



City Policy

Section: Human Resources

No: HR – RESP - 02

Reference: Respect in the Workplace (Part II)

Date: March 25, 2024

**Next Review Date:
2025**

TITLE: Workplace Violence Policy & Program

1.0 Policy Statement

- 1.1 The Corporation of the City of Dryden is committed to providing a workplace in which the respect for and safety of the employees is paramount. The risk or occurrence of violent acts involving employees requires particular attention, as violence undermines an employee's ability to work effectively and impacts quality of life. Threats or acts of violence against an employee are unacceptable and will, at no time, be tolerated. The City has zero tolerance for violence in the workplace.
- 1.2 All City employees have a responsibility to respect the safety of their co-workers and the public they serve. Managers and Supervisors have additional responsibilities; they are obligated to discourage violence in the workplace; to take reasonable steps to prevent it; and to take appropriate corrective action to deal with workplace violence if, and when, it occurs.
- 1.3 The City of Dryden will not discriminate or retaliate against employees because they are, or are perceived to be, victims of workplace violence.
- 1.4 Noncompliance with respect to this Program and policy will give rise to disciplinary action up to, and including, termination.
- 1.5 When administering this Program, the City of Dryden shall do so in a fair and unbiased manner.

2.0 Application

- 2.1 **Respect in the Workplace Program** applies to all employees of the City of Dryden, as well as to volunteers, co-op placement personnel, students, agents of the Corporation, consultants, contractors and Council in their dealings with

employees, volunteers, co-op placement personnel, students, agents, consultants, and contractors of the Corporation.

- 2.2 Members of the public, visitors to City facilities, or individuals conducting business with the Corporation, are expected to adhere to this Program, including refraining from committing acts of violence against employees, members of Council, or persons acting on behalf of the Corporation. If such violence occurs, the Corporation will take any, and all, steps available to ensure a violence-free workplace, including barring the individual who is the subject of a report from its facilities, where appropriate, or discontinuing business with that individual.

3.0 Objectives

- 3.1 **Respect in the Workplace Program** has been developed in order to institute measures of the City's commitment to:

- (a) Demonstrate and promote a workplace that ensures employee safety, security and a violence free environment;
- (b) Respect the health, safety and dignity of all employees;
- (c) Ensure employees are aware of and follow safe practices to prevent and respond to violent incidents;
- (d) Empower employees to make and act on decisions regarding risk of violence;
- (e) Establish written practices to identify and address risks for each local worksite using input from all worksite employees; from there create action plans to minimize risk factors with the intent to prevent or lower the probability of violence to the Corporation's employees in the workplace;
- (f) Inform workers about the identity and/or details of an individual with a violent history where workers can be expected to encounter that individual in the course of their work;
- (g) Respond swiftly and appropriately to the threat of violence or actual incidents of violence; aid in the prevention of violence in the workplace. This includes, but is not limited to, calling for immediate Police assistance;

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- (h) Develop a reporting procedure and provide an impartial and efficient investigation procedure;
 - (i) Ensure that all incidents are dealt with confidentially and objectively and that the rights and dignity of all parties are respected; and,
 - (j) Create training programs to support this program.
- 3.2 Nothing in this Program should be interpreted as denying or limiting access to other avenues of redress available under the law (e.g., a grievance or complaint under the applicable collective agreement, criminal complaint or a complaint with the Ministry of Labour or Ontario Human Rights Commission).

4.0 Definitions and Examples

4.1 Violence:

For the purposes of this policy, violence is defined as any conduct, threatened, actual or attempted, by any person, that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives an employee reasonable cause to believe that they are at risk of injury.

4.2 Workplace Violence:

Workplace violence includes, but is not limited to:

- (a) Threatening behaviour such as shaking fists, destroying property, or throwing objects;
- (b) Property damage - theft, destroying property, vandalism, sabotage of equipment, or arson;
- (c) Verbal or written threats - any expression of intent to inflict harm;
- (d) Bullying and intimidation;
- (e) Verbal abuse - swearing, insults, or threatening language;
- (f) Psychological trauma - includes stalking;

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(g) Physical attacks or assaults - hitting, shoving, pushing, or kicking;

(h) Sexual assaults; and,

(i) Murder.

4.3 **Domestic Violence:**

(a) For the purpose of this policy, domestic violence is any use of physical or sexual force, actual or threatened, in an intimate relationship including emotional/psychological abuse or harassing behaviour.

(b) Intimate relationships include those between intimate partners. These relationships vary in duration and legal formality and include current and former dating, common law, and married couples.

(c) For the purpose of this Program, the City will take every precaution reasonable to protect its workers if the employer is aware, or ought to be aware of domestic violence, that is likely to expose a worker to injury in the workplace.

5.0 Workplace Defined

5.1 The workplace includes all locations where business or social activities of the Corporation are conducted. This includes any physical locations on or off City property, as well as web-based locations such as social media platforms or webpages. Violence in the workplace may also include incidents that happen away from work (e.g., unwelcome phone calls or visits to a person's home) if it is connected to the victim's employment with the Corporation.

6.0 Right to Refuse

6.1 Employees have the right to refuse unsafe work where workplace violence is likely to endanger them (with exceptions being where the danger is considered a routine aspect of employment i.e. Police, Fire, Ambulance, etc.). While the work refusal is being investigated, the worker is to remain in a safe place that is as near as possible to their workstation, making them available for the purpose of an investigation.

6.2 Investigations in a 'right to refuse' situation must include a representative from the site based joint health and safety committee. See HR-HS-13, Refusal to Work and Bilateral Work Stoppage.

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7.0 Early Warning Signals

7.1 To ensure early identification and prevention of violence in the workplace, all employees are responsible for reporting to their immediate supervisors any and all incidents committed by a City employee, volunteers, co-op placement personnel, students, agents of the Corporation, consultants, and contractors, or a member of the public or Council, that constitutes a potential or actual threat of workplace violence towards a Corporation employee, especially if one or more of the following factors is known to be present or to have occurred (this list is not exhaustive):

- (a) Threatening statements to do harm to self or others;
- (b) References to other incidents of violence;
- (c) Intimidating behaviour, such as insubordination, open defiance, pestering, or confrontational behaviour;
- (d) History of violent, reckless or anti-social behaviour;
- (e) Recent marked decline in performance;
- (f) Major change in personality, mood, behaviour, or standards of personal grooming;
- (g) Obsessions with persons or things, particularly weapons;
- (h) Experiencing what appears to be serious stress in personal life;
- (i) Substance abuse.

8.0 At Risk Positions

8.1 The following positions of the corporation are considered 'at risk' of encountering workplace violence. They include but are not limited to:

- (a) Cash handling;

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- (b) Working alone;
- (c) Working nights, late at night, or early mornings;
- (d) Working with the public;
- (e) Delivery of passengers, goods or services; and,
- (f) Mobile workplace.

9.0 Responsibilities of Employees

9.1 Employees have a duty under the Occupational Health and Safety Act to report workplace violence promptly in order to protect themselves and their colleagues.

9.2 All employees shall:

- (a) Comply with this Program;
- (b) Report any early warning signs of a potentially threatening situation which arouse concern and any instances of threatening statements or threatening behaviour which was directed at them or at any other employee of the Corporation to their immediate supervisor;
- (c) Use appropriate stress-defusing behaviour, if the appropriate stress-defusing behaviours do not work, tactfully disengage from the situation;
- (d) Co-operate fully in any fact gathering interviews which are designed to assess the risk of violence in the workplace;
- (e) Ensure that any investigation remains confidential. Employees must not disclose any information relating to a report, its investigation and/or resolution to anyone who is not aware of the matter.
- (f) Call 911 if they feel they are in a situation that has the potential to or is actually violent.

9.3 Failure to comply with this Program will result in disciplinary action up to, and including, termination.

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10.0 Responsibilities of all Supervisory Personnel

10.1 Supervisory personnel shall include all Supervisors and Managers. They are responsible for and shall:

- (a) Take all reasonable measures to prevent violence in the workplace from happening and to provide a workplace that is free from violence. This includes advising employees of any actual or potential occupational health and safety dangers of which the supervisor is aware of
- (b) Ensure that all employees are aware of the contents of this zero-tolerance for violence policy and their role in helping to prevent workplace violence;
- (c) Conduct a Violence Risk Assessment for their workplace. The results are to be shared with the Joint Health and Safety Committee or the health and safety representative, as well as the workers in that department;
- (d) Support this Program and not ignore workplace violence, let their staff know that they take the issue of workplace violence seriously;
- (e) Promote enrolment in training courses in these areas that are available to employees (e.g., communication, problem solving, building effective working relationships, mediation, conflict resolution, stress management, approaches to managing violent and abusive behaviour);
- (f) Ensure that their own skills in these areas are current with the support of the Human Resources Department;
- (g) Be aware of, and use appropriate stress-defusing techniques;
- (h) Take immediate action when necessary, including, but not limited to: calling 911 to request Police Services, Dryden Fire & Emergency Service, and/or Ambulance Services, and summoning employees certified in First-Aid as needed;
- (i) Immediately report to their Supervisor, and the Manager of Human Resources, any direct or veiled threats of violence made to any employee, and any action taken;

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- (j) Ensure that the proper procedures are followed when a report of an incident of workplace violence is received, that the report is investigated promptly and fairly, that confidentiality is protected to the fullest extent possible, that the rights, dignity, and privacy of all parties are respected, and shall keep a confidential record of all discussions. Managers/ Supervisors must consult with the Manager of Human Resources; and,
- (k) Provide employees with information, such as personal information, of known persons with a history of violent behaviour.

11.0 Responsibilities of Human Resources Department

11.1 The Manager of Human Resources shall:

- (a) Provide overall co-ordination of the 'Respect in the Workplace Program';
- (b) Ensure that managers and supervisors conduct risk assessments which will include input from their employees and the site based joint health and safety representatives;
- (c) Collect all data from risk assessments in order to coordinate efforts for organizational wide policies and department specific policies in consultation with site-based groups and the audit committee and assist in creating action plans as needed;
- (d) Work with managers, supervisors and site based joint health and safety committees on how to minimize the risk of violence associated with performance appraisals, disciplinary measures, and terminations;
- (e) Monitor and report to the CAO on the effectiveness of the Program, review the Program at least annually or sooner if needed, or when violent acts occur;
- (f) Coordinate an immediate investigation, in cooperation with Police Services, when any incident or potential incident of violence is reported, in order to assess the risk or continued risk to employees, Investigations may include interviews with the employee, managers, and other employees, a review of previous incidents if available and consultations with the Site Based Joint Health and Safety Committees representatives; and,
- (g) Ensure that the proper procedures are/were followed when a report of an incident

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of workplace violence is received, that the report is investigated promptly and fairly, that confidentiality is protected to the fullest extent possible, that the rights, dignity and privacy of all parties are respected, and shall keep a confidential record of all discussions.

- 11.2 The staff in the Human Resources Department shall act as resource person, and shall provide guidance, and assistance in the administration of this Program.
- 11.3 Submit a written report of any workplace violence with injury to the Ministry of Labour within four (4) days of being informed. See Human Resources Standard Operating Procedure, Reporting Critical Incidents.

12.0 Reporting Process

12.1 Obligation to Report

- (a) All employees must report a situation that they believe is workplace violence under this Program. A report may be made by the actual victim of alleged workplace violence, by a coworker who witnessed the incident(s), or by a third-party reporting on behalf of the victim(s).
- (b) Employees who, with good intentions, provide information about behaviour or actions which they perceive as threatening or potentially violent, will not be subject to disciplinary or other form of reprisal if their perceptions are not substantiated. However, if it is learned that an employee intentionally made a false report or provided false information regarding the report, disciplinary action up to, and including, termination may be taken against that employee.
- (c) A report should be made as soon as possible after the relevant action or behaviour occurred and directed to the employee's immediate supervisor. Reports can be submitted using the online incident report form.
- (d) Although an employee may choose to make a verbal report, it is in the best interest of all concerned to provide a written report, which should contain as much information as possible, including the name(s) of the person(s) involved, the location the incident(s) happened, date and time of incident(s) and the name(s) of any possible witnesses. The report should be signed and dated.

- (e) If the report is submitted to the Manager, it shall be referred to in consultation to the Human Resources Department immediately. The Manager of Human Resources may choose to investigate the complaint, depending on the nature of the allegations, the Corporation may choose to use an external investigator to conduct the investigation. The Corporation will determine whether an external investigator is required.
- (f) The Human Resources Department will inform the CAO of the fact that a report has been made and that an investigation will be conducted.
- (g) All information about an incident or concern will be kept confidential unless disclosure is necessary for investigating, taking corrective actions or is otherwise required by law.
 - a. Any violent acts, threats, or behaviours such as stalking, directed towards any person or child, must be reported to the police. This includes any threat of self-harm.

13.0 Investigations

- 13.1 To the extent possible, the investigator shall ensure that the incident is investigated promptly and fairly, in a discreet and confidential manner.
- 13.2 As soon as is reasonably practicable, the person(s) assigned shall initiate the investigation by meeting with the individual who made the report.
- 13.3 The individual has the right to be accompanied by another employee of their choice in any meeting with the investigator(s). The investigator(s) shall confirm receipt of the report, clarify details, and apprise the individual of the steps that will be taken.
- 13.4 After speaking with the applicable Manager or designate, the investigator(s) have the authority, subject to applicable laws, to talk with anyone, examine any documents, and enter any work locations that are relevant to the reported incident. If the Police Services request that the Corporation not investigate the situation until after the police investigation has been completed, the investigator will speak to the Manager or Human Resources.
- 13.5 An employee who is the subject of a report and who refuses to discuss potentially violent behaviour or cooperate in interventions to assess or defuse the risk of workplace violence may, if information is uncovered through fact-finding to establish a reasonable possibility of risk, be disciplined in accordance with the City's Discipline Policy HR – DI - 01.

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- 13.6 Interventions that may form part of a risk assessment or plan of action for an employee who is the subject of a report or investigation may include referral to the employee's physician, use of short-term disability sick leave, an or temporary leave of absence, referral to counselling, and other services through the Employee and Family Assistance Program, fitness-for-duty evaluation, and other appropriate interventions. Extreme situations may warrant obtaining appropriate court orders, and/or police involvement.
- 13.7 Depending upon the circumstances, the investigator(s) may determine that it is appropriate to physically and/or operationally separate the employee who made, and the employee who is the subject of the report until the investigation has been completed. In extreme situations, an employee may be suspended (with or without) pay pending an investigation.

14.0 Findings and Recommendations

- 14.1 Once the investigation is complete, the investigator(s) will submit a confidential written document to the CAO. The investigator(s) will endeavour to submit this document within ten (10) calendar days from the receipt of the initial report. The document will summarize the investigator's findings and conclusions and will recommend corrective action if appropriate.
- 14.2 A conclusion about whether a specific incident of workplace violence did or did not occur should be based upon the investigation.
- 14.3 If the findings do not support the initial report, the investigator(s) will recommend that no further action is necessary.
- 14.4 The Human Resources Department will inform the CAO, as well as the applicable Manager(s) of the content of the report and the investigator's findings, conclusions, and recommendations. In cases likely to result in suspension or termination from employment and/or where the respondent has been the subject of several reports, the CAO may approve, change or reject any of the investigator(s) recommendations.

15.0 Discipline

- 15.1 In responding to the threat or incident of violence, actions that warrant consideration may include changes to the physical workspace, changes to work

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schedules and/or patterns, changes to procedures to offer better support and protection, withdrawal of services, police intervention and the use of appropriate court orders.

- 15.2 Employees who are found to be at risk of engaging in violent conduct, or who have engaged in violent conduct, may be subject to discipline up to, and including, termination.
- 15.3 The appropriate disciplinary action imposed shall follow the City's Discipline Policy.

16.0 Confidentiality

- 16.1 All investigations, interviews, and deliberations shall be conducted in strict confidence to the extent possible. The documents will be stored in the Human Resources Department. Except as otherwise outlined in the Program, information about a report of violence, its investigation and/or its resolution shall be released only on a need-to-know basis, as determined by the Human Resources Department.
- 16.2 To the extent possible, investigation reports shall be presented in summary format.
- 16.3 The Corporation cannot guarantee confidentiality if the individuals who made, or those that are the subject of, a report choose to initiate proceedings or make comments outside the Corporation's internal procedures. Information collected and retained is subject to the Municipal Freedom of Information and Protection of Privacy Act.

17.0 Employee Representation

- 17.1 If they are members of a bargaining unit, the individuals who made, and those that are the subject of, a report are entitled to union representation throughout the investigation process if they so choose.
- 17.2 If Complainant or Respondent is a non-union employee, they may also have a representative accompany them throughout the process. They shall be advised of such entitlement.

- 17.3 The representative must ensure that the matter remains confidential, and not disclose any information relating to a report, its investigation and/or resolution to anyone who is not aware of the matter.

18.0 Trauma Support

- 18.1 Staff who have witnessed or experienced a traumatic event may need special support. These needs will be acknowledged and accommodated by the Corporation. The Corporation will encourage these employees to use the community agencies and/or the Employee and Family Assistance Program as appropriate.
- 18.2 The Human Resources Department will advise affected staff of their support options and will coordinate any special assistance that may be required.

19.0 APPEALS PROCEDURE

- 19.1 A union member who has been disciplined under this Program may appeal the discipline under the grievance procedure of the applicable collective agreement.
- 19.2 A non-union employee may appeal their discipline to the CAO. The non-union employee must submit their appeal in writing to the CAO within ten (10) working days from receipt of the written decision. The CAO shall determine if the appeal has merit and render that decision in writing within twenty (20) working days. The decision of the CAO is final.

20.0 Employee Education and Training

- 20.1 All new employees shall be made aware of this policy through the employee orientation process.
- 20.2 Managers shall ensure that a copy of the policy is readily accessible in the workplace and shall ensure that all employees under their direction are aware of and comply with the Program.
- 20.3 All employees must be aware of the policy and all supervisory personnel shall act

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- 20.4 The City of Dryden through the Human Resources Department will provide the appropriate, necessary, and on-going training in relation to this policy.
- 20.5 This policy will be reviewed annually or sooner as required, in consultation with the Joint Health and Safety Committees or health and safety representatives.

History			
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