WORKPLACE VIOLENCE PREVENTION PROGRAM

Last updated: January 2018

1.0 PURPOSE
The University of Waterloo is committed to providing a safe learning and work environment free of workplace violence through a process of risk assessment and implementation of reasonable safeguards to protect workers, students and visitors. This document supplements the University Policy 34 – Health, Safety and Environment, outlining responsibilities and procedures for responding to threats or actions of workplace violence.

2.0 SCOPE
This program applies to all workers, students and visitors.

In the event a report of violence identifies a student as the respondent, the Associate Dean for the student’s faculty shall conduct the investigation. Any discipline will be administered in accordance with University Policy 71 – Student Discipline.

Where a report of violence is made, and the respondent is not a worker or student, the matter will be referred to UW Police Services for investigation. UW Police Services will manage the investigation, communicating in writing the results to the Safety Office.

3.0 DEFINITIONS

Complainant
Refers to the person who is making a complaint.

Domestic violence
Has the same meaning as violence, but the perpetrator and victim are or were in a personal relationship, such as a spouse or former spouse, current or former intimate partner, or a family member.

Respondent
Refers to the person against whom a complaint has been filed.
University events
Activities or events on or off University property, which are organized by the University and under the control of University workers.

Visitor
Anyone attending on University Property or at a University event who is not a student or worker. For the purposes of this program, “visitor” does not include contractors, subcontractors or their workers while onsite at a construction project for which the University is not the constructor or employer as defined under the Act.

Worker
A worker is any one of the following regardless of whether or not financial compensation is given:
- Regular full/part-time
- Casual staff
- Contract staff
- Research assistants
- Teaching assistants
- Faculty
- Visiting scholars and post-docs
- Unpaid learners and volunteers

Workplace harassment
As defined by the Act, means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known, or ought responsibly to be known to be unwelcome or is Workplace Sexual Harassment.

Workplace sexual harassment
As defined by the Act, means 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. It also includes 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.

Workplace violence
As defined by the Act, means the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. It also includes:
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- A statement or behavior that is reasonable for a worker to interpret as a threat to exercise physical force against the worker in the workplace that could cause physical injury to the worker.

**Workplace**
Includes, but is not limited to, the University of Waterloo campus, locations of business, travel and conferences, student placements, fieldwork locations and University events.

### 4.0 ROLES AND RESPONSIBILITIES

#### 4.1 UNIVERSITY OF WATERLOO
- Ensure that workers, students, supervisors and other University workers in positions of authority have the appropriate information and instruction to protect them from violence in the workplace.
- Implement a notification system for workers and students in the case of specific widespread threat of violence.

#### 4.2 SUPERVISOR/MANAGER
- Promote a workplace free of workplace violence, communicating this program to workers within their faculty/department.
- Assess specific risk for their faculty/department and review/revise the assessment as necessary, but annually at a minimum.
- Take all complaints of violence seriously and promptly respond to reports of workplace violence and investigate in accordance with prescribed procedures.
- Document incidents of violence within the workplace through the use of an Incident and Investigation Report.
- Advise the affected individual of resources available to assist them in dealing with the situation which may include Occupational Health, the Employee Assistance Program, the Police and the worker’s attending physician.
- Work in conjunction with their departmental health and safety representative/coordinators and the Safety Office to ensure that steps are taken to reduce the risk of future similar violent situations.

#### 4.3 WORKERS
- Responsible for fostering an environment free of workplace violence.
-Notify their supervisor of every potential situation of violent acts or threats directed at a worker, between workers or by a worker towards a student or a member of the public.
- Vexatious reports of violence will not be tolerated.
- Provide input as requested to assess specific risks for their faculty/department and review/revise the assessment as necessary.
- Responsible for disclosing threats made towards them, which may spill into the workplace by family members, or individuals with whom they are in a relationship with.

### 4.4 SAFETY OFFICE
- Develop and oversee a program for workplace violence prevention under University Policy 34.
- Monitor the Workplace Violence Prevention Program for effectiveness on an ongoing basis.
- Review this program annually with the Joint Health and Safety Committee, making changes as recommended.
- Maintain training programs and records.
- Facilitate regular risk assessments for workplace violence at least annually.
- Be a part of the initial assessment team and evaluate reports of workplace violence.
- Support investigations of reported workplace violence.
- Assist in personal safety planning where appropriate.

### 4.5 JOINT HEALTH & SAFETY COMMITTEE (JHSC) WORKER MEMBERS
- Review this program annually.

### 4.6 HUMAN RESOURCES
- Be part of the initial assessment team, evaluating reports of workplace violence.
- Receive and manage referrals of situations not considered workplace violence.
- Receive investigation reports and be consulted on any follow up action.

### 4.7 UW POLICE SERVICES
- Respond to reports of workplace violence.
- Assist in personal safety planning where appropriate.

### 5.0 PROCEDURES
#### 5.1 RISK ASSESSMENT
The Act requires the assessment of risk for potential violence that may arise from the nature of the workplace, type of work or the conditions of work, and subsequently develop measures and procedures to control identified risks.

The responsibility for risk assessments shall rest with the department. The Safety Office will annually facilitate the process through the distribution and collection of a risk
assessment tool. The Safety Office shall distribute a summary of the information to the Joint Health and Safety Committee.

When doing risk assessments, departments will consider the following risk factors:

- Those working alone.
- Dealing with highly sensitive or controversial personal matters or making decisions which impact academic or employment status.
- Providing services directly to members of the public or working in a community-based setting.
- Handling, securing or protecting cash or other tangible valuables, including narcotics or other drugs.
- Patrolling and responding to security conditions and providing protective services.
- Individuals dealing with unstable/volatile individuals.

Department heads, or designates, will review all positions under their area of responsibility to determine if job duties involve one or more of the risk factors.

The Hazard Recognition, Assessment and Control Program outlines the process of completing a job hazard analysis. Use the [Job Hazard Analysis Form](#) to quantify risks. The risk assessment shall involve input from those directly involved with the risk factors identified. Past instances of reported workplace violence must be given consideration.

The process used for analysis and the establishment of controls relating to the hazards will be determined by the category of risk.

Where the category of risk is **high**, the department shall review the existing controls and consider additional control measures that will reduce the risk rating. It is the responsibility of the department head or designate to determine new control measures and to oversee implementation. Documentation of any implemented corrective actions must be kept on file by the department head or designate. If the department head or designate decides not to implement further controls, documentation must be submitted to the Safety Office to explain the decision.

The department head or designate will further evaluate **moderate** risks to determine if the current controls in place are adequate to protect workers. Documentation of the evaluation and any implemented actions must be kept on file within the department.

As a last priority, **low** risks should be further evaluated for any additional controls that could continue to reduce the risk of exposure to employees.
The risk of violence will be re-assessed as often as is necessary (e.g. significant changes to the job description or work location, or after an event of workplace violence), to ensure continued protection of the University community.

**5.2 SITUATIONS OF IMMENSE THREAT**

Workers may on occasion interact with individuals who are agitated and/or confrontational. First, attempt to de-escalate the individual verbally. If it is not possible to de-escalate the situation verbally, workers should summon additional assistance in accordance with departmental procedure (if any). This may include calling a supervisor, or the use of a panic button.

If the situation is violent, the principles of **Get Out, Hide, Fight**, apply, and the [Emergency Procedure – Violent Situation on Campus](#) should be followed. If safe to do so, workers should leave the situation immediately, hide if it is not safe to get out and fight only as a last resort. When it is safe to do so, call UW Police Services at ext. 22222, 519-888-4911 or call 911 immediately.

Obtain medical assistance as necessary either through a first aid or by calling 911.

The worker shall notify his or her manager as soon as possible.

**5.3 NON-IMMENSE THREATS**

All workers have an obligation under The Act to report incidents of workplace violence experienced or witnessed. Workers who believe they have been subjected to workplace violence must report the incident to their immediate supervisor. If this is not possible, reports can be made to another department supervisor.

**5.4 RIGHT TO REFUSE UNSAFE WORK**

As specified in The Act, a worker may refuse to work when they have reason to believe that workplace violence is likely to endanger their safety. Workers who exercise their right to refuse unsafe work shall report immediately to their supervisor the reason for the refusal. Review the [Unsafe Work Refusal web page](#) for more information.

**5.5 INVESTIGATIONS**

When a report of workplace violence is received, the supervisor must gather information on the circumstances of the situation. Initial documentation will be in the form of an Incident and Investigation Report form, which will be submitted to the Safety Office. On receipt of the form, the Safety Office will convene a meeting of an assessment team. One representative from the complainant’s department, Human Resources and the Safety Office will assess if the report constitutes workplace violence. The Safety Office
will inform both the complainant and respondent in writing of the results of the assessment.

If the assessment determines the reported activity is outside the scope of the definition of workplace violence, the assessment team may refer the matter to other departments, such as Human Resources or the Conflict Management and Human Rights Office.

If the outcome of the assessment is that the reported activity is within the scope of the definition of workplace violence an investigation will be initiated and normally completed within ten business days. The Safety Office will lead the investigation with support from the complainant’s department. The investigators will interview the complainant, respondent and any witnesses separately. It may be necessary for the investigator to re-interview any of the parties.

Any worker, either complainant or respondent, is entitled to invite one support person to accompany them to an investigation interview. This person may be a representative from the worker’s union or association (CUPE, UWSA, FAUW, GSA). If the employee does not have representation from an association or union, representation may be allowed through a colleague or another member of the campus community. The support person’s role will be limited to support, and that person will not be permitted to speak on behalf of the person being interviewed.

The investigator will prepare and submit a report summarizing the facts and findings normally within ten business days of initiating the investigation and conclude whether there is:

- Sufficient evidence to substantiate a finding of violation of the Policy 34.
- Insufficient or lack of credible evidence to substantiate a finding of violation of Policy 34.
- No credible evidence to substantiate a violation of Policy 34.

Copies of the investigator’s report will be distributed to the following recipients:

- Human resources partner for both the complainant and the respondent (if different)
- Department head (or designate) for both the complainant and respondent (if different)
- Complainant
- Respondent
Where a complaint is lodged by more than one complainant or is against more than one respondent, the complainant or respondent, as the case may be, shall receive only the portions of the findings applicable to their specific complaint/response.

If the investigation concludes there is a lack of credible evidence to substantiate a finding of violation of Policy 34, or the event is outside the scope of workplace violence, the investigator may make recommendations for further evaluation or management of the situation under other University policy.

As applicable, a copy of the outcome will be provided to the union or association of which the complainant and respondent are members.

Based on the investigator’s findings, the department head or designate, in consultation with Human Resources and/or other University officials, as relevant, shall determine whether further action is warranted (including any corrective actions) and advise the complainant and respondent of such in writing within 10 days of receiving the investigator’s report.

Any of the parties may request a formal review of the decision of the department head in accordance with Policy 36 – Dispute Resolution for University Support Staff, Article 9 – Faculty Grievances of the FAUW Memorandum of Agreement or Article 16 – CUPE Local 793 Collective Agreement.

5.6 INTERIM MEASURES
During an investigation, interim measures may be necessary to ensure the safety of the parties and the integrity of an investigation. These may include the suspension of or the temporary relocation of the respondent or other personal safety measures for the complainant.

5.7 INCIDENT FOLLOW-UP
Workers who experience an incident of violence that is a traumatic incident may require emotional support from a professional. Support services are available through the Employee and Family Assistance Program.

After a violent incident occurs, it is important to review the safety protocols in place to ensure their effectiveness. The department, in consultation with the Safety Office, if appropriate, shall:

- Review the incident which occurred.
- Outline what corrective or remedial actions are necessary to prevent or minimize the impact of repeat occurrences.
- Identify new or previously unidentified risks and reassess.
- Review employee training and education programs and determine if they are adequate or if additional training should be provided.

A summary of this review will be provided to the Safety Office on completion.

5.8 CONFIDENTIALITY

All reports made under this program shall be considered confidential to the parties involved and those responsible for the investigation and resolution of the incident. The identities of all complainants, witnesses and the nature of the complaint shall be kept confidential and only persons with a need to know will be informed.

Reporting to the Joint Health and Safety Committee, where required by The Act, will be done so in a manner to protect the privacy of the involved individuals as much as possible and any information received by the Joint Health and Safety Committee shall be considered confidential to the members.

5.9 NO REPRISAL

This program prohibits reprisals against workers who have made complaints of workplace violence in good faith or provided information regarding a complaint or incident of workplace violence.

Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about a reported incident of workplace violence.
- Intentionally pressuring a person to ignore or not report an incident of workplace violence.
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace violence.

Although false or frivolous accusations of workplace violence are rare, malicious or bad faith accusations (where a person has made a complaint knowing it was untrue) are serious offences as they may have serious consequences for the accused.

A worker who engages in a reprisal or makes a malicious complaint under this program may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this program.
5.10 VIOLENT BEHAVIOUR BY/TOWARD VISITORS
The University does not condone violent behavior by, or toward, visitors. A worker subjected to violence by a visitor should report it to his/her supervisor.

Visitors who are subjected to violent behavior by a University worker should report it to their identified University contact. The University will investigate using the process outlined in Section 5.5.

5.11 DOMESTIC VIOLENCE
Workers experiencing domestic violence that would likely expose them or other workers to physical injury in the workplace can be assured that the University will take every precaution reasonable to protect them and their co-workers in these circumstances. This may include some or all of the following:

- Creating a safety plan and establishing enhanced security measures.
- Setting up priority parking or providing escorts to an employee’s vehicle or to public transportation.
- Adjusting a worker’s working hours and work location so that they are not predictable.
- Facilitating their access to counselling through the Employee Family Assistance Program or other community programs.

The University appreciates the sensitivity of these issues and will do its best to assist employees as discreetly as possible while maintaining their privacy.

5.12 PERSONS WITH A HISTORY OF VIOLENCE
The University must also take every reasonable precaution to protect workers from workplace violence, including evaluating a person’s history of violent behavior to determine whether and to whom this person poses a risk. In making this evaluation, the University will 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
- Any other information relevant to the circumstances

In certain circumstances, the University may have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour if a worker 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 worker to physical injury. The
University 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.

6.0 RECORD KEEPING
The Safety Office will hold all documentation pertaining to reports of violence and any investigations. Records kept will include:

- A copy of the complaint or details about the incident in the form of an Incident/Injury Report and Investigation Form.
- 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.

All records of the investigation will be kept confidential. The investigation documents, including the report should not be disclosed unless necessary to investigate an incident or complaint, take corrective action or otherwise as required by law.

Records will be kept for five years [classification HS04].

7.0 TRAINING
All workers shall take SO1081 Workplace Violence Awareness. Training records will be kept in the MyHRinfo system.