

## CORPORATE POLICY

**POLICY TITLE:**     **WORKPLACE VIOLENCE**

**POLICY NO.:**       **13.C.03**

<b>Section:</b>	Human Resources		
<b>Effective Date:</b>	May 1, 2019	<b>Date of Last Review:</b>	Click or tap to enter a date.
<b>Approval Authority:</b>	<b>Policy Owner:</b>		
Council	DCM, Corporate Services & CFO		

<b>POLICY STATEMENT</b>
<p>Violence in the workplace presents a risk to the safety and well-being of all employees, officials, patrons and visitors. It is everyone’s responsibility to prevent workplace violence including harassment, sexual violence, physical and psychological threats, physical and psychological harm and bullying. The City of Vaughan is committed to creating and sustaining a positive, safe and healthy work environment based on mutual respect, open communications, transparency and shared accountability.</p> <p>The City will take whatever steps are reasonable to protect its employees from workplace violence from all sources. The City of Vaughan maintains a zero-tolerance approach to Workplace Violence between:</p> <ol style="list-style-type: none"> <li>1. Employees including students, interns and volunteers</li> <li>2. Employees and an Official (Elected or Appointed)</li> <li>3. Employees and contractors in the exercise of workplace responsibilities</li> <li>4. Employees and a patron of the City in the exercise of workplace responsibilities</li> </ol> <p>The Workplace Violence Policy will be made available to all employees by providing it at the time of employee onboarding and orientation, by inclusion in the New Employee Handbook, and by making it available and accessible on the City’s intranet.</p> <p>In addition, employees shall be required to acknowledge and sign-off on the Workplace Violence Policy on a yearly basis and/or from time to time as necessary.</p>

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**PURPOSE**

The purpose of this policy is to protect employees from Workplace Violence. This policy works in conjunction with Workplace Violence processes and procedures, the City's Health and Safety program, the City's Employee Code of Conduct and the Respectful Workplace Policy and related processes and procedures.

The City of Vaughan will ensure this policy and the supporting program, processes and procedures are implemented and maintained. All employees and supervisors/managers will receive appropriate information and instruction on the contents of the policy and program.

Supervisors/Managers will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by employees and that employees have the information they need to protect themselves.

Every employee must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats.

Management pledges to investigate and deal with all incidents and complaints of workplace violence in a fair and timely manner, respecting the privacy of all concerned as much as possible.

All reported incidents of Workplace Violence shall be considered serious, will be promptly investigated, and appropriate action shall be taken.

1. Right to Refuse Work: Nothing in this policy shall be deemed to limit the rights of any worker in Part V of the *Occupational Health and Safety Act* to refuse unsafe work.
2. Right to Respond to Any Incident of Workplace Violence: The Workplace Violence Policy is both a complaint and an incident driven policy meaning that nothing in this policy shall be deemed to limit the right of the Corporation to respond to an incident of Workplace Violence, Sexual Violence or Domestic Violence of which the Corporation is aware whether or not an employee has made a complaint.
3. Right to Discipline: Nothing in this policy shall be deemed to limit or in any other way affect the right of the Corporation to discipline employees for insubordination or other breaches of employee conduct whether or not the action was accompanied by an act of violence.

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**SCOPE**

4. Violent behaviour in the workplace is unacceptable from anyone. Everyone is expected to uphold this policy and to work together to prevent workplace violence.
5. This policy does not deal with claims of discrimination or harassment dealt with under the Human Rights Code or personal harassment and bullying. Those claims of discrimination and harassment are dealt with under the City of Vaughan’s Respectful Workplace Policy.
6. This policy applies to all:
  - 6.1. Employees – permanent, full-time, part-time, contract, seasonal, temporary
  - 6.2. Students and interns
  - 6.3. City program and service volunteers
  - 6.4. Elected officials/representatives
  - 6.5. Appointees
  - 6.6. Contractors
  - 6.7. Patrons
7. Where someone who is not a member of the Corporation perpetrates violence, every effort will be made by the Corporation to address the situation with the appropriate organization.
8. This policy applies to:
  - 8.1. Violence that may occur at any workplace/worksite or location where the business of the municipality is being conducted or during the course of any City business, activities and events including but not limited to: City premises and property; off-site premises and property; City sponsored functions, events and meals; travel venues while on City business; and any site where the employee is conducting City business or representing the Corporation of the City of Vaughan.
  - 8.2. Violence that may occur between individuals associated with the City but outside corporation business, activities and events when such harassment has an adverse effect on the work environment.
  - 8.3. Situations of domestic violence or persons with a history of violent behaviour that the employer becomes aware of that would likely expose a person to physical injury or violence in the workplace.

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**LEGISLATIVE REQUIREMENTS**

1. Human Rights Code, R.S.O. 1990
2. Occupational Health and Safety Act, R.S.O. 1990

**DEFINITIONS**

1. **Critical Injury:** An injury of a serious nature that: places life in jeopardy; produces unconsciousness; results in substantial loss of blood; involves the fracture of a leg or arm (but not a finger or toe); involves the amputation of a leg, arm, hand or foot (but not a finger or toe); consists of burns to a major portion of the body; or causes the loss of sight in an eye.
2. **Domestic Violence:** A pattern of abusive behaviours by one or both partners in an intimate relationship such as marriage, dating, family, friends or cohabitation. Commonly referred to as domestic abuse or “intimate partner abuse”, this situation involves physical, sexual, emotional or financial abuse by current or former partners in a personal relationship.
3. **Harassment - Personal:** Engaging in a course of vexatious comment or conduct in a workplace that is known or ought reasonably to be known to be unwelcome. Any unwanted or unwelcome acts of coercion and harassment or misuse of power, including annoying or distressing behaviour through repeated and hostile or unwanted conduct, verbal comments, emails, threats, actions or gestures that affect a person’s dignity or physical integrity and that result in a harmful workplace environment. A single severe act of harassing behaviour may be sufficient to be defined as Personal Harassment under the Workplace Violence policy. Properly discharged management responsibilities are not considered to be acts of harassment.
4. **Harassment - Discriminatory:** Personal Harassment which is based on a prohibited ground of discrimination under the Ontario Human Rights Code and is dealt with under the City of Vaughan Respectful Workplace Policy.
5. **Joint Health and Safety Committee:** A mandated committee under the *Occupational Health and Safety Act* that consists of labour and management representatives who meet on a regular basis to deal with workplace health and safety issues.
6. **Official (Elected or Appointed):** A person who holds a public office or membership on a Council Committee with the City of Vaughan whether obtained by election or by nomination of the City Council or the Corporation of the City of Vaughan.

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**7. Patron:** A person who is a customer, client, resident or guest of the City of Vaughan while interacting during Corporation business with elected or appointed officials, employees, students, interns, volunteers, or contractors.

**8. Sexual Harassment:** Engaging in a course of vexatious comment or conduct against a person in a workplace because of sex, sexuality, 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 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.

Sexual harassment includes unwelcome sexual advances and requests for sexual favours where submitting to or rejecting this conduct is used as the basis for decisions which affect the individual's employment; such conduct has the purpose or effect of interfering with an individual's job performance; such conduct creates an intimidating or offensive environment.

**9. Sexual Violence:** Any sexual act or act targeting a person's sex, sexuality, sexual orientation, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent and includes sexual assault, stalking, indecent exposure, voyeurism and sexual exploitation.

**10. Workplace Violence:** Any incident in which a person is threatened, coerced, abused, bullied, sexually abused, sexually assaulted or sustains an injury in, at, or related to the workplace and includes threats, coercion or abuse that is transmitted in writing or electronically. Workplace violence includes a statement or behaviour that it is reasonable for a person to interpret as a threat to exercise physical force against another person, in a workplace, that could cause physical injury to the person.

Workplace Violence can include acts of violence that occur when a person is off duty if the interaction was related to the workplace or has the potential to compromise the safety of the workplace.

**11. Workplace Violence Policy Coordinator:** The Chief Human Resources Officer or his/her designate.

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**POLICY**

**1. General**

- 1.1. The City of Vaughan recognizes that the most effective way to deal with workplace violence is through preventative action, including informing, educating and good management and to ensure that this policy is fair and applied consistently.
- 1.2. It is the policy of the City to take all reasonable steps to provide its elected representatives, appointees, employees, students, interns, volunteers, contractors and patrons with a work and service environment that is free from violence.
- 1.3. Everyone has a duty to report Workplace Violence in accordance with the procedures.
- 1.4. The City Manager, on behalf of the City of Vaughan is committed to establishing measures to prevent violence in the workplace.
- 1.5. The City of Vaughan will regularly perform Workplace Violence Assessments and Threat Risk Analyses for all workplaces/worksites as required. Results of the assessments will be provided to the Joint Health and Safety Committee representing the workplace.
- 1.6. Investigations relating to alleged incidents of workplace violence, sexual violence or domestic violence will be undertaken in accordance with the Workplace Violence Procedures.
- 1.7. Anyone found to be in contravention of the policy will be held accountable for their actions.
- 1.8. The City of Vaughan will provide appropriate assistance and support to any persons who are involved in incidents of workplace violence, sexual violence or domestic violence including alleged perpetrators and victims.

**2. Guiding Principles**

There are several guiding principles which govern the organization in dealing with workplace violence. These include:

- 2.1. Everyone has a duty to report Workplace Violence.
- 2.2. All employees, patrons, and Officials (Elected or Appointed) in all City workplaces and City owned or operated facilities have a right to be safe.

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- 2.3. There must be mutual respect between all employees, between employees and patrons of the City, and between employees, patrons and Officials (elected or Appointed).
- 2.4. The Policy must be in compliance with the Ontario *Occupational Health and Safety Act*, the Ontario *Human Rights Code* and the common law.
- 2.5. The Policy will respect the collective agreements between the City unions and the Corporation.
- 2.6. The Policy will be easy to use by both employees and management.
- 2.7. The Procedures will provide for both formal and informal resolutions.
- 2.8. The Policy and Procedures will be enforceable and clear and provide protection against retaliation.

### **3. Responsibilities**

Everyone is Responsible:

- 3.1. Everyone associated with the Corporation, including all employees, students, interns, volunteers, Officials (Elected or Appointed), contractors and patrons have a responsibility to adhere to the Workplace Violence Policy and to ensure that workplace environment is safe and free from violence, including sexual harassment and sexual violence.
- 3.2. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this policy.
- 3.3. Anyone who believes that workplace violence is taking place is encouraged to notify his/her supervisor and/or the Workplace Violence Policy Coordinator.

Management/Supervisor Responsibility:

- 3.4. All managers and supervisors have a particular duty to act and deal with any incidents or threats of workplace violence.
- 3.5. This duty includes the obligation to be familiar with and uphold this policy and any associated procedures.
- 3.6. Any failure to act that results in workplace violence will not be tolerated and will be subject to discipline up to and including discharge from employment.

Workplace Violence Policy Coordinator:

- 3.7. The Chief Human Resources Officer is designated as the Coordinator of the Workplace Violence Policy and is responsible for the management and direction of the Workplace Violence Policy and related Procedures

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3.8. Where the Coordinator of the Workplace Violence Policy is a party to an incident of Workplace Violence, the City Manager shall appoint a suitable alternate for that incident

#### **4. Reporting and Investigation**

4.1. Employees who have reasonable grounds to believe a violation of the Workplace Violence Policy has occurred should report such activity or behaviour, in writing, to their Supervisor, Manager, Director, Deputy City Manager, the Chief Human Resources Officer, or the City Manager, as appropriate. Employees may also use the City's Anonymous Reporting System to make a complaint.

4.2. Supervisory and management staff shall take all appropriate steps to prevent and stop workplace violence issues which come to their attention.

4.3. Any supervisory or management staff member who is subject to, witnesses, or is given a written complaint of a workplace violence violation shall work to minimize or eliminate the issue at hand. In the event that this is not possible with available resources, the management staff is required to report the issue to their Director, Deputy City Manager or the City Manager.

4.4. The City shall investigate all complaints of violations and take all appropriate actions.

#### **5. No Retaliation**

5.1. The City will not condone retaliation or reprisal of any kind by or on behalf of the City of Vaughan and its employees against good faith reports or complaints of violation of the Workplace Violence Policy.

5.2. All employees must cooperate fully during an investigation of alleged wrongdoing in relation to any activity outlined in the Workplace Violence Policy.

5.3. Retaliation or reprisal against a complainant or someone who is a witness or is involved in such investigation is strictly prohibited and will result in appropriate disciplinary action.

#### **6. Remedial Action**

6.1. Any employee who is found to have violated the Workplace Violence Policy may be subject to disciplinary action up to and including discharge from employment.



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6.2. In addition, complaints which are found to be vexatious, malicious or made in bad faith will result in a penalty against the complainant. The severity of the penalty will be determined based on the seriousness and impact of the vexatious complaint following an investigation which may be subject to disciplinary action up to and including discharge from employment.

6.3. Complaints alleging violence, sexual harassment or sexual violence by a Member of Council should be forwarded to the City’s Integrity Commissioner to be addressed under the Code of Ethical Conduct policy and procedure.

**7. Annual Report**

7.1. An annual report will be provided to the City Manager of the number of complaints received and processed, the nature of the complaints, the resolution of the complaints, and all recommendations made. The identity of the persons involved will not be disclosed in the report.

**ADMINISTRATION**

*Administered by the Office of the City Clerk.*

<b>Review Schedule:</b>	Other (specify) Annually	<b>Next Review Date:</b>	May 1, 2020
<b>Related Policy(ies):</b>	13.C.01 – Respectful Workplace, 13.A.02 – Employee Code of Conduct, 13.C.04 – Council Staff Relations		
<b>Related By-Law(s):</b>	012-2013 – Roles and Responsibilities of the City Manager		
<b>Procedural Document:</b>	PRC.05 – Workplace Violence		

**Revision History**

<b>Date:</b>	<b>Description:</b>
Click or tap to enter a date.	
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