

Workplace Harassment and Abuse

In order to foster a safe and healthy work environment, healthcare entities need to develop a culture that demonstrates a commitment to protecting its clients and staff from any instances of abuse.

Harassment and abuse can manifest in any workplace. According to Part II of the *Canada Labour Code* (the Code), harassment and violence means “any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.”

This comprises all types of harassment and violence, including sexual harassment, sexual violence and domestic violence. It can also refer to words or actions that intimidate, isolate, or discriminate against a worker or groups of workers. Some examples include the following:

- Remarks, jokes, or innuendos that demean, ridicule, or offend
- Repeated offensive or intimidating phone calls or e-mails
- Sexual solicitation and/or vexatious conduct due to sex, sexual orientation, and gender identity

The following guidance highlights key areas of consideration for healthcare entities that are looking to adopt the appropriate measures to prevent and protect its clients and employees against harassment and abuse. It should not be seen as an exhaustive list and should be used in conjunction with internal policies and procedures, as well as in compliance with local laws and regulations, as some of the recommendations made in this guidance document may be legally required.

Governance

Having effective governance plays a vital role in helping prevent workplace harassment and abuse. Depending on jurisdiction and number of employees, organizations may be legally required to incorporate an “applicable partner” in their governance, such as a workplace health and safety committee, a policy health and safety committee, and/or a health and safety representative.

- Establish clear governance and management oversight on workplace harassment and abuse. Specifically, the oversight should be aligned with the following:
 - Board of directors and/or board sub-committees
 - Executive management
 - Business management
 - Joint health and safety committee
 - Any legally required committees or representatives
- Establish clear management accountability on the advancement of the workplace harassment and abuse policy, program, and training. The accountability should rest with one of the following executive functions:
 - Highest level of management (for example, the president or chief executive officer)
 - Highest level of human resources management (for example, the chief human resources officer)

- Establish clear criteria and pathways for reporting and resolving matters related to workplace harassment and abuse. Review any legal obligations you may have as an employer and make sure you are aligned with them.
- Where legally required, designate a person or work unit as the designated recipient to whom notice of an occurrence may be provided.

Policy and Procedures

Establishing and maintaining a written policy about workplace harassment and abuse helps affirm your commitment to protecting the health, safety, and well-being of your clients and employees, as well as encourage these individuals to report any incidents.

- Develop and review, at least annually, an organizational policy and code of conduct on workplace harassment and abuse. These should be developed in conjunction with your applicable partner where legally mandated. It should explain why providing a safe working environment is so important to the organization, and outline policies and procedures in place directly related to doing so.
- The organizational policy should include the following:
 - Mission statement articulating your commitment to protecting its clients and employees from workplace harassment and abuse
 - Classification of which individuals are covered by the code
 - Establishment of where the code is enforced
 - Consideration of harassment from all sources (such as clients, employers, supervisors)
 - Definitions and examples of unacceptable behavior
 - Roles and responsibilities of all parties
 - Factors that contribute to workplace harassment, both internal and external
 - Description of training, including topics covered and frequency training will occur
 - Directions for filing a report, including mechanisms for reporting and required information
 - Outline of the resolution process
 - Available support services for clients and employees
 - Expectations of privacy of persons involved in an occurrence
 - Reasons for which a review and update of the workplace assessment must be conducted
 - Summary of the emergency procedures when an occurrence poses an immediate danger
 - Contact information of the person who is designated to receive complaints
- Ensure the policy is made available to all clients and employees.

Training

It is crucial that everyone in the workplace, including the employer and designated recipients, participate in training about harassment and violence. All training development, review, and updates should be done in conjunction with your applicable partner where legally mandated.

- Develop a training program that enhances awareness and understanding to prevent and address workplace harassment and abuse. Specifically, the training should address the following:
 - Definitions of workplace harassment and abuse
 - Roles and responsibilities of management and staff
 - Factors that contribute to workplace harassment and abuse
 - Hazards of workplace harassment and abuse
 - Recognizing workplace harassment and abuse
 - Reporting workplace harassment and abuse incidents
 - Investigating workplace harassment and abuse incidents
 - Documenting workplace harassment and abuse incidents
 - Providing support for individuals/groups involved in workplace harassment and abuse
 - Communicating with external agencies (such as police and social services)
- Establish a training schedule. New employees should receive training within three months of hire; current employees should receive training at least once every three years.
- Identify all employees or employee groups that should attend and complete the workplace harassment and abuse training programs.

Screening

Helping ensure clients and employees are protected from harassment and abuse starts with hiring people who already value client and employee safety and are therefore more likely to adhere to your organisation's policies.

- Adopt mechanisms to screen potential hires for any previous history of workplace harassment and abuse. The following screening controls should be in-place:
 - Job description declaration
 - Application self-disclosure
 - Reference checks
 - Criminal record checks
 - Vulnerable sector checks, where warranted
- For all new hires and current staff, keep complete records of the screening documents and ensure they are kept current, requesting new checks on a regular basis.

Assessment

By thoroughly assessing the risk factors that may contribute to harassment in their workplace, healthcare entities will gain a better understanding of what actions they need to take to foster a healthier and safer environment. All assessments should be done in conjunction with your applicable partner where legally mandated.

- Implement a standardized and systematic approach to identify risks and hazards that can contribute to workplace harassment and abuse. Specifically, the assessment should take into account the following areas:
 - Culture, conditions, activities, and organizational structure of the workplace
 - External circumstances, such as family violence, that could give rise to harassment in the workplace
 - Any reports, records, and data that are related to harassment and violence in the workplace
 - Physical design and any unique circumstances of the workplace that may influence the degree of risks associated with workplace harassment and abuse
 - Measures that are in place to protect psychological health and safety in the workplace.
- Implement risk and safety measures to address the identified risks
- Communicate to workers that an assessment has been done and how they can obtain the results
- With the applicable partner, continually monitor the accuracy of the assessment, updating it whenever necessary.

Reporting and Investigation

- Allow for multiple options for clients and employees to report a workplace harassment and abuse incident. Specifically, it should provide workers with different options to report, including:
 - E-mail
 - Phone
 - In-person
- Standardize the incident reporting form to help ensure that the appropriate information is collected and to support the review of the incident(s). For those who wish to make a complaint orally, the incident reporting form must be filled out on their behalf. Information requested on the form can include but is not limited to the following:
 - Complainant
 - Name
 - Contact information
 - Date of occurrence
 - Details of alleged incident
 - Employee who is the object of the occurrence/principal party (if not the complainant)
 - Name
 - Contact information

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- Reporting relationship to alleged harasser
- Detailed description if the name is unknown
- Alleged harasser/responding party
 - Name
 - Contact information
 - Detailed description if the name is unknown
- Witness (If one exists and is not the complainant)
 - Name
 - Contact information
- Share the findings of the investigation with the principal party, responding party, and the applicable partner. The report will typically include a general description of the occurrence, the investigators conclusions, and systemic recommendations for eliminating or minimizing the risk of a similar occurrence.
- In conjunction with the applicable partner, determine which of the recommendations set out in the report will be implemented and if the assessment needs to be updated.

Summary

To foster a healthy and safe work environment and create a culture of accountability, healthcare entities must demonstrate a commitment to addressing workplace harassment and abuse. Specifically, this involves the adoption of a comprehensive risk management plan that centers on a zero-tolerance approach to workplace harassment and incorporates appropriate measures designed to prevent or minimize the impact of workplace harassment and incidents.