Centre for Research & Education
on Violence against Women and Children

Western
Education

Workplace Violence Prevention Think Tank
October 29-30, 2008
London, Ontario

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A. Introduction

The Centre for Research and Education on Violence against Women and Children in the Faculty of Education at the University of Western Ontario brought together a wide range of experts working in the area of workplace violence to explore questions and share expertise at a Think Tank on October 29 and 30, 2008. (See Appendix A for the participant list)

The Think Tank was timely in that the Ministry of Labour for the Ontario Government embarked on a consultation process on Workplace Violence Prevention in the Fall of 2008. While the participants at the Think Tank were appreciative of the opportunity to participate in the process, this report reflects a deep systemic understanding that calls for more than strengthened legislation. The Ontario government along with communities and all workplace stakeholder will need to put increased investments into addressing the broad issues of workplace violence outlined in pages that follow.

This report is intended to summarize the results of the October 29-30, 2008 Think Tank and to provide the Ontario government with some recommendations as they move forward in addressing the issue of Workplace Violence Prevention.

B. Situating the Discussion: Understanding the Current Situation

For most Ontario workers, workplace violence is addressed under the jurisdiction and scope of the provincial legislation, *"Occupational Health and Safety Act (OHSA).* Despite this legislation and its implementation, there have been a number of serious incidents that have brought workplace violence to the forefront and highlighted the ongoing and insidious nature of the problem and the inadequate responses to the issues of workplace violence (see Appendix B for a chronology of some of the most serious examples of workplace violence against women in Ontario over the last ten years).

These situations and other evidence have left legislators, employers, employees, unions and community organizations asking a number of recurring questions:
   o   How can we more effectively prevent workplace violence, abuse and harassment?
   o   Who is responsible for workplace violence and how can we hold them accountable?

Over the two days of the Think Tank, a number of presenters provided the Think Tank with an overview of the current context of workplace violence prevention:
   o   Ian Anderson, Arbitrator, Vice-Chair of the Ontario Labour Relations Board and Member of the Human Rights Tribunal of Ontario (Mr. Anderson provided a summary of the existing jurisprudence but played no role and took no position with respect to any discussion as to the need for or nature of any amendments to the law.)
   o   Catherine Burr, trainer, university instructor, management coach, mediator and workplace consultant
   o   Barbara Humphrey, Partner, Stringer, Brisbin and Humphrey
   o   Dr. Peter Jaffe, Academic Director, Centre for Research on Violence against Women & Children and Professor, Faculty of Education, University of Western Ontario
   o   Dr. Michael S. Lynk, Professor and Associate Dean (Academic), Faculty of Law, University

of Western Ontario
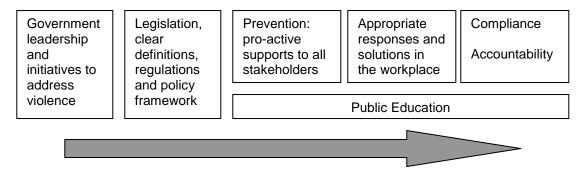o Michelle Schryer, Executive Director, Chatham Kent Sexual Assault Crisis Centre

Some of the key themes in their presentations were:

o **World-wide there are alarming statistics that indicate the prevalence of the risk of violence in workplaces and the growth of the risk.**
"There is a growing world-wide concern about violence as one of the most serious occupational hazards in the 21st century. The affects particularly all occupational groups who deal in some way with the general public." (Phil Leather, UK, 2002)

o **Workplace violence is preventable.** Incidents of violence are rarely a single event. It often escalates on a continuum of violence. There are clear risk indicators that can be observed and interventions can be done early in a potential workplace violence situation.

o **In Canada, the regulatory response** by the federal government and many provincial governments is to take an aggressive prevention approach to addressing the issue. **The Ontario government is lagging behind in its response**.

o **A clear and expanded understanding of what workplace violence is needs to be articulated in a comprehensive definition.** In addition to expanding the definition, there needs to be a recognition of the different types of violence that can occur in the workplace: worker to worker, employer to worker, client to worker, etc.) Psychological as well as physical violence and harm needs to be recognized.

o **Establishing legislation and regulations must be accompanied with appropriate education, information and training to employers, employees, labour organizations and government inspectors, policy and compliance officers.**

o **Legislation and its implementation must be gender sensitive.** Gender based harassment and domestic violence are major concerns for female employees. Swanberg and Logan (2005) found that 70 percent of individuals suffering from domestic violence are victimized at work.

o **Workplace violence is part of a larger systemic issue that will require systemic change, starting with supporting workplaces to make organizational change.** For workplace violence to be eliminated it will require a cultural change that is both socially and organizationally centered and includes but goes beyond legislative change.

o **Workplaces need a wide range of organizational supports to comply including**: tools, training, protocols, risk assessments, analysis, education and awareness, reporting, compliance process, accountability mechanisms, the effective use of outside consultants.

o **New legislation needs clearly outline how to respond to workplace violence and be forward thinking with a focus on prevention. It should have a vision of "violence-free workplaces."**

o **All stakeholders need to be involved to successfully prevent workplace violence.** The most successful models for intervention were based on collaborative models where employers, workers and the community are able to come together to address workplace violence.

C. An Overview of the Think Tank Discussion

While the Think Tank was designed to respond to a number of specific questions, a consistent theme emerged in the discussions: **the response to workplace violence needs to be systemic and comprehensive in nature. It needs to go beyond addressing specific incidents of violence – it needs to work towards healthy workplaces.**

Is workplace violence preventable? Yes, through systemic change and through targeted programs and investments in management and labour to support violence-free workplaces. To accomplish that, a number of key elements must be in place, all of which require continuous investment in order to address workplace violence.

Government leadership and initiatives to address violence	Legislation, clear definitions, regulations and policy framework	Prevention: pro-active supports to all stakeholders	Appropriate responses and solutions in the workplace	Compliance Accountability
		Public Education		

D. Government Leadership and Initiatives to Address Violence

Violence in the workplace cannot be isolated from the broader context and other forms of violence occurring in our society. The most obvious examples have been the cases of domestic violence that found their way into the workplace. (Dupont Inquest: Coroner's Jury Recommendations, Released December 11, 2007)

If we understand that individuals who come into the workplace may also:
  o be mentally unhealthy and may view violence as an appropriate way to address issues;
  o be in family dynamics that are violent;
  o be from marginalized groups in society that are experiencing harassment and violence outside the workplace (eg. Muslim experience post 9/11);
then we can see that there are numerous ways that violence can manifest in the workplace yet not be related to the workplace. All of these situations indicate that workers may need additional supports at work to address violence in their lives.

Violence in the workplace is often understood as two or more people having a conflict with one another that gets out of control. There is a threshold point at which the worker, the employer or other workers name it as violence.

It would be easy to hand this complex situation over to employers and ask them to respond appropriately to the wide range of situations that can lead to workplace violence. However, the more appropriate onus is on the government to make explicit the goal of a violence free society and invest in a wide range of initiatives that will ensure that goal in the workplace.

Employers then become one critical stakeholder that has an important role to play in addressing a larger societal issue.

E. Legislation, Clear Definitions, Regulations and Policy Framework

Consistent with the overall direction voiced throughout the Think Tank, the legislation should shift from a compliance focus to a balanced approach that includes prevention and education as well as compliance. In addition, the legislation needs to support and complement the work of other Ontario organizations to address violence including the Workplace Safety and Insurance Board and the Ontario Human Rights Commission. The legislation also needs to harmonize with legislation and the work of organizations addressing domestic violence.

a) **A clear vision articulated in the legislation:** The legislation needs a preamble setting out the context and need for the legislation, and the vision of violence-free workplaces in Ontario. The right of all employees to safety in their work environment, and a respectful workplace free of abuse and violence would be set out and the shared responsibility of employers, employees and unions to create these conditions would be articulated.

b) **Reflecting the continuum of violence in a definition of workplace violence:** Any definition of workplace violence has to be clear and reflect the different forms of violence that can occur. The definition would explicitly state that workplace violence is not specific to physical harm but includes other forms of violence including emotional and psychological abuse, and sexual violence.

It must focus on the continuum of behaviours that result in explicit or implicit challenges to safety, well-being or health. A continuum of violence includes both the understanding that non-physical violent behaviors, that we have had a tendency to see as innocuous, may escalate into more physically destructive violent behaviors *and* that psychological violence itself causes harm. The harm may manifest itself physically, mentally, spiritually, or socially.

In some cases, the violence may not originate in the workplace but is a continuation of violence occurring in the home and or the community. All of these forms of the violence need to be reflected in the definition of Workplace Violence. In particular, the definition would include violence, bullying, harassment, threats or intimidation and domestic violence.

There are other jurisdictions, including the federal government that have helpful definitions of workplace violence.

c) **Framework to understand workplace violence**: While a definition is a good starting point, it is insufficient if the objective is to get Ontario employers engaged in the larger social goal of ending violence. There is actual knowledge that needs to be applied in order to understand and use the definition. It is important to remember that in the **implementation of the legislation,** we are asking individual employers to use discernment and judgment to assess whether a situation is potentially workplace violence and to act upon it. The more information they have to make that decision, the more consistent will be the responses by employers.

Specific content in the framework would provide an understanding of:
   o Violence from an intersectional perspective. This analysis shows the compound nature of oppression and privilege and the differential impact of the same treatment on different workers,

- o How compounded oppression can increase a person's vulnerability,
- o Horizontal and vertical harassment dynamics,
- o The continuum of violence and how violence can escalate through the continuum,
- o The range of injuries that can occur as a result of workplace violence, up to death,
- o The different types of employers in Ontario,
- o Promoting and defining a culture of respect in the workplace,
- o Indicators of a workplace free of violence and specific tools, processes and systems to achieve that.

The framework would also build in the Human Rights Code protections and obligations and make explicit the sections of the Canadian Charter of Rights and Freedoms that are designed to promote equality under the law.

d) **Recognition of the different types of employers that need to implement the legislation:** The Ontario economy is made of every imaginable workplace from the two person family business to companies with multiple locations, staff and functions. Some employers work with unions or multiple unions; while others work with multiple professional groupings all governed by different bodies. Any regulatory legislation and policies need to be able to capture this diversity and offer specific guidance to these employers.

e) **Recognition of the different types of employment relations in Ontario:** Ideally, the legislation would cover all workers in Ontario and ensure mandatory compliance. In that case, it would take into account the range of employer-employee relationships. It is important to highlight and protect the most vulnerable, marginalized populations that often experience the most harm. (E.g. immigrants, live-in domestic workers.)

f) **Recognition of the multiple relationships and stakeholders that need to be involved to address the issue:** While a motivated and informed employer is a key stakeholder in the workplace, there are a number of people around a workplace violence situation that can and do play a role. The legislation needs to emphasize the need for a collaborative approach to addressing the issues and identify the range of potential stakeholders that can be part of the solution: employer, workers (directly involved and co-workers/bystanders), union or employee association, joint health and safety committee, human resources, EAP, police, community resources, advocates and, in some cases, private threat management consultants and lawyers.

g) **Specific ways to assess the effectiveness of the legislation and ability to monitor and change the legislation:** There will always be issues that will emerge and need engaged discussion by stakeholders and, in some cases, changes to the legislation, regulations or policies. An immediate example that was raised at the Think Tank is the tension between the "duty to accommodate" as described under human rights law and the duty to ensure workplace safety. At the same time an employer must accommodate an employee who has a particular mental illness and who has been disciplined because of workplace violence, the employer must fully ensure the safety of other employees.

F. Prevention: Pro-active Supports to Employers and Workplaces

Three types of pro-active supports were suggested for employers in order to make the legislation be more than a compliance focused and reactive tool, and instead be a pro-active tool for meaningful change in workplaces in Ontario:

a) **Support workplaces to create a violence-free work environment through the development and understanding of what it is and how to respond to workplace violence:** Every employer in Ontario needs to have supports to be able to proactively create a safe workplace. The work that has been done in Ontario around the Accessibility for Ontarians with Disabilities Act and guidelines may be a good model to use in developing the supports needed in workplaces. The experience of other countries may also be useful.

   The objective is to have an appropriate response to an incident of workplace violence regardless of what workplace it occurs in throughout Ontario. What was proposed to support this is:
   o Employers provided with mandated training on the legislation, their responsibilities and the implementation framework. The training would be accessible to all workplaces,
   o Consistent and appropriate training for inspectors, unions and workers,
   o Specific guidelines and process requirements (e.g. who needs to be involved when a situation arises) to employers,
   o Ongoing information and guidelines are available to workers and employers on how to address workplace violence, including a list of possible interventions and remedies for different situations,
   o Supports on how to create collaborative ways to address workplace violence prevention including creating a committee,
   o Specific employer supports be provided to get advice and direction on specific situations, including how to assess a situation and what to do once a high-risk situation has been identified,
   o More developed employer training is offered in more specific areas to address workplace violence including: dispute resolution; identification of behaviour that could be warning signs; the nature of poisoned work environments and the responsibility to establish a positive and healthy organizational culture,
   o Clearly advertise what are the key resources that are available to employers,
   o Provide employers with mandated resources, templates and tools on how to set and promote standards, assess situations, investigate and how to monitor compliance,
   o Support the establishment of umbrella groups that can support individual workplaces,
   o Build a library of case studies and stories that clarify the intent and expectations of the legislation and that includes sample policies.

b) **Each individual workplace would have specific supports in place that are appropriate for their workplace:**
   o Every workplace has a workplace violence prevention policy,
   o The policy would include clear complaint processes that all workers are informed about,
   o The policy would clearly outline roles and accountabilities in supporting the policy,
   o Workplaces have training for all workers in the organization,
   o Workplaces have participatory approaches including creating joint committees between employers, managers, workers and unions to address issues as they arise

and to promote a violence free work environment. Existing Health and Safety committees can also be involved in this work,
- o Risk assessments, including employee surveys, are consistently provided to identify any issues that may be arising,
- o Use the workplace risk assessments to do continuous improvement and development of one's organizational culture.

c) Recognize and support organizations or industries that have patterns of systemic violence: While each workplace is unique, at the same time, there are certain patterns of behaviours that arise in a particular industry or occupation because of the nature of the work, the context or the patterns of interrelating. In those cases where there are repeated incidents of workplace violence, it would be useful to bring those workplaces together to understand their industry dynamics and develop specific strategies and support to move toward a workplace free of violence.

One example used in the Think Tank was of women in the trades. The trades have historically been an environment exclusionary to women and with strong sexist organizational cultures. There may be a tendency to assume that women leave the trades because the work does not suit them, when in fact their reasons for leaving relate more to the way they are treated. The continuous absence of women decreases the likelihood that the trades' environment will change. In some of these situations, it might be useful for pro-active investment in addressing systemic barriers that have consistently led to workplace violence and harassment.

G. Appropriate Responses and Solutions in the Workplace

There are five stages where different but interconnected responses need to be considered in the workplace when a situation arises:
1. The situation arises and a concern is raised.
2. An interim response is required.
3. An investigation is launched.
4. The findings of an investigation are released and action proceeds.
5. The reintroduction of a person into the workplace after they have been disciplined for engaging in bullying, harassing, threatening or intimidating behaviour.

a) **Follow a set of principles in every response to a workplace violence situation, including:**
- o A timely response is essential.
- o The immediate safety of each person is paramount. As such, the employer would exercise due diligence and take all reasonable precautions right away. Interim measures may need to be developed to ensure immediate safety of a person and which do not compromise the final results of the investigation.
- o The response needs to be fair to the complainant and the person accused, and appropriate to the complexity of the issue. In deciding how to proceed, the decision would not be an assessment of intent but rather an assessment of harm that has been done or could be done. In matters of discrimination, it is the impact, not the intent that is considered. (As directed by the Supreme Court of Canada decision).
- o A non-adversarial approach that is focused on problem resolution should be considered. When an employer responds, they would respond through the appropriate and existing disciplinary processes in the organization, regardless of the position that the employee

holds in the workplace. As such, employers may choose to ensure such disciplinary processes include a non-adversarial, problem-solving element.
   o The requirements for evidence need to be realistic and not a burden to the complainant or the employer.

b) **Establish supports to address specific situations in the workplace:** Arriving at appropriate solutions requires the broadest approach so that the solution fits the context of the workplace, the people and severity of the situation. There are many different possible solutions that could be considered, such as a work refusal without reprisal. It would be important to have a clear non-retaliation clause in any resolution of a situation.

In some situations, employers will need additional support to be able to investigate and to cover the costs of an investigation, including trained individuals. It was suggested an existing organization be mandated to provide that service to employers.
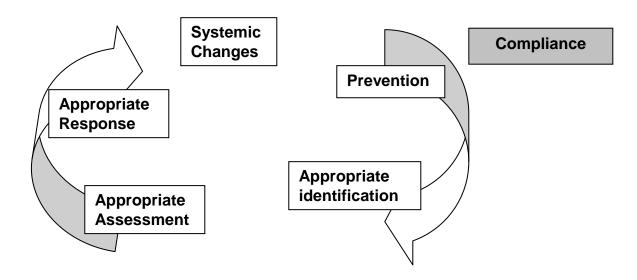
c) **Ministry of Labour inspectors play a key role in ensuring compliance and addressing specific situations.** Their different roles need to be clearly understood in an organization:
   o Let parties know options (e.g. grievance etc.)
   o Inform parties – train
   o Ensure employers' responsibility and accountability
   o Issue orders if non-compliance

H. Compliance and Accountability

The Think Tank emerged with a comprehensive framework that is based on a systemic response to workplace violence. A key part of that framework is the need for compliance and accountability mechanisms that are effective.

Some suggestions for accountability mechanisms include:
- Accountability agreements from management of organizations.
- Periodic review of workplaces against legislative standards.
- Train and certify health and safety committees in individual organizations to do assessments and provide recommendations for change.

Systemic Changes

Appropriate Response

Appropriate Assessment

Compliance

Prevention

Appropriate identification

The flip side of compliance is how to create sufficient incentives to fully engage employers in strengthening their workplace to be violence-free. Some suggestions on incentives included:

- Recognize workplaces that have made significant progress in becoming violence-free, e.g. through providing these workplaces with a designation.
- Reward compliance: government would give priority to contractors that have a designation. This can be a very strategic way to provide incentives to small employers to become involved in this initiative.
- Gather information on best practices by employers in Ontario, and promote these practices, which also provides public profile for these employers.

I. Public Education

Workers need to have a basic understanding of what are their rights and responsibilities in the workplace and what they can do when workplace violence occurs. A public education and worker awareness program is needed to promote understanding and implementation of the legislation. This program should include an intersectional framework. (An analysis that shows the compound nature of oppression and privilege and the differential impact of the same treatment on different workers.)

In addition, there needs to be a program in the schools. How do we come to understand what workplace violence looks like? What does a safe, respectful and inclusive workplace look like? We live in a society that has zero tolerance of violence in schools and yet we know that youth suicides and violence is often rooted in bullying and violence directed at them within the school system. When these young people enter workplaces, they are often desensitized to behaviour and are not attuned or have not been taught the skills to be able to address workplace violence.

The Ontario Public Education initiative, Neighbours, Friends and Family has created a program directed to workplaces. In London, Ontario, 141 business, health and education sector leaders had the opportunity to do workshops in the Fall of 2007. The response was that 89% felt it increased their ability to identify warning signs and risk factors of women abuse.   All who attended thought this was a program that needed to be expanded into other workplaces and into the community.

To the extent possible, the legislation and accompanying materials should be user-friendly, including tools, booklets, guides, and a website.

J. Elaborating on Key Questions

a) How can we reflect the continuum of violence in the legislation?

Violence is a process and not a finite and exhaustive list of specific actions. The legislation needs some assessment mechanism to define the continuum of violence that result in explicit or implicit challenges to safety, well-being or health. A continuum of violence recognizes that violence is complex and multi-faceted. It acknowledges that while acts of physical violence are clearly interpreted as violent, acts of psychological violence may be confusing and misunderstood. A continuum of violence includes the notion that subtle and psychologically violent behaviors that we have had a tendency to see as 'innocuous' may act as precursors to

more physically destructive violent behaviors. Sometimes these types of behaviours may seem relatively minor but cumulatively they can become very serious. Psychological forms of violence that we categorize as bullying and harassment, whether intentional or not, cause harm that can be manifested physically, mentally, spiritually, or socially.

The continuum is also an important concept because risk of violence is not static. Violence starts with ideas and ends in action. People who make verbal threats do not always pose actual physical threats. Other individuals may move along the continuum from having such ideas to expressing them and then to engaging in behaviour that becomes a problem.

The former Dr. Dr. Chris Hatcher, Clinical Professor of Psychology at the University of California at San Francisco, was internationally renowned for his work in threat assessment. He developed a violence continuum to assist with risk assessment consisting of five categories that are widely used in the U.S.A.:

> CATEGORY ONE: Criminal conduct – highest risk – call 911
> CATEGORY TWO: Evidence of Violent Behavior - high violence potential – doesn't qualify for arrest, other response needed
> CATEGORY THREE: Intentional infliction of emotional distress without evidence of violence
> CATEGORY FOUR: Negligent infliction of emotional distress
> CATEOGRY FIVE: False reports
> (Erin Webber, 2007)

An investigation can assess the risk for violence to escalate and assess the harm. Whether the violence is physical or psychological in nature, it is important to assess harm and respond appropriately.

The University of Western Ontario has recognized that early intervention can prevent escalation. They have created a violence continuum for their Safe Campus Community Initiative that provides information on how to identify, prevent and respond to violence and potential violence. Their definition of violence, which "includes abusive and threatening behaviour" explicitly recognizes psychological violence.
A copy of this continuum is presented in Appendix II.

The professional regulatory model used by teachers in Ontario also has some elements that might be applied to the continuum of violence legislation.

The legislation would emphasize that there would be no reprisals for reporting workplace violence.

b) How can risk and workplace assessments be included in the legislation?

Individual risk assessment would include evaluating the potential for violence by individuals in a specific situation, and prevention and intervention remedies employers could undertake. Ideally, the risk assessment would be oriented to prevention.

The workplace environment needs to be recognized as a factor in the prevention of violence or, on the other hand, as a contributor to violence. The legislation could provide for mechanisms and tools to assist employers in assessing their workplace and taking appropriate action to improve their environment.

Both subtle and overt factors need to be included in the assessment. A "poisoned", "toxic" or "hostile" work environment can be a contributing factor in the genesis of violence. For example, could an employer's under-response to a situation of workplace violence or potential violence be a contributor to a future incident? A respectful organizational culture can be a proactive means of preventing violence at many levels.

c) How can emerging workplace violence issues be recognized and responded to through legislation?

Monitoring of workplaces will highlight new issues, and a mechanism is needed to address these emerging issues. The Think Tank suggested that this might be the role of a mandated collaborative committee, whose tasks could include:
- o A periodic environmental scan with community stakeholders;
- o Review of emergent issues and ongoing assessment of risk
- o Development of assessment tools to assist workplaces in monitoring their potential for violence and level of respect and prevention;
- o Other measures to ensure the gap is minimized between legislation and implementation.

Emergent issues identified at this time by the Think Tank include:
- o Non-standard employment relationships e.g. foreign workers on limited visas (citizenship issues); contract workers. In these situations, who is the employer? Who is responsible for ensuring adherence to the legislation?
- o Human Rights Code and workplace violence: complaint forms and process need to be linked, with one place to get information on both, as these are often combined in one individual's experience.
- o Small businesses and agencies need resources and supports. One possibility is to identify third party organizations that are in a position to provide the needed supports.
- o Cyber-stalking and other forms of electronic harassment and violence.

K. Moving Forward

The Think Tank identified two ways to move forward in this work:

1) Give input to the Ontario government consultation process on workplace violence prevention;
2) Support the organization of a May 2009 conference. Ideas for such a conference are outlined below.

May 2009 Conference

1. Questions to explore

a) What do we do about small businesses? How do we address their reality? What tools do they need to be able to respond?
b) What would coverage under Worker's compensation and a civil process look like?
c) What are the roles and responsibilities of employers in responding to domestic violence?

d) How to invest in Human Resources so it is not a drain but part of investment in your workplace?
e) How to build internal responsibility systems within an organization – from top to bottom?
f) Workplace inspections: what are they and what happens?
g) What are the costs of proactive/preventative response?
h) What if the perpetrator has a mental illness/addiction and is deemed having a "disability"?
i) How can the workplace get ready to receive perpetrators who come back? How to avoid the bullying cycle?
j) Risk assessment – who does it? What tools are available?
k) How do we respond when domestic violence is part a worker's life?
l) What is the strategy to move the ideal legislation forward?

2. Information to be shared at the conference
o Comparative jurisdictional analysis
o Tools to do assessments and information
o Examples of comprehensive violence programs developed collaboratively with Health and Safety
o Corporate best practices and labour's best – ability to influence
o Collaboration models – public/private/NGOs – leveraging resources
o Practical stuff that can be used for small businesses
o Getting tools before participants come or as part of the kit: tools, checklist, ideas.
o Have organizations bring their tools and resources.
o The safety audits done by METRAC.
o Understanding the continuum of violence
o Assessment, response and prevention
o Discrimination, harassment, bullying, violence
o Power relations
o Law, policies, practices
o Individual and organizational perspectives
o Inter-sectoral collaboration
o Addressing domestic violence in the workplace

3. Type of presenters that people would like to see at the conference
o Presenters have cross-sectoral representation to reflect different types of workplaces and different workers experiences.
o Speakers from other jurisdictions.
o Ensure diversity.
o Kim Wells, Executive Director of the Corporate Alliance to End Partner Violence (CAEPV), the only national nonprofit organization in the US founded by the business community to address domestic violence as a workplace issue.

4. Plenary discussions
o Frame the issue: What are the personal costs and institutional costs to workplace violence? Use specific examples of institutions who have paid some of these costs.
o Success stories and good models – joint management and labour working together.
o Use "Missed Opportunities" play.
o Becoming an Ally: Building alliances across differences of gender, race, ability, sexual orientation & class
o Standards and strategies for creating and maintaining a safe and respectful workplace

- o Canadian Auto Workers "Work Refused" – implications and results. Management and union panel

Appendix A

UWO Safe Campus Community Violence Prevention Continuum

Identify	Prevent	Respond	Resources
A – ALERT **Risk Low: Creates Anxiety** *Behaviours of Concern:* Disruptive & Aggressive Verbal Abuse, Bullying Harassing Conduct Emotionally Abusive	Broadly communicate and reinforce standards of behaviour. Utilize resources. Conduct Risk assessments through CPTED. Intervene when people send "signals" that they are at risk of "losing their cool" with others. Seek resources for stress/ anger/ depression counseling before behaviour escalates.	**Action:** If behaviour occurs, stay calm and de-escalate. Faculty/ Dept. intervene quickly. Separate conflicting parties. Assess further risk; report; seek support to deal with current situation and prevent repeats. Document incident. Investigate & Follow-up	**Support:** Dean, Chair, Department Head, USC, SDS, Equity and Human Rights, HR, Registrar, Student Health& Counselling Services, EAP, Housing, Union; Campus Police **911** when there are personal safety concerns, potential danger or Code of Student Conduct violations
B – CAUTION **Risk Low to Moderate: Personal Safety Concerns** *Threatening Behaviour:* Hostile, Intimidating, Frightening Aggressive outbursts Threats, either verbal or written	Broadly communicate and reinforce standards of behaviour. Conduct Risk assessments through CPTED. Intervene when people send "signals" that they are at risk of "losing their cool" with others Suggest people seek resources for stress/anger/ depression counseling before behaviour escalates. Utilize resources.	**Action:** If behaviour occurs, stay calm and de-escalate. Faculty or Dept. intervene quickly. Ensure physical safety. Report; assess, analyze, seek support. Document incident. Investigate & Follow-up	**Support:** As above: Campus Police will investigate, assess risk, help establish a safety plan (may involve aTrespass Notice), work with Registrar& Legal Services if dealing with a student; or with HR and Faculty for employees.
C – DANGER **Risk High: Safety is at Risk** *Physical Injury:* Weapons Threat, Physical Assault, Pushing, Hitting, Kicking, Punching Threat to Injure self or others	Report personal safety concerns. Early intervention to reduce escalation. Educate all students, staff, faculty on diffusing procedures and safe responses. Incident investigation and accountability.	**Action**: If behaviour occurs, avoid escalation; Call **911** from any campus phone. Seek safe location, report incident within your faculty or department.	**Support:** Campus Police **911;** SERT, EMS, OHS, HR, Housing; CCPS will follow up in Criminal Cases and for Code of Student Conduct violations
D –EMERGENCY **Risk Imminent: Immediate** Danger *Potential Death:* Shooting, Stabbing Beating, Choking Use of Weapon, Threat to kill	Establish safety procedures and safe locations Educate all students, staff, faculty on procedures, safe responses and safe locations All incidents will be thoroughly investigated with appropriate follow-up and review.	**Action**: If behaviour occurs, avoid escalation; Call **911** Seek shelter where you are; lock doors, avoid windows; evacuate public areas. The Incident Commander will communicate next steps. STAY SAFE	**Support:** Campus Police **911;** SERT, EMS, OHS, ERT, London Police; Campus Police will follow up in Criminal Cases and for Code of Student Conduct violations. HR and EAP will be involved with employees.

Appendix B

THINK TANK PARTICIPANTS LIST

1. Dr. Carol Agocs
Professor Emerita
Department of Political Science, University of Western Ontario
London, ON

2. Ian Anderson
 Arbitrator, Vice-Chair of the Ontario Labour Relations Board and Member of the Human Rights Tribunal of Ontario
(Mr. Anderson provided a summary of the existing jurisprudence but played no role and took no position with respect to any discussion as to the need for or nature of any amendments to the law.)

3. Professor Constance Backhouse
Professor, Faculty of Law
University of Ottawa
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4. Mary Benson-Albers
Director - Human Resources
Hotel-Dieu Grace Hospital
Windsor, ON

5. Mandy Bonisteel
Respect-at-Work trainer
Coordinator, Assaulted Women's and Children's Counsellor/Advocate Program
George Brown College
Toronto, ON

6. Erna Bujna
Labour Relations Specialist
Workers Compensation/Occupational Health and Safety
Ontario Nurses' Association
Toronto, ON

7. Catherine Burr
Trainer, university instructor, management coach, mediator and workplace consultant
London, ON

8. Dennis Butler, SPHR
Vice President, Workplace Solutions
Liz Claiborne Inc.
North Bergen, NJ

9. Jacquie Carr
Daughter of Theresa Vince
Community Support Program Coordinator, Crouch Neighbourhood Resource Centre
London ON

11. Zahra Dhanani
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12. Barbara DuPont
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13. Jeff Fielding
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15. Ms. Barbara Humphrey
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24. Janina Fogels
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25. Trish McNamara
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Responsible for the 1987 Supreme Court of Canada decision that: "an employer is responsible for the unauthorized discriminatory acts of its employees in the course of their employment under the Canadian Human Rights Act."
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CHRONOLOGY

In memory of all women murdered by men in acts of gendered violence.
Prepared by Michelle Schryer – Chatham-Kent Sexual Assault Crisis Centre.

June 2, 1996:   Theresa Vince was murdered at work by her supervisor who then killed himself. Theresa had reported sexual harassment by her supervisor nearly a year and a half earlier to upper management at Sears Canada.

November 18, 1997:   At an inquest into the workplace murder of Theresa Vince, evidence was given regarding the Occupational Health and Safety Act as a vehicle for addressing workplace harassment.

December 2, 1997:   The inquest jury that heard evidence into the workplace murder of Theresa Vince delivered twenty-four recommendations including one to the Ministry of Labour: *The ongoing study into the Health and Safety Act to include Sexual Harassment needs to be made a priority to get the results and answers required to make an informative decision about including Harassment and Sexual Harassment into the current system.*

Spring, 1998:   Under the previous Conservative government a provincial *Review of the Occupational Health and Safety Act* was completed by the Ministry of Labour. One of the questions considered in the *Review* was whether or not sexual harassment should be included in the Act.
(The previous Conservative government was voted out of office without having effected legislative change in this regard and there was never a reporting back to the people.)

June 7, 2001:   Chatham-Kent Essex M.P.P. Pat Hoy introduced a Private Member's Bill – *Bill 78, An Act to amend the Occupational Health and Safety Act to protect workers from sexual harassment in the workplace.*
(Bill 78 died on the order paper.)

May 26, 2003:   Private Member's Bill – *Bill 55, An Act to amend the Occupational Health and Safety Act to protect workers from sexual harassment in the workplace* was re-introduced in the Ontario Legislature by Chatham-Kent Essex M.P.P. Pat Hoy
(Bill 55 died on the order paper when an election was called.)

October 14, 2004:   East York M.P.P. Marilyn Churley introduced a Private Member's Bill in the Ontario Legislature – *Bill 126, An Act to amend the Occupational Health and Safety Act to protect workers from harassment in the workplace.*
(Bill 126 died on the order paper.)

November 12, 2005:   Nurse Lori Dupont was killed on the job by a physician with whom she worked at Hotel-Dieu Grace Hospital in Windsor, and with whom she had previously ended an intimate relationship. After he murdered Lori he subsequently killed himself.

November 22, 2005:   East York M.P.P. Marilyn Churley re-introduced the Private Member's Bill that she adapted from Chatham-Kent Essex M.P.P. Pat Hoy's Private Members Bills to amend the Occupational Health and Safety Act. *Bill 35 – an Act to amend the Occupational Health and Safety Act to protect workers from harassment.* On November 30th Ms. Churley resigned her seat in the Ontario Legislature to run as a candidate in the federal election.

December 6, 2005:   Hamilton Centre M.P.P. Andrea Horwath took up the work that former M.P.P Marilyn Churley and Chatham-Kent Essex M.P.P. Pat Hoy had previously attempted to amend the Occupational Health and Safety Act. Ms. Horwath introduced *Bill 45, the Occupational Health and Safety Amendment Act to protect workers from harassment in the workplace.*
(Bill 45 died on the order paper.)

September 24, 2007 – December 11, 2007: The Lori Dupont inquest jury arrived at 26 recommendations intended to prevent such future tragedies. Specifically Included in the recommendations was one directed to the Ontario Ministry of Labour: *It is recommended that there be a review of the Occupational Health and Safety Act to examine the feasibility of including domestic violence (from someone at the workplace), abuse and harassment factors warranting investigation and appropriate action by the Ministry of Labour when safety and well being of an employee is at issue. Specifically, the review should consider whether safety from emotional or psychological harm, rather than merely physical harm, ought to be part of the mandate of the Ministry. In this regard, the review should be directed to include an examination of the legislation and policies in place in other comparable jurisdictions, in Canada and elsewhere.*

December 13, 2007:   Hamilton Centre M.P.P. Andrea Horwath introduced a Private Member's Bill: *Bill 29, An Act to amend the Occupational Health and Safety Act to protect workers from harassment and violence in the workplace.*

January 10, 2008:   Barbara Dupont and others who advocate an end to gendered violence formed the *Inquest Action Group* as a strategy to advance jury recommendations*.*

Spring, 2008:   The Inquest Action Group lobbied Members of Provincial Parliament and worked to gain public support for legislative change to the Occupational Health and Safety Act.

September 17, 2008   The Ministry of Labour released *A Consultation Paper on Workplace Violence* and invited a written response from labour and employer stakeholders and the general public. The time-line for submissions was from September 17th to October 17, 2008.

October 17, 2008   Windsor West M.P.P. and Minister of International Trade and Investment, Sandra Pupatello, and newly appointed Minister of Labour, Peter Fonseca, met with Barbara and John Dupont, Lori Dupont's parents.