

# Workplace Violence Policy

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<b>Point of Contact</b> Tanya Sinclair, Director of Human Resources		<b>Pages</b> 6

## Policy Statement

Under the provisions of the Occupational Health and Safety Act (OHSA), employers are responsible for putting programs in place to prevent violence in the workplace. Under the Act, all employers must take every precaution reasonable in the circumstances to protect the health and safety of their workers in the workplace. This includes protecting employees against the risk of workplace violence and includes domestic violence. The Library will ensure an investigation is conducted into all incidents and complaints of violence including sexual violence in the workplace in a manner that is appropriate in the circumstances.

Pickering Public Library is committed to providing a work environment that is free from such violence. In keeping with its legal and social responsibilities as an employer, the Library will treat any complaint of workplace violence as a serious matter which, if substantiated, constitutes a serious offence that will not be tolerated or condoned. The Library has zero tolerance for workplace violence.

## Policy Objectives

1. Demonstrate the Library's commitment to the provision of a working environment that is free of violence
2. Define workplace violence
3. Provide all employees with an opportunity to bring forward and remedy allegations of workplace violence in a fair and impartial manner
4. Establish a mechanism for receiving complaints of workplace violence and to provide a procedure to deal with complaints
5. Ensure that all complaints are dealt with expeditiously and objectively and that the rights of all parties are respected
6. Ensure that risk assessments of workplace violence are conducted and ensure that reasonable measures are taken to control such risks.

## Definitions

**Workplace** means the working or work-related environment (e.g. the offices, buildings, parking lots and worksites of the Library, including washrooms, locker rooms, lunch rooms, vehicles and any other location where library business is being conducted, and places where employees have gathered as a result of employment responsibilities, employment relationships or social gatherings sanctioned by the Library).

**Workplace Violence** is defined by the OHSA as:

- (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; and/or
- (b) an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker. It also includes any threats which give a worker reasonable grounds to believe they are at risk of physical injury.

This can include situations where two non-employees (the public for example) are fighting and a worker could be injured if the violence spills over.

**Sexual Violence** is defined by the OHSA as any sexual act or act targeting a person's sexuality, 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, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

**Domestic Violence** is any use of physical, sexual force or psychological act attempted or threatened, in an intimate relationship. Intimate relationship includes those between the opposite-sex and same-sex partners. Domestic violence may include a single act of abuse and may include physical assault, threats, and emotional psychological and sexual abuse.

**Retaliation** means action taken against an individual in response to having invoked the Workplace Violence Policy on behalf of herself or another individual, or for having participated or co-operated in any investigation under the policy.

## Policy Principles

The policy is applicable to all library employees, including volunteers, and others with whom the Library may contract or undertake services.

### 1. The role of the Board

The Board is responsible for active support of the Workplace Violence Policy. The Board Chair is responsible for initiating an expeditious and confidential investigation into any complaint of apparent workplace violence brought forward by any employee where the alleged perpetrator is the CEO or a member of the Board.

### 2. The role of senior management

Senior management and the Director of Human Resources are responsible for: active support of the policy; creation and maintenance of a violence-free workplace for all; providing training and education to all managers and employees respecting workplace

violence and related issues, including the interpretation and application of the Workplace Violence Policy; for distributing this policy to each employee and informing each employee of her rights and responsibilities under the policy; for ensuring the workplace is monitored and risk assessments are conducted with staff; for ensuring these incidents are disclosed to the joint health and safety committee; for treating all complaints of workplace violence seriously, investigating and responding in a timely manner to complaints in accordance with the procedures outline below; conducting an expeditious and confidential investigation into any complaint of apparent workplace violence brought forward by any employee; communicating results of an investigation; co-operating in any investigation and undertaking necessary corrective or disciplinary action. Senior management will act as the designated investigation team for the purposes of workplace violence complaints.

### **3. The role of management staff**

Management staff are responsible for: providing a work environment which is free from workplace violence; preventing workplace violence through actions and example; monitoring and assessing the workplace taking immediate appropriate action if there is reason to believe that a risk of workplace violence exists; informing all employees under her direction of the Workplace Violence Policy, to respond in a timely and expeditious manner to any complaint which may be brought forward and by reporting all complaints to senior management.

### **4. The role of all staff and Board members**

All staff and Board members are responsible for ensuring that the working environment is free from workplace violence by complying with the policy and taking all steps to maintain a violence-free work environment; reporting a complaint regarding any incident or observations of apparent workplace violence, risk of workplace violence, or retaliation respecting any incident of apparent workplace violence, involving any person; and co-operating in any investigation respecting any incident or investigation under this policy.

### **5. Complaint Process**

- a) If an employee has sustained any physical injury contact the police, security and the person in charge immediately before filing a complaint.
- b) Any employee who considers that they have been subjected to or has specific fears relating to possible workplace violence including threats or attempts (or retaliation related to a complaint of workplace violence) by the Board, a member of management, the public, a domestic partner, or another employee must immediately report the violent incident(s) and/or risks to the person in charge, their immediate supervisor, a manager, or senior management. This includes a duty to report concerns if a worker fears domestic violence may enter the workplace from a fellow employee's domestic partner.
- c) The person in charge, immediate supervisor, or manager to whom the incident has been reported must immediately report the incident to senior management who will investigate the matter.

- d) Written records of the nature of the apparent workplace violence or retaliation, relevant dates, times and circumstances, and the names of any witnesses shall be retained whenever incidents are reported.
- e) Where an employee has attempted an approach to a supervisor or manager which does not produce a satisfactory result, the complainant (with the assistance of the supervisor if desired) should bring forward a formal written complaint within a reasonable timeframe to senior management.
- f) Employees filing a complaint under the policy have the right to be accompanied by an employee representative of her choice throughout the investigation.
- g) Employees covered by the Collective Agreement may file a complaint through the Union as a grievance if not satisfied by the investigation.
- h) The police must be contacted if there is a report of physical injury or physical threat to an employee.
- i) Where the alleged perpetrator is an employee, a volunteer, or a member of management, the incident and complaint should be brought directly to the Director of Human Resources who will assess the situation and determine if an external investigator is required into the complaint. An expeditious and confidential investigation into the incident or complaint will be conducted to review the circumstances surrounding the matter, interview witnesses and allow the alleged perpetrator an opportunity to respond to the complaint. The complainant, the immediate supervisor, and the alleged perpetrator will be advised of the conclusions reached including whether corrective action has been or will be taken as a result of the investigation.
- j) Where the alleged perpetrator is a member of senior management, the incident and complaint should be brought directly to the CEO or Director of Human Resources, as suitable, who will assess the situation and determine if an external investigator is required into the complaint. An expeditious and confidential investigation into the incident or complaint will be conducted to review the circumstances surrounding the matter, interview witnesses and allow the alleged perpetrator an opportunity to respond to the complaint. The complainant, the immediate supervisor, and the alleged perpetrator will be advised of the conclusions reached including whether corrective action has been or will be taken as a result of the investigation.
- k) Where the alleged perpetrator is a member of the public, senior management will conduct an expeditious and confidential investigation into the complaint and the circumstances surrounding it, interview witnesses and allow the alleged perpetrator an opportunity to respond to the complaint. The complainant, the person in authority and the alleged perpetrator will be advised of the conclusions reached in the investigation. If appropriate, a member of the investigation team may be replaced by another management member or external investigator for the purpose of conducting the investigation.
  - 1. Except in the case of a member of the public as perpetrator in a matter requiring the involvement of the police, in which case the police will investigate and communicate according to their processes.
- l) Where the alleged perpetrator is a member of the Board, the complaint should be brought directly to the Chief Executive Officer who will refer it to the Board Chair or Vice-Chair, as appropriate, who, with the aid of the Chief Executive Officer, will conduct an expeditious and confidential investigation into the

complaint and the circumstances surrounding it, interview witnesses and allow the alleged perpetrator an opportunity to respond to the complaint. The complainant, the non-bargaining unit supervisor and the alleged perpetrator will be advised of the conclusions reached in the investigation.

- m) As noted in the Act, information about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be fully disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action.

## **6. Complaint resolution**

- a) Where the investigation results in a finding that the complaint of workplace violence is substantiated the authorities will be involved and, corrective workplace action (which may include progressive forms of discipline including termination of employment) will be taken by the Library.
- b) No reprisals will be taken against any party for having invoked her/his rights under the policy. However, if it is determined after investigation that a complaint was made maliciously or in bad faith, disciplinary action may be taken against the complainant.
- c) Where the investigation results in finding that the complaint of workplace violence is not substantiated, and where the person against whom the complaint was brought is an employee, no record of the complaint will be retained in his or her personnel file.
- d) If the complainant is not satisfied with the outcome of the investigation or the corrective action taken, the complainant should notify the Chief Executive Officer, who will advise the complainant of his or her continuing right to file a complaint with the appropriate legislated bodies (e.g. the police, Ministry of Labour).

## **7. Confidentiality**

- a) Allegations of workplace violence involve sensitive disclosures.
- b) All records (including records of meetings, interviews, reports, etc.) pertaining to a complaint under this Policy are subject to Municipal Freedom of Information and Protection of Privacy Act, 1989, the Human Rights Code and the rules governing court proceedings. All complaints of workplace violence (including the identities of the complainant, the alleged perpetrator and any witnesses) will be held in confidence, except when disclosure is necessary to aid in an investigation or to take disciplinary action. The complainant, the alleged perpetrator and the witnesses should also maintain confidentiality.

## **8. Other recourses**

The Library is committed to providing all its employees with a safe work environment that is violence-free. Thus, every employee has the right to make a complaint or to enforce her rights under this policy, without retaliation or the threat of retaliation, and in the expectation that complaints of workplace violence will be successfully resolved

by the Library without recourse to other avenues. However, all employees are free to pursue their rights independent of this Policy.

This policy and any related programs and procedures is reviewed annually.

*Alternate formats available upon request. Please talk to Library staff.*