

# CORPORATE POLICY AND PROCEDURE



POLICY	<b>Workplace Violence Policy</b>
CATEGORY	Corporate
AUTHORITY	All departments
RELATED POLICIES	Workplace Harassment and Discrimination Policy Work Refusal Policy Job Hazard Analysis (JHA) Community Services Rzone Code of Conflict
APPROVED BY	Senior Management
EFFECTIVE DATE	2007/06/06
REVISION DATE	2016/05/01

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## **POLICY STATEMENT**

Guided by our corporate values, the Corporation of the City of Guelph believes in the prevention of violence and promotes an abuse-free environment in which all people respect one another and work together to achieve common goals. The Corporation will not tolerate threats or acts of violence directed at workers by a member of the public, between workers, or by a worker towards a member of the public.

## **SCOPE**

This policy applies to all City of Guelph full-time, part-time, casual and temporary employees. It also applies to volunteers and councillors, while performing authorized activities for the City of Guelph. It applies to any location in which you are engaged in work-related activities, including those locations that are not primary work sites. This may include social functions, training and conferences. This policy also applies to situations where employees are threatened with and/or subjected to violence in the workplace from individuals who are not employees of the organization, such as customers and suppliers, although the available remedies may be constrained by the situation.

## **PURPOSE**

The Corporation of the City of Guelph is committed to:

- (a) Providing and maintaining a healthy and safe work environment that is free from any form of violence;
- (b) Investigating reported incidents of violence in an objective and timely manner;
- (c) Taking necessary action; and

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(d) Providing appropriate support for workers that are victims of violence. No action shall be taken against an individual for making a complaint unless the complaint is made maliciously and in bad faith.

## **PROCEDURE**

It is our mutual responsibility to ensure that the Corporation creates and maintains a violence-free workplace and address violence and/or the threat of violence from all possible sources (including customers, clients, employers, supervisors, workers, strangers and domestic/intimate partners).

The Corporation will do its part by not tolerating or condoning violence in the workplace. This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures.

## **1) ROLES & RESPONSIBILITIES**

### **i) Executive Management**

- Foster a respectful work environment free from violence.
- Communicate this policy to managers/supervisors.
- Ensure jobs that have high risk of violence are identified.
- Ensure this policy is updated as necessary, but at least annually.
- Ensure assessments of the workplace are completed as often as is necessary to ensure compliance with workplace violence legislation.

### **ii) General Managers/Managers/Supervisors**

- Immediately contact the Advisor (Manager of Labour Relations or designate) if you receive a complaint of workplace violence or witness or are aware of violent behaviour or the threat to violent behaviour
- Take every reasonable precaution to protect employees from workplace violence, including evaluating **a person's history of violent behaviour** to determine whether and to whom this employee poses a risk. In making this evaluation general managers/managers/supervisors should consider the following:
  - **Whether the person's history of violence was associated with the workplace or work;**
  - **Whether the history of violence was directed at a particular employee or employees in general; and**
  - **How long ago the incidence of violence occurred**
- In certain circumstances, general managers/managers/supervisors may have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour, if an employee can be expected to encounter the person during the course of his or her work, and the risk of violence has the potential to expose the employee to physical injury.
- Only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the employee from physical injury. **Contact the Advisor (Manager of Labour Relations or designate) before any information is released.**

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- Communicate this policy to employees and submit signed rosters to Human Resources.

### **iii) Workers**

- Do their part by ensuring that their behaviour does not violate this policy and by fostering a work environment that is based on respect.
- Report to their supervisor or the Advisor (Manager of Labour Relations or designate), the existence of any workplace violence or threat of workplace violence.

### **iv) Advisor**

- Designated advisor under this policy will be the Manager, Labour Relations or designate.
- Provide support and direction to the employee(s) reporting incidents, General Managers/Managers/Supervisors and the alleged person(s).

## **2) CORPORATE PROCEDURE FOR RESOLVING AND INVESTIGATING WORKPLACE VIOLENCE**

All employees have the right to refuse work that they believe is unsafe, and this includes where they feel that workplace violence is likely to endanger them.

Where an employee feels that they may be, or have been subjected to workplace violence, they are to immediately contact their supervisor, at which point appropriate measures defined in the **Work Refusal Policy**, will be taken to protect the employee and investigate the situation.

The employee will be moved to a safe place as near as reasonably possible to their normal work station and will remain available for the purposes of incident investigation.

- Where possible to do so, the employee may be provided with reasonable alternative work during normal working hours.
  - The Occupational Health and Safety Act (OHSA), currently prohibits certain workers such as police officers, firefighters, correctional officers and hospital employees from refusing work when the unsafe condition is inherent in the work or is a normal condition of employment.

In appropriate circumstances, the Corporation may contact the police, or other emergency responders as appropriate, to assist, intervene or investigate workplace violence. Details about the measures and procedures for summoning immediate assistance may include:

- Equipment to summon assistance such as fixed or personal alarms, locator or tracking systems, phones, cell phones, two way radios etc.;
- Emergency telephone numbers and/or email addresses;
- Emergency procedures

Provided the situation is dealt with quickly and the danger to workers is removed, the necessity of work refusal may be alleviated.

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## **Investigation Procedure**

Where an employee has reported the existence of any workplace violence or threat of workplace violence to their supervisor, the supervisor will immediately ensure the completion a Violence Occurrence Report in conjunction with the worker, and upon completion will report to the Advisor (Manager of Labour Relations or designate).

The Advisor will commence an investigation as quickly as possible. The Advisor may choose to investigate or use an external investigator, depending on the nature of the incident. The investigation will include:

- conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- reviewing any related documentation; and
- making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the Advisor and/or the investigator(s) will prepare a detailed report of the findings.

Communication around completion of the Violence Occurrence Report will be provided to the Joint Health and Safety Committee.

## **Corrective Action**

The Advisor (Manager of Labour Relations or designate) will determine what action should be taken as a result of the investigation, in consultation with the department head. The level of discipline will be commensurate with the severity of the incident, and where appropriate, giving **consideration to the employee's employment history**.

If a finding of workplace violence is made, the Corporation will take appropriate **corrective measures, regardless of the respondent's seniority** or position in the Corporation.

Corrective measures may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay, termination with or without cause
- referral for counselling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
- reassignment or transfer
- any other disciplinary action deemed appropriate under the circumstances

If an employee makes a complaint in good faith and without malice, regardless of the outcome of the investigation, the employee will not be subject to any form of

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discipline. The Corporation will, however, initiate disciplinary proceedings against anyone who brings a false and malicious complaint.

### **Domestic Violence**

If an employee is experiencing domestic violence that would expose them to physical injury in the workplace or they believe that they are at risk of suffering from domestic violence in the workplace, they may seek immediate assistance by contacting their supervisor or the Advisor, and follow the process outlined previously.

The Corporation will take every precaution reasonable to protect the employee and their co-workers in the circumstances. This may include some or all of the following;

- creating a safety plan
- contacting the police
- establishing enhanced security measures such as a panic button, code words, and door and access security measures
- screening calls and blocking certain email addresses
- setting up priority parking or providing escorts to your vehicle or to public transportation
- adjusting working hours and location so that they are not predictable; and
- facilitating access to counselling through the Employee Assistance Program or other community programs.

The Corporation appreciates the sensitivity of these issues and will endeavour to assist employees as discreetly as possible while maintaining privacy.

### **Confidentiality of Complaints and Investigations**

The Corporation recognizes the sensitive nature of harassment and violence complaints and will keep all complaints confidential, to the extent that it is able to do so. The Corporation will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

### **Protection from Retaliation**

The Corporation will not tolerate retaliations, taunts or threats against anyone who complains about harassment or takes part in an investigation. Any person, who taunts, retaliates against or threatens anyone in relation to a harassment or violence complaint, may be subject to accelerated discipline up to and including termination of employment.

## **DEFINITIONS**

### **Domestic Violence**

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality

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## **Workplace Violence**

Defined under the Occupational Health and Safety Act as:

- a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- b) an attempt to exercise physical force against a worker, in the workplace, that could cause physical injury to the worker,
- c) a statement or behaviour that 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.

It is defined broadly enough to include acts that may be considered criminal. Workplace Violence includes:

- physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects
- verbal or written threats to physically attack a worker
- leaving threatening notes or sending threatening emails
- wielding a weapon at work
- stalking someone; and
- physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

## **Workplace**

Any location where a City of Guelph worker is carrying out their occupational duties, including those locations that are not on the primary work sites. This may include city vehicles, social functions, training and conferences, or any other location where **the worker may be deemed to be 'at work'**.

## **Reference Documents**

Occupational Health & Safety Act, R.S.O. 1990, c. O.1

Criminal Code of Canada, Part VIII - Offences Against Person & Reputation

CUPE 241 Collective Agreement Article 5.0

CUPE 973 Collective Agreement Article 4.0

CUPE 1946 Collective Agreement Article 4.0

ATU 1189 Collective Agreement Article 6.0