

Dealing with DV through Workplace Policies: The E-PRIC requirement [Every Precaution Reasonable In the Circumstances]

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Domestic Violence & the Workplace:
Risk Assessment and Risk Management Strategies
London, Ontario - October 17, 2012

Why are policies necessary?

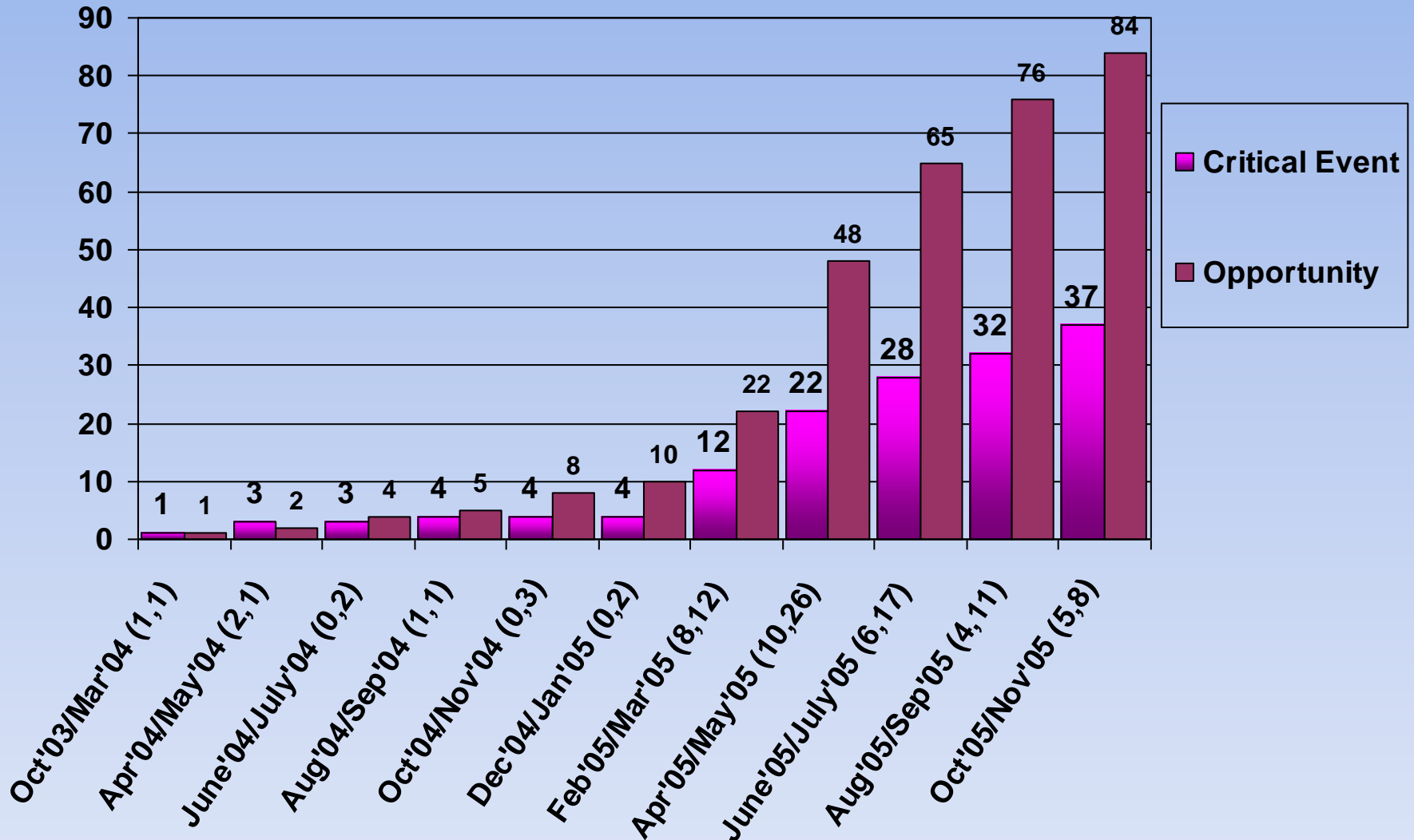
Elaine Newman, arbitrator and author of *Violence and Harassment in the Workplace*:

- ▶ Create a clear path toward help
- ▶ **Roles** they are to play
- ▶ Environment of **awareness, involvement and effective action**

- ▶ “It is the blueprint for safety.”

Does your workplace policy create a blueprint for safety?

Accumulation of Critical Events & Missed Opportunities Dupont Inquest



Effective response & prevention

- ▶ Safety
- ▶ Well-being
- ▶ Support

When WP-DV occurs – or is likely to occur – how might your workplace policy *help* and *hinder* safety, well-being and support of workers?

E-PRIC: a minimum standard

- ▶ Section 32.0.4

*If an **employer** becomes aware,
or ought reasonably to be aware,
that domestic violence that would likely expose
a worker to physical injury may occur in the
workplace,
the employer shall take every precaution
reasonable in the circumstances for the
protection of the worker.*

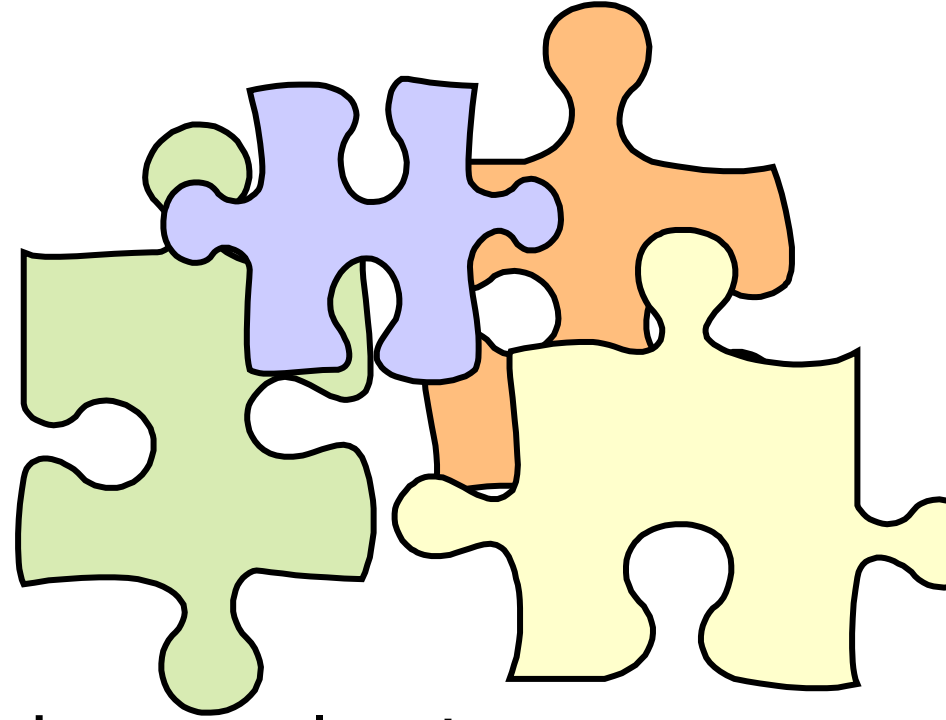
Remember...

A clear, comprehensive and effective policy is a necessary – *but not sufficient* – factor in keeping workers safe.

- ▶ Implementation
- ▶ Training
- ▶ Worker and supervisory buy-in
- ▶ Expertise
- ▶ Action → swift, early & effective response

Catch it Early?

- ▶ Connect the dots
- ▶ Find and put together the puzzle pieces
- ▶ Clarify the picture (mosaic) – from the bits and pieces and shards of information you have



Panel presentation objectives:

- ▶ **How to adapt a policy on WP Violence to be effective in dealing with WP-DV?**
 - OR, do you need a specialized DV policy?
- ▶ **Key policy elements.**
 - Basic, enhanced
- ▶ **E-PRIC**
 - Benefits & challenges
- ▶ **Open a discussion on:**
 - What should E-PRIC include?
 - How to implement E-PRIC in Ontario workplaces?

Ministry of Labour – policy guidance

▶ Statutory

- Employer must prepare a policy (workplace violence)
- Review at least annually & as often as necessary
- 6+ employees → in writing
- posted

▶ Guidelines

- State commitment
- Address violence from all sources
- Roles & responsibilities
- Dated
- Signed – highest level of management

Basic policy framework:

(see also MIOB guidelines – policy)

- ▶ Purpose
 - commitment
- ▶ Definitions
 - examples
- ▶ Legislation?
- ▶ Application – who has what rights?
- ▶ Obligations – what expectations?
- ▶ Consequences – progressive discipline
- ▶ Roles & responsibilities
 - – managers, employees
- ▶ Implementation procedures

Policy + Program

- ▶ Measures and procedures to control the risks identified in the violence risk assessment
- ▶ ...for summoning immediate assistance
- ▶ ...to report incidents
- ▶ A description of how the employer will investigate and deal with incidents and complaints

- ▶ DV awareness & E-PRIC?

E-PRIC ready → 'teeth'

Does your policy/program make E-PRIC visible & specific?

1. How the employer will be/become aware?
2. What potential precautions?
3. What is reasonable in the circumstances?

1. How the employer will be/become aware?

- Open to knowing – or wilful blindness?
- What pro-active steps will the employer take to become aware?
- TEST: Protection orders
- Easy to access & use the system, eg: reporting procedures, education, multiple access points, expertise/advocacy available (internal/external)
- Systemic risk assessment re: DV

2. What potential precautions?

- TEST: Warning signs and risk factors are known, assessed and taken seriously
- Have risk/threat assessment procedures – or access to expertise
- What if scenarios

- Safety planning is done – input from the victim/target

- TEST: Work refusals

- Police are consulted
- Assigned roles/responsibilities – eg: triage, security precautions, liaison with potential victim(s)

- Safety trumps privacy
- Openness vs (and?) confidentiality

3. What is reasonable in the circumstances?

- ❑ TEST: Risk management strategies
- ❑ TEST: Safety planning
- ❑ If the perpetrator is an employee – separate employees/stabilize, consider suspension but caution re: escalation
- ❑ Employer not expected to be a DV expert – but to secure and use internal/expertise (minimum: connect the dots)
- ❑ TEST: Monitoring & follow-up strategies
- ❑ Debrief incident management
- ❑ A bias towards employee safety, support and well-being

Actual employer policies: preliminary assessment

- ▶ Generally
- ▶ Employers who have engaged in NFF@Work training
- ▶ Some suggestions

Employer's policy/procedures/program

Do you agree?

- ✓ Zero tolerance
- ✓ Report complaints to one individual only
- ✓ In writing
- ✓ Using the employer's complaint form
- ✓ Must be made within specified time period
- ✓ Guarantee confidentiality
- ✓ All complaints will be formally investigated
- ✓ ...unless the police investigate, then employer will not investigate

DISAGREE!

Some suggestions:

Workplace DV policy/program

- Purpose/commitment: **support, well-being and psychological safety**, in addition to physical safety.
- Safety trumps everything else
- **Continuum of violence**
- **Dynamics of DV differ**
- **'Culture of silence'** re: DV

- Include in definition: exs, other family members

- Risks: **DV warning signs and risk factors**
- Risk assessment/mgmt: who does what?
- **Disruptive** workplace behaviour (codes of conduct?)
- Identification of **high risk situations and indicators**

More suggestions:

Workplace DV policy/program

- ▶ **Safety planning**
 - Workplace
 - Individualized → involve victim(s)/target(s)
- ▶ Enhance **support** via other policy/CA initiatives, eg:
 - Leaves, flexible work arrangements, relocation, etc
- ▶ **Accountabilities, consequences and supports for abusers**
- ▶ **Protection orders** that apply to the workplace: reporting, steps, expectations, assistance of employer
- ▶ Roles: **police, local community resources** (shelters, risk assessment/management experts, etc)
- ▶ **Work refusal**

Take-aways...

- ▶ **Your policy/program – is it E-PRIC ready?**
 - Does it provide you & your workers, managers, (etc) with a blueprint for safety?
 - Does it clear away debris on the path toward help?
 - Does it provide safety, support, well-being?

If not:

- Enhance violence policy/program?
- Create specific DV policy/program?
- Remove silos – harassment, violence, DV
- Information needs
- Expertise needs
- Develop a culture of “a bias for action” (reasonable precautions)

And...

- ▶ **Policy should guide you on what to do – risk/threat assessment and risk management strategies, including safety planning – if:**
 - Violence occurs
 - Is imminent
 - Concerns/complaints are raised
 - Warning signs/risk factors are known

- ▶ **Take preventive interventions: Recognize, Respond, Refer (www.makeitourbusiness.com)**
- ▶ **Develop an E-PRIC consciousness and culture**