

Corporate Policies

SECTION: HEALTH AND SAFETY – Organizational Rules	POLICY # 12.9.1
SUBJECT: Workplace Violence Prevention	
EFFECTIVE: April 30, 2010	REPLACES: 12.4.11
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APPROVED BY: CLT	PROCEDURAL UPDATES: Name/Date: November 25, 2010

POLICY STATEMENT:

The Corporation is committed to providing a safe and healthy workplace free from actual, attempted or threatened violence in compliance with *Occupational Health and Safety Act* requirements. The Corporation recognizes that workplace violence is a serious matter and will take reasonable precautions to prevent workplace violence and to protect employees at the workplace.

This is the companion policy to the Corporation's Harassment Prevention Policy which addresses harassment, including conduct that is not covered by the definition of workplace violence but that demeans, embarrasses, humiliates or is known, or ought to be known to be unwelcome.

PURPOSE:

This policy is intended to:

- Create and foster a work environment that is free from workplace violence;
- Establish and detail the responsibilities of all persons of the Corporation to maintain a workplace free of actual, attempted or threatened violence;
- Establish a process for assessing risk, reporting, investigating and responding to complaints of violence in an effective and timely manner;
- Raise awareness amongst all employees about the process for dealing with and reporting incidents of violence.

SCOPE:

This policy applies to all employees, including the Mayor and Members of Council. This policy applies to all persons, attending a Corporate workplace, including members of public, contractors, vendors, and delivery persons.

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DEFINITIONS:

Workplace violence	Means, (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 behavior 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 the worker.
Corporate workplace	Where City business occurs and includes: <ul style="list-style-type: none"> • City buildings (leased or owned) and surrounding perimeter including parking lots, sidewalks and driveways • City vehicles • Off-site locations where Corporation business occurs • Corporation sponsored functions and recreational or social events, whether taking place on Corporation grounds or elsewhere; • Travel for Corporation business
Incident Assessment Team	Is comprised of the area Supervisor, in consult with the designated Human Resources Advisor, and any of the following support team members, as necessary, from Corporate Property / Security, Human Resources, Legal Services, Union, Joint Health and Safety Committee, Law Enforcement and Employee Assistance Program. The purpose of this team is to assist in investigating and implementing measures as determined by the investigation.
Risk Assessment Team	Is comprised of, but not limited to, Departmental Representatives, Property Management, Security, Human Resources Advisor and Health and Safety Advisor. The purpose of this team is to evaluate the potential for workplace violence as defined by this Policy.

RIGHTS AND RESPONSIBILITIES:

Responsibilities of Directors, Managers and Supervisors:

- a. Treat all persons with respect and dignity;
- b. Understand and abide by the requirements of this policy;
- c. Communicate and review the policy with employees they supervise or manage;

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- d. Ensure a copy of the policy is posted in a conspicuous place in the workplace
- e. Verify that all contractors and others who attend Corporation workplaces are aware of this policy;
- f. Assess the risk for violence in the workplace and conduct reassessments after a reported complaint or incident of violence;
- g. Develop procedures to address the workplace violence risks identified in the risk assessment;
- h. Train employees on procedures that address the workplace violence risk(s) specific to their position including informing of employees with violent behaviour;
- i. Encourage employees to report complaints or incidents of workplace violence;
- j. Respond to all complaints or incidents of workplace violence in a professional manner appropriate for the circumstances of the complaint or incident;
- k. Document all complaints or incidents of violence using the *Workplace Violence Reporting Form*;
- l. Promptly report all complaints or incidents of workplace violence received or witness to the Human Resources Advisor;
- m. Investigate, in consult with the Human Resource Advisor, the complaint or incident of workplace violence within 7 working days from the date reported to the supervisor;

Responsibilities of Employees:

- a. Treat all persons with respect and dignity;
- b. Comply with this policy at all times to protect themselves and others in the workplace from workplace violence;
- c. Report immediately, all incidents of workplace violence experienced, witnessed or having knowledge to the supervisor. In the case of extreme or imminent threat or physical harm to themselves or any person from workplace violence, contact the Police immediately.
- d. Participate in training regarding this policy and procedures directed at workplace violence risks in the workplace;
- e. Cooperate fully in the investigation of complaints or incidents of workplace violence.

Responsibilities of the Human Resources Division:

- a. Investigate, in consult with the Supervisor, the complaint or incident of workplace violence;
- b. Co-ordinate and facilitate the Incident Assessment Team, where necessary, to assist in the investigation;
- c. Coordinate workplace violence awareness training;

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- d. Co-ordinate and facilitate risk assessments for workplace violence by the Risk Assessment Team; Co-ordinate a reassessment where an incident of workplace violence has been reported;
- e. Provide a copy of the risk assessment results to the Joint Health and Safety Committee;
- f. Review this policy annually and make revisions, as required.

ASSESSING THE RISK OF VIOLENCE IN THE WORKPLACE:

The Supervisors will assess the risk for violence in the workplace, in consult with the Risk Assessment Team. The Risk Assessment Team may be comprised of, but not limited to:

- Departmental representatives (Supervisors/Managers accountable for the positions and/or work locations being assessed)
- Property Manager representative
- Security representative
- Human Resources Advisor
- Health and Safety Advisor

Human Resources, in consultation with Supervisor, will identify positions and/or work locations that require a risk assessment that meet specific criteria, such as:

- a. Nature of the workplace
- b. The type of work, or the
- c. Conditions of work

Human Resources will coordinate and facilitate risk assessments of identified positions and/or work locations to be completed by the Risk Assessment Team using the Workplace Violence Risk Assessment Form.

The Risk Assessment Team will identify measures and procedures to control the risks identified in the assessment. These measures and procedures will be clearly stated and provided to department representatives, in writing.

Human Resources will provide a copy of the risk assessment results to the Joint Health and Safety Committee.

The department representative receiving the measures and procedures identified through the risk assessment will implement these in a timely manner. The department representative may

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suggest alternative measures and procedures as long as they address the risk identified and are agreed upon by the Risk Assessment Team. The department representative shall provide confirmation to the Risk Assessment Team when the identified measures and procedures have been implemented.

DOMESTIC VIOLENCE:

Where any employee of the Corporation becomes aware of a situation of domestic violence that would likely expose an employee to physical injury in the workplace, the circumstances will immediately be reported to the Supervisor and/or the Human Resources Advisor. The circumstances of the situation will be investigated by the Supervisor, in consult with the Human Resource Advisor. Appropriate action, if any, will be taken in the situation to protect employees from the risk of domestic violence in the workplace.

DISCLOSURE OF PERSONAL INFORMATION:

Supervisors will provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if the,

- a) Employee can be expected to encounter that person in the course of his or her work;
and
- b) Risk of violence is likely to expose the employee to physical injury.

Disclosure of information is limited to no more than is necessary to protect the employee from physical injury. Refer to Human Resources Advisor for advice.

PROCEDURES:

A. Reporting and Investigating Workplace Violence

Reporting Workplace Violence Incidents

All incidents of workplace violence or reprisal must be immediately reported to the Supervisor.

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Any person subjected to workplace violence should, where appropriate, go to a safe place at the workplace and report the incident to the Supervisor and/or Human Resources Advisor so that the incident can be investigated and addressed.

All complaints or incidents are to be recorded on the Incident Reporting Form by the Supervisor and the reporting person/employee.

If the Police have not been notified, the Supervisor or Security will report all incidents of workplace violence to the Police, as necessary.

If an incident of workplace violence involves a person who is not an employee of the Corporation, the Supervisor or Security will report the incident to that person's employer and/or such other person as the Corporation determines is appropriate in the circumstances.

In the case of extreme or imminent threat or physical harm to an employee or any person from workplace violence, contact the Police immediately.

Investigating Workplace Violence Incidents

All complaints or incidents of workplace violence or reprisal will be promptly investigated by the Supervisor, in consult with the Human Resource Advisor. Where necessary, the Human Resource Advisor will co-ordinate and facilitate the Incident Assessment Team to assist in the investigation. Where the assailant is an employee of the Corporation, the investigation will be conducted as quickly and confidentially as possible in the circumstances.

The Incident Assessment Team may consist of any one or combination thereof, but not limited to the following:

- Property Division/Security
- Human Resources Division
- Legal Services
- Union Representative
- Joint Health and Safety Committee
- Law Enforcement
- EAP

The Human Resource Advisor, in consult with the Supervisor, will determine the composition of the Incident Assessment Team.

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The investigation will include:

- A documented review with the complainant and/or victim;
- A documented review with the alleged assailant(s);
- A documented review with any witnesses with relevant information to provide; and
- Any other step the investigator(s) deems necessary to fully and fairly investigate the complaint or incident.

At the conclusion of the investigation into a complaint or incident, the Supervisor, in consult with the Human Resources Advisor, will prepare a written report of the findings of fact after evaluating existing policies, procedures, physical premises and devices, employee training and the identification of measures to prevent a recurrence.

The Supervisor will take action to ensure that identified measures are implemented to protect employees from workplace violence.

The Supervisor will follow up with the complainant, in writing, within 30 days from the date the complaint or incident was reported to him/her.

Where the assailant is an employee of the Corporation, the Supervisor of the assailant, in consult with the Human Resources Advisor, will take any necessary disciplinary action. The severity of any disciplinary action, which may include dismissal from employment, will be consistent with the seriousness of the conduct at issue such that more significant discipline will follow more serious conduct or repeated violations of this policy.

B. Training

Human Resources Division will coordinate training of the Workplace Violence Prevention Program for Supervisors and employees. Employee training will include, but not limited to:

- *Occupational Health and Safety Act* requirements
- Review of the Workplace Violence Prevention policy
- Employee responsibilities, what to do when confronted with workplace violence
- Strategies to prevent workplace violence
- Difference between workplace violence and harassment
- Work refusal overview

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- Risk assessment results and how particular positions at the City may be impacted
- Employee Assistance Program information

Supervisor training will include, but not limited to:

- *Occupational Health and Safety Act* requirements
- Roles and responsibilities for addressing workplace violence
- Protocol for addressing workplace violence
- Minimum employee training requirements
- Risk assessment process
- Work refusal process
- Disclosure of personal information
- Domestic violence obligations
- Employer reporting requirements

C. Support Available for Victims of Workplace Violence

Employees who are victims of workplace violence can access the following support systems within the Corporation:

- Employee Assistance Program
- Employee Complaint Process
- Peer Support Network or Critical Incident Stress Team, where available

CONFIDENTIALITY:

The Corporation takes all complaints and incidents of workplace violence seriously. All incidents will be handled with respect for the individuals involved, and in a confidential manner to the extent possible and subject to the requirements of the law. Complete confidentiality is not possible in all circumstances and cannot be guaranteed.

NO REPRISAL:

No reprisal or threat of reprisal in any form will be made or taken against the person(s) involved in a workplace violence investigation.

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It is understood that if, following the investigation, the employee's complaint is found to be vexatious and/or frivolous in nature, the employee initiating the complaint may be subject to disciplinary action, up to and including dismissal.

SANCTIONS:

The Corporation values the health and safety of its employees and expects that its workplaces will be free of workplace violence. Incidents of workplace violence perpetrated against or by any employee, customer, vendor, contractor or visitor will not be tolerated.

Any employee found to have engaged in violence will be subject to discipline up to and including dismissal. If the Corporation determines that an individual from outside the Corporation has engaged in violence toward a Corporation employee, the Corporation will take action which may include contacting the Police and prohibiting the individual from being on Corporation property by serving a Trespass Notice, or other action as is appropriate.

ACCOUNTABILITY:

All employees working with or for the City of Brampton (COB) are accountable to adhere to this policy.

ADMINISTRATION:

Human Resources, City of Brampton, 5th Flr-2 Wellington St. West Brampton, Ontario L6Y 4R2 is the administrator of this policy, and is responsible for keeping this policy up to date.

CONTACT:

Human Resource Advisor, Human Resources Division.