



WORKPLACE VIOLENCE AND DOMESTIC VIOLENCE POLICY

The Brock University Students' Union, Inc. ("BUSU") is committed to providing and maintaining a professional working environment based on respect for the dignity and rights of everyone in the organization.

While BUSU cannot eliminate all risks of workplace violence, sexual violence or domestic violence, it is BUSU's goal to provide a healthy and safe work environment that is free from any type of violence.

Workplace violence, including sexual and domestic violence that may occur in the workplace are health and safety issues which are covered under the *Ontario Occupational Health and Safety Act*.

BUSU has zero tolerance for workplace violence including sexual and domestic violence.

PURPOSE

The overall purpose of this policy is to ensure that:

- All employees understand the key terms and definitions that relate to this policy
- All employees understand their role and responsibility as it relates to workplace violence, sexual violence and domestic violence
- To educate employees and create increased awareness and sensitivity to identify conduct that is a violation of this policy and to understand the negative impact of workplace violence, sexual violence and domestic violence
- To prevent workplace violence, sexual violence and domestic violence
- To provide a process and procedure to handle complaints.

SCOPE

1. This policy applies to all employees, Board members, Executives, Council members, volunteers, independent contractors and consultants. It applies in any location in which employees are engaged in work-related activities. This includes, but is not limited to:
 - the workplace
 - during work-related travel
 - at restaurants, hotels or meeting facilities that are being used for business purposes

- in company owned or leased facilities
 - during telephone, e-mail or other communications
 - at any work-related social event, whether or not it is employer sponsored
2. This policy also applies to situations in which employees are threatened with and/or subjected to violence in the workplace from individuals who are not employees of the organization, such as students and suppliers, although the available remedies may be constrained by the situation.

DEFINITIONS

Workplace violence, sexual violence and domestic violence that may occur in the workplace are health and safety issues which are covered under the Ontario *Occupational Health and Safety Act*.

WORKPLACE VIOLENCE

1. Workplace violence is defined under the Ontario *Occupational Health and Safety Act* as:
- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
 - an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
 - 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.
2. Workplace violence is defined broadly enough to include acts that may be considered criminal. Workplace violence includes:
- physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects
 - verbal or written threats to physically attack a worker
 - leaving threatening notes or sending threatening e-mails
 - wielding a weapon at work
 - intimidation
 - physical restraint or confinement
 - dangerous or threatening horseplay
 - blatant or intentional disregard for the safety or wellbeing of others
 - stalking someone
 - physically aggressive behaviour, including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault

3. Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.
4. Workplace violence may come from many different sources:
 - other employees
 - Management
 - strangers or people with no ties to the workplace
 - customers, suppliers, delivery people
 - intimate relationships outside or work (such as intimate partners, family, friends)

SEXUAL VIOLENCE:

1. Sexual violence is not defined by the provisions of the *Occupations Health and Safety Act*.

Sexual violence is any sexual act or act targeting a person's sexuality, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

2. BUSU recognizes that Sexual Violence is a serious and complex issue that can adversely affect its employees. BUSU unequivocally prohibits and will not condone, tolerate, or ignore any form of Sexual Violence that affects the work environment.
3. BUSU also recognizes that Sexual Violence can have serious and lasting effects on the physical, mental, and emotional welfare of Survivors. BUSU will provide access to supports, services, and reasonable employment accommodation for employees who are affected by Sexual Violence.

CONSENT

Consent is an active, affirmative, conscious, direct, unimpaired, and voluntary agreement to engage and continue to engage in sexual activity.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in sexual activity. Lack of protest or resistance does not alone constitute Consent.

All of the elements of Consent must be present, even if alcohol or drugs have been consumed. It is not acceptable for a person who is said to have engaged in sexual violence to use their own consumption of alcohol or drugs as an excuse for their mistaken belief that there was consent.

Consenting to one kind of sexual activity does not mean that Consent is given for another

kind of sexual activity.

A person may withdraw Consent at any time during the sexual activity and Consent only applies to a specific instance of sexual activity.

The existence of a relationship or past sexual activity does not alone constitute Consent. Subsequent consensual sexual activity, communication, or other conduct of a sexual nature does not suffice as evidence of Consent to prior sexual activity.

There is **No Consent** when:

- (a) the Survivor expresses, by words, conduct, or any other means a lack of agreement to engage in the activity or to continue to engage in the activity;
- (b) the agreement to sexual activity is obtained through pressure, coercion, fraud, the exercise of authority, force, or threats of force;
- (c) the alleged offender implicitly or explicitly induces the Survivor to engage in the activity by using a position of trust, power, or authority;
- (d) the Survivor is incapable of consenting to the activity because they are asleep, unconscious, or unable to understand the fact, nature, or extent of the sexual activity due to disability, mental or physical incapacity, the influence of drugs or alcohol, or any other form of impairment; or,
- (e) the agreement to sexual activity is expressed, by words, conduct, or any other means, by a person other than the Survivor.

DOMESTIC VIOLENCE

1. Domestic violence is not defined by the provisions of the *Occupational Health and Safety Act*.

Domestic violence is a pattern of coercive behavior that is used by one person in an intimate relationship to gain power and control over another. Domestic violence includes physical, sexual, emotional, psychological and financial abuse. Some examples of coercive behavior are: hitting, punching, shoving, stabbing, shooting, slapping, threatening behavior, name calling, humiliating in front of others, controlling what one wears, says and does, controlling the financial decisions, stalking, destroying or attempting to destroy property and using children to control.

Domestic violence occurs between people of all racial, economic, educational and religious backgrounds, in heterosexual and same sex relationships, living together or separately, married or unmarried, in short-term or long-term relationships, between siblings and/or other relatives.

The batterer, perpetrator or "abuser" is the individual who commits an act of violence as defined above.

The survivor or "victim" is the individual who is the subject of an act of domestic violence.

2. It is our intention to raise awareness of domestic violence, provide support and when appropriate guidance to management on addressing the occurrence of domestic violence and its effects on the workplace so as to create a safer workplace environment.
3. If you are experiencing domestic violence that would likely expose you or other workers to physical injury that may occur in the workplace, we will take every precaution reasonable to protect you and your co-workers in the circumstances. This may include some or all of the following:
 - creating a safety plan;
 - contacting the police;
 - establishing enhanced security measures such as a panic button, code words and door and access security measures;
 - screening calls and blocking certain e-mail addresses;
 - setting up priority parking or providing escorts to your vehicle or to public transportation;
 - adjusting your working hours and location so that they are not predictable;
 - facilitating your access to counselling through the Employer Benefit Plan or other community programs;
 - permitting time off from work so that individuals may seek safety and protection, attend court appearances, arrange for new housing, attend counselling, receive medical care or take care of appropriate matters.
4. We appreciate the sensitive nature of these issues and will do our best to assist you as discreetly as possible while maintaining your privacy.

PREVENTING WORKPLACE VIOLENCE

It is our mutual responsibility to ensure that we create and maintain a violence-free workplace and address violence and/or the threat of violence from all possible sources (including students, customers, employees, supervisors, strangers and domestic/intimate partners).

If you have obtained a protective or restraining order against an individual who presents a risk of violence to you or has a history of violence, you are required to provide a copy of the order to the Director of Operations or the General Manager.

RISK ASSESSMENTS

BUSU will conduct risk assessment(s) of the workplace on an annual basis or sooner should an incident occur requiring an assessment. If risks are found during the assessment(s), the General Manager will work with Manager(s) and the Joint Health and Safety Committee to determine and/or implement a solution.

THE BROCK UNIVERSITY STUDENTS' UNION, INC. COMMITMENT

1. BUSU will do its part by not tolerating violence in the workplace. This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, re-assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures and re-training.
2. BUSU is also committed to implementing and maintaining this policy and procedure to ensure that it is effective in preventing workplace, sexual and domestic violence.
3. BUSU is committed to creating a productive and respectful workplace by:
 - a. Informing employees of their rights and obligations
 - b. Providing ongoing training and support regarding the implementation and maintenance of this policy
 - c. Establishing a process for reporting, investigating, documenting and debriefing incidents subject to this policy
 - d. Ensuring that an investigation appropriate in the circumstances is conducted when it becomes aware of an incident of workplace, sexual or domestic violence or receives a complaint of such violence.
 - e. Promptly responding to all concerns of violence and not condoning or permitting any behaviour contrary to this policy
 - f. Imposing appropriate corrective action for any substantiated complaint regardless of the status of the respondent
 - g. Protecting employees from reprisal for pursuing their rights under this policy and process
 - H. Conducting an annual review of the effectiveness of the policy and the procedure.

DUTIES OF SUPERVISORS AND MANAGERS

Supervisors are expected to immediately contact the Director of Operations if they receive a complaint of workplace violence or witness or are aware of violent behaviour or the threat of violent behaviour.

Supervisors must take every reasonable precaution to protect employees from workplace violence, including evaluating a person's history of violent behaviour to determine whether and to whom this employee poses a risk. In making this evaluation, supervisors should consider:

- whether the person's history of violence was associated with the workplace or work
- whether the history of violence was directed at a particular employee or employees in general
- how long ago the incidence of violence occurred

In certain circumstances, supervisors may have a duty to provide information about a risk of workplace violence from a person with a history of violent behavior, if an employee can be

expected to encounter that person during the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury. Supervisors will only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the employee from physical injury.

JOINT HEALTH AND SAFETY COMMITTEE

The Joint Health and Safety Committee shall:

1. Review the Workplace Violence and Domestic Violence Policy annually and ensure that a workplace risk assessment of violence is conducted annually or earlier if there is a material change of circumstance such as an incident of violence.
2. Review the results or any workplace risk assessment and provide recommendations to management to reduce or eliminate the risk of violence.

DUTIES OF ALL EMPLOYEES

1. Employees must do their part by ensuring that their behaviour does not violate this policy and by fostering a work environment that is based on respect.
2. Report all incidents or violence experienced or witnessed promptly to the Director of Operations.
3. Cooperate during the investigation process.
4. Be familiar with and follow the procedures in place to protect oneself from incidents of workplace violence.
5. Be familiar with and follow the procedures in place to report incidents or concerns in violation of this policy that you are involved with directly or witness.
6. Participate in all training and instructions regarding workplace harassment and violence prevention education.

SIGNS OF WORKPLACE VIOLENCE

The following signs should trigger concern as they are usually demonstrated by people experiencing challenges:

- Verbal, nonverbal or written threats – or intimidation, explicit or subtle
- Fascination with weaponry and/or acts of violence – carrying a concealed weapon
- Expression of a plan to hurt self/others
- Feelings of persecution, expressed distrust, especially with management
- Expression of extreme desperation over family, financial or personal problems
- Frequent interpersonal conflicts

- Displays of unwarranted anger
- Violence toward inanimate objects
- Sabotaging projects, computer programs or equipment
- Holding a grudge against a specific person; verbalizing a hope that something will happen to him/her
- Romantic Obsession - another type of workplace violence may occur when an individual becomes romantically obsessed with someone who does not reciprocate the romantic feelings. The obsession is irrational and the subject does not respond to the victim's attempts to set limits or to end the attachment. Obsessed individuals have sometimes been known to be a threat to the safety of the individual with whom they are obsessed.

Those who witness the above warning signs are strongly encouraged to inform their Supervisors who will bring the concern(s) to the attention of the Director of Operations..

STRATEGIES TO DE-ESCALATE THREATENING BEHAVIOR

Employees will be taught the following conflict resolution strategies which may be helpful to de-escalate situations where an individual is exhibiting threatening or intimidating behavior:

- Project calmness, move and speak slowly, quietly and confidently
- Encourage the person to talk; listen closely and patiently
- Maintain a relaxed but attentive posture
- Position yourself at an angle to the person rather than directly in front
- Arrange yourself so your access to emergency exits is not blocked
- Acknowledge the person's feelings
- Ask for small, specific favors such as asking the person to move to a quieter area or to move outside
- Use delaying tactics to give the person time to calm down, such as offering a drink of water (in a paper cup)
- Point out choices, break big problems into smaller ones
- Avoid sudden movements and maintain 3-6 foot distance
- Call the police when it is safe to do so
- Call the General Manager and/or his/her designate when the person has left
- Summon assistance of the police

SAFETY PLANNING and INCIDENT MANAGEMENT

As part of any workplace hazard assessment completed by the Joint Occupational Health and Safety Committee, issues affecting the safety of employees will be identified and remedied by management.

- To the extent possible, the public will be provided limited and authorized access to the affected work areas;
- Each worker will have an updated list of emergency numbers as well as phone numbers for all other staff;

- Staff should always feel comfortable to seek the assistance of a co-worker, supervisor, member of management, the General Manager or Director of Operations;
- Management shall ensure that the security alarm system is functioning properly;
- Management shall ensure that all lighting systems are functional;
- Staff will lock or evacuate work areas if needed to secure their safety;
- All individuals who apply for and obtain a protective or restraining order which lists company locations as being protected areas, must provide to Director of Operations a copy of the petition and order;
- If there is any doubt about whether an employee may be at risk of physical violence you are to immediately contact the General Manager who may call the Police;
- In all cases of a physical or sexual assault, the Police shall be called;
- In all cases where employees have credible knowledge of a violent act/harassment in the workplace, the incident must be reported to the Director of Operations or General Manager..

MANAGING THE AFTERMATH OF AN INCIDENT

Police and other emergency and crisis response personnel will be available to manage all emergencies. Police will deal with criminal activity. However, it remains the responsibility of the Brock University Students' Union, Inc., Supervisors, Managers and the General Manager to work together to try to normalize the workplace following an incident.

Depending on the severity of the incident and the recommendations of any assisting resource personnel, BUSU with the assistance of others will normally coordinate post incident normalization.

The General Manager and/or Director of Operations will be expected to take the lead in initiating and participating in debriefings following a violent act, normally within seventy-two (72) hours of an incident or as reasonably as possible following the incident **PROCEDURE FOR RESOLVING AND INVESTIGATING VIOLENCE AND DOMESTIC VIOLENCE COMPLAINTS**

1. The information and formal procedure for resolving and investigating complaints of violence and domestic violence are set out in The Brock University Students' Union, Inc. Workplace Violence and Harassment Program.

RECORD KEEPING

The Brock University Students' Union, Inc. will keep records of all complaints or incidents of workplace, sexual or domestic violence including:

- a copy of the complaint or details about the incident
- records of the investigation, including notes
- a copy of witness statements, if any were taken
- a copy of the investigation report, if any

- a copy of the results of the investigation that were provided to the complainant and respondent
- a copy of records of any corrective action taken.

These records will be subject to the confidentiality requirements discussed above and should not be disclosed unless necessary to investigate an incident or complaint of workplace violence, take corrective action or otherwise required by law.

TRAINING

All employees will be provided training on this policy and the BUSU Program and Procedure for resolving complaints.

Members of the joint health and safety committee of BUSU will receive training on this policy and the complaint process, including how to help an employee report an incident and resources available to an employee who has allegedly experienced discrimination, workplace harassment and lateral violence.

PROTECTION FROM RETALIATION

The Brock University Students’ Union, Inc. will not tolerate retaliations, taunts or threats against anyone who complains about workplace, sexual or domestic violence. Any person who taunts, retaliates against or threatens anyone in relation to a violence complaint may be disciplined or terminated.

MALICIOUS COMPLAINTS

A person, who submits a complaint in good faith, even where the complaint cannot be proven, has not violated this policy.

It is uncommon for someone to make a false complaint deliberately, but it may happen. Where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate disciplinary action.

REVIEW

BUSU will review this policy as often as is necessary but at a minimum it will conduct a review annually.

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Next Review:	October 2019
Revision History:	
Related Documents:	Occupational Health and Safety Act Ontario Human Rights Code