Manager's Toolkit for Family Violence in the Workplace August 2021

Content warning

This document includes content that may be triggering to some employees, such as the list of possible violent situations and forms of abuse by a perpetrator.

If in need of mental health support, reach out to the EAP Program at

1-800-268-7708

&

Telecommunication device for the hearing impaired (TDD):

1-800-567-5803

If you need support in addressing a family violence situation, call the Centre for Integrity, Values and Conflict Resolution (CIVCR) at

Email: aadnc.centre.aandc@canada.ca

Phone: 1-866-247-1080

Table of content

Execu	itive Summary	4
Mana	nger's Checklist	6
Recog	gnize	8
	What is Family Violence?	8
	How is family violence related to work?	10
	Who could be victims of family violence?	12
Respo	ond	14
	What to do if an employee discloses that they are experiencing FV	14
	Effective Communication Tips	17
	What to do if you suspect family violence or hear allegations from a third party	18
	Responding to FV in the off-site context	23
	Understanding cultural competency	19
	Considerations with Indigenous Employees	20
	Family Violence Leave	24
	Roles and Responsibilities	25
	Manager	25
	Centre for Integrity, Values and Conflict Resolution (CIVCR)	26
	Local security or Corporate Security	26
	Occupational Health and Safety	26
	Labour Relations	27
	Union Representatives	27
Refer		27
	Internal and external resources	28
	Training	28
	Webpages	28
Anne	X	29
	Definitions	29
	Safety Plan	31

14% of adult Canadians experienced emotional abuse from a partner
26 % of all reported crimes in Canada in 2019 were family violence crimes
67% of family violence victims were women and girls¹
50% of victims said family violence occurred at or near their workplace²
81.9% of victims reported that family violence negatively affected their work
43.2% of victims reported they discussed it with someone at work

The statistics above are alarming. While the workplace can often act as a safe and positive environment for victims, the issue of family violence can have serious implications for the workplace. It can cause reduced employee productivity and motivation, loss of focus, increased absenteeism, replacement and/or recruitment costs, decreased employee morale, potential harm to employees, co-workers and/or clients and liability costs, if another employee is harmed. The abuser may come to the workplace to continue the abuse, mislead managers or co-workers, damage the departments' property or threaten other employees².

The purpose of this document is to inform and support managers in addressing situations where an employee is subjected to family violence. It is also a response in addressing the new *Work Place Harassment and Violence Prevention Regulations*. We are committed to preparing our departments' management and leadership in responding to family violence in a timely and appropriate manner ensuring the safety and wellness of its employees.

It is in collaboration with the Centre for Integrity, Values and Conflict Resolution and the Corporate Occupational Health and Safety Program that this document was made possible. To ensure that the document reflects the best practices currently available in federal public service organizations, consultations with the following departments were held. In addition, a consultation group, which currently consists of more than 15 different federal departments, has been established. We would like to thank the following departments in helping us make this document the best it could be:

Employment and Social Development Canada Veterans Affairs Canada Justice Canada Parks Canada Innovation, Sciences and Ec. Dev. Canada Immigration, Refugees and Citizenship Can. Department of National Defense National Capital Commission

Other consultations occurred within the departments with the Indigenous Advisory Circle, the Indigenous Employee Network, LGBTQ2S+ co-champions, GBA+ Unit, Labour Relations Team,

4

¹ https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00001-eng.htm)

² https://www.canada.ca/en/public-health/services/publications/chief-public-health-officer-reports-state-public-health-canada/2016-focus-family-violence-canada.html GCDOCS # 89834961

Centre of Expertise for Abilities Management and Workplace Wellness, Corporate Occupational Health and Safety Program, the Centre for Values, Integrity and Conflict Resolution and many other employees or managers. Their contribution was essential to the relevance of the document

The main tool of this document is the <u>Manager's Checklist</u>. It outlines the essential steps for an manager to follow when dealing with situations of family violence. The following sections are presented in three sections¹ to facilitate any need for information, support in how to address incidents and resources that may be needed for victims and managers:

Recognize

o This section aims at bringing awareness on the issue of family violence by defining it, explaining how it is increasing risks of violence in our workplaces and giving the tools for managers to identify potential victims of family violence.

Respond

- o This section consists of suggested guidelines on how to discuss with potential victims. The importance of ensuring the victim's safety, the importance of confidentiality and how to provide support are among the subjects.
- o An outline of considerations with Indigenous employees is also found. It pledges for a culturally appropriate response for Indigenous victims.
- Roles and responsibilities for various teams within the departments are defined.
 A detailed section on the manager's health and safety obligations in the context of family violence and the Work Place Harassment and Violence Prevention Regulations informs managers on the steps they must take to reduce the risks of violence in the workplace.

• Refer

- o This section proposes many resources that managers can refer a victim to.
- o It also suggest relevant trainings and informational webpages for managers to increase their scope of knowledge on family violence.

Finally, note that the document refers to the principal party as the victim, the responding party as the alleged perpetratorⁱ² and the designated recipient is understood as the Centre for Integrity, Values and Conflict Resolution (CIVCR).

¹ Based on the resources and training developed by the Centre for Researcg & Education on Violence Against Women & Children

² "victim" and "perpetrator" are commonly used terms in multiple sources on family violence such as Justice Canada and the Centre for Research & Education on Violence Against Women and Childen

Manager's Checklist

	Action	Resource Team	
Recognize			
Assess the risk of family violence in your workplace	Refer to the preventative measures and implementation plan resulting from the workplace assessment to determine if family violence has been identified and if so, refer to the implementation measures in place to address it.	 CIVCR Policy Health and Safety Committee Workplace Health and Safety Committee 	
Get familiar with and identify warning signs	Familiarize yourself with warning signs and risk factors for family violence. Refer to section How is family violence related to work	•CIVCR	
Respond			
	Ensure the employee is in a private setting		
Respond to	Ensure your intention is clear and transparent	CIVCR	
suspected cases of FV	Disclose confidentiality and its limitations		
	If the employee confesses to being subjected to family violence follow steps in the sections below		
	Ensure the employee's safety Ask if the call is at an appropriate time, if the victim feels safe to discuss, and if she is in a space which allows privacy Disclose confidentiality and its limitations A confidentiality disclaimer is critical and must be done before engaging, ensure that victim has agreed and		
Respond to disclosure of FV by a victim	Provide empathic listening Provide support and referrals while respecting the victim's decision not to use them	•CIVCR	
	Use effective communication tips	•	
	Get the support you may need to have this discussion		
	Have a prepared list of resources for the employee Refer to the Internal and External Resources section		
With the consent of the victim, ensure their safety	Establish a support network Working together as a team, which may include the supervisor, an elder, a trusted co-worker, the Centre for	•CIVCR •EAP	

and provide support	Integrity, Values and Conflict Resolution, the Employee Assistance Program (EAP) provider, and union representatives, may be a helpful approach to providing a supportive network to employees. Always ensure confidentiality Develop a safety plan The department has developed a safety plan template to help managers and employees in addressing family violence situations. Managers are encouraged to fill in the safety plan template in collaboration with the employee victim and any other team who should be involved given the circumstances and the type of measures to implement. Revise the safety Plan on a periodic basis Once the safety plan is implemented, a periodic revision should be conducted to ensure its efficiency and in order to adapt it to possible new circumstances.	•Elder •Co-worker •OHS •Security
If an occurrence of harassment or violence has occurred at the workplace or during work related activities	Check in with the employee using the tips above Ask the victim if they wish to file a notice of occurrence If they don't wish to file a notice of occurrence, assess the risk to the workplace and implement mitigation measures If they wish to file a notice, let them decide how they want to proceed. Follow the resolution process with the CIVCR	•CIVCR
If there is a risk of harm to the victim or suspected child abuse	Report to the local authorities while ensuring the victim is aware that it is being reported	
Refer		
Refer the employee to the appropriate resources when needed	Consult the section <u>Internal and External Resources</u> for more information	

This section aims to help managers understand and recognize what is family violence. Along with other information in this toolkit, we hope this information will help managers identify signs that an employee may be a victim of family violence.

What is Family Violence?

Family violence is when someone uses abusive behaviour to control and/or harm a member of their family, or someone with whom they have an intimate relationship. Family violence includes many different forms of physical and emotional abuse, as well as neglect carried out by family members or intimate partners. It may include a single act of violence, or a number of acts that form a pattern of abuse. Family violence can have serious-and sometimes fatal-consequences for victims and for those who see or hear the violence³.

Family violence can entail the following types of abuse: emotional abuse, verbal abuse, neglect, financial control, physical abuse, sexual abuse, injury to pets, harassment and stalking, and homicide. Persons in an abusive situation may be subjected to more than one form of abuse. Women, men, non-binary and transgender individuals experience family violence differently. Women, children, Indigenous peoples, persons with disabilities, and people who identify as Two Spirit, within the, queer, 2SLGBTQQIA (two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, or and asexual) community are at greater risk of experiencing family violence and its impacts. Women are more likely than men to be killed by an intimate partner, experience sexual abuse, and experience more severe and chronic forms of intimate partner violence. According to a 2018 Statistics Canada report, 2SLGBTQQIA people in Canada were almost three times more likely than heterosexual Canadians to report that they had been physically or sexually assaulted. ⁴

The abuse often occurs in a four phase cycle⁵.

Build up: The abuser chooses to act out through name-calling, insults and accusations. The victim tries to calm the abuser

Ac out: The build-up leads to several verbal abuse, threats or violence.

Rationalize/Justify: Once they've committed the violent act, abusers will often blame others or use excuses to justify their actions.

Pretend normal: Both partners try to make the relationship continue in a normal way by pretending that everything is alright.



³ Definition from Department of Justice: https://www.justice.gc.ca/eng/cj-jp/fv-vf/about-apropos.html#fvc

⁴ While there is no universally accepted definition of family violence, two elements must be considered in any definition: the forms of violence to be included and the types of family relationships.

⁵ https://www.gov.mb.ca/msw/fvpp/cycle.html

Table 1 – Non-Exhaustive Examples of Forms of Violence⁶

Intentional or threatened use of

- Pushing
- · Hitting, slapping
- Kicking
- Pinching
- Choking
- Stabbing
- · Locking someone in · Killing someone a room or tying them down

- Shooting
- · Throwing objects
- · Burning
- · Holding someone down for someone else to assault

Emotional Abuse

- · Words or actions to control, frighten or destroy someone's self respect
- Insults
- Belittling
- · Constant humiliation
- · Using property, pets or children to threaten and intimidate

- · Intimidation
- · Threats of harm
- · Threats to take away children
- · Harm or threat of harm to pets
- · Violent/harassing text messages, emails, instant messaging, through social media

Sexual Abuse

- · Sexual acts without consent
- · Threats and/or repercussions for refusing requests of a sexual nature
- · Forcing someone to watch or participate in the making of pornography
- · Sexually degrading language
- · Belittling sexual comments

- · Withholding or stealing money
- · Stopping a partner from reporting to work, or from getting or keeping a job
- · Pressuring someone to sign documents
- · Forcing someone to sell things or change a will and testament



Family violence is not always physical. It is, in fact, most of the time not physical, which could make it difficult to recognize. Be prepared to recognize non physical signs of family violence in your workplace.

⁶ https://www.justice.gc.ca/eng/cj-jp/fv-vf/about-apropos.html

How is family violence related to work?

It is common for family violence victims to experience acts of violence at or around their workplace. It then becomes a threat not only to the victim's safety at work and during work, but also increases the risk of violent acts in the workplace, whether they be directed towards the victim or other employees.

The following tables provide you with information on potential behaviours that could be warning signs indicating that an employee may be subject to or may be perpetrating family violence. Please note these are not exhaustive behavioural listings, one or more behaviours may be present in situations of family violence.

As you will see, several of these behaviours could also be signs of other personal issues an employee might be facing. It is important to keep in mind that family violence is a *potential* cause of these behaviours. Consequently, you need to be ready to respond to disclosures of family violence, to support employees, to respect decisions made by the employee, and ensure safety in the workplace. Refer to section *What to do if an employee discloses that they are experiencing FV* for information.

Table 2 - Possible impacts and behaviours

Work Productivity	Social Behaviours	Escalating Abuse
	The victim is	
Difficultly concentrating	Behaving differently than usual	Trying to cover up bruises or scratches
Often arriving late	Appearing withdrawn or isolated	Receiving unannounced visits from a partner in the workplace
Increased absenteeism	Engaging less in social activities	Acting nervous when a partner shows up at work
Loss of productivity	Making last minute cancelations	Being followed to/from work by partner
Receiving frequent calls or e- mails from a partner	Using drugs and/or alcohol to cope	Showing signs of strangulation
Reacting strongly and/or is reluctant to respond to calls/text messages	Apologizing for or justifying a partner's behaviour	Appearing flustered or irritated by incoming calls from partner

Table 3 – Non-Exhaustive Examples of Abusive Behaviour by a Perpetrator

	The perpetrator
Incidents in the workplace	 Shows up at the workplace and pesters co-workers with questions about the victim (e.g., Where is she/he/they? Who is she/he/they with? When will she/he/they be back? Lies to managers and co-workers about the victim (e.g., say the victim is ill, out of town, or at home with a sick child) Threatens to co-workers Verbally abuses the victim or co-workers Damages the victim's or organization's property Physically harms the victim and/or co-workers
Jealous and controlling behaviour	 Controls the victim's finances Isolates the victim from family, friends, and co-workers Threatens to harm the victim's family, children, property, or pets Threatens the victim with deportation or arrest by police Threatening the removal of the victim's children by the authorities Accusing the victim of cheating, perhaps with a co-worker
Incidents prior to employee reporting to work	 Hiding or stealing car keys or transportation money Hiding or stealing identification cards Physically restraining or assaulting them before work

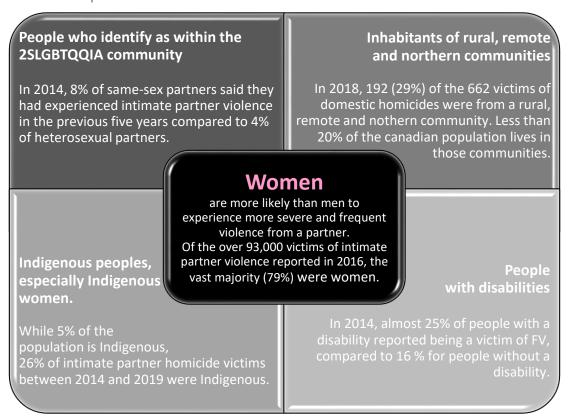


Family violence can show itself in many ways at work. Do not dismiss the warning signs. Stay open to the possibility that some behaviours that you have recognized could be signs of an employee being a victim or a perpetrator of family violence.

Who could be victims of family violence?

Anyone can be a victim of family violence, regardless of age, gender, race, religion, sexual orientation, economic status, family relationship or educational background. The perpetrator may be a current or former spouse or intimate partner, relative, colleague, friend or stranger. People of any gender can both be abused or be abusive in their relationships. Statistics show that certain groups are at a higher risk of experiencing family violence.

Table 4 – Groups and Communities at Risk of FV⁷⁸⁹¹⁰



⁷ A focus on Family Violence in Canada – The Chief Public Health Officer's Report on the State of Public Health in Canada 2016 (https://www.canada.ca/en/public-health-officer-reports-state-public-health-canada/2016-focus-family-violence-canada.html)

⁸ Intimate Partner Violence and COVID-19 in Rural, Remote, and Northern Canada: Relationship, Vulnerability and Risk (https://link.springer.com/article/10.1007/s10896-020-00212-x)

⁹ http://www.cdhpi.ca/sites/cdhpi.ca/files/CDHPIVP GENERAL FINAL.pdf

¹⁰ https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54893/03-eng.htm

While about 5% of the population is Indigenous (Statistics Canada 2020), one-quarter (26%, 125 victims) of intimate partner homicide victims between 2014 and 2019 were Indigenous. The issue of Indigenous victimization is complex, and violence experienced by Indigenous people—both in the family and in the community—stems from historic and ongoing colonialism in Canada. For instance, intergenerational trauma—from the residential school system, the Sixties Scoop and the child welfare system— can lead to many issues, such as addiction and poverty, which contribute to the conditions for conflict and violence¹¹

Furthermore, rural locations and increased isolation can add risk for Indigenous women and children. Although less than 20% of the population of Canada lives in rural, remote and northern (RRN) regions, more than one quarter (28%) of the domestic homicides (which sometimes include other victims connected to the female intimate partner) in Canada from 2010 to 2018 involved RRN populations (CDHPIVP 2019). ¹²

Data on family violence in the 2SLGBTQQIA community are limited in Canada, so it is hard to know the full scope of the issue. In 2014, 8% of same-sex partners said they had experienced intimate partner violence in the previous five years compared to 4% of heterosexual partners. For same-sex partners, this is a decrease from 21% in 2004. ¹³

People who have a physical disability, health problem or mental health issue that limits their daily activity are more likely to experience spousal violence or sexual violence than people without these types of health issues. Indeed, in a 2004 study, 9 % of people with a disability indicated that they had experiencing emotional abuse compared to 6 % of people without a disability.

Do you have a high number of employees in the at-risk groups? While family violence can happen in any family or community research shows that some factors may help protect families from violence while others are related to an increased risk. Stay connected to who composes your workforce. It could help identify needs for further support or for supplementary training on family violence for your team.

¹¹ Juristat article – Family Violence in Canada: A statistical profile, 2019

¹²Taken from Intimate Partner Violence and COVID-19 in Rural, Remote, and Northern Canada: Relationship, Vulnerability and Risk.

¹³ https://www.canada.ca/en/public-health/services/publications/chief-public-health-officer-reports-state-public-health-canada/2016-focus-family-violence-canada.html

¹⁴ What puts families at risk of violence and what helps protect them? Public Health of Canada Agency.

What to do if an employee discloses that they are experiencing FV

If an employee discloses to being a victim of family violence or if you suspect that an employee is a victim of family violence, you should discuss the issue with the potential victim using the guidance in the section below, as well as in the sections <u>Effective Communications Tips</u> and <u>What</u> to do if you suspect family violence or hear allegations from a third party.

The main intention of that conversation should be to provide support to the employee and initiate a <u>safety plan</u>.

If an employee confesses to being a victim of family violence, review the <u>Manager's Checklist</u> to know what action to take.

It is important when receiving a disclosure to be supportive, empathic and free of judgement, the following is a suggested guideline throughout the process. Furthermore, the manager's role is to ensure safety, respect the choice of the victim, offer resources, empathic listening and suspend judgement.

Ensure safety (as an ongoing process):

- Prioritize the individual's safety and contact the local police or 9-1-1, if you suspect an individual, child or other person may be at imminent risk of harm. It is important that the victim is aware that authorities will be contacted;
- If calling the victim, ensure that the call is during an appropriate time; if the victim feels safe to discuss, and if she/he/they is in a space which allows for privacy;
- To increase the feeling of safety when discussing with the victim, ask the victim what changes could be made to their environment; if they would like a family member or trusted friend to be contacted or how they could be supported. ¹⁵

Disclose confidentiality and its limitations (before the conversation begins and as an ongoing process):

A confidentiality disclaimer is critical and must be done before engaging, ensure that
victim has agreed to the disclaimer and document the response; the objective is ensuring
that the victim knows their privacy will be protected (unless harm to others) and that
their decisions will be respected; this can increase feelings of safety for the victim and
open up the space for raising concerns and reporting incidents;

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¹⁵ https://www.justice.gc.ca/eng/cj-jp/victims-victimes/vsd-rsv/index.html

- Disclaimer
 - o "Everything that we discuss is confidential, however if I believe that there may be a risk of harm to yourself, another or a child, as required, I will breach our confidentiality and report to the appropriate authorities. Are you ok continuing?" Wait for response, and if yes, then continue if no, then perhaps safety issues are at play. If the authorities need to be contacted, it is imperative that the victim is fully aware of this breach and of the reporting. There must be no surprises;
- In order for consent to be considered valid, or meaningful, we must inform individuals of their privacy practices in a comprehensive and understandable manner and the following elements are recommended;
- Explain to the victim that what is being said is confidential, with a few exceptions:
 - o is there risk of harm to themselves, others or children. In this circumstances the confidentiality will be breached and it will be reported to local police;
 - o Informing the parties on what personal information is being collected.
- The victim may wonder if the information they provide to their manager or to any other person involved in addressing the situation could be accessible through a Access to Information request.

The Access to Information Act outlines a series of exemptions to the divulgation of information. Section 17 of the Access to Information Act outlines that "The head of a government institution may refuse to disclose any record requested under this Part that contains information the disclosure of which could reasonably be expected to threaten the safety of individuals."

Given the nature of the information a victim would provide in situations of family violence and the possible impacts on the victim's safety, this exemption would protect the information from access to information request.

Provide empathic listening:

- Provide support and referrals to the victim while respecting her/his/their decision;
- Listen without providing advice on how to fix situations and without judgement;
- Provide the confidentiality disclaimer;
- If support or resources are needed and are not readily available, take notes and mention that you will get back to them, within an identified timeframe;

- Maintain your relationship as manager, supervisor, or other, it is important to not become the victims' counsellor or therapist;
- Take a trauma informed approach;¹⁶
- Ensure the approach is culturally competent.

Support:

- Reach out to the CIVCR with any questions on how to appropriately address disclosures
 of a family violence incident;
- Become familiar with your responsibilities as an manager;
- Manager can reach out to ICMS (within the CIVCR) team for coaching;
- Reach out to <u>resources and support in your regions</u> for additional information or support if required;
- Initiate a safety plan.

For more information please consult the document <u>"Trauma informed and Culturally Appropriate Approaches in the Workplace"</u>

https://www.nwac.ca/resources/about-nwac/ According to the NWAC, a trauma informed approach in an Indigenous context must take a culturally appropriate approach. This means knowing, understanding, acknowledging and validating that a person in the workplace has suffered trauma from their lived experiences, including intergenerational trauma.

Effective Communication Tips

Family violence is extremely contextual and requires a case by case evaluation to ensure an appropriate response. It would be inappropriate to provide a standard answer which would respond to all FV questions and incidents. Considerations such as culture, gender, where on the continuum of violence the incident lies, region, if both partners work for the organization are a just a few of the contingencies that can have significant impacts on any appropriate response. This means that you, as an manager, do not need to know all the answers, rather, what is important is that the victim is supported and that any requests for information will be carefully considered and responded to in a timely manner.

A confidentiality disclaimer must be mentioned at the beginning of the conversation. If there is suspected harm to children confidentiality must be breached and authorities notified. Document victim's consensus to the confidentiality disclaimer.

Here is a list of important communication points when speaking to the victim:

- Clarify your role, that is, you are not a therapist but rather a support, responsible for the victim's safety in the workplace.
- When preparing to ask the victim what happened or to talk about the situation, it is suggested to begin with: "can you tell me a little about what is happening" rather than questions such as "how are you doing". The "how are you doing" can bring a conversation forward that may be difficult to speak about, it may activate the victim and make it difficult to discuss and create more harm. It may also be difficult for the manager or the individual receiving the disclosure. The emotional state of the victim is usually evident and does not necessarily require the question. Having said that, if the manager suspects a risk of suicide, this will need to be addressed in a direct and caring way.
- It is important to not fix or to give advice, rather a <u>supportive listening</u>, reparative listening, ¹⁷ that validates the victims experience can be helpful and can increase the feeling of being heard. It is recommended to not tell the victim that they are strong for disclosing or that they will be ok, the reality is they may change their mind and not report and the notion of not being strong will add to an already existing feeling of shame. Remember these are very confusing times for victims of FV. Also, it is very possible that the victim may take years or never feel ok again. Saying that they will be ok can come across as pejorative or insensitive for the victim even if your intention is to be kind;

¹⁷ Listening without judgement, without trying to fix or without taking sides can go a long way in reparation. Often victims of violence have an internal isolation and being heard can be powerful.

- It is critical to not offer resources or certain types of support without asking first, how can we support them? With the answer provided by the victim, the manager can then evaluate the best way to assist, and in addition can also offer other options that the victim may not be aware of;
- Please note, different provinces hold different regulations and have different resources available. If the information that the victim needs is not available, the manager can <u>call</u> <u>the CIVCR</u> for more information or some of the resources identified on the list provided here.
- It is important for the manager to follow through as agreed upon. Delay in responses can cause increased anxiety to a victim who is already in distress: be aware and keep good communication;
- At the end of the conversation, summarize what has been said, ask if anything has been missed and clarify any follow up actions. Reach consensus with the employee and document;

What to do if you suspect family violence or hear allegations from a third party

Warning Signs

Some indicators that an individual may be experiencing family violence include:

- changes in work pattern (hours of work)
- changes in job performance
- signs of anxiety, fear, isolation
- physical injuries or attempts to hide injuries

Warning signs do not mean that violence is taking place but it is an opportunity to check in with the individual

- In order to check in appropriately, ensure that employee is in a private setting and that there is an established trust. Ensure that your intention of the conversation is clear and transparent, as well as ensuring that the confidentiality disclaimer is shared and agreed upon.
- If you suspect family violence but are unsure how to proceed, please contact appropriate support, such as the CIVCR. Consult the Manager's Checklist and get familiar with your obligations as an manager. In order to do this while respecting confidentiality, consent to do so must be given by the victim. The decision remains in the hands of the victim.

Understanding Cultural Competency

Cultural competence encourages the acknowledgement and acceptance of differences in appearance, behavior and culture. As we develop our levels of cultural competence, we begin to have a greater appreciation for our individual journeys. Cultural competence can be practiced by showing respect to everyone we encounter without considering our own bias, however this may not be enough. Understanding that it is impossible to be an expert of knowledge in every culture, it becomes important to admit you are not an expert. Always be willing to ask questions, as this becomes evidence that you do not nor cannot fully understand the cultures of others. It is through your willingness to ask questions and listen that you demonstrate respect and put in practice what is understood as cultural humility. ¹⁸

"Cultural competence is a set of congruent behaviours, attitudes, and policies that come together in a system, agency, or among professionals and enable that system, agency, or those professionals to work effectively in cross-cultural situations" 1

Being culturally competent in the context of family violence means showing respect for the way the victim wishes to address the situation. The victim choices will be influenced by their culture and their values, which may differ or even clash with yours. Your role is to stay open-minded and ask questions, when appropriate, to better understand their perspective. Keep in mind that you do not need to fully understand the victim's reality and culture, but showing respect for their culture and its impact on the situation is of the utmost importance.

How visible minorities are affected by family violence

The population designated as visible minorities comprises a wide range of ethno-cultural groups, and the experiences of a particular group can vary greatly from others. In particular, Arab (44%), Black (42%), and Latin American (47%) women were more likely to have experienced FV since the age of 15 when compared to the total visible minority population (29%). There was no statistically significant difference in the prevalence of FV between these groups of women and the non-visible minority population (47%). On the other hand, Chinese (23%) and Filipino (18%) women were less likely than visible minority women in general to have experienced FV in their lifetime. ¹⁹

Data emerging from those minority groups is significantly different that emerging of the Indigenous women group. Indeed, six in ten (61%) Indigenous women experienced some form

¹⁸ Ottawa University Alumni – August 2020 "*The importance of Cultural Competence*" https://www.ottawa.edu/online-and-evening/blog/august-2020/the-importance-of-cultural-competence

¹⁹ Intimate partner violence: Experiences of visible minority women in Canada, 2018: https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00008-eng.htm

of IPV in their lifetime. Considering this data and the departments mandate, the following section will focus on Indigenous employees.

Considerations with Indigenous Employees

Following the release of the <u>Truth and Reconciliation Commission'</u>s summary report and 94 Callsto-Action in 2015 there has been greater need for cultural competency and the role it can play in reconciliation. Due to our department's mandate, implementing the TRC Calls to Action, including building a cultural competence for Indigenous inclusion is a priority.

The following information aims to address the important considerations that managers must be aware of in addressing family violence in reference to Indigenous employees. However, it is important to remember that any culturally appropriate response will take into consideration the unique diverse needs of the First Nations, Inuit and Metis, their geographical location, their resources and their governance. As mentioned in *Who could be victims of FV*, Indigenous women and children are at an increased risk to FV due to historical colonial abuse, intergenerational trauma, remote locations and other important socio-economic realities. ²⁰ Understanding the complex nature of FV from an Indigenous perspective requires a culturally-competent and intersectional awareness. Whereby an appropriate, respectful and responsive approach is critically important by the manager, which ultimately aims to minimize further harm and address the needs of the Indigenous employee.

Challenges

Too often, decisions and actions in situations of family violence are taken based on an inadequate understanding of the situation, which don't allow for actions that are supportive and in the end may contribute to further victimization of an Indigenous FV victim.

Important considerations for managers

Indigenous employees living in both urban and rural, remote, fly-in and northern locations face greater

Indigenous women must rely on a justice system that is in no way reflective or adaptive to their cultural history and reality. Canada's long history of colonialism and abuse ... is the core of this issue, of course. When a First Nations, Métis, or Inuit woman appears in court, they go before the same justice system that established the reserve system, the residential school system, and continues the removal of children from their families, and they ask that court for justice

 Reclaiming Power and Place - Final Report of the National Inquiry into missing and murdered Indigenous Women and Girls ²⁰

²⁰ It is important to consider that even though women and children at are greater risk, family violence is not limited to women and children.

challenges in the complexity of FV. Consequently, they may be more reluctant to confess to being a victim of family violence. As a manager, it is crucial that you take the following into consideration:

- Family violence in Indigenous communities is not limited to intimate partners, but rather can include other family members such as cousins, aunts, uncles, brothers, sisters, etc.;
- A long-standing indifference from the police, which many Indigenous survivors
 remembered based on the police response to the violence experienced by their parents
 or grandparents when they were children, understandably continues to shape the
 perceptions Indigenous Peoples hold of the criminal justice system, and police in general.
 A Indigenous victim may not trust that support services will take action in an appropriate
 way.²¹
- Many services, especially those in urban centers, are culturally inappropriate and further undermine the sense of self-worth and efficacy of Indigenous victims of abuse³.

In addition, for employees who live in small communities may face other challenges:

- Living in a small and/or tight-knit community increases the risk of confidentiality being broken in the community. Confidentiality and respect for choice remains a primary consideration in responding to incidents of FV;
- In remote areas, police services, women shelters or other community services may be provided by close friends or family members of the victim;
- Many small communities have virtually no services for the victims of abuse and no means
 for ensuring their safety. Therefore, Indigenous victims may need to seek help in another
 community or an urban area¹³. They may thus fear that they or their children will lose
 their language, their culture, their sense of identity and sense of belonging;

Fortunately, a great deal of valuable experience has been gained, especially related to emergency services for women and children who are the victims of family violence and abuse. This emphasis has arisen partly out of the obvious need to ensure the safety of victims. Moreover, in context of Indigenous peoples today their resiliency is leading the way towards a healing journey to the restoration and return to a state of healthy communities, families and individuals. In the past,

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²¹ Reclaiming Power and Place - The Final Report of the National Inquiry into missing and murdered Indigenous Women and Girls, vol. 1, p.634 https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf

there were traditional cultural values that were the foundation to all Indigenous societies across North America. These values, which encompassed all members within the community, included acceptance, protection, support and nurturing within that circle. This warm and protective embrace was the birthright of every Indigenous person. These are values that are culturally sensitive which responses could be based on. Doing so would give the possibility of appropriate responses to disclosure of family violence¹⁴.

How to respond effectively

As an manager ensuring an appropriate response to the disclosure of FV from an Indigenous employee requires an approach which is both culturally sensitive and trauma informed.²² It is key to remember that the manager is not qualified to do any intervention, their role is one of providing support, resources and empathic listening without judgment.



Hence, for an appropriate and responsible response to a disclosure of FV, the manager must keep in mind:

- the importance of the victim's **self-determination**, **confidentiality** and **autonomy**;
- the need for a culturally relevant support system such as:
 - o Elder (e.g. CIRNAC's Elders Lodge in Canada);
 - o Family members;
 - o Spiritual resources;
 - o Community based support groups.
- the manager is an important support in a larger holistic approach in addressing the issue;
- it is important to provide continued support beyond the crisis intervention period;
- it is important to locate the community family violence initiative within a wider community healing if this is requested by the victim.

²² According to the NWAC to be trauma informed is: « A trauma informed approach in an Indigenous context must take a culturally appropriate approach. This means knowing, understanding, acknowledging and validating that a person in the workplace has suffered trauma from their lived experiences, including intergenerational trauma" (p. 3)Native's Women Association of Canada: Trauma informed and Culturally Appropriate Approaches in the Workplace

Responding to FV in the off-site context

The previous sections have established how important of an issue family violence is and how it could affect our workplaces. It is important to acknowledge that employees can also be affected by family violence while they are on travel status, working from a different location or while teleworking. The Canada Labour Code defines the "work place" as any "place where an employee is engaged in work for the employee's manager"²³. Therefore, although an manager's health and safety obligations are not limitless and cannot extend to unreasonable circumstances, manager and supervisors should do everything in their power to protect victims of family violence when they are off-site. These types of situations could be contributing to greater risk of harm for the victim and adequate mitigation strategies must be implemented.²⁴

Possible ways to prevent family violence occurrences while an employee is on travel status or working from a different location are outlined in the <u>safety plan</u>.

Suggested measures include:

- establishing a call-in procedure;
- ensuring the hotel booking is not under the employee's name;
- not sharing the employee's destination with colleagues;

The same reasoning applies to employees who are teleworking or working remotely. Work often acts as a safe space for victims of FV. Circumstances where an employee is teleworking or working remotely, either on a temporary or permanent basis, may increase risk of violence, making it difficult to ensure the employee's safety. Possible safety measures include:

- establishing code words to indicate when the employee is able to speak freely;
- asking the employee to come into the workplace for "mandatory" work meetings;
- consulting the safety plan template which may provide more possible measures.

²³ Section 122(1), Canada Labour Code – Part II

https://www.nortonrosefulbright.com/en-us/knowledge/publications/567e9fe1/not-turning-ablind-eye-addressing-domestic-violence-telework-and-pandemic

Family Violence Leave

In 2019, Treasury Board and several unions agreed to provide ten (10) days of paid leave to employees who are victim of domestic violence within the Core Public Administration and separate agencies. Therefore, upon request and as per their collective agreement, an employee who is subject to domestic violence or who is the parent of a dependent child who is the subject to domestic violence from someone with whom the employee has or had an intimate relationship could be granted up to 10 days per fiscal year of domestic violence leave with pay. This leave may be granted to employees who wish:

- To seek medical attention for themselves or their child in respect of a physical or psychological injury or disability;
- To obtain services from an organization which provides services to victims of family violence;
- To obtain psychological or other professional counselling;
- To relocate temporarily or permanently;
- To seek legal or law enforcement assistance or to prepare for or participate in any civil or criminal legal proceeding; or

In order to use this leave, the following process should be followed:

- A <u>Leave Application and Absence Report form (GC-178)</u> must be completed with information on the number of days or hours of Family Violence Leave used (Code 655 – Other Paid Leave - Domestic Violence).
- 2. Due to privacy consideration, the duly completed form is to be kept by the manager in the manager's personnel file. The manager is responsible for tracking the total number of leaves used.
- 3. If an employee requests family violence leave and no discussion on the situation had happened prior to the leave request, the manager should have a conversation with the employee using the What to do if an employee discloses that they are experiencing FV guidelines and keeping in mind the manager's role and responsibilities.

Contact your <u>Labour Relations Advisor</u> for further information while ensuring the employee's identity is not disclosed.

Roles and Responsibilities

Manager

As demonstrated in the section <u>How is family violence related to work</u>, family violence often follows a victim to work; it can affect the victim's work performance, but most importantly, it can pose a risk to the health and safety of the victim and co-workers in the workplace or it can increase the likelihood of violent situations occurring in the workplace or during work related activities.

As a supervisor, a manager, a director or any other level of authority, you have an obligation, as per sections 124 and 125 of the Canada Labour Code, to ensure the health and safety of employees when they are in a workplace you have control over, or when they are engaged in work activities off site.

In this context, it is important to make a distinction between family violence situation that have not impacted the workplace and family violence that has.

The first step for an manager is to discuss the issue with the potential victim using the guidance in the section <u>What to do if an employee discloses that they are experiencing family violence</u>, <u>Effective Communications Tips</u> and <u>What to do if you suspect family violence or hear allegations</u> <u>from a third party</u> The main intention of that conversation should be to provide support to the employee and initiate a safety plan.

Employee is a potential victim but no incident of FV happened at the workplace

If an employee confesses to being a victim of family violence, review the <u>Manager's Checklist</u> to know what action to take.

In cases where the employee does not confess to being a victim of family violence or the victim doesn't wish to initiate the safety plan, the manager's responsibility is to assess the risks that the situation could pose to the workplace and implement mitigation measures. This type of assessment can be done in conjunction with security, OHS and/or the CIVCR. Remember to not disclose the employee's identity without their consent.

Employee is a potential victim and an incident of FV happened in the workplace

The manager should ask the victim if they wish to file a notice of occurrence as per *Work Place Harassment and Violence Prevention Regulations* and explain what this process would entail to the victim. To be prepared to have that conversation, reach out the CIVCR for guidance. If the victim decides to do so, the manager should report the occurrence to the CIVCR or encourage the victim to do so. That decision should be made by the victim. Confidentiality considerations are of

the utmost importance throughout the process. Remember that the victim can end this process whenever they want. Review the Manager's Checklist to know what action to take.

If the victim doesn't wish to file a notice of occurrence, the resolution process of the *Work Place Harassment and Violence Prevention Regulations* ends. That being said, the manager's responsibility doesn't end. Indeed an assessment of the risks that the situation could pose to the workplace and the implementation of mitigation measures are required. This type of assessment can be done in conjunction with security, OHS and/or the CIVCR. Remember to not disclose the employee's identity without their consent. Review the Manager's Checklist to know what action to take.

If there is immediate risk of harm

Finally, if there is suspected immediate risk of harm, you have a duty to contact the local authorities while ensuring that the victim is aware of your decision to report.

Centre for Integrity, Values and Conflict Resolution (CIVCR)

The CIVCR is the first point of contact, i.e. designated recipient, to receive workplace harassment and violence complaints. Its objective is also to provide advice, guidance, support and information regarding all aspects or workplace harassment and violence. The CIVCR can be reached if an employee or an manager wishes to receive guidance on how to address situations of family violence. The CIVCR may be reached using the coordinates here.

Local security or Corporate Security

The Security and Emergency Services Directorate team provides coordination and guidance on the utilization of emergency responses measures to ensure an employee's safety and security. During times of emergency and when an occurrence represents an immediate threat to life, SESD has a number of emergency response measures that it may utilize to manage workplace violence in any of its facilities or sites. For assistance please contact HQ Security at 819-994-6737, or can be reached at aadnc.hqsecurity.aandc@canada.ca.

Security in your workplace is the responsibility of a specific team at your work site or in your region. Please contact the HQ Physical Security team, your Sector Security Coordinator or your Regional Security Officer if you require any assistance involving building access or security in the office.

Occupational Health and Safety

The Occupational Health and Safety (OHS) team may also be involved in addressing such situations. They can provide guidance as to the preventive and corrective measures to be implemented to ensure employee's safety. They also offer information on applicable legislation. The Occupational Health and Safety team can be reached at aaddresstacnohsservicesnhq.aandc@canada.ca

Labour Relations

The Labour Relations (LR) team can provide guidance to management in cases where the perpetrator is a departmental employee. The team can also provide guidance on the use of leaves for the victim. Indeed, in 2019, Treasury Board and several unions agreed to provide 10 days of paid leave to employees who are victim of family violence within the Core Public Administration and separate agencies.

For more information, find your Labour Relations Advisor in the <u>LR Centre of Expertise Placemat</u>.

Union Representatives

Employee victims may wish to reach out to their union representatives for support.

Internal and external resources

Find family violence resources and services in your area

Informational webpage by the Government of Canada

Well-Being and Mental Health

LifeSpeak, EAP, external activities and resources available to departmental employee

Shelter Safe.ca

Helps women and their children seeking safety from violence and abuse by connecting women with their nearest shelter

Crisis Canada Line

1-833-456-4566

Crisis lines for those affected by gender-based violence

Crisis lines per province/territory among which you'll find lines for Indigenous women

First Nations and Inuit Hope for Wellness

24/7 Help Line: 1-855-242-3310

Available to all Indigenous peoples across Canada who are seeking immediate crisis intervention.

CIRNAC's Elders Lodges in Canada

Aboriginal Elders are made available to First Nation, Métis, and Inuit employees, as well as to non-Aboriginal employees, of CIRNAC's head and regional offices

Native Women's Association of Canada

List of support services and team of in-house Elders to support victims

Kids Help Phone: 1-800-668-6868

Available to young Canadians between 5 to 29 years old

<u>Black Mental Health – Counselling Services</u>

<u>Sakeenah Homes – Shelter for Muslim Women</u>

1-888-671-3446

Trans-Lifeline

Service language: English

Provides 24/7 support, information and resources to transgender or questioning people, as well as to their families and friends.

1-877-330-6366

ISC Health Support Services

Health Support services to survivors, family members and those affected by the issue of missing and murdered Indigenous women and girls

Training

Domestic violence in the workplace

Training by the Centre for Research & Education on Violence Against Women & Children

Webpages

Learn about family violence

Informational webpage by the Government of Canada

Domestic violence in the workplace – for departments and separate agencies

Informational webpage by the Government of Canada

Support, training and guides on domestic violence in the workplace

Informational webpage by the Government of Canada

National Inquiry into Missing and Murdered Indigenous Women and Girls

Definitions 25

Notice of Occurrence (NOO):

A notice provided either written or verbally, which contains the following information: a) the name of the principle party and the responding party, if this is known; b) the date of the incident; c) a detailed description of the incident.

Occurrence:

An incident of harassment and violence in the work place.

Principal party:

The employee or the manager who is object of the incident.

Responding party:

The person who has been identified and alleged to be responsible for the occurrence.

Witness:

A person who witnessed an occurrence or is informed of an occurrence by the principal party or responding party.

Anonymous party:

A witness or third party who makes a notification of an occurrence without revealing their identity.

Designated Recipient:

The office designated by the Deputy Head, where notice of an occurrence may be given. At CIRNAC the designated recipient is the Centre for Integrity Values and Conflict Resolution (CIVCR), a unit of the Workplace Wellness Directorate in the Human Resources and Workplace Services Branch.

Manager:

Manager refers to CIRNAC/ISC and any person who acts on behalf of CIRNAC/ISC. Person who employs one or a group of employees, who understands the organization of the manager, and who acts on behalf of the manager. In the context of incidents of harassment and violence where the principle party or the responding party is the manager, the notice must be provided directly to the designated recipient.

²⁵ Definitions were found at the Government of Canada CIRNAC at Work website: http://intranet-rcaanc-cirnac/eng/1610994093653/1610994360086

Work Place:

Any place where an employee is engaged in work for the employee's manager. This is not limited to the buildings or installations provided by managers but can include workplaces such as public spaces, third party locations or the employee's residential home if the manager has approved work from home provisions.

Work Place Assessment:

The identification of potential risk factors, internal and external to workplaces, that contribute to harassment and violence in workplace, and the development and implementation of preventive measures.

Work Place Harassment and Violence:

Any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.

Third Party External:

Individuals who are not employees of CIRNAC such as clients, contractors and members of the public.

Safety Plan

Guidelines for managers on how to prevent external factors from resulting into occurrences of violence in the workplace

Based on the Individualized Safety Plan Template by the Centre for Research & Education on Violence Against Women & Children

Guidelines	Tips for implementing Guidelines	Actions Taken
Preparing for the discussion		
Secure a quiet, safe and reassuring space where you will not be interrupted. Find out when and how it is best to have that discussion if the employee is working in a remote workplace or a different workplace Make sure the time is convenient for the employee and that you are not pressed for time Explain your legal and policy obligations to ensure a safe workplace to the affected employee and to the expert you are collaborating with. Agree on what information will be collected, who will collect it, where it will be kept, how it will be protected and safeguarded and what will be the process if this information needs to be shared with other experts if it is necessary. Explain limits to confidentially and your commitment to only share information on a need to know basis. Ask the employee what type of support they need.	 Confirm that the workplace representatives responsible for ensuring safety and providing support have appropriate training Express concern for the employee's safety without judgment, blame or shame Explain plan is a flexible, changeable document that outlines how to keep the employee safer at work Prepare a list of supports that can be drawn from the departmental Work Place Harassment and Violence Prevention Policy might include workplace provided supports such as EAP, benefits available through the legislation and/or collective agreement, community-based crisis lines and counselling services and internet-based resources 	

Explain what supports are available to the		
affected employee and direct the employee		
towards other resources if you are unable to		
provide a certain type of support		
Identify who will be responsible for the		
coordination of information related to the		
situation.		
Call the CIVCR and other possible teams for		
further guidance		
Documentation		
Establish where the safety planning documentation	Possible actions include:	
will be stored. This information should be stored in a	- Setting up a secure physical or electronic filing	
secure location separate from the affected	space just for documents related to family violence	
employee's HR file.	safety planning	
Establish who will have access to the information in	- Identifying a person or a team who will be	
the file and under what circumstances.	responsible for the management of these files	
Establish what documentation will be collected at	-Assessing appropriate security classification of	
work and by who.	documents	
Consult with the Centre for Integrity, Values and		
Conflict Resolution to determine when a case can be	-Provide the responsible team with the	
considered 'closed' and no longer subject to ongoing	necessary tools, support, training and	
review.	technological tools to protect and safeguard the	
Establish how the affected employee will have access	information	
to the information in the file.		

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Communications	•
Consider how the perpetrator could contact an affected employee through workplace communication channels including phone messages, text messages, email, social media platforms or through third parties in the work place (ex. Friend, acquaintance, business partners, etc)	Possible actions include: - Changing work phone numbers and email addresses and not displaying it in directories - Having someone else answer the affected employee's phone - Letting all calls go to voice message - Having location detection disabled on the affected employee's cell phones — especially work phones
Consider how to protect the affected employee from harassment and threats via organizational communication channels. Entering and Exiting the Workplace	
Consider how an employee can safely enter and exit the workplace	Safer entrance and exit practices can include: Providing a well-lit parking space, adjacent to an entrance - Providing a parking space monitored by camera - Having a travel-by-buddy system or a security escort where possible - Planning for how to move quickly to an area with more people If sensing a hazardous situation - Entering via a guarded access door if available - Having a phone pre-programmed with an emergency # for the police

Alternative Work Arrangements	
Consider how to make it less predictable when and/where the affected employee will be at work	Alternative work arrangements can include: - Giving the affected employee flexible work hours, a change in start and finish times, or changing shifts - Changing the work site or office location of the affected employee - Changing the department where affected employee works
Security Measures	I
Consult with your security services to determine what	Security measures :
security protocols is available to protect the affected	- When possible and after consulting with Security,
worker and the workplace	providing a photo or description of the perpetrator
	to Security, front desk staff, and/or entire workplace
Identify who will be responsible for implementing	where appropriate to limit their access to the
different security measures (security or police or	workplace
manager)	- Notifying security if the perpetrator has firearms or
	other weapons or access to weapons in order to
	assess the potential threat to the workplace
	- Advising reception, security and/or co-workers not
	to give out any personal information or information
	on the whereabouts of the affected employee
	- Inquiring the victim on whether a restraining order,
	no contact order, or other emergency intervention
	orders is in place and whether or not the workplace
	is named

	- Installing panic buttons/alarms
Consider how the design and physical layout of the	Possible actions include:
workplace can prevent an occurrence of physical	- Installing bright security lighting, using motion
violence at the workplace.	detectors in areas where unauthorized persons
	could approach the workplace
	- Removing/trimming decorative shrubs and trees
	that may prevent security personnel from seeing if
	an unauthorized person is on workplace property
	- Installing fencing/gates/locks/key cards to limit
	unauthorized access to areas of the workplace
	- Ensuring that computers and other devices face
	away from the public so that personal information is
	not visible and/or use security screens on computers
	so that information is not visible to anyone who does
	not have a direct view of the screen
Check-In Protocol	
Develop a check-in protocol if the employee is absent	A check-in protocol can include:
from work without notice	- Obtaining permission for a supervisor to check in
	with the affected employee in the case of
	unexpected absences
	- Establishing a code word/phrase the employee can
	use to indicate they are in danger or need help when
	an manager calls, texts or emails to check-in
	- Obtaining permission for a supervisor to call and
	check with a trusted person in the case of
	unexpected absences
	Name and phone number of trusted person:

	Name
	Tel
Working from Home	
Carefully review all measures in this safety planning	Possible actions include:
template and consider which ones can be adapted for	- Establishing code words or phrases to indicate
a situation where an employee is working from	when the employee is able to speak freely and when
home.	they are being monitored
	- Establishing code words or phrases to indicate that
Maintain regular contact with the employee and be	the employee is in immediate danger
prepared to call for emergency help if there is a need	- Checking in regularly with the employee, both
to do so.	through formal work meetings and informal check-
	ins
Discuss possible actions with the employee victim	- Asking the employee to come into the workplace
	for 'mandatory' work meetings if they are being
	constantly surveyed at home
	- Allowing the employee to meet with family violence
	experts during 'mandatory work meetings'
	- Providing a VPN service to cloak the employee's
	internet use
	- Providing guidance on tech safety
	- Providing accommodations such as flexible hours
	- Consulting with internal IT experts regarding
	additional security measures
Notification	
Consider if other employees need to be notified	The decision to notify other employees includes:
about the potential for violence in the workplace.	

Annex 2

- Determining who needs to be notified and how	
they will be notified	
- Determining what information should be shared	
- Determining how to respect confidentiality to the	
extent possible	
- Sharing information in a concise, factual manner to	
facilitate safety without causing unnecessary alarm	
facilitate safety without causing unnecessary alarm	