



EMPLOYMENT POLICY MANUAL

Subject: Workplace Violence Policy	Approval Date: August 21, 2017	By-Law No. 57-2017
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3.30 WORKPLACE VIOLENCE POLICY

1. POLICY STATEMENT

The Corporation of the Municipality of Red Lake (hereinafter referred to as “The Municipality”) maintains a zero tolerance policy with respect to violence in the workplace. Here at The Municipality, we are committed to providing a safe and healthy work environment free from violence, threats of violence, harassment, intimidation and disruptive behaviour for all our employees. The Municipality has adopted this policy which prohibits violence and threats of violence, and encourages employees to take affirmative steps to identify and address potentially violent situations. Although some incidents or situations involving workplace violence may be the result of larger societal problems outside of our control, the Municipality firmly believes that by working together with our employees, the risk of workplace violence can be minimized.

Violent behaviour in the workplace is unacceptable from anyone. This policy applies to all employees of the Municipality and all those who may be visiting Municipal premises or interacting with Municipal employees; this includes but is not limited to Contractors, Vendors, Suppliers, or Members of the Public.

Everyone is expected to uphold this policy and to work together to prevent workplace violence.

This policy will outline the procedures involved in addressing an immediate concern of workplace violence.

Specifically: If you feel you are in immediate danger from workplace violence you are to call the Police immediately. Once the immediate threat is abated, report the incident to your Supervisor or your Worker Representative or the Human Resources Manager. The above noted individuals will conduct an investigation of the incident utilizing the process laid out below.

In all situations where you feel you are in immediate danger from violence in the workplace you are directed to contact the Ontario Provincial Police (OPP) at 911 or the local number 807-727-2418.

Fear of Workplace Violence DOES constitute a valid reason to refuse work.



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This Policy shall:

1. Provide the Municipal Policy Statement regarding Workplace Violence.
2. Provide definitions of violent actions and behaviour in the workplace.
3. Outline security measures taken by the Municipality to quell any potential violence.
4. Prescribe that a violence risk assessment be conducted within the Municipality annually and outline measures and procedures to control the risks of workplace violence identified in the risk assessment.
5. Detail the measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur.
6. Detail the methods and procedures for reporting incidents of workplace violence to the Employer.
7. Detail the investigation procedure for reports or complaints of workplace violence.
8. Provide the standards for maintenance of this Policy.

2. DEFINITIONS

“Supervisor” means a person who has charge of a workplace or authority over an employee.

“Unacceptable conduct” related to violence shall include, but not be limited to the following:

- a) Causing physical harm to another person.
- b) Threats of any nature, verbal, or electronic.
- c) Aggressive behaviour that constitutes a reasonable fear of bodily harm to another person. Verbal assault, causing emotional duress.
- d) Intentional damage or destruction of property belonging to either The Municipality or its employees.
- e) Possession of a weapon while on municipal premises, or while conducting municipal business.

“Weapon” means any gun, knife or other item held with intent to cause bodily harm to any person.



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“Worker Representative” means a health and safety representative of the employees who does not exercise managerial functions and is selected by the employees of the workplace. The names and contact information of the department’s Worker Representative will be posted in a conspicuous place for employees to see.

“Workplace violence” means:

- (a) the exercise of physical force by a person against an employee in a workplace that causes or could cause physical injury to the employee;
- (b) an attempt to exercise physical force against an employee in a workplace that could cause physical injury to the employee;
- (c) a statement or behaviour that it is reasonable for an employee to interpret as a threat to exercise physical force against the employee in a workplace that could cause physical injury to the employee.

3. SECURITY MEASURES

The Municipality has instituted these security measures to minimize the risk of violence on our premises:

- a) Municipal property shall be accessed only by employees, customers and visitors conducting legitimate business activity.
- b) Employees and their vehicles shall display proper municipal identification while on municipal premises.
- c) The Human Resources Manager shall conduct background investigations to review candidates to reduce the risk of hiring individuals with a history of violent behaviour.
- d) The Municipality shall be allowed to conduct searches and inspections of any municipal property without prior notice given.
- e) Surveillance of municipal property.
- f) Weapons of any kind are strictly prohibited while on municipal premises or while conducting municipal business.



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4. RISK ASSESSMENT AND CONTROL MEASURES

The Municipality shall, as needed and at least annually, assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. The Municipality will develop control measures based on this risk assessment and update the Workplace Violence Policy accordingly.

4.1 VIOLENCE RISKS

1. Employees who handle cash.
 - a) Cash presents the temptation for robbery which could result in physical harm to employees. To mitigate this risk, The Municipality will ensure that employees handling cash will not be stocked with large amounts of cash.
 - b) Where possible, cash will be stored in lock boxes behind physical and vision obscuring barriers.
 - c) Employees required to interact with customers will be trained in both customer service training and defusing hostile individuals training.
 - d) If a threat of violence based on a demand for cash is made to an employee who handles cash the employee will comply with the demand.
2. Employees who may interact with the public.
 - a) Municipal employees are highly visible to the public as representatives of the local government. This puts a high standard of professionalism on them as well as a high chance of interaction with individual citizens. Employees are not to make promises or commitments on behalf of the Municipality. If a member of the public has questions or concerns that the employee does not have the authority to respond to, the employee is to direct the member of the public to their supervisor or the appropriate Municipal representative.



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- b) All employees of the Municipality will be trained in defusing hostile individuals.
 - c) Where possible Municipal employees will not work alone, but when they do, they will have a means of contact with another employee or their supervisor as laid out in the Working Alone Policy (Policy 3.16).
 - d) If management becomes aware of a customer or member of the public who is likely to expose an employee to physical injury they are mandated under the OHS Act to inform the worker of the hazard presented by that individual. If required management will take legal action to control that individual's access to our employees.
3. The Hazard from other employees.
- a) Violence between employees is a definite possibility in every workplace. The Municipality condemns all forms of violence in the work place. Any form of violent conduct by an employee of the Municipality will be met with immediate repercussions up to and including termination.
 - b) Any employee who feels threatened or intimidated by another employee is to immediately report it to his or her Supervisor. If this is not possible the employee is to report it to the department's Worker Representative. If this is not possible, the employee is to report it to the Human Resources Manager. Any report of threatening or intimidating behaviour will be immediately followed up by an investigation as laid out below.
 - c) Any Employee or Manager who is identified as aggressive or who has the potential to expose other employees to physical violence will receive appropriate corrective action. Corrective action could be defined as, but is not limited to, the following:
 - i. verbal or written reprimand;
 - ii. suspension;
 - iii. seeking professional assistance;
 - iv. termination;
 - v. or any combination of (i) through (iii)



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5. MEASURES AND PROCEDURES FOR SUMMONING IMMEDIATE ASSISTANCE

In all situations where you feel you are in immediate danger or that workplace violence is likely to occur, you are directed to contact the Police.

**911 – General Emergency Hotline
807-727-2418 – Local OPP Detachment. Press 1 for immediate Police assistance.**

When possible, employees will not work alone. When they do work alone they will follow the safety and check in procedures as listed in the Working Alone Policy (Policy 3.16).

6. PROCEDURE FOR REPORTING INCIDENTS OF WORKPLACE VIOLENCE TO THE EMPLOYER OR SUPERVISOR.

If you feel you are threatened by workplace violence or you were the victim of an incident of workplace violence you are required to report it to the Municipality. The violence or threat of violence may come from a co-worker, Supervisor, or outside individual.

Report it verbally or in writing to the following individuals:

- a) Your Supervisor. If this is not possible then report it to:
- b) Your Worker Representative. If this is not possible then report it to:
- c) The Human Resources Manager. If this is not possible then report it to:
- d) The Chief Administrative Officer.

After reporting the violent incident or threat of violence you will be required to fill out the Accident/Incident Form found in the Health and Safety Policy.

If the act of workplace violence is reported to you as a Supervisor, Worker Representative, Human Resources Manager or Chief Administrative Officer, you will ensure that the other reporting personnel are also informed of the incident and that the employee fills out the Accident/Incident Form. Strict confidentiality outside of this reporting group must be maintained. Individuals in the reporting group will not be informed immediately of the complaint if they are the accused aggressor. They will be informed through the investigation process.



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The Municipality will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. The investigators will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by The Municipality and will be proportional to the seriousness of the behaviour concerned.

The Human Resources Manager or a designate appointed by the CAO will be responsible for reporting cases of Workplace Violence to outside agencies as required. If a criminal investigation is warranted the Police shall be contacted. If the incident of violence results in any form of injury then the WSIB shall be contacted. If an employee is critically injured or killed then the Ministry of Labour (MOL) will be contacted.

7. INVESTIGATION PROCEDURE

Any report of workplace violence will immediately trigger an investigation of the reported violence. An investigation committee will be formed. The committee will be composed of:

- a) The Human Resources Manager (Committee Chair)
- b) Worker Representative
- c) The Supervisor

If any of the above individuals are the subject or involved in the complaint the CAO of the Municipality will appoint a replacement. If the CAO is the subject of or involved in the complaint then Clerk and Council will appoint a replacement. An independent third party may be required to conduct the investigation.

Once an incident is reported a investigation will begin as soon as possible. The investigation will be concluded within 30 days and the results, including any corrective action, will be reported to the complainant and the alleged aggressor in writing.

The Investigation will follow the attached checklist (Appendix A).



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8. POLICY MAINTENANCE AND IMPLEMENTATION

The Municipality, as the employer, will ensure this policy and the supporting program are implemented and maintained. All employees and supervisors will receive appropriate information and instruction on the contents of the policy and program.

Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by employees and that employees have the information they need to protect themselves.

Every employee must work in compliance with this policy and the supporting program. All employees are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats.

Management pledges to investigate and deal with all incidents and complaints of workplace violence in a fair and timely manner, respecting the privacy of all concerned as much as possible.

The policy will be posted in a conspicuous location in all Municipal Worksites.

This Policy will be reviewed at least annually by Council, Chief Administrative Officer, and at least one Worker Representative.


Signatures

Mayor: 

Date: Aug 22, 17

CAO: 

Date: Aug. 22, 2017

Worker Representative: 

Date: Aug 23, 2017

APPENDIX A – WORKPLACE VIOLENCE INVESTIGATION CHECKLIST

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Obtain a Description of the Incident / Claim:

- Use active listening. Ensure the employee provides full disclosure of the event/ incident(s), and engage them in conversation. Avoid comments that deflect the seriousness of the charge.
- Acknowledge the difficulty associated with coming forward, and thank them for their candor.
- Maintain a professional attitude.
- Gather all pertinent facts and avoid making any judgment.
- Contact your attorney if you think the matter could possibly lead to a claim.
- Obtain a written statement from the claimant.
- Ask who, what, when, where, why and how.
- Determine the threat of retaliation, either real or perceived.
- Ask the employee how they would like to see the problem resolved.

Conduct an Investigation Into the Incident / Claim:

- Investigate immediately. Delaying or extending an investigation can cause witness testimony to become increasingly unreliable.
- Tread carefully: The manner in which the investigation is conducted may constitute grounds for a hostile environment claim.
- Diligent documentation of each step is required.
- Treat all claims seriously.
- Maintain confidentiality. Emphasize to those involved that your discussions are not to be shared with any unconcerned parties. Warn of possible disciplinary action associated with the spread of rumors, slander or hearsay if necessary.
- Limit the number of persons who have access to the information. Communicate strictly on a "need to know" basis.
- The purpose of the investigation is to gather facts, not disseminate allegations. Avoid any leading questions that might compromise the investigation and focus more on generalities.
- In the event that more than one allegation has been made, handle each one separately.
- To avoid defamation liability, never broadcast the facts of a given situation or the results as an example to others or as a training tool.

Interviewing the Complainant:

- Obtain specific details. Determine complainant wants and needs.
- Determine the existence of a pattern of previous episodes or similar behavior toward another employee, or if it was an isolated incident.
- Identify any contextual information wherein the conduct occurred. Where? What time?

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- Determine the long and short-term effects of the conduct on the complainant. These may include economic, non-economic and/or psychological.
- Determine the relationship of time between the occurrence of the incident, its effect on the complainant, and the time when the complainant filed the report.
- Prepare a detailed time-line of events.
- Analyze the possibility that certain events may have triggered the complaint, i.e., promotion, pay or transfer denial.
- Determine whether or not there are any possible motives on the part of the complainant for filing the complaint.
- Explain the seriousness of a harassment or discrimination charge, and that you will conduct a thorough investigation before reaching any conclusion.
- Assure the complainant that he or she will not be retaliated against for making the complaint.
- Avoid making any statements about the accused employee's character, job performance, or family life.

Interview the Accused:

- Obtain a written and oral statement from the accused.
- Identify any existing relationship between the accused and the complainant.
- If the accused individual was a supervisor, indicate their job title, obtain a copy of their job description, and determine their specific duties at the time of the alleged harassment or discrimination.
- Determine whether the accused directed, or had responsibility for the work of other employees or the complainant, had authority to recommend employment decisions affecting others or was responsible for the maintenance or administration of the records of others.
- The accused individual will likely deny the charges. Carefully observe the reaction, noting any elements of surprise, anger, or disbelief. Describe the details of the allegation and note the areas of disagreement between the testimonies supplied by both parties. If the accused denies the allegations, determine with the background, rationale, and motivation that could possibly have triggered the complaint.

Interviewing Witnesses:

- Obtain statements from any witnesses that either support or deny any of the allegations made.
- Assure all witnesses that their cooperation is important, that their testimony is confidential and that they will not be retaliated against for testifying.

APPENDIX A – WORKPLACE VIOLENCE INVESTIGATION CHECKLIST

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Resolve the Complaint:

- Apologize for the incident occurring (if appropriate).
- If the complainant requires a transfer, obtain their consent and ensure that the transfer position is similar to their prior position, without any new negative aspects, e.g. less desirable location or hours of work. This will help to ensure that the complainant is not being illegally punished for reporting discrimination or harassment.
- The severity, frequency and pervasiveness of the conduct should be taken into consideration when imposing corrective action or discipline on the accused. There are several disciplinary options available, including:
 - oral and written warning
 - reprimand
 - suspension
 - probation
 - transfer
 - demotion
 - Termination of employment
- When imposing discipline on the accused, any forms of discipline short of discharge should be accompanied by a warning that any reoccurrence of misconduct may result in immediate discharge. If no discipline is imposed, document the rationale.
- Re-communicate your policy on harassment and discrimination, and provide counseling and training on harassment and discrimination, if appropriate.
- Carefully and fully document the investigation, the discipline imposed, and any remedial or preventative steps taken.
- Conduct follow-up interviews with the parties to inform them of the actions taken.
- Review and update your harassment and discrimination policies, if appropriate.