

# Workplace Violence

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## Purpose statement

This procedure addresses the prevention and investigation of workplace violence, or threats of workplace violence, including domestic violence against an employee.

## Scope

This procedure applies to town employees, contractors, consultants, and members of the public.

## Procedure

1. The town does not tolerate, ignore, or condone any workplace harassment, violence, or threats of violence.
2. All reported threats or incidents will be considered serious and will be investigated promptly with appropriate action taken.
3. A review of the risks of workplace violence will be conducted annually or as necessary to protect workers. Identified risks will be promptly addressed and measures will be implemented to mitigate such risks.
4. Employees will be notified of identified risks and are required to follow departmental guidelines when working in situations operationally specific to their departments (i.e. working alone, handling cash, dealing with difficult customers).
5. The town will take every reasonable precaution to protect employees from domestic violence where it has been made aware, or where it ought reasonably to have known, an employee is at risk.
6. Frivolous or vexatious complaints will be dealt with seriously and subject to disciplinary action up to and including termination of employment.

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## **Workplace harassment**

All incidents of workplace harassment will be reported, investigated, and resolved through the town's Respectful Conduct Policy.

## **Possibility of domestic violence in the workplace**

1. Any employee who is experiencing domestic violence that exposes themselves or others to physical injury in the workplace or is experiencing domestic violence in the workplace, or believes that domestic violence in the workplace is likely to occur, should seek immediate assistance from their supervisor and/or Human Resources.
2. A safety plan will be developed by the employee, their supervisor and Human Resources.

## **Reporting incidents of violence**

1. Incidents of violence must be reported immediately to the employees' supervisor and/or the police for immediate assistance.
2. If, at any time, an employee feels personally threatened, they are to call the police immediately. Employees are not to place themselves at risk or jeopardize anyone's safety when dealing with any perceived or real situation of violence.
3. All workplace threats of violence or acts of violence, including those by members of the public against town employees, will be addressed under this procedure.
4. If a workplace violence incident results in a worker being disabled, injured, or requiring medical attention, the appropriate joint health and safety committee and the appropriate union must be notified within four days of the incident.
5. If a workplace violence incident results in a person being critically injured or killed, Health, Safety and Wellness Consultant, the Ministry of Labour, the appropriate joint health and safety committee and the appropriate union must be notified immediately, and the Ministry of Labour notified in writing within 48 hours.
6. Incidents must be filed as soon as practicably possible after the incident occurred using the *Respectful Conduct Reporting Form* detailing the nature of the incident, dates, times, places, witnesses, and names of those involved. A supervisor, employee or witness may complete the report.
7. All reports of violence must be forwarded immediately to Human Resources in order to commence an impartial investigation appropriate to the circumstances of the incident.
8. There will be no negative consequences for reports made in good faith.

## **Investigating incidents of violence**

1. All formal complaints must be forwarded to the Director of Human Resources (or designate) who will determine if the complaint falls under the Workplace Violence Procedure and determine what investigation is appropriate in the circumstances.
2. The investigation will be conducted either internally by a town employee or by an external investigator at the discretion of the Director of Human Resources (or designate). Incidents of workplace violence by members of the public against an employee will be investigated and resolved in accordance with this procedure.

3. The *Respectful Conduct Reporting Form* will be kept confidential to the extent possible. Information about the allegation or the investigation itself will only be released to the extent necessary to investigate and respond to the incident, or as required by law.
4. Once the investigation is complete, the investigation outcomes will be reported to the Complainant and Respondent in writing.
5. The *Respectful Conduct Reporting Form* will be on file in the Human Resources department for a minimum of seven years.

## General provisions

**Criminal and Sexual Harassment** - Criminal and Sexual harassment such as stalking, threats, and sexual or physical assault are covered by the Criminal Code and the *Occupational Health and Safety Act*. Supervisors and employees are encouraged to report any criminal behaviour to the Police and Human Resources.

**Reprisals** - No employee will be subject to reprisals for filing a complaint or participating in an investigation under this procedure. Anyone experiencing reprisals should report it immediately to their supervisor or Human Resources.

Any discipline imposed as a result of a frivolous or vexatious complaint is not a reprisal.

## References and related documents

1. Respectful Conduct Reporting Form
2. Respectful Workplace Policy
3. Occupational Health and Safety Policy
4. Respectful Conduct Procedure
5. *Occupational Health and Safety Act*
6. *Ontario Human Rights Code*
7. Criminal Code of Canada
8. Employee Code of Conduct Policy and related procedures

## Definitions

**Workplace harassment:** includes a course of vexatious comment or conduct against a worker in a workplace - behaviour that is known or ought reasonably to be known to be unwelcome. It may include but is not limited to:

- written or verbal insults,
- unwanted remarks or comments on a person's mannerisms or body,
- practical jokes that cause embarrassment or endanger an employee's safety,
- behaviour that undermines or sabotages the employee's job performance,
- behaviour that threatens the livelihood of the employee,

- behaviour, conduct, comments, or activities not directed specifically at an individual, but which nonetheless create a degrading, offensive, "poisoned" work environment. It may include, but is not limited to:
  - circulating or displaying sexually explicit, racist, or derogatory pictures, graffiti or other offensive materials,
  - patronizing behaviour, language or terminology that reinforces stereotypes and undermines self-respect or adversely affects work performance or conditions.

Workplace harassment does not include:

- legitimate, reasonable management actions that are part of the normal work function that may include, but is not limited to appropriate direction, delegation, performance management or discipline;
- professional debate;
- attendance management;
- ~~relationship of mutual consent or mutual flirtation;~~
- ~~stressful events encountered in the performance of legitimate job duties;~~
- occasional disagreements or ~~personality~~ interpersonal conflicts.

**Workplace violence:** includes the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker. Workplace violence may include hitting a worker, throwing objects at a worker, sexual violence, or threats, whether conveyed verbally, in writing, or through behaviour.

**Domestic Violence:** includes a person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member – who may physically harm, threaten or attempt to physically harm, that worker while at work.

**Frivolous** - means lacking a legal basis or legal merit; trivial in nature or does not have a reasonable, proper or justified cause. a matter that has little prospect of success; not serious, not reasonably purposeful.

**Workplace** - includes the working environment and any place employment-related activities are conducted including business travel, work-related social gatherings or any other location that may have a subsequent impact on the workplace.

**Vexatious** - means without reasonable or probable cause or excuse; instituted maliciously or on the basis of improper motives; intended to harass or annoy.

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## Responsibilities

### CAO/Commissioners/Directors

- create, promote and maintain a safe workplace that is free from violence
- provide training and ensure that this procedure is accessible, available to all employees and supported
- review and monitor initial risk assessments and subsequent reviews

### Immediate Managers/Supervisors

- proactively promote and maintain a safe workplace that is free from violence
- intervene immediately when threats or incidents of violence occur
- prevent violence or threats of violence by:
  - communicating and supporting the town's objective to provide and maintain a workplace free from violence
  - not ignoring or condoning behaviour that is contrary to this procedure
  - taking all complaints seriously, conducting an initial assessment of the situation and reporting as required by the procedure
  - not engaging in behaviour contrary to this procedure

### Human Resources:

Shall support and promote a safe workplace through the following measures below:

- provide advice to employees, supervisors, management, and any employee concerned about a threat of or actual violent incident or harassment situation
- promote, advance, support and ensure the effective implementation of this procedure
- provide training to all employees regarding the procedure
- investigate any threats or incidents of violence
- advise the Joint Health and Safety Committee of the outcome of risk assessments and what measures are being implemented to address identified risks
- initiate the annual review of workplace violence procedure and recommend any changes to Council, as applicable

### Joint Health and Safety Committee:

- identify risk of workplace violence in the course of carrying out regular workplace inspection
- make recommendations to the Town regarding workplace violence, as they regularly do, for other occupational health and safety hazards under the *Occupational Health and Safety Act*
- recommend to the Town and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of the workplace

### Employees:

- do not engage in any behaviours that maybe considered threats or acts of violence
- report acts of harassment, threats of or actual incidents of violence to their supervisor
- inform their immediate supervisor or Human Resources if they are at risk of domestic violence