



Workplace Violence & Harassment



PREVENTION



Employers' Guide





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Healthy and safe workplaces

We all want to keep healthy and safe at work. Positive and collaborative workplaces are key to protecting workers' physical and psychological health and safety.

This guide is intended to help employers understand how to meet workplace health and safety requirements, but it is ultimately for everyone working in a workplace. Everyone working in a workplace has a role in preventing injuries. And everyone working in a workplace has the right to keep healthy and safe. We can all influence workplace culture by the things we say and do to encourage physical and psychological health and safety.

Everyone benefits from workplaces where employers and workers are safe and engaged, relationships are healthy, morale is high, and clients and reputation are retained. It's good for the bottom line too—people stay in their jobs; they are more productive; attendance is high; and turnover and sick leave are low.

Despite this, violence and harassment are serious problems in many Canadian workplaces, including in Yukon. Positive and collaborative workplace cultures can help us overcome these problems. Workplaces where there is trust, respect, teamwork and openness. Workplaces where employers, supervisors and workers look out for each other's health and safety.

The Yukon *Occupational Health and Safety Regulations* (OHS Regulations) are rules to help everyone in the workplace—employers, supervisors and workers—improve workplace safety cultures. This guide explains how to use the *Violence and Harassment Prevention Regulation* to improve workplace safety culture and, at the same time, prevent violence and harassment.

What is workplace violence and harassment?

Workplace violence is generally understood as the threatened, attempted or actual application of physical force toward a worker that is likely to cause harm or lead a worker to believe that they are likely to be harmed. (See OHS Regulations, 1.02.) This includes exposure or likely exposure to domestic violence in a workplace and the resulting harm to anyone in that workplace. (See OHS Regulations, 19.05.) Violence can cause physical and psychological injuries.

Workplace harassment is generally understood as any objectionable comments or behaviours that we know, or should know, are likely unwelcome. This includes any inappropriate comments or objectionable behaviour relating to a worker's sex, sexual orientation, gender identity or gender expression. (See OHS Regulations, 1.02.) Examples include sexual advances, bullying, insults, threats, inappropriate jokes or images, gossip, vandalism and isolation. These behaviours can be physically and psychologically harmful.

Risks from violence and harassment can happen anywhere, but are higher in some sectors. In Canada, the sectors where workers experience the highest rates are health care, education, government, emergency services and the service sector (particularly tourism and hospitality, restaurant and food services, and retail). Risks are also higher for people working alone, handling cash, in isolated areas or late at night.

Sources of violence and harassment can be employers, managers, supervisors, co-workers, customers, clients, members of the public, family members and strangers.

Effects of violence and harassment can be harmful to the victims, bystanders and witnesses, as well as to the organization itself. They can be both immediate and long term.

For individuals, the effects can include minor or serious physical injuries, temporary or permanent physical disability, shock, anxiety and psychological trauma.



For organizations, the effects can include low morale, increased job stress, increased absenteeism and turnover, reduced trust in management and co-workers, and a hostile working environment.

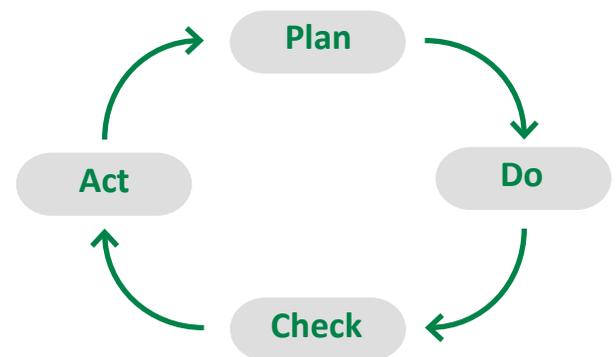
It's not harassment when managers and supervisors are exercising reasonable managerial authority. For example, giving instructions, changing workers' job duties, determining schedules and workloads, evaluating performance or taking disciplinary actions.

As well, not every incident of unpleasant interactions, disrespectful behaviours or conflict is necessarily harassment, although it may develop into harassment or violence.

Violence and harassment prevention

Everyone benefits when workers, supervisors and employers work together to keep workplaces safe from all hazards, including violence and harassment. Achieving this goal starts with planning prevention measures. Once planning is complete, the measures need to be implemented in the workplace with instruction and training. Then, it's a matter of checking to see if the planning worked and making any needed changes.

The PDCA cycle is a well-established model for monitoring and managing organizational improvement.



Plan

It all starts with planning. Doing due diligence to ensure a safe workplace means planning ahead to prevent workplace illness or injury. Safety planning should include:

- descriptions of everyone's roles and responsibilities;
- hazard assessment and investigation procedures;
- safe work practices and procedures;
- safe use of personal protective equipment (PPE);
- training requirements; and
- emergency plans.

Complete, up to date, and well carried out safety planning helps keep workplaces healthy and safe.

Under the *Violence and Harassment Prevention Regulation*, employers have to plan to protect workers from violence and harassment. (See OHS Regulations, Part 19.) This part of the guide describes the responsibilities and steps for developing and documenting a policy and procedures to prevent workplace violence and harassment. Ideally, these documents become a part of an employer's general safety planning.

There are three stages to planning workplace violence and harassment prevention measures.

1. Identify responsibilities.
2. Conduct a workplace hazard assessment.
3. Document violence and harassment prevention measures.

Stage 1: Identify responsibilities

Everyone is responsible for health and safety in their workplaces. (See OHS Act, section 2(1).)

Employers are responsible for protecting the physical and psychological health and safety of their workers. (See OHS Act, section 3(1).) This includes treating workers with civility and respect. It also includes developing and implementing a policy and procedures for workplace violence and harassment prevention. Employers need to educate themselves and workers about the hazards; to spot violence and harassment hazards before they cause harm; and encourage acceptable workplace behaviours.

Supervisors need to treat all workers with civility and respect. (See OHS Act, section 3(7).) They need to train workers to do their jobs safely; tell workers about workplace hazards; and make sure workers are actually doing their work safely. Supervisors have to ensure that all policies and supporting procedures are followed.

Workers are accountable for their own behaviour at work. (See OHS Act, section 3(9).) Workers have a responsibility to keep themselves and others safe; to report unsafe behaviours; and to follow all the policies and procedures developed by their employer. This means that they treat others with civility and respect and avoid behaving in ways that others will find unacceptable. Even as a bystander, if a worker sees or hears about a hazard or an incident involving violence or harassment, they should report it to their supervisor, just like any other hazard or incident.

Stage 2: Conduct a workplace hazard assessment

Employers have to start with a hazard assessment to identify what kinds of violence and harassment hazards are in their workplace. (See OHS Regulations, 1.03.01(1).) Violence and harassment can be hazards in any workplace, just like physical or chemical hazards. (See OHS Regulations, 1.04.)

Hazard assessment involves the following steps.

1. Identifying hazards—the things that might harm someone.
2. Assessing the risks—how likely hazards are to cause harm and how bad they could be.
3. Controlling the risks—taking steps to prevent hazards from causing harm.
4. Making sure workers understand and follow prevention measures that the employer has put in place.
Providing training to workers on how to recognize hazards.
5. Reassessing hazards regularly. (See OHS Regulations, 1.03.01(4).)
Doing a hazard assessment can minimize or even eliminate the risk. Results of a hazard assessment can also help identify what prevention measures are needed to keep workplaces safe and make it easier to plan and document the prevention measures.

More information on hazard assessment is available at wcb.yk.ca/ha.

Stage 3: Document violence and harassment prevention measures

Violence and harassment are hazards in any workplace, so all employers need a written policy and procedures that say what everyone in the workplace must do to prevent these hazards from causing harm. (See OHS Regulations, 19.01(1)(a).)

Policies are written commitments. They help guide employers, supervisors, workers, clients, members of the public and anyone else who could affect—or be affected by—a workplace.

Procedures lay out in writing the details of a policy—who does what, when and how—to help achieve the policy commitments.

Documenting these violence and harassment prevention measures in writing makes them easier to use, teach and update over time.



Employers must work with joint health and safety committees or representatives when developing these documents. (See OHS Regulations, 19.01(2)(a)(b).) If there is no committee or representative, employers have to consult with their workers. Once an employer has written and finalized the policy and procedures, they should sign and date the documents. They have to be reviewed at least once every three years and updated if any changes are needed. (See OHS Regulations, 1.04.01(2).)

The Yukon *Occupational Health and Safety Regulations* require that employers make a commitment to creating violence-and-harassment-free workplaces. The *Violence and Harassment Prevention Regulation* describes what employers need to put in writing to show that commitment.

Below are details about what employers need to include in a workplace violence and harassment prevention policy and procedures. There are also **templates** in this guide starting on page 10. Employers can fill in the required information in the templates or use the templates to write their own, as long as they comply with the Regulations.

Policy

A policy is a written commitment. Some key statements need to be in the workplace violence and harassment prevention policy.

Include a general statement about **expected behaviours and non-tolerance for violence and harassment in the workplace.**

- Violence and harassment are not allowed in the workplace. (See OHS Regulations, 19.02(a)(b).) Every worker has the right to a safe workplace that is free of violence and harassment.

Include a statement of the **employer's commitment.**

- The employer is committed to eliminating or at least minimizing the hazards of violence and harassment to keep workers healthy and safe.

Include a statement of **workers' right to report.**

- To identify hazards and prevent harm, workers have the right to report and should report incidents of workplace violence or harassment. They can report a complaint to their employer. If the complaint is against the employer, workers have the right to report to someone else.

Include statements of **confidentiality.**

- In order to protect everyone's right to privacy, the employer promises to not share details of an incident or a complaint of violence or harassment, including the names of anyone involved, except
 - when needed to investigate;
 - to let those involved know about the results of the investigation;
 - to make any required improvements to prevent injuries; and
 - as required by law.
- The employer promises to share only the minimum amount of detail needed to complete the investigation.

Include a statement of **workers' rights under other laws.**

- The policy and procedures don't limit workers' rights under any other law, including human rights or criminal laws.

Regulations describe only the starting point for a violence and harassment prevention policy. Here are some suggestions to make the policy even clearer, to make it easier to use and to further minimize the risk of violence and harassment.

- Include a commitment to encourage constructive feedback and suggestions from staff.
- Include definitions of violence and harassment from the Yukon *Occupational Health and Safety Regulations*.
- Add supervisor and worker commitments to creating a safe workplace.
- Make a commitment to protect workers from reprisal.
- Make a commitment to protect workers from retaliation from harassers or co-workers.

- Commit to building healthy and positive workplace relationships by promoting diversity, managing workloads and involving workers in change.
- Commit to developing supervisors by providing leadership training.
- Develop clear expectations to intervene early and deal with any unreasonable behaviour before it escalates.

Procedures

Procedures lay out the details of a policy. All workplace violence and harassment prevention procedures can be written in one document. (See the “Workplace violence and harassment prevention procedures” template on page 13.) There are a few procedures that need to be included.

Start by summarizing what the employer will do to eliminate or at least minimize the hazards of violence and harassment.

- For example, if the employer knows that workplace violence and harassment are hazards, they will provide guidance to the workers involved; offer training to help workers improve communication skills; or change work practices to prevent workers from being exposed to violence or harassment.

Write down how workers bring a complaint to or against their employer.

- Employers have to explain how to report a violence or harassment complaint to them or to someone else, if a worker has a complaint against their employer. A complainant needs to know what to do if they think they have experienced violence or harassment.
- If a worker feels safe to do so, complaints may be dealt with directly by meeting with the respondent, the person who has had a complaint made against them or a supervisor could meet with the respondent to try to find a solution.
- This can be a very stressful situation. Clear directions can help everyone. Employers can cultivate a workplace culture that makes workers feel supported, if they make a complaint. The sooner complaints are made, the sooner they can be resolved.
- Complaints are allegations of wrongdoing; investigations are needed to understand the causes of an incident and if the complaint is founded.
- A complaint reporting form should be created to make it easier to get all the appropriate information to complete an investigation. (See the “Reporting form template” on page 15.)

Describe the process for the person investigating a complaint or an incident.

- An investigation procedure should describe the goal of an investigation; who will investigate; who has to co-operate with the investigation; what steps will be done to complete the investigation; and when each step of the investigation will be done.
 - The goal of an investigation is to prevent workplace violence or harassment by assessing the complaint; deciding if there has been or still is a hazard in the workplace; and taking steps to keep the workplace safe.
 - The person conducting the investigation (the investigator) has to respond reasonably to each complaint when it is received and make every effort to control hazards. Everyone involved in the complaint and the incident has a responsibility to participate in the investigation.
 - Investigators, either the employer or some other person, must also respect the right to confidentiality during the investigation.
 - An investigator should be an impartial person who has the knowledge, experience or other qualifications to conduct an investigation and prepare a written report of the investigation. The investigator should not have been involved in the incident or complaint of workplace violence or harassment or be under the direct control of the respondent.
 - Safety officers may order an investigation to be done by an impartial, knowledgeable and experienced third party.
 - Investigators should collect essential information like names, dates, interview notes and any other evidence to document the complaint and the incident. An effective investigation is key to figuring out what happened and what to do about it. (See “Investigation basics” on page 17 for suggestions on investigation interviews and reports.)
 - Investigators should describe expected timelines for each step of an investigation following a complaint: when a meeting with the complainant will take place; when interviews will happen; when the report will be ready; and how



long everyone involved will have to respond to the report. It's also a good idea to document why any timelines are not met and establish new timelines as soon as possible.

- If uncontrolled hazards are found during the investigation, the investigator has to act immediately to implement measures to protect workers. If the investigator is someone other than the employer, that person must notify the workplace immediately, so that the employer can then act to protect workers.
- At any time, if an employer learns that a worker is or is likely to be exposed to domestic violence that comes into the workplace or affects the workplace, the employer must take steps to protect the worker and any co-workers who may be at risk.

Write a procedure for sharing investigation results.

- When the investigation is done, the investigator has to write a report describing the results and notify everyone involved. The report should include:
 - the names of the investigator, complainant and respondent, as well as anyone else interviewed during the investigation;
 - the date, time and place of the alleged incident;
 - a description of the alleged incident;
 - any relevant photographic evidence;
 - the findings of the investigation with supporting facts for deciding what happened; and
 - any corrective actions to be taken or explanation why none are needed.
- The employer should meet separately with the complainant and the respondent to review the results. These meetings should happen as soon as possible.

Apply any required corrective actions following an investigation.

- If the complaint is found to be true, employers must explain to all staff any required steps to correct the situation and prevent further harm. Even if the complaint is not found to be true, it may still be useful to review best practices on the particular type of incident.
- These actions could include any measures put in place during the investigation to protect workers. It could be installing physical barriers; hiring security guards; or offering training on internal policies and procedures, conflict resolution or assertiveness. Actions could also involve a reprimand, suspension or termination.

Offer support to workers after an incident or complaint.

- Once the investigation is done, employers have to let workers know what supports are available to help affected workers.
- This support could include employee assistance programs; peer support programs; or community resources like counselling or mental health services.

Regulations describe only the starting point for violence and harassment prevention procedures. Here are some suggestions to make the procedures even clearer, to make them easier for workers to use and to further minimize the risk of violence and harassment.

- Set up a record-keeping procedure to describe how to collect personal information, as well as how that information would be used and stored. This makes it easier to show how the information is kept securely and used in a way that protects the privacy of everyone involved.
- Set up a conflict management procedure to help workers deal with unreasonable behaviour before it escalates.
- Set up systems to support workers who are at greater risk of being victims of violence or harassment or of showing violent or harassing behaviours.

Now that the planning stage is complete (responsibilities identified, workplace hazard assessment conducted, prevention measures documented and any other additional procedures or systems planned), it's time to implement the prevention measures.

Do

Start with training. Training should happen regularly. It can happen during staff meetings and new worker orientation, and by sending email updates, offering educational videos, putting up posters or providing informational brochures.

Employers have to train workers about hazards, the violence and harassment prevention policy and procedures, and how to respond to incidents and injuries. Document this training by keeping records of when the training happened, who attended and what was taught.

Employers should start by educating themselves and their workers about workplace violence and about what is, and isn't, harassment. Next, explain the violence and harassment prevention policy and procedures to the whole staff so everyone understands the commitments, goals, roles and what they all need to do to keep each other healthy and safe. Employers can also outline expectations for acceptable communication and behaviour in the workplace. Everyone has a role to play in improving workplace safety culture. Employers must ensure that supervisors or anyone else conducting an investigation has the training to both conduct an investigation and protect privacy.

Supervisors and anyone conducting investigations should have specific knowledge or experience to be qualified to investigate violence or harassment complaints.

In addition to training employees on the policy and procedures, employers also need to make sure everyone understands and follows any corrective actions that come out of an investigation.

Now that prevention measures have been applied, it's time to check if they're working.

Check

Employers need to check if their policy and procedures are working. Effective record keeping will make checking easier and more accurate. An effective record-keeping system is up to date, complete, comprehensible and safely kept.

First, it's important for employers to check that workers know what to do, as well as how and when. Then, they should check if workers are doing what is expected of them. Finally, employers will want to know if any changes could be made to help workers better understand the policy and procedures.

Reviews of the policy and procedures have to happen at least every three years, but it's a good idea to review them more regularly with staff, especially after an incident has occurred. (See OHS Regulations, 1.04.01(2).) Reviews can happen during safety meetings, by asking staff to do feedback surveys and by simply encouraging everyone to bring forward their constructive feedback, questions and suggestions.

Look over the previous year's complaints to understand any trends in the number or type of complaints, how well investigations went and the effectiveness of measures and corrective actions to improve workplace safety. This can show where there are challenges and where there are successes.

Another option is to conduct exit interviews with staff who are leaving the organization to understand their reasons and what, if anything, could have been done to retain them.

Act

Finally, as employers check their policy and procedures, it's important to act on the findings by making ongoing improvements to policy, procedures, training and any additional prevention measures, as they are needed. Apply these improved prevention measures and recheck them regularly. Make sure to inform and train staff on any changes.

Ongoing and effective planning, implementing, checking and updating of prevention measures help to keep workplaces healthy and safe.



Yukon Workers' Compensation Health and Safety Board

Yukon Workers' Compensation Health and Safety Board (YWCHSB) works with employers, supervisors and workers. We aim to improve workplace health and safety and to help workers who may be injured on the job. We have clearly defined roles and responsibilities. There are limits to what legislation allows YWCHSB to do.

Experiencing workplace violence or harassment is distressing. Making sure everyone knows and understands what to expect from YWCHSB—what we can and cannot do—can help.

The *Violence and Harassment Prevention Regulation* is in effect as of September 2021.

The role of OHS safety officers

When a complaint or incident of violence and harassment is reported to YWCHSB, the safety officer's role is to check to ensure employers, supervisors and workers are complying with workplace violence and harassment prevention requirements. They may do this as part of a general inspection of a workplace or when investigating a specific complaint or incident.

If contraventions of the OHS Act or Regulations are found, a safety officer may:

- issue orders to the employer to comply with the OHS Act and Regulations, for example, to develop a policy and procedures for the prevention of violence and harassment, to perform a hazard assessment, to put appropriate control measures in place or to train workers in the prevention of violence and harassment;
- order the employer to have an impartial person perform an investigation for the employer; and
- apply enforcement measures such as administrative penalties or prosecution against the employer or others.

Safety officers do not:

- resolve or mediate specific allegations of harassment in the workplace;
- have the authority to order individual remedies such as monetary compensation to individuals who experience violence or harassment in the workplace; or
- interfere with reasonable management practices which do not contravene the OHS Act or Regulations.

How Claimant Services case managers can help

A worker who has or may have suffered any work-related injury needs to tell their employer what has happened and get any required medical attention as soon as possible. The worker should tell their medical practitioner if the injury was work-related and the employer must notify YWCHSB of the injury, by completing an "Employer's Report of Injury" form, within three days of being notified or becoming aware of the incident.

To file a claim, a worker needs to submit a "Worker's Report of Injury" form to YWCHSB. The claim has to be filed within 12 months of the injury. Case managers can answer questions or discuss concerns around submitting a "Worker's Report of Injury."

Once a claim has been filed, case managers will also look at the "Employer's Report of Injury" and the "Doctor's Report of Injury." In the case of a psychological injury, the diagnosis must come from a psychiatrist or psychologist. (See YWCHSB policy EN-09 Adjudicating Psychological Injuries.)

Case managers at YWCHSB process claims looking at all the evidence and might ask for additional information if needed to make a decision for entitlement. Each claim is decided based on its own merits and always on a case-by-case basis.

Tools for workplaces

To assist workplaces implement the *Violence and Harassment Prevention Regulation*, this guide includes several tools—templates and checklists—to clarify the steps needed to meet the requirements of the Regulation.

Templates

The following templates are designed to offer practical guidance to help employers make their own documents. Employers can add, remove or change information to make the documents suit their workplaces' needs, as long as they comply with the Regulation.

Checklists

The following checklists may be useful for orientation or training purposes.

(A PDF version of this complete guide, separate modifiable templates, as well as separate checklists are available at wcb.yk.ca/wvhp.)





Workplace violence and harassment prevention policy template

Workplace violence and harassment prevention policy for
(name organization) _____

Management at our organization is committed to providing a workplace where all workers are treated with dignity and respect. Each worker has the right to a violence-and-harassment-free workplace. Violence and harassment will not be tolerated from any person in the workplace including supervisors, workers, customers, clients, other employers, members of the public.

Workplace violence is generally understood as the threatened, attempted or actual application of physical force toward a worker that is likely to cause harm or lead a worker to believe that they are likely to be harmed. Violence can cause physical and psychological injuries.

Workplace harassment is generally understood as any objectionable comments or behaviours that we know, or should know, are likely unwelcome. This includes any inappropriate comments or objectionable behaviour relating to a worker's sex, sexual orientation, gender identity or gender expression.

For example:

- *Making inappropriate gestures or comments.*
- *Misusing power or authority.*
- *Using physical or psychological bullying.*
- *Excluding, intimidating or isolating someone.*
- *Making inappropriate sexual advances.*
- *Discriminating based on gender.*
- *Referring to a person using terms that do not align with the person's stated gender.*
- *Using cyberbullying, such as posting offensive or intimidating messages through social media or email.*
- *Deliberately setting someone up to fail.*

Reasonable and respectful actions of an employer or supervisor to manage workers are not harassment. For example, giving instructions, changing workers' job duties, deciding schedules and workloads, evaluating performance or taking disciplinary actions.

To support this policy, our organization has developed workplace harassment prevention procedures. These procedures include steps to protect workers from violence and harassment and a process for workers to raise concerns or report incidents.

The employer at our organization will respect the workplace violence and harassment prevention policy and procedures. Employers are responsible for a safe work environment, free of harassment. The employer, supervisors and managers are required to apply and comply with this policy and supporting procedures. Supervisors are responsible for ensuring that the procedures are followed by workers.

Each worker at our organization must comply with the workplace violence and harassment prevention policy and its procedures. Workers are entitled to a violence-and-harassment-free workplace. Workers must treat each other with respect and not engage in any workplace violence or harassment. Each worker has the right to report any concerns or incidents of violence or harassment.

The privacy of all involved in a complaint or incident of violence and harassment will be protected as much as possible. Our organization will not identify to anyone a complainant, a respondent, any witnesses or any circumstances about a complaint, including personal information, unless it is necessary for the purpose of the investigation, to share the results of an investigation, for corrective action relating to the complaint, to inform workers of a risk of violence or harassment or where required by law.

If any personal information is shared, it will be the minimum amount needed to complete the investigation.

This violence and harassment prevention policy does not limit a worker's rights under any other laws.



Workplace violence and harassment prevention procedures template

(name organization) _____ is committed to eliminating, where possible, or otherwise minimizing, the hazard of workplace violence and harassment.

If an individual worker believes they have been subject to workplace violence or harassment, they must follow the procedures for reporting the incident. They must complete the incident reporting form when making a formal complaint of violence or harassment.

Report the incident to their supervisor or (identify a specific supervisor or designated person for violence or harassment complaints) _____.

If the alleged violence or harassment complaint is against an employer or supervisor, report the incident or situation to (identify a specific external third party for reporting violence or harassment complaints)

_____.

Incidents of violence or harassment should be reported as soon as possible. Our organization will investigate all complaints and incidents of workplace violence and harassment in a fair, respectful and timely manner.

For example:

- A meeting will be scheduled with the complainant within five days after a complaint.
- Interviews will be conducted to investigate the details of the complaint within 15 days.
- An investigation report will be available within 90 days.
- Both parties will have 14 days to respond to the report. After this time period, corrective actions may be taken.

When the investigation is complete, (identify a specific supervisor or designated person for violence or harassment complaints) _____ will inform the complainant and the respondent of the results of the investigation in a timely manner.

Workers found to have been violent toward or to have harassed another person will be subject to appropriate corrective action by the employer. Corrective actions include, but are not limited to the following (identify corrective actions below).

_____.

For example:

- Installing physical barriers.
- Hiring security guards.
- Training on internal policies and procedures.
- Training on conflict resolution or assertiveness.
- Reprimanding, suspending or terminating.

No worker can be penalized or reprimanded when doing their best to follow this policy and the procedures for preventing workplace violence and harassment.

Employees who have been affected by workplace violence or harassment may be supported through the following: (identify supports below) _____

For example:

- *Providing information on the employee assistance program (EAP).*
- *Advising workers to consult a health professional.*
- *Informing workers they may be entitled to wages and benefits for the time they receive treatment.*
- *Suggest workers learn more about local supports available. (See Other resources, p.30.)*

Our organization will ensure that all its workers and supervisors receive training in this workplace violence and harassment prevention policy and supporting procedures.

Our organization will make sure that this policy and supporting procedures are implemented and maintained. The policy and procedures will be reviewed and adjusted when needed, at least once every three years. If there are any concerns with this policy or the procedures, please describe and bring them to the attention of (identify appropriate supervisor below) _____

For example:

- *Documenting incidents, investigations and training.*
- *Involving health and safety committee or representative when reviewing and revising procedures.*
- *Considering the monitoring of trends for continuous improvement.*
- *Retraining, as required.*

Signature: _____

Date: _____



Reporting form template

This form may be completed by a worker who has allegedly experienced violence or harassment in the workplace.

When completed, send to (department and name of person) _____

Complainant information

Name: _____

Department: _____

Position title: _____

Contact information: _____

Respondent information

Name: _____

Department: _____

Position title: _____

Contact information: _____

Description of the alleged violence or harassment

Please describe, in as much detail as possible, the incident(s) of alleged violence or harassment. You may attach additional pages if required. Please include:

- who was involved;
- what was specifically said or done (words, tone, actions, etc.);
- when it happened (dates and time);
- where it happened;
- any witnesses to the incident(s) (name and contact information, if possible);
- how it affected you;
- whether it was reported to management, with the following details:
 - name of manager/supervisor
 - date and time of reporting
 - actions taken
 - other relevant details

(continued overleaf)



Investigation basics

The goal of an investigation is to figure out what happened so that issues can be addressed and future incidents avoided. Everyone involved should have a chance to share their views. The investigation should be documented (written down or recorded) and consistent, using the same steps for everyone. The investigator needs reliable evidence and a robust analysis of that evidence in order to make sound decisions.

It's recommended that an investigator not be someone who was involved in the incident or complaint of workplace violence or harassment nor be under the direct control of the respondent. The person conducting the investigation should be a person who has the knowledge, experience or other qualifications to conduct it.

Depending on the circumstances of the incident or complaint, a workplace violence or harassment investigation could be carried out by a person who is:

- in the workplace, such as a manager, supervisor or human resources representative;
- in the organization, such as a representative from corporate head office or from another company location;
- associated with the workplace or organization, such as a representative from another franchise or from an affiliated business association; or
- from outside the workplace or organization, such as a licensed private investigator, a human resources professional or a lawyer.

The investigator should complete four basic steps to an investigation.

1. Receive a complaint.
2. Decide if a complainant's allegation meets the definition of violence or harassment.
3. Conduct interviews.
4. Report findings.

Step 1: Receive a complaint

If a complaint of violence or harassment is received, the investigator should get the complainant's allegations in writing. This will allow everyone involved to be clear about the details of the allegation. If it is not possible to obtain a written version of the allegation, the investigator should plan a meeting and listen to the complainant's concerns. The investigator must then write down those concerns and make sure that the complainant can confirm their accuracy.

Step 2: Decide if a complainant's allegation meets the definition of violence or harassment

The investigator should review the definitions of workplace violence and harassment in the Regulations and decide if the complainant's allegation meets the definition of workplace violence or harassment. If the investigator decides that the conduct does not meet the definition, the complainant must be told of the decision and that there will be no further action on the matter. Workers should be informed of other avenues of appeal should they disagree with the decision. There should be a record of this communication.

If the investigator determines that the conduct in question does meet the definition of violence or harassment, they have to decide if any immediate action is needed to protect the complainant or anyone else from further violence, harassment, reprisal or retaliation while they wait for the investigation and resolution of the complaint.

Step 3: Conduct interviews

Before the interviews

- List the people to be interviewed (the complainant, respondent, witnesses, supervisor or others with relevant information).
- Review any documents related to the allegations such as the violence and harassment prevention policy and procedures. Note down what was reviewed.
- Create a list of interview questions that need to be answered.

During all interviews

- Use a private area.
- Conduct interviews individually.
- Review the process with each person being interviewed (the interviewees). Inform them why they are being interviewed, what will be done with the information and who may receive a copy. It is important to remind all interviewees that confidentiality must be maintained.
- Ask for any information the interviewee may have. Ask them to give as much detail as possible. Inform the interviewee that you are looking for facts. If they are unsure about a matter, they should say so.
- All notes must be legible and should be written in blue or black pen. If a mistake is made, cross it out with one line and initial the changes.
- Include the following information in the notes.
 - Name of the person being interviewed;
 - Date and time of the interview;
 - Who was present for the interview;
 - Questions asked and the corresponding answers.
- At the end of the interview, review the information gathered with each interviewee. This will help to confirm the accuracy of the information gathered and allow for the interviewee to add any additional information.
- Ask the interviewee to sign and date the documented statement, once complete.
- Attach all interview documents and notes to the final report.

Interview the complainant

- Inform the complainant of the steps the organization will be taking in the investigation. This should include the names of those who will receive information about the allegation, the names of those who will be interviewed and the steps to be taken once the investigation is concluded.
- Note that recalling events of harassment can be stressful for the complainant. Active and empathetic listening can be useful skills during this process.
- Ask the complainant to tell you about the incident(s).

For example:

- *When did the conduct occur? How often did it occur? Where did it occur? Who was involved?*
- *Who did and said what to whom?*
- *What is the relationship between the complainant and respondent?*
- *What are the current interactions with the respondent?*
- *How did the complainant feel about the behaviour at the time it occurred? How did the complainant respond to the behaviour?*
- *Was there a pattern of similar behaviour toward this complainant or another employee?*
- *What did the complainant say or do to indicate to the respondent that the conduct was unwelcome?*
- *Did the complainant tell any other employees/supervisor about what happened? If not, why not?*

- *Did the complainant make any notes about what happened?*
- *Were there any witnesses? If so, what are their names?*
- *Ask the complainant what action(s) would be considered reasonable to resolve the matter.*
- *Explore any time lapse that might exist between the alleged act of violence or harassment and reporting it to the employer.*

Interview the respondent

- Explain the allegation(s) in detail and confirm that the organization takes these types of complaints seriously. Respondents are entitled to be informed of all allegations made against them and allowed to defend themselves against these allegations. This does not mean they are entitled to see or receive copies of statements; however, they are entitled to see or receive a summary of the evidence.
- Inform the respondent of the steps the organization will take in the investigation. This should include the names of those who will receive information related to the allegation, who will be interviewed and the steps to be taken once the investigation is concluded.
- Explain that the organization will not permit any retaliation against the complainant or witnesses and that if the respondent, or other persons, tries to do so, there will be disciplinary action.
- Ask the respondent to respond to the allegation(s).

For example:

- *What is the nature of the relationship between the respondent and the complainant? Is it personal or professional?*
- *What does the respondent think about the complainant's reaction to their behaviour?*
- *Did the complainant ever object to any of the respondent's actions and how did the respondent respond to those objections?*
- *Ask the respondent why they believe the complainant has made the complaint.*
- *Ask for the names of all witnesses the respondent believes should be interviewed as part of the investigation.*

Interview any witnesses

- Ask the witnesses to explain what they heard or saw.

For example:

- *What, when and where did it happen?*
- *Who was present?*
- *Who did and said what to whom?*
- *Was the incident an isolated event or part of a pattern?*
- *Is there anyone else who might have relevant information?*

Step 4: Report findings

Once all information is collected and interviews conducted, a report must be prepared detailing the findings of the investigation. The report must make findings based on the evidence and describe any steps needed to keep the workplace safe. (See the “Investigation report template” on page 21.) The content of the report should include:

- the names of persons conducting the investigation, other persons involved and interviewed;
- the date, time and place of the alleged violence or harassment;
- a description of the alleged violence or harassment;
- any graphics, photographs or evidence;
- the findings of the investigation, including the facts and reasons for determining whether violence or harassment took place or not;
- the immediate, short- and long-term corrective action to be taken; and
- the reasons why no corrective action will be taken.

The employer should meet separately with the complainant and the respondent to explain the conclusions in the report, along with any disciplinary action to be taken or other steps that will be put in place to stop a repeat of the offensive conduct.

If the results of the investigation are inconclusive, the employer should explain that the investigation was unable to make a clear determination of the events that occurred and that the organization will continue to monitor the situation to ensure no offensive conduct takes place.

Investigation timelines

It’s important that an investigation be completed as soon as possible. It’s a good idea to state expected timelines for each step of the investigation following a complaint.

For example:

- *When a complaint is received by the supervisor or the external third party, a meeting will be scheduled with the complainant within five days to begin the investigation process.*
- *Interviews with the complainant, the respondent and any witnesses will be conducted to investigate the details of the complaint within 15 days.*
- *The investigation report will be available within 90 days to the complainant and the respondent.*
- *Both parties will have 14 days to respond to the report. After this time period has expired, corrective actions may be taken.*

Developed in part based on *WorkplaceNL Harassment Prevention Guide* from WorkplaceNL.



Investigation report template

This template may be used when reporting the findings of a workplace violence or harassment investigation. It is divided into three sections, the investigation background, the investigation procedure and the investigation finding(s).

An investigation should be conducted in an impartial manner by a person who has the knowledge, experience or other qualifications to conduct it.

Name of investigator(s): _____

Date of investigation: _____

Investigation background

An investigation into alleged workplace violence and harassment should focus on understanding what happened so that issues can be addressed and future incidents avoided. Attach more pages if necessary.

1. Name of person who made the complaint:

2. If not the same person as above, name of person who allegedly experienced workplace violence or harassment:

3. Date complaint made and how:

4. Name(s) of any other workers possibly exposed to the incident:

Position/department: _____

5. Name of respondent(s)

Position/department: If not a worker, provide details:

Workplace roles and responsibilities checklist

Yukon *Occupational Health and Safety Regulations* outline the requirements for employers to develop, implement and maintain a written violence and harassment prevention policy and procedures. These documents should describe how workers, supervisors and employers work together to prevent and address workplace violence and harassment.

Workplace violence is generally understood as the threatened, attempted or actual application of physical force toward a worker that is likely to cause harm or lead a worker to believe that they are likely to be harmed. Violence can cause physical and psychological injuries.

Workplace harassment is generally understood as any objectionable comments or behaviours that we know, or should know, are likely unwelcome. This includes any inappropriate comments or objectionable behaviour relating to a worker's sex, sexual orientation, gender identity or gender expression. Workplace harassment does not include any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Duties

Workers must do the following.

- Keep themselves and others safe.
- Treat others with civility and respect and not engage in violence and harassment.
- Report experiences or observations of workplace violence or harassment.
- Comply with the employer's violence and harassment prevention policy and procedures.
- Participate in training.

Supervisors must do the following.

- Keep themselves and others safe.
- Treat others with civility and respect and not engage in violence and harassment.
- Ensure the health and safety of workers.
- Apply and comply with the employer's violence and harassment prevention policy and procedures.
- Participate in training.

Employers must do the following.

- Keep themselves and others safe.
- Treat others with civility and respect and not engage in violence and harassment.
- Develop a violence and harassment prevention policy and procedures.
- Take steps to eliminate or minimize the hazard of workplace violence and harassment.
- Develop and implement procedures for reporting complaints of violence and harassment.
- Develop and implement procedures for documenting and investigating complaints or incidents of violence and harassment.
- Set out procedures for notification of investigation results and any corrective actions.
- Participate in violence and harassment prevention training.
- Train employees about violence and harassment prevention and the policy and procedures to prevent workplace violence and harassment.
- Review the violence and harassment prevention policy and procedures at least once every three years and update as necessary.
- Protect workers from retaliation and provide support when workplace violence or harassment occurs, including domestic violence that may affect the workplace.

Developed in part based on *WorkplaceNL Harassment Prevention Guide* from WorkplaceNL

Due diligence to prevent workplace violence and harassment checklist

Identify roles and responsibilities in the workplace for employers, supervisors and workers.

Conduct a workplace violence and harassment hazard assessment that considers the following.

- Previous experience in the workplace with hazards.
- Occupational experience in similar workplaces.
- The location and circumstances in which work may take place.
- Workplace characteristics including demographics, culture and the presence of new workers.
- Issues raised by the occupational health and safety committee or the worker health and safety representative/designate.
- Personal information and how it will be kept confidential and not disclosed (except for the purpose of an investigation or where required by law).

Document violence and harassment prevention measures, including a written policy and procedures.

- Policy statements
 - Violence and harassment are prohibited in the workplace.
 - Every worker is entitled to employment free of workplace violence and harassment.
 - Employer is committed to eliminating, where possible, or otherwise, minimizing the hazard of workplace harassment.
 - Workers have a right to report workplace violence or harassment.
 - Any information obtained relating to workplace harassment, including personal information, will not be disclosed unless it is necessary for the purpose of an investigation, corrective action relating to the complaint or where required by law.
 - The violence and harassment prevention policy and procedures are not intended to discourage workers from exercising their rights under any other law.
 - What the employer will do to eliminate or at least minimize the hazards of violence and harassment.
- Procedures
 - For workers to report instances of violence and harassment to an employer or supervisor or, where the employer or supervisor is the respondent, the procedures to report harassment to an external third party.
 - For investigating a complaint of workplace harassment and the manner in which it is investigated.
 - For notifying results of investigations and any actions to be taken as a result of an investigation.
 - For informing workers about available supports when workplace violence or harassment occurs.

Apply the violence and harassment prevention measures.

- Provide training on violence and harassment prevention and the violence and harassment prevention policy and procedures.
- Provide adequate supervision to ensure that workers are complying with the violence and harassment prevention policy and procedures.

Check if the violence and harassment prevention measures are working.

- Review policy and procedures as necessary, but at least once every three years.
- Make sure the policy and procedures are accessible to all workers in the workplace.

Update prevention measures with any required changes.

- Continue to regularly check if measures are working.
- Make sure to inform and train staff on any changes.

Developed in part based on *WorkplaceNL Harassment Prevention Guide* from WorkplaceNL

Other resources

A wide range of information and training is available to help employers cultivate physically and psychologically safe workplaces.

Canadian Centre for Occupational Health and Safety

- Violence and harassment fact sheets, courses, publications
- Healthy Minds at Work information and resources for employers and workers

Canadian Mental Health Association–Yukon

CSA Group standards for workplace psychological health and safety

Employment Standards Act and Regulations

Northern Safety Network Yukon online and in-person education and training

Occupational Health and Safety Act and Regulations

Respectful Workplace Office

Yukon Human Rights Commission. Information sheets:

- Recognizing Harassment
- Recognizing Sexual Harassment
- What Can I Do if I'm Being Harassed?



