risk for violent behaviour, an early identification and communication system is in place. The goal being to communicate necessary information and preventive measures to staff regarding these patients who have an Alert for Behavioural Care (ABC). This process aims to prevent occupational injury/illness and to ensure safe patient care.

EDUCATION AND TRAINING/COMMUNICATION

The hospital's commitment to education includes but is not limited to specific public/community, employee/student, and supervisory education. MSH agents will receive education regarding the Workplace Violence and Harassment Prevention Policy/Program including but not limited to reporting/response expectations/requirements, interventions to minimize risk, and the supportive processes available to them.

Education will also entail domestic violence and the increasing awareness of specific disease processes that can affect patient understanding of their actions and measures to promote employee/student and patient safety. Managers/Directors also receive training to ensure competency under the *Occupational Health and*

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Safety Act and how to investigate, document and follow-up incidents, including corrective action.

Any training developed, established and provided shall be done in consultation with and in consideration of the recommendation of the JOHSCs and as identified in the risk assessment.

The Crisis Prevention and Intervention Training (CPIT) offered with varying content based on roles and responsibilities of MSH agents. As per the Code White policy, at the Markham site CPIT Training is mandatory for Code White Team members and the training is highly recommended for employees in the Emergency Department as well as all employees across the hospital. At the Uxbridge site CPIT training is mandatory for all staff.

Communication about the hospital's Workplace Violence and Harassment Prevention program and Code of Behaviour will be provided to patients and their family members, visitors, suppliers, vendors, contractors, consultants and the community.

WORKPLACE VIOLENCE AND HARASSMENT SUPPORTS

Markham Stouffville Hospital is committed to the provision of a safe, healthy, secure and respectful workplace. Any member who has been exposed to any form of workplace violence/harassment or has witnessed any form of workplace violence/harassment will be supported through all aspects of the event including reporting, investigating, the follow-up and treatment and/or corrective action stages. The employer will respond promptly, assess the situation and ensure that these interventions are followed:

- Facilitation of medical attention
- Debriefing (by skilled professional)
- Referrals to community agencies, treating practitioner and employee assistance program
- Referral to trade union, if applicable
- Completion of incident reports, WSIB reports, reports to Ministry of Labour (critical injury or fatality)
- Reporting to police (as required)
- Team debriefing

The hospital provides a confidential employee assistance program to all employees and their family members.

DEFINITION(S):

Bullying: repeated, persistent, continuous behaviour as opposed to a single negative act and is generally associated with a power imbalance between the victim and perpetrator, where the victim feels inferior.

Domestic violence: any use of physical or sexual force, actual or threatened, in an intimate partner relationship (including a former spouse). It may include a single act of violence, or a number of acts forming a pattern of abuse through the use of assaultive and controlling behaviour.

Stalking: also known as criminal harassment and generally consists of repeated conduct that is carried out over a period of time and that causes victims to reasonably fear for their safety but does not necessarily result in physical injury. It may be a precursor to subsequent violent acts.

Threat: a communicated intent (verbal or written) 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 threaten physical harm.

Workplace Harassment: As defined by the *Occupational Health and Safety Act*:

- 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

Examples of workplace harassment include but are not limited to offensive or intimidating comments or jokes (including comments made on social media), bullying or aggressive behaviour, displaying or circulating offensive pictures or materials, inappropriate staring, workplace sexual harassment, isolating or making fun of a worker because of gender identity.

Harassment does not include supervisory practices, workplace rules or procedures, workplace goals, performance feedback or disciplinary procedures or workplace conflict between staff, e.g. personality clash or differences of opinion about tasks/job duties.

Workplace Sexual Harassment: As defined by the *Occupational Health and Safety Act*:

- 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;
- c) this includes sexual assault which is any unwanted act of a sexual nature imposed by one person upon another

Workplace violence: As defined by the *Occupational Health and Safety Act*:

- 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

Criminal Code Definitions:

Assault

265 (1) A person commits an assault when

- *(a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;*
- *(b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or*
- *(c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.*

Uttering threats

264.1 (1) Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat

- *(a) to cause death or bodily harm to any person;*
- *(b) to burn, destroy or damage real or personal property; or*
- *(c) to kill, poison or injure an animal or bird that is the property of any person.*

Sexual Assault

271 Sexual Assault is an assault, within any one of the definitions of section 265(1) located above, which is committed in circumstances of a sexual nature such that the sexual integrity of the victim is violated.

272 Sexual assault with a weapon, threats to a third party or causing bodily harm

Criminal harassment

264 (1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

Prohibited conduct

(2) The conduct mentioned in subsection (1) consists of

- (a) repeatedly following from place to place the other person or anyone known to them;*
- (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;*
- (c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or*
- (d) engaging in threatening conduct directed at the other person or any member of their family.*

Classification of Violence in the Workplace

To distinguish the sources of workplace violence, the following four will be used:

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

Type II (Client or Customer): The perpetrator is a client at the workplace who becomes violent toward a worker or another client

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

Type IV (Personal Relationship): The perpetrator has or has had a relationship with an employee e.g., domestic violence in the workplace

Source: Public Services Health and Safety Association

REFERENCE(S):

Occupational Health and Safety Act, RSO 1990.

The Criminal Code of Canada

The Ontario Human Rights Code

The Workplace Safety and Insurance Act, 1997

The Compensation for Victims of Crime Act

The Regulated Health Professions Act, 1991
The Occupier's Liability Act

RELATED DOCUMENTS:

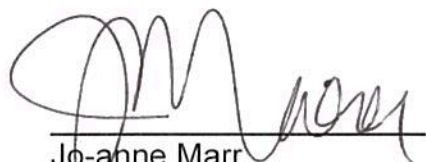
RESPONSIBILITY:

Required Endorsements	Sponsor	Approval Authority
Violence Prevention Committee	Director, Human Resources and Occupational Health and Safety	Violence Prevention Committee
Joint Occupational Health and Safety Committees	Chair, JOHSC	Joint Occupational Health and Safety Committees

DOCUMENT HISTORY:

Type	Individual/Committee	Date	Outcome
Review/Revised	Manager, Occupational Health and Safety	26/05/2011, 30/09/2011, 01/11/2012, 01/11/2013, 01/11/2014, 01/11/2015, 01/11/2016	Approved
Revised	Director, Human Resources and Occupational Health and Safety, Violence Prevention Committee and Joint Occupational Health and Safety Committees	01/05/2018	Incorporate Employment Free from Harassment policy (#030.911.220) into this policy and retired document #030.911.220

APPENDICES:



Jo-anne Marr
President and CEO

June 15, 2018
Date

