



Workplace Violence and Harassment Prevention Policy

Intent

The National Judicial Institute is committed to preserving and fostering for its workers a safe, productive and respectful working environment based on mutual respect. In pursuit of this goal, the Institute does not condone and will not tolerate acts of violence or harassment by any person in the workplace.

Scope

This policy applies to all workers and supervisors. Other persons in the workplace (including program faculty and planners, visitors, domestic or intimate partners, and clients) are also required to abide by this policy.

Definitions

The following definitions are from the *Occupational Health and Safety Act*:

“**supervisor**” means a worker who has charge of a workplace or authority over another worker.

“**worker**” means any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program:

- a) A person who performs work or supplies services for monetary compensation.
- b) 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.
- c) 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.

- d) A person who receives training from an employer, but who, under the *Employment Standards Act, 2000*, 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.
- e) Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.

“workplace” means any land, premises, location or thing at, upon, in or near which a worker works.

“workplace violence” means:

- 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.

“workplace harassment” means:

- 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.

A reasonable action taken by the Institute or a supervisor relating to the management and direction of workers or the workplace is not workplace harassment. Workplace harassment does not include legitimate business decisions or actions relating to the worker’s employment, including a legitimate decision to change the work to be performed or the working conditions, monitor and manage performance, impose discipline or terminate employment.

“workplace sexual harassment” means:

- 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.

Harassment may also be considered a form of discrimination under the *Ontario Human Rights Code* when it is tied to one or more of the prohibited grounds (race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability).

Weapons

Weapons are strictly prohibited from the Institute's workplace. If any person in the Institute's workplace is seen with a weapon or is known to possess one, workers and supervisors are required to immediately contact 911, following which they must notify their immediate supervisor, and the Human Resources department.

Seeking Immediate Assistance for Violence

If a person feels threatened by violence in the workplace, they should immediately call 911. Canada's *Criminal Code* addresses violent acts, threats, and behaviours, such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence.

Any incident of workplace violence will be reported to the police.

Reporting Violence or Harassment

Workers who believe they have witnessed or experienced workplace violence are required to report the incident following the *Workplace Violence Program*.

Workers who believe they have witnessed or experienced workplace harassment are strongly encouraged to report the incident following the *Workplace Harassment Program*.

Supervisors are required to report, according to the applicable program, any incident or allegation of workplace violence or harassment that comes to their attention.

If a worker is protected by a court order (e.g. a peace bond or "no-contact" order) from another individual, the employee is encouraged to notify the Human Resources Manager, and to supply a copy of that bond or order to the Human Resources Manager, so that the Institute may take reasonable steps to protect the worker and co-workers. Such information will be kept confidential in accordance with the law.

Any worker 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 Human Resources Manager to enable the NJI to take all reasonable precautions to ensure their safety as well as that of its other workers. The same requirement exists of any worker who has knowledge of or has witnessed domestic violence against a co-worker and believes that such violence may occur in the workplace.

This policy and the *Occupational Health and Safety Act* prohibits reprisals against individuals acting in good faith who report incidents of workplace violence or harassment or act as witnesses. A “reprisal” is defined as any act of retaliation, either direct or indirect.

Investigating Reports of Violence or Harassment

An investigation into workplace violence will be conducted according to the *Workplace Violence Program*.

An investigation into workplace harassment will be conducted according to the *Workplace Harassment Program*.

The Institute will:

- Investigate all acts and incidents of violence or harassment that come to its attention in a fair, respectful, and timely manner.
- Determine the nature of the investigation that is appropriate in the circumstances, including whether to retain a third party investigator or to conduct the investigation internally.
- Consult with other parties (e.g. legal counsel, health and safety consultants, Joint Health and Safety Committee, Employee and Family Assistance Plan, Ottawa Police Service), as it deems appropriate.
- Take all reasonable measures to eliminate or mitigate risks identified by the incident.
- Document the incident, its investigation, and corrective action taken.

Responsibilities

The Institute, as employer, will:

- Provide appropriate assistance to any employee who is the victim of workplace violence or harassment.
- Develop and maintain this policy and supporting programs in consultation with the Joint Health and Safety Committee.

- Ensure that this policy and supporting programs are implemented and maintained.
- Ensure that workers and supervisors receive appropriate information and instruction on the prevention of workplace violence and harassment, and that they are clear about their roles and responsibilities, as well as this policy and the supporting programs.
- Ensure that internal investigators into allegations of workplace violence or harassment are appropriately trained, and in the case of external investigators have appropriate credentials and experience.
- Provide a copy of this policy to all workers and supervisors. As part of their course materials, clients, program faculty, and planners will be notified that the NJI is committed to a harassment- and violence-free workplace, and a copy of this policy will be made available electronically to them.
- Post a copy of this policy in a conspicuous place in the workplace.
- Conduct a *Workplace Violence Risk Assessment*, and develop measures and procedures to control identified risks that are likely to expose a worker to physical injury.
- Review the *Workplace Violence Risk Assessment* annually, or as changes to job responsibilities or environments occur, and revise the assessment as needed.
- Review annually the effectiveness of actions taken to prevent workplace violence and make improvements to procedures, as required.
- Review annually this policy and supporting programs.

The Joint Health and Safety Committee will:

- Annually, and when consulted by the Institute, review this policy and supporting programs, and provide comments to the Institute.
- Review the *Workplace Violence Risk Assessment* results and provide recommendations to the Institute to reduce or eliminate the risk of violence.
- Review all reports forwarded to the Committee regarding workplace violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage, or police involvement.
- Participate in the investigation of critical injuries and in the investigation of reported incidents that result in personal injury or have the potential to result in injury.
- Recommend corrective measures for the improvement of the health and safety of workers.

- Respond to worker concerns related to workplace violence and communicate these to management.

Supervisors will adhere to this policy and supporting programs. Supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the appropriate information.

Workers must work in compliance with this policy and supporting programs.

Fraudulent or Malicious Complaints

This policy must never be used to bring fraudulent or malicious complaints. If it is determined by the Institute that any employee has knowingly made false statements regarding an allegation of violence or harassment, disciplinary action will be taken.

The Right to Refuse Unsafe Work

The right to refuse unsafe work is a legal right of every worker provided by the *Occupational Health and Safety Act*. The Institute is committed to ensuring a safe workplace.

Other Resources

A worker may seek additional information to help address workplace violence or harassment from the Joint Health and Safety Committee, a Human Resources representative, the Human Rights Legal Support Centre, Employment Assistance Program, as appropriate.

Signed or Approved by:



The Hon. Justice Adèle C. Kent
Executive Director

Revisions

June 15, 2010: new policy / June 30, 2011: policy number revised / October 11, 2012: policy reviewed and revised / January 28, 2014: policy renumbered / May 07, 2015: policy number revised / July 25, 2017: Workplace Violence and Workplace Harassment policies merged, renamed and revised to include requirements of Bill 132.

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