



Workplace Violence Policy

POL.COR.23.XX

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Policy Statement

The Town of The Blue Mountains (the Town) is committed to providing a safe and secure work environment for all Workers, Members of Council, volunteers (including members of Advisory Committees, Boards, and Special Committees), students on placements, and individuals contracted by the Town on a “purchase for service” agreement. Acts of abuse, assaults, serious threats, or acts of violence, will not be tolerated within the Town’s Workplace. Any such act committed by or against any Worker will be subject to the Town’s Discipline Policy and/or legal action.

The Town has established a Workplace Violence program that implements this policy. It includes measures and procedures to protect Workers from Workplace violence. The program further implements a means of summoning immediate assistance and a process for Workers to report incidents or raise concerns.

The Town will ensure this policy and the supporting program are implemented and maintained and that all Workers and Supervisors have the appropriate information and instructions to protect them from violence in the Workplace.

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

Every Worker must work in compliance with this policy and the supporting program. All Workers are encouraged to raise any concerns about Workplace Violence and to report any 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.

(See Appendix A for the policy format for posting)

Purpose

The Town of The Blue Mountains (the Town) is committed to providing and maintaining a work environment that is based on respect for the dignity and rights of everyone in the organization.

It is the Town's goal to provide a healthy and safe work environment that is free of any form of violence.

The purpose of the Workplace Violence Policy and Program is to set expectations of appropriate behaviour, prevent Workplace violence, and outline the steps required to report and resolve incidents of Workplace violence. This is a companion policy to the Respectful Workplace Policy and Program, which addresses Workplace disrespectful behaviour, harassment, and discrimination.

Application

This policy applies to all Town Workers including students on placement, individuals contracted by the Town on a "purchase for service" agreement, Volunteers, and Members of the Public.

The only exceptions are for Members of Council, Local Boards, and Advisory Committees who are subject to the Code of Conduct for Members of Council, Local Boards, and Advisory Committees including the Discreditable Conduct and Workplace Harassment and Discrimination provisions found in the Code of Conduct.

Definitions

Act: is the Occupational Health and Safety Act, R.S.O. 1990, as amended.

Advisor: is a Town-appointed advocate for a respectful Workplace. An Advisor assists Workers in understanding their rights and obligations under the Town's Respectful Workplace Program.

Complainant: any person who submits a complaint under this program. "Respondent" is any person who is a Worker (including any Worker whether covered by a collective agreement or employed under an individual contract of employment), any person who is a volunteer, and any other person who is alleged to have engaged in Workplace violence, bullying or harassment as defined in this program.

Supervisor: is the person to whom a Worker directly reports concerning matters related to their employment. Examples include Supervisor, Manager, Director, CAO, CEO, Board, and Council.

Third Party: a person who is not a Worker or a Supervisor. This includes individuals contracted by the Town on a “purchase for service” agreement, members of the public, customers, and members of the general public.

Workplace Violence and Domestic Violence: may occur in the Workplace and are health and safety issues that are covered under the Act.

Workplace Violence is defined under the Act as:

- 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

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 e-mails
- Wielding a weapon at work
- Stalking someone
- 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.

Domestic Violence

If a Worker is experiencing Domestic Violence that would likely expose them or other Workers, to physical injury that may occur in the Workplace, the Town will take every precaution reasonable to protect that Worker 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 e-mail addresses
- Setting up priority parking or providing escorts to the Worker's vehicle or public transportation
- Adjusting working hours and location so that they are not predictable
- Facilitating access to counselling through the Worker Assistance Program or other community programs

The Town appreciates the sensitivity of these issues and will do its best to assist a Worker as discreetly as possible while maintaining their privacy.

Worker: has the definition ascribed under the Act, and also includes any person recognized by the Town as a volunteer.

Workplace: means any land, premises, location, or thing at, upon, in, or near which a Worker works. For clarity, this includes all locations where Employees conduct Town business or social activities and where their behaviour may have a subsequent impact on work relationships, work environment, and/or performance. This includes when employees are working remotely, including from home. Incidents that occur by way of electronic communication (e.g. unwelcome phone calls, voice mail, texting, group chat messages, on e-mail or other social media, and the display of offensive materials on computers, smartphones, or other computing devices) will be considered to have occurred in the Workplace if directed to or from Employees and where such conduct may reasonably be expected to have an impact on work relationships, the work environment and/or performance.

Procedures

A. Preventing Violence

It is a mutual responsibility of all Workers to ensure that the Town creates and maintains a violence-free Workplace, and addresses violence and/or the threat of violence from all possible sources (including customers, individuals contracted by the Town on a "purchase for service"

agreement, Supervisors, Workers, members of the general public and domestic/intimate partners).

1. The Town's Commitment

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

2. Duties of Supervisors

Supervisors are expected to assist in creating a violence-free Workplace and to immediately contact an Advisor if they receive a complaint of violence, or witness or are aware of violent behaviour. Specific expectations of Supervisors include:

- Actively promote a Respectful Workplace
- Approach Workers if something is suspected. Symptoms of violence, harassment, or discrimination may include reduced productivity, changes in behaviour, rumours, increased sick leave, increased resignations, or sudden changes in performance
- Keep a record. Supervisors should keep a personal record of all discussions with the alleged victim and alleged harasser
- Seek advice and assistance from an Advisor about the Town's procedures for handling violence complaints

Supervisors must also take every reasonable precaution to protect Workers from Workplace violence, including evaluating a Worker's history of violent behaviour to determine whether and to whom this Worker poses a risk. In making this evaluation, Supervisors should consider:

- Whether the person's history of violence was associated with the Workplace or work
- Whether the history of violence was directed at a particular Worker or Workers in general
- How long ago the incidence of violence occurred

In certain circumstances, Supervisors may have a duty to provide information about the risk of Workplace Violence from a person with a history of violent behaviour if a Worker can be expected to encounter that person during the course of their work and the risk of Workplace Violence is likely to expose the Worker to physical injury. Supervisors will

only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the Worker from physical injury.

3. Duties of All Workers

All Workers are required to promote and contribute to a Respectful Workplace.

Each Worker must ensure that their behaviour does not violate this policy and must foster a work environment that is based on respect and is free from violence

All Workers are also required to report to their Supervisor or an Advisor the existence of any Workplace Violence or threat of Workplace violence.

Workers must set a positive example for one another and for individuals contracted by the Town on a “purchase for service” agreement, volunteers, members of the public, and others who may be present in the Workplace. This means not participating in violence but also includes not ignoring or turning a blind eye to it. If you are aware of violence, contact your Supervisor or an Advisor.

4. Duties of Advisors

To assist in understanding one’s rights and obligations under this policy, the Town has appointed certain individuals to act as Advisors.

The role of an Advisor is to:

- Act as a resource and answer inquiries with respect to this policy
- Discuss complaints on a confidential basis, unless the Advisors are required to release information by law, or where there is a risk of harm to a Worker or another individual, or the Advisor believes a criminal act has been committed
- Assist individuals who may be experiencing Domestic Violence that may expose them to a risk of physical injury in the Workplace
- Assist in the informal resolution of complaints through counselling
- Refer staff and their loved ones to external counselling such as the Employee Assistance Plan.

Advisors are advocates for a respectful Workplace - they are not advocates for a particular individual. Advisors maintain confidentiality to the extent practicable and appropriate under the circumstances.

In the case there is a complaint against the CAO, the Mayor and/or Deputy Mayor will act as the Advisor.

The Town's Advisors are:

- Chief Administrative Officer
- Manager of Human Resources
- HR/Health and Safety Advisor
- Mayor and/or Deputy Mayor (if deemed necessary/requested and/or if a complaint is made against the CAO)

B. Procedure for Resolving and Investigating Workplace Violence

A Worker has the right to refuse work if Workplace Violence is likely to endanger them. In that instance, the Worker must immediately contact their Supervisor, at which point appropriate measures will be taken to protect them and investigate the situation. The Worker will be moved to a safe place as near as reasonably possible to their normal workstation and will need to be available for the purposes of investigating the incident. In some circumstances, the Worker may be provided with reasonable alternative work during normal working hours.

In appropriate circumstances, Advisors (or Workers) 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, cellphones, etc.
- Emergency telephone numbers and/or e-mail addresses
- Emergency procedures

Provided the situation is dealt with quickly and the danger to Workers is removed, the necessity of a Worker refusing to work may be alleviated. Regardless of the actions taken to deal with the threat of violence, it is a Worker's right to refuse work if the Worker genuinely believes the work to be unsafe.

Complainant	Submit Formal Complaint To:	Advisor will Report the Formal Complaint To:
Council or Board Member	<p>CAO or Manager of HR/Integrity Commissioner via Town Clerk</p> <p>Exclusions: If the formal complaint is due to treatment from anyone other than a fellow Council member it should be submitted to the CAO or Manager of HR. All complaints related to a fellow Council member are dealt with through the Code of Conduct for Members of Council</p>	<p>Mayor/CAO/Manager of HR</p> <p>All Complaints with a Council Member/Board Member as a respondent are to be directed to the Integrity Commissioner via the Town Clerk</p>
Employee	<p>CAO/Manager of HR or HR/Health and Safety Advisor</p> <p>Exclusions: If the complaint is regarding the CAO it should be submitted to the Mayor or designate. If the complaint is regarding the Manager of HR it should be submitted to the CAO</p> <p>All complaints related to a council member are dealt with through the Code of Conduct for Members of Council</p>	CAO/Manager of HR/Director of Department
Volunteer	<p>CAO/Manager of HR or HR/Health and Safety Advisor</p> <p>All complaints related to a Council member are dealt with through the Code of Conduct for Members of Council</p>	CAO/Manager of HR/Director of Department

Complainant	Submit Formal Complaint To:	Advisor will Report the Formal Complaint To:
Students	CAO/Manager of HR or HR/Health and Safety Advisor All complaints related to a Council member are dealt with through the Code of Conduct for Members of Council	CAO/Manager of HR/Director of Department

1. Investigation Procedure for Workplace Violence

As required by the Act a Worker is required to report the existence of any Workplace Violence or threat of Workplace Violence to their Supervisor or an Advisor. One or more Advisors will commence an investigation process as quickly as possible. The Advisors will utilize an external investigator for each formal investigation.

The investigation will include:

- Interviewing the Complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- Interviewing witnesses, if any
- Reviewing any related documentation, the investigator shall have access to all relevant documents requested in the course of the investigation
- Making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator will prepare and submit a detailed report of the findings to the Manager of Human Resources and/or the CAO or the Mayor/Deputy Mayor as applicable.

It is the Town's goal to complete any investigation and communicate the results to the Complainant and respondent within 90 days after the receipt of a complaint, where possible. In some cases, an investigation may take longer. For example, if there are more than five witnesses or one of the parties or a key witness is unavailable (such as on a leave of absence).

2. Corrective Action

The Manager of Human Resources and the CAO in consultation with Council will determine what action should be taken as a result of the investigation, with the exception of complaints that involve the CAO as a respondent. In this case, Council as a whole will determine the sanctions.

An Advisor will inform the Complainant and respondent of the results of the investigation in writing and whether (but not necessarily what) corrective measures were taken, if any were necessary.

If a finding of Workplace Violence is made, the Town will take appropriate corrective measures, regardless of the respondent's seniority or position in the Town.

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
- A demotion or denial of a promotion
- Reassignment or transfer
- Financial penalties, such as the denial of a bonus or performance-related salary increase
- Any other disciplinary action deemed appropriate under the circumstances

If a Worker makes a complaint in good faith and without malice, regardless of the outcome of the investigation, they will not be subject to any form of discipline. The Town will, however, discipline or terminate anyone who brings a deliberately false and malicious complaint.

3. Procedure for Addressing Domestic Violence

If a Worker is experiencing Domestic Violence that could expose them to physical injury in the Workplace, or if they are experiencing Workplace Violence or believe that Workplace Violence is likely to occur, they may seek immediate assistance by contacting any Advisor. An Advisor will assist in preventing and responding to the situation.

C. Confidentiality of Complaints and Investigations

The Town recognizes its duty to protect confidentiality as legislated in the Act. The Town also recognizes the sensitive nature of violence complaints and will keep all complaints confidential, to the extent that it is able to do so. The Town 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 afterward.

D. Protection from Retaliation

The Town will not tolerate reprisals, retaliations, taunts, or threats against anyone who complains about Workplace Violence or takes part in an investigation. Any person who taunts retaliates against or threatens any Worker in relation to a violence complaint may be disciplined or terminated, including but not limited to the respondent of the complaint. Breaches of confidentiality during the investigation are considered reprisals.

Any reprisal, or expressed or implied threat of reprisal, for making and pursuing a complaint under this Program is itself considered a breach of this policy.

Consequences of Non-Compliance

Failure to abide by this policy may result in progressive discipline, up to and including termination, as per the Town of The Blue Mountains discipline policy, termination of purchase agreements, and/or any means which the Town feels are appropriate to prevent further harassing, bullying and violent behaviour from Third Party members of the Workplace.

References and Related Policies

- Occupational Health and Safety Act, R.S.O. 1990, c. O.1
- Toolbox
- Lauren Bernardi "Powerful Employment Policies" (published by Canada Law Book)
- POL.HS.06.01 Individual Responsibilities
- POL.HS.06.07 Refusal to Work
- POL.COR.13.24 Progressive Discipline
- POL.COR.18.04 Protocol Policy for Complaints Related to Members of Council and Local Boards
- POL.COR.19.02 Council Staff Relationship Protocol
- POL.COR.21.06 Code of Conduct for Members of Council, Local Boards and Advisory Committees
- POL.COR.22.07 Respectful Public Interactions
- POL.COR.22.08 Frivolous, Vexatious or Unreasonable Complaints

- POL.COR.23.XX Respectful Workplace
- Appendix A Respectful Workplace – Violence and Harassment Program Posted Policy

Review Cycle

This policy will be reviewed annually or as required due to legislative changes by the Joint Health and Safety Committee and the Senior Management Team for the approval of Council.

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