

Policy Title: Workplace Violence**Policy Number: 01-07-01**

Section:	Human Resources	Subsection:	Health and Safety
Effective Date:	September 28, 2017	Last Review Date:	May, 2020
Approved by:	Council		
	Owner Division/Contact: HR Business Partner Manager or Health and Safety Specialist		

Policy Statement

The City of Mississauga is committed to providing a safe workplace, free from actual, attempted or threatened violence. The City will not tolerate any acts of violence and will take all reasonable and practical measures to prevent violence in the workplace.

Purpose

The purpose of this policy is to:

- Create and foster a work environment that is free from Workplace Violence
- Define “Workplace Violence” and “Workplace”
- Clarify legislative requirements
- Identify the responsibilities of the City and all Employees to maintain a Workplace free from actual, attempted or threatened Workplace Violence
- Outline the roles and responsibilities of all City employees for reporting Workplace Violence, and
- Ensure that complaints and/or incidents of Workplace Violence are handled/investigated in accordance with this policy and the City’s Workplace Violence Program

Scope

This policy applies to all employees, elected officials, citizen members of committees and volunteers acting on behalf of the City of Mississauga. This policy applies to all areas of the City’s Workplace.

In addition, all persons who attend a City Workplace including, but not limited to, visitors, members of the public, contractors, vendors, delivery persons, customers, etc., are expected to adhere to the principles of this policy and contribute to a workplace free of violence.

The City’s Corporate Policy and Procedure – Human Resources – [Respectful Workplace](#) should be consulted regarding procedures for dealing with bullying, workplace harassment, workplace sexual harassment and/or harassment related to the Ontario *Human Rights Code*.

The City's Corporate Policy and Procedure – Accountability and Transparency – [Whistleblower Program](#) should be consulted regarding reporting of any issues of wrongdoing if there is a fear of reprisal when using established reporting channels.

Non-union Employees

For all non-union employees, any other work- related complaints will be handled in accordance with the [Employee Complaints Review Protocol](#).

Union Employees

For all union employees, any other work-related complaints will be handled in accordance with the applicable collective agreement.

Workplace Violence Program

The City's [Workplace Violence Program](#) consists of this policy and protocols. The resolution of complaints under this policy will be handled in accordance with the Workplace Violence Program (reporting; investigating; disclosure; resolution; and domestic violence). Employees who are not satisfied with the resolution of their Workplace Violence complaint should refer to the [Employee Complaints Review Protocol](#).

Legislative Requirements

This policy complies with the *Accessibility for Ontarians with Disabilities Act*, the *Ontario Human Rights Code*, and the *Ontario Occupational Health and Safety Act*, as amended. In accordance with the *Ontario Occupational Health and Safety Act* this policy will be reviewed annually. Every person who is an employee has a right to freedom from discrimination and harassment in the workplace by the employer or agent of the employer or by another employee. This includes, but is not limited to, discrimination or workplace harassment/sexual harassment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (includes pregnancy and breastfeeding), sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

Definitions

For the purposes of this policy:

“Employee” encompasses all union and non-union staff, as well as elected officials, citizen members of committees and volunteers acting on behalf of the City of Mississauga.

“Investigator” means the person(s), who may be an external party, appointed by the City to investigate a complaint and/or incident.

“Management Staff” means any individual responsible for directing the work of others, including elected officials, the City Manager, commissioners, directors, managers/people leaders/

supervisors, team leaders and any other person having a leadership role, such as trainers, project leaders, facilitators, etc.

“Workplace Violence” means any of the following:

- (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, and
- (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

“Workplace” means any land, premises, location or thing at, upon, in or near which a worker works. For clarity, this includes all locations where Employees conduct City business or social activities and where their behaviour may have a subsequent impact on work relationships, work environment and/or performance. This includes when employees are working remotely, including from home.

Incidents that occur by way of electronic communication (e.g. unwelcome phone calls, voice mail, texts, messages on e-mail or social media and the display of offensive materials on computers, smartphones or other computing devices) will be considered to have occurred in the Workplace if directed to or from Employees and where such conduct may reasonably be expected to have an impact on work relationships, work environment and/or performance.

Responsibilities

City Responsibilities

The City is responsible to:

- Take reasonable preventative measures to protect Employees and others from Workplace Violence
- Ensure that workplace violence assessments are conducted as often as is necessary to protect workers from Workplace Violence
- Advise the Joint Health and Safety Committee of the results of the workplace violence assessments, and provide a copy of the assessments in writing
- Address Workplace Violence risks identified through workplace violence assessments
- Ensure that all Employees are trained on this policy and maintain a record of all completed training
- Post this policy in a conspicuous place in the Workplace
- Establish a process for reporting and responding to complaints and/or incidents of Workplace Violence
- Ensure the process for reporting and responding to complaints and/or incidents of Workplace Violence, including corrective action, is communicated, maintained and followed by all Employees, and

- Provide Employees with information, including personal information that is reasonably necessary for the protection of Employees, related to a risk of Workplace Violence from a person with a history of violent behaviour if:
 - The Employee can be expected to encounter that person in the course of his or her work, or
 - The risk of Workplace Violence is likely to expose the Employee to physical injury

Management Staff Responsibilities

Management Staff are responsible not only for their own actions, but also for dealing with the actions of staff under their supervision. Management Staff must intervene if a violation of this policy has been brought to their attention and/or has been witnessed. Appropriate steps, as outlined in this policy and the Workplace Violence Program, must be taken to address and resolve the situation.

Management Staff are expected to:

- Actively promote a Workplace free of violence
- Understand and abide by the requirements of this policy, including the responsibilities listed in the “Employee Responsibilities” section below
- Immediately respond to all complaints and/or incidents of Workplace Violence they receive or witness
- Report all complaints and/or incidents of Workplace Violence
- Summon immediate assistance when Workplace Violence occurs
- Communicate and review this policy with the Employees they supervise or manage
- Ensure that all Employees are trained in this policy
- Take corrective action to address the conduct of Employees who violate the policy, including but not limited to disciplinary action, coaching/counselling, training, education or such other measures as are deemed appropriate in the circumstances
- Encourage Employees to report complaints and/or incidents of Workplace Violence
- Ensure that all Employees are aware of who to contact in the event of an incident of Workplace Violence
- Consult with the Director of HR or designate prior to releasing any personal information
- Provide a response, in writing, to all written recommendations from the Joint Health and Safety Committees related to Workplace Violence within 21 days, and
- Become familiar with all aspects of the Workplace Violence Program

Employee Responsibilities

Employees are expected to:

- Promote a work environment free from Workplace Violence and refrain from contributing to or engaging in any acts of Workplace Violence
- Comply with this policy at all times

- Immediately notify Management Staff or their departmental Human Resources (HR) representative of any Workplace Violence, whether the notifying Employee is the victim or not. In the case of an extreme or imminent threat of Workplace Violence, to themselves or any person, the Employee should contact Security Services, Corporate Services Department, and/or the police
- Where appropriate, go to a safe location at the Workplace and immediately report the incident to any Management Staff
- Participate in training regarding this policy and City procedures related to risks of Workplace Violence, and
- Fully cooperate in any investigation of complaints and/or incidents of Workplace Violence or breaches of this policy, including attending interviews and/or providing information/documentation

Health and Safety Specialists Responsibilities

Health and Safety Specialists are responsible for:

- Conducting violence assessments, and reassessments as necessary, in conjunction with the appropriate Management Staff and providing the applicable Joint Health and Safety Committee(s) with the results
- Responding as required to any complaints and/or incidents of Workplace Violence and communicating complaints and/or incidents of Workplace Violence to the departmental HR representative, and
- Investigating complaints, in consultation with the applicable departmental HR representative and Legal Services, where appropriate

Joint Health and Safety Committees Responsibilities

Joint Health and Safety Committees are responsible for:

- Receiving and reviewing the City's Workplace Violence assessments
- Submitting written recommendations, where appropriate, to management regarding Workplace Violence risks identified through the assessment process, and
- Participating in investigations involving complaints and/or incidents of Workplace Violence when required

Investigator Responsibilities

Investigators are responsible for:

- Investigating complaints and/or incidents filed under this policy
- Involving joint health and safety committees where required
- Exercising objectivity and impartiality
- Ensuring confidentiality, where possible
- Recording/maintaining appropriate documentation
- Making all necessary findings of fact with respect to allegations in the complaint

- Discussing findings, conclusions or recommendations with the departmental commissioner, director and/or manager, and
- Submitting recommendations as appropriate to control or prevent Workplace Violence

Domestic Violence

Any Employee experiencing domestic violence that may create a risk of danger to themselves or others in the Workplace is encouraged to report such violence to Management Staff so that the City can take reasonable preventive steps to ensure safety in the Workplace and provide the Employee with internal and external resources to assist, as required and in accordance with the Workplace Violence Program.

Confidential advice and referral for counselling/assistance is available through Employee Health Services and/or the Employee Family Assistance Program (EFAP) for anyone experiencing domestic violence or for those who become aware of someone who is.

Right to Refuse Work

An Employee has the right to refuse unsafe work in accordance with section 43 of the *Occupational Health and Safety Act*, as amended. For more information refer to the [Work Refusal Process](#).

Reprisals

Employees who engage in reprisals or threats of reprisals may be disciplined according to the Corrective Action section of this policy. Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of Workplace Violence
- Intentionally pressuring a person to ignore or not report an incident of Workplace Violence, and
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incidence of Workplace Violence

Complaint Resolution

Complaints under this policy will be resolved in accordance with the City's Workplace Violence Program.

Police Complaints

Employees have the right to contact police regarding complaints and/or incidents of Workplace Violence.

Confidentiality

All persons involved with a complaint must endeavour to ensure that the matter remains confidential. To this end, complaints shall be investigated both confidentially and objectively, with respect for the rights of all parties involved. Personal information will be disclosed only on a need-to-know basis, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

Individuals acting as Investigators should advise all persons interviewed that they are expected to treat the matter as confidential and that they may be subject to discipline if they breach confidentiality. Persons interviewed by the Investigator will be required to sign a confidentiality agreement.

Corrective Action

Any Employee who violates this policy, breaches confidentiality in relation to a complaint under the policy, fails to attend an interview or otherwise cooperate with the Investigator, retaliates or threatens retaliation against an individual due to their making a complaint or acting as a witness, and/or Management Staff who fail to take action when advised of a violation will be subject to appropriate corrective action, up to and including termination of employment. Corrective action may also be taken if a complaint is found to be trivial, frivolous, vexatious or has been made in bad faith, fraudulently or with malicious intent.

Revision History

Reference	Description
GC-0403-2010 2010 06 09	
June 05, 2012	Housekeeping - included Manager, Health and Safety in Investigator definition; updated position names
September 28, 2017	Major review. Policy now supported by a Workplace Violence Program.
June 27, 2019	Scheduled annual review – no changes.
May 28, 2020	Scheduled annual review - admin changes to Workplace/Workplace Violence definitions.