

POLICY MANUAL	Policy 3-10
For Municipality of South Dundas	Effective Date: June 29, 2010
Subject: Workplace Violence and Harassment	Department: All Departments

PURPOSE:

To provide and maintain a workplace environment that is based on respect for the dignity and rights of everyone in the organization. To provide a healthy, safe work environment that is free of any form of violence or harassment.

RESPONSIBILITY:

1. This policy applies to all employees, contractors, consultants and public agencies, employed by the Municipality of South Dundas and shall be posted at all worksites.
2. This policy applies in any location in which you are engaged in work-related activities, such as:
 - the workplace,
 - during travel,
 - restaurants, hotels, meeting facilities being used for business purposes, (e.g. conferences)
 - during telephone, email or other communication
 - at any work related social event, whether or not it is company sponsored.
3. The Corporation of the Municipality of South Dundas, herein referred to as the Corporation, in its capacity as the employer is committed to a policy of zero-tolerance in regards to workplace violence and/or harassment against or by its employees. In addition to duties imposed by the Occupational Health and Safety Act, the Corporation is responsible for developing policies with respect to workplace violence and harassment; reviewing these policies at least annually; and, for developing a program to implement said policies and any other prescribed information or instruction. The Corporation must inform workers who may be exposed to the risk of violence of the nature and extent of the risk.

4. The Workplace Co-coordinator is responsible for ensuring that employees are properly trained on the Workplace Violence and Harassment Policy and that the procedures outlined herein are adhered to.
5. The employee is responsible for reporting to the Department Head/Supervisor any incidents or threats of violence or harassment in the workplace or domestic violence that may carry into the workplace. If the employee's direct supervisor is involved in the act, the employee is to contact the CAO or designate.
6. All workplace parties are accountable for complying with the policy, program, measures and procedures related to violence and harassment in the workplace.

DEFINITION:

"workplace harassment" means 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. (e.g. annoying or distressing comment or conduct)

Some of the types of harassment that workers could experience in the workplace include sexual harassment, teasing, intimidating or offensive jokes or innuendos, display or circulation of offensive pictures or materials, unwelcome gifts or attention, offensive gestures, or spreading rumours.

"workplace harassment" is not any reasonable action or conduct by an employer, manager or supervisor that is part of his or her normal work function would not normally be considered workplace harassment. This is the case even if there are sometimes unpleasant consequences for a worker. Examples could include changes in work assignments, scheduling, job assessment and evaluation, workplace inspections, implementation of dress codes and disciplinary action. Differences of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment. Any behavior that would meet the definition of workplace violence would not be considered to be workplace harassment.

"workplace bullying" means repeated and persistent negative acts towards one or more individual(s), which involve a perceived power imbalance and create a hostile work environment.

“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; or
- (c) a statement or behavior 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.

Some of the types of violence that workers could experience in the workplace include hitting, pushing, physical assault, sexual assault, stalking, criminal harassment, robbery, or threats of violence.

“domestic violence” a pattern of behavior used by one person to gain power and control over another with whom he/she has or has had an intimate relationship. Domestic violence may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control. It may also include children or vice versa.

Under the Occupational Health and Safety Act, if an employer becomes aware, or ought reasonably to be aware that domestic violence would likely expose a worker to physical injury that may occur in the workplace must take every precaution reasonable in the circumstances for the protection of the worker.

Violence covers the situation where a worker is affected by an attempt or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behavior which gives a worker reasonable cause to believe that he or she is at risk of injury. All threats against a worker or the worker’s family must be treated as a serious matter.

“Discrimination” is any unfair treatment or arbitrary distinction based on a person’s race, sex, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin or other status. Discrimination may be an isolated event affecting one person or a group of persons similarly situated or may manifest itself through harassment or abuse of authority.

“Harassment” is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile or offensive work environment. Harassment normally implies a series of incidents. Disagreement on work performance or on other work related issues is normally not considered harassment and is not dealt with under the provisions of this policy but in the context of performance management.

“Sexual harassment” is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behavior, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victim or the offender.

GENERAL:

1. The Corporation designates the Chief Administrative Officer (CAO) of the Municipality of South Dundas as the Workplace Coordinator with respect to workplace violence and workplace harassment. The Workplace Coordinator can be contacted as follows:

Workplace Coordinator, Municipality of South Dundas
34 Ottawa Street, Morrisburg, ON K0C 1X0
Telephone: 613-543-2673 Ext. 4752

2. The Workplace Coordinator will review all written reports and investigations of workplace violence or harassment, ensure policies are adhered to and determine the outcome/discipline if required.
3. The Workplace Coordinator may involve the Joint Health and Safety Committee, upon being advised that an employee may have a history of violence, to determine what information is to be released to the worker(s) and action to be taken.
4. The Corporation will enforce policy, monitor worker compliance and hold Department Heads or Supervisors accountable for responding to and resolving complaints of violence.
5. The Corporation will ensure compliance by all who have a relationship with the organization, such as contractors, consultants, etc.
6. The Corporation will conduct regular risk assessments in conjunction with the Joint Health and Safety Committee; establish control measures, deliver training and education to all employees.
7. The Corporation and/or Department Head/Supervisor, upon becoming aware that an employee may have a history of violence, should provide details of the information to the Workplace Coordinator who may call upon the Joint Health and Safety Committee to determine what information is to be released to the worker(s).
8. The Corporation and/or Department Head/Supervisor has a duty to provide information to the worker, including personal information, related to a risk of workplace violence from a person with a history of violent behavior if,
 - a) The worker can be expected to encounter that person in the course of his/her work; and
 - b) The risk of workplace violence is likely to expose any worker to physical injury.

Details of the information provided, and to whom, should be recorded and filed with the Workplace Coordinator along with the actions the employees were advised to take.

9. No Department Head/Supervisor shall disclose more personal information in the circumstances described in Clause 8 than is reasonably necessary to protect the worker from physical injury.
10. The Corporation shall develop a reporting process for incidents of workplace violence and harassment, or threats of violence/harassment and ensure all incidents are investigated by the Department Head/Supervisor in a prompt, objective and sensitive way.
11. The employee has a duty to provide information to the Department Head/Supervisor, including personal information, related to domestic violence and/or a risk of workplace violence from a person which a history of violent behavior if,
 - a) The worker can be expected to encounter that person in the course of his/her work; and
 - b) The risk of workplace violence is likely to expose any worker to physical injury.
12. The employee has the right to refuse work or do particular work where he or she has reason to believe that workplace violence is likely to endanger himself or herself.

PROCEDURE:

DEPARTMENT HEADS/SUPERVISORS:

1. Immediately upon becoming aware of a threat or an occurrence of workplace violence or harassment, the Department Head/ Supervisor shall:
 - Insure the safety of employees and public
 - Police should be contacted where a potential criminal offence may occur or where the situation may escalate beyond control, or if in the opinion of the Department Head/Supervisor, the situation warrants it
 - Arrange to provide prompt medical evaluation and treatment after the incident

- Inform employees of the resources available through the Municipality's Employee Assistance Program (EAP).
 - Remove the employee from the workplace or assign other work.
2. As soon as practical after the incident the Department Head/Supervisor shall:
- Conduct a full and thorough investigation using Workplace Violence/Harassment Incident Report form (attached Form 1)
 - Use as much sensitivity and discretion as circumstances will allow
 - Interview the parties involved in the incident and any witnesses. Document the findings.
 - Take corrective action which may include discipline procedures set out in the Municipality's Personnel Policy
 - Provide response measures
 - Cancel or re-tender contracts if warranted
 - Provide a copy of their written report to the Workplace Coordinator and to the Joint Health and Safety Committee, within four (4) days
3. Ensure a report goes to WSIB for all incidents where a worker loses time from work, requires healthcare, earns less than regular pay for regular work, requires modified work or less than regular pay or performs modified work at regular pay for more than seven (7) days.
4. Where a person is killed or critically injured from any cause at a workplace, the Department Head/Supervisor shall, within 48 hours after occurrence, send to the Director, Ministry of Labour, Eastern Ontario, 347 Preston St., 4th Floor, Ottawa, Ontario, K1S 3J4 a written report of the circumstances of the occurrence containing such information and particulars as the regulations prescribe.
5. Where a person is killed or critically injured at a workplace, no person shall, except for the purpose of;
- i) Saving life or relieving human suffering
 - ii) Maintaining an essential public utility service or a public transportation system; or
 - iii) Preventing unnecessary damage to equipment or other property

Interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an Inspector.

6. The Department Head/Supervisor shall monitor trends (e.g. repeat occurrences, similar episodes, lost time etc.)
7. The Department Head/Supervisor shall inform staff members of the incident on a need to know basis. The method of communication is to be at the discretion of the Department Head/Supervisor. Employees should be encouraged to share information about ways to avoid similar situations in the future.
8. The Department Head/Supervisor shall assess the risks of workplace violence after each reported incident and advise the Workplace Coordinator and the Joint Health and Safety Committee of the results of the assessment and provide a copy of the assessment in writing.
9. The Corporation shall reassess as often as is necessary to ensure that the related policy and programs continue to protect workers from workplace violence and/or harassment. The Corporation shall advise, as above, the results of the reassessment.
10. The Department Head/Supervisor shall discuss changes in the program during regular employee meetings.
11. In addition, Department Heads/Supervisors have the obligation to deal with inappropriate behavior by their employees and customers, to provide employees with information and training to employees on workplace violence, and to put effective security measures in place.

EMPLOYEES:

1. If an employee believes that they are being harassed, and thinks it can be solved informally then the first thing to do is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like their actions is often enough to stop the behavior.
 - a. Some of the things you can say that might stop the behavior include:
 - "I don't want you to do that"
 - "Please stop doing or saying...."

“It makes me uncomfortable when you”

“I don’t find it funny when you....”

If the harassment continues after you have confronted the individual, you may want to provide him or her with a written statement of the situation. Include specific details of the behaviours you consider to be harassing, your request to the harasser to stop and your expectations that he or she will stop.

Provide details of the next steps you plan to take if the harassment does not stop e.g. filing a formal complaint. Make sure you keep a copy of this statement for yourself.

It helps to keep a record of any incident(s) that you experience. This includes when the harassment started, what happened, whether there were any witnesses and what was your response.

If you believe that someone who is not a member of our organization, e.g. a customer, supplier, etc., has harassed or discriminated against you, please report the harassment to your Department Head/Supervisor. Although the Corporation has limited control over third parties, the Corporation will do its best to address the issue and prevent further problems from arising.

2. If the complaint cannot be resolved informally or if it is too serious to handle on an informal basis, you may bring a formal complaint to the Department Head/Supervisor. Employees are required to report all incidents related to workplace violence, workplace harassment, bullying, to their Department Head/Supervisor as soon as possible so that the problem doesn’t escalate or happen again. If the employee’s direct Supervisor is involved in the act, the employee is to contact the Workplace Coordinator. This report can be made verbally or in writing and be made confidentially at the employee’s request. The attached Form 1 may also be used to report any incident. (Sharing of this confidential information may be necessary to ensure the safety of others and prevent recurrence. e.g. police report).
3. Please note that it is our policy not to investigate anonymous complaints unless there are extenuating circumstances.
4. Employees are required to make their Department Head/Supervisor aware of domestic violence incidents where there is a potential for this violence to enter the workplace.
5. The Department Head/Supervisor receiving the report investigates it and ensures that measures are taken to support the victim, safeguard

employees and curtail the violence or harassment as quickly as possible.

6. No report of workplace violence or harassment or risks of violence may be the basis of reprisal against the reporting employee.
7. The Corporation reports all injuries to the MOL and WSIB as required by the Occupational Health and Safety Act and Workplace Safety and Insurance Act.
8. The employee has the right to refuse work or do particular work where he or she has reason to believe that workplace violence is likely to endanger himself or herself.

RESPONSE PROCEDURES:

1. Using the Workplace Violence/Harassment Incident Report Form (1), the Department Head/Supervisor documents all reports of workplace violence/harassment, hazards and measures taken to address them. Provide a copy of the report to the Workplace Coordinator with four (4) days.
2. If the resolution of the incident is beyond the authority of a Department Head/ Supervisor, he/she must make the Workplace Coordinator of the Municipality of South Dundas aware as soon as possible and not later than four (4) days.
3. The Workplace Coordinator may involve the Mayor or other Department Heads, Supervisors or appropriate persons in the investigation (e.g. when the incident involves employees under another manager's or supervisor's area of responsibility).
4. The Joint Health and Safety Committee will review all incident reports, monitors trends and make recommendation to the Workplace Co-ordinator for prevention and enhancements to the Workplace Violence and Harassment Policy.
5. The Workplace Co-coordinator reviews reports of workplace violence/harassment and ensures actions are taken.
6. The Department Head/Supervisor who investigates the reported incident shall warn all staff who might be affected about dangerous situations. They also advise the reporting employee about the outcome of the investigation to help minimize the chance of recurrence.

CORRECTIVE ACTIONS:

The CAO will determine what action should be taken as a result of the investigation. The CAO will also inform the complainant and respondent of the results of the investigation and whether (but not necessarily what) corrective measures were taken, if any were necessary.

If a finding of harassment is made, the Municipality will take appropriate corrective measures, regardless of the respondent's seniority or position in the Municipality.

Corrective measures may include one or more of the following:

- Discipline, such as a verbal warning, written warning or suspension without pay
- Termination with or without cause
- Referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
- A demotion or denial of a promotion
- Reassignment or transfer (if possible)
- Financial penalties such as the denial of a bonus or performance related salary increase, and,
- Any other disciplinary action deemed appropriate under the circumstances

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Corporation will, however, discipline or terminate anyone who brings a false and malicious complaint.

EMERGENCY RESPONSE MEASURES:

Canada's Criminal Code deals with matters such as violent acts, threats and behaviours such as stalking. Police should be contacted where a potential criminal offence may occur or where the situation may escalate beyond control, or if in the opinion of the Department Head/Supervisor, the situation warrants it.

Where a person is killed or critically injured at a workplace, no person shall, except for the purpose of:

- Saving a life or relieving human suffering
- Maintaining an essential public utility service or a public transportation system; or
- Preventing unnecessary damage to equipment or other property

Interfere with, disturb, destroy, alter or carry away any wreckage, article or item at the scene of or connected with the occurrence until permission to do so has been given by a Police Officer.

Alternative Routes:

Despite the fact that we have this procedure, employees still have the right to seek assistance from the Ontario Human Rights Commission, or to pursue remedies under the Criminal Code, if applicable.

SUPPORT FOR EMPLOYEES:

The Department Head/Supervisor will respond promptly, assess the situation and ensure that the following interventions are followed:

- Facilitate medical attention
- Debriefing for employee
- Referrals to EAP, community agencies, treating practitioner
- Completion of incident reports
- Reporting to police as required
- Team debriefing
- Reassess workplace

RISK ASSESSMENT:

The Department Head/Supervisor with involvement of the Joint Health and Safety Committee assesses workplace violence hazards in all jobs and in the workplace as a whole. It reviews risk assessment annually as well as when new jobs are created or job descriptions are changed substantially.

EDUCATION:

All new employees will receive training on the Municipality's Workplace Violence and Harassment Policy and procedures as part of orientation.

Training will be developed and established in consultation with the Joint Health and Safety Committee.

EVALUATION:

The Workplace Violence and Harassment Policy will form part of the Personnel Policy manual. The effectiveness of the violence and harassment prevention program will be evaluated annually by management, and reviewed by the Joint Health and Safety Committee. Municipal Council will review the use of the Health and Safety Policy and Procedures on an annual basis.