



NATIONAL JUDICIAL INSTITUTE

PROTOCOL FOR PREVENTION OF VIOLENCE IN THE WORKPLACE

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1. Purpose

1.1 The purpose of the *Protocol for Prevention of Violence in the Workplace* [the “Protocol”] is to provide guidelines on the expectations and requirements individuals concerning the prevention and resolution of Violence in the workplace and to provide direction for reporting, investigating and consequences of such behaviour. This document is meant to be read in conjunction with the *Policy on Prevention of Harassment and Violence in the Workplace*.

2. Principle

2.1 The Institute is committed to providing a safe environment and recognizes workplace violence as a health and safety issue.

2.2 There will be no negative repercussion or disciplinary action taken towards an individual who seeks assistance in a situation where they are being or believe they are a victim of an act of violence or a threat of violence in the workplace.

3. Rights

3.1 Everyone has the right to:

- a workplace that is free from the risk of or threat of violence
- file a complaint when the workplace is not free from violence;
- refuse to work where there is reason to believe workplace violence is likely to endanger them;
- be informed of violence complaints made against them;
- confidentiality to the degree possible under the circumstances; and
- if desired, seek guidance from a third party to provide support during the investigation (at their cost).

4. Obligation

4.1 All employees or collaborators must, upon taking up their position or being hired at the Institute, familiarize themselves with this Protocol.

5. Preventive Measures

5.1 Prevention of workplace violence is the most essential part of the protocol. At its core, it involves individual’s awareness of the potential for violence and identifying steps to be taken to control the risks of incidents that have been identified in assessments carried out. Preventative measures undertaken by the Institute include, but are not limited to:

5.1.1 Policy and Protocol:

The Institute has developed a clear Policy and Protocol on the prevention of violence in the workplace, for which employees and contributors will be

familiarized with the measures and procedures contained upon hiring or engagement with the Institute.

5.1.2 Mutual respect

All employees and contributors need to be aware that interpersonal behaviours can dramatically affect the possibility of a violent incident. Relations among all those in the Institute, including clients, should be mutually respectful of one another and include an awareness of the importance of human dignity.

5.1.3 Awareness:

The Institute will ensure that employees and contributors are made aware of this Policy and Protocols, and employees will be required to attend mandatory training.

6. Workplace Violence Risk Assessment

6.1 A *Workplace Risk Assessment* has been conducted, assessing the risk level of threats of violence at the Institute. Safety controls are in place, and additional controls will be implemented, as identified as a requirement by the Joint Health Safety Committee (JHSC).

6.2 During the *Workplace Risk Assessment* exercise, the following specific areas were assessed:

- the nature of the business
- the physical environment; and
- professional business travel.

6.3 The *Workplace Risk Assessment* report is updated annually by the JHSC (or earlier if there is a change in the environment or a determination that existing controls are insufficient).

6.4 Employees are encouraged to review the *Workplace Risk Assessment* and discuss any concerns with their Delegated Manager, HRWM representative, or a JHSC member.

6.5 Employees can view a copy of the Workplace Risk Assessment in the Preventing Violence in the Workplace binder located in the Employee lunchroom or by link: *Workplace Risk Assessment*.

7. Reporting on Acts or Threats of Violence in the Workplace

7.1 An individual who is a victim of (Complainant) or witness an act of violence or a threat of violence in the workplace must report the conduct to their Delegated Manager and Manager, HRWM.

7.2 Individuals must also disclose any criminal activity in the Institute's workplace. All incidents must be reported, verbally or in writing, to their Delegated Manager and Manager, HRWM, immediately.

7.3 Where an act of violence has occurred:

- an individual may ask for assistance as may be appropriate in the circumstances;
- calling for in-person assistance from any co-worker, Delegated Manager or any individual nearby if located in the office;
- seek immediate assistance from 911; or calling building security;
 - 437-291-7605 (Ottawa-Taylor+) or
 - 514-288-6773 (Montreal-JLL)
- upon receipt of a complaint/concern, an immediate assessment of the circumstances must be undertaken to determine whether medical attention is required and if there is any further or continued immediate risk of violence to the complainant and any other individual;
- If appropriate, the Police must be contacted immediately;
- the site must be secured;
- the perpetrator must be removed (by police where there is an ongoing threat); and
- an investigation will be conducted by a trained workplace investigator designated by the Chief Executive Officer (CEO).

7.4 Police involvement: In any incident where the police are involved, police procedures will take precedence over the Institute Policy and Protocol.

8. Refusal to work

8.1 The *Occupational Health and Safety Act (Ontario)* or in Quebec, the *Act Respecting Occupational Health and Safety (Quebec)* extends an employee or contributor's right to refuse unsafe work to include situations where "workplace violence is likely to endanger" an individual.

9. Domestic Violence

9.1 Any individual who is a victim of domestic violence and believes that such violence may occur in the workplace is required to share sufficient relevant information with the Manager, HRWM, to enable the Institute to take all reasonable precautions to ensure their safety as well as that of other individuals. The exact requirement exists for any individuals who has knowledge of or has witnessed domestic violence against a co-worker and believes that such violence may occur in the workplace.

9.2 If a Delegated Manager becomes aware or should be aware that domestic violence experienced by an employee may manifest itself at work, when an incident takes place at the workplace or when a concern is reported by a targeted employee, co-workers or

anyone else that domestic violence may enter the workplace, the Delegated Manager, with assistance from the Manager, HRWM, must be prepared to investigate and deal with these concerns on a case-by-case basis and take all reasonable precautions to ensure their safety.

9.3 The Delegated Manager and the targeted individual can work together to develop reasonable precautions, like a safety plan, to address the situation

9.4 Even if a targeted person does not want any steps taken, the Institute must still take action to protect all individuals under its protection.

10. Individuals with a History of Violent Behaviour

10.1 The *Occupational Health and Safety Act* requires that employers be provided with information, including personal information, about an individual with a history of violent behaviour if they can expect to encounter that individual in the course of their work and they may be at risk of physical injury. The Institute is limited, however, to only releasing information that is reasonably necessary to protect workers from bodily injury.

10.2 The legislation does not define what constitutes a “history of violent behaviour,” and, as such, the Institute has implemented a panel consisting of the CEO, Director, Operations, and the Manager, HRWM, to review each situation and make an appropriate determination based on the following criteria:

- Has the individual committed one or more acts of violence in the last three years?
- Has the individual’s conduct in any or all incidents of violent behaviour resulted in an individual being physically injured?
- Did the individual’s conduct in any or all incidents of violent behaviour involve the use or threat of use of a weapon that they had in their possession?
- Does an assessment of the information gathered above give reasonable cause to believe that contact with this individual during work may result in physical injury for anyone?

10.3 It is acknowledged that an individual may be determined to be a “*person with a history of violent behaviour*” following a single incident of violence where the assessment of facts gives reasonable cause to believe that contact with this individual poses a risk of physical injury to anyone.

11. Allegations Involving Certain Positions

11.1 Where allegations of violence in the workplace involve the following positions, the reporting Protocol will be as follows:

11.1.1 Allegation involving an employee or contractor of the HRWM department:

If any of the parties to an allegation are employees of or collaborators to the HRWM department, the complainant or witness, at their option, can elect to report the incident to the Director, Operations instead of the Manager, HRWM.

11.1.2 Allegation involving a Delegated Manager: If any of the parties to an allegation is a Delegated Manager, the complainant or witness, at their option, can elect to report the incident to the level above the respondent or the Manager, HRWM.

11.1.3 Allegation involving a member of the Senior Management Committee (SMC): If any of the parties to an allegation are members of the SMC, the complainant or witness, at their option, can elect to report the incident to the CEO.

11.1.4 Allegation involving either the CEO or CJO: If any of the parties to an allegation is the CEO or CJO, the complainant or witness, at their option, can elect to report the incident to the Director, Operations or the Chair of the Board Management Committee.

12. Admissibility Analysis

12.1 The Manager, HRWM, will proceed with an initial admissibility analysis of the complaint to evaluate the need to conduct an investigation.

13. Investigation Process

13.1 The Institute will ensure that an investigation appropriate to the circumstances will be conducted into a complaint of violence or threat of violence in the workplace.

13.2 The investigation will be fair, respectful, and timely and address all relevant issues.

14. Assignment of an Investigator

14.1 The CEO has the authority to order an investigation of the alleged incident by a trained workplace investigator. This authority cannot be subdelegated.

14.2 Depending on the situation, the CEO could appoint:

- A representative of the HRWM department;
- A trained individual within the Institute; or
- An external investigator.

14.3 The Manager, HRWM, is responsible for confirming that the internal investigator is appropriately trained and, in the case of external investigators, has appropriate credentials and experience.

15. Role of Investigator

15.1 The investigator is responsible for collecting and analyzing all facts, information and evidence relating to the alleged incident and submitting a fact-finding report within the context of the *Policy on Prevention of Harassment and Violence in the Workplace*.

16. Interviews

16.1 The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties and witnesses of this confidentiality obligation at the beginning of the investigation.

16.2 The investigator must interview the complainant and the respondent if the respondent is an employee or contributor of the Institute. If the respondent is not an employee or contributor of the Institute, the investigator should make all reasonable efforts to interview the respondent, if possible and appropriate, given the circumstances.

16.3 If the respondent is an employee or contributor of the Institute, they must be allowed to respond to the specific allegations raised by the complainant. If the respondent is not an employee or contributor of the Institute, the investigator should enable the respondent to respond to the specific allegations raised by the complainant, if possible and appropriate, in the circumstances.

16.4 The investigator must interview any relevant witnesses employed by the Institute who may be identified by either the complainant, the respondent, or another individual, if necessary, to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses the Institute does not employ when any are identified, if possible and appropriate in the circumstances.

16.5 The investigator must collect and review any relevant documents.

16.6 The investigator must take appropriate notes or statements during interviews with the complainant, the respondent, and witnesses.

17. Support Person

17.1 Union involvement: If an employee involved in the harassment complaint is an employee appointed to a represented position, the union representative will be notified of the investigation process.

17.2 If the complainant is an employee appointed to a represented position, they may ask their union representative to accompany them during the investigation, including interviews.

17.3 The complainant may rely on a “support person” to accompany them during the investigation, including interviews.

17.4 To ensure the investigation's integrity, the attendant should not be an individual who witnessed or was otherwise involved in the alleged incident.

17.5 When a support person is present, the HRWM Department will ensure that the *HRWM-0014E Non-Disclosure Agreement Form* is completed and signed by the support person prior to participating in any form of communication related to the investigation

18. Time Limit

18.1 The Institute will make every effort to expedite an investigation. Some incidents may or may not require a complicated investigation.

18.2 Unless unusually complex, an investigation should be completed within ninety (90) calendar days.

19. Investigation Report

19.1 The investigator must prepare a written report summarizing the steps taken during the investigation; the report must include the following:

- summary of the complaint;
- allegations of the complainant;
- response from the respondent;
- any reply provided by the complainant;
- the evidence of any witnesses; and
- the evidence gathered, if applicable.

19.2 The report must set out findings of fact and conclude whether violence or threat of violence in the workplace occurred.

19.3 The report is confidential and will be provided to the CEO or, if the CEO is the respondent, the Director, Operations or the Chair of the Board Management Committee.

20. Results of the Investigation

20.1 The CEO, the respondent's Director, and the Manager, HRWM, will meet to discuss the appropriate disposition based on the result of the investigation. *If any of those individuals have been identified as the respondent, the replacement will participate in the meeting.*

20.2 The complainant will be informed in writing regarding the result of the investigation and, if applicable, of any corrective action that has been or will be taken resulting from the outcome of the investigation.

20.3 This result must also be provided to the respondent who works for the Institute and, where appropriate, to the respondent who does not work for the Institute.

20.4 Where violence in the workplace is found to have occurred, and the respondent works for the Institute, any remedial or disciplinary action will be indicated in the letter of result provided to them and shall be recorded in their Employee file and form part of their employment record.

20.5 If the respondent is appointed to a represented position, a copy will be sent to the union representative, per the *Disciplinary Policy*.

20.6 Where there is a reasonable cause to believe that a complaint was made in bad faith, a new investigation will be launched and will follow, as closely as possible, the process set out above.

21. Interim Measures

21.1 Upon receiving information concerning violence or threat of violence in the workplace, including during an investigation, the CEO may take interim measures (i.e. suspension) appropriate to the circumstances to protect a complainant from further alleged violence or threat of violence in the workplace.

22. Corrective Action

22.1 Where violence or threat of violence is found to have occurred, corrective action may be taken. Refer to the *Discipline Policy* for additional information.

22.2 Where the respondent, who is found to have engaged in violence or threat of violence in the workplace, is an employee of the Institute, the employee may be disciplined, including termination, and depending on the situation, the Institute may file a complaint to the police.

22.3 Where the respondent, found to have engaged in violence or threat of violence in the workplace, is a contractor; the contractor may receive a written warning or, depending on the circumstances, have their contract terminated.

22.4 Where the respondent who is found to have engaged in harassment in the workplace is an individual external to the Institute (including faculty members, planners, visitors, or clients), appropriate corrective action may be taken, for example modifying

the delivery of services, such as using the telephone or email as the primary means of contact, or depending on the circumstances, a refusal of service.

22.5 Corrective actions may also be broader, especially where the investigation of an incident or complaint shows that violence or threat of violence in the workplace is prevalent or commonplace. As such, training for everyone in the workplace or a particular department on the prevention of violence or threat of violence in the workplace.

22.6 If an incident or complaint investigation finds shortcomings in any HRWM policies, directives or other instruments, corrective action could include revising the instrument in question.

23. Information Management

23.1 HRWM will keep records of any investigation, including:

- a copy of the violence or threat of violence in the workplace complaint or details about the incident;
- a record of the investigation, including notes;
- a copy of the investigation report;
- a summary of the results of the investigation that was provided to the complainant and respondent;
- a copy of any corrective action taken to address the complaint, incident of violence, or threat of violence in the workplace.

23.2 The HRWM department should maintain all the documents on corrective action in the Employee file. All documentation must be kept confidential.

23.3 All documentation shall be retained or destroyed per the *Information Management Retention and Disposition Guidelines (under review)*.

PROTOCOL AMENDMENTS

Date	Amendments	Approval
2024-11-12	<ul style="list-style-type: none">• Add section 12. Admissibility Analysis• Updated Policy to reflect changes to NJI Policy template and branding.	CEO