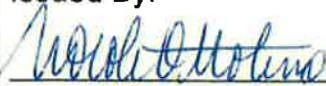





THE CORPORATION OF THE CITY OF ELLIOT LAKE
**WORKPLACE VIOLENCE AND
HARASSMENT POLICY**

Policy: 1.2	Effective Date: 2017.08.10	Re-evaluation Date: August 2018
Issued By:		
		<i>August 24, 2017</i>
Nicole Ottolino, Manager of Human Resources		Date
Approved By:		
		<i>24 August 2017</i>
Michael Humble, Interim CAO		Date

POLICY STATEMENT

The Corporation of the City of Elliot Lake (the “City”) is committed to the prevention of workplace violence and harassment and is ultimately responsible for worker health & safety. This Workplace Violence and Harassment Policy (the “Policy”) shows the City’s commitment to take all reasonable steps to protect our workers from workplace harassment and workplace violence from all sources and will provide a work environment in which all individuals are treated with respect and dignity.

KEY TERMS

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. This definition includes workplace sexual harassment.

Workplace sexual harassment means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

Workplace Violence is an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker and a statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker. Workplace violence includes domestic violence that could enter our workplace and then cause physical injury to a person in the workplace.

Workplace harassment and workplace violence is unacceptable and will not be tolerated from any person in the workplace including workers, supervisors, volunteers, contractors, customers, elected officials or members of the public. Every worker must work in compliance with this policy, to prevent workplace harassment and violence.

The City has a Workplace Violence and Harassment Program (the "Program") that implements this policy. It includes measures and procedures to protect workers, a means of summoning immediate assistance and a process for workers to report incidents, or raise concerns.

Workers are encouraged to raise any concerns about workplace violence and/or harassment and to immediately report any incidents of workplace violence or threats to your supervisor, Human Resources, or another member of management in accordance with this Policy and the Program. There shall be no reprisal against any individual who, in good faith, reports an incident of violence or participates in an investigation.

Management will investigate and deal with all incidents and complaints of workplace harassment or violence in a timely and fair and manner, respecting the privacy of all concerned to the extent possible. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Related Standards: Occupational Health and Safety Act (R.S.O. 1990)



THE CORPORATION OF THE CITY OF ELLIOT LAKE **WORKPLACE VIOLENCE AND HARASSMENT PROGRAM**

1. PURPOSE

The Workplace Violence and Harassment Program (the "Program") forms part of the City's Workplace Violence and Harassment Policy (the "Policy"). This Program includes measures and procedures to protect workers, a means of summoning immediate assistance, processes for workers to report incidents or raise concerns and for supervisors who are expected to deal with a complaint.

2. SCOPE

The Policy and Program apply to all employees of the City (including part-time, casual/temporary, and full-time employees) as well as to contractors, student co-op placements or internships, consultants, elected officials (Mayor / Council), members of boards and committees in their relations to each other, and volunteers.

The Policy and Program apply in any location which you are engaged in work-related activities which includes but is not limited to:

- The workplace
- During work related travel
- At restaurants, hotels or meeting facilities that are being used for business purposes
- In company owned or leased facilities
- During telephone, email or other communications
- At any work – related social event, whether or not it is company sponsored
- Any other locations where the prohibited behaviour may have a subsequent impact on the work relationship, environment or performance.

This Program and Policy also applies to situations in which workers are harassed or subjected to violence in the workplace from individuals who are not employees of the organization, such as customers, clients, suppliers, members of public and domestic partners.

3. DEFINITIONS & EXAMPLES

3.1. Workplace: Any land, premises, location or thing at, upon, in or near which a worker works.

3.2 Workplace Violence:

- a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- c) A statement or behaviour that 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 a worker.

Examples of workplace violence include, but are not limited to:

- Physically threatening behaviour such a shaking a fist at someone, finger pointing, destroying property or throwing objects
- Bullying, which is repeated, persistent and aggressive behaviour intended to cause fear, distress or harm to another person's body, emotions, self-esteem or reputation
- Verbal or written threats to physically attack a worker
- Leaving threatening notes or sending threatening email
- Wielding a weapon at work, or an object with the intent to use it as a weapon to inflict physical harm
- Stalking someone
- Any kind of physically aggressive behaviour including hitting, shoving, kicking, throwing an object at someone, any other form of physical or sexual assault.

3.3 Domestic Violence in the Workplace:

Domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom he/she has or has had an intimate relationship. It may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and use of electronic devices to harass and control.

Domestic violence is considered workplace violence where a worker has a personal relationship with an individual (such as a spouse or former spouse, current or former intimate partner, or family member) who may cause physical harm, or attempt or threaten to physically harm, the worker at work.

Examples of domestic violence in the workplace:

- Making / leaving threatening calls on the worker's telephone

- Coming directly into the workplace to cause harm to the worker
- Stalking or waiting for the worker to leave the workplace

3.4 Workplace Harassment:

- a) Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- b) Workplace harassment includes sexual harassment (see next section)

Harassment may result from an incident or a series of incidents. It may be directed at specific individuals or groups but may also include any comments or conduct which creates an environment that is hostile, intimidating or offensive.

Examples of workplace harassment include:

- Verbally abusive behaviour such as yelling, humiliating and name calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- Workplace pranks, vandalism, bullying or hazing
- Gossiping or spreading malicious rumours
- Excluding or ignoring someone, persistent exclusion of a particular person from work-related social gatherings
- Undermining someone else's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable the person to do their job
- Providing only demeaning or trivial tasks in place of normal job duties
- Sabotaging someone else's work
- Offensive or intimidating phone calls
- Making false allegations about someone in memos or other work related documents

Any legitimate, reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace should **not** be confused as workplace harassment. This includes for example:

- Changes in work assignments, scheduling, job assessment, and evaluation
- Workplace inspections
- Implementation of dress codes
- Disciplinary action for work infractions

3.5 Workplace Sexual Harassment:

- a) Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or

- gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

Both men and women can be victims of sexual harassment, and someone can harass someone else who is of the same sex as the harasser.

Examples of sexual harassment include:

- Sexual advances or demands that the recipient does not welcome or want
- Threats, punishment or denial of a benefit for refusing a sexual advance
- Offering a benefit in exchange of a sexual favour
- Leering (persistent sexual staring)
- Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, or erotic web sites
- Sexually suggestive or obscene comments or gestures
- Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
- Persistent, unwanted attention after a consensual relationship ends
- Physical contact of a sexual nature, such as touching or caressing

3.6 Gender Identity and Gender Expression

Gender identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.

Gender expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender.

4. ROLES & RESPONSIBILITIES

4.1 Employer Responsibilities

The City will post the Policy and Program in a conspicuous location, review the policy annually and ensure compliance throughout the organization.

To help ensure that potential risks are identified, the City will establish a process involving members of management, workers, Joint Health & Safety Committee members and Human Resources to assess any potential risks of violence throughout the workplace on a periodic basis. Assessment will consider any past incidents, common risks at other similar workplaces and risks specific to the City of Elliot Lake in general.

The Manager or Department Head will be responsible for initiating this process and conducting an investigatory assessment of their area. A written report will then be produced that will be made available to all employees. The City will reassess the risk of violence within the workplace as often as it deems necessary (or at least every 5 years).

4.2 Employee Responsibilities (All Levels)

Employees have a duty under the *Occupational Health & Safety Act* to report workplace violence and harassment promptly in order to protect themselves and their co-workers. All employees are expected to:

- Comply with the Policy and this Program
- Participate in education and training programs to be able to respond appropriately to any incident of workplace harassment or violence
- Report any early warning signs of a potentially threatening situation which arouse concern and any instances of threatening statements or threatening behaviour directed at them or any other employee to their supervisor or Human Resources
- Should their concern involve the immediate supervisor, the worker's Department Head or Director shall be contacted
- Co-operate fully in any fact gathering interviews which are designed to assess the risk of violence in the workplace and keep all information concerning the matter or to any investigation confidential to the fullest extent possible

4.3 Manager / Supervisor Responsibilities

Managers and supervisors have specific responsibilities to create and maintain a workplace which is free from harassment and violence. They are responsible for ensuring that workplace harassment and violence is not allowed, condoned or ignored and may be subject to disciplinary measures if they fail to take corrective actions. Managers / Supervisors (including Department Heads, Directors and the CAO) shall:

- Take all reasonable measures to prevent violence and harassment in the workplace from happening and to provide a workplace that is free from violence and harassment.

Report to Human Resources and their Department Head any complaints of workplace violence or harassment received from an employee.
- Ensure that all employees are aware that there is zero tolerance for violence or harassment and their role in helping to prevent it.
- Enforce the policy and procedures; monitor worker compliance
- Provide training, information and supervision to employees to protect their health & safety.
- Take immediate action when necessary, including but not limited to calling the Police, Fire or Ambulance Services, and summoning employees certified in First Aid as needed.
- Immediately report to their Department Head or Human Resources any direct or implied threats of violence made to any employee or any behaviours which may have the potential to lead to workplace violence and any action taken.
- Report to their Department Head or Human Resources where they have reason to believe that an employee is the victim of domestic violence, and that as a result this may expose the employee to physical injury within the workplace.
- Ensure the proper procedures are followed when a report of an incident is received; that the report is investigated promptly and fairly and in accordance with the Policy and Program.
- Ensure that confidentiality is protected to the fullest extent possible and that the rights, dignity and privacy of all parties are respected.

- Keep confidential all discussions and actions where possible and consult with Human Resources prior to disclosing any information to anyone relating to an informal action, a formal complaint, its investigation and/or resolution.

4.4 Department Head Responsibilities

Department Heads shall:

- Coordinate general and/or specific training for employees, in consultation with Human Resources, when such a need in their department has been identified
- Report to Human Resources any complaints of workplace violence or harassment received from an employee under this Policy and Program.
- Provide active support to managers and supervisors in implementing this Program
- Exercise responsibilities as described for supervisors for their department and Human Resources
- Report any threats or behaviours which may lead to workplace violence or harassment to Human Resources, and take any necessary action
- Report to Human Resources where they have reason to believe that an employee is the victim of domestic violence, and that as a result this may expose the employee to physical injury within the workplace
- Report to Human Resources any direct or implied threats of violence made to any employee, and any action taken
- Cooperate with the investigating team and be a member of the investigating team if either the employee who has made or is the subject of a report, works in his/her department.
- Ensure the proper procedures are followed when a report of an incident is received; that the report is investigated promptly and fairly and in accordance with the Policy and Program.
- Ensure that confidentiality is protected to the fullest extent possible and that the rights, dignity and privacy of all parties are respected.
- Keep confidential all discussions and actions where possible and consult with Human Resources prior to disclosing any information to anyone

relating to an informal action, a formal complaint, its investigation and/or resolution.

4.5 Human Resources Responsibilities

The Human Resources Manager (or designate) shall:

- Provide overall co-ordination of this Program
- Immediately inform the CAO, the appropriate department head and the appropriate supervisor about a report made by a worker under this program and any action taken
- Act as a fact finder and co-ordinate the implementation of this Policy and Program; administer the reporting/investigation procedure, which may include retaining an external investigator
- Take necessary precautions to help protect employees who are believed to be victims of domestic violence from workplace injuries
- Coordinate the provision of assistance to employees who were targets of violence or harassment or witnesses to the violence and who may suffer adverse effects from the situation
- Ensure that all workers receive a copy of this Program and coordinate general and specific training in response to identified needs
- Monitor and report to the CAO on the effectiveness of the Program
- Where a worker has been identified as having a history of violent behavior, ensure that his/her colleagues are provided information, including personal information where necessary, to alert them to the potential risk that they will encounter such an individual in the course of their work, and the risk they may potentially be exposed to
- Act as a resource and shall provide guidance, advice and assistance in the administration of the Policy and Program.

4.6 Confidentiality

Information obtained about complaints and incidents shall be kept confidential to the extent possible. Identifying information about any individuals involved will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is ongoing, the worker who has allegedly experienced harassment or violence, the alleged harasser(s) or subject and any witnesses should not discuss the incident, the complaint or the investigation with each other or with other workers or witnesses unless necessary to obtain advice about their rights. An investigator may discuss the investigation and disclose the incident or complaint related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

5. INTERNAL REPORTING PROCEDURE FOR WORKPLACE HARASSMENT

An incident or complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner. A person who believes he or she is being harassed in the workplace should:

1. If the employee is comfortable with doing so, make it known to the harasser that his or her action or behaviour is not welcome and is considered a form of harassment and unless stopped will be reported;
2. Keep written notes about what happened and what he or she did about it, including dates, times, places and any possible witnesses;
3. If the offending behaviour continues the employee can report the problem to his or her supervisor. If the supervisor is the cause of the problem, the employee can report the issue to the next level of uninvolved management within his or her department or directly to Human Resources;
4. If it is not possible for the supervisor to resolve a complaint then the complaint should be put in writing on the Violence/Harassment Report Form. This report is then submitted to the Department Head or Director of the complainant's department.

Note: If the worker's Department Head / Director is the person engaging the workplace harassment, submit the report to the Manager of Human Resources. If the Manager of Human Resources is the person engaging the workplace harassment, the complaint should be sent to the Chief Administrative Officer. If the CAO is the person engaging the workplace harassment, the complaint should be sent to the Mayor. An external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

5. Human Resources shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances.

6. INVESTIGATION PROCEDURE FOR HARASSMENT

Management will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment. If the complaint is not resolved within the department, the Manager of Human Resources (or designated external investigator) will respond to complaints of harassment by using the following steps:

1. Inform the complainant and the alleged harasser that an investigation is being conducted;
2. Remind the parties that the investigation is to remain confidential and that identifying information is not disclosed unless necessary to conduct the investigation;
3. If the complainant and the alleged harasser work in close proximity to each other, the investigator will determine if any interim measures are required (e.g. physical or operational separation) while the investigation is ongoing;
4. Interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s) separately, as soon as possible. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker should be given a reasonable opportunity to reply;
5. Interview any relevant witnesses, if such are identified;
6. Advise all parties that interviews must be kept confidential;
7. Collect and review any relevant documentation / evidence. Document the situation accurately and completely; and
8. Prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker(s) who allegedly experienced the workplace harassment, the response from the alleged harasser(s), the evidence of any witnesses and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

7. RESULTS OF INVESTIGATION FOR HARASSMENT

Within ten (10) days of the investigation being completed, the worker who allegedly experienced workplace harassment and the alleged harasser will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment.

7.1 Complaint Supported

Where the results of the investigation support a specific complaint of harassment, or where the results suggest the existence of systemic problem(s) in the work environment which caused or contributed to the incident, the following, without limitation, may be recommended forms of remedial action:

- a) education and training;
- b) review and modification of policies, procedures and practices;
- c) disciplinary action up to and including dismissal;
- d) continuous monitoring.

7.2 Complaint Unsupported

Where the results of the investigation do not support the allegations of harassment made by the complainant, the complaint shall not be proceeded with further. Where, as a result of an investigation, it is determined or concluded that the complaint was made maliciously, with a specific and directed intent to harm, or made in bad faith with reasonable knowledge of an intent to harm, formal disciplinary action may be taken against the complainant. Otherwise, the complainant will be assured that there will be no recrimination because of the complaint.

Employees who are covered by a Collective Agreement which contains a harassment-free or discrimination clause may be able to file a grievance if they feel their complaint has not been properly investigated under this Policy and should seek assistance or advice of their union steward or representative.

8. WHAT TO DO IF YOU ARE ACCUSED OF HARASSMENT

If you are asked by a co-worker to stop behaviours which constitute harassment, assess your behaviour seriously. Understand that even if you did not mean to offend, your behaviour has been perceived as offensive. Cease the behaviour that the person finds offensive and apologize. Failure to cease in this behaviour could lead to disciplinary action if a complaint is substantiated.

If you believe the complaint is unfounded and/or made in bad faith, discuss the matter with your union representative, supervisor or Department Head. You are entitled to know the allegations against you and to have an opportunity to respond.

In any event, document your recollection of the alleged incident, including times, places, what happened and any witnesses.

9. INTERNAL COMPLAINT PROCEDURE FOR WORKPLACE VIOLENCE

An incident or complaint of workplace violence should be reported as soon as possible after experiencing or witnessing an incident.

Note: Employees who experience, suspect or witness imminent, or in-progress incidents of a critical or serious nature such as acts of physical violence by an employee or a non-employee in the workplace are to immediately notify their supervisor or another member of management. If they are not immediately available or if the circumstance warrants it, the worker must immediately call 9-1-1 for the appropriate law enforcement personnel.

Even if the incident is perceived as non-critical in nature, a person who has witnessed or experienced conduct which they believe to be an incident of workplace violence should:

1. Immediately report the problem to his or her supervisor or if the supervisor is the cause of the problem, report the problem to the next level of uninvolved management within his or her department;
2. Keep written notes about what happened and what he or she did about it, including dates, times, places and any possible witnesses;
3. If it is not possible for the supervisor to resolve the complaint, complete the Violence / Harassment Report Form. This report is then submitted to the Department Head or Director of the complainant's department.

Note: If the worker's Department Head / Director is the person engaging the workplace violence, submit the report to the Manager of Human Resources. If the Manager of Human Resources is the person engaging the workplace violence, the complaint should be sent to the Chief Administrative Officer. If the CAO is the person engaging the workplace violence, the complaint should be sent to the Mayor. An external person qualified to conduct a workplace violence investigation who has knowledge of the relevant workplace violence & harassment laws will be retained to conduct the investigation.

4. Human Resources shall be notified of the workplace violence incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances and complete any necessary reporting requirements.

10. INVESTIGATION PROCEDURE FOR WORKPLACE VIOLENCE

Management will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace violence or receives a complaint of workplace violence. If the complaint is not resolved within the department, the Manager of Human Resources (or designated external investigator) will respond to complaints by using the following steps:

1. Advise all parties involved that all information will be kept confidential to the extent possible. Identifying information about any individuals involved will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.
2. Depending upon the circumstances, the Department Head or Human Resources may determine that it is appropriate to physically or operationally separate the complainant and the worker who is the subject of the report until the investigation has been completed. Ensure the safety of those involved by taking every precaution reasonable in the circumstance (e.g. create a safety plan, change employee schedule or job location, contact police etc.) In more serious situations, the City may suspend the worker who is the subject of the report pending investigation.
3. If Police Services request that the City delay its investigation pending the completion of a police (criminal) investigation, the investigator will cease his/her investigation until Human Resources approves of its continuation.
4. As soon as is reasonably practicable, interview the worker who made the report to determine the nature and severity of the incident(s) alleged and the alleged subject (separately).
5. Interview any witnesses identified as soon as possible;
6. Collect and review information from any other sources which may provide additional details about the claim (surveillance video, written documents, etc.);
7. Document the situation accurately and completely;
8. Prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker(s) who allegedly experienced the workplace violence, the response from the subject, the evidence of any witnesses and the evidence gathered. The report must set out findings of fact and come to conclusions and will recommend corrective action if appropriate.

11. RESULTS OF INVESTIGATION FOR WORKPLACE VIOLENCE

Within ten (10) days of the investigation being completed, the worker who reported workplace violence and the accused will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer as a result of the investigation.

11.1 Complaint Supported

Where the results of the investigation support that a complaint, threat, or act of violence has occurred in the workplace the following, without limitation, may be recommended forms of remedial action:

- a) education and training;
- b) continuous monitoring;
- a) review and modification of policies, procedures and practices;
- b) contact and communication with the police
- c) disciplinary action up to and including dismissal

11.2 Complaint Unsupported

Where the results of the investigation do not support the allegations of violence made by the complainant, the complaint shall not be proceeded with further.

Where, as a result of an investigation, it is determined or concluded that the complaint was made maliciously, with a specific and directed intent to harm, or made in bad faith with reasonable knowledge of an intent to harm, formal disciplinary action may be taken against the complainant. Otherwise, the complainant will be assured that there will be no recrimination because of the complaint.

12. DOMESTIC VIOLENCE

An employer must take every precaution reasonable under the circumstances for the protection of workers when they are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace, and that it would likely expose a worker to physical injury.

Domestic violence may put the targeted worker at risk, and may also pose a threat to the safety of co-workers.

A co-worker, another employee, or the targeted worker may choose to bring forward a concern of domestic violence. When there is a concern of domestic violence in the workplace it should be reported to an immediate supervisor.

All domestic violence claims will be handled on a case by case basis. The employer will work closely with the targeted employee to develop reasonable precautions to address the situation while attempting to respect the worker's privacy and sensitivity of the matter.

Even if a worker does not wish to take any action, the employer may still be required by law to take some form of action to protect the targeted worker and other workers depending on the circumstances.

Actions taken to protect the worker and/or co-workers from domestic violence may include, but is not limited to, some or all of the following:

- creating a safety plan
- contacting the police
- establishing enhanced security measures
- screening calls or blocking email
- setting up priority parking, providing escorts to/from a vehicle
- adjusting working hours or location

13. ADVISING WORKERS OF VIOLENT HISTORY

Employers and supervisors must provide workers with information, including personal information, about an individual who has a history of violent behaviour if there is a risk of workplace violence occurring as a result of the violent person.

However, this duty is limited and applies only when the:

- worker can be expected to encounter the violent person in the course of his or her work; and
- the risk of workplace violence is likely to expose the worker to physical injury.

Employers and supervisors must also be cautious not to disclose more information than is reasonably necessary for the protection of the worker from physical injury.

Example - two workers are paired up to complete a temporary project. The supervisor advises the one worker not to discuss matters pertaining to money or finance as this topic could trigger the other worker to become violent.

14. RIGHT TO REFUSE UNSAFE WORK

In accordance with the Occupational Health & Safety Act, a worker may refuse to work or to perform particular work if he or she has reason to believe that the performance of his/her job will expose him/her to workplace violence, and that such workplace violence is likely to endanger them.

For example, a worker can refuse unsafe work on the basis of a threat if the threat is or can be reasonably interpreted to be a threat to exercise force which could cause physical injury to the worker.

Note: Certain workers who protect public safety cannot refuse work if:

- the danger is an inherent or normal part of their job OR
- the refusal would endanger the life, health and safety of another person.

These workers are:

- police officers
- firefighters
- workers employed in correctional institutions; and
- workers employed in workplaces such as hospitals, nursing homes, psychiatric institutions, rehabilitation facilities, residential group homes for persons with mental or physical disabilities, ambulance services, first-aid clinics, licensed laboratories or in any laundry, food service, power plant or technical service used by one of the above.

15. PROCEDURE FOR REFUSING UNSAFE WORK DUE TO VIOLENCE

The procedure for refusing unsafe work due to violence is the same process followed when refusing any other type of unsafe work.

1. The Supervisor shall investigate the refusal in the presence of the refuser and if available, an employee representative, a health and safety representative, or a worker who is qualified in performing the refused work;
2. Failing a satisfactory resolve, the Supervisor shall contact his or her immediate supervisor and a certified Health and Safety Representative if one is not already present. These parties shall conduct an investigation forthwith and render a decision;
3. Should the employee continue to refuse, the Department Head and Ministry of Labour Inspector are to be contacted. The Department Head, Ministry of Labour Inspector and the certified H&S Representative will investigate the situation and The Ministry of Labour Inspector shall provide his/her findings in writing to the parties.

Until the investigation is complete the worker shall remain in a safe place near or as near as possible to his or her workstation depending on the circumstances that led to the work refusal.

16. RECORDS

Human Resources will keep confidential records of the investigation including:

- a) a copy of the complaint
- b) a record of the investigation including notes, video or audiotapes
- c) a copy of the investigation report
- d) a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser(s)
- e) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

These documents will not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

17. TRAUMA SUPPORT

Employees who have experienced or witnessed a traumatic event may need special support. These special needs will be acknowledged and accommodated. The Human Resources department (or designate) will coordinate any assistance that may be required.

APPENDIX A- MEASURES TO CONTROL VIOLENCE

Working Directly with Individuals

The following are measure to be taken to control violence when working in direct contact with individuals.

Department procedures may provide additional specific information.

- Keep behind your desk or a safe distance away from the individual so they cannot reach you.
- Position yourself next to the panic button or telephone to call for help if necessary
- Be alert to situations and early warning signs (crying, pacing, avoidance or excessive eye contact, challenging behaviours, yelling, etc).
- Try to provide an early resolution before a situation escalates and an incident occurs (e.g. deal with issues/complaints right away).
- Listen to the other person's entire issue/complaint
- Gather information and determine the reason for the issue/complaint
- Do not downplay or minimize the person's issue/complaint
- Remain calm, speak in a clear, calm and consistent voice
- Maintain normal eye contact but do not stare
- Do not infringe on the person's personal space
- Keep the discussion focussed on the issue, not the individual parties
- Do not set unrealistic goals or make promises that you may not be able to keep
- Set limits and inform the person that the meeting will only continue if they remain calm, inappropriate behaviour is not acceptable.
- Take the dispute to a third party if the matter cannot be resolved (i.e. supervisor)
- Always remain alert to unsafe conditions and react – leave the location if necessary, have another person accompany you or remain close by, telephone for assistance if necessary, use the panic alarm if available etc.

Handling Cash

The following are measure to be taken to control violence when working with cash.

Department procedures may provide additional specific information.

- Provide physical barriers (e.g. counters, windows, etc) that separate employees from the public
- Control access to the workplace with secured doors
- Position cash registers and cash boxes out of reach and out of sight whenever possible
- Develop protocols for keeping a reduced amount of cash on the premises
- Ensure bright lighting and clear sightlines into the work area
- Ensure easy access to telephone, radio, panic alarm or other means to summon help if necessary

- Deliver money deposits during the day time if possible. It's best to avoid a regular schedule time, and travel route
- Post signage that indicates the premises is monitored
- Ensure employees are instructed what to do in case of a robbery
 - o Remain calm
 - o Comply with any requests for money
 - o Get a good look at the suspect if you can
 - o Protect yourself as much as possible
 - o Call 9-1-1 as soon as possible

Working Alone and/or In a Remote Location

The following are measure to be taken when working alone and/or in a remote location.

Department procedures may provide additional specific information.

- Ensure workers have access to communication device at all times (telephone, cell phone, radio etc)
- Notify the supervisor of the type of work being completed and the location before the employee begins work (if different from regular job duties)
- Develop plan for regular contact with isolated employee. Contact can be made by another employee, a supervisor or a call centre to ensure the employee is safe
- Ensure bright lighting and access to natural surveillance.
- Ensure clear sightlines and good visibility of the workplace
- Lock all entrances
- Post signage indicating security surveillance
- Locate the safest place for parking (near the entrance, under a light)
- Ensure vehicles are locked and items are stored in the trunk

Working in a Community Based Setting and/or In A Mobile Workplace

The following are measure to be taken when working in a community based setting and/or in a vehicle

Department procedures may provide additional specific information.

- Ensure workers have access to communication device at all times (telephone, cell phone, radio etc)
- Develop plan for regular contact with isolated employee. Contact can be made by another employee, a supervisor or a call centre to ensure the employee is safe
- When potentially dangerous situations occur in the community employees should avoid those areas
- Ensure pre-start inspections of all vehicles are conducted and vehicle maintenance is performed when necessary
- Ensure all items are stored in the trunk out of sight or secured to prevent theft
- Ensure vehicle windows and doors are closed and locked

- Ensure vehicles are parked in a safe location that is well lit
- Check the vehicle before getting in to ensure it is safe
- Should you encounter aggressive or violent individuals try to remove yourself from that location, call for assistance if necessary.

APPENDIX B – WHEN AND HOW TO SUMMON IMMEDIATE ASSISTANCE

The following are general guidelines when it would be appropriate to contact Police.

Department procedures may provide additional specific information.

- When theft occurs
- When property damage or vandalism occurs
- When an individual refuses to leave the premises
- When there are threats of violence of serious nature
- Whenever there is an injury resulting from violent behaviour
- Whenever there is physical assault or a threat of physical assault
- Whenever an employee has reason to believe their personal safety is in jeopardy

The following are a number of various means of summoning immediate assistance.

Department procedures may provide additional specific information.

- Dial 9-1-1 using telephones located within the department
- Co-workers dial 9-1-1 using telephones within the department to call for help.
- Dial 9-1-1 using cell phones if carried by a worker
- Two-way radio contact with supervisor or other workers to telephone for help
- Panic buttons where available
- Code words so that co-workers know to call for help