

SECTION: Human Resources

POLICY: HR 18

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Abuse Policy

Preamble

Every person has the right to be free from any form of abuse. Contact Brant treats any act of abuse and/or neglect as a very serious matter and will report incidents to the authorities as appropriate, and investigate promptly.

Contact Brant takes every reasonable precaution to reduce the risk of abuse and/or neglect through the implementation of continuous quality improvement and risk management, including an annual evaluation of the effectiveness of our policy to promote zero tolerance of abuse and neglect. Contact Brant will ensure staff, students, volunteers and Directors of the Board are provided with definitions of abuse to support prevention and identification of abuse as well as understand the obligations for reporting and investigation processes to be followed related to allegations of abuse.

Contact Brant promotes safety and respects the rights and dignity of people receiving services. Any client reporting an act of abuse or neglect will be listened to respectfully, supported in understanding their rights and the need for staff to report, and supported to be protected from further abuse, or reprisal from the reporting.

Contact Brant follows legislation and guidelines, including the Child, Youth and Family Services Act and the Human Rights Act.

Other organizational policies relate to this Abuse Policy including Workplace Harassment and Violence Policy, Progressive Code of Conduct Policy, Serious Occurrence Policy, and Progressive Discipline Policy.

Definition of Abuse:

Abuse refers to any act or situation which may be physical, emotional, psychological, sexual and/or financial that is unwarranted, demeans, harms, infringes on personal rights or dignity, neglects, or places an individual at risk to personal harm and safety. Definitions of abuse include, but are not limited to the following:

- **Physical Abuse** causes pain or may inflict injury on the body, including but not limited to biting, hitting, kicking, slapping, pinching, pushing, pulling, shoving, burning, and improper or unwarranted restraint.
- **Sexual Abuse** occurs when sexual activity is forced, coerced or is against a person's will, including sexual exploitation.
- **Verbal Abuse** is using words to hurt or demean another person or destroy self-esteem, including but not limited to swearing, name calling, and use of derogatory or disrespectful language.
- **Emotional or Psychological Abuse** are actions that negatively affect the self-esteem of a person, including but not limited to a persistent pattern of belittling, criticizing, and undermining; destruction of property; withholding of normal social interaction or contact; and threats.

- **Neglect or Mistreatment** are acts that are disrespectful or demeaning to a person, punishment of a person by another that is condoned or instigated by staff, requiring or forcing a person to assume an uncomfortable position or to repeat physical movements, and deprivation of basic needs.
- **Exploitation** takes selfish or unfair advantage of a person or situation for personal gain or is the wrongful taking, use of, or exercising control over a person's property, resources, time or skills.
- **Financial Abuse** is the denial of access to and control over a person's own funds and the misuse of their financial resources.

Definition of Harassment: *Also refer to the Workplace Harassment and Violence Policy*

- Engaging in a course of vexatious comment or conduct against an employee in a workplace that is known or ought reasonably to be known to be unwelcome; or
- Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

POLICY

Contact Brant has zero tolerance for abuse which may result in disciplinary action up to and including termination of employment.

All incidents, allegations, or suspicions of abuse or willful neglect by Contact Brant staff or others will be appropriately reported immediately.

PROCEDURE

1. Orientation and Training:

All employees will be oriented in abuse prevention, identification and reporting; an annual review will be provided by management.

- a. The Chief Executive Officer will ensure documentation of the orientation and review will be maintained in each employee's file and staff meeting minutes.

2. Prevention:

The best way to prevent abuse, especially of people with disabilities, is to meaningfully include them in regular community life as neighbours, co-workers, volunteers and friends. Considerations include:

- a. Seeing people from a positive perspective of capacities and gifts, not deficits and needs
- b. Advocating for a quality life which is defined by the person based on interests, dreams and desires
- c. Assisting people to understand their rights to be treated with dignity and respect, including how to recognize abuse and know what action to take.
- d. Encouraging the person to be involved in the community where people can get to know the person and live meaningful lives in the community

- e. Supporting the person to lead; supporting family and staff not to take control but rather to play a support role to the extent necessary
- f. Promoting adequate, flexible and individualized supports responsive to personal and family changes
- g. Encouraging people to build relationships and maintain connections with family, friends and other community members
- h. Recognizing the potential of individuals and providing them with information and opportunities for continuing personal growth and life-long learning
- i. Responding to the direction determined by the individual, their families and others who are important in their life.

3. **Identification of Abuse:**

Although the following are not conclusive indicators of abuse, the existence of one or more may indicate that an individual has been abused. Listen carefully to what a person has to say and pay attention to their behaviour – special attention should be paid to evasive, inconsistent or illogical explanations of indicators.

a. Indicators of Physical Abuse

- injuries inconsistent with description of cause
- signs from being shaken, hit, burned or restrained
- signs of new injuries when old injuries have not yet healed
- unexplained and unusual burns, cuts, bites, blisters, bruises, broken bones or bald spots on head (in unusual or clustered patterns)
- unusual imprints on the skin from any instrument used to inflict abuse

b. Indicators of Sexual Abuse

- the existence of sexually transmitted diseases or pregnancy
- stained, torn or bloody underclothes
- bruised or swollen genitalia/anal area
- soreness in throat or neck area which may be due to pressure applied through choking for forced oral sex
- pain while walking or sitting with illogical explanation
- semen around the mouth, genitals or on clothing
- unusual or offensive odour
- a significant change in sexual behaviour or attitude

c. Indicators of Emotional Abuse

- extreme, unusual behaviour (aggression, compliance, withdrawal)
- high level of anxiety/fear of returning to a particular place
- attempted suicide
- delayed emotional or physical development
- lack of attachment to parents or other caregivers

d. Indicators of Mistreatment/Neglect

- poor hygiene
- dirty torn clothes worn every day
- insufficient and/or inadequate clothing
- bug infestation in the individual's clothes or body
- unattended medical or dental needs
- significant change in weight of individual

4. Response and Reporting:

An immediate response including reporting is required:

- a. If a client is reporting a situation of abuse, staff should be objective and briefly question the person as to the incident, the identity of the person involved, and location.
 - b. When there are reasonable grounds to suspect abuse has taken place, employees, students and volunteers will immediately provide the individual with appropriate supports to ensure safety, and assist with access to professional resources including medical, legal, psychological, advocacy, etc., if appropriate.
 - c. When the alleged, suspected, or witnessed incident of abuse may constitute a criminal offence, employees, students, or volunteers must immediately contact police.
 - i. Staff should record the attending police officer's name, number and division.
 - ii. If unsure of the incident being a criminal offence, staff could consult with the Chief Executive Officer or designate.
 - d. Employees will notify the Chief Executive Officer or designated alternate of all alleged, suspected, or witnessed incidents of abuse. This requirement takes precedence over relationships and reflects the intent of the legislation with respect to protection from abuse.
 - i. Failure to report may result in disciplinary action up to and including termination of employment.
 - e. Employees will document details of the witnessed incident or the information as provided by the person; words should not be edited, corrected or censored.
 - f. All incidents of alleged, suspected, or witnessed incident of abuse will be reported and documented according to the Serious Occurrence Policy and Procedures.
 - g. Notification to others, including family and other service providers, will only occur with written consent from the person. If the individual has a public trustee or legal guardian, Contact Brant staff will notify them of the incident.
5. The Chief Executive Officer will initiate an internal investigation to any alleged, suspected, or witnessed incident of abuse that involves an employee, student, or volunteer of Contact Brant. If there is a police investigation, an internal investigation will not be initiated before police have completed their investigation. (Refer to Appendix 1 for considerations when conducting an investigation).
- a. Contact Brant will ensure that the rights and dignity of the alleged abuser are respected and safeguarded, and that the alleged abuser is aware of their rights to due process.
 - b. Any form of abuse is considered unacceptable conduct and will result in disciplinary action up to and including termination according to the Progressive Discipline Policy.

- c. The CEO must report all internal investigations to the Board of Directors, and will share only pertinent information; the CEO will recommend and implement any changes that need to be made to policies and procedures.

Appendix 1

Conducting an Internal Investigation

Considerations when Conducting an Investigation

- Contact the authorities where appropriate.
- Conduct your investigation immediately after learning of the complaint.
- Ensure that the investigation remains confidential, and that all information gathered remains confidential. Information should be shared only where necessary, and with appropriate parties (who must also be informed of the need for confidentiality).
- Investigate all claims seriously.
- Document all information appropriately.

Interviewing the Complainant

- Obtain a full account of the incident, and document all details provided.
- Determine any potential pattern involved, or if the incident was a singular occurrence.
- Determine if the incident was influenced by any contextual factors.
- Identify any reporting relationships, or hierarchical structures that may have influenced the incident(s).
- Determine a timeline of events associated with the incident, and what the job duties of each party were at the time of the incident, and what their expected locations were.
- Examine the potential of a charge made under false pretences, and any motivating factors that may be involved. Work to rule out these potential elements.
- Inform the complainant that a thorough investigation will take place.
- Obtain a written, signed and dated statement from the claimant.
- Ensure that the employee is free from retaliation as a result of their coming forward.

Interviewing Witnesses

- Obtain written, dated and signed statements from any witnesses.
- Ensure that the witness is free from retaliation as a result of their coming forward.

Resolve the Complaint

- Where disciplinary action is required, determine the level of discipline based on the severity of the incident, previous action taken in similar circumstances, the employee's previous history, and the frequency.
- Review, revise and re-communicate company policy on abuse and/or neglect.
- Place documentation of the complaint, investigation, rulings, discipline imposed, and any actions taken into confidential files.
- Follow up with the involved parties to provide details of the actions being taken in response to the findings of the investigation.