

Corporate Policy and Procedure



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TAB: HUMAN RESOURCES
SECTION: HEALTH AND SAFETY
SUBJECT: WORKPLACE VIOLENCE

POLICY STATEMENT The City of Mississauga is committed to providing a safe workplace, free from actual, attempted or threatened violence. The City will not tolerate any acts of violence and will take all reasonable and practical measures to prevent violence in the workplace.

PURPOSE The purpose of this policy is to:

- create and foster a work environment that is free from Workplace Violence;
- define “Workplace Violence” and clarify “Workplace”;
- clarify legislative requirements;
- identify the responsibilities of the City and all Employees to maintain a Workplace free from actual, attempted or threatened Workplace Violence;
- outline the roles and responsibilities of all City employees for reporting Workplace Violence; and
- ensure that complaints and/or incidents of Workplace Violence are handled/investigated in accordance with this policy.

LEGISLATIVE REQUIREMENTS This policy is in accordance with the Ontario *Occupational Health and Safety Act* (the Act), as amended, and will be reviewed annually in accordance with the Act.

SCOPE This policy applies to all employees, elected officials, citizen members of committees, and volunteers acting on behalf of the City of Mississauga.

In addition, all persons who attend a City Workplace including,

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but not limited to, visitors, members of the public, contractors, vendors, delivery persons, customers, etc., are expected to adhere to the principles of this policy and contribute to a workplace free of violence.

The City's Corporate Policy and Procedure – Human Resources – Respectful Workplace should be consulted regarding issues of bullying/personal harassment and/or harassment related to the *Human Rights Code*.

DEFINITIONS

For the purposes of this policy:

- Employee “Employee” encompasses all union and non-union staff, as well as elected officials, citizen members of committees, and volunteers acting on behalf of the City of Mississauga.
- Investigator “Investigator” means the person(s) appointed by the Departmental HR Manager or designate and responsible for examining the circumstances of a complaint and/or incident.
- Management Staff “Management Staff” means any individual responsible for directing the work of others or having leadership authority over an Employee. For greater clarity, Management Staff includes but is not limited to, elected officials, the City Manager, commissioners, directors, managers, supervisors, team leaders and any other person having a leadership role.
- Workplace Violence “Workplace Violence” means any of the following:
- (a) the use of physical force against or by an Employee in the Workplace that causes or could cause physical injury;
 - (b) the attempted use of physical force against or by an Employee in a Workplace that could cause physical injury;
 - (c) a statement(s) or behaviour(s) that is reasonably believed to be a threat of physical harm or threat to safety or security in

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the Workplace that could cause physical injury.

The Workplace includes all locations where Employees conduct City business or social activities and where their behaviour may have a subsequent impact on work relationships, environment and/or performance. Threats of violence that occur by way of electronic communication (e.g. unwelcome phone calls, messages on e-mail, voice mail or social media, and the display of offensive materials) may also be considered to have occurred in the Workplace.

RESPONSIBILITIES

City Responsibilities

The City is responsible to:

- take reasonable preventative measures to protect Employees and others from Workplace Violence;
- ensure that workplace violence assessments are conducted as often as is necessary to protect workers from Workplace Violence;
- advise the Health and Safety Committee of the results of the workplace violence assessments, and provide a copy of the assessments in writing;
- address Workplace Violence risks identified through workplace violence assessments;
- ensure that all Employees are trained on this policy and maintain a record of all completed training;
- post this policy in a conspicuous place in the Workplace;
- establish a process for reporting and responding to complaints and/or incidents of Workplace Violence;
- ensure the process for reporting and responding to complaints and/or incidents of Workplace Violence is communicated, maintained and followed by all Employees; and
- provide Employees with information, including personal information, related to a risk of Workplace Violence from a person with a history of violent behaviour if:
 - the Employee can be expected to encounter that person in the course of his or her work; and

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- the risk of Workplace Violence is likely to expose the Employee to physical injury.

Note: As the City respects the privacy and confidentiality of personal information, personal information will only be released following a review by the Director of HR or designate. Only personal information that the City deems is reasonably necessary in the circumstances will be disclosed.

Management Staff Responsibilities

Management Staff are responsible not only for their own actions, but also for dealing with the actions of staff under their supervision. Management Staff must intervene if a violation of this policy has been brought to their attention and/or has been witnessed. Appropriate steps, as outlined in this policy, must be taken to address and resolve the situation.

Management Staff are expected to:

- promote a Workplace free of violence;
- understand and abide by the requirements of this policy, including the responsibilities listed in the “Employee Responsibilities” section below;
- immediately respond to all complaints and/or incidents of Workplace Violence they receive or witness;
- report all complaints and/or incidents of Workplace Violence in accordance with the Reporting section of this policy;
- summon immediate assistance when Workplace Violence occurs;
- communicate and review this policy with the Employees they supervise or manage;
- ensure that all Employees are trained in this policy;
- encourage Employees to report complaints and/or incidents of Workplace Violence;
- ensure that all Employees are aware of who to contact in the event of an incident of Workplace Violence;
- consult with the Director of HR or designate prior to releasing any personal information; and

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- provide a response, in writing, to all written recommendations from the Joint Health and Safety Committees related to Workplace Violence within 21 days.

Employee Responsibilities

Employees are expected to:

- promote a work environment free from Workplace Violence and refrain from contributing to or engaging in any acts of Workplace Violence;
- comply with this policy at all times;
- immediately notify Management Staff or their Departmental Human Resources (HR) Manager of any Workplace Violence, whether the notifying Employee is the victim or not. In the case of an extreme or imminent threat of Workplace Violence, to themselves or any person, the Employee should contact Corporate Security and/or the police;
- where appropriate, go to a safe location at the Workplace and immediately report the incident to any Management Staff, in accordance with the Reporting section of this policy;
- participate in training regarding this policy and City procedures related to risks of Workplace Violence; and
- fully co-operate in any investigation of complaints and/or incidents of Workplace Violence or breaches of this policy.

Health and Safety Specialists Responsibilities

Health and Safety Specialists are responsible to:

- conduct violence assessments, and reassessments as necessary, in conjunction with the appropriate Management Staff and provide the appropriate Joint Workplace Health and Safety Committee(s) with the results; and
- respond as required to any complaints and/or incidents of Workplace Violence and communicate complaints and/or incidents of Workplace Violence to the Departmental HR Manager.

Joint Health and Safety

Joint Health and Safety Committees are responsible to:

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- Committees Responsibilities
- receive and review the City's workplace violence assessments;
 - submit written recommendations, where appropriate, to management regarding Workplace Violence risks identified through the assessment process; and
 - participate in investigations involving complaints and/or incidents of Workplace Violence when required.

- Investigator Responsibilities
- Investigators are responsible to:
- investigate complaints and/or incidents filed under this policy;
 - involve Joint Health and Safety Committees where required;
 - exercise objectivity;
 - ensure confidentiality, where possible;
 - record/maintain appropriate documentation;
 - discuss findings and conclusions with the Departmental Commissioner, Director and/or Manager; and
 - submit recommendations as appropriate to control or prevent Workplace Violence.

DOMESTIC VIOLENCE

Any Employee experiencing domestic violence that may create a risk of danger to themselves or others in the Workplace is encouraged to report such violence to their immediate supervisor or HR Manager so that the City can take reasonable preventive steps to ensure safety in the Workplace and provide the Employee with internal and external resources to assist, as required.

Confidential advice and referral for counselling/assistance is available through Employee Health Services for anyone experiencing domestic violence or for those who become aware of someone who is.

RIGHT TO REFUSE WORK

An Employee has the right to refuse work in accordance with section 43 of the *Occupational Health and Safety Act*, as amended. For more information on work refusals, please contact your Departmental Health and Safety Specialist.

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REPRISALS

Employees who engage in reprisals or threats of reprisals may be disciplined according to the Disciplinary Action section of this policy.

Reprisal includes:

- any act of retaliation that occurs because a person has complained of or provided information about an incident of Workplace Violence;
- intentionally pressuring a person to ignore or not report an incident of Workplace Violence; and
- intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incidence of Workplace Violence.

REPORTING AND INVESTIGATION

Reporting

All Workplace Violence, including actual, attempted or threats of violence are to be reported as follows:

- all complaints and/or incidents of Workplace Violence or reprisal must be reported to Management Staff or the Departmental HR Manager so that the complaint and/or incident can be addressed;
- any person subjected to Workplace Violence should, where appropriate, go to a safe location at the Workplace and immediately notify Management Staff;
- Management Staff will determine whether the police need to be contacted in relation to the incident where the Employee or others have not already done so;
- where police have been contacted, Management Staff must notify the applicable Director, Commissioner and the City Manager as soon as possible;
- Management Staff must subsequently report all incidents to the applicable Departmental HR Manager or the Departmental Health and Safety Specialist as soon as practical;
- all complaints and/or incidents of Workplace Violence are to be recorded on a Form 301- Incident/Accident Report - City

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Employees Only - by the reporting Employee, Management Staff receiving the report and the Departmental HR Manager or Departmental Health and Safety Specialist. The date, time, potential witnesses and the nature of the incident should be documented; and

- if a complaint and/or incident of Workplace Violence involves a person who is not an Employee of the City, the Departmental HR Manager may report that complaint and/or incident to that person's employer and such other persons as the City deems appropriate in the circumstances.

Police Complaints

Employees have the right to contact police regarding complaints and/or incidents of Workplace Violence.

Investigation

The Departmental HR Manager or designate will appoint an Investigator who will promptly investigate all complaints and/or incidents of Workplace Violence or reprisal, as appropriate.

All complaints and/or incidents will be thoroughly investigated in an unbiased, impartial and timely manner by the Investigator. The Investigator will arrange to meet and interview the complainant, the person(s) being accused and any other Employees or witnesses to the alleged incident, and take any other steps deemed necessary to fully and fairly investigate the complaint and/or incident. The complaint and/or incident will be considered in the context of existing policies, established procedures, and applicable legislation.

At the conclusion of the investigation, the Investigator will complete a written report that will include the allegations and the investigation's findings and conclusions to be discussed with the complainant's director and/or commissioner. Where appropriate, recommendations to control or prevent Workplace Violence will be submitted to the applicable director and/or commissioner and the Departmental Joint Health and Safety Committee.

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If the complaint has not been resolved to the Employee's satisfaction and the Employee wishes to appeal the findings of the investigation, he or she must formally request an appeal through the Director of Human Resources, who will consult with the City Manager to determine, on a case by case basis, what action, if any, should be taken.

DISCIPLINARY ACTION

Any Employee who violates this policy or knowingly makes a complaint in bad faith will be subject to appropriate disciplinary action, up to and including termination of employment. Any such discipline shall not be considered a reprisal or breach of this policy.

REFERENCE:

GC-0403-2010 2010 06 09

LAST REVIEW DATE:

September, 2011

CONTACT:

For more information, including detailed guidelines regarding workplace violence assessments, etc., contact the Departmental HR Manager or Health and Safety Specialist.