



Workplace Violence Policy

SCHEDULE "A" of
By-Law: No. 2020-49

Effective
Date: August 10, 2020

Workplace Violence Policy

1. POLICY STATEMENT

The Municipality of East Hawkesbury is committed to providing a work environment in which all individuals are treated with respect and dignity. The Municipality recognizes that all employees have a right to work in an environment that is free of any form of violence.

The Municipality also adheres to the *Occupational Health and Safety Act*, which includes the obligation to protect employees and to take reasonable steps to prevent workplace violence.

Violence is unacceptable conduct that will not be tolerated in the workplace. The administration of The Township of East Hawkesbury will take all reasonable and practical measures to prevent and protect employees from acts of violence.

2. DEFINITIONS

« Investigator Agent »

The Manager of Municipal Law Enforcement is defined as the Investigator Agent for the purpose of this policy. He may be reached at the central office. In the event that the Manager of Municipal Law Enforcement is absent, the Health & Safety Officer will be the designate.

« Respondent »

The individual against whom allegations that could constitute a violation of this policy have been made.

« Workplace »

This policy is limited to behaviour that occurs in the workplace. However, under this policy "workplace" is defined broadly and includes, but is not limited to: the actual work site (the office and its premises), at office-related social functions, in the course of work assignments outside the office, at work-related conferences or training sessions, during work-related travel, and, over the telephone.

« Complainant »

The person who files a formal complaint in writing pursuant to this policy

« Workplace Violence »

Workplace violence includes the threat, exercise, or attempted exercise, of physical force by a person against a worker, in a workplace that causes or could cause physical injury to the worker. Examples of workplace violence include, but are not limited to:

- i. Threatening behaviour such as shaking fists, destroying property or throwing objects;
- ii. Verbal or written threats that express an intent to inflict harm;
- iii. Physical attacks;
- iv. Any other act that would arouse fear in a reasonable person in the circumstances.



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3. Responsibilities

3.1 Employees

- a) Employees are expected to act respectfully towards other individuals while at work and while participating in any work-related activity.
- b) The Municipality believes that all staff members have a moral duty to maintain a work environment free from harassment, discrimination or violence. Accordingly, the Municipality expects all employees to promptly report any incident of harassment, discrimination or violence of which they have knowledge.
- c) Employees are expected to ensure their own immediate physical safety in the event of workplace violence, then report the incident to the police, a supervisor or a manager as the situation warrants.
- d) The Municipality expects employees to comply with this policy and cooperate with any efforts to investigate and resolve matters arising under this policy.
- e) Employees are also expected to participate in education and training programs, as required, in order to be able to respond appropriately to any incident of workplace violence.

3.2 Management

- a) Department Head and Supervisor shall:
 - i. Endeavour to ensure that the workplace within their jurisdiction is free of any violence;
 - ii. Organize yearly employee information sessions or any additional information or training sessions as needed with the assistance of the Human Resources Director;
 - iii. On receipt of a complaint, assure the complainant that an objective examination of the complaint shall take place immediately;
 - iv. Immediately inform of any complaints received or vice-versa;
 - v. Advise the respondent that a complaint has been lodged;
 - vi. Ensure that all complaints regarding violence are investigated promptly while protecting confidentiality for all parties wherever possible.
 - vii. Take all reasonable precautions in the circumstances for the protection of an employee if the employer becomes aware of a domestic violence situation that would likely expose an employee to physical injury in the workplace.
 - viii. Facilitate medical attention and appropriate support for all those either directly or indirectly involved in an incident of workplace violence.

3.3 Human Resources Department

- a) Human Resources will:
 - i. Ensure that the intent and guidelines of this policy are communicated to all existing and future employees;
 - ii. Ensure support is provided to any employee by providing information and referral as required;
 - iii. Organize yearly employee information sessions or any additional information or training sessions as needed;
 - iv. Assist head of department and supervisors in organizing employee information or training sessions;
 - v. Implement the workplace violence prevention program;



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- vi. Assist departments in investigating complaints and determining appropriate administrative response;
- vii. Due to the potentially sensitive nature of the offence, maintain protection of confidentiality for all parties wherever possible;
- viii. Advise complainant of final disposition of complaint.

4. Violence Risk Assessment

The employer shall assess the risk of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. The assessment must occur as often as is necessary, but at least annually. The assessment shall take into account circumstances that would be common to similar workplaces and circumstances specific to the workplace. The employer shall advise the Health and Safety Committee of the results of the assessment.

5. Risk of Workplace Violence from a Person with a History of Violent Behaviour

The employer will provide employees with information, including personal information, about a person with history of violent behaviour if the employee can be expected to encounter such a person in the course of her or his work and the risk of workplace violence is likely to expose the employee to physical injury. The employer will not disclose more information than is reasonably necessary for the protection of an employee from physical injury.

6. Workplace Violence Reporting

6.1 Reporting Process

- a) If the incident is of an urgent and serious nature, employees should first contact 911 and ensure they are in a safe place before following the steps below. Otherwise, employees who believe that they have been subject to, have witnessed, have knowledge of, or have a reason to believe workplace violence may occur, shall:
 - i. Immediately report such information verbally to a supervisor or the Investigator Agent. If there is a serious and immediate threat, employees will receive information and instruction from the employer and, depending on the nature of the workplace violence, the appropriate law enforcement agency may be summoned;
 - ii. Complete the Workplace Violence Incident Report and submit it to the Supervisor or the Investigator Agent once the immediate threat has been addressed. Non-emergencies that may include threats or threatening behaviors must also be reported, and the Workplace Violence Incident Report must be completed as soon as possible and the employee must provide it to the Investigator Agent or Supervisor;
 - iii. Make detailed notes of the incident(s) as soon as possible including the date, time, and nature of incident(s) and names of any witnesses and include this information on the Workplace Violence Incident Report.



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6.2 Investigation Process

- a) All reports of workplace violence or potential incidents will be taken seriously and documented. If the allegations constitute a violation of this policy, they will be investigated. The form of investigation will depend on the circumstances and may involve appropriate law enforcement or other competent persons as determined by the Investigation Board, taking into consideration all of the circumstances.
- b) Upon receipt of the completed Complaint Form, the Investigator Agent or designate will assign the investigation to be internal or external.
- c) The investigation may include interviewing the complainant and the respondent as soon as possible, interviewing any witnesses, reviewing relevant documents and other materials and producing a final report detailing findings and recommendations (if any).
- d) Following the investigation, the investigator may make a finding of :
 - i. Sufficient evidence to support a finding of violation of this policy;
 - ii. Insufficient evidence to support a finding of violation of this policy; or
 - iii. No violation of this policy.
- e) Upon being advised of the investigator's findings, the employer will determine whether any action is required, which may include preventive, corrective and/or disciplinary action.
- f) Please note that the appropriate law enforcement agency may conduct its own independent investigation.

7.4 Complaint Resolution

7.4.1 Informal Process

- a) This process provides the Department Head or supervisor with an opportunity to resolve relatively straight forward written complaints in an expeditious manner;
- b) The Department Head or Supervisor may discuss the allegation with the complainant, the Respondent and the appropriate supervisory personnel with a view to reaching a solution;
- c) During the informal resolution, either party may be accompanied by another person;
- d) If a resolution acceptable to both the complainant and the respondent is agreed upon, the issue will proceed no further. The Department Head or Supervisor's report of the resolution, signed by both parties, and a copy of the written complaint will be kept in a confidential envelope in the employee's personnel file. A copy of the said documents will also be given to each party;

7.4.2 Formal investigation process involving employees

- a) The complainant may proceed directly to a formal investigation in the following circumstances:
 - i. In lieu of informal resolution;
 - ii. If the respondent does not agree to informal resolution;
 - iii. If informal resolution does not resolve the dispute.
- b) The decision to proceed to a formal investigation shall be indicated in writing to the Department Head who shall then communicate to the Council



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- c) If any member of council is personally involved in the complaint, he will not be allowed to be part of the Investigation.
- d) At its discretion, the Council may appoint an external investigator in order to conduct the investigation instead of an internal investigation.
- e) Council or the external investigator, as applicable shall discuss the allegation with the complainant, the respondent, witnesses and supervisory personnel. Persons not named in the complaint who may have some personal knowledge about the incidents will also be interviewed. These witnesses, too, may be accompanied by a representative of their choice.
- f) Within fifteen (15) working days after the investigation is completed, the council or the external investigator, as applicable, will prepare a written report summarizing investigation findings and recommending corrective action if necessary. Conclusions about whether a specific incident of violence did or did not occur are based upon the balance of probabilities. If the findings do not support the complaint, the council will recommend that no further action is necessary.
- g) The complainant, and those named in the complaint have the right, within five (5) working days of its distribution, to review and comment on the Investigation council report. Such comments shall be forwarded to the Director of Human Resources or designate.
- h) If it is determined that a form of violence has occurred, disciplinary measures, as appropriate, will be taken following consultation with the council.

Such disciplinary measures could include:

- i. Counselling
 - ii. Oral reprimand (noted in the employee's file)
 - iii. Written reprimand (copy placed in employee's file)
 - iv. Transfer (if possible)
 - v. Suspension without pay for a period of time
 - vi. Suspension with or without pay pending approval for discharge
 - vii. Termination of employment
 - viii. Whatever action is deemed appropriate
- l) If allegations of a complaint made in good faith are not substantiated, there will be no negative consequences drawn against the complainant, witnesses or alleged offender and no record of the complaint will appear on any employee's personnel file.

7.4.3 Process updates

Any time during the formal investigation process, the complainant or the respondent can inquire to the Director of Human Resources or designate as to the status of the complaint.



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a) The Director of Human Resources or designate will be responsible of communicating the results of the investigation and any disciplinary measures, if any, to the respondent.

7.4.5 External Investigator

a) All complaints rejected by the council and any other complaints related to a member of council shall be directed to CAO of the Township. In case a member of council is above-mentioned personally implicated in the complaint, the member will not be authorized to sit on the Investigation.

7.4.6 Authority and Duties of the External Investigator

a) The external investigator has the authority to investigate and/or attempt to settle the complaint, and to speak with anyone, examine any documents and enter any work location relevant to the complaint for the purposes of investigation or settlement. These duties shall be carried out in accordance with the preceding provisions of this policy.

b) The Investigator may make interim reports to the council, as required, to address instances of interference, obstruction, or retaliation encountered by the consultant while dealing with a complaint under this policy.

7.4.7 Investigation Report

a) The Council shall be presented with a final report outlining the findings, terms of settlement, if any, or recommended corrective actions within ninety (90) calendar days of the making of the complaint. The Executive Committee may grant an extension of time upon the request of the external investigator.

b) The complainant and the respondent will be given thirty (30) calendar days to review and submit comments on the final report presented to the Council.

8. Final Decision

The Council will review the final report and any comments received before making any decision on the matter. They may approve, change or reject any proposed terms of settlement or recommended corrective action.

9. Confidentiality

a) Confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved: only those on a "need to know" basis will be advised of the complaint and/or investigation. In particular, 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 as otherwise required by law.

b) Employees are advised that gossiping about an incident will not be tolerated. Those with questions or concerns should speak to their supervisor.



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10. Record Keeping

The document corresponding to any harassment or discrimination matter will be kept on file in a separate and confidential file indefinitely.

11. Other Avenues of Redress

Nothing in this section should be interpreted as denying or limiting access to other avenues of redress available under the law. The Council, however, may decide to postpone, suspend or cancel any investigation into a complaint under this policy if it is believed that the investigation would duplicate or prejudice such a proceeding.



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Complaint Form

Appendix 'A'

As defined in The Township of East Hawkesbury Health and Safety Manual an accident or incident is an event that resulted in an injury and/or occupational illness and/or property damage. Types of accidents include, but are not limited to:

- No treatment injuries which occur when there is an injury that does not require any medical treatment (i.e. bruised finger, allergic reaction, etc.);
- First aid injuries which can be treated at the worksite and do not require any treatment (i.e. a cut finger that requires a Band-Aid);
- Medical aid injuries which require medical treatment (i.e. a cut finger that requires stitches);
- Property damage (i.e. while driving a company vehicle, an object is struck causing a dent);
- Near miss incident where there are no injuries ;
- Harassment incident ;
- Violent Act incident;
- Mental Health incident (i.e. stress, burn out).



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Complaint Form
Appendix 'A'

1. Employee or Participant/ Name:
2. Job Title or affiliation:
3. Supervisor :
4. Date/ Time of incident:
5. Date/ Time reported:
6. Location of incident:
7. Reported to staff (name):

8. Authority (ies) contacted: Services d'urgences contactés : <input type="checkbox"/> 911 <input type="checkbox"/> Police <input type="checkbox"/> Ambulance <input type="checkbox"/> Fire <input type="checkbox"/> Other (name); _____	9. Witness/Witnesses: 10. Phone #:
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Is a copy of the work plan attached? <input type="checkbox"/> Yes; <input type="checkbox"/> No; <input type="checkbox"/> N/A
11. Type of accident or incident : <input type="checkbox"/> Physical injury - No treatment <input type="checkbox"/> Physical injury - first aid <input type="checkbox"/> Physical injury - medical aid <input type="checkbox"/> Near miss <input type="checkbox"/> Violent Act <input type="checkbox"/> Mental Health <input checked="" type="checkbox"/> Property/ equipment damage



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12. Description of accident or incident

13. Name of person(s) directly involved in accident or incident

Sketch or Diagram

Photo(s) attached? Yes No

14. Task or activity being performed at time of accident or incident:

15. Describe events leading up to the accident or incident:



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16. Factors contributing to accident or incident

- Lack of training
- Environmental conditions
- Equipment breakdown
- Fatigue or Stress
- Lack of knowledge
- Other: _____

17. Hazardous conditions, methods or other factors that contributed:

****If reporting a property/ equipment damage (i.e. no injuries involved) skip to #19 *If medical attention was received, employee must report information to Supervisor and Director of human resources to ensure WSIB forms are completed by the municipality as required by law.***

17. Check all that apply

- Received first aid
- Lost time from work
- Returned to work (Dr. recommendation)
- Hospital/clinic visit
- Placed on light duties
- Received health care (physiotherapy or other)
- Received medical aid, no lost time
- Completed WSIB forms

18. Name and Address of medical practitioner/ facility:

19. Were you given proper instructions on how to do the job safely?

- Yes; No

If yes, describe the training that was delivered:

20. Was protective equipment being used?

- Yes No



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21. Were you properly trained on how to use protective equipment?

Yes No

22. Is this your regular job?

Yes No

Total experience: __ Years; __ Months; __ Weeks;

Employee's name : _____

Signature: _____ Date: _____



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SUPERVISOR USE ONLY

1. To your knowledge, has this employee or participant ever had a similar accident?

Yes - *Describe*

2. Who is responsible for arranging the employee's return to work? N/A -

3. Supervisor's recommendations for preventing a re-occurrence:

Supervisor's name / Nom du superviseur : _____

Signature: _____ Date: _____



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COUNCIL INVESTIGATION

1. Review date

2. Council members present

3. Recommendations

Chair's name: _____

Signature: _____ Date: _____



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HUMAN RESOURCES

1. Review date

2. Human resources members present

3. Recommendations

4. Final decision

Name: _____

Signature: _____ Date: _____

Has a copy of this report been circulated to the following?

- Supervisor
- J.H.&S.
- Council



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