

ADDRESSING SEXUAL HARASSMENT IN CANADIAN MINING

DOMESTIC ABUSE AND INTIMATE PARTNER VIOLENCE

GUIDE & RISK ASSESSMENT TOOL FOR EMPLOYERS



MINING INDUSTRY
HUMAN RESOURCES COUNCIL
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GUIDE AND RISK ASSESSMENT TOOL FOR EMPLOYERS

Introduction

Across all legislative jurisdictions in Canada, it is the responsibility of the employer to take every reasonable precaution to ensure employees are safe at work. This includes protecting staff from various forms of violence, including gender-based abuse and violence.¹ Domestic abuse and/or intimate partner violence (DA/IPV) are social problems that employers may be unaware of. Nonetheless they can have workplace implications, including affecting employees at their workplace and manifesting within the workplace.

This guide helps employers understand how to support employees experiencing DA/IPV. While abusive or violent spousal/intimate relationships are often considered private or personal matters, they carry the potential of risk not only for the individuals involved in the situation, but also for colleagues and the workplace, more generally. In keeping with their workplace health and safety obligations, employers have a responsibility to address DA/IPV when it carries the potential to harm workers in the workplace.

1. The Mining Industry Human Resources Council (MiHR). (2022). Sexual Harassment and Violence: Legislative Frameworks for Mining in Canada. <https://mihr.ca/wp-content/uploads/2022/11/Safe-Workplaces-Infographic-EN.pdf>

Definitions

Domestic Abuse (DA)/Domestic Violence (DV): “is any form of abuse or neglect that... an adult experiences from a family member, or from someone with whom they have an intimate relationship. It has also been described as the abuse of power within relationships of family, trust or dependency that endangers another person.”²

Intimate Partner Violence (IPV), also known as spousal or domestic violence, is a prevalent form of gender-based violence (GBV). It refers to multiple forms of harm (including physical abuse, sexual violence, emotional/psychological abuse, economic abuse, etc.) caused by a current or former intimate partner or spouse.³

The **workplace** is defined as any “place or location that an employee is required to engage or attend in connection with any work activities.”⁴ In the mining sector, this can include:

- All offices and mining site areas, including change areas, cafeterias and confined spaces such as elevator enclosures.
- Mining camps, accommodations and social areas, especially in remote fly-in/fly-out (FIFO) settings.
- Work-related and work-provided transportation and settings, including airplanes, airports and vehicles.
- Work-related events or gatherings, including social events where participation is the norm.
- Online and electronic venues, such as work meetings, emails and phone calls.⁵

Employees experiencing domestic violence often rely on their workplace to be a safe place and a source of social and economic support. At the same time, individuals experiencing DA/IPV often feel isolated and/or ashamed and may not disclose it because; they understand it as a private matter, there is not a history of it manifesting in the workplace and/or there is a fear of putting their job at risk. Work performance can be negatively affected resulting in:⁶

- Reduced productivity and motivation.
- Decreased worker morale.
- The potential of harm to employees, co-workers, or clients.
- Increased replacement, recruitment, and training costs if targets of family violence are dismissed for poor performance or absenteeism.
- Strained co-worker relations.

2. Canadian Centre for Occupational Health and Safety. (2023). Violence and Harassment in the Workplace. CCOHS: Violence and Harassment in the Workplace - Family (Domestic) Violence

3. Government of Canada. (2023). Fact Sheet: Intimate Partner Violence.

<https://women-gender-equality.canada.ca/en/gender-based-violence/intimate-partner-violence.html>

4. Mining Industry Human Resources Council (MiHR). (2022). Safe Workplaces for All: Addressing Sexual Harassment in Canadian Mining. P. 12. <https://mihr.ca/wp-content/uploads/2022/11/Safe-Workplaces-For-All-Report-EN.pdf>

5. Ibid.

6. CCOHS, 2023.

Creating psychologically and physically safe environments for employees involves providing supports and opportunities for individuals to discuss concerns and understand their options. In the event of DA/IPV, a safe workplace environment may serve to enable a worker to come forward and share information about their situation and any potential risk to the workplace. To address DA/IPV in terms of the workplace, employers conduct a risk assessment and create a safety plan indicating the implementation of safety measures and communications that are appropriate to the individual's circumstance, the nature of their role as well as their worksite. Personal safety plans aim to address or alleviate the potential for risks related to DA/IPV to manifest in the workplace while aligning with internal policies and procedures as well as with relevant legislation.

Where an instance of domestic abuse/intimate partner violence manifests in workplace harassment, the employer may determine any number of appropriate measures including applying its workplace harassment policy and procedure, individual safety planning, criminal investigations/proceedings or other measures appropriate to the individual case or incident.

Recognizing and Responding to DA/IPV

What to Watch For

The *abuser* may:

- Repeatedly phone, text, or email the subject.
- Attempt to locate or contact the subject through the workplace.
- Stalk the subject or show up at the workplace unexpectedly.
- Verbally abuse the subject and/or co-workers.
- Spread lies, place blame or start rumours.
- Threaten the subject at the workplace.
- Physically harm or attempt to harm the subject at the workplace.
- Interfere with the subject's mode of transportation.

The *subject of the abuse* may:

- Seem sad, lonely, withdrawn, anxious, or experience mood swings.
- Miss work, take frequent breaks, have unusual start/finish times or consistently work extra hours.
- Receive excessive personal calls, texts or visits at work.
- Have difficulty making decisions, focusing on tasks or disengage from work.
- Become consistently unable to take work-related trips.
- Have unexplained injuries or attempt to hide injuries or cover bruises.
- Make excuses for an abuser's behaviour and/or act nervous in their presence.

Employee Engagement and Confidentiality

Employees may be reluctant to disclose DA/IPV due to:

- The highly sensitive and personal nature of the issue.
- Their perception that it is not a potential concern for the workplace.
- Fear of being treated in an insensitive or indiscrete way.
- The stigma of domestic violence.

Employers can create a positive reporting culture by:

- Identifying DA/IPV as a potential risk to the workplace.
- Sharing information about available workplace supports for workers experiencing DA/IPV, including counselling, employee assistance programming, leaves available, individual safety planning, other related policies such as harassment and workplace violence.
- Training supervisors/managers to understand DA/IPV, its potential impact on workers, safety and the workplace, and to apply trauma-informed approaches when communicating with employees.
- Creating a respectful trauma-informed work environment where people are encouraged to communicate their need for support as well as their concerns relating to DA/IPV in the workplace.
- Communicating the values that govern disclosure and confidentiality of information in their workplace, such as:
 - Maintaining respect and dignity for individuals.
 - Acting in an accountable and timely manner to ensure the safety of individuals and the work environment.
 - Fulfilling the employer's duty to ensure workplaces are safe for employees and to prevent violence in the workplace.

How to Respond

If it is suspected that an employee may be experiencing DA/IPV, employers should use a trauma-informed approach to create opportunity for an employee to come forward to share information and openness to understand the situation or the associated risks while respecting the sensitive, confidential and personal nature of the information. Where DA/IPV could bring violence into the workplace (whether as an abuser or a subject of abuse), it is important for managers/supervisors to respond quickly. It may be challenging for a manager/supervisor to know how to respond sensitively and professionally when an employee discloses that they are dealing with a situation of abuse. These disturbing and sometimes urgent situations require individualized approaches based on the unique risks associated with each circumstance.

Lending Support

Managers/supervisors/designated personnel should:

- Provide a safe and private place for a confidential conversation.
 - Let the subject lead and be in control of the conversation.
 - Take the matter seriously, even if it is a shock to hear what's happening.
 - Simply listen and avoid giving advice.
 - Remind the subject that abuse is not their fault, no matter what they have been told.
 - Acknowledge their effort to talk about the situation and thank them for their trust.
 - Be prepared for a variety of responses, which may include expressions of being upset, tears, defensiveness, protectiveness, stoicism or withdrawal.
- Ask gentle, open-ended, and non-judgmental questions using a calm and reassuring tone; be aware of cultural or linguistic factors (e.g., the need for translation or cultural interpretation services) that may affect individual understanding of the situation.
- Check for an immediate threat – if they are concerned about the subject's, their or anyone else's safety in the workplace.
- Share information about the personal safety planning procedures as well as other policies or procedures relevant to the individual's circumstance (e.g., workplace sexual harassment and gender-based violence policies and procedures as well as information about related benefits and support services available).
- Follow up with the subject and continue providing support and initiate the appropriate actions.

Situations Involving More than One Employee

There may be situations where two or more employees are involved in a domestic abuse/intimate partner violence situation. This can be a highly volatile situation. Options for action include:

- Adjusting schedules or work locations to minimize contact among the employees.
- Offering appropriate resources and referrals to concerned employees as needed.
- Developing a personal safety plan with each employee.
- Clearly communicating expectations regarding any workplace interactions or exchanges, including avoiding them altogether, to all parties involved.
- Providing training and reminders about company policies on harassment, abuse, and violence in the workplace.
- Enforcing accountability for inappropriate or unacceptable behaviour and following up on all incidents.
- Keeping lines of communication open with both employees.
- Updating staff as appropriate with any relevant information.
- Disciplinary measures.

Safety Planning

Employers are required to take reasonable precautions to protect employees from violence and ensure the safety of the workplace. An important component of managing any risks associated with DA/IPV involves safety planning. This can help individual employees have a sense of security, provide guidance in case of unforeseen contact or emergent threats or violence, as well as communicate information about the situation for those who need to know. As a result, a personal safety plan minimizes the potential for DA/IPV to enter and impact the workplace, improving workplace safety generally.

Workplace Safety Planning

A workplace safety plan outlines actions that will help keep the workplace and all employees safe from threats of domestic/intimate partner violence that will or carry the potential to occur in the workplace.

Options to consider include:

- Alignment with a stated policy on workplace safety, including physical and psychological safety.
- An emergency response plan for violent situations including an easily accessible list of emergency contact numbers and guidance on when to involve law enforcement.
- Training for all current and new staff, which could include:
 - Identification of warning signs and responding to incidents.
 - De-escalation techniques for defusing hostile or aggressive behaviours.
 - Mental health first aid training.
- Installing panic buttons, code words for emergencies, and/or other security measures.
- Public education materials displayed in accessible areas such as lunchrooms, washrooms, and the company website.
- Appropriate leave options to support employees in crisis or following a violent encounter.

Personal Safety Plan

A Personal Safety Plan (PSP) is designed to keep any subject of DA/IPV safe while at work as well as to keep the workplace free from any manifestations of DA/IPV. A Personal Safety Plan is created collaboratively by an employee and their manager/supervisor (and potentially a designated central department such as Human Resources) to address current or potential risks associated with a specific circumstance. A risk assessment will identify any safety control gaps and actions to consider, such as:

- Vetting an employee's calls or using a generic voice mail greeting.
- Escorting the employee to and from their vehicle or company-provided transit.
- Sharing a photo of abuser with administrative and/or security staff.
- Providing the employee with a unique security channel/call button for focussed communications.

Additional support measures may include:

- Appropriate leave to help employees in crisis, including options for:
 - Paid and unpaid leave.
 - Extended leaves of absence as needed.
- Options for flexible work arrangements, such as:
 - Working from home.
 - Adjusting work hours.
 - Assigning the employee to a different worksite or a new role.
- Providing a current list of services, such as an Employee Assistance Program (EAP), a local shelter, food bank, counselling, and crisis helplines (see resources section below for a list of national services).

Risk Assessment for DA/IPV

A risk assessment for DA/IPV can help determine the likelihood that violence will occur as well as the form(s) that it may take and guide the development of a personal safety plan that includes prevention and incident management measures. It is used to evaluate the potential for harm. Based on the assessment, appropriate measures are taken to either remove that hazard or minimize the level of its risk by adding control measures, as necessary.

It is preferable to have a manager/supervisor or HR/Safety representative professionally trained and/or certified in assessing potential risks. Additional training that covers trauma-informed approaches, psychological health and safety, mental health first aid, incident de-escalation, facilitation, and mediation, is also beneficial.

DOMESTIC ABUSE AND INTIMATE PARTNER VIOLENCE (DA/IPV) PERSONAL SAFETY ASSESSMENT TOOL

Name of Organization: _____

Department/Site Name: _____

Name of Assessor: _____

Role/Title of Assessor: _____

Name of Employee: _____

Name of Person of Concern/Alleged Perpetrator: _____

Today's Date: (YYYY-MM-DD) _____

☐ Initial Assessment or ☐ Re-assessment (Check one)

Date of Last Assessment (if applicable): (YYYY-MM-DD) _____

Next Scheduled Re-Assessment: (YYYY-MM-DD) _____

Personal Safety Assessment Questions:

1. Has the alleged perpetrator ever verbally abused you (insults, teasing or bullying)?
2. Has the alleged perpetrator ever made verbal or written threats?
3. Has the alleged perpetrator ever threatened you with physical harm (e.g., someone shaking a fist, throwing objects, committing vandalism)?
4. Has the alleged perpetrator ever physically assaulted or attacked you?
5. Does the alleged perpetrator have a history of violent behaviour?
6. Has anything changed for you or in your relationship with the alleged perpetrator that might cause their behaviour to escalate or change?
7. Do you believe the alleged perpetrator would come to your worksite to harm you or anyone else?
8. Do you know if the alleged perpetrator has access to any weapons?
9. Have the police been involved and are there any restraining orders in place?
10. Do you feel the need to have a personal safety plan for work in place? Why or why not based on the information you have provided?⁷

Note that the employer's duty to protect employees may outweigh the individual's wishes or expectations of privacy.

If it is determined that there is potential for domestic violence to enter the workplace, continue with the table below to identify actions needed to complete a Personal Safety Plan.

7. This question enables the employee to provide additional information or insight into the alleged perpetrator, the dynamic of abuse/violence or the relationship.

Control	In Place? Yes/No	N/A	Actions Needed
Emergency Procedures			
Restraining order(s) available			
Photo of the potential perpetrator provided to reception/security			
Safe place onsite identified			
Emergency telephone numbers identified			
Notify co-workers of possible risk (as needed)			
Workspace secured (e.g., lockable doors)			
Ensure sharp objects/tools/dangerous items are securely stored when not in use			
Regular check in times when working in isolation			
Able to transfer harassing calls to security			
Work Environment			
Flexible work options identified (e.g., working from home or adjusted work hours)			
Relocate to a more secure area or site			
Appropriate leave options available (e.g., paid and unpaid sick, personal, or caregiver leave; or extended leaves of absence)			
Need for escort to and from work area			
Visitor protocols (e.g., ID, sign-in requirement)			
Transportation			
Register route and timing with others			
Plan for what to do if being followed			
Security measures in place if provided with company transportation (e.g., FIFO)			
Model and make of alleged perpetrator's vehicle			

Following the completion of the Personal Safety Assessment Tool, the employee works with their supervisor and/or HR/Safety representative to develop a Personal Safety Plan. The Personal Safety Plan outlines the steps to help prepare for and avoid the potential for violence. Increased safety measures, communications to other staff/colleagues as needed and other procedures are documented in the PSP for clarity and awareness. The Personal Safety Plan or specific components are shared strictly on a 'need to know' basis to maintain confidentiality. This involves identifying who needs to be informed (e.g., receptionist or safety supervisor), what information will be communicated to them, setting expectations for confidentiality, and outlining the consequences of a confidentiality breach.

Resources

<https://www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/services.html>

https://www.ccohs.ca/oshanswers/psychosocial/violence/violence_domestic.html

<https://www.makeitourbusiness.ca/guidelines/developing-policy/ohscc-addressing-dv.pdf>

<https://www.pshsa.ca/resources/addressing-domestic-violence-in-the-workplace>

<https://insighthr.ie/domestic-violence-a-guide-for-employers>

<https://www.canada.ca/en/employment-social-development/programs/workplace-health-safety/harassment-violence-prevention/risk-assessment-tool.html>

https://www.toronto.ca/wp-content/uploads/2017/11/8bf5-Sup8-Safety-Planning-at-Work_FINAL.pdf

Risk Assessment Tools

Employment and Social Development Canada – *Workplace harassment & violence risk assessment tool (ESDC LT339 [2020-12-001])*:

<https://www.canada.ca/en/employment-social-development/programs/workplace-health-safety/harassment-violence-prevention/risk-assessment-tool.html>

Public Services Health & Safety Association – Workplace Violence Risk Assessment Tool:

<https://www.pshsa.ca/resources/workplace-violence-risk-assessment-tool-in-any-sector>

Self-assessments about relationship-based control and violence: <https://sosviolenceconjugale.ca>

Stalking and Harassment Assessment and Risk Profile:

<https://ukcdar.uky.edu/ls/index.php/727369?lang=en>

MOSAIC, a trustworthy method of determining whether someone will take action on their abusive threats, by security expert Gavin de Becker: <https://www.mosaicmethod.com>

Safety Planning Sample Template

Making it our business – Individualized Safety Plan Template: <https://www.makeitourbusiness.ca/guidelines/individualized-workplace-domestic-violence-safety-plan.html>

National Social Assistance Resources

National resources, crisis lines, and services listed for all of Canada's province or territories:

<https://www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/services.html>