



Policy

POL.COR.24.03 Workplace Violence Policy

Policy Type:	Corporate Policy (Approved by Council)
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Department:	Administration
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By-Law No.:	Not Applicable

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, 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 investigated as appropriate. Offenders will be subject to discipline up to and including termination of employment 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 take action to resolve and prevent any incident or complaint of Workplace Violence in a fair and timely manner, respecting the privacy of all concerned to the extent 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 to the 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 against whom a complaint is made under 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 domestic/intimate partners.

Workplace Violence and Domestic Violence: may occur in the Workplace and are health and safety issues which 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.

Workplace Violence is defined broadly enough to include acts that may be considered criminal. Examples of Workplace violence may include:

- 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 confidentiality to the extent possible.

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, Supervisors, Workers and Third Parties.

1. The Town's Commitment

The Town will not tolerate or condone violence in the Workplace. This includes ensuring everyone in the organization is aware of what behaviour is and is not appropriate, assessing the risk of Workplace violence, investigating complaints as appropriate and imposing corrective action where necessary.

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 are witness to or become aware of violent behaviour. Specific expectations of Supervisors include:

- Actively promote a Respectful Workplace.
- Protectively approach Workers if they demonstrate signs of having experienced Workplace Violence. 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 and confidential record of any discussion with the alleged victim and alleged harasser. Records that are made part of an investigation must be kept for one (1) year.
- 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 disclose as much identifying 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 violence-free.

Each Worker must conduct themselves in accordance with this policy and in doing so foster a work environment that is based on respect and is free from violence

All Workers are also required to immediately 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 Third Parties. This means not participating in violence and also includes reporting any incident of violence of which they become aware to their 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 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)

The role of an Advisor is to:

- act as a resource and answer inquiries with respect to this policy
- maintain confidentiality to the extent possible of any incident or complaint pertaining to this policy, unless the Advisors are required to release information by law, or where necessary to protect a Worker or another individual, or if 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, where practical
- 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.

If a complaint is made against the CAO, the Mayor and/or Deputy Mayor will act as the Advisor.

B. Procedure for Reporting 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 (in accordance with the table below), at which point appropriate measures will be taken to protect the Worker 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. Measures and procedures for a Worker to summon immediate assistance will be provided and include:

- equipment to summon assistance, such as 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:	An advisor will report the formal complaint to:
Employee	CAO/Manager of HR or HR/Health and Safety Advisor 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. 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 Dept.
Volunteer	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 Dept.

Complainant	Submit Formal Complaint to:	An 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 Dept.

Note: If the Respondent to a complaint is the employer (i.e. CAO/Manager of HR or HR/Health and Safety Advisor), the Complainant may utilize the Town’s Employee Whistleblower reporting system following policy POL.COR.25.XX Whistleblower.

1. Investigation Procedure for Workplace Violence

Workers are required to promptly 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 within three (3) business days of receiving a complaint. The investigation will be conducted by a member of Human Resources or an Advisor, or, at the Town’s discretion, an external investigator, depending on the nature of the incident.

The investigation will include, but not limited to:

- interviewing the Complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- interviewing witnesses identified by the Complainant and Respondent, if any, or as necessary to conduct a thorough investigation
- reminding the Complainant, Respondent and any witnesses of the confidentiality requirements under this policy
- collecting and reviewing any related documentation from the Complainant, Respondent or a witness
- participants in the investigation are required to cooperate, including by providing the investigator with any relevant documents requested in the course of the investigation
- taking statements during interviews and making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator will prepare a written report summarizing the steps taken during the investigation, the complaint and allegations, the response to the allegations and the evidence of any witnesses. The report must also set out findings of fact and conclude whether workplace violence was found or not. The report

must be submitted to the Manager of Human Resources and/or the CAO or the Mayor/Deputy Mayor, as applicable.

The Town will endeavour 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 corrective action (if any) will be taken based on the investigation report, with the exception of complaints that involve the CAO as a respondent. In this case, Council as a whole will determine the appropriate corrective action, if any.

An Advisor will inform the Complainant and Respondent of the results of the investigation (i.e., a summary of the findings) in writing and of any corrective action that has been or will be taken, if any. The amount of information provided about the corrective action will depend on the circumstances but at a minimum will indicate what steps the Town has taken or will take to prevent a similar incident of Workplace Violence if Workplace Violence was found.

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

Corrective action may include but is not limited to the following:

- discipline, such as a verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counselling, diversity and inclusion training, cultural competence training, anger management training, etc., Supervisory skills training or attendance at educational programs on Respectful Workplaces
- 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, they will not be subject to any form of discipline regardless of the investigation's findings. The Town will, however, discipline up to and including termination of employment, any Worker who is found to have filed a deliberately false or 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.

4. Procedure for Addressing Violence by Third Parties

If a Worker believes they have experienced violence by a Third Party, the Worker must report the incident to their Supervisor or an Advisor.

Although the Town has limited control over Third Parties, it will take all reasonable steps to address the issue and prevent further incidents from occurring.

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. Information obtained about an incident or complaint, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate and respond to the complaint or situation, and to take corrective action or otherwise as required 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.

D. Risk Assessments

The Town will ensure risk assessments are conducted as often as necessary and that such risk assessments are utilized to develop and implement a violence prevention action plan that is appropriate for both physical and verbal violence risks contemplated by this Policy. The assessment shall take into account,

- Circumstances that would be common to similar Workplaces;
- Circumstances specific to the Workplace; and
- Any other prescribed elements.

An employer shall advise the JHSC of the results of the assessment, provide a copy of the assessment in writing; and reassess the risks of workplace violence to continue to protect workers.

Education and training will be provided to workers with respect to the risks identified and the prevention initiatives to be implemented.

E. Protection from Retaliation

The Town will not tolerate reprisal or retaliation in any form, including taunts or threats, against anyone who has made a good faith complaint about Workplace Violence or takes part in an investigation into a complaint. Any person who engages in retaliation, reprisal or threat of reprisal against any Worker in relation to a violence complaint may be disciplined up to and including termination of employment. Breaches of confidentiality during the investigation may be considered a reprisal.

Any reprisal, or expressed or implied threat of reprisal, for making or pursuing a complaint under this Program or providing information regarding the same is a breach of this policy.

F. Policy Awareness, Education and Training

The Workplace Violence Policy and Respectful Workplace Policy will be made available to all employees by providing it as part of employee onboarding and orientation and by making it available and accessible on the Town's intranet. Employees will participate in training from time to time as necessary.

All employees shall receive training with respect to harassment and violence prevention as soon as practicable after the employee begins to perform work for or provide services to the

Town and as frequently thereafter as the Town determines is necessary. The Town will work with the employee to incorporate training into their schedule.

Such training will include training in the definition of harassment, respect, violence, duties, and responsibilities for prevention of workers and management, a review of the risks of violence inherent in the worker's Workplace, a review of violence prevention procedures, incident reporting procedures, correct response procedures and any Workplace emergency procedures.

Exclusions

This policy excludes 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.

References and Related Policies

- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1
- 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.24.02 Respectful Workplace
- POL.COR.25.02 Employee Code of Conduct
- Appendix A Respectful Workplace – Violence & Harassment Program Posted Policy
- **POL.COR.25.XX Whistleblower**

Consequences of Non-Compliance

Failure to abide by this policy may result in progressive discipline, up to and including termination of employment, as per the Town of The Blue Mountains discipline policy.

Failure to abide by this policy may also result in termination of purchase agreements and/or any other means which the Town determines is appropriate to prevent further harassment, bullying and violent behaviour from Third Party members of the Workplace.

Review Cycle

This policy will be reviewed as often as is necessary, but at least annually, or as required due to legislative changes, or as recommended by the Joint Health and Safety Committee and the Senior Management Team for the approval of Council.