



The Corporation of the Town of Tecumseh

Policy Manual

Policy Number:	129
Effective Date:	April 24, 2024
Supersedes:	Policy No. 55 – Violence Free Workplace Policy No. 68 – Violence and Harassment in the Workplace
Approval:	RCM (RCM 112/24)
Subject:	Workplace Violence Prevention Policy and Program

1. Purpose

The Corporation of the Town of Tecumseh (**Town**) is committed to providing a safe work environment and maintaining a Workplace that is violence free and recognizes its obligations with respect to violence under the Ontario *Occupational Health and Safety Act*. This document formally establishes this commitment, which is implemented through the Workplace Violence Prevention Program (see Appendix A).

2. Scope

- 2.1 This policy applies to all employees of the Town including all supervisory and managerial employees, members of Council, student Workers, volunteers and employees of consultants and contractors.
- 2.2 This policy applies at all Town work locations. It should be noted that Workplace Violence can occur at off-site business-related functions (ex. conferences, site visits, social outings relating to work).

3. Cross-References

- 3.1 *Ontario Occupational Health & Safety Act*
- 3.2 The Town's Workplace Violence Prevention Program (Appendix A)

4. Definitions

- 4.1 **“Domestic Violence”** is widely understood to be a pattern of behaviour used by one person to gain power and control over another person with whom he/she has or has had an intimate relationship. This pattern of behaviour may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control.
- 4.2 **“Supervisor”** as defined by the *Occupational Health & Safety Act* means a person who has charge of a workplace or authority over a Worker.
- 4.3 **“Worker”** includes the Town’s employees, student workers, and any person recognized by the Town as a volunteer; as defined in the *Occupational Health and Safety Act* to include:
- a) A person who performs work or supplies services for monetary compensation.
 - b) A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
 - c) A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution.
 - d) Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.
- 4.4 **“Workplace”** as defined by the *Occupational Health & Safety Act* means any place means any land, premises, location, or thing at, upon, in or near which a Worker works.
- 4.5 **“Workplace Violence”** as defined by the *Occupational Health & Safety Act* means any of the following:
- a) The exercise of physical force by a person against a Worker, in a Workplace, including virtually through the use of information and communication technology, which causes or could cause physical injury to the Worker,
 - b) An attempt to exercise physical force against a Worker, in a workplace, which could cause physical injury to the Worker,

- 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.
- 4.6 Workplace Violence includes Domestic Violence that could cause physical injury to a Worker in a workplace.
- 4.7 Depending on the circumstances, violence can take many forms. Refer to the Town's Workplace Violence Prevention Program for further examples.

5. Procedures

- 5.1 The Town is committed to protecting all Workers and shall take reasonable precautions to prevent Workplace Violence. The Town will address all reports of Workplace Violence in accordance with the Workplace Violence Prevention Program.
- 5.2 All acts of Workplace Violence are strictly prohibited. All Workers and Supervisors are responsible for completing the mandatory training component of the Workplace Violence Prevention Program.
- 5.3 The Town will hold all Workers and visitors accountable by imposing discipline and other sanctions (up to and including termination and trespass notices) where it is found that violence has or is being threatened to occur. In doing so, the Town will act in accordance with the rights and obligations established by collective agreements and Town policies.
- 5.4 The Town may also initiate criminal or civil proceedings against individuals who engage in Workplace Violence.
- 5.5 In the event of an emergency, to report a threat of violence or to seek assistance individuals may contact Emergency Services at 911. For non-emergencies, individuals may contact their Supervisor or the Workplace Violence & Harassment Coordinator. Reference the Workplace Violence Prevention Program for applicable reporting procedures and the Town's policy prohibiting reprisals.

6. Responsibilities

- 6.1 The Town is committed to protecting all Workers and shall take reasonable precautions to prevent Workplace Violence.
- 6.2 Every Worker must work in compliance with this policy and the supporting program. Supervisors are responsible for ensuring that measures and

procedures are followed by Workers and that Workers have the information they need to protect themselves.

- 6.3 Do not ignore threatening or violent behaviour. If you witness or experience violence or threats of violence, or if you feel that a Worker or visitor is likely to become violent, report the situation to a supervisor, a person in authority, or the Workplace Violence & Harassment Coordinator.
- 6.4 Workers have an obligation under the *Occupational Health and Safety Act* to report Workplace Violence and other safety hazards in the Workplace. Information provided about a complaint or incident will only be disclosed to the extent necessary to protect Workers, to investigate the complaint, to take corrective action, or as otherwise required by law.

7. Contact Information

- 7.1 Further assistance regarding the Workplace Violence complaint process can be provided by the People & Culture Department. The Workplace Violence & Harassment Coordinator is the People & Culture Advisor and can be reached at 519-735-2184 x179.

8. Review and Posting of Policy

- 8.1 Council delegates authority to the Director of People & Culture and Chief Administrative Officer to annually review and, if applicable, revise the Policy and Program to meet legislative compliance and that, if any significant changes to these policies occur upon review, Administration will prepare and bring an information report to Council outlining the legislative amendments.
- 8.2 This Policy shall also be reviewed, in consultation with the Joint Occupational Health & Safety Committee (JHSC), as often as is deemed necessary, but at least annually. This Policy shall be posted in a conspicuous place in the Workplace at all times.

Appendix A - Workplace Violence Prevention Program

1. Purpose

- 1.1 The Town of the Town of Tecumseh (Town) is committed to providing a safe work environment and maintaining a workplace that is free of Workplace Violence as required by the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1. This document supplements the Town's Workplace Violence Prevention Policy and outlines the responsibilities associated with this program. The program will be reviewed annually by the Town, in consultation with the Town's Joint Health and Safety Committee, to ensure that it adequately implements the Town's Workplace Violence Prevention Policy and will be revised as necessary.
- 1.2 The purpose of this program is to implement the Workplace Violence Prevention Policy by ensuring a safe work environment and maintaining a workplace that is violence free as required by the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1. This is accomplished through the following:
 - a) Conducting risk assessments
 - b) Conducting workplace inspections
 - c) Control of the general risk of Workplace Violence
 - d) Guidelines on summoning immediate assistance
 - e) Guidelines on reporting an act of violence
 - f) Guidelines on investigation procedures for incidents or complaints
 - g) Guidelines on domestic violence

2. Scope

- 2.1 This program applies to all employees of the Town of the Town of Tecumseh (Town) including all supervisory and managerial employees, members of Council, student workers, volunteers and employees of consultants and contractors.
- 2.2 This program applies at all Town work locations. It should be noted that Workplace Violence can occur at off-site business-related functions (ex. conferences, site visits, social outings relating to work).

3. Definitions

- 3.1 **“Domestic Violence”** is widely understood to be a pattern of behaviour used by one person to gain power and control over another person with whom they have or had an intimate relationship. This pattern of behaviour may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control.
- 3.2 **“Workplace Violence”** as defined by the *Occupational Health & Safety Act* 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,
 - c) 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.
- 3.3 **“Workplace Violence”** includes Domestic Violence that could cause physical injury to a worker in a workplace.
- 3.4 **“Workplace Violence”** includes, but is not limited to:
- a) threatening behaviour - such as shaking fists, destroying property, or throwing objects.
 - b) verbal abuse or verbal or written threats - any expression of an intent to inflict harm.
 - c) physical attacks - hitting, shoving, pushing, or kicking.
- 3.5 **“Supervisor”** as defined by the *Occupational Health & Safety Act*, a person who has charge of a workplace and/or authority over a worker. At the Towns, supervisors may include both individuals in designated administrative positions (e.g. Directors, Managers, Supervisors) and individuals who are not in such positions but in particular contexts, may have authority in relation to others.
- 3.6 **“Worker”** includes the Town’s employees, student workers, and any person recognized by the Town as a volunteer; as defined in the *Occupational Health and Safety Act* to include:

- a) A person who performs work or supplies services for monetary compensation.
 - b) A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
 - c) A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, Town, private career college or other post-secondary institution.
 - d) Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.
- 3.7 “**Workplace**” for the purposes of this program, the workplace includes but is not limited to, all Town work locations and off-site business functions (ex. Conferences, site visits, social outings related to work).

4. Responsibilities

4.1 Shared Responsibilities

All Workers are responsible for creating and maintaining a safe workplace to the extent of each person's authority and ability to do so. It is the responsibility of every Worker to assist and co-operate in making the Workplace as safe and secure as possible.

Members of the public, visitors to Town facilities, or individuals conducting business with the Town, are expected to refrain from any form of violence. The Town will take any necessary steps to ensure a Workplace free from violence.

4.2 Supervisor Responsibilities

- a) Support and maintain a Workplace whose objective is to prevent and eliminate Workplace Violence.
- b) Take all reasonable preventative measures to protect Workers and others from Workplace Violence.
- c) Ensure that Workers are aware of their role in helping prevent violence in the Workplace and the content of this policy.

- d) Intervene as appropriate to implement the Town's Workplace Violence Prevention Policy.
- e) Take immediate action where warranted, including, but not limited to, telephoning the Police, Fire Department and Ambulance Services, and summoning Workers certified in First Aid and other back-up resources as needed.
- f) Ensure all members of their respective work areas engage in the required training.
- g) Ensure that all incidents of Workplace Violence are documented, investigated promptly and appropriate action is taken.
- h) Immediately report to the Department Manager or Director and People & Culture Department any direct or veiled threats of violence made to a Worker and any action taken.
- i) Be aware of their roles and responsibilities as set out in the Occupational Health & Safety Act with respect to workplace harassment.

4.3 People & Culture Department Responsibilities

- a) Ensure that all incidents of Workplace Violence are immediately investigated in order to assess the risk or continued risk to Workers of the Town.
- b) If violence or threats are found to have occurred, ensure that immediate steps are taken to eliminate the risk of any possible recurrence.
- c) Ensure the implementation of an action plan until there is a final resolution of the risk of violence.
- d) Ensure that any information received, or action taken is maintained in a separate file and take measures to protect the confidentiality of this information.
- e) Ensure the provision of assistance to Workers who were the target of violence or witness to violence.
- f) Assess this policy on an annual basis with the assistance of senior leadership and the JHSC. All continuous improvements that need to be completed will be brought up at the Joint Health & Safety Committee meetings and documented in the minutes.

- g) Ensure that all Workers are trained on this policy.

4.4 Worker Responsibilities

- a) Comply with this policy and all related procedures at all times for their own protection and the protection of others within the Workplace.
- b) Are encouraged to be alert to the possibility of violence on the part of Workers, former Workers, customers, contractors, and others.
- c) Cooperate fully in any fact gathering interviews which are designed to assess the risk of violence in the Workplace and keep all information concerning the matter confidential.
- d) Report any potential situation or incident of Workplace Violence immediately or as soon as practically possible to their supervisor, department leadership, People & Culture Department, or the CAO.

5. Reference Documents

5.1 Workplace Violence Prevention Policy

The Town's policy "Workplace Violence Prevention Policy" states:
The Town of the Town of Tecumseh (**Town**) is committed to providing a safe work environment and maintaining a Workplace that is violence free and recognizes its obligations with respect to violence under the *Occupational Health and Safety Act*.

5.2 Ontario Human Rights Code, R.S.O. 1990, c. H.19, as amended.

5.3 *Occupational Health & Safety Act*

5.4 The Town's Workplace Harassment Prevention Policy

5.5 The Town's Workplace Harassment/Violence Reporting Form

5.6 The Town's Report of Accident/Incident Form

6. Procedure

6.1 The Town will investigate and address all threats or incidents of violence in the workplace.

6.2 Risk Assessment

The Workplace Violence & Harassment Coordinator in collaboration with the Joint Health and Safety Committee will prepare and maintain a risk assessment specific to Workplace Violence that is likely to arise from the nature of the workplace, type of work or conditions of work. The Joint Health and Safety Committee will make appropriate recommendations to management with respect to mitigating risks of violence in the workplace. The results of the risk assessment will be used to identify the measures and procedures that may be required to control risks of violence in the workplace. The risk of Workplace Violence should be reassessed as often as is necessary to protect Workers from Workplace Violence. For example, a re-assessment should be undertaken if:

- a) The workplace moves or the existing workplace is renovated or reconfigured.
- b) There are significant changes in the type of work.
- c) There are significant changes in the conditions of work.
- d) There is new information on the risks of Workplace Violence.
- e) A violent incident indicates a risk related to the nature of the workplace, type of work or conditions of work was not identified during an earlier assessment.

Workplace inspections are conducted at least monthly by the Joint Health and Safety Committee to assist in the development of the risk assessment to identify hazards specific to each workplace related to violence and identify the controls that exist or that may be implemented to reduce the levels of risk of Workplace Violence.

6.3 The Need to Summon Immediate Assistance

Workers involved with incidents of Workplace Violence should immediately summon assistance. Whenever a situation in the workplace becomes volatile or escalates into a situation where Workplace Violence is likely to occur, Workers should contact police or emergency assistance.

Workers who are in a situation where Workplace Violence is likely to occur because of threats made by someone in person, over the phone, by e-mail or mail should contact police and emergency assistance.

Workers who need to summon immediate assistance have several options including, but not limited to:

- a) Call 911 for emergency services.

- b) Use code words with co-workers to seek immediate assistance.
- c) Ask for assistance from co-workers or your Supervisor.
- d) Call the Workplace Violence & Harassment Coordinator or a Joint Health and Safety Committee member for immediate assistance.

Making an Emergency Services Call

- a) Avoid delay in making the call.
- b) Remain calm.
- c) Use the phone to dial Emergency Services 911.
- d) When asked by the operator, state the service you require; for example, police, fire, or ambulance.
- e) Let the operator control the conversation. They have standard questions for obtaining critical information from you in a timely and orderly manner.
- f) Clearly state your location and the location of the situation you are reporting using the street address if you know it.
- g) State briefly and clearly what you have observed or why you are calling.
- h) If possible, without exposing yourself to danger, stay on the line until emergency services arrive, unless the operator specifically asks you to hang up.

Be proactive and be prepared. Workers should check with their Supervisor for other methods or procedures to obtain immediate assistance.

Each department has the responsibility to implement measures and procedures specific to that workplace to mitigate Workplace Violence. It is important to recognize that each workplace is different taking into consideration the workplace circumstances and type of work done.

6.4 Right to Refuse Unsafe Work

Under the *Occupational Health & Safety Act*, Workers have the right to refuse unsafe work which they believe may endanger the health or safety of themselves or another Worker. In that instance the Worker should immediately contact their Supervisor, at which point appropriate measures will be taken to protect the Worker and the Workplace Violence &

Harassment Coordinator will investigate the situation. For some Workers, the right to refuse work for any reason, including for Workplace Violence, is limited. Certain Workers who protect public safety cannot refuse work if the danger is an inherent or normal part of their job or the refusal would endanger the life, health, or safety of another person (i.e., firefighters). Work refusals as they relate to Workplace Violence will be resolved based on an objective assessment of risk.

6.5 Disclosure of Persons with a Violent History

Supervisors are required to provide information to a Worker that is reasonably necessary to protect the Worker from physical injury. Three (3) conditions must be present to trigger the duty to warn:

- a) A Worker must be exposed to a risk of Workplace Violence from a person with a “history of violent behaviour;”
- b) The Worker must be expected to encounter that person in the course of his or her work; and
- c) The risk of violence must be “likely” to expose the Worker to physical injury.

Assistance must be sought from the Director, People & Culture, prior to disclosing any information.

Since the *Ontario Health & Safety Act* does not provide a definition of “a history of violent behaviour” a single incident could possibly constitute a history of violent behaviour.

It may be difficult to determine the likelihood of physical injury which a Worker may be exposed to. For this reason, each case will be investigated and assessed accordingly.

6.6 Domestic Violence

If a Worker is experiencing Domestic Violence or a Worker has reason to believe that a co-worker is experiencing Domestic Violence that could expose that Worker or another Worker to physical injury in the workplace, the Worker should immediately notify their supervisor or the Workplace Violence & Harassment Coordinator. The Workplace Violence & Harassment Coordinator, in consultation with the department, will develop a safety plan on a case-by-case basis in consultation with the targeted Worker to assist in preventing and responding to the situation. In developing the plan, the Supervisor and Worker may be able to work with the police or other informed community services.

6.7 Special Circumstances

Should a Worker have a legal court order (e.g., restraining order, or “no contact” order) against another individual, the Worker is encouraged to notify their Supervisor, and to supply a copy of that order to the People & Culture Department. This will likely be required in instances where the Worker strongly feels that the aggressor may attempt to contact that Worker at the Town, in direct violation of the court order.

If any visitor to the Town workplace is seen with a weapon (or is known to possess one) and makes a verbal threat or assault against a Worker or another individual, Worker witnesses are required to immediately contact the Police, emergency response services, their Supervisor, or department leadership.

In cases where criminal proceedings are forthcoming, the Town will assist Police agencies, attorneys, insurance companies, and courts to the fullest extent.

6.8 Process for Reporting Workplace Violence

Workers are encouraged to report threatening statements or behaviour that gives one reasonable grounds to believe that there is a potential for Workplace Violence immediately to a Supervisor or the Workplace Violence & Harassment Coordinator. The Workplace Harassment & Violence Coordinator is the People & Culture Advisor and can be reached at 519-735-2184 x179. Such reports may assist in identifying patterns of potential violence and may assist in the prevention of emergency situations in the future.

If there is immediate danger, the Worker would call emergency services and then advise a Supervisor or the Workplace Harassment & Violence Coordinator. If the incident or complaint is brought to the attention of the Supervisor, they will report the incident to the Workplace Violence & Harassment Coordinator using the Harassment/Violence Reporting Form immediately.

A report may be made by many parties including but not limited to:

- a) the actual complainant of alleged Workplace Violence;
- b) another Worker who witnessed the incident(s); and/or
- c) a third-party reporting on behalf of the complainant(s).

6.9 Investigation Process

Once a report is received, the Workplace Violence & Harassment Coordinator or designate will decide who will investigate the incident of Workplace Violence. The investigation will commence immediately.

When a Supervisor receives a report of violence they will:

- a) Ensure any persons involved have received appropriate first aid or medical treatment.
- b) Ensure persons are in a safe place.
- c) Call the police, based on the nature of the violence and concerns of the Workers or others involved in the situation.

Note: Any physical assault in our workplace will be reported to the police. If the Supervisor or Manager is unsure, they should contact the police and the police will then decide whether the incident is a matter for them to handle. If the Workers or other parties involved request to have the police notified, the Supervisor or department leader will do so.

- d) Secure the scene.
- e) Notify Senior Management, the Workplace Violence & Harassment Coordinator and any potentially affected Workers or others about the situation.

Once the Workplace Violence & Harassment Coordinator or designate is notified, they will:

- f) Begin the investigation process immediately.
- g) Members of the investigation team will be made up of competent persons who can be impartial and have knowledge, training and experience regarding Workplace Violence issues and understand relevant legislation. The team will include the Coordinator and may also include Senior Management, other Supervisors, and a designated safety committee member or safety representative. These team members must maintain confidentiality throughout the process. The identities of the people involved will not be disclosed outside the team unless the disclosure is necessary for the purposes of the investigation or as required by law.

In completing the investigation, the team will:

- a. Sensitive interview the victim(s).
- b. Take witness names, contact information and statements.
- c. Attempt to address and resolve the complaint between the parties involved.
- d. Take special considerations for privacy and sensitivity for the victim in the situation.
- e. Determine actions required to prevent re-occurrences and implement controls.
- f. Record all information on the Harassment/Violence Reporting Form.
- g. Meet with the victim and perpetrator to disclose the results of the investigation.
- h. Make changes to the Hazard Assessment and this procedure, as needed.
- i. Only communicate changes to the Hazard Assessment and this procedure through the Safety Committee minutes. All other information collected through the investigation is considered confidential.

6.10 Support Services/Medical Assistance

In the event of an incident of Workplace Violence resulting in physical injury, access to appropriate first aid or medical aid will be provided by a trained individual, as required under the WSIB Act. An Ambulance or Police may be contacted depending on the severity of the injury.

Once the injured Worker has received the required care, the Supervisor will complete a Report of Incident form to ensure proper adjudication of the workplace injury by the WSIB. In cases where other support services are deemed to be required such as access to Employee Assistance Policy (EAP) the immediate Supervisor shall advise and assist the employee to seek such service, and/or initiate the appropriate response.

6.11 Notices

If an incident of Workplace Violence were to result in a death or critical injury as defined in the Occupational Health & Safety Act, the CAO, Director of People & Culture shall immediately notify the Violence & Harassment Coordinator, who will in turn notify the following:

- a. Ministry of Labour;
- b. Joint Health and Safety Committee(s); and
- c. appropriate union, if applicable.

A written report with the circumstances of the occurrence and other prescribed information shall be prepared by the Workplace Violence & Harassment Coordinator and sent to the above groups within 48 hours of the occurrence.

If an incident of Workplace Violence causing injury occurs and the person is disabled from performing his or her usual work or requires medical attention because of an incident of Workplace Violence, but no person dies or is critically injured because of that occurrence, written notice shall be provided to the Town's Joint Health and Safety Committee and appropriate union, if applicable, within four (4) days of the occurrence.

6.12 Training & Prevention for Workplace Violence

All Workers will be provided information and instruction on the contents of the policy and program with respect to workplace harassment prevention. This training will be completed within one week of commencement of employment and will be repeated on an annual basis.

Workers will receive training in the following:

- a) Intent and content of the Violence Free Workplace Policy and Program.
- b) Worker responsibilities and obligations under the policy and program and relevant legislation.
- c) How to summon immediate assistance.
- d) How to report incidents of Workplace Violence.
- e) How the employer will investigate and deal with incidents, threats, or complaints.
- f) How to carry out the measures and procedures that are in place to protect Workers from Workplace Violence.

Supervisors will receive training in the following:

- a) Intent and content of the Violence Free Workplace Policy and Program.

- b) Supervisor responsibilities and obligations under the policy and program and relevant legislation.
- c) How to summon immediate assistance.
- d) How to report incidents of Workplace Violence.
- e) How the employer will investigate and deal with incidents, threats, or complaints.
- f) How to carry out the measures and procedures that are in place to protect Workers from Workplace Violence.

6.13 Confidentiality of Complaints and Investigations

The Town recognizes the sensitive nature of violence complaints and will keep all complaints confidential, to the fullest extent possible. The Town will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

Out of respect for the relevant individuals, it is essential that anyone involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

7. Record Keeping

7.1 The Town will keep records of the investigation including:

- a) a copy of the complaint or details about the incident;
- b) a record of the investigation including notes;
- c) a copy of the investigation report (if any);
- d) a copy of any corrective action taken to address the complaint or incident of Workplace Violence.

All records relating to the investigation, including all notes and materials and final report will be kept in confidence and shall be filed separate from any personnel files, with the Workplace Violence & Harassment Coordinator to ensure confidentiality. Records will be kept not less than five years from the conclusion of the investigation.

8. Contact Information

Further assistance regarding the Workplace Violence prevention program can be provided by the People & Culture Department. The Workplace Violence & Harassment Coordinator is the People & Culture Advisor and can be reached at 519-735-2184 x179.