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WORKPLACE VIOLENCE AND HARASSMENT POLICY

DEPARTMENT	CHIEF ADMINISTRATIVE OFFICE	POLICY NUMBER	01-16
EFFECTIVE DATE	April 19, 2016 (replaces previous policies)	LEGISLATIVE AUTHORITY	Bill 168 Occupational Health and Safety Act
APPROVED BY:	RES 2016-165		

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POLICY STATEMENT

The Township of Wellington North (the Township) is committed to providing a safe and healthy workplace free from actual, attempted or threatened violence or harassment. The Township discourages any form of inappropriate behavior in the workplace.

The Township recognizes that workplace violence and harassment is a health and safety and human resources issue and will take reasonable precautions to prevent workplace violence and to protect employees at the workplace.

The Township of Wellington North will treat any complaint of harassment, violence or inappropriate behavior by any individual, including another staff member, Councillor or member of the public, directed at municipal staff as a serious matter.

GOAL

This policy is to establish procedures and measures to ensure the workplace is free from harassment and/or violence. This policy is intended to ensure all complaints are handled in a timely and equitable manner.

SCOPE AND APPLICATION

This policy applies to all individuals in a township workplace, including employees, members of the public, committee appointees and elected officials.

DEFINITIONS

COMMITTEE APPOINTEE

Includes any appointee to any Committee in the Township of Wellington North or acting for the municipality on any committee.

CRIMINAL HARASSMENT

Includes but is not limited to stalking, threats, carrying weapons, theft, sexual or physical assault are covered by the Criminal Code. Individuals engaging in this behavior in the workplace may be subject to a criminal investigation and charges.

DOMESTIC VIOLENCE

Includes a person who has a personal relationship with a worker, such as a spouse or former spouse, current or former intimate partner or a family member who may physically harm, threaten or attempt to physically harm that worker while at work.

ELECTED OFFICIAL

Includes any elected official.

EMPLOYEE

Includes all full time, part-time, union, non-union, contractors, interns, supervisors and managers employed by the Township of Wellington North.

HARASSMENT

Harassment can consist of a single incident or several incidents over a period of time and can create a negative or hostile work environment which can interfere with your job performance and result in your being refused a job, a promotion or a training opportunity.

Harassment can be any type of offensive or abusive communication including telephone, on-line/social media, email, correspondence or in person, aggressive or intimidating approaches to another individual, attempts to goad or incite anger in others;

WORKPLACE HARASSMENT

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 workplace sexual harassment;

Workplace harassment does not include:

- Good natured joking and bantering which is mutually acceptable;
- A reasonable action taken by an employer or supervisor relating to the management and direction of workers function that may include, but not limited to appropriate direction, delegation, performance management, attendance management or discipline or professional debate;
- Stressful events associated with the performance of legitimate job requirements;
- Occasional workplace disagreements or personality conflicts.

WORKPLACE SEXUAL HARASSMENT

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

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;

INAPPROPRIATE BEHAVIOUR

Inappropriate behavior or actions for the purpose of this policy includes, but is not limited to:

- Aggressive or intimidating approaches to another individual;
- Attempts to goad or incite anger in others;
- Theft of property;
- Possession of weapons;
- Illegal consumption of drugs or alcohol;
- Vandalism including the deliberate destruction, damage or defacing of property owned or leased through the municipality.

MEMBER OF THE PUBLIC

Any individual who is in a municipal workplace who is not an employee, committee appointee or elected official.

WORKPLACE

- All municipal facilities and vehicles, including leased or owned by the municipality or employee vehicles used in a work capacity;
- Township sponsored events and programs;
- Any place employment related activities are conducted including business travel, work related social gatherings or any other location that may have a subsequent impact on the workplace;
- Municipal buildings (whether owned or leased) and surrounding perimeter including parking lots, sidewalks, and driveways;

WORKPLACE VIOLENCE

Workplace violence includes but is not limited to the following:

- The use of physical force against or by a worker that causes or could cause physical injury including, but is not limited to, physical acts such as punching, hitting, kicking, pushing, damaging property or throwing objects;
- The attempted use of physical force against or by a worker that could have caused physical injury;
- An action or statement (or series of actions or statements) reasonably believed to be a threat of physical harm or as a threat to safety or security in the workplace; and bringing a weapon of any kind to a Township workplace or possessing a weapon of any kind while carrying out Township business, or threatening to bring a weapon to a Township workplace.

RESPONSIBILITIES OF THE EMPLOYOR

An employer shall prepare a policy with respect to workplace violence and workplace harassment; and review the policies as often as is necessary, but at least annually. The policies shall be in written form and shall be posted at a conspicuous place in the workplace.

Violence

An employer shall develop and maintain a program to implement the policy with respect to **workplace violence**. The program shall:

- include measures and procedures to control the risks identified in the assessment required as likely to expose a worker to physical injury;
- include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
- include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor;
- set out how the employer will investigate and deal with incidents or complaints of workplace violence

Each department shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. Risk assessment form is attached as Schedule "A". The assessment shall take into account circumstances that would be common to similar workplaces and circumstances specific to the workplace as well as possible mitigation that the employer can provide. A reassessment of the risks of workplace violence shall be conducted as often as is necessary to ensure that the policy continues to protect workers from workplace violence.

An employer shall advise the health and safety committee or a health and safety representative of the results of the assessment/re-assessment, and provide a copy of the assessment in writing.

If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose any worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker(s).

An employer and a supervisor have a duty to provide information to a worker, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if, the worker can be expected to encounter that person in the course of his or her work and the risk of workplace violence is likely to expose the worker to physical injury. The employer or supervisor shall not disclose more personal information than is reasonably necessary to protect any worker from physical injury

Harassment

An employer shall, in consultation with the health and safety committee or a health and safety representative develop and maintain a written program to implement the policy with respect to **workplace harassment**.

The program shall:

- include measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser;
- set out how incidents or complaints of workplace harassment will be investigated and dealt with;
- set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law;
- set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation

To protect a worker from workplace harassment, an employer shall ensure that,

- an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances;
- the worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation;
- the program developed is reviewed as often as necessary, but at least annually, by the health and safety committee to ensure that it adequately implements the policy with respect to workplace harassment

An employer shall provide a worker with information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence and workplace harassment.

ZERO TOLERANCE

The Township values the health and safety of its employees and expects that its workplace(s) will be free of workplace violence, harassment and inappropriate behaviour. The Township will not tolerate incidents of workplace violence, harassment or inappropriate behaviour perpetrated by or against any employee, ratepayer, stakeholder, committee appointee, elected official, vendor, contractor, visitor or any other person at a Township workplace or involved in Township business.

Every person at a Township workplace is responsible for acting in compliance with this policy. Where violations of the policy occur, the Township may:

- Remove any individual from a Township workplace by security or the police;
- Discipline an employee, up to and including dismissal;
- Report the conduct of a municipal employee to their employer, supervisor and/or principal and/or to the police.
- Report all physical assaults and threats made by or against an employee or occurring at a Township workplace to police;

- A member of the public may be prohibited from entering a township workplace

REPRISAL

Workplace violence and harassment are serious matters. This policy prohibits reprisals against employees who have made good faith complaints, provided information regarding a complaint or incident of workplace violence, harassment or inappropriate behaviour or who have followed the procedures outlined in the policy.

Any employee who must leave the workplace due, in their opinion, to an imminent threat of violence will not be penalized with a loss of pay or other penalties.

Employees who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

In order to protect employees from possible reprisals identifying information about any individuals involved shall not be disclosed unless the disclosure is necessary for the purpose of investigation or taking corrective action or is otherwise required by law.

Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace violence, harassment or inappropriate behavior
- Any act of retaliation, discipline or harassment because a person has followed any of the procedures outlined in the policy
- Intentionally pressuring a person to ignore or not report an incident of workplace violence , harassment or inappropriate behaviour; and
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace violence, harassment or inappropriate behaviour.

An employee who makes a false complaint or otherwise abuses this policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this policy.

PROCEDURE FOR REPORTING AND INVESTIGATION FOR COMPLAINTS

Reporting an Incident of Workplace Violence, Harassment or Inappropriate Behaviour:

1. Any employee **witnessing** or **experiencing** workplace violence and who feels in imminent danger shall:
 - ensure they are in a safe location which may include leaving the workplace
 - if in their opinion the situation warrants, contact the police by dialing 911
2. An employee shall report acts of workplace violence, harassment or inappropriate behaviour to the immediate department head within 24 hours of the incident by completing an Incident Report Form (Schedule "B").
3. If the immediate department head is the alleged perpetrator of the incident, the employee can submit the Incident Report Form to the Chief Administrative Officer.

4. If the Chief Administrative Officer and the immediate department head are the alleged perpetrators, the employee can submit the Incident Report Form to any two department heads.

ACTION TO BE TAKEN

1. The CAO and one Department Head or two Department Heads shall commence an investigation of the incident to determine merit of the claim within 3 days of receiving the Incident Report Form. The investigation may include interviewing the individual filing the incident report, the individual against whom the report was made and any witnesses to the incident.
2. The department head, Chief Administrative Officer or other department heads who have conducted the investigation shall provide written notice within 5 days of the completion of the investigation to the complainant and the individual against whom the complaint was filed of the outcome of the investigation and any remedial or corrective action that has taken place and or will continue to take place.

NON-COMPLIANCE BY MEMBERS OF THE PUBLIC

Members of the public who engage in any type of behaviour, as defined in this policy, may, depending on the severity:

- have the conduct reported to the police;
- be arrested and/or charged
- be removed immediately from the premises
- be sent a letter of warning advising them of the inappropriate incident

If banned from the premises, the length of the ban will be determined by the Chief Administrative Officer and appropriate Director and will depend on the severity of the situation.

In addition to any other measures taken, where any damage to Township property has occurred, the individual(s) responsible will be required to reimburse the Township for all costs associated with any repairs, an administration fee, as well as any lost revenues or where appropriate, be required to repair the damage.

APPEAL PROCESS FOR MEMBERS OF THE PUBLIC

If an individual wishes to appeal any action taken by the Township, the individual may present their case in writing to the Chief Administrative Officer, or designate, within 14 days of the decision. The appeal will be reviewed by the Chief Administrative Officer and any decision made is final.

SCHEDULE "A" – HAZARD RISK ASSESSMENT FORM



This Form must be completed for each work area.

An occupational hazard is a thing or situation with the potential to harm a worker. Occupational hazards can be divided into three categories:

- Safety hazards that cause accidents that physically injure workers;
- Health hazards which result in the development of disease.
- Harassment or violence that take place in or effect employees in the workplace

Please see second page for an explanation of hazard ranking, and total risk.

Description of Work Area:	Assessment Performed By: Name: _____ Signature: _____	Date of Assessment:
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Description of Hazard or Unsafe Work Activity	Severity (1-3)	Probability of Incident Occurrence (1-3)	Frequency of Exposure (1-3)	Total (S+P+F)	Total Risk	Controls in Place			Follow-Up Action Required (If any)
						Engineering (e.g. remove/isolate hazardous material, ventilation, substitute)	Administrative (e.g. establish policy to reduce risk, training)	PPE	

General Guidelines

Hazard ranking will be based upon the severity of the hazard, the probability of the incident occurring in the workplace, and the frequency of exposure to the hazard. Please refer to the following table regarding numerical application of hazard ratings. Please apply a rating based upon your best judgment of the workplace and workplace hazards.

	1	2	3
Severity	First-Aid required and/or minor property damage	Lost-time injury and or significant property damage	Permanent disability or fatality. Major property damage sustained
Probability of Incident	Unlikely to Occur	Could Occur	Immanent if not Attended to
Frequency of Exposure	Rarely (less than one month)	Often (once a week or more)	Everyday

To compute a total please add columns: severity, probability of incident and the frequency of exposure for each hazard. Total risk is based upon these totals. A total of:

7, 8, 9 = High Risk – requires immediate attention

5 or 6 = Moderate Risk – requires attention.

3 or 4 = Low Risk – Monitor the hazard, ensure risk does not increase.

SCHEDULE "B" INCIDENT REPORTING FORM



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PERSONAL INFORMATION OF THE INDIVIDUAL FILING THE INCIDENT REPORT			
NAME		PHONE/EX	
DEPARTMENT		EMAIL	
NATURE OF INCIDENT	<input type="checkbox"/> Harassment	<input type="checkbox"/> Violence	<input type="checkbox"/> Inappropriate Behaviour
INDIVIDUAL NAMED AS INSTIGATING THE INCIDENT			
INCIDENT DETAILS	Date:	Time:	Location:
Explain the incident with as much detail as possible. Attach additional pages if necessary			
Did you ask the individual to stop the behaviour?		If not why not?	
<input type="checkbox"/> Yes <input type="checkbox"/> No			
WITNESS(ES)	NAME:	NAME:	
	CONTACT:	CONTACT:	
What action/result would you like to see as an outcome of this incident?			
NAME:	SIGNATURE:	DATE:	
<i>Identifying information about any individuals involved shall not be disclosed unless the disclosure is necessary for the purpose of investigation or taking corrective action or is otherwise required by law.</i>			
This incident report form should be sent in a sealed envelope to your Department Head and/or, CAO			

DEPARTMENT HEAD/CAO USE			
NAME OF INVESTIGATOR		NAME OF INVESTIGATOR	
DEPARTMENT		DEPARTMENT	
Individuals interviewed (attached an additional page if needed)			
NAME:		NAME:	
CONTACT:		CONTACT:	
DATE OF INTERVIEW:		DATE OF INTERVIEW:	
NAME:		NAME:	
CONTACT:		CONTACT:	
DATE OF INTERVIEW:		DATE OF INTERVIEW:	
Did you find the complaint was substantiated?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Describe injuries if any			
Describe nature of threats if any			
Describe property damage if any			
Describe nature of harassment or inappropriate behaviour if any			
Explain what has been done to prevent a recurrence of a similar nature.			
Was disciplinary action taken?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Was a record of the action taken placed in employee file		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is follow up or monitoring needed?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Was written notification of the outcome provided to:			
<input type="checkbox"/> Employee who filed the incident report	<input type="checkbox"/> Employee about whom the report was filed	<input type="checkbox"/> Department Head	<input type="checkbox"/> CAO <input type="checkbox"/> Other
NAME:	SIGNATURE:		DATE:
NAME:	SIGNATURE:		DATE:
<i>Identifying information about any individuals involved shall not be disclosed unless the disclosure is necessary for the purpose of investigation or taking corrective action or is otherwise required by law.</i>			