

HAMILTON LAW ASSOCIATION WORKPLACE VIOLENCE POLICY

(A) STATEMENT OF PRINCIPLES

1. The Hamilton Law Association is committed to the prevention of workplace violence and ultimately responsible for worker health and safety. We will take whatever steps are reasonable to protect our employees, members and visitors from workplace violence from all sources.
2. Violent behaviour in the work place is unacceptable from anyone. This policy applies to employees, members and visitors of the Hamilton Law Association. Everyone is expected to uphold this policy and work together to prevent workplace violence.
3. There is a workplace violence program that implements this policy. It includes a means of summoning assistance and a process for workers to report incidents, or raise concerns, as well as an assessment process to consult workers regarding the perceived risks of violence in this workplace and options to ameliorate such risks.
4. The Hamilton Law Association will implement and maintain this policy and the supporting program and will provide all workers with appropriate information and instruction relating to this policy and program.
5. The Executive Director will adhere to this policy and the supporting program. The Executive Director is responsible for ensuring that measures and procedures are posted in a conspicuous location and that workers are instructed to follow them and have the information they need to protect themselves.
6. The Hamilton Law Association pledges to investigate and deal with all incidents and complaints of workplace violence in a timely and fair manner, respecting the privacy of all concerned to the extent possible.

(B) DEFINITIONS

7. Workplace violence is defined in the *Occupational Health and Safety Act (R.S.O. 1990 Chapter o.1 s.1 (1), Am. 2009 c.23 s.1)* as follows:
 - a. the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
 - b. an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
 - c. a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

(C) WHAT TO DO DURING AN INCIDENT

8. i) If you are the target of any physical or verbal threat you should:
 - a. Immediately contact your supervisor or the most senior Hamilton Law Association employee who is available at that time.
 - b. If appropriate, contact Police Court Security Branch at extension 3781, and state the reason you are calling. If there is no answer or it is after hours, call the Building Security Guard Office at extension 3640.
 - c. Remain on the phone if possible.
 - d. If appropriate, go to a safe location at the HLA office or as suggested by your supervisor or the next senior Hamilton Law Association employee who is available at that time.

- ii) DO NOT CONFRONT THE PERSON OR AGITATE THEM. Our primary concern is your personal safety. Do what you feel is necessary to remain safe.

- iii) In the event of a serious physical or verbal threat:
 - a. ACTIVATE THE DURESS BUTTON
 - b. Immediately call Emergency 911 and follow the directions and instructions of 911 operator.
 - c. Advise your supervisor, and/or coworkers
 - d. If possible, go to a safe location at the HLA office or as suggested by your supervisor or the most senior Hamilton Law Association employee who is available at that time.
 - e. Write down on paper as much detail and information about the situation and as detailed as possible a description of the assailant. Provide this information to your supervisor or the Executive Director of the Hamilton Law Association as soon as possible, as they will need to ensure that the police are given this information immediately.

(D) INCIDENT REPORTING

9. All incidents/threats of workplace violence or reprisal must be immediately reported to the Executive Director, who will then advise the President of the Hamilton Law Association.

10. Any person subjected to workplace violence should, where appropriate, go to a safe location at the workplace and report the incident to the Executive Director so that it may be investigated and addressed.

11. The complaint/notice of incident should be in writing and include details of the date, time, location, potential witnesses and nature of the incident.

12. The Executive Director will determine if the incident needs to be reported to police, if they had not been previously summoned.
13. If an incident/threat of workplace violence involves a person who is not an employee, member or visitor of the Hamilton Law Association, the Executive Director will report the incident to that person's employer and/or such other person as they determine is appropriate in the circumstances.

(E) INVESTIGATION

14. The Executive Director shall maintain all documents related to an incident, including the written complaint, witness statements, investigation notes and reports, in a confidential investigation file separate from the personnel files.
15. The Executive Director shall ensure a thorough investigation of the incident. He/she shall interview the complainant and/or victim, the alleged perpetrator(s), and any relevant witnesses, and take any other step necessary to fully and fairly investigate the incident.
16. All Hamilton Law Association employees, members and visitors are required to cooperate with the Executive Director's investigation.
17. The investigation will be conducted as quickly and confidentially as possible in the circumstances. Complete confidentiality is not possible in all circumstances and cannot be guaranteed.
18. The Executive Director will prepare a written report of the findings of facts and, after evaluating existing policies, procedures, physical premises and devices, and employee training, offer any suggestions to prevent a recurrence, and provide the document to the Board of Trustees.
19. The role and duties of the Executive Director as described in paragraph 14 to 18, inclusive, may be delegated in whole or part to a qualified investigator or other professional at the discretion of the Executive Director after consulting with the President of the Hamilton Law Association.
20. Where the perpetrator is an employee of the Hamilton Law Association, the Executive Director and The Board of Trustees will take any necessary disciplinary action up to and including termination of employment. Examples of disciplinary action that might be taken include:
 - An apology
 - Counselling
 - Education and training
 - A verbal or written reprimand

- Suspension with pay
- Suspension without pay
- Termination of employment

(F) REPRISALS

21. Workplace violence is a serious matter. The Hamilton Law Association prohibits reprisals against employees who have made complaints/reported incidents in good faith or provided information regarding a complaint or incident of workplace violence.
22. Employees who engage in reprisals or threats of reprisals may be disciplined up to and including termination of employment.
23. Reprisal includes:
 - Any act of retaliation that occurs because a person has complained in good faith or provided information about an incident of alleged workplace violence;
 - Intentionally pressuring a person to ignore or not report an incident of alleged workplace violence; and
 - Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of alleged workplace violence.
24. An employee who makes a false complaint or otherwise abuses this Policy may be disciplined up to and including termination of employment. Such discipline is not a reprisal or breach of this policy.

(G) POLICY CHANGES

25. If you have questions or comments about this policy or its application, please speak to the Executive Director of the Hamilton Law Association. This policy will be reviewed regularly, no less than annually, and amended as required.

Policy approved by the Board of Trustees on June 22nd, 2011.