



# FORTFRANCES

## BOUNDLESS

**WORKPLACE VIOLENCE**

**HEALTH AND SAFETY #5.34**

## **POLICY**

Created: 2011-06-01  
Revised: 2023-09-27  
Authorized: Schedule A By-Law 72-23  
Superseded:

### 1. INTENT

- (1) At the Corporation of the Town of Fort Frances (“the Corporation”), the physical and mental health, safety, security, and well-being of all of our employees is critical.
- (2) Employees, and those who are present in our workplace, have a right to a safe workplace. The workplace should be free of violence and threat of violence. Under no circumstances should employees fear reprisal for voicing a legitimate concern about workplace violence or exercising their right to refuse unsafe work due to workplace violence or threat of workplace violence.
- (3) It is the responsibility of the Corporation, including all managers and employees, to foster a healthy workplace environment where dignity and respect are the foundation of all communication and interactions.
- (4) Violence and intimidation are unacceptable in the workplace, and any such acts may result in disciplinary action, including termination of employment for just cause. Clients or members of the public who are present in the workplace who engage in such acts will be asked to leave. If required, law enforcement may be contacted for assistance.
- (5) The Corporation has an obligation to support and assist individuals who are experiencing violence or threat of violence in the workplace. The Corporation will investigate complaints and take appropriate action to ensure the safety of employees and others who may be present in the workplace. The Corporation will not discriminate or retaliate against an employee because they voice concerns about workplace violence.

### 2. SCOPE

- (1) All employees have the right to a safe workplace, free from violence or the threat of violence. Protection from violent, intimidating, and aggressive behaviors extends to management, colleagues, subordinates, clients, customers, and other business contacts who are present in the workplace.
- (2) As such, this policy applies to all employees, management, elected officials, and members of boards and committees, referred to as “staff” and/or “employees”.
- (3) The workplace is not confined to the offices and buildings of the Corporation. It also includes washrooms, locker rooms, worksites, vehicles and equipment, and any other location where the business of the Corporation is conducted.

### 3. DEFINITIONS

- **“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. It also includes:
  - An attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker; and 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.

Examples of workplace violence may include:

- Verbally threatening to attack a worker.
- Leaving threatening notes at or sending threatening emails to the workplace.
- Shaking a fist in a worker’s face.
- Wielding a weapon at work.
- Hitting or trying to hit a worker.
- Throwing an object at a worker.
- Sexual violence against a worker.
- Kicking an object the worker is standing on, such as a ladder.
- Trying to run down a worker using a vehicle or equipment such as a forklift.

### 4. GENERAL GUIDELINES

- (1) The Corporation does not tolerate violence or the threats of violence in the workplace and will make ongoing efforts to identify such hazards and take appropriate action through policies and procedures.
- (2) The Corporation’s goal is to ensure a safe working environment for all employees, as per our legal obligations.

### 5. RESPONSIBILITIES

- (1) All employees are responsible for preventing and reporting acts of violence that threaten or perceive to threaten.

#### 5.1. MANAGEMENT/SUPERVISOR

- (1) Managers and supervisors are responsible for:
  - (a) Understanding and upholding the principles of this policy.

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- (b) Communicating this policy and its guidelines to all employees.
- (c) Conducting workplace violence risk assessments to determine whether the nature of the workplace, the type of work, or conditions of work may place employees at risk of violence.
- (d) Consulting with Joint Health & Safety Committees (“JHSCs”) in conducting risk assessments and developing practical measures to control identified risks.
- (e) Taking all reasonable and practical measures to minimize or eliminate risks identified through the risk assessment process, workplace inspections, or the occurrence of workplace violence incidents.
- (f) Responding promptly when an employee reports being subjected to, witnessing, having knowledge of workplace violence, or having reason to believe that workplace violence may occur and take appropriate action.
- (g) Immediately addressing all incidents of workplace violence and not condoning or permitting any behavior contrary to this policy.
- (h) Ensuring that all known incidents of workplace violence are investigated.
- (i) Ensuring workers are made aware of their rights to:
  - (i) Have workplace incidents investigated when they are reported.
  - (ii) Report incidents of physical assault or threats of physical assault to the police.
  - (iii) Support from management when reporting incidents of physical assault or threats of physical assault to the police (e.g., time for interactions with the police and making accessible to the police information in the employer’s possession with respect to the incident).
- (j) Taking all reasonable and practical measures to protect workers, acting in good faith, who report workplace violence or act as witnesses from reprisal or further violence.
- (k) Taking every precaution reasonable in the circumstances for worker protection if they become aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace.

- (l) Providing information to employees, including appropriate personal information, related to the risk of workplace violence from a person with a history of violent behaviour.

### 5.2. JOINT HEALTH AND SAFETY COMMITTEE

- (1) Joint Health and Safety Committees and Representatives are responsible for:
  - (a) Reviewing the Workplace Violence Risk Assessment results and providing recommendations to management to reduce or eliminate the risk of violence.
  - (b) Reviewing all reports forwarded to the JHSC regarding workplace violence and other incident reports as appropriate pertaining to incidents of workplace violence that result in personal injury, threat of personal injury, property damage, or police involvement.
  - (c) Participating in the investigation of critical injuries (e.g., incidents that place life in jeopardy, result in substantial blood loss, or fracture of leg or arm, etc.)
  - (d) Recommending corrective measures for the improvement of the health and safety of workers.
  - (e) Responding to employee concerns related to workplace violence and communicating these to management.

### 5.3. ALL EMPLOYEES

- (1) All employees are responsible for:
  - (a) Maintaining a safe work environment, wherever possible.
  - (b) Not engaging in or ignoring violent, threatening, intimidating, or other disruptive behaviours.
  - (c) Promptly reporting and providing details to their supervisor (or the appropriate alternative) any incident where the employee is subjected to, witnesses, or has knowledge of workplace violence or has reason to believe that workplace violence may occur.

### 6. PREVENTION OF WORKPLACE VIOLENCE

- (1) The Corporation has taken specific measures to prevent workplace violence. This includes procedures to control the hazard of workplace violence, as identified by workplace violence risk assessments.

#### 6.1. WORKPLACE VIOLENCE RISK ASSESSMENT

- (1) The Corporation conducts workplace violence risk assessments to identify and assess the risk of workplace violence specific to each department. The results of these assessments are communicated to the employees in those departments and to their health and safety representatives (“HSR”) or joint health and safety committees (“JHSC”) in departments with a JHSC. When conducting these assessments, the Corporation considers the following factors:
  - Circumstances specific to each workplace
  - Circumstances specific to different roles within the organization.
  - Circumstances that would be common to similar workplaces
- (2) The Corporation will notify employees of the risk of violence specific to their work location, job, or shift through their supervisors and general training programs. Employees are required to make their supervisors aware of risks that are not yet identified in our risk assessments.

#### 6.2. INDIVIDUALS WITH A HISTORY OF VIOLENCE

- (1) By law, the Corporation is obligated to warn employees of the identities and personal details of an individual with histories of violent behavior where there is a risk of workplace violence being perpetrated by that person. Such information will only be provided where the employees concerned would reasonably be expected to encounter that person while at work and where the risk of violence is likely to expose those employees to hazards in the workplace.
- (2) Confidentiality will be maintained to the greatest extent possible. Information relating to potentially violent individuals will be shared with employees on a need-to-know basis. Employees are required to maintain confidentiality when they become aware of this information.

#### 6.3. WORKPLACE VIOLENCE AWARENESS TRAINING

- (1) The Corporation requires its employees to take workplace violence awareness training. When management becomes aware of risks specific to an employee’s position, work location, or shift, the employee will be provided with further guidance and instruction.

#### 6.4. DOMESTIC VIOLENCE

- (1) The Corporation strives to respect the privacy of our employees and their personal lives. Management does not intend to intrude on this privacy, but upon becoming aware of the risk of domestic violence affecting the workplace, the Corporation has a legal obligation to intervene in the interests of its workers.
- (2) The Corporation will fully support and assist our employees at risk of domestic violence in the workplace. Our zero-tolerance policy for workplace violence includes the risk of violence from a person who has a personal relationship with an employee, such as a spouse or former spouse, current or former intimate partner, or a family member, who may cause physical harm, or attempt or threaten to physically harm, that employee at work. This includes, but is not limited to:
  - (a) Actual or threatened physical violence or harm
  - (b) Assault (including sexual)
  - (c) The risk of homicide
  - (d) Stalking
  - (e) Threats of harm or actual harm to others, including personal property
- (3) The Corporation is obligated to take every precaution necessary to protect the health and safety of a worker regarding domestic violence. This may require us to warn other employees of the identity and personal details of an individual with a history of domestic violence where there is a risk of violence in the workplace by any such individuals.
- (4) Information on potentially violent individuals may include the identities, personal histories, and descriptions of current or former partners of our employees. Confidentiality will be maintained to the greatest extent possible. Information that relates to actual or suspected domestic violence, or violent individuals, must only be divulged to others when required by law or policy.

#### 6.5. ACTIONS EMPLOYEES CAN TAKE

- (1) Employees who find themselves in the unfortunate position of being victims of domestic violence and abuse can take actions to protect themselves. You are not alone; help is available. Some things an employee can do include:
  - (a) Talking to friends and family about concerns.
  - (b) Informing their manager and/or Human Resources.
  - (c) Talking to their doctor.
  - (d) Contacting the Employee Assistance Program or other support helplines.

- (e) Preserving evidence of instances of abuse and note dates and times of specific incidents.
- (f) Calling the police.
- (g) Considering basic personal security measures such as obtaining an unlisted telephone number, purchasing an alarm system, avoiding isolated areas, etc.

### 7. INVESTIGATION PROCEDURE

- (1) An employee is required to report the existence of any workplace violence or threat of workplace violence to their supervisor (or appropriate alternative). Any reports or incidents of workplace violence will be taken seriously, and all reports and incidents of workplace violence must be investigated. If a manager or supervisor becomes aware of or witnesses any acts or threats of violence, even if these events or actions are not reported to them by the worker, they must initiate an investigation and corrective and preventative actions by reporting this to the CAO and Human Resources Manager.
- (2) The Corporation has the discretion to use either an internal or external investigator to conduct an investigation, depending on the nature of the incident.
- (3) The investigation may include:
  - (a) Conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the incident or complaint, including dates and locations.
  - (b) Reviewing any related documentation.
  - (c) Making detailed notes of the investigation and maintaining them in a confidential file.
- (4) Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings. The goal is to complete any investigation and communicate the results to the complainant and respondent within a reasonable timeframe after becoming aware of an incident or a complaint is received, where possible. The timeframe within which an investigation can be completed may vary depending on the circumstances of each investigation.

#### 7.1. DISPOSITION OF COMPLAINT

- (1) The findings of the investigation and the decision made by the Corporation will be reviewed with the complainant and respondent and confirmed in writing. The decision will be one of the following:



- (a) Complaint substantiated, with appropriate disciplinary action in accordance with the Corporation's policies, ranging from requiring a formal apology to the complainant to dismissal of the respondent.
  - (b) Complaint is unsubstantiated; no further action required.
  - (c) If a complaint is made falsely and maliciously, the complainant may be subject to discipline in accordance with the Town's policies. This will not apply if the complaint is made in good faith and without malice.
- (2) If a finding of workplace violence is made, the Corporation will take the appropriate corrective measures, regardless of the respondent's seniority or position at the Corporation.
- (3) Corrective measures may include, but are not limited to one or more of the following:
- (a) Discipline, such as a verbal warning, written warning, or suspension without pay.
  - (b) Termination with or without cause.
  - (c) Referral for counselling, coaching, training, anger management training, supervisory skills training, or attendance at educational program on respect in the workplace
  - (d) Reassignment or transfer.
  - (e) Financial penalties, such as the denial of a bonus or performance-related salary increase.
  - (f) Any other disciplinary action deemed appropriate under the circumstances.

### **8. REVIEW CYCLE**

- (1) The Workplace Violence Policy will be reviewed on an annual basis or more frequently, as required.