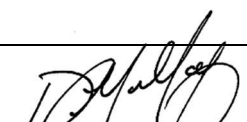


POLICY TITLE: Workplace Violence Policy	POLICY SECTION: Human Resources	POLICY NO: 2.6
RELATED BOARD POLICY:		
RELEVANT LEGISLATION:	Employment Standards Act Occupational Health and Safety	
PRIMARY APPROVER:	President	
SECONDARY APPROVER:	Director of Human Resources	
RESPONSIBLE AUTHORITY:	Human Resources	
DATE APPROVED:	February 8, 2023	
DATE(S) REVIEWED / REVISED:	February 2023	
POLICY REVIEW - FREQUENCY:	To be reviewed every 3 years.	
APPROVER SIGNATURE(S):		

1. Purpose

- 1.1. King's University College (King's) is committed to providing a working environment that is safe from all forms of violence, including domestic violence. Accordingly, King's will not tolerate acts of workplace violence.
- 1.2. Any allegations of workplace violence will be investigated promptly and appropriate action will be taken, which may include discipline of offenders up to and including termination.
- 1.3. The purpose of this policy is to ensure that all parties understand their roles and responsibilities in regards to preventing workplace violence.

2. Scope of the Policy

- 2.1. This policy applies to the King's community, which for the purpose of this policy includes all persons working for King's, including but not limited to managerial, supervisory, full-time and part-time academic and non-academic employees, as well as to all student employees, members of King's Councils, Boards and committees.
- 2.2. Related matters involving students will be dealt with under the Student Code of Conduct and the Rules of Residence.

2.3. Other individuals providing services or conducting research on King's grounds, contractors, volunteers, visitors or guests to King's are also expected to conduct themselves while at King's or conducting any King's-related activity, in a manner consistent with this policy.

2.4. Allegations of workplace violence by such individuals will be dealt with by King's and, if substantiated, may be considered a breach of contract or affect the person's right to be present at King's or to participate in any of its activities.

3. Definitions

3.1. **Assault** means an application of force to another person, without that person's consent, or the attempt or threat by act or gesture to apply physical force to another person.

3.2. **Domestic Violence** is defined as the intentional and systematic use of physical and/or nonphysical tactics to induce fear, and establish and maintain power and control over the thoughts, beliefs and conduct in an intimate/familial relationship.

3.2.1. The pattern of behavior in question may include, but is not limited to, physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and use of electronic devices to harass and gain control. King's recognizes that measures and procedures in this workplace violence program can help protect all King's community members from domestic violence in the workplace.

3.2.2. As with other instances of workplace violence or harassment, King's community members can report their concerns to management if they fear that domestic violence may enter the workplace.

3.2.3. King's will investigate and deal with domestic violence concerns on a case-by-case basis.

3.2.4. In addition to evaluating a community member's specific circumstances, management will determine how measures and procedures in the existing workplace violence program or other appropriate measures could be used to support the development of reasonable precautions for the community member in question.

3.3. **Workplace Violence** under the Occupational Health and Safety Act ("OHSA"), workplace violence means:

3.3.1. The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,

3.3.2. An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,

3.3.3. 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.

3.3.4. Examples of workplace violence could include, but are not limited to, the intentional infliction of or attempt to inflict physical pain or injury such as slapping, hitting, pinching, shoving, kicking, spitting and assault.

3.4. **The Workplace** for the purposes of this policy, the workplace includes, but is not limited to, all King's facilities and worksites, including vehicles, cafeterias, training sessions, business travel, conferences and all locations where the business of the organization is conducted.

3.4.1. The workplace also includes all King's sanctioned social functions or business performed at any location away from King's, whether performed during or outside of normal working hours.

4. Relationship to Other Policies

4.1. Some behaviours that are defined as workplace violence under this policy can also constitute workplace harassment, sexual violence or sexual harassment under the Ontario Human Rights Code and the Occupational Health and Safety Act.

4.2. As such, King's University College's Harassment and Discrimination Policy and/or Sexual Violence Policy may also be applicable in some circumstances.

5. Responsibilities

5.1. Administrative and supervisory officers are responsible for communicating to all members of the King's community that workplace violence will not be condoned or ignored.

5.2. Administrative and supervisory officers will make every effort to prevent workplace violence by:

5.2.1. Identifying those operations or work locations where workplace violence incidents have occurred or where there is a significant probability that workplace violence, including domestic violence, may occur;

5.2.2. Establishing and implementing specific procedures, response plans and other controls where these risks occur or may occur to help minimize or eliminate the risk. The measures shall be reviewed by those employees involved and by the applicable joint health & safety committee(s);

5.2.3. Where appropriate, providing training and education to employees that will allow them to manage and de-escalate crisis situations that may lead to violence and to establish personal safety measures;

5.2.4. Investigating and implementing corrective actions to minimize potential future occurrences;

5.2.5. Ensuring that employees who are experiencing difficulties and/or exhibiting behaviours that may contribute or lead to workplace violence are aware of, and are supported in attending, the Employee Assistance Program (EAP) or other community services, if appropriate;

5.2.6. Ensuring that employees who are exposed to a violent or traumatic situation are aware of, and are supported in attending, the Employee Assistance Program (EAP) or other community services, if appropriate.

5.2.7. All members of the King's community are responsible for creating and maintaining a workplace that is free of workplace violence. All members are responsible for understanding what constitutes workplace violence and conducting themselves in accordance with the spirit and intent of this

policy. The responsibilities of all academic and non-academic employees include:

- 5.2.8. Not engaging in any behaviour that would constitute workplace violence, including coercion, threat and intimidation;
- 5.2.9. Participating and providing input in regards to the development of workplace violence procedures, response plans and other controls that are proposed or implemented to minimize or eliminate the risk;
- 5.2.10. Attending education and training sessions offered by the employer regarding workplace violence;
- 5.2.11. Reporting all workplace violence incidents to the employee's direct supervisor or departmental head;
- 5.2.12. Advising the employee's supervisor or Budget Unit Head that there is a risk of workplace violence in the workplace.
- 5.2.13. Co-operating and assisting with investigations regarding workplace violence incidents;
- 5.2.14. Seeking support and assistance from the Employee Assistance Program (EAP) or other community service when experiencing stress or other personal difficulties that may contribute to workplace violence;
- 5.2.15. Seeking support and assistance from the Employee Assistance Program (EAP) or other community service if exposed to a violent or traumatic situation, if appropriate.

5.3. King's University College recognizes that an employee experiencing domestic abuse may be reluctant, for safety and other reasons, to disclose the problem to a direct supervisor or Budget Unit Head.

5.4. King's encourages disclosure in order to ensure the employee's safety and that of their co-worker.

5.5. Disclosure also enables King's to support the employee and provides links to appropriate community resources.

5.6. Although King's respects an employee's need for confidentiality and self-determination, an employee is responsible for disclosing any situation, which threatens the safety of the workplace.

5.7. This includes threats an intimate partner or ex-partner has made towards the employee.

5.8. A King's community member must inform their direct supervisor or Budget Unit Head if they have applied for, or obtained, a restraining order that lists any King's location as being a protected area, or that requires a person to remain a certain distance away from the employee at all times, including during the work day.

6. Rights and Duties

6.1. King's community members have a right:

- 6.1.1. To report an incident of violence or file a complaint without fear of retaliation;
- 6.1.2. To be told about King's process for investigating incidents or complaints;
- 6.1.3. To choose a person to be with them during meetings about the incident or complaint;
- 6.1.4. To get information about the incident or complaint;
- 6.1.5. To be treated fairly while the incident or complaint is being investigated;
- 6.1.6. To get information about the action taken by King's as a result of the incident or complaint;
- 6.1.7. In the case of King's employees, to refuse to work if the worker has reason to believe that workplace violence is likely to endanger himself or herself.

6.2. Duties of King's Community Members:

- 6.2.1. Community members have a duty to report any incidents of violence or harassment they become aware of, even if they are not personally involved;
- 6.2.2. Community members who feel they have been the victim of workplace violence have a duty to communicate clearly to the person by informing them that their behaviour was unwelcome, unless it is unreasonable or unsafe to expect them to do so;
- 6.2.3. Community members who report an incident or file a complaint have a duty to co-operate with any investigation into the incident or complaint.

6.3. Rights of the Person Accused of Violence:

- 6.3.1. A person accused of workplace violence has the right:
- 6.3.2. To be told that a report or complaint has been filed;
- 6.3.3. To know who filed the report or complaint, unless King's decides that for safety and security reasons, the identity of the complainant should remain withheld;
- 6.3.4. To be told about King's process for looking into the incident or complaint;
- 6.3.5. To choose a person to be with them during meetings about the incident or complaint;
- 6.3.6. To be treated fairly during the investigation process.

6.4. Throughout this policy, if one of the individuals involved is the President, the Chair of the Board of Trustees would be considered the appropriate individual to be informed and involved in the process described herein.

6.5. If the Director of Human Resources or the Vice President, Finance and Support Services is involved, then the President will fulfill, or will designate an alternate King's authority to fulfill, responsibilities described in this policy and the accompanying process, and failing the President, then the Chair of the Board of Trustees.

7. Procedures

7.1. Immediate Action

- 7.1.1. Where a member of the King's community is the subject of or witness to an incident of workplace violence, the member should assess the situation and respond appropriately as follows:
 - 7.1.1.1. Where an incident of workplace violence or assault has occurred, medical attention should be sought as required.
 - 7.1.1.2. If the situation warrants immediate notification of the police, it should be done directly by the employee affected, any employees who have witnessed the assault or the supervisor. King's University College encourages and supports staff to lay criminal charges where appropriate. Any investigation carried out by the police will be in addition to the investigation conducted by King's University College.
 - 7.1.1.3. Record events as soon as possible. The written record should include a description of the workplace violence, dates, times, locations and the identity of any witnesses to the alleged workplace violence.
 - 7.1.1.4. Employees are responsible for immediately reporting all incidents of workplace violence to their direct supervisors or Budget Unit Heads. The direct supervisor or Budget Unit Head or the Director of Human Resources will conduct a preliminary investigation to assess the seriousness of the incident and the immediate response needed.
 - 7.1.1.5. It is the responsibility of all King's community members to ensure that the safety and well-being of the individual(s) involved are attended to immediately.

7.2. Reporting Workplace Violence

- 7.2.1. When an incident of workplace violence occurs, King's will notify the police or emergency responders for immediate assistance where deemed necessary.
- 7.2.2. If the incident results in a person being killed or critically injured, King's will immediately notify the Ministry of Labour, King's Health and Safety representative and the Joint Health and Safety Committee within 48 hours.

7.3. Interim Measures

- 7.3.1. Pending the results of an investigation into an alleged incident of workplace violence, King's University College may impose such interim measures as it deems necessary.
- 7.3.2. Interim measures may include relocating the individual(s) involved, changing reporting structures or placing him or her on a non-disciplinary suspension with pay pending the outcome of the investigation.

7.4. Investigation

- 7.4.1. Upon becoming aware of any incident, which may fall under the definition of workplace violence, King's will ensure that an

investigation is conducted if it is appropriate in the circumstances. Nothing precludes King's from deciding, where appropriate, that it may be necessary to take action, including a formal investigation, even in the absence of a formal complaint [or complainant] or if the complainant does not wish the matter to proceed.

- 7.4.2. The Director of Human Resources (or designate) will be responsible for investigating the incident. The Director of Human Resources, in consultation with the President, may, in their sole discretion, appoint an external investigator to investigate the incident. If the incident involves the President, the Chair of the Board of Directors may refer the matter to an external investigator.
- 7.4.3. If the incident or complaint is on human rights grounds, Kings will follow the Investigative Process set out in its Harassment and Discrimination Policy;
- 7.4.4. If the incident or complaint is related to harassment, or sexual harassment, King's will follow the Investigative Process set out in its Harassment and Discrimination Policy;
- 7.4.5. An incident report or a complaint must be in writing and signed by the person filing the report or making the complaint, unless this is unreasonable or impracticable. The report or complaint should be given to a manager or supervisor;
- 7.4.6. If the report or complaint is about a manager or supervisor it may be given directly to the Director of Human Resources or the President. If the issue involves the President, the Chair of the Board of Trustees may refer the matter to an external investigator;
- 7.4.7. King's will designate a person to investigate the incident or complaint. King's reserves the right to designate an external investigator.
- 7.4.8. The investigation into the incident or complaint may include interviews with the parties and any others who may have knowledge of the incident or complaint. The investigation may include a review of King's files and inspection of parts of King's workplace, as necessary.
- 7.4.9. Upon completion of the investigation, the designated investigator shall submit a written report to the Director of Human Resources, and may recommend whether or not disciplinary action is required.
- 7.4.10. Human Resources will consider the report and take the appropriate action where there is evidence of workplace violence. Possible disciplinary actions include:
 - 7.4.10.1. A letter of apology or a performance agreement, if the complainant and respondent agree;
 - 7.4.10.2. Require the introduction of information or education sessions for the respondent(s) or a particular group;
 - 7.4.10.3. Mediation between the parties or mandatory counselling;
 - 7.4.10.4. Proceedings to remove someone from a managerial position or from the workplace altogether, if the perpetrator is a King's employee or works for King's;
 - 7.4.10.5. Reprimand, suspend or dismiss the perpetrator if the perpetrator is a worker;

- 7.4.10.6. Establish appropriate security measures as part of the workplace violence and harassment program;
- 7.4.10.7. Re-train any offenders on workplace violence.

7.5. Domestic Violence

- 7.5.1. King's shall take every precaution reasonable in the circumstances to protect community members from domestic violence that would likely cause physical injury to community members in the workplace. King's obligation shall arise as soon as an employee or managerial staff member is aware, or ought reasonably to be aware, of the occurrence of domestic violence against or in respect of a community member in the workplace.
- 7.5.2. King's shall ensure that all managerial staff are familiar with, and trained on, signs or observable behaviour that may indicate domestic abuse and encourage employees to review the actions that they can take to minimize risks.
- 7.5.3. Each managerial staff member shall take appropriate action, when they reasonably suspect or confirm that a community member is a victim of domestic violence, including reporting their observations immediately to Human Resources.

7.6. Work Refusals

- 7.6.1. Any employee of King's has the right to refuse work where they have reason to believe that they are in danger of being a victim of workplace violence.
- 7.6.2. In the event that an employee refuses work on these grounds, the normal health and safety work refusal process will be triggered.

7.7. Disclosure of Persons with a Violent History

- 7.7.1. King's and its managerial staff shall provide information, including personal information, to a community member about a person with "a history of violent behaviour" if:
- 7.7.2. The community member could be expected to encounter that person in the course of their work; and,
- 7.7.3. There is a risk of workplace violence likely to expose the community member to physical injury.

8. Corrective and/or Disciplinary Action

- 8.1. If, after an investigation, the investigator(s) finds that workplace violence has occurred, the President (or Chair of the Board of Directors if applicable), will determine what corrective action and/or disciplinary action is to be taken, if any.
- 8.2. Where a complaint of workplace violence is substantiated, a formal record of the action taken will be placed in the respondent(s)'s personnel file.

9. Retaliation

9.1. All persons to whom this policy applies have a right to be free of retaliation or threat of retaliation as a result of being involved in a complaint of workplace violence.

9.2. Retaliation will be deemed to be a breach of this policy and/or King's University College's Harassment and Discrimination Policy.

10. Malicious And Vexatious Complaints

10.1. If, as a result of an investigation, it is determined that an otherwise unfounded complaint of workplace violence was intended to be malicious, it will be considered a form of violence and/or harassment and will be dealt with in accordance with this policy and/or King's University College's Harassment and Discrimination Policy.

11. Confidentiality

11.1. King's understands that it may be difficult to come forward with a complaint of workplace violence and recognizes that a complainant and/or a respondent will wish to keep the matter confidential.

11.2. To protect the interests of the complainant, the person complained against and any others who may report incidents of workplace violence, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

11.3. All records of complaints, including minutes of meetings, interviews, results of investigations and other relevant material will be kept confidential by the Director of Human Resources and/or investigator except to the extent that disclosure is provided for by this policy or is necessary to conduct an investigation and to take remedial and/or disciplinary action in relation to the complaint or otherwise required by law.

11.4. The complainant will be informed that under the terms of this policy, the process can guarantee only limited confidentiality.

12. Employee Training

12.1. King's shall provide training, information and instructions on the contents of this Policy and program with respect to workplace violence to all existing employees within 90 days of the implementation of this policy.

12.2. King's shall provide training on this Policy and Program to all new employees within 90 days of their hire.

13. Collaboration With JHSC

13.1. This policy has been drafted in collaboration with King's Joint Health and Safety Committee.

13.2. The JHSC/Health and Safety Representative has been afforded the opportunity to provide input into this Policy.

14. Review

14.1. This policy will be reviewed by King's at least once per calendar year, or as often as necessary to address workplace needs and/or amendments to this Policy as may be required from time to time.

14.2. Reviews shall be conducted in collaboration with the Joint Health and Safety Committee.