

COMMUNITY LIVING TIMMINS INTEGRATION COMMUNAUTAIRE

POLICY MANUAL: Programs

POLICY #: B-1

SECTION: Administration - All Programs

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SUBJECT: Abuse and Harassment Prevention

Date Approved: Sept. 3, 1997	Executive Director:
Date Revised: Feb. 2, 2011	
Date Reviewed: March 14/11, June 1, 2011	

POLICY: Community Living Timmins Integration Communautaire (CLTIC, the agency) has a zero tolerance for abuse and harassment. This policy protects the rights of people supported and employees. It applies to all, including Board of Directors, students, volunteers, family and visitors.

Policy Statement:

It is the policy of Community Living Timmins Integration Communautaire that all individuals supported can expect to share, live and participate in safe places where all people are treated with respect and dignity. The agency will hire staff who provide support to individuals without controlling them. The agency will develop policies that place “freedom from harm” as the first goal of support. In keeping with Quality Assurance Measures the agency will conduct a mandatory review of its policy and procedure, on the prevention, identification and reporting of abuse annually and update the policy and procedure on abuse annually as determined by the review. This review may also assess whether changes to this policy and procedure may be necessary to prevent occurrences of abuse. Should changes be necessary the agency will promptly implement the changes as a result of the review. The agency will also prepare a written record and keep it on file as proof that they have reviewed this policy yearly.

CLTIC says "NO" to discrimination and harassment including and not limited to;

- Age (how old you are);
- Gender (whether you are a man or a woman);
- History (your family tree or history);
- Place of origin (if you came from another country);
- Race (your skin colour);
- Ethnicity (what race group you were born into);
- Citizenship (if you are a citizen of Canada or not);
- Religion (your religious beliefs or set of opinions or rules you live by);
- Sexual orientation (whether you are straight or gay);
- Marital status (your family life – if you are married or not, have children or not).

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Nothing in this policy violates anyone's rights or responsibilities under the law.

CLTIC says "NO" to harassment and abuse and any employee who abuses an individual supported will be dismissed.

CLTIC says "NO" to sexual and gender based harassment (being a man or woman). These are forms of discrimination based on sex and are against the law and the Ontario Human Rights Code.

- CLTIC says "NO" to unfriendly, angry attitudes in places where individuals supported live, work and socialize or spend time. These attitudes may create an atmosphere that affects people in a negative or bad way. Another example, that would be unacceptable would be listening to music or tapes with angry, rude or disrespectful language on CLTIC property. As well, watching movies, videos, television with angry, rude or disrespectful language. Treating people in a way that makes them feel powerless or uncomfortable is also not acceptable. It is hard for people to work on and reach their personal goals in this type of atmosphere.

CLTIC will react quickly to any report of harassment and/or abuse, while attempting to resolve the situation fairly and preventing it from occurring again.

CLTIC will ensure through education that individuals supported and employees, directors, volunteers and students are aware of their responsibilities as outlined in this policy.

Definitions:

Harassment: means repeatedly attacking or teasing, worrying someone.

When the words a person or group of people use or the way they act :

- insults or makes fun of an individual supported;
- makes the person afraid or unsure of him/herself;
- makes the person feel he/she has to do what is said and not make his/her own decision;
- makes the person feel bad about who he/she is;
- is nasty and hurtful to the person;
- makes the person feel powerless;

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Sexual Harassment: means repeatedly attacking or teasing, worrying someone about sex. This could be because the person is a woman, a man or is gay. Or, when people talk or joke about sex, use signs or act in a sexual way meaning to cause:

- hurt to the person's dignity or self-respect;
- feelings of disgust, unwillingness to be part of what is going on;
- feelings of discomfort, powerlessness;
- feelings of fear and being unsure of him/herself.

ABUSE: means betraying the trust or misusing, violating, perverting, dishonoring people. It means causing harm to individuals supported.

- **Physical force** means using strength or power against the person's body, usually to make him or her do something.
- **Psychological stress** means causing harm to the person's mind or harmful mental energy affecting how the person feels.
- **Sexual abuse** means having sexual intercourse or touching sexual body parts with someone supported. There can be no consent when someone is in a trust relationship (staff, directors, volunteers, family) with individuals supported.
- **Neglect** or not providing what individual supported need to live meaningful lives and meet their goals.

Types of Abuse:

Physical Abuse: Is the act of assault or a threat of an assault or attack. It may mean:

- striking: hitting, slapping, punching, kicking, scratching, burning.
- grabbing: hugging, holding, pulling hair, forcefully moving, stopping freedom of movement not identified in a Behavioral Plan.
- tickling
- medical: misuse of medication, over-sedation (too many pills), under-medicating (not getting the medication you need);
- constraint: forced confinement or making a prisoner of the person for a time, forced feeding (making the person eat when or what he or she doesn't want to).
- forced medicating (giving the person medicine he/she doesn't want).
- refusing access to telephones, washrooms, mail, people, etc.
- isolating: controlling what someone does, who he/she sees who he/she talks to where he/she goes.

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2. **Sexual Abuse:**

- Unwanted sexual contact or touching, rubbing, being too close to the person's sexual body parts. The lack of consent is the key. The hierarchy of the agency makes it impossible for there to be consent between a person with an intellectual disability and a care provider (defined as a power relationship).
- Forced sexual contact/rape;
- Unwanted or wanted sexual touching (power relationship);
- Verbal sexual harassment;
- Showing of sexual body parts;
- Threats of harm or coercion in connection with sexual activity;
- Sexual conversation/referencing (that isn't used for teaching, explaining things).

3. **Mistreatment:**

Action that causes a serious risk of harm, intended or not, to a person by staff or other persons whom are in a trust relationship with that person. Lack of respect is a defining feature of mistreatment.

- Actions that result in direct or indirect harm.
- Misuses of position/authority (power/trust relationship).
- Coercion: forcing or intimidating someone into doing something against their will.
- Manipulation/Blackmail-making someone do something they don't want to do by influencing them or making promises or threats of things that will happen or not happen if they do or don't do it.
- Imposing rights restrictions that are unjustifiable or haven't been addressed to the rights committee.

4. **Neglect**

Failing to provide the things people need to live (food, shelter, clothing, care and supervision).

Refusing to provide care, causing a serious risk of harm, intended or not by staff or other persons whom are in a trust relationship with that person. This can mean but is not limited to:

- Withholding food/drinks;
- Inadequate hygiene/personal care;
- Inappropriate clothes, bedding for the season (too hot in summer, too cold in winter). Not replacing torn or ill-fitting clothes;
- Lack of safety precautions (CLTIC Health & Safety Check Lists).
- Not taking people for medical, dental, or therapeutic treatments when needed;
- Abandonment, leaving people alone or in closed quarters (e.g. vehicle) for long periods of time;
- Not providing assistive devices such as hearing aids, glasses, etc. when needed;
- Not keeping living, working, and recreational environments clean, maintained, and safe in a manner determined by people's specific needs.

5. **Verbal Abuse:** using words, language cadence, tone, loudness to affect people supported in a negative way. It may mean:

- threatening , shouting at someone;
- humiliating, degrading, embarrassing someone;
- using inappropriate language, jokes, nicknames;
- making someone feel guilty;
- name calling, belittling someone.

6. **Psychological Abuse:**

Anything that can make a person afraid, feel bad, and lower's self esteem and self worth. Bullying, threatening and intimidation falls under this section.

Stalking/following someone are other examples of psychological abuse. It may mean:

- Not treating people in an age appropriate manner;
- Taking away person's ability to make decisions;
- Forced inclusion or exclusion in personal life, such as seeing friends, family, religious events, going to social or family events.

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7. **Financial/Economic Abuse:**

Has to do with the misuse of money or matters that affect a person's money, such as:

- theft, stealing (taking someone's money);
- fraud (deceiving someone about their money);
- forgery (falsifying financial papers ie. personal expense forms or signing someone else's name);
- misuse of person's money, property or investments (e.g. borrowing money from someone supported);
- forcing someone to make decisions about money for the abuser's personal gain;
- abuse of Power of Attorney;
- keeping someone from getting or keeping a job.

8. **Exploitation**

- Taking unfair advantage of a person or situation for personal gain.
- Being the beneficiary (receiving money or credit in some way when it should be the person supported).
- Using someone's abilities or work without acknowledging them or paying them.
- Talking someone into doing things that are not in his/her best interest.

Indicators

1. **Indicators of Physical Abuse are:**

- Unexplained and/or unusual, burns, cuts, blisters, bruises;
- Unusual imprints on the skin;
- Injuries, marks that don't match what is said to have caused the injury;
- Signs of new injuries when old injuries have not yet healed;
- Fearfulness on part of person supported.

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2. **Indicators of Psychological Abuse are:**

- Extreme, unusual behaviors (anger and aggression, submitting to everything or withdrawal);
- High level or anxiety/fear of returning to a particular place or situation;
- Suicidal thoughts, words;
- Delayed emotional or physical development;
- Lack of attachment to parents, family, friends.

3. **Indicators of Sexual Abuse are:**

- Physically observable changes;
- Behaviorally observable changes;
- Changes in relationships with others; changes at work;
- Psychological changes (may express unusual feelings or change how he/she expresses his/her emotional feelings; his/her personality characteristics may change (eg. from “happy go lucky” to “quiet”);
- Changes in sexual behavior.

4. **Indicators of Neglect/Mistreatment are:**

- Dirty, torn, clothes worn everyday;
- Insufficient clothing;
- Bug infestation in the individual’s clothes or body;
- Unattended medical or dental needs;
- Underweight or overweight (when not associated with a primary disability).

Note: All definitions and descriptive terms may not describe every possible scenario that can be defined as abusive.

5. **Indicators of All Abuse are:**

CHANGE! The key word in most cases is the fact that there is a change in a person, either physically or mentally or the way they behave.

In most cases the change will increase and become worse if the abuse continues, so having the changes well documented will make it easier to determine the cause.

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TRAINING:

Board Members:

Within (3) months of being elected to the Board of Directors, all Board members will receive training on this Abuse & Harassment Prevention Policy and annually thereafter.

Managers/Supervisors:

Supervisors will be trained, within 48 hours of hire, on the process of dealing with an abuse report. During their two week orientation new staff will be given the policy and be trained on the process of dealing with abuse reports.

- Supervisors will go over the policy and take questions.
- Staff will be encouraged to ask questions.
- Supervisors will have staff sign and date a form indicating that they understand the policy.

All New Staff:

Within 3 months of hire all new staff will undergo training lasting at least two hours on abuse and harassment prevention.

- The training will involve a pre and a post test
- Those failing the post test will be required to retake the training at the earliest opportunity.

Managers/Supervisors:

Supervisors/Management will review the policies and protocols with their staff on a yearly basis.

- Training will be documented in team meeting minutes and a form will be filled out and sent to the personnel file of the employee.
- Staff who miss the team meeting will be required to set a time for individual training. A form will be filled out and sent to the personnel file of the employee.

Individuals Supported/Participants:

The yearly Person directed planning meeting will have goals when chosen by the individual supported in the area of safety, abuse prevention and sexual education.

Once the training is in place for consumers, a process for people supported to gain training on abuse will be implemented within one month of their admission to any service of CLTIC (*see below*):

New individuals to CLTIC Service and existing participants will receive the following training once it is in place:

- Abuse prevention training every 6 to 8 months while participating in a program.
- Receive CLTIC Orientation Package with the abuse and harassment prevention policy in it. It will be explained to the person and his/her family/guardian.
- Will be offered the opportunity to take sexual education/relationship training classes through the agency.
- Will be offered the opportunity to attend or belong to a self-advocate group.

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PROCEDURES:

If you suspect abuse:

- If the person is not speaking about it – do not ask direct questions;
- While supporting the person, ask general questions such as “How are things going?”
- Let the person know that you are there to talk and support him/her.
- The best way to support individuals who are unable to speak clearly is to document and report suspicions to your supervisor.
- Use an incident report – Mark Confidential on the top – Use blue or black ink and put only facts and observations down. Suspicions and opinions are not evidence.
- Handed in directly to your supervisor, who will submit it to the Executive Director.
- This incident report will NOT be circulated, but will be kept in confidence by the Executive Director.
- Over time, if there is a pattern, it will emerge.
- If you feel a pattern has emerged and you are suspicious of abuse call the police.

It is very important to keep open lines of communication with all care providers, by communication books, phone and email, incident reports (with injuries marked on body sketches) to prevent false allegations.

If you suspect abuse:

- There must be some kind of notable evidence besides suspicion to call the police.
- If there are bruises or marks, do not call home and ask what happened. This could alert an abuser.
- Call the police and document.

Person to Person Abuse:

- CLTIC follows the same guidelines as listed in this policy
- **YOU MUST KNOW THE DIFFERENCE BETWEEN BEHAVIOUR AND ABUSE.**
- We do not call the police over behaviour.
- Individuals who have behavioural issues must have a behavioural action plan or an individualized strategy(ies) in place to address the behaviours.
- The alleged abuser should be removed from any contact with the victim.

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HANDLING A REPORT: STAFF If person tells you of abuse:

- Make sure it is a clear allegation of abuse;
- If it isn't clear, ask only open-ended questions like "What do you mean by staff hurt you?" or "What happened?"
- Once it is a clear allegation, stop all questioning;
- It is important not to use leading questions as this will taint the investigation.
- Staff receiving the report or witnessing abuse will give the person the option of calling the police him/herself before notifying the police immediately.
- If the staff believes that the person is at imminent risk, he/she will immediately inform the police of possible danger.
- Police will give guidance to staff on how to proceed.
- Staff will notify their supervisor only after contacting the police.
- Staff will not discuss the allegation with supervisor (beyond the basics of the report) or with other staff.
- Staff will ask for guidance from supervisor regarding the safety of the individual making the allegation.
- Staff will follow through to ensure that the individual is not placed at risk. CLTIC will support the staff in staying later after the end of their shift if the staff feels it is necessary to ensure the safety of the individual supported.
- If the person can give consent, this should be obtained before phoning the closest family member or guardian.
- If the person cannot give consent, call the family, advocate or guardian to notify them of the allegations and need for cooperation with the police.
- If it is a family member who is accused, do not phone the family until the police have interviewed and advised you.

Documentation:

- Use an incident report and black or blue pen.
- Staff will fully document the allegation once the phone call has been made.
- It must be completed at work before going home the same day.
- Staff will document both the person's allegation and their own questions.
- Use the same words the person used. Write down any questions you asked.
- Do not alter the statement once it is written.
- If you make a mistake, strike it out, initial and continue. (No white out).
- Mark the incident report confidential, and make a copy for yourself (in case you need to testify).
- The original goes directly to your Supervisor with a copy to the Manager of that respective program and the Executive Director.
- This incident report will NOT be circulated, but will be kept pending the police investigation.

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Management:

- Supervisors will immediately suspend the alleged abuser, with pay, for the period of the investigation.
- The police may immediately determine that abuse has not occurred and that the accused should not be suspended.
- There may be a recommendation that the accused not work with the person supported or staff making the report .
- Supervisors and staff will follow police recommendations.
- Supervisor will meet with the staff member who took the initial report to ensure that the staff is feeling supported and offered counseling services if necessary.

Supervisor will ensure that the reporting staff is not subject to:

- Workplace harassment;
- Ostracism;
- Threats;
- Intimidation

A false or malicious report of abuse by one staff member against another will be dealt with as harassment.

HANDLING A REPORT: AGENCY

- The agency will follow through with the Ministry's guidelines for reporting abuse to them.
- The agency will communicate, through training and orientation, that all abuse will be reported.
- The agency will support staff through the process of reporting abuse by:
 - Ensuring that training on abuse happens yearly.
 - Ensuring that abuse policies and reporting protocols are reviewed yearly.
- The agency will review the abuse reporting procedure at a board level once yearly
- The agency will develop a relationship with the local police force to discuss any issues of concerns or support.

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CONFIDENTIALITY:

- It is of utmost importance that everyone involved maintain silence on the charge of abuse once it has been made.
- If the person supported needs counseling or help in keeping information only for the police, supervisors will arrange it.
- The person supported will be safer if the accused does not know that a charge has been made.
- The accused person's reputation is intact if only those involved know about the charge.
- The staff making the report will feel more secure knowing people won't approach them with questions.
- Any staff violating confidentiality on abuse or harassment charges will be disciplined. This means no talking to anyone during and after the investigation is completed by the police.
- Once the police investigation has been completed you may be asked by the Executive Director to direct some information to the internal investigation committee or to attend in person.
- All other discussion is forbidden.

APPROPRIATE RESPONSE/DISCIPLINARY ACTION:

The police will determine if abuse has taken place or not. If they determine "yes" an employee will be dismissed. A board member, volunteer or visitor will be removed from CLTIC property and forbidden access to people supported. If there is no abuse but there is misconduct or mistreatment, the agency will investigate.

PROCEDURE:

- If the police report mistreatment or misconduct by an employee, the Executive Director and/or Senior Management will determine the degree of discipline to be applied.

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If the agency needs to investigate further:

- An impartial management employee will be selected by the Executive Director as the investigator.
- A team including the investigator, 1 other management employee and possibly 1 board member will conduct interviews and review all documents.
- An interview package will be developed following legal advice.
- The team will interview the alleged perpetrator with any union steward of his/her choice.
- If the allegation is denied, the team will meet with the alleged victim and/or person filing abuse allegations and any witnesses.
- Team members will provide detailed written responses as provided by those interviewed. Any modifications to questions used for people supported will be documented.
- All information will be reviewed by the team.
- A report including recommendations will be formulated by the team and provided to the Executive Director.
- Legal opinion on information will be sought by the Executive Director or delegate.
- Management will meet with both parties (victim, perpetrator separately) and explain the findings of the investigation as well as notifying them in writing.
- Need for counseling for the victim may be determined.
- The accused will either be found guilty or not guilty based on probability or not sufficient evidence to make a decision.
- If guilty, CLTIC will determine the appropriate actions to be taken which may range from counseling to termination of employment.

If during the investigation it is determined that abuse or misconduct has not occurred all documentation of the evidence shall be given to the Executive Director and will not be placed in the employees personnel file.

Debriefing should be arranged for all involved to provide closure on all outstanding issues. Recommendations may be made to the Executive Director for additional preventative measures to be considered.

Revised: Volunteer Package
Workplace Violence Prevention Program

Abuse and Harassment Prevention Training
(To be completed upon hire)

*Please print information below.

Name of Employee: _____

Position of Employee: _____

Main Work Location of Employee: _____

Date of Training: _____

Name of Trainer: _____

Position of Trainer: _____

I have received training on policy B-1 Abuse and Harassment Prevention. I have viewed segment 7 of Quality Assurance Measures on Abuse as part of my orientation and training (regulation 299).

Signature of Employee

Signature of Trainer