



LAKE COWICHAN FIRST NATION

WORKPLACE VIOLENCE AND RESTRICTED ACCESS POLICY

Purpose

Lake Cowichan First Nation (LCFN) recognizes the potential for violent acts or threats directed against staff at the workplace by other LCFN employees or any other person at the workplace. LCFN is committed to working with its employees to maintain a work environment free from violence while upholding the dignity and respect of all employees.

1. Application

1.1 This Policy applies to all employees, contractors, volunteers, clients, any person engaged in business with LCFN, and visitors.

2. Definitions

2.1 For the purpose of this Policy the following definitions apply:

“administrator” means the person, appointed by and responsible to the Council, who is responsible for the general administration of LCFN;

“Class 1 Party” means any person who has:

- a. applied physical force to injure a staff member, his or her family, or damage his or her property;
- b. attempted to apply physical force to injure a staff member, his or her family, or to damage his or her property; or
- c. exhibited behavior or uttered a threat which gives reasonable cause to believe that a staff member, his or her family, or property, is at risk.

“Class 2 Party” means any person about whom LCFN has received direct or third party information suggesting that he or she has:

- a. applied physical force to injure any individual, or to damage property;
- b. attempted to apply physical force to injure any individual or to damage property; or
- c. exhibited behavior or uttered a threat which gives reasonable cause to believe that any individual, his or her family, or property, is at risk.

“Class 3 Party” means any person who has displayed inappropriate behaviour towards staff or LCFN clients (in person or over the phone), including but not limited to:

- a. being verbally abusive to staff or other clients;
- b. yelling or swearing;
- c. being under the influence of drugs or alcohol;
- d. taking up an unreasonable amount of staff resources (e.g. making frequent or lengthy phone calls or visits); or
- e. making unreasonable or inappropriate demands of staff (e.g. demanding to be served before other clients in line; insisting on tape recording conversations).

“Incident Log” means a physical and/or electronic running record of all reported incidents of violence at the LCFN workplace;

“Incident Report” means the form that must be filled out following an incident of workplace violence, reproduced in Appendix C;

“lateral violence” means acts of aggression or abuse perpetrated by one colleague toward another colleague, such as communication through words, manner, or tone, to intimidate, disparage, threaten, accuse, patronize, or disrespect another;

“restricted party” means a person who has been designated as a Class 1, 2, or 3 Party;

“Safety Alert” means a notation on a client’s file, which indicates that a person has been designated as a Class 1, 2, or 3 Party;

“Safety Alert Summary” means a list of all current Class 1, 2, or 3 Parties and the nature of the restrictions imposed on each Party;

“workplace violence” means any action, conduct, threat or gesture of a person towards an employee in their workplace that can reasonably be expected to cause harm, injury or illness to that employee, including but not limited to:

- a. physical acts (e.g hitting, shoving, pushing, kicking, sexual assault);
- b. verbal or non-verbal acts such as threats, obscene phone calls, intimidation and threatening hand gestures or body language;
- c. psychological violence including bullying, teasing, lateral violence, and other abusive or aggressive behaviours; and
- d. disruptive behavior that is not appropriate in the work environment (e.g. yelling, swearing); and

“*workplace*” means and includes the administration office, and all other buildings or places in which employees of LCFN carry on their work.

3. General Responsibilities

3.1 All LCFN employees and contractors shall:

- a. maintain a safe work environment;
- b. report any instance of work place violence to the administrator (or an appropriate alternative person) if they are subjected to, witness, or have knowledge of workplace violence, or have reason to believe that workplace violence may occur; and
- c. not engage in or ignore violent, threatening, intimidating or other disruptive behaviour.

3.2 Employees who engage in workplace violence or fail to respect and enforce restrictions in place against a restricted party, or violate any other part of this Policy, may be subject to disciplinary action or dismissal in accordance with the LCFN Personnel Policy.

3.3 Contractors who engage in workplace violence or fail to respect and enforce restrictions in place against a restricted party, or violate any other part of this Policy, may have their services terminated by LCFN.

3.4 Employees shall familiarize themselves with the following attachments to this Policy:

- a. Appendix A: Guidelines for Responding to Disruptive, Threatening or Violence Behaviour;
- b. Appendix B: Emergency Notification Procedure; and
- c. Appendix C: Incident Report Form.

3.5 The administrator shall:

- a. provide this Policy to staff;
- b. assess the potential for workplace violence and take appropriate steps to mitigate any risks identified;
- c. provide workplace violence prevention training as appropriate;

- d. investigate and try to resolve matters of workplace violence or alleged workplace violence as soon as possible;
- e. provide support to employees affected by workplace violence; and
- f. maintain records pertaining to:
 - i. workplace safety training, and
 - ii. reported incidents of workplace violence.

4. Incidents Involving Clients or the Public

4.1 All LCFN employees shall:

- a. report an incident of problematic behaviour to their supervisor or the administrator;
- b. record the incident by filling out an Incident Report, as soon as practical after the incident;
- c. record the incident in the person's physical and any electronic file, if applicable; and
- d. respect and enforce all restrictions in place against a restricted party.

4.2 The administrator shall:

- a. review reported incidents and determine whether a Class 1, 2 or 3 designation is appropriate;
- b. determine the appropriate restriction(s), if any;
- c. enter the existence and details of the designation and restriction in the Safety Alert placed on the client's file, if applicable;
- d. make staff aware of any restrictions in place;
- e. regularly update and circulate a summary of all current Safety Alerts in place; and
- f. if the individual's address is known, notify the individual in writing of the terms of the restrictions and the reasons for the decision.

4.3 The administrator may review the circumstances relating to the problematic behaviour from time to time and may alter or remove the restriction(s) placed on

a restricted person if satisfied that the problematic behaviour has been modified or resolved.

5. Restricting Access to the Band Office

5.1 LCFN may restrict a person's access to the Band Office if:

- a. staff or client safety may be at risk;
- b. the party's behavior has become disruptive; or
- c. the party's behavior causes interference with LCFN's operations.

5.2 Before restricting a person's access to the Band Office, the administrator shall take reasonable steps to advise the party, verbally and/or in writing, that

- a. their behaviour is not acceptable; and
- b. further unacceptable behaviour will result in limits being placed on his/her contact with the Band Office.

5.3 Notwithstanding s. 5.2, the administrator may impose restrictions on a person without prior notice if deemed necessary in the circumstances.

5.4 The administrator shall inform a restricted person in writing of the restrictions and provide reasons supporting the decision.

5.5 When encountering a person whose disruptive behavior has come to interfere with LCFN operations, any employee may request that the administrator place a restriction on the person's access to the Band Office.

5.6 The administrator shall consider all requests made under section 5.5 and make a decision based on an assessment of the circumstances.

6. Types of Restrictions

6.1 Individuals who have been identified as **Class 1** are prohibited from attending the Band Office.

6.2 If a **Class 1** party attends the office, staff should advise the person that if they don't leave, the staff are going to call the police.

6.3 Individuals who have been identified as **Class 2 or 3** may have conditions imposed on their contact with staff, which may include the following:

- a. access limited to phone calls and/or written correspondence;

- b. access limited to contacting only certain designated staff members;
- c. phone access limited by frequency and duration; (e.g. client may only call Wednesdays at 10:00);
- d. attendance at the office only if accompanied by an approved person (e.g. friend, family member, advocate, mental health worker)
- e. attendance at the office only during certain times (e.g. for cheque issue while police representative is present)
- f. attendance at the office only under certain conditions (e.g. sober); and
- g. any other restriction deemed appropriate by the administrator.

7. Incidents Involving LCFN Employee or Contractor

7.1 All LCFN employees shall:

- a. report an incident of problematic behaviour involving an employee or contractor of LCFN to their supervisor or the administrator, or if the incident involves the administrator, to the Chief; and
- b. record the incident by filling out an Incident Report, as soon as practical after the incident.

7.2 The administrator, or Chief as applicable, shall without delay:

- a. investigate the reported incident, including interviewing all parties and witnesses involved;
- b. ensure that employees affected by the incident receive appropriate support;
- c. complete a written report of the findings of the investigation;
- d. if the incident involves an employee, take appropriate disciplinary action in accordance with the LCFN Personnel Policy; and
- e. if the incident involves a contractor, determine whether the contract should be terminated.

8. Non-Retaliation

- 8.1 Retaliation against employees who report incidents of workplace violence is prohibited, and is subject to disciplinary action in accordance with the LCFN Personnel Policy.
- 8.2 Any employee reporting or investigating an incident of workplace violence or assisting in the investigation of such an incident shall not be subject to disciplinary action or otherwise be adversely affected in terms and conditions of employment.
- 8.3 Notwithstanding section 8.2, an employee may be subject to disciplinary action in accordance with the LCFN Personnel Policy, if the employee
 - a. makes a report of workplace violence that is false, frivolous, malicious or vexatious;
 - b. knowingly provides false information in the course of an investigation into a reported incident of workplace violence.

Appendix A:

Guidelines for Responding to Disruptive, Threatening or Violent Behavior

Purpose

The following steps outline how to respond to incidents that have the potential for escalating into violent situations.

STEP 1:

General response to disruptive behaviour (no threats or weapons)

1. **Respond quietly and calmly.** Try to defuse the situation.
2. **Do not take the behavior personally.** Usually, the behavior has little to do with you, but you are used as a target in the situation.
3. **Ask questions.** Respectful concern and interest may demonstrate that aggression is not necessary.
4. **Consider offering an apology.** Even if you've done nothing wrong, an apology may calm the individual and encourage cooperation. *"I'm sorry that happened. What can we do now that will solve the problem?"*
5. **Summarize what you hear the individual saying.** Make sure you are communicating clearly. In crisis, a person feels humiliated and wants respect and attention. Your summary of the individual's concerns reflects your attention.
6. **Focus on areas of agreement** to help resolve the concern. If this approach does not stop the disruption, assess whether the individual seems dangerous. If in your best judgment he/she is upset but not a threat, set limits and seek assistance as necessary.

STEP 2:

Step 1 response ineffective, individual DOES NOT seem dangerous

1. **Calmly and firmly set limits.** *"Please lower your voice. There will be no disruptions in this office." "Please be patient so that I can understand what you need and try to help you."*
2. **Ask the individual to stop the behavior and warn that official action may be taken.** *"Disruption is subject to action by LCFN. Stop or you may be reported."*
3. **If the disruption continues despite a warning,** tell the individual that further action may be taken, state that the discussion is over, and direct them to leave the office. *"Please leave now. If you do not leave, we will call the Police."*

4. **If the individual refuses to leave after being directed to do so**, tell the individual you need to speak to your supervisor and determine if the police need to be called.

STEP 3:

Step 1 response ineffective and the individual SEEMS DANGEROUS

1. **If possible, find a quiet, safe place to talk, but do not isolate yourself** with an individual you believe may be dangerous. Maintain a safe distance, do not turn your back, and stay seated if possible. Leave the door open or open a closed door, and sit near the door. Be sure a co-worker is near to help if needed.
2. **Use a calm, non-confrontational approach to defuse the situation.** Indicate your desire to listen and understand the problem. Allow the person to describe the problem.
3. **NEVER touch the individual yourself to try to remove him/her from the area.** Even a gentle push or holding the person's arm may be interpreted as an assault by an agitated individual who may respond with violence towards you or file a lawsuit later.
4. **Set limits to indicate the behavior needed to deal with the concern.** *"Please lower your voice." "Please stop shouting (or using profanity) or I'll have to ask you to leave."*
5. **Signal for assistance.** The individual may be antagonized if you call for assistance so use a prearranged 'distress' signal to have another staff member check on you to determine how you are. If you need help, the co-worker should alert your supervisor and/or the police.
6. **Do not mention the police if you fear an angry or violent response.**
7. **If the situation escalates, find a way to excuse yourself, leave the room/area and get help.** *"You've raised some tough questions. I'll consult my supervisor to see what we can do."*
8. **Follow the Emergency Notification Procedure** if the person makes threats of physical harm, has a weapon, or otherwise causes you to fear for your own or another's safety.

Appendix B: Emergency Notification Procedure

Call 911 if someone:

- makes threats of physical harm toward you, others, or him/herself;
- has a weapon; or
- behaves in a manner that causes you to fear for your own or another's safety

1. **Use a phone out of sight/hearing of the individual.** The police will respond and take appropriate action.
2. **Do not attempt to intervene physically** or deal with the situation yourself. It is critical that the police take charge of any incident that can or does involve physical harm.
3. **Get yourself and others to safety** as quickly as possible.
4. **If possible, keep a line open to police until they arrive.** If you cannot stay on the line, call 911 and the dispatcher will direct the police to you. The more information the police receive, the more likely they can bring a potentially violent situation to a safe conclusion.

**Appendix C:
Incident Report Form**

Complete this form as soon as possible after an incident of workplace violence.

Date and time of incident: _____

Name(s) of person(s) involved in the incident, if known:

- LCFN member LCFN client LCFN employee or contractor
 unknown

Where did the incident occur? _____

Check all that apply:

	Type of incident	Behaviour (e.g. punching, obscene phone call, yelling)
<input type="checkbox"/>	physical act	
<input type="checkbox"/>	threat, intimidation	
<input type="checkbox"/>	psychological	
<input type="checkbox"/>	disruptive behavior	
<input type="checkbox"/>	other	

Describe what happened. Please be as specific and detailed as possible. Attach a separate piece of paper if necessary.

To whom did you report this incident? _____

When did you report this incident? _____

Steps taken at the time of the incident (e.g. person asked to leave and left without further incident; police called)

Name _____ Title _____

Signature _____ Date _____

To be completed by the administrator:

Follow up action (e.g. restraining order sought; restrictions imposed; alarm system installed).