



AFOA CANADA

Building a Community of Professionals

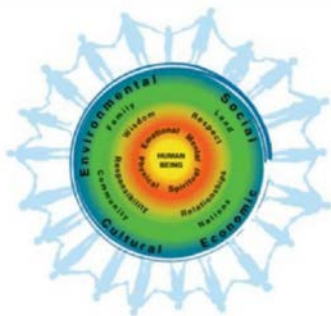
PART 1

WORKPLACE VIOLENCE AND HARASSMENT:

Setting the Stage

AFOA.CA





DISCLAIMER

Each province or territory has its own guidelines and regulations in its respective employment standards legislation. This tool offers an overview of the general guidelines for common leave provisions, and you can check the specific regulations for your jurisdiction (province/territory/federal).

FIRST NATIONS HEALTH AUTHORITY:

Perspective of Health & Wellness

Before discussing incident reporting and investigations, and restoring the peace after the fact, we need to first consider what it means to support healthy and safe workplaces. The First Nations Health Authority provides us with a tool to help us visualize healthy and safe workplaces. It aims to create a shared understanding of a holistic vision of wellness.


Each of us experiences this circle of health and wellness uniquely, influenced by our stories and experiences. Each of us brings this unique picture of wellness with us to the workplace and will be influenced and impacted by each other in these spaces. Holistic understandings of health recognize the importance of the whole person, including physical, mental, spiritual, and emotional wellness, to be fully healthy. The healing process, which must be part of the workplace investigation process, is where our wellness can improve, and help us to grow.

WORKPLACE VIOLENCE, HARASSMENT, BULLYING, AND LATERAL VIOLENCE

DEFINITIONS

- **Workplace Violence** - Most people think of violence as a physical assault. However, workplace violence is a much broader problem. It is any act in which a person is abused, threatened, intimidated, or assaulted in his or her employment. It may be best defined as: Behaviours by individuals and/or groups that intentionally threaten, attempt, or inflict physical harm on property, other individuals, or oneself. This would include all forms of psychological and emotional abuse, including Lateral Violence, discussed below.
- **Workplace Harassment** – Workplace harassment occurs when a person engages in a course of vexatious comment or conduct against a worker in a workplace which is known, or ought reasonably to be known, to be unwelcome. This also includes workplace sexual harassment. Workplace harassment includes, but is not limited to:
 - Offensive comments or jokes
 - Bullying or aggressive behaviour
 - Inappropriate staring
 - Sexual harassment
 - Isolating or making fun of a worker because of their gender identity

It usually is a series or collective sum of events or occurrences that when in isolation from each other, may seem harmless, but when viewed more broadly, may meet the threshold of workplace harassment. Workplace harassment, however, could be one single incident. Workplace harassment is not a manager or supervisor taking reasonable action relating to the management and direction of workers or the workplace.

- 
- **Workplace Bullying** - Workplace bullying is unwanted, recurring aggressiveness that causes psychological and physical harm and creates a psychological power imbalance between the bully and targets. It is usually a repeated behaviour, but may be a one-time offence. It is defined as imposing psychological harm to another person through aggressive communication, humiliation, or manipulation of work. While there are few jurisdictions that have legislatively defined “bullying”, the responsibility of the employer is to protect the worker from harm at all reasonable costs, including this general duty to prevent and protect from workplace bullying, a form of psychological harm.
 - **Lateral Violence** - Unlike workplace bullying, lateral violence differs in that it is rooted in factors such as: colonization, oppression, intergenerational trauma and the ongoing experiences of racism and discrimination. Workplace or community aggressors direct their anger at their own peers or community Members, where they feel powerless to direct their anger and frustration at their oppressor.

OTHER TERMS FOR LATERAL VIOLENCE ALSO INCLUDE:

- Workplace bullying
- Horizontal hostilities/violence
- Internalized colonialism
- Relational aggression

The following are some behavioural indicators that lateral violence may be happening by you, to you or to someone else in your workplace.

- Nonverbal intimation (raising eyebrows, making faces, eye-rolling)
- Obvious name-calling
- Sarcasm, bickering, whining, blaming
- Belittling a person’s opinions
- Yelling or using profanity
- Making up and/or exaggerating scenarios
- Making snide comments and remarks, making jokes that are offensive by spoken word or email, using put-downs
- Gossiping, rumour-mongering
- Ignoring, excluding, or freezing out people
- Handing over work assignments with unreasonable deadlines or duties that will ensure the person will fail
- Being purposely unavailable to meet with staff, and much more.



LEGISLATIVE RESPONSIBILITIES

There are fourteen jurisdictions in Canada—one federal, ten provincial and three territorial each having its own occupational health and safety legislation. For valuable resources about legislative requirements that apply to violence and harassment in the workplace, visit this link to the Canadian Centre for Occupational Health & Safety. Regardless of the jurisdiction that legislates your workplace requirements, the following general principles will apply:

1. Employers must collaborate with the policy committee, workplace committee, or health and safety representative to develop a workplace harassment and violence prevention policy, regardless of our jurisdiction. The policy should address the prevention of harassment and violence, including sexual harassment, sexual violence, and domestic violence, and in Indigenous workplace environments, should specifically make reference to and acknowledge the risk of lateral violence.
2. Employers need to assess the risk of workplace harassment and violence. This assessment helps identify potential risks and allows for targeted preventive measures.
3. Your policy should generally include:
 - A clear definition of harassment and violence.
 - Procedures for reporting incidents.
 - Measures to prevent and address harassment and violence.
 - Support for affected employees.
 - Training and awareness programs.
 - Confidentiality provisions.
 - Roles and responsibilities of employees, supervisors, and management.

CONCLUSION

No two (2) policies will look the same because your policy and procedures should be a reflection of your workplace culture and principles, and in keeping with the First Nations Perspective on Wellness, will be unique to your organization's collective experiences and influenced values. Consider providing ample opportunity and support for employees to engage in open and honest dialogue and communication with respect and accountability for the irrespective roles in their engagement before any report may be required. If that is not possible, or there is a claim of violence or harassment being made for investigation, that claim should be taken seriously and a formal investigation takes place, with respect for the confidentiality and privacy of all involved parties. You may even consider bringing in a third party to conduct the investigation to remove even the perceived element of conflict of interest, or unconscious bias within the community.