

 <p><b>Halton Healthcare</b> GEORGETOWN • MILTON • OAKVILLE</p>	<b>Freedom from Abuse/Harassment Policy and Procedure</b>			
	Program/Dept:	Human Resources	Document Category:	Human Resources
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## Scope

All Halton Healthcare employees.

## Policy

The manner in which individuals are treated reflects the culture of Halton Healthcare. The core values of the organization provide that all individuals are to be treated with dignity and respect. All patients, visitors and staff of the Hospital have the right to receive care and to carry out their duties in an environment which is free of physical and verbal abuse and harassment, including sexual harassment. The term “staff” includes employees, volunteers and agents of the Hospital.

The Hospital will do its utmost to provide and maintain an environment which supports this fundamental right. All individuals are expected to conduct themselves in an appropriate manner. The Hospital will neither condone nor tolerate any infringement of this right. If and where any infringement does occur, the Hospital will take such corrective and/or disciplinary measures as are necessary in the circumstances.

This policy covers the following areas of abuse/harassment:

- A. abuse of staff by other staff (workplace harassment)
- B. abuse of staff by patients (or visitors)
- C. abuse of patients (or visitors) by staff

Physicians are required to comply with this policy. Any allegations of abuse/harassment involving physicians will be addressed through the processes applicable to medical staff. You may address your concerns by contacting the Chief Human Resources Officer who will deal with the matter in conjunction with the Chief of Staff.

## Procedure

### A. Abuse/Harassment of Staff by Other Staff

As noted above, the Hospital has a responsibility to provide a workplace that is free from harassment (including sexual harassment) and discrimination. Under the Ontario **Human Rights Code** every person has a right to be free from harassment in the workplace.

Failure to comply with this policy will result in disciplinary action up to and including dismissal.

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The procedure set out below gives employees' information about what harassment is and what steps they should take if they feel they are being harassed. It also gives information on what steps the Hospital will take. The procedure is written as a "Question and Answer" Guide to employees. Any questions you may have about the procedure should be addressed to the Chief Human Resources Officer.

### What should you do if you believe you are being harassed?

- Workplace harassment is highly unpleasant and can be intimidating and threatening. If you feel you are being harassed, the Hospital will support you by investigating the complaint and by taking such corrective measures and disciplinary steps as are appropriate.
- Throughout the process, if you wish you may ask one of your co-workers whom you trust to assist you. If you are a member of the CUPE bargaining unit, you may prefer to have the assistance of a union steward.
- It is possible that the person who you believe is harassing you may not understand that their behaviour is offensive. They may think they are just being funny or, in the case of sexual comments or advances, they may not realize that their conduct is unwelcome. If you are comfortable in doing so, you should speak with the person and tell them that you are offended by their behaviour and ask them to stop. There is a good chance that this will solve the problem. You may wish to tell your supervisor about this or, if you prefer, you may keep it between yourself and the other person. If you choose to advise your supervisor, he/she will be required to follow-up with the individual involved.
- If you are not comfortable in confronting the alleged harasser, or if you have spoken with them and the offensive behavior continues, you should speak with your supervisor. He or she will in turn speak with the Chief Human Resources Officer and the Hospital will begin to assist you in dealing with the matter. They will speak informally with the other person in an effort to get them to stop the offensive behaviour. Once again, that may solve the problem. Alternatively, they may ask you to file a formal complaint. Although the Hospital will act on your verbal complaint, it is better if you put your complaint in writing. In either case, you should give as many details about the incident(s) as you can remember, including dates, times, locations, what the other person said or did, how you responded, whether there were any threats of reprisals, the names of any witnesses, etc. It is best if you keep a written record of what you can remember.
- Once you have made a complaint, the Chief Human Resources Officer and other members of management will investigate. They will talk to others who might know about the problem and to anybody who witnessed the incident(s). The alleged harasser will be given the opportunity to explain their behaviour. This is why it is important for you to give as many details as you can about what happened. After the investigation is done, there may be a meeting with you, your supervisor/manager, the Chief Human Resources Officer and the alleged harasser. If you have asked someone to assist you, they will also attend the meeting. Similarly, the alleged harasser may also have someone to assist them. The Chief Human Resources Officer is responsible for conducting the meeting and for determining whether harassment did occur. You may choose not

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to attend a meeting with the alleged harasser. The Chief Human Resources Officer and other members of senior management will decide what action should be taken, which may include discipline, and you will be advised of the result.

- It may be that the person you feel is harassing you is your supervisor/manager or some other person in authority over you. In this case, you should speak directly with the Chief Human Resources Officer or with any member of senior management. They will begin to assist you as soon as you speak with them. Again, you will be advised of the result.
- Throughout the time that your complaint is being investigated, you may find it difficult to work in the same area as the person you feel is harassing you. If possible, we will separate you from them. Afterwards, we will monitor the situation to ensure that there is no recurrence or other offensive conduct towards you.

### What other resources are available to you if you are the victim of workplace harassment?

- Being the victim of harassment can be very traumatic and you may wish to seek support from the Hospital. Internal resources, such as the Chief Human Resources Officer, the Occupational Health Nurse, or the Hospital Chaplain are available to you. You may also access the Employee Assistance Program directly or with the assistance of the Occupational Health Nurse.
- In cases involving physical or emotional harm, support is provided by a team consisting of members from occupational health, administration, social work, nursing administration, and medical staff. It is important that we provide you with the support you need at what we understand is a difficult time.
- In addition to utilizing Hospital internal processes, you have right to seek assistance from, and file a complaint with, the Ontario Human Rights Commission (Telephone (800) 387-9080; web site - [www.ohrc.on.ca](http://www.ohrc.on.ca)).
- If you are physically abused, you have the right to contact the police for the purpose of initiating criminal charges. The Hospital will provide information on how to contact the police.

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### What should you do if you are physically abused?

- No form of physical abuse will be tolerated in any circumstances.
- Aggressive or violent behaviour is a serious form of harassment. If you find yourself in a situation where you feel threatened with physical harm, you should do your best to immediately remove yourself from that situation. If that is not possible, you should call a “code white” so that you will receive assistance from other staff in the area.
- Acts of aggression or violence are to be reported immediately to the supervisor/manager (to the nurse administrator on call on off shifts and weekends). They will be documented and investigated. The procedures will be similar to those outlined above. Corrective measures and disciplinary action will be taken.
- If you suffer any physical harm, you should report to the Occupational Health Nurse; an employee accident/injury report will be completed and a claim will be filed with WSIB. The OHN will refer you to your physician, if necessary. If you feel that you require immediate medical attention, or if the incident occurs when the OHN is not on duty, you should report to the Emergency Department.

### **What should you do if you are accused of harassment?**

- If a staff member asks you to stop certain behaviour because they regard it as harassment, seriously assess your behaviour. Even if you did not mean to offend, your behaviour has been perceived as offensive. Your intention with respect to the communication or conduct does not preclude a finding of prohibited harassment. You should cease the behaviour immediately and apologize to the staff member. If you do not cease the behaviour, the staff member may file a formal or informal complaint and, if the allegations are substantiated, you will face disciplinary action, up to and including dismissal. The key point here is that, even if you do not see your behaviour as being harassment, the other staff member does, and you should take all possible steps to make amends.
- If you believe the complaint is unfounded, discuss the matter with your supervisor/manager or with the Chief Human Resources Officer. You may have the assistance of one of the FAC members or a member of one of the support groups. If you prefer, you can ask one of your co-workers whom you trust to assist you. If you are a member of the CUPE bargaining unit, you may prefer to have the assistance of a union steward.
- You are entitled to know the allegations against you and you will have a full opportunity to respond. You should immediately document your version of the alleged incident(s), including dates, times locations, what was said and/or done and the names of any witnesses.

### Abuse by Patients and/or Visitors:

The procedures outlined above give you information about what to do if you feel you are the victim of workplace harassment, i.e. harassment or abuse by other staff members or are accused of harassment. The same principles apply and resources are available in the event that you are abused/harassed by a patient or visitor. Please refer to the section below, which deals specifically with abuse of staff by patients or visitors.

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### B. Abuse of Staff by Patients (or Visitors)

#### What should you do if you are abused by a patient or by a visitor?

- You should report the abuse to your immediate supervisor. An on-line incident report (IRS) will be completed. An investigation will be conducted by the Vice President, Professional Practice in conjunction with the Chief Human Resources Officer and other members of hospital management as necessary. Where the patient engaged in inappropriate conduct, the Vice President, Professional Practice or designate will inform the patient that their actions were contrary to Hospital policy and that they must comply with the policy. The patient's physician will be consulted to determine if and how the behavior can be modified.

#### What should you do if you believe you are at risk of being physically harmed?

- You should respond in the same manner as you would if you were at risk of being physically harmed by another staff member; that is, you should call a "code white" to alert other staff that a violent situation has arisen (or may arise) and to summon assistance. Incidents involving physical harm are to be reported to the Occupational Health Nurse who will arrange medical attention, if needed, and will file a claim with the WSIB. If the incident occurs when the OHN is not on duty, you should report to the Emergency Services Department.
- Incidents of abuse of any kind may involve patients who are cognitively impaired, i.e. diagnosed with psychiatric conditions or are in such intense pain, discomfort or extreme stress that their level of responsibility is diminished, or whose medical conditions are such that they are not reasonably accountable for their actions. In such cases, appropriate action by the Chief of Staff would include:
  - ❑ assessing the patient's condition to determine the cause of the agitation that resulted in the abuse;
  - ❑ reviewing the patient's care plan and implementing measures to reduce the patient's agitation;
  - ❑ instituting measures to eliminate or reduce the likelihood of a recurrence, including such measures as assigning two staff members to provide care or perhaps transferring the patient to a more appropriate facility.

#### What resources are available to you if you are the victim of abuse/harassment by a patient or visitor?

- The same Hospital resources that are available to you if you are a victim of workplace harassment by other staff are available to you if you are abused/harassed by a patient or visitor.
- If you are physically abused, you have the right to contact the police for the purpose of initiating criminal charges. The Hospital will provide you with the necessary information to contact the police.

### C. Abuse of Patients (or Visitors) by Staff

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In the same context that the Hospital regards abuse/harassment of staff as a very serious matter, the Hospital will not tolerate any abuse/harassment of patients or visitors by staff.

- Where there is allegation of abuse of patients by staff, an on-line incident report (IRS) will be completed. An investigation will be conducted by the Chief Human Resources Officer in conjunction with the Vice President, Professional Practice and other members of hospital management as required. The Chief Human Resources Officer, in conjunction with the staff member's supervisor/manager, will ensure that the patient is protected from further contact with the staff member involved. A written report of the results of the investigation, including statements of the patient and others involved, will be prepared. In cases of alleged physical abuse, appropriate medical examinations will be conducted (with consent) and the results documented on the patient's chart.
- The staff member involved will be given an opportunity to respond to the allegations at a meeting with their Department Manager, the Chief Human Resources Officer or designate and such other members of management as the Hospital may deem necessary. The staff member may choose to have the assistance of an advisor selected from amongst the non-management members of the FAC or a member of one of the support groups. Members of the CUPE bargaining unit are entitled to be represented by a union steward.
- If abuse is found to have taken place, appropriate disciplinary action will be taken, up to and including dismissal. (see also the policy on progressive discipline). Appropriate notification will be provided to the professional regulatory body e.g. the College of Nurses.
- The patient and/or the family, as appropriate, will be advised of the outcome of the investigation and of the action taken. They will also be advised of their right to contact the police for the purpose of initiating criminal charges. In the case of alleged abuse of a child, appropriate authorities will be notified in accordance with the requirements of the ***Child and Family Services Act***.
- This process applies in the event of an allegation of abuse of a visitor by a staff member.

### What is abuse/harassment?

- Abuse/harassment is a course of conduct which is known or ought reasonably to be known to be unwelcome.
- Examples of abuse/harassment include offensive communications in writing or verbal or by conduct such as:
  - ❑ written or verbal insults or threats;
  - ❑ remarks, jokes, slurs, innuendo;
  - ❑ insulting gestures or practical jokes causing embarrassment or awkwardness;
  - ❑ shunning or excluding individuals or groups; refusing to converse or work with an employee because of a protected ground of discrimination;
  - ❑ the displaying of offensive material;

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- ❑ taunting about a person's body, attire, habits, customs or mannerisms;
  - ❑ inappropriate or unwelcome focus or comments on a person's physical characteristics or appearance;
  - ❑ physical assault such as striking, punching, pushing, biting or otherwise interfering physically with an individual;
  - ❑ a threat to exercise physical force against a person.;
  - ❑ comments or conduct that tend to ridicule or disparage a particular protected group even if not directed at a particular employee.
- Sexual harassment means:
    - ❑ unwelcome sexually oriented remarks, invitations, leering, jokes or requests whether indirect or explicit;
    - ❑ unwanted and inappropriate physical contact such as touching, kissing, patting, pinching, brushing up against a person;
    - ❑ sexual advances by a person in authority , who can grant or deny some benefit or opportunity for advancement, reprisal and/or threats of reprisals for the rejection of those advances.

In all cases where abuse or harassment is alleged to have taken place, the supervisor/manager or Director of the area is to be notified and they will notify the Chief Human Resources Officer or designate. Where there is an occurrence on off- shifts or weekends, the nurse manager on call is to be notified. They will then determine what action should be initiated, including whether or not the administrator on call needs to be notified. At the earliest opportunity, the Chief Human Resources Officer is to be notified.

### **Key Words**

hostility, danger, attack, anger, assault, battery, sex, dignity, respect, human rights, sexual advances, race creed, ancestry, ethnic origin, place of origin, colour, citizenship, sex, age, marital status, family status, sexual orientation, handicap, hurt, injured

### **Note to Employees in CUPE Bargaining Unit**

The subject matter of this policy may be addressed in the collective agreement between the Hospital and applicable Bargaining Units. If the agreement conflicts with this policy, the collective agreement will prevail.

**Signed by**

**Title**

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Oakville Policy: last revision; August, 1999

Milton Policy: last revision; N/A