

	<b>Dimensions:</b> <b>Safety</b>	<b>HAO Standard:</b> <b>3.2a</b>	<b>Policy:</b> <b>Safety #7</b>
	<b>Original Approval Date:</b> <b>March 17, 2003</b>	<b>Date Revised:</b> <b>February 17, 2009</b>	<b>Revision Approval Date:</b> <b>August 31, 2009</b>

**TOPIC:**                    **SUSPECTED HARASSMENT / ABUSE**

**POLICY STATEMENT:**

NNPCN (N/PS) will not tolerate harassment or abuse by or to any client, caregiver, staff member or volunteer in any form or degree.

NNPCN (N/PS) has a process for clients, family caregivers, staff members or volunteers to initiate complaints about suspected harassment or abuse and for further follow-up. All complaints will be addressed within 48 hours. **(See page 3-5 for Definitions.)**

Every effort will be made to ensure that:

- All complaints are treated seriously with sensitivity and appropriate confidentiality
- Every attempt is made to preserve the dignity and self-respect of all persons involved
- Complaints are resolved in an expeditious and appropriate manner.

**PROCEDURE:**

***Any client, caregiver, staff member, or volunteer who feels he/she is the subject of harassment or abuse within the NNPCN (N/PS) should take any or all of the following actions:***

1. Complainant will inform the offender, immediately and clearly, that the incident, remark or behaviour is unacceptable and unwelcome and leave the abusing/harassing situation if possible. Complainant must be specific about the exact behaviour to be stopped. This must be done so that the offender "knows" what conduct is unacceptable.
2. Incident Report (Form 027) will be completed and delivered to the Program Administrator on the next business day. An employee or volunteer in a supervisory rank has the option of presenting his/her complaint to the Executive Committee and in their absence, the Chairperson of the Board.

### **3. Program Administrator or delegate will:**

- Review and discuss the complaint or concern
- Interview any and all witnesses involved
- Document all information obtained from the investigation of the incident
- Provide information about policies and procedures and any legal recourse as required
- Report to the Case Manager (if CCAC involved) by telephone, followed by a written report
- Record any resolution reached or inform the complainant of their right to the next step, if the situation is unresolved
- Report the complaint to the Executive Committee both verbally and in writing

### **4. The Chairperson will:**

- Review the complaint/concern and document the resolution or non-resolution
  - Inform the complainant of their right to the next step
  - Consult with the Board of Directors if the situation is unresolved
5. If the situation remains unresolved, the Board of Directors will then review the complaint/concern and document any resolution or non-resolution.
6. The Chairperson of the Board of Directors will send a written letter to the complainant with the Board decision.

***N.B. Anyone who has been harassed or abused and wishes to have a charge brought against another must notify the police immediately.***

***Anyone who harasses, abuses, steals or damages another's property, is liable to be charged by the victim under the CRIMINAL CODE.***

## **DEFINITIONS:**

### **ABUSE:**

Mistreatment or injury or threat to mistreat or injure one individual or party by another individual or party.

While commonly used to describe situations which involve aggressive or harassing behaviour, “abuse” is a broad concept which is difficult to apply to certain situations. Therefore, it is useful to further define “abuse” with respect to the injury experienced by a victim.

### **TYPES OF ABUSE:**

#### **1. Child Abuse:**

Any non-accidental injury or harm to a child (person under 16 years of age as per Part III of the Child & Family Services Act) by a person having charge of that child, or caused by the person’s failure to care or provide for or supervise or protect the child adequately.

#### **2. Elder Abuse:**

Any act or behaviour by a person in a position of trust (friend, family, neighbour, caregiver) which results in physical or psychological harm, financial abuse or neglect of an elderly person.

#### **3. Physical Abuse:**

Any unnecessary action that results in bodily harm, discomfort or injury caused by another person. It may be a single incident or a series/pattern of incidents.

- **Assault:** The *Criminal Code of Canada* states that the use of force, or the threatened use of force, in circumstances where the victim reasonably believes the individual could carry out the threats, constitutes assault and is a criminal offense.

#### **4. Psychological Abuse:**

Any act which provokes fear or diminishes the individual’s dignity or self-worth; intentionally inflicting psychological trauma on another person.

#### **5. Sexual Abuse:**

Any unwelcome sexual activity between two or more individuals, including sexual touching, intercourse or exploitation.

#### **6. Verbal Abuse:**

The use of vexatious comments known, or that ought to be known, to be unwelcome, embarrassing, offensive, threatening or degrading to another person.

## **HARASSMENT:**

Offensive or unacceptable comments, conduct or gestures on the part of one individual or group towards another individual or group that are abusive, intimidating or threatening and can be related to any of the prohibited grounds of discrimination defined by the *Ontario Human Rights Code*. Actions are considered harassment if the offender knows or reasonably ought to know that such behaviour is unwelcome.

## **TYPES OF HARASSMENT**

### **1. Disability Harassment:**

Harassment on the basis of disability.

e. g.

- Refusing to converse or work with an employee/volunteer because of disability
- Refusal of a job position to a person because of a disability when that person is capable of fulfilling the requirements of the position.

### **2. Gender / Sexual Orientation Harassment:**

Harassment on the basis of gender and/or sexual orientation. This form of harassment need not be sexually motivated.

e. g.

- Unwelcome remarks or jokes about gender or sexual orientation.
- Inappropriate comment(s) made to a person because of gender.
- Refusal of a job position to a person because of gender or sexual orientation.

### **3. Racial or Ethnic Harassment:**

Harassment on the basis of race, creed, colour, place of origin, citizenship and/or ancestry.

e. g.

- Displaying racist, derogatory, or offensive pictures or material.
- Insulting gestures or practical jokes based on racial or ethnic grounds which cause embarrassment/awkwardness.
- Refusal of a job position because of race or ethnic background.
- Unwelcome remarks, jokes, innuendoes or taunting about a person's racial or ethnic background, colour, place of birth, citizenship or ancestry.

#### 4. Sexual Harassment:

Unwelcome sexual advances, request for sexual favours or other verbal or physical conduct of a sexual nature expressed or implied to a member of the same or opposite sex when:

- Conformity to such conduct is made, either implicitly or explicitly, a condition of employment.
- Conformity to, or rejection of, such conduct is used as a basis for any employment decisions or re-appointment.
- Such conduct has the purpose, or the effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive work environment.
- Such conduct interferes with the person's right to freedom from harassment in the workplace.
- Unwelcome remarks, jokes, innuendoes, taunting about a person's body, attire or sex.
- Display of pornographic or other offensive material.
- Leering or other gestures.
- Unwelcome physical contact.
- Unwelcome invitations or requests of a sexual nature.
- Unwelcome sexual solicitations or advances made by a person in a position of authority or a reprisal or threat of reprisal because a sexual advance has been refused.

#### **REVISION HISTORY:**

<b>DATE mm/dd/yyyy</b>	<b>REVISED BY</b>	<b>REVIEW ONLY (✓)</b>	<b>COMMENTS / MODIFICATIONS</b>	<b>BOARD APPROVAL DATE: mm/dd/yyyy</b>

