

Workplace Violence & Harassment Policy and Program

Purpose

The Municipality of Middlesex Centre is committed to building and preserving a safe, productive, and healthy working environment for its employees, free from violence and harassment. The municipality will take all reasonable measures to ensure job candidates, employees, managers, and clients are not subject to any form of violence or harassment. This commitment applies to all areas of business, including training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

Acts of violence or harassment against or by any employee will not be condoned or tolerated by the municipality. This policy outlines the Municipality of Middlesex Centre violence and harassment program and provides a framework for preventing, reporting and responding to violence, harassment or sexual harassment in the workplace.

Scope

This policy applies to all Municipality of Middlesex Centre employees, Paid-on-Call Firefighters, Members of Council, volunteers, co-op students, interns, contractors and consultants.

Definitions

Complainant: A person who has made a complaint against another individual who they believe committed an act of violence or harassment against them.

Domestic Violence: A pattern of abusive behaviours by one or both partners in an intimate relationship such as marriage, dating, family, cohabitation, or friends. Domestic violence may include but is not limited to: physical aggression (i.e., hitting, kicking, biting, shoving, restraining, throwing objects), or threats thereof, sexual abuse, emotional abuse, controlling or domineering behaviour, intimidation, stalking (i.e., unwelcome visits to the workplace, threatening phone calls and/or emails), neglect, and economic deprivation.

Respondent: A person whom another individual has accused of committing an act of violence or harassment.

Supervisor: Includes CAO, Department Heads, Directors, Managers, and Supervisors.

Workplace: For purposes of this Policy, includes ALL municipal facilities, sponsored events and meetings, travel while on municipal business, and any other location where municipal business is being conducted. Harassment which occurs outside the workplace, including virtually, but which may adversely impact worker relationships may also be defined as workplace harassment.

Workplace Harassment: 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 workplace sexual harassment.

Workplace harassment can involve unwelcome words or actions, or a pattern of behaviours that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to a worker or group of workers. It can also include behaviour that intimidates, isolates, or even discriminates against the targeted individual(s).

Examples may include but are not limited to:

- making remarks, jokes, or innuendos that ridicule or intimidate.
- displaying or circulating offensive pictures or material in print or electronic form.
- bullying.
- repeated offensive or intimidating phone calls or electronic messages.
- inappropriate sexual touching, advances, suggestions or requests.
- unwelcome and/or threatening conduct using a mobile, online and other digital technologies in a workplace context.
- any offensive or harassing conduct based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy and gender identity), sexual orientation, disability, age (18 and over, 16 and over in occupancy of accommodation), marital status (including same sex partners), family status, receipt of public assistance (in accommodation only), and record of offences (in employment only).

Workplace Sexual Harassment: 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 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 sexual harassment also includes unwelcome and/or threatening sexual conduct using a mobile, online and other digital technologies.

Workplace Violence: 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;

or a statement or behaviour that 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.

Examples may include but are not limited to:

- verbally threatening to attack a worker
- leaving threatening notes at or sending threatening electronic messages to a 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 a worker is standing on (e.g., ladder, step stool)
- trying to run down/over a worker using a vehicle or equipment, (e.g., forklift)

Policy

This policy has been developed in consultation with the Joint Health and Safety Committee. It will be reviewed annually, or more frequently if necessary to ensure that it accurately represents the Municipality of Middlesex Centre prevention program.

The Municipality of Middlesex Centre will provide all employees with appropriate training and information regarding the company's violence and harassment prevention practices and procedures. Employees are responsible for adhering to this policy and should report every incident of violence or harassment immediately to management. This includes any incidents that have been witnessed, experienced by, or reported to an employee.

If an employee needs further assistance, they may contact the joint health and safety committee, Human Rights Legal Support Centre or employee assistance program (if available).

For the purposes of this policy, workplace harassment or violence can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;

- Over the telephone, if the conversation is work-related; and/or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Reasonable day-to-day actions by a manager that help manage, guide, or direct workers or the workplace and appropriate employee performance reviews, counselling, or discipline by a manager do not constitute harassment.

Examples may include but are not limited to:

- Changes in work assignments
- Scheduling
- Job assessment and evaluation
- Workplace inspection
- Implementation of dress code
- Disciplinary action

Violence Risk Assessment

The Municipality of Middlesex Centre will conduct a risk assessment of the work environment to identify potential risks that could affect the organization and the health and safety of employees and will institute measures to eliminate or control any identified risks to employee safety.

The following factors will be considered during the assessment:

- Past incidents of violence;
- Violence that is known to occur in similar workplaces;
- The circumstances in which work takes place, including the type of work and conditions of work;
- The interactions that occur in the course of performing work; and
- The physical location and layout of the workplace.

The risk assessment may include reviews of records, security reports, employee incident reports, staff perception surveys, health and safety inspection reports, first aid records, or other related records. Areas that will be considered and may contribute to risk of violence include but are not limited to contact with the public, exchange of money, receiving doors, and working alone or at night.

The municipality will provide the Joint Health and Safety Committee with a written copy of the assessment and advise of the results.

The municipality will disclose information to workers who are likely to encounter a known person with a history of violence in the performance of their job duties, or if there is a potential risk of workplace violence as a result of interactions with the person with a history of violence. However, the company will only disclose personal information that is deemed reasonably necessary to protect the worker from physical harm.

Workplace Violence and Harassment Program

Control Measures and Procedures

The following measures, including building and design features have been implemented to eliminate or reduce the identified risks of workplace harassment and violence:

- Adequate lighting in all areas, especially outdoor and parking area
- Reception areas with clear view of all incoming visitors
- Reception areas and entry foyers with appropriate counter height, depth and barriers to adequately protect staff in main areas to which the public has access
- Keeping valuables and other items out of view, in secure locations
- Robbery prevention measures
- Keep public access to private offices, staff only areas, and council chambers closed, locked or off limits unless accompanied by staff (unless areas are open to the public at large)
- Keep doors to garages and staff only areas closed and locked as much as possible
- Holding meetings with potentially aggressive or violent persons in areas that are highly visible to others or where suitable arrangements for violence emergencies have been made
- Summoning assistance by proximity to others in the workplace (within hearing range, by telephone or cell phone.)
- Posting of signs that warn of staff only areas and meeting room locations
- Posting of signs to remind the public of respectful behaviour and the prohibition of harassing or threatening behaviour and consequences
- Electronic alarms or emergency communication systems to summon assistance if appropriate.

Visitors and guests may be required to sign in and be accompanied by staff when accessing areas of the workplace that are not usually accessible to the public. Visitor name tags or other effective identification methods may be used. Staffing levels should be developed and implemented as often as possible, to ensure that high risk working alone situations are reduced.

When working alone:

- Pre-arrange to check with another person, stay in touch via radio, cell phone or other methods with fellow staff.
- Keep supervisors, managers, and other staff regularly informed of work activities.
- If possible, work in a well-lit area with natural surveillance from outside the area.
- Post signs in public areas prohibiting offensive or aggressive behavior.
- Provide necessary information and give assistance to employees who are victimized by domestic violence, or potentially violent persons, while ensuring confidentiality and safety for affected employees.

Managers, supervisors and/or Human Resources will determine the need to communicate information about a person with a history of threatening or potentially violent behaviour by considering the following:

- Whether particular events occurred in the workplace or in the course of work activities.
- Whether particular events are related to domestic violence.
- Whether the events were directed at a particular worker or workers in general.
- How long ago the events occurred.
- The measures and procedures that are currently in place, and whether these are adequate.

The manager, supervisor, or Human Resources shall provide relevant information to staff who may be affected by an encounter with a threatening or potentially violent person in the course of work. The information may be communicated using one or more of the following methods:

- Electronic communication (e.g., “flagging” a particular person, residence, work site, location, etc. on the database, file, or computer system)
- Written communication
- “One-on-one” staff meetings
- Group staff meeting

Note: Any communication must not disclose more information than is reasonably necessary to protect staff from injury or threat, and must also meet the requirements of the Freedom of Information and Protection of Privacy Act, Youth Criminal Justice Act, Personal Information Protection and Electronic Documents Act, Personal Health Information Protection Act, etc.

Reporting Incidents of Workplace Violence and Harassment

Formally:

An employee who believes they have been subject to violence or harassment should submit a complaint to their manager or Human Resources. The complaint should be made in writing as soon as possible following the incident and must include the following information:

- The date and time of the incident;
- The name of any persons involved in the incident;
- The name of any persons who witnessed the incident; and
- A thorough description of what occurred.

Informally:

An employee who believes they have been subject to harassment may also choose to confront the harasser without filing a formal complaint. They can confront the harasser verbally or through writing, detailing the unwelcome behaviour and requesting it to stop.

Examples of things to say to stop the behavior may include but are not limited to:

- “I don’t want you to do that.”
- “Please stop doing or saying...”
- “It makes me uncomfortable when you...”
- “I don’t find it funny when you...”
- “I don’t like it when you say...”

An employee may request a facilitated discussion between themselves, the other person, and Human Resources to address the situation in an informal manner. Employees should note that there may be circumstances which require a formal intervention and investigation process to occur.

If the alleged harasser is the employee’s manager, or in a position of power, the complainant is welcome to file a complaint with Human Resources or their Director.

Immediate Assistance Procedures

If an actual or potential violent event occurs, the following emergency procedures apply:

Each of the various work locations associated with the Municipality of Middlesex Centre may have site/work activity specific procedures in place that will be communicated to affected staff.

The supervisor or manager responsible for administering the measures and procedures, who receives a report of possible or actual violence, or who responds to a violent event shall:

- Notify police services immediately, as necessary.
- Intervene promptly if it is safe to do so and ensure victims and affected staff are removed from the perpetrator.
- Attempt to de-escalate the situation by remaining calm and working to resolve conflict.
- Evacuate occupants if they can be safely removed without crossing paths with the perpetrator.
- If evacuation is not possible, secure occupants in a safe area by closing off access to the perpetrator, locking doors and windows, lowering blinds, and posting a sign with the condition and number of occupants.
- Ensure the physical safety of employees and others in the area.
- Contact additional staff support if necessary.
- Conduct an investigation and determine corrective actions (e.g., safety plan, referral to employee assistance program, discipline).
- Provide post-incident debriefing to victims, witnesses, and others affected, and refer them to counseling or support resources as needed including, but not limited to, the Employee and Family Assistance Program.

The supervisor or manager must complete an accident/incident report, containing details of the event, as well as actions taken, actions recommended, and any actions to prevent a recurrence.

Investigation Procedures

Once a complaint has been received, the Municipality of Middlesex Centre will complete a thorough investigation. The organization will ensure that, where practicable, the investigation is completed within 90 days of the complaint being filed.

The investigation may include, but is not limited to:

- Informing the respondent of the complaint;
- Interviewing the complainant, respondent, and any persons involved in the incident;
- Reviewing related documentation, including digital evidence, where applicable;
- Identifying and interviewing any witnesses; and
- Obtaining statements from all parties involved.

All of the above information will be documented and used to determine whether an incident of violence or harassment occurred. If necessary, the Municipality of Middlesex Centre may employ outside assistance or request the use of legal counsel.

A copy of the complaint detailing the complainant's allegations will be provided to the respondent, who will be invited to reply in writing to the complainant's allegations. The reply will be made known to the complainant before the case proceeds.

The municipality will take all measures to maintain confidentiality and prevent any disclosure of the incident and the identities of the parties involved, unless the disclosure is necessary for the investigation, for taking corrective action or required by law.

Results of Investigation

Upon completion of an investigation, the Municipality of Middlesex Centre will provide both the complainant and respondent a written summary of the results of the investigation and any corrective action that has been or will be taken as a result of the investigation. This written notification will be provided within 7 business days of the investigation being completed and will not include the investigation report unless required by law.

Control Measures

Where the Municipality of Middlesex Centre determines that violence or harassment has occurred, control measures will be implemented to eliminate or control the risk of violence or harassment to a worker as a result of the investigation. These control measures will be determined on a case-by-case basis, depending on the situation investigated. Any control measure enacted will be communicated to the complainant and respondent, as well as any other employees the measure affects.

Disciplinary Measures

Any disciplinary action will be proportional to the seriousness of the behaviour or action involved in the incident.

If the municipality determines that an employee has been involved in an incident of violence or harassment towards another employee, immediate disciplinary action and corrective action will be taken.

Corrective measures may include but aren't limited to:

- discipline, such as a verbal warning, written warning or suspension
- referral for mandatory counseling (i.e. anger management or sensitivity training)
- reassignment or transfer
- a demotion or denial of a promotion

- termination
- other disciplinary action deemed appropriate under the circumstances

Corrective measures will not be taken if the evidence of violence or harassment is unsubstantiated following an investigation,

Unsubstantiated allegations will not result in negative consequences to the complainant, witnesses or alleged harasser, and no record of the complaint will appear on the worker's file if the parties acted in good faith and without malice.

Domestic Violence

If the Municipality of Middlesex Centre becomes aware that domestic violence is likely to expose an employee to physical injury in the workplace, the municipality will take every precaution reasonable in the circumstances for the protection of the worker.

Recommendations For Those Affected

Those affected by workplace violence, harassment, and/or sexual harassment can access support through the municipality's Employee Assistance Program.

Further information can be provided by Human Resources.

The Right to Refuse Unsafe Work

Employees have the right to refuse work if they have a reason to believe that workplace violence is likely to endanger them. Upon refusing to work, the employee must report the circumstance of the refusal to their manager. An investigation will follow in the presence of the workplace safety and health committee.

Fraudulent or Malicious Complaints

It is a violation of this policy for anyone to knowingly make a false complaint, or to provide false information about a complaint. Unfounded or frivolous allegations may cause both the respondent and the municipality significant damage. Any employee who knowingly makes a false allegation related to violence or harassment will be subject to immediate disciplinary action, up to and including termination of employment.

Recordkeeping

The Municipality of Middlesex Centre will ensure that appropriate records of complaints and investigations relating to incidents of violence and workplace harassment are kept, including:

- A copy of the complaint or details about the incident;
- Any records related to the investigation, including notes;

- A copy of the investigation report (if applicable);
- A summary of the investigation results, including the reports provided to the complainant and respondent; and
- A copy of any corrective action taken to address the complaint or incident.

Confidentiality

The Municipality of Middlesex Centre will not disclose the name of a complainant or a respondent or the circumstances related to the complaint to any person except where disclosure is necessary to investigate the complaint or take corrective action with respect to the complaint or required by law. The company will only disclose the minimum amount of personal information or details necessary for these purposes.

All records of harassment, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law. The municipality will do everything reasonably possible to protect the privacy of any individuals involved and to ensure that complainants and respondents are treated fairly and respectfully.

Policy Review

This Policy will be reviewed annually.