

Workplace Violence and Harassment Policy & Program

1.0 Purpose

The Town of Greater Napanee is committed to creating, fostering and maintaining a safe and healthy work environment.

The purpose of this policy is to establish measures and procedures to respond to risks, complaints, and instances of workplace violence and harassment in a fair, equitable, and timely manner and to ensure all workers are aware of methods by which they may seek assistance for issues of workplace violence and/or harassment.

This policy applies to workers in the workplace and addresses instances of workplace violence or harassment perpetrated against workers by non-workers.

2.0 Definitions

Workplace

Workplace means any land, premises, location or thing at, upon, in or near which a worker works;

Worker

Worker includes all full-time employees, part-time employees, union employees, non-union employees, elected officials, committee appointees, contractors, interns, supervisors and managers who perform work for the Town of Greater Napanee.

Workplace Harassment

- i) 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
- ii) Workplace sexual harassment

Workplace Sexual Harassment

- i) 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
- ii) 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;

Workplace harassment does not include a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace.

Workplace Violence

- i) The exercise of physical force by a person against a worker in a workplace, that causes or could cause physical injury to the worker.
- ii) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;
- iii) A statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Domestic Violence

The exercise of physical force that could cause physical injury an attempt to exercise physical force that could cause physical injury, or a statement or behaviour that is reasonably interpreted by its target as a threat to exercise physical force that could cause physical injury by 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.

3.0 Responsibilities

3.1 Town of Greater Napanee

1. All reasonable preventative measures to protect employees and others from workplace violence and harassment.
2. Ensure workplace violence risk assessments are conducted as required.

3. The Town of Greater Napanee shall provide information, 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 a physical injury. The Town of Greater Napanee shall not disclose more personal information than is reasonably necessary in the circumstances to protect a worker from physical injury.
4. If the Town of Greater Napanee becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the Town of Greater Napanee shall take every precaution reasonable in the circumstances for the protection of the worker. This could include but it not limited to:
 - Creating a safety plan
 - Contacting the police
 - Establishing enhanced security measures such as a panic button, code words, and door and access security measures
 - Screening calls and blocking certain email addresses
 - Setting up priority parking or providing escorts to your vehicles
5. There will be no reprisal for making a genuine complaint. However, if it is determined that a false accusation has been made in bad faith, the Town of Greater Napanee reserves the right to take additional measures.

3.2 Council, CAO, and General Managers

1. Establishing policies, procedures and work environment arrangements to respond to risks of workplace violence.
2. Ensure that the process for reporting and responding to incidents of workplace violence and harassment is communicated, maintained and followed.
3. Providing awareness and education to all employees on preventing and dealing with potential and real violent threats and encounters.

3.3 Directors/Managers/Supervisors

1. Ensure that this policy is enforced and communicated to all employees, contractors and other persons as needed.
2. Encourage employees to report complaints or incidents of workplace violence and harassment. Support and assist any employee through the process.

3. Become involved if you suspect inappropriate behaviour has or is occurring.
4. To respond to all complaints or incidents of workplace violence in an appropriate, professional and timely manner.
5. All complaints or incidents of workplace violence and harassment will be reported promptly to senior management.

3.4 Manager of Safety Compliance & Accessibility

1. To ensure that a workplace violence risk assessment is conducted and then re-assessed as often as is necessary.
2. To recommend procedures to address the workplace violence risks identified in the violence risk assessment.
3. To ensure that all employees are trained in this policy.
4. Strengthen the awareness and promotion of Workplace Violence & Harassment.
5. Be a resource/liaison and offer assistance, guidelines and education.

3.5 Joint Health and Safety Committee

1. Review and make recommendations on the development and improvement of this policy on an annual basis.
2. Perform regular inspections of workplaces, identifying any new violence hazards/concerns are identified.
3. Ensure this policy is posted.

3.6 All Workers

1. Comply with this policy and all related procedures at all times for their own protection and the protection of others within the workplace.
2. To not tolerate workplace violence or harassment. If you are experiencing workplace harassment, ask the perpetrator to stop or notify someone of authority in the organization if the situation is beyond your ability to deal with appropriately.

3. To participate in training regarding this policy.
4. To fully cooperate in any investigation of complaints or incidents of workplace violence or harassment.
5. To report risks of workplace violence including domestic violence that is likely to expose them or other workers to workplace violence.

4.0 Workplace Violence and Harassment Program

4.1 Control of Risks of Workplace Violence

If any worker becomes aware of a risk of workplace violence, he or she shall notify the Manager of Safety Compliance & Accessibility, the Manager of Human Resources and/or the C.A.O. Together, the Manager of Safety Compliance & Accessibility, the Manager of Human Resources and the C.A.O. shall take all reasonable precautions in the circumstances to control the risks that are likely to expose a worker to physical injury. This could include but is not limited to:

- a) Separating workers, temporarily or permanently
- b) Removing an individual from the workplace on a paid or unpaid basis
- c) Creating a safety plan
- d) Contacting the police
- e) Establishing enhanced security measures
- f) Screening calls and blocking certain email addresses
- g) Setting up priority parking

4.2 Summoning Immediate Assistance

Any worker who **witnesses** or **experiences** workplace violence or who feels in imminent danger shall:

- 1) ensure they are in a safe location which may include leaving the workplace;
- 2) if, in their opinion, the situation warrants it, contact the police by dialing 911;
- 3) follow the reporting procedures that follow

4.3 Informal Complaint Procedure – Workplace Harassment

If you are comfortable addressing workplace harassment,

- i) Tell the person to stop, as soon as you receive unwelcome comments or conduct.
- ii) If you feel that you are being harassed by a non-employee, ie: general public, ratepayer, supplier, etc, do not deal directly with them, report the harassment to your supervisor.
- iii) If you do not feel comfortable doing so, or if the harassment persists, then the worker should proceed to the formal complaint procedure.

4.4 Formal Complaint Procedure

1. All acts of workplace violence or harassment should be reported to your Manager. If you do not feel comfortable speaking to your Manager or if your Manager is the alleged perpetrator of the workplace violence or harassment, you may speak report the incident(s) to any of the following persons:
 - Manager of Safety Compliance & Accessibility;
 - Manager of Human Resources;
 - General Manager/CAO

If all the aforementioned persons are the alleged perpetrators, the worker can submit the complaint to the Mayor or the Deputy Mayor.

2. Where is possible and appropriate to do so, the person receiving the complaint of workplace violence or harassment shall request that the worker immediately put the complaint in writing including date, time, location, potential witnesses and nature of the incident should be documented.
3. Where a formal complaint is received in writing, it shall be documented and a file opened by Human Resources.

5.0 Investigation

All complaints or incidents of workplace violence and workplace harassment will be investigated in a manner that is appropriate in the circumstances.

Human Resources will ensure that complaints are investigated and handled as confidentially as possible, while ensuring that proper process is maintained. It must be recognized that information obtained about an incident or complaint of workplace harassment will not be disclosed unless it is necessary for the purposes of investigating the complaint, taking corrective action or is otherwise required by law.

5.1 Investigation Process

1. The CAO or alternate, if deemed appropriate, will conduct the investigation, depending on the nature of the complaint.
2. The Town may engage the services of an external investigator where appropriate and reasonable to do so.
3. Pending the conclusion of the investigation, a worker alleged to be involved in the incident of workplace violence or harassment may be:
 - a. Placed on a paid leave of absence;
 - b. Re-assigned to new duties and/or a new work location;
 - c. Required to adhere to new rules and procedures in the workplace; and/or
 - d. Subject to other appropriate interim measures.
4. The investigator shall provide the Manager of Human Resources and the CAO with the results of the investigation, including his or her finding regarding whether the complaint was substantiated and/or whether the incident constituted workplace violence or harassment.

5.2 Response to Results of Investigation

1. The Town of Greater Napanee shall provide written notice to the complainant and the alleged perpetrator, if he or she is a worker, of the results of the investigation and any remedial or corrective action that has taken place and/or will take place.
2. If the complaint of workplace violence or harassment is substantiated or if the investigation concludes that the conduct of a worker constitutes workplace violence or harassment, the Town of Greater Napanee shall implement remedial measures which may include

discipline imposed upon the worker up to and including termination for cause.

3. If the complaint of workplace violence or harassment is not substantiated or if the investigation concludes that the conduct of a worker does not constitute workplace violence or harassment, the Town of Greater Napanee may still implement remedial measures to address any workplace concerns or issues, or lingering issues of interpersonal conflict.
4. If the investigator determines that the complaint of workplace violence or harassment was false and made maliciously, the complainant could face discipline up to and including termination for cause.

6.0 Aftermath

6.1 Support

The Town of Greater Napanee will provide support to victims of violence or harassment through an employee assistance program (EAP). Employees who are victims of violence or harassment are encouraged to seek assistance through this program and can be assured that any counselling and/or treatment administered are completely confidential.

6.2 Monitoring

Where deemed appropriate a monitoring plan may be implemented. The Town may adjust such plans based on any difficulties implementing, or actions deemed ineffective.

7.0 Administration

Upon notification of the results of the investigation and the implementation of any remedial measures, the file will be closed and retained in Human Resource. Information will be retained As per Town of Greater Napanee retention by-law