



London
CANADA

Workplace Violence Prevention

Procedure Name: Workplace Violence Prevention

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Service Area Lead: Manager, Labour Relations

1. Procedure Statement

1.1. Workplace violence and domestic violence in the workplace will not be tolerated. The Corporation of the City of London is committed to taking all reasonable steps to prevent workplace violence and domestic violence in the workplace to ensure a safe and productive work environment. This Policy defines workplace violence, identifies responsibilities and establishes a workplace violence prevention program.

2. Definitions

2.1. **Workplace:** means all Corporation facilities and work sites, including vehicles and any other land, premises, locations or things at, upon, in or near where the business of the Corporation is being conducted. Included in this definition are Corporation-related activities, including Corporation sanctioned social functions, or business performed at any other location away from the Corporation, during or outside of normal working hours.

2.2. **Workplace Violence:** means:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- 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.

2.3. **Workplace Violence Prevention Response Team:** shall be comprised of the City Manager, relevant Managing Director, Director, Human Resources or their designates, a member of the City Solicitor's Office and a member of Corporate Security and Emergency Management Division.

3. Applicability

3.1. The Corporation will not tolerate workplace violence of its employees in any of its workplaces, by anyone, including: other employees of the Corporation, non-employees, clients and customers of the Corporation. Accordingly, this Policy applies to all Corporation employees, members of council, volunteers (including Members of Advisory Committees, Special Committees and Task Forces), students on placements and individuals contracted by the Corporation on a "purchase for service" agreement, clients and customers.

4. The Procedure

4.1. The Corporation's Workplace Violence Prevention Program consists of:

1. Workplace violence risk assessments;
2. Measures and procedures to control and reduce the risk of workplace violence and domestic violence in the workplace;
3. Information, instruction and/or related training;
4. Measures and procedures for the reporting, investigation and response to incidents, complaints and threats of workplace violence and domestic violence in the workplace;
5. Employee support systems.

4.2. Examples of workplace violence include but are not limited to:

- Intimidating/threatening behaviour, including but not limited to shaking fists, destroying property, throwing objects, or wielding a weapon.
- Verbal or written threats – any expression of intent to inflict harm, including but not limited to:
 - i) Direct threats – the potential offender communicates that they intend to do harm, e.g., "I am going to make you pay for what you did to me."
 - ii) Conditional threats – involves a condition, e.g., "If you don't get off my back, you will regret it."
- Veiled threats – involves body language or behaviours that in the mind of the victim the perpetrator intends harm, e.g., "Do you think anyone would care if someone beat up ...?"
- Use of physical force – may include hitting, shoving, pushing or kicking, use of a weapon or inciting an animal to attack.

4.3. Responsibilities

- a) Every individual to whom this Policy applies has a responsibility to ensure that the work environment is safe and free from workplace violence by:
 - i) Treating all individuals with respect and dignity and refraining from any form of workplace violence or domestic violence in the workplace;
 - ii) Immediately advising Human Resources, Corporate Security and Emergency Management Division or any member of management of any known risks and/or incidents of apparent workplace violence or domestic violence in the workplace, or any incident of retaliation against any person for invoking this Policy; and
 - iii) Co-operating in the investigation and handling of any incidents of workplace violence or domestic violence in the workplace.

4.4. Managers/Supervisors

- a) Assess the risks and the controls in place to prevent workplace and domestic violence in the workplace on an ongoing basis and when the nature of the work or work processes change, or following an occurrence of workplace violence or domestic violence in the workplace;
- b) Develop and implement in consultation with Corporate Security and Emergency Management Division and Human Resources appropriate measures and procedures to protect employees from workplace violence;
- c) Advise employees of the existence of risks of workplace violence of which they are aware or ought reasonably to be aware, including providing appropriate information to employees where they can be expected to encounter a person with a history of violent behaviour in the course of their work and the risk of workplace violence is likely to expose the employees to physical injury. Where such information includes personal information, the manager/supervisor shall consult with Human Resources prior to disclosure;

- d) Provide information and instructions to employees with regard to appropriate measures and procedures to be taken to protect employees from workplace violence;
- e) Take reasonable precautions to protect employees from domestic violence of which they are aware or ought reasonably to be aware may occur in the workplace and would likely expose employees to physical injury;
- f) Respond to incidents of workplace violence and domestic violence in the
- g) Immediately notify Corporate Security and Emergency Management Division and Human Resources of incidents of workplace violence;
- h) Assist in the development of employee safety plans;
- i) Provide support to employees, including referrals to available services and programs on workplace and domestic violence.

4.5. Corporate Security and Emergency Management Division

- a) Assist in assessments of risks and controls in place to prevent, workplace and domestic violence in the workplace;
- b) Assist with the development of corporate-wide and department/division specific workplace violence prevention measures, procedures and related training;
- c) Notify Human Resources of incidents of workplace violence and domestic violence in the workplace;
- d) Respond to reports of incidents of workplace violence and domestic violence in the workplace, including the development of safety plans where appropriate;
- e) Assist in the response to incidents of workplace violence, including those likely to expose a worker to physical injury in the workplace relating to domestic violence;
- f) Track, analyse and provide recommendations on incidents of workplace violence.

4.6. Human Resources

- a) Assist in the response to incidents of workplace violence and domestic violence in the workplace;
- b) Coordinate and provide support services for those who have experienced workplace violence or domestic violence in the workplace;
- c) Assist with the development of corporate-wide and department/division specific workplace violence prevention measures, procedures and related training;
- d) Assist in assessments of risks and controls in place to prevent, workplace violence and domestic violence in the workplace;
- e) Assist in the development of employee safety plans;
- f) Review and update this Policy as often as necessary, but at least annually;

- g) Advise the appropriate joint health and safety committee of the results of all workplace violence risk assessments and provide copies if the assessments are in writing;
- h) Provide support to employees, including referrals to available services and programs on workplace and domestic violence;
- i) Maintain and implement the “Hazard Identification and Risk Assessment Program” to support managers/supervisors in the identification of hazards and controls and evaluate the risk of workplace violence and domestic violence in the workplace;
- j) Coordinate the communication of risk assessments and reassessments to the appropriate joint health and safety committee.

4.7. Workplace Violence Prevention Response Team

- a) Where appropriate, provide advice and/or direction with respect to dealing with concerns and incidents of workplace violence and domestic violence in the workplace;
- b) Determine appropriate corrective and/or disciplinary action to be taken in response to incidents of workplace violence and domestic violence in the workplace.

4.8. Joint Health and Safety Committees

- a) Review workplace violence risk assessments;
- b) Make recommendations to the Corporation and employees on measures and procedures for the protection of employees from workplace violence.

4.9. Resolution/Complaint Procedures

- a) The Corporation will respond to all concerns, complaints and reports of incidents of workplace violence and domestic violence in the workplace.
- b) Employees are to report to their Manager/Supervisor, Corporate Security and Emergency Management Division or Human Resources all concerns, complaints and incidents of workplace violence and domestic violence in the workplace. The Manager/Supervisor or Corporate Security and Emergency Management Division will report the matter to Human Resources.

4.10. Complaints Involving the City Manager/Managing Directors/Director, Human Resources/Intake Administrator

- a) If an employee believes that the individual holding the position of City Manager, Intake Administrator or Managing Director has engaged in conduct contrary to this Policy, the employee is encouraged to advise the Director, Human Resources as soon as possible. Upon being advised of a complaint, the Director, Human Resources will immediately refer the complaint to an external third party.
- b) If an employee believes that the individual holding the position of Director, Human Resources has engaged in conduct contrary to this Policy, the employee is encouraged to advise the City Manager as soon as possible. Upon being advised of a complaint, the City Manager will immediately refer the complaint to an external third party.
- c) The external third party will perform all the functions assigned to the Human Resources Service Area and/or Human Rights Division as described in this Policy and the *Formal Investigation Process*.

- d) In the case of the City Manager, if the external third party determines that a formal investigation is required, they will provide their investigation report and recommendations, if any, to the Committee designated by the Municipal Council to deal with such matters. The Committee, after consultation with the external third party, shall make recommendations to the Municipal Council relating to corrective and/or disciplinary actions, and the Municipal Council shall consider, adopt or otherwise deal with the recommendations from the Committee.
- e) An investigation report and recommendations related to a Managing Director will be provided to the Director, Human Resources and City Manager who will review in accordance with the Policy.
- f) An investigation report and recommendations related to the Director, Human Resources will be provided to the City Manager who will review and determine corrective and/or disciplinary action in accordance with the Policy.
- g) An investigation report and recommendations related to the Intake Administrator will be provided to the Director, Human Resources who will review in accordance with the Policy.
- h) In all other respects, the Resolution/Complaint procedures set out below will apply to the processing of the complaint.

4.11. Informal Action

- a) The Director, Human Resources, or designate, in consultation with the complainant where applicable and appropriate, may determine an appropriate informal course of action which will effectively resolve the concern/complaint in a timely and fair manner.
- b) Circumstances in which an informal course of action may be appropriate include, but are not limited to, the following:
 - Where the alleged behaviour is minor in nature
 - Where all the facts necessary for resolution are known without the need for further inquiry
 - Where no other resources or special expertise are required for an impartial and timely resolution
- c) Upon becoming aware of a concern/complaint, the Director, Human Resources, or designate, in consultation with the Intake Administrator, will determine whether the subject matter falls within this Policy or is more appropriately dealt with in another forum (e.g. *Code of Conduct for Employees* or the *Workplace Harassment/Discrimination Prevention Policy*), and whether further action and/or investigation is warranted.

4.12. Formal Action

- a) If informal attempts to resolve the concern/complaint are not appropriate or prove ineffective and where the Corporation determines that further inquiry is warranted, a formal investigation into the matter will be conducted.
- b) A formal investigation into a potential breach of this Policy may also be initiated by the Corporation where it deems appropriate, including where allegations of workplace violence or domestic violence in the workplace that, in the assessment of the Director, Human Resources, or designate, in consultation with the Intake Administrator, warrant further action/investigation are made by someone other than the alleged victim and the alleged victim does not wish to submit a complaint.

- c) Formal investigations and communication of the findings from such investigations will be conducted in accordance with the Corporation's *Formal Investigation Process*.

4.13. Interim Measures

- a) In certain circumstances such as where safety is at issue, it may be necessary to take immediate measures. In such a case, interim measures shall be determined by the Director, Human Resources, or designate, in consultation, where appropriate, with other members of the Workplace Violence Prevention Response Team and/or the London Police Service, if applicable. Interim measures may include but are not limited to relocating respondent party, or placing a party on a non-disciplinary suspension with pay, pending the resolution of the complaint or outcome of the investigation.

4.14. Support for Parties

- a) The Corporation recognizes that involvement in a workplace violence investigation may be stressful and emotionally upsetting. Complainants, respondents and other affected employees may access the counseling services provided by the Corporation's employee assistance provider. Additionally, complainants may wish to access counseling and support through outside agencies.

4.15. Communication of Findings

- a) In accordance with the *Formal Investigation Process*, the Director, Human Resources shall be provided with the investigator's report, including their findings with respect to the allegations of workplace violence. The Director, Human Resources, or designate, shall provide the complainant, where applicable and appropriate, and the respondent, in writing where appropriate, with a summary of the findings with respect to the allegations which formed the basis of the complaint.

4.16. Corrective and/or Disciplinary Action

- a) Where a finding of workplace violence has been made, the Workplace Violence Prevention Response Team will determine the appropriate corrective action and/or disciplinary action.
- b) Where it is determined that corrective action or disciplinary action is to be taken against an employee of the Corporation, such action may include, but is not limited to, the following:
 - an apology
 - coaching/counselling
 - education/training
 - warning
 - suspension/leave without pay
 - demotion
 - transfer
 - termination of employment
- c) Where it is determined that corrective action is to be taken against members of Council, volunteers (including Members of Advisory Committees, Special Committees and Task Forces), students on placements, individuals contracted by the Corporation on a "purchase of service" agreement, clients or customers, the Corporation will take such corrective action as is reasonable in the circumstances and permitted by

law to ensure that the workplace violence or domestic violence in the workplace stops.

4.17. Reprisal Prohibited

- a) Retaliation/reprisal will not be tolerated. Mistreatment of an individual for:
 - i) invoking this Policy (on behalf of themselves or another individual); or
 - ii) participating or cooperating in an investigation under this Policy; or
 - iii) associating with a person who has invoked this Policy or participated in these procedures;

will be treated as a violation of the *Code of Conduct for Employees* and will be dealt with accordingly. In such a case the offender may be subject to the same corrective action and/or disciplinary penalties listed above.

4.18. Vexatious/Bad Faith Complaints

- a) Where it is determined that the complainant made a vexatious/bad faith complaint or an individual makes allegations knowing them to be false, the Director, Human Resources, or designate, will take appropriate corrective and/or disciplinary action which may include the same corrective and/or disciplinary actions noted above.

4.19. Timing

- a) The complaint should be made as soon as possible after the workplace violence occurred, preferably within one year after the last incident of inappropriate conduct occurred unless there are reasons why it was not practicable to bring it forward sooner. Where failure to make a complaint in a timely fashion affects the ability of the Corporation to conduct a full and complete investigation, the Corporation may decline to deal with the complaint.

4.20. Where Related Criminal Proceedings

- a) Where criminal proceedings are initiated against a respondent based on the allegations in a complaint of workplace violence that falls within the scope of this Policy, the Corporation, in accordance with this Policy, will conduct its own independent investigation, if possible, into the allegations and make its own determination in accordance with this Policy.

4.21. Confidentiality

- a) The administration of this Policy will also be in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and the *Occupational Health and Safety Act*. All complaints received under this Policy will be considered strictly confidential and all information obtained, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the Corporation to safeguard employees, to conduct a thorough investigation and take appropriate corrective and/or disciplinary action.
- b) The parties to the complaint and any witnesses are expected to maintain confidentiality. Unwarranted breaches of confidentiality will result in disciplinary action.

4.22. Record Retention

- a) Any and all documentation which pertains to the investigation of the complaint will be maintained in the Human Resources files.

- b) Where an investigation results in a disciplinary action against an employee, a record of such action will be placed in the employee's personnel file.

4.23. Related Resources

- Code of Conduct for Employees
- Workplace Harassment and Discrimination Prevention Policy
- Use of Technology Policy
- Formal Investigation Process