

Ch4-s4-31
**Violence-Free Work & Learning Environment
 (Workplace Violence) Policy**

Classification: Public Safety & Risk Management
 Responsible Authority: Senior Manager, Public Safety & Risk Management
 Approval Authority: Strategic Leadership Team
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PURPOSE

To foster safe and secure working, learning and living environments at all College campuses and workplaces: spaces that are free from violence, and the threat of violence.

SCOPE

This policy applies to all members of the College Community, while on College property (including all College campuses and workplaces); while participating in College-sanctioned activities off College property; and while communicating in virtual environments.

DEFINITIONS

Word/Term	Definition
The Act	Refers to the <i>Occupational Health and Safety Act</i>
College Community	Includes the Board of Governors, workers, students, student associations, contractors, suppliers of services and their employees, lessees/renters of space, individuals who are directly connected to any College initiatives, volunteers, and visitors.
College Management	Includes the Supervisors, Managers, Senior Managers, Directors, Associate Deans, Deans, Executive Directors, Vice Presidents, and President of Confederation College.
Domestic Violence	<p>Per the Ontario Women’s Directorate, “a pattern of behaviour used by one person to gain power and control over another person with whom he/she has or has had an intimate relationship.”</p> <p>In the context of this <i>Policy</i>, “domestic violence” refers to those circumstances of domestic violence (as defined above) which may expose a member of the College Community to physical injury in the workplace.</p>

Supervisor	Per the <i>Act</i> , “a person who has charge of a workplace or authority over a worker”.
Violence	<ol style="list-style-type: none"> 1. The exercise of physical force by a person against a member of the College Community, at a College workplace, that causes or could cause physical injury to the member of the College Community, 2. an attempt to exercise physical force against a member of the College Community, in a College workplace, that could cause physical injury to the member of the College Community, or 3. a statement or behaviour that it is reasonable for a member of the College Community to interpret as a threat to exercise physical force against the member of the College Community, in a workplace, that could cause physical injury to the member of the College Community. <p>Violence includes “Workplace Violence” (as defined below).</p>
Worker	<p>Per the <i>Act</i>,</p> <ol style="list-style-type: none"> 1. A person who performs work or supplies services for monetary compensation. 2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled. 3. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution. 4. A person who receives training from an employer, but who, under the Employment Standards Act, 2000 (ESA), is not an employee for the purposes of that act because the conditions set out in subsection 1 (2) of that act have been met. 5. Other persons who work or provide services to an employer for no money, who may be prescribed by regulation. (At this time, no such persons have been prescribed as a “worker” under the OHSA.)
Workplace	<p>Per the <i>Act</i>, “any land, premises, location or thing at, upon, in or near which a worker works”.</p> <p>It includes, but is not limited to, physical and virtual work environments, work-related social functions, work assignments outside of Confederation College’s work premises, work-related travel, work-related conferences or training sessions, student placements, or field trips.</p>
Workplace Violence	Per the <i>Act</i> ,

	<ol style="list-style-type: none"> 1. the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, 2. an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, 3. 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.
Reprisal or Retaliation	Adverse action taken against an individual for invoking this policy or for participating or cooperating in an investigation under this policy or for associating with someone who has invoked this policy or participated in the policy's procedures.
Vexatious or Bad Faith Complaint	A complaint in which a complainant makes allegations knowing them to be false or submits a complaint for purely malicious or vindictive purpose.

POLICY

1. General

All members of the College Community have a right to an environment that is free of violence, and the threat of violence. Confederation College is committed to the prevention of violence at all of its campuses and workplaces, and will take all reasonable measures to protect the members of the College Community from violence.

To that end:

1. All members of the College Community are expected to uphold this policy and to work together to prevent violence.
2. The College will maintain a program to implement this policy, including:
 - a. measures and procedures to protect members of the College Community from violence;
 - b. a means of summoning immediate and urgent assistance; and,
 - c. a process for members of the College Community to report incidents, or to raise concerns.
3. Confederation College will ensure that this policy and its supporting program are implemented and maintained.
4. All members of the College Community, including workers and supervisors, will receive appropriate information and instruction on the contents of this policy and its supporting program.
5. Supervisors will adhere to this policy and its supporting program. Supervisors are responsible for ensuring that the measures and procedures implemented to eliminate or reduce the risk of workplace violence, or threat of violence, are followed by workers and that workers have the information that they need to protect themselves.
6. All members of the College Community, including all workers, must work and conduct themselves in compliance with this policy and the supporting program. All members of the College Community,

including workers, are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats of violence.

7. The College recognizes its duty to investigate and act upon all incidents and complaints of violence, including workplace violence, in a fair and timely manner, respecting the privacy of all concerned.

2. Responsibilities

- a) Duties of Members of the College Community (Including Workers):
 - i. Promptly report incidents of violence, or threats of violence, including the threat of domestic violence in the workplace, of which they have knowledge to their immediate supervisor and/or to the Director of Human Resources.
 - ii. Cooperate, when requested, in the investigation and/or resolution of complaints under this policy.
 - iii. Understand and comply with this policy and its supporting program.
 - iv. Participate in applicable education and training programs.
- b) Duties of College Management:
 - i. Review and respond in a prompt, objective and sensitive manner to:
 - observations or incidents of violence, or the threat of violence, including the threat of domestic violence in the workplace;
 - complaints of violence, or the threat of violence, including the threat of domestic violence in the workplace; and
 - reports of violence, or the threat of violence, including the threat of domestic violence in the workplace
 - ii. Promote working, learning and living environments, including virtual environments, that are free of violence, and the threat of violence.
 - iii. Assess the risk of workplace violence associated with the areas over which they have responsibility, taking into account the nature of the workplace, the type of work or activities conducted, and the conditions of work. Implement such measures and practices as are required to eliminate or reduce the risk of workplace violence in those areas.
 - iv. Ensure that all those for whom this policy applies are aware of its existence and the issues that it addresses.

3. Prevention and Education

- a) The College will provide training to College staff designed to develop their skills and knowledge to prevent and address issues of violence, and the threat of violence.
- b) Managers and others in positions of authority within the College will be made aware of their responsibilities under this policy and under the Ontario *Occupational Health and Safety Act* in creating and maintaining an environment free from violence and the threat of violence.

PROCEDURE

<u>Action</u>	<u>Responsibility</u>
1. Complaint Process	
1.1 Any member of the College Community who believes that they have been the subject of violence, or the threat of violence, may lodge a complaint either with their manager (for employees), Public Safety, Human Resources or the Learning Resources Division.	Complainant
1.2 A complainant may, at their discretion, decide to withdraw a complaint at any point in the complaints process. In the event of a withdrawal, the College may, at its discretion, continue to investigate the complaint.	Complainant
1.3 As applicable, the College reserves the right to address complaints of violence, or the threat of violence, concurrently through the <i>Respectful Work & Learning Environment (Workplace Harassment) Policy</i> and/or the <i>Sexual Assault and Sexual Violence Policy</i> , or any other related policy.	College Management
1.4 The College will initiate an investigation in accordance with the Investigation Protocol.	College Management
1.5 In some circumstances, the College may be obligated to proceed with an investigation in the absence of a formal written complaint if it becomes aware of allegations or facts which constitute a violation of the this <i>Policy</i> , or any other related policy.	College Management
1.6 The Complainant should carefully record the details of an incident, including the date and time of the incident, the nature of the incident, and the names of any individuals who may have been witness to the incident.	Complainant
1.7 Where there are multiple complainants, the College shall have the discretion to determine whether the complaints shall be addressed as a single complaint or individual complaints, for the purpose of the Complaint Resolution Process.	College Management

2. Remedies and Sanctions

- 2.1 The College shall have complete discretion to impose remedies and sanctions as appropriate, including disciplinary action up to, and including, dismissal for just cause, or expulsion, when:
- Human Resources/Public Safety/Dean/Learning Resources Division
- a) any member of the College Community subjects another member of the College Community to violence, or the threat of violence, or otherwise violates this policy;
 - b) a complaint is found to be vexatious or made in bad faith;
 - c) there is a reprisal or retaliatory measure taken against an employee who, in good faith, files a complaint of violence, or threat of violence, within the meaning of this policy, or any related policy, and/or cooperates in the investigation of the complaint.

3. Confidentiality

- 3.1 Information relating to a complaint will be kept confidential to the extent possible in order to respect the interests of the parties involved. However, during the course of the investigation, information will be disclosed to the extent necessary to properly conduct the investigation and as may be required by this policy and the law. In so doing, the College will ensure compliance with the Ontario *Freedom of Information and Protection of Privacy Act (FIPPA)*. Access by third parties to the report, or to any records collected or created during the course of the investigation will be in accordance with *FIPPA*, and the College will protect personal information contained in such records in the manner and to the extent required by *FIPPA*.
- Human Resources/Public Safety/Dean/Learning Resources Division /Investigation Team
- 3.2 Members of the College Community are expected to fulfill their responsibility to other members of the College Community by assisting and cooperating with the investigation of complaints, including sharing information with administrators.
- College Community
- 3.3 Unwarranted breaches of confidentiality will result in disciplinary action. Open discussions regarding any complaints, incidents and/or investigations will not be tolerated.
- College Community

3.4 All records related to a complaint will be stored in a secure manner. Human Resources/Public Safety

RELATED POLICIES

Ch4-s1-17 Personal Relationships

Ch4-s2-01 Respectful Work & Learning Environment (Workplace Harassment Policy)

Ch4-s2-06 Code of Conduct

Ch4-s2-03 Workplace Discipline

Ch4-s4-21 Reporting and Investigation of Campus Violence

Ch4-s4-28 Sexual Assault and Sexual Violence Policy and Procedure

Ch5-s5 Student Code of Conduct and Discipline

RELATED MATERIALS

Its about respect <http://www.confederationc.on.ca/student-life/your-student-association-succi/succi-services/its-about-respect>

The Ontario Human Rights Commission: <http://www.ohrc.on.ca/>

The Ontario Human Rights Code (1990): <http://www.ontario.ca/laws/statute/90h19>

The Ontario Occupational Health & Safety Act (1990): <http://www.ontario.ca/laws/statute/90o01>

Ministry of Training, Colleges and Universities Act (1990) <https://www.ontario.ca/laws/statute/90m19>