



Violence Free Workplace Program

Program #: HR.13-03-001
Policy #: HR.13-03
Sub-Topic: Health and Safety
Topic: Health, Safety and Wellness
Applies to: All Employees

Purpose

The Corporation of the Town of Newmarket (Town) is committed to maintaining a work environment free of violence to ensure that all employees feel safe and secure within the workplace. The Town's strategy of a violence free workplace is reflected in the Violence Free Workplace Policy HR.13-03 which is implemented by this Program.

The purpose of the Violence Free Workplace Program is to outline measures and procedures with respect to preventing or eliminating risks of violence in the workplace and what to do in the event of workplace violence.

The Violence Free Workplace Program is to demonstrate the commitment of the Town to the *Occupational Health & Safety Act* (OHSA) by protecting employees from sources of workplace violence; to define the duties and responsibilities of the employer and employees in supporting this Policy; and to address all incidents or complaints of workplace violence. The Town's violence free workplace strategy of prevention and elimination includes a Policy, Program, employee instruction and violence hazard recognition processes.

Definitions:

Workplace Violence- Ontario's *Occupational Health and Safety Act* (OHSA) defines Workplace Violence as:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker (e.g. physical attacks - hitting, shoving, punching, pushing or kicking)
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker (e.g. threatening behaviour - such as shaking fists, destroying property or throwing objects)
- a statement or behaviour that it 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 (e.g. verbal abuse or verbal or written threats - any expression of an intent to inflict harm)

Workplace violence includes, but is not limited to:

- threatening behaviour - such as shaking fists, destroying property or throwing objects
- verbal abuse or verbal or written threats - any expression of an intent to inflict harm.

- physical attacks - hitting, shoving, pushing or kicking

Workplace - The *Occupational Health and Safety Act* defines as “any land, premises, location or thing at, upon, in or near which a worker works.”

- It should be noted that workplace harassment and discrimination can occur at off-site business-related functions (conferences, trade shows), at social events related to work, in residents' homes or away from work but resulting from work (a threatening telephone call to your home from a client, customer, resident etc.)
- The definition of "workplace" applies to telework/remote work performed in or about a private residence

Domestic Violence – A person who has a personal relationship with an employee such as a spouse or former spouse, current or former intimate partner or a family member that may physically harm or attempt or threaten to physically harm the employee at work.

Complainant – Refers to an employee who has been a victim or has been threatened of violence in the workplace.

Respondent – Refers to a person (or group of people) who is the alleged aggressor. Where the alleged aggressor is not an employee, the Workplace Violence and Harassment Coordinator may implement different investigation methods.

Supervisor – Refers to an employee who directly supervises the complainant or respondent.

Workplace Violence & Harassment Coordinator (WVHC) - The Workplace Violence & Harassment Coordinator will undertake or coordinate investigations of workplace violence incidents; inform department heads of workplace violence incidents, as appropriate; and may secure external resources as appropriate.

Procedure:

- The Violence Free Workplace Program implements the Violence Free Workplace Policy for incidents of workplace violence. The Program includes measures and procedures to protect employees from workplace violence, provides a procedure for employees to summon immediate assistance and a process for employees to report incidents or to raise concerns with respect to workplace violence
- All employees are expected to work in a safe and respectful manner and uphold the Town's Violence Free Workplace Policy and its supporting Program as workplace violence is unacceptable
- No employee shall subject any other person to workplace violence or allow or create conditions that support workplace violence

- Employees that subject another employee to workplace violence may be subject to progressive discipline, up to and including termination, commensurate with the severity of the incident
- The designated Workplace Violence & Harassment Coordinator is the Director, Human Resources
- All employees have a duty to report workplace safety issues and must also report incidents of workplace violence to their immediate Supervisor/Manager, Human Resources or the Workplace Violence & Harassment Coordinator. Employees who report an incident of workplace violence in good faith and without malice, regardless of the outcome of the investigation, will not be subject to progressive discipline. However, employees who intentionally do not disclose or do not report incidents of workplace violence may be subject to progressive discipline
- For the purposes of reporting workplace violence incidents involving an employee in a supervisory role or by a member of senior management, i.e. the CAO, Commissioner or Director, the complainant will consult with the Workplace Violence and Harassment Coordinator
- Employees are also required to report where there is the likelihood of workplace violence occurring
- Managers and supervisors who are aware of workplace violence are obligated to take corrective action in consultation with Human Resources
- The Town prohibits reprisals or threats of reprisal against any person who seeks to pursue or pursues their rights under the Violence Free Workplace Policy and its supporting Program, or who is a witness or potential witness in a proceeding under the Policy and its supporting Program
- The Town will investigate and address incidents or complaints of workplace violence
- Human Resources in conjunction with the Multi-worksites Joint Health & Safety Committee will review annually the risks of workplace violence and ensure effective procedures are current and in place relative to workplace violence
- To ensure the ongoing compliance with the OHSA, Human Resources will coordinate an annual review of Violence Free Workplace Policy # HR.13-03. to ensure that it is current
- Human Resources in conjunction with the Multi-worksites Joint Health and Safety Committee will coordinate the "Violence Free Workplace Program"
- The release of personal information relative to an employee's history of violence will be disclosed as is needed to protect other employees from physical injury while respecting privacy as much as possible

Employee Responsibilities:

- Act in accordance with the organization's Employee Code of Conduct respecting other employees and the environment in which they work

- As a part of the Health and Safety Internal Responsibility System (IRS), must be aware of and conduct themselves in accordance with the Violence Free Workplace Policy and its supporting Program
- Report any incidents of violence or threatened violence in the workplace to their supervisor, Human Resources and/or the Workplace Violence & Harassment Coordinator and cooperate fully in any investigations
- Be familiar with workplace violence preventative measures such as the use of panic buttons, emergency contact information, and related violence free workplace Program
- Be aware of the consequences of unacceptable behaviour, such as progressive discipline, up to and including termination, as outlined in this Program

Employer Responsibilities:

CAO/Commissioners/Directors/Managers/Supervisors:

- Provide employees with a safe work environment, free from violence, threats of violence, intimidation and other disruptive behaviour, in support of the Health and Safety Internal Responsibility System (IRS)
- Ensure that violence in the workplace is not tolerated, ignored or condoned
- Provide resources for communication and training regarding the contents of the Violence Free Workplace Policy and its supporting Program. Participate in education and training sessions on violence prevention
- Promptly report incidents of workplace violence to the Workplace Violence & Harassment Coordinator or designate
- In the case of workplace violence incidents, recognize an employee's right to refuse work, in accordance with the Violence Free Workplace Program and OHSA
- Address and take action in accordance with the Violence Free Workplace Policy if violence occurs or if management becomes aware of violence or the threat of violence in the workplace
- Provide employees who have been subjected to workplace violence and their co-employees who witnessed the incident, with appropriate support (EFAP or other resources as appropriate) in consultation with Human Resources
- Ensure the posting of the Violence Free Workplace Policy and Program in a conspicuous place such as health & safety boards for all employees to view. Electronic versions will also be posted on the Town's Intranet

Human Resources Department:

- Ensure the Violence Free Workplace Policy and its Program are current and consistently implemented
- Investigate incidents of workplace violence and recommend resolutions to appropriate management in a timely manner in accordance with the Violence Free Workplace Program
- Support the Multi-worksites Joint Health and Safety Committee on workplace violence risk assessments, the development and maintenance of workplace violence Programs and other preventative measures with respect to workplace violence
- Provide and/or coordinate workplace violence support as required
- Ensure that employee information related to workplace violence incidents is handled discretely and confidentially respecting the privacy of all parties as much as possible

Multi-worksites Joint Health & Safety Committee (MJHSC):

- Review the Violence Free Workplace Policy annually and conduct an annual review of workplace risks and controls and update as appropriate
- Make recommendations to management with respect to Violence Free Workplace Policy and its Program to mitigate risks of workplace violence
- Promote the principles of Violence Free Workplace Policy and its Program to all employees

Responsibilities of the Workplace Violence & Harassment Coordinator (WVHC):

- Serve as the main contact for employees who are involved with workplace violence
- Undertake or coordinate investigations of workplace violence incidents
- Inform management (Directors/Managers) of workplace violence incidents, as appropriate
- Secure external resources as appropriate

Assessment of risks of violence:

Overall, the risk of violence assessment shall consider:

- circumstances that would be common to similar workplaces
- circumstances specific to the workplace

The Workplace Violence & Harassment Coordinator or designate in collaboration with the Multi-worksites Joint Health and Safety Committee will prepare and maintain a workplace violence risk assessment about the likelihood of violence to arise from the nature of the workplace, type of work or conditions of work. The Multi-worksites Joint Health and Safety Committee may make appropriate recommendations to management with respect to mitigating risks of violence in the workplace

The **HR.13-03-001.1 Workplace Violence Hazard Assessments Form** is usually used to conduct workplace violence assessments, especially regarding violence hazards specific to the workplace. However, spreadsheet reports and other assessment tools may also be used.

Third-party security audit reports and/or security matrixes may also be used as a violence risk assessment tool to identify the necessary corrective actions. Any third party security audits will be arranged by the Facilities Services.

The results of the risk assessment will be used to identify the measures and procedures that may be required to control risks of violence in the workplace. The risk of workplace violence should be re-assessed as often as is necessary to protect employees from workplace violence. For example, a re-assessment should be undertaken if:

- The workplace moves or the existing workplace is renovated or reconfigured
- There are significant changes in the type of work
- There are significant changes in the conditions of work
- There is new information on the risks of workplace violence
- A violent incident indicates a risk related to the nature of the workplace; type of work or conditions of work was not identified during an earlier assessment

When conducting workplace health and safety inspections, the Multi-worksite Joint Health and Safety Committee-designated inspectors will also look for violence-related hazards and identify controls that exist or that may be implemented to reduce the risk of workplace violence.

Employee and supervisor surveys may be conducted as part of the risk assessment in order to receive feedback on past violent incidents that may have occurred or concerns that employees may have of a risk of workplace violence. The results from the surveys assist in the analysis of the controls that have been implemented or may be implemented to minimize risk levels.

Control Measures:

The results of risk assessments and any investigations' findings will be used to prepare the measures and procedures to control workplace violence risks. Some examples of the measures and procedures to control workplace violence risks are as follows:

- Installing of fixed panic buttons (e.g. Customer Services Kiosks, Bylaw Office, R&C Offices, etc.)
- Mobile panic buttons that will be provided upon request and/or on an as needed basis
- Placing proper protection barriers where employees will deal with the public directly.
- Transformation from cash-based payment to electronic-payment systems as much as reasonably possible (e.g. online payment, e-transfer, use of credit/debit)
- Installation and/or upgrading the Electronic Access Control (electronic locks) on the entrances

- Installing Indoor and Outdoor Security Cameras
- Planning work so that staff who work with the public are not alone as much as reasonably possible, especially if cash payment is involved

When to Summon Immediate Assistance:

Employees involved with incidents of workplace violence should immediately summon assistance. Whenever a situation in the workplace becomes volatile or escalates into a situation where workplace violence is likely to occur, employees should contact police or emergency assistance.

Employees who are in a situation where workplace violence is likely to occur because of threats made by someone in person, over the phone, by e-mail or mail should contact police and emergency assistance.

Employees who need to summon immediate assistance have a number of options including, but not limited to:

- Using a panic button, as appropriate
- Using code words with co-workers to seek immediate assistance.
- Yelling for assistance from co-workers whenever and wherever possible
- Contacting their supervisor or someone such as the Workplace Violence & Harassment Coordinator or a Facilities staff for immediate assistance
- Phone police or emergency assistance (911) wherever is required

Making an Emergency Services Call:

- Avoid delay in making the call
- Remain calm
- Use the phone to dial 9-1-1 or your emergency assistance contact.
- When asked by the operator, state the service you require; for example police, fire or ambulance
- Let the operator control the conversation. They have standard questions for obtaining critical information from you in a timely and orderly manner
- Clearly state your location and the location of the situation you are reporting using the street address, if you know it
- State briefly and clearly what you have observed or why you are calling
- If possible, without exposing yourself to danger, stay on the line until emergency services arrive, unless the operator specifically asks you to hang up
- Panic buttons can be used to summons immediate assistance if provided depending on your location

- Be proactive and be prepared. Employees should check with their supervisor for other methods or procedures to obtain immediate assistance

When you push a panic button:

1. A signal will automatically be sent to the alarm monitoring company when a panic button is activated
2. The alarm monitoring company will notify the police
3. The police will respond

Each department has the responsibility to implement measures and procedures specific to that workplace to mitigate workplace violence. It is important to recognize that each workplace is different, taking into consideration the workplace circumstances and type of work done.

Domestic Violence:

If a supervisor becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose an employee to physical injury may occur in the workplace, the supervisor shall take every precaution reasonable in the circumstances for the protection of the employee.

If an employee is experiencing domestic violence, or an employee has reason to believe that a co-worker is experiencing domestic violence, that could expose employees to physical injury in the workplace the employee should report the situation to a supervisor or the Workplace Violence & Harassment Coordinator.

The Workplace Violence & Harassment Coordinator, in consultation with the department, will develop a safety plan on a case-by-case basis in consultation with the targeted employee to assist in preventing and responding to the situation. In developing the plan, the supervisor and employee may be able to work with the police or other informed community services.

Process for Reporting Workplace Violence:

An employee must report a situation that they believe is workplace violence to their supervisor by phone, text, e-mail, instant chat (e.g. Teams), in-person and/or written. If the incident or complaint is brought to the attention of the supervisor, they will report the incident to the Workplace Violence & Harassment Coordinator without delay.

A report may include several parties including, but not limited to:

- The actual complainant of alleged workplace violence
- Other employee(s) who witnessed the incident(s); and/or
- A third-party reporting on behalf of the complainant(s)
- Depending on the type and the nature of a workplace violence incident and resulting injury if any, it may be reported to some government agencies as follow:

- A workplace violence incident that requires medical treatment and/or loss of time will be reported to the WSIB (The Workplace Safety and Insurance Board).
- Any workplace violence incident that meets reporting requirements under the O.Reg.420/21 for a critical injury will also be reported to the Ministry of Labour, Immigration, Training and Skills Development (MLITDS)

Measures and procedures for workers to report workplace violence to a person other than the supervisor, if the supervisor is the alleged respondent:

- If the alleged respondent is a supervisor, the complainant shall report to Workplace Violence & Harassment Coordinator, Human Resources, or the supervisor of the alleged supervisor
- Wherein an incident of workplace violence occurs by a member of senior management, i.e. the CAO, Commissioner or Director, the complainant will consult with the Workplace Violence and Harassment Coordinator

Right to Refuse Unsafe Work:

An employee has the right to refuse work, subject to applicable legislation, if they have reason to believe that workplace violence is likely to endanger him/her. In that instance the employee should immediately contact his/her supervisor, at which point appropriate measures will be taken to protect the employee and investigate the situation according to the Town's Work Refusal Procedure.

For some employees the right to refuse work for any reason, including for workplace violence is limited. Certain employees 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 or safety of another person (i.e. firefighters).

Information about a Person with a History of Violent Behaviour:

Where there is a risk of workplace violence from a person with a history of violent behaviour, the Town's management will provide information to those at risk, including personal information, as appropriate. This information will be provided when the employee can be expected to encounter the violent person in the course of employment with the Town and the risk of workplace violence is likely to expose the employee to physical injury.

The Town will not disclose more information than is reasonably necessary for the protection of an employee from physical injury.

Investigation Process:

The Workplace Violence & Harassment Coordinator or designate will commence an investigation appropriate in the circumstances in accordance with the Town's Accident/Incident Investigation Procedure (Section 01-09 of Health and Safety Manual).

A thorough investigation of workplace violence and the implementation of corrective measures are critical for the prevention of future incidents. Taking a more structured and

comprehensive approach to investigations that focuses on identifying incident root causes will assist the Town in developing effective recommendations to address (by eliminating or controlling risk) underlying causes.

Reporting of findings/results (documentation): The investigator will prepare a written report summarizing the steps taken during the investigation regarding gathering information/statements from the complainant, the response from the alleged respondent, the evidence of any witnesses, and any other evidence.

The report must set out findings of fact and conclude whether workplace violence was found or not. It must be provided to the Workplace Violence and Harassment Coordinator, supervisor, or designated person to take appropriate action.

The Workplace Violence & Harassment Coordinator or designate (investigator) must ensure that the investigation results (summary) and any corrective action are provided to the complainant and the alleged respondent, if they are workers of the Town, in writing and when the investigation is being concluded.

The amount of information provided about the corrective action will depend on the circumstances. Still, it must indicate what steps the Town has taken or will take to prevent a similar workplace violence incident.

Results of Investigations and Mediation:

Complaint Supported:

Where the results of the investigation support a specific complaint of workplace violence, 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(s):

- Communication and Training
- Review and modification of policies, procedures, Programs and practices
- Disciplinary action up to and including dismissal
- Documentation on employee's personnel file, as appropriate

Where deemed reasonable and appropriate, the Workplace Violence & Harassment Coordinator, in consultation with the parties involved in the complaint, may propose and develop a more comprehensive strategy to eliminate and/or prevent workplace violence.

Complaint Unsupported:

Where the results of the investigation do not support the allegations of workplace violence made by the complainant, the complaint shall not proceed and there will be no documentation placed in the employees' file.

Where the results of the investigation do not support the specific complaint, but where the investigation suggests the existence of systemic problems in the work environment which may cause, contribute to, or encourage workplace violence, the Workplace Violence & Harassment Coordinator may further investigate and make recommendations for change.

Malicious Complaints:

Where it is determined that the complaint was made maliciously or in bad faith with reasonable knowledge of and intent to harm, disciplinary action may be taken against the complainant. Documentation regarding this disciplinary action will be placed in the employee's personnel file.

The complainant (now respondent to allegation of malicious complaint) will be notified in writing of this decision including the reasons.

Reopening of Files:

Reopening of a closed file may occur in the following circumstances:

- New and relevant information regarding a closed case has been brought forward to the Workplace Violence & Harassment Coordinator
- A new incident of workplace violence has taken place post-closure by the same respondent; or
- A reprisal from a closed case is alleged to have occurred

Communication and Instruction:

Information and instruction on the Violence Free Workplace Policy and its supporting Program will be communicated to all employees of the Town.

The primary methods of communication are as follows:

- Employee onboarding and orientation
- Posting on the safety boards
- Posting on the Town's intranet
- Posting on the Town's website (under the Policies' page)
- Sending e-mails to employees attaching the Violence Free Workplace Policy and its supporting Program, and/or providing the link for the Town's intranet and website about the Policy and its supporting Program
- Showing and/or providing the Violence Free Workplace Policy during the training sessions

Employees will receive training in the following:

- Intent and content of the Violence Free Workplace Policy and its supporting Program.
- How to report incidents of workplace violence to their supervisors
- How the Town will investigate and deal with incidents, threats or complaints

Supervisory staff will receive training in the following:

- Intent and content of the Violence Free Workplace Policy and its supporting Program
- Responsibilities and obligations of supervisors under the Violence Free Workplace Policy, Program and relevant legislation
- Reporting and investigation procedures related to threats or incidents of workplace violence
- Implementing or assisting in implementation of the corrective actions regarding their staff and/or departments
- Assisting in workplace violence risk assessment

Confidentiality of Complaints and Investigations:

The Town recognizes the sensitive nature of violence complaints and will keep all complaints confidential, to the fullest extent possible. The Town will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

Out of respect for the relevant individuals' privacy and the confidentiality of data, it is essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

Record Keeping:

- All records of workplace violence complaints or incidents will be kept electronically in the Human Resources department's database for a period not less than five years from the date of closing unless subsequent issues arise. Hard copies of the documents may also be placed in the Personnel Files of the employees involved in the workplace violence case. The records may include:
 - a copy of the complaint or details about the incident
 - a record of the investigation including notes
 - copy of witness statements, if taken
 - a copy of security camera photos/footage, if any
 - a copy of the investigation report, if any
 - a copy of the results of the investigation that were provided to the complainant and/or respondent
 - a copy of any corrective action taken to address the complaint or incident of workplace violence
- The documents associated with a workplace violence complaint, incident and/or investigation must not be disclosed unless necessary to investigate an incident or complaint of workplace violence, take corrective action or otherwise as required by law

- Upon determination and notification of a complaint supported or non-supported decision, the file will be closed and retained in Human Resources for a period not less than five years from the date of closing unless subsequent issues arise

Duty to consult with the Multi-worksites Joint Health and Safety Committee (MJHSC):

- The Town shall develop and maintain the written workplace harassment Program in consultation with the Multi-worksites Joint Health and Safety Committee. The consultation must provide an opportunity for the Multi-worksites Joint Health and Safety Committee to provide feedback, whether orally or in writing, on the Program and the feedback must be considered by the Town.
- Also, during one of the monthly Multi-worksites Joint Health and Safety Committee meetings, usually the first two months of each calendar year, the committee will review the Harassment & Discrimination Free Workplace Policy and its Program. The Multi-worksites Joint Health and Safety Committee Agenda and/or Minutes for a meeting will document the review.

Cross-References

- Drug and Alcohol, Policy No. HR.5-02
- Employee Code of Conduct, Policy No. CAO.3-01
- Employee Complaint, Policy No. 4-02
- Health and Safety Policy & Procedures Manual:
 - Section 1-01 - Health & Safety Policy Statement.
 - Section 1-09 - Accident Reporting and Investigation Procedures.
 - Section 1-05 - Work Refusal Procedures
 - Section 2-26 - Working Alone Procedures
- Harassment & Discrimination Free Workplace, Policy #HR.13-04
- Resignation/Termination of Employment, Policy No. HR.4-03
- Progressive Discipline, Policy No. HR.4-01
- Violence Free Workplace, Policy No. HR.13-03
- Accident/Incident Investigation Report, *Form HS.01-09.INV.01*
- Witness Statement, *Form HS.01-09.INV.02*
- Workplace Violence Hazard Assessments, *Form HR.13-03-001.1*

Government Legislation:

- [Ontario Municipal Freedom of Information and Protection of Privacy Act \(MFIPPA\).](#)
- [Ontario Occupational Health & Safety Act \(OHSA\) and Regulations.](#)
- [Personal Health Information Protection Act \(PHIPA\).](#)
- [MLITSD's Understand the law on workplace violence and harassment](#)
- Applicable Provincial legislation as amended from time to time

Contact

Human Resources Department or at hr@newmarket.ca

Details

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