

CORPORATE POLICY



Policy Title: **Violence in the Workplace**
Policy Category: **Human Resources**
Policy No.: H-003
Department: Corporate Services
Approval Date:
Revision Date:
Author: Marie de Boyrie
Attachments: Appendix A: Complaint Investigation and Resolution Process
Related Documents/Legislation:
Workplace Violence Incident Reporting Form
Harassment and Discrimination Policy
Respectful Behaviour Policy
Complaint Investigation and Resolution of Violence, Harassment and/or Discrimination in the Workplace Procedures
Accident and Incident Procedures
Health and Safety Policy and Procedure Manual
Security Incident Reporting Form and Procedures
Ontario Human Rights Code
Occupational Health and Safety Act

POLICY STATEMENT:

The City of Waterloo is committed to providing a safe work environment. The City takes every reasonable effort to identify all potential sources of violence in the workplace and takes all reasonable measures to prevent violence and protect employees from acts of violence.

PURPOSE:

It is the policy of the Corporation to implement and maintain a workplace violence prevention program, including measures and procedures to:

- Assess risks and take preventative measures;
- Summon immediate assistance when workplace violence occurs or is likely to occur, including when a threat of workplace violence is made;
- Report incidents or threats of workplace violence to Manager;
- Investigate and deal with incidents, complaints or threats of workplace violence;
- Inform and train employees to recognize potentially violent situations, access relevant policies and procedures and make appropriate responses, including how to obtain assistance.

Mandatory Policy, *Municipal Act*: No

Policy Administration Team, Review Date: December 18, 2013

Corporate Management Team, Review Date: December 11, 2013

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence. Reprisal is defined as any act of retaliation, either direct or indirect.

DEFINITIONS:

For the purpose of this policy, violence includes but is not limited to:

- The exercise of physical force by a person, whether an employee or member of the public, against a worker in the 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 (including domestic violence);
- A statement or behaviour that is reasonable for a worker to interpret as a threat of physical force against the worker.

SCOPE:

This policy applies to all employees, contractors and consultants. It applies to any location in which you are engaged in work related activities. These include but are not limited to:

- the workplace
- during work related travel
- at restaurants, hotels, meeting facilities that are being used for business purposes
- in City owned or leased facilities
- during telephone, email or other communications; and
- at any work related social event, whether or not it is sponsored by the City

This policy also applies to situations in which employees are subjected to violence in the workplace from individuals who are not employees of the organization, such as customers, members of the public, domestic/intimate partners, contractors and suppliers, although the available remedies may be constrained by the situation.

POLICY COMMUNICATION:

A copy of this policy will be posted on the City's website and the Health and Safety section of City's intranet. It will also be posted on the H&S bulletin boards in each facility.

Staff will receive training on the policy as part of the new hire orientation. Supervisors, including Managers, Directors and Commissioners, will review the policy with staff on an annual basis and additional training will be provided as needed.

POLICY:

The City assesses workplace violence hazards inherent in the work and in the workplace in order to identify preventative measures aimed at eliminating or reducing these risks as much as possible. Employees whose jobs involve any of the following factors are at increased risk of workplace violence:

- Contact with the public
- Exchange of money
- Delivery of goods, or services
- Having a mobile workplace (such as a vehicle)
- Working with unstable or volatile people
- Working alone or in small numbers
- Working late at night or during early morning hours
- Providing services to private properties, structures and residences

Human Resources, in conjunction with Management, conducted the initial workplace violence risk assessments to determine whether the nature of the work or the work environment places, or may place, employees at risk of violence. Human Resources and Management consults with the Joint Health & Safety Committees in conducting risk assessments and developing preventative measures to minimize or eliminate identified risks. Management conducts further risk assessments at intervals of time appropriate to the specific conditions and circumstances of the work performed.

Examples of workplace violence include but are not limited to:

- Verbally threatening to attack a worker;
- Leaving threatening notes at or sending threatening emails to a workplace;
- Shaking a fist in a worker's face;
- Wielding a weapon at work;
- Hitting or trying to hit a worker;
- Throwing an object at a worker;
- Sexual violence against a worker;
- Kicking an object the worker is standing on such as a ladder; or
- Trying to run down a worker using a vehicle or equipment such as a forklift.

Accidental situations – such as a worker tripping over an object and pushing a co-worker as a result – are not meant to be included.

Anytime an employee perceives danger they should act and report. Within the City of Waterloo, behaviours are regulated by our values, our corporate policies, civil and criminal laws.

Where the City is aware of or has reason to believe that the potential for domestic violence may occur in the workplace, the City will take every reasonable precaution to protect an employee at risk by taking measures that protect all workers.

The City's Harassment Policy addresses workplace violence related to harassment, intimidation, bullying and humiliation e.g., such behaviours that introduce a disruptive element into the work environment, which endangers or undermines the well-being and job performance of individuals. (See City's Harassment and Discrimination Policy).

All employees are responsible for preventing and reporting acts of violence, whether from an employee or member of the public, that threaten or are perceived to threaten, a safe work environment.

Commissioners, Directors and Managers are responsible to:

- Understand and uphold the principles of this policy;
- Communicate this policy and its procedures to all employees;
- Take all reasonable measures to minimize the potential for workplace violence and to eliminate risks identified through the risk assessment process and workplace inspections;
- Ensure all known incidents of violence are reported in accordance with reporting procedures;
- Respond promptly to all reports of violence and participate in the investigation of reported incidents of workplace violence;
- Take reasonable steps to ensure the immediate safety and support of employees involved in a violent incident, including the protection of victims and witnesses of acts of workplace violence, from reprisal or further violence;
- Implement and/or support the implementation of preventative measures, including changes in workplace design or operational practices.

Human Resources will assist Management to implement this Policy, develop divisional procedures, training, and orientation to this policy and related procedures in order to ensure that all employees are aware of the content of the policy.

Joint Health and Safety Committees (JHSC) are responsible to:

- Review the risk assessments and reports regarding workplace violence;
- Review workplace violence incident reports that result in personal injury or threat of personal injury, or property damage;
- Respond to employee concerns related to workplace violence and communicate these to management;
- Participate, when necessary, in the investigation of reported incidents that result in personal injury or have the potential to result in injury.

All employees, as victims or witnesses to an incident or potential incident of workplace violence, are responsible to:

- Access information and comply with policies and procedures and work practices in order to minimize the risk of workplace violence;
- Not engage in or ignore violent, threatening, intimidating or other disruptive behaviours;
- Report promptly to their Supervisor or Human Resources any incident or potential incident of workplace violence, whether by an employee or member of the public.

COMPLIANCE:

In cases of policy violation, the City may investigate and determine appropriate corrective action. Please refer to Appendix A, Complaint Investigation and Resolution Process.

Signed upon approval of Council and in accordance with the Health and Safety Guideline for Workplace Violence and Harassment.

Name	Signature	Date
Mayor Halloran		
Tim Anderson, Chief Administrative Officer		

Complaint Investigation and Resolution of Harassment, Discrimination and/or Violence in the Workplace

Purpose

In accordance with the Human Rights Code and the Occupational Health and Safety Act, the duty to provide a harassment and violence free workplace involves the investigation of complaints when they arise.

Objective

To facilitate the resolution of the conflict that prompted the complaint. If a complaint is made, the City is obligated to investigate. The goal is to complete an internal investigation and communicate the results to the complainant and respondent within 30 days of receiving the formal complaint, although circumstances may require that the investigation and communication of results will take longer than 30 days.

Procedure

All complaints of harassment, discrimination or violence, whether formal or informal, will be handled as expediently and discreetly as possible to maintain the dignity and respect of both the complainant and the alleged offender. To protect the interest of the complainant, alleged offender and any others who report incidents of harassment, discrimination or violence, confidentiality is maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

Informal/Self-help

If a staff member considers that he/she has been subjected to harassment and/or discrimination, that person should follow the appropriate procedures below:

1. If comfortable,
 - a. approach the person responsible and advise that person to stop the offensive conduct. Although this may be difficult to do, telling the person that they don't like their actions is often enough to stop the behaviour; and/or
 - b. tell the individual why the conduct is offensive (this can be verbal, by letter, or by giving or sending a copy of the Harassment and Discrimination policy); and
 - c. document the complaint and keep a record detailing the incident (include name of person involved, what was said or done, possible witnesses, and the date, time and location);

or,

2. If uncomfortable in bringing the matter directly to the attention of the person responsible, or where such an approach is attempted and does not produce a satisfactory result, contact any of the following workplace parties:
 - a. his/her Supervisor, Manager, Director or Commissioner
 - b. a Human Resources Consultant
 - c. a Union/Association representative

Based on the nature of the matter, it may escalate to a formal complaint requiring investigation.

Formal Complaint*

If the complaint cannot be resolved informally, or when the harassment and/or discrimination continues, the following procedures will apply:

1. The complainant may make a written complaint to a Human Resources Consultant within 6 months of the occurrence of the alleged incidents detailing the incidents (include names of individuals involved, what was said or done, possible witnesses, and the dates, times and location).
2. The Human Resources Consultant will commence an investigation and in consultation with the Director of Human Resources, determine, based on the nature of the complaint, whether or not the investigation will be conducted internally or referred to an external investigation process. If appropriate, an investigator will be appointed as soon as is reasonably possible. A copy of the complaint should be provided to the alleged offender within 2 to 5 days.
3. The investigation should commence within 2 to 5 days of an investigator being appointed and will include:
 - Interviewing the complainant and alleged offender to ascertain all facts and circumstances relevant to the complaint, including dates and locations
 - Interviewing witnesses, if any
 - Reviewing the related documentation and;
 - Making detailed notes of the investigation and maintaining them in a confidential file.
4. Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings and submit the report to the Director of Human Resources and the applicable Commissioner of the department. A summary of the findings will also be provided to the complainant and the alleged offender.

Unconfirmed allegation

If the investigation does not substantiate the allegation, the Human Resources Consultant will,

- Terminate the investigation
- Withdraw the complaint, and
- Advise both the complainant and the alleged offender

Disciplinary and corrective action may be taken in cases where the complaint is found to be frivolous or malicious.

Confirmed allegation

1. The investigating Human Resources Consultant or the Director of Human Resources will meet with the complainant and the alleged offender individually or together, as appropriate, to attempt to achieve a satisfactory resolution to the complaint wherever possible. Resolution may include, but is not limited to:
 - a formal apology to the complainant,
 - appropriate counseling for those involved, and/or
 - discussion with the alleged offender regarding expected and appropriate workplace behaviour and responsibilities
2. If a finding of harassment is made, the City will take appropriate corrective measures regardless of the alleged offender's seniority or position in the City. 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 counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
 - a demotion or denial of a promotion
 - reassignment or transfer
 - financial penalties such as the denial of a performance related salary increase, and
 - any other disciplinary action deemed appropriate under the circumstances

* If a satisfactory conclusion is not reached the complainant may at any time, file a complaint with the Ontario Human Rights Tribunal or the Ministry of Labour, depending on the grounds in which the complaint was reported.

Additional Procedures for Resolving and Investigating Workplace Violence

The employee has the right to refuse work if workplace violence is likely to endanger them. In that instance, the employee must immediately contact their supervisor (or designate), at which point appropriate measures will be taken to protect the employee and investigate the situation.

The employee will be moved to a safe place, as near as is reasonably possible, to their regular work station and must be available for the purposes of investigating the alleged incident. Where applicable, subject to the provisions of the relevant Collective Agreement, the employee may be provided with reasonable alternative work during normal working hours.

In appropriate circumstances, the Employer 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 will be provided and may include:

- equipment to summon assistance, such as fixed or personal alarms, locator or tracking systems, phones, cell phones, etc.
- emergency telephone numbers and/or email addresses
- Workplace Violence Emergency Procedure/Quick Reference
- Security Incident Procedures and Reporting Form

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

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings. The report will be submitted to the Director of Human Resources. The Health and Safety Consultant will provide a copy of the report to the applicable Joint Health and Safety Committee.

Procedures for Addressing Domestic Violence

If an employee is experiencing domestic violence that may expose them to physical injury in the workplace or the employee is experiencing workplace violence or believes that workplace violence is likely to occur, the employee may seek immediate assistance by contacting their Supervisor and/or Human Resources Consultant, who will assist in responding to the situation.