

**THE CORPORATION OF THE CITY OF WINDSOR
POLICY**

		Policy No.:	HRHSPRO-00026(a)
Department:	Human Resources	Approval Date:	June 7, 2010
Division:	Occupational Health & Safety Services	Approved By:	City Council
		Effective Date:	June 15, 2010
Subject:	Workplace Violence Policy	Procedure Ref.:	
		Pages:	Replaces: Workplace Violence and Harassment Policy
			Date: December 5, 2005

1. POLICY

1.1 The Corporation of the City of Windsor (Corporation) maintains a zero-tolerance approach to workplace violence whether between employees, involving an employee, an official (elected or appointed) or a customer of the Corporation in the exercise of workplace responsibilities. All reported incidents of workplace violence and incidents of workplace violence the Corporation becomes aware of, shall be reviewed and appropriate action taken.

2. PURPOSE

2.1 The purpose of City of Windsor Workplace Violence Policy is to:

- ▶ Have a written policy regarding workplace violence in which all employees have a duty to report workplace violence and a right to be safe from workplace violence.
- ▶ Provide training and information regarding the Respectful Workplace Program and the Workplace Violence Policy to all employees.
- ▶ Establish measures to prevent violence in the workplace.
- ▶ Provide for a process to Perform Risk Assessments for all worksites as required.
- ▶ Allow for a process that undertakes thorough investigations of alleged incidents, when appropriate.
- ▶ Holding those within the scope of this policy of inappropriate behaviour accountable.
- ▶ Providing assistance and support to any employee who is involved in incidents of violence including alleged respondents and complainants.

3. SCOPE

3.1 Policy Application

This policy applies to all employees of the Corporation and officials (elected or appointed), inclusive of paid, unpaid and/or volunteer status.

3.2 Right to Respond to Any Incident of Workplace Violence

The Workplace Violence Policy is both a complaint and incident driven policy meaning that nothing in this policy shall be deemed to limit the right or obligation of the Corporation to respond to an incident of workplace violence of which the Corporation is aware whether or not any employee has made a complaint.

3.3 Right to Discipline

Nothing in this policy shall be deemed to limit or in any other way affect the right of the Corporation to discipline employees for insubordination or other breaches of the Standards of Employee Department or the appropriate Collective Agreement whether or not the action was accompanied by an act of violence or harassment.

3.4 Right to Refuse Unsafe Work

Nothing in this policy shall be deemed to limit the rights of any worker in Section 43 of the Occupational Health and Safety Act to refuse unsafe work. In the event a refusal to work is based on an incident of workplace violence as defined in this policy, the supervisor and/or manager shall follow the requirements of the Occupational Health and Safety Act and the Corporate Safety Management Leadership Element Procedure to ensure the safety of employees in relation to workplace violence.

3.4 Notices

The Occupational Health and Safety Act Section 51(1), requires an employer in cases of workplace violence incidents resulting in a person being killed or critically injured:

An employer must:

- Immediately notify, by direct means such as telephone, a Ministry of Labour inspector, the workplace's joint health and safety committee or health and safety representative and union if any; and

- Within 48 hours notify, in writing, a director of the Ministry of Labour, giving the circumstances of the occurrence and any information that may be prescribed.

4. RESPONSIBILITY

Responsibility, Authority & Accountability

The Occupational Health and Safety Act imposes a duty on all employers' to take every precaution to ensure the health and safety of employees. As such, there is a duty to report any circumstances, which might affect the health and safety of employees.

The Occupational Health and Safety Act prescribes the requirements with regards to the employer's duty to protect the health and safety of workers in the workplace as outlined in Part III.0.1 "Violence and Harassment".

In order to comply with these duties as identified in the Occupational Health and Safety Act, the following responsibilities are determined to apply specifically for the protection of City of Windsor staff members from potential exposure to workplace violence.

4.1 Responsibilities of City Council

City Council shall ensure adequate human and financial resources are made available to Senior Management to meet the prescribed requirements of the Occupational Health and Safety Act and corresponding regulations.

4.2 Responsibilities of Chief Administrative Officer (CAO)

The Chief Administrative Officer shall support and maintain a safe and healthy workplace for all City of Windsor employees from the exposure of workplace violence.

4.3 Responsibilities of Senior Management Team (CAO, Corporate Leadership Team & Executive Directors)

Senior Management shall ensure:

- The Workplace Violence Policy and corresponding procedure is understood, implemented and maintained in an effective manner for

the protection of each employee under their department's jurisdiction.

- Employees authorized with responsibility under the Workplace Violence Policy are provided with information and resources to carry out those responsibilities.
- The Workplace Violence Policy is supported by ensuring employees within their areas participate in Corporate training and communication sessions.
- Compliance with the standards and procedures for safe and healthy work practices and measures as established.

4.4 Responsibilities of Managers/Supervisors

Managers/Supervisors shall ensure that:

- Employees are aware of and work in compliance with the standards and procedures established in the Workplace Violence Policy.
- Any incident(s) of workplace violence are documented, reported and duly investigated where a worker identifies that they are experiencing violence in the workplace or are being compromised in their ability to perform their job duties as a result of workplace violence, as per the Corporate Workplace Violence Procedure. This includes incidents of Workplace Violence that are reported by third parties, where the complainant may or may not make a formal report.
- Employees receive training to make them aware of the Workplace Violence Policy and Procedure.
- Employees work in such a manner and refrains from actions that may expose themselves or other workers to any unnecessary exposure to workplace violence.
- Employees are provided with immediate medical attention if an incident/accident occurs where a worker's health is seriously compromised due to workplace violence and they are no longer able to perform their normal job duties or remain in the workplace.
- They attend and participate in all Health and Safety training provided in relation to this policy and the prevention of workplace violence.

4.6 Responsibilities of Human Resources

- The Executive Director of Human Resources is designated as the Workplace Violence Policy Co-ordinator and is responsible for the maintenance of the Workplace Violence Policy and Procedures.
- The Workplace Violence Policy Co-ordinator is responsible to ensure the Workplace Violence Policy is in compliance with the requirements of the Occupational Health and Safety Act and any corresponding regulations.
- The Workplace Violence Policy Co-ordinator is responsible to develop a plan of communication of this policy to inform employees and officials of its existence and use.
- Where the Workplace Violence Policy Co-ordinator is a party to an incident of workplace violence, the City Clerk shall be designated as the Workplace Violence Policy Co-ordinator for that incident.
- Provide for the delivery of staff training on this policy to City of Windsor employees as established in the Corporate Health and Safety Plan and in compliance with section 25(2)(j) of the Occupational Health and Safety Act.
-
- The Workplace Violence Policy Co-ordinator, in consultation with the corporate joint health and safety committees is responsible for ensuring the policy is reviewed on an annual basis to ensure it complies with all applicable legal standards, codes, and practices. Ensure that the policy and corresponding procedure is working effectively to ensure a safe and healthy work environment for all staff of the Corporation. If inadequacies or gaps in this policy or corresponding procedure are identified, amend this policy and procedure to ensure a safe and healthy workplace for all City of Windsor employees.
- Conduct investigations of complaints as directed by the Workplace Violence Policy Co-ordinator in a timely manner and provides copy of completed Workplace Violence Investigation Reports to the appropriate management member(s), complainant and respondent.

4.7 Responsibilities of Workers

All workers shall:

- Work in compliance with the Occupational Health and Safety Act and Regulations, specifically the safe work practices identified in this policy, and all other corporate and departmental safe work practices.
- Notify their supervisor of circumstances in the workplace where they experience concerns or observe others experiencing concerns in relation to possible or actual incidents of workplace violence.
- Shall attend and participate in all Health and Safety training provided in relation to this policy and the prevention of workplace violence.

5. GOVERNING RULES AND REGULATIONS

5.1 This policy is governed by the following statutes of the Province of Ontario or the Government of Canada:

Criminal Code RS 1985, c. C-46, ss. 217.1, 265

Municipal Freedom of Information and Protection of Privacy Act, RSO, 1990 c. M-56

Occupational Health and Safety Act RSO 1990, C.0.1

Ontario Human Rights Code RSO 1990, H.19

Workplace Safety and Insurance Act S.O. 1997, c. 16

6. DEFINITIONS

Customer is defined to include users and visitors to facilities as well as non-employees engaged in off-site interaction with city employees for work-related reasons.

Domestic Violence also known as **domestic abuse, spousal abuse, child abuse or intimate partner violence (IPV)**, can be broadly defined as a pattern of abusive behaviours by one or both partners in an intimate relationship such as marriage, dating, family, friends or cohabitation.

Domestic violence has many forms including physical aggression (hitting, kicking, biting, shoving, restraining, throwing objects), or threats of sexual abuse; emotional abuse; controlling or domineering; intimidation; stalking; passive/covert abuse. (http://en.wikipedia.org/wiki/Domestic_violence)

Employee Family Assistance Program (EFAP) is defined as the program that is contracted by the Corporation of the City of Windsor to provide counselling to eligible employees and officials.

Emergency for use in this policy, is defined as a situation where, in the reasonable opinion of an employee witness, an assault has occurred or is about to occur or there is a risk of an assault occurring which has or may cause an injury (serious) to any person, including self-injury. Without limiting the generality of this statement, the presence of a weapon in a worksite, whether or not it is being used or is in plain sight, will be treated as an emergency.

Employee as defined in this policy, to include all union and non-union, regular and temporary full and part-time staff as well as students, interns, secondments, volunteers, seasonal staff and those working through an employment contract.

Informal Resolution is defined as a mutually agreed upon resolution between the respective parties which may involve an objective third party to resolve the issue without proceeding to a formal investigation.

Injury is defined as a violation of a person's physical or psychological integrity and includes self-injury.

Injury (Serious) is defined as an Injury, which requires immediate medical attention and includes a critical injury as defined in the Occupational Health and Safety Act, Regulation 834.

Malicious Complaints are defined as complaints made under this policy, which were known to be unfounded at the time they were made. Making a vexatious or malicious complaint can result in discipline up to and including dismissal.

Official (Elected or Appointed) as defined in this policy is a person who holds a public office or membership on a Council Committee with the City of Windsor whether obtained by election or by nomination of City Council or the Corporation of the City of Windsor.

Poisoned or Negative Environment is characterized by an activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive workplace. Examples include but are not limited to:

graffiti, sexual insults or jokes, or abusive treatment of an employee or the display of pornographic or otherwise offensive material.

Retaliation is defined as any action taken against an employee who reported or witnessed an incident of workplace violence that is intended or perceived as a form of intimidation of the employee or an attempt to pressure the employee into withdrawing his or her complaint or statement about the incident. Retaliation includes making a false report of workplace violence against another employee. Acts of retaliation will be treated as independent acts of workplace violence and will be dealt with under this policy.

Risk Assessment is defined as an assessment the purpose of which is to identify the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. The OHSA requires that this assessment shall include consideration of: common circumstances in similar workplaces, and circumstances specific to the workplace.

Senior Management Team (SMT) includes members of the Corporate Leadership Team or whichever group(s) directly report to the CAO and all Executive Directors.

Workplace Violence 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.

R.S.O. 1990, Occupational Health and Safety Act. 1(1)

Workplace Violence Policy Co-ordinator is defined as the Executive Director or Human Resources or his or her designate, or in case of conflict of interest, the City Clerk.

7. VIOLENCE PROGRAM

7.1 The Corporation shall develop and maintain a program to implement the policy with respect to workplace violence as required under the Occupational Health and Safety Act section 32.0.1(1)(a).

7.2 The contents of this program shall include,

- 7.2.1** Measures and procedures to control the risks identified in the assessment (refer to section 9) required by the Occupational Health and Safety Act as likely to expose a worker to physical injury.
- 7.2.2** Measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur.
- 7.2.3** Measures and procedures for workers to report incidents of workplace violence to the employer or supervisor.
- 7.2.4** How the employer will investigate and deal with incidents or complaints of workplace violence.
- 7.2.5** Any prescribed elements identified in regulations or guidelines provided by the Ministry of Labour.
- 7.2.6** Complaints of workplace violence the corporation receives anonymously will not be investigated by the corporation. Anonymous complainants will be re-directed to obtain additional information in relation to alleged incidents for contact information in order to provide appropriate follow-up.

8. PROVISION OF INFORMATION

- 8.1** The Corporation shall provide information to a worker in accordance with the requirements of Section 25(2)(a) of the Occupational Health and Safety Act, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour, when a worker can be expected to encounter that person in the course of their work and the risk of workplace violence is likely to expose the worker to physical injury while at the same time respecting Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and Ontario Human Rights Code.
- 8.2** Corporate employee's who have authority over the workplace in accordance with the requirements of Section 27(2)(a) of the Occupational Health and Safety Act shall advise a worker in the provision of information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour, when the worker can be expected to encounter that person in the course of their work and the risk of workplace violence is likely to expose the worker to physical injury while at the same time

respecting Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and Ontario Human Rights Code.

8.3 The Corporation or the corporate employee who has authority over the workplace shall not disclose more personal information in the circumstances of section 7.1 and 7.2 of this policy than is reasonably necessary to protect the worker from physical injury.

8.4 The Corporation or the corporate employee who has authority over the workplace shall consult with the City Solicitor and/or the Deputy City Solicitor in relation to all cases of this section.

9. MEASURES TO CONTROL RISKS IDENTIFIED IN AN ASSESSMENT

9.1 In accordance with Section 32.0.3(1) of the OHSA:

"An employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work."

9.2 The Corporation shall conduct assessments in adherence with the requirements of the Occupational Health and Safety Act and as detailed in Section 6.0 of the Workplace Violence Procedure.

10. TRAINING

10.1 All employees shall receive Workplace Violence Policy training during Corporate Employee Safety Orientation and shall be retrained once every 5 years.

10.2 All Supervisors, Managers and Senior Management shall receive Workplace Violence Policy training during Supervisor Manager Health and Safety training once every 5 years as stipulated in the requirements of the Management Windsor Certificate.

10.3 Human Resources will provide additional instruction in Non-Violent Crisis Intervention training. This course is designed to provide employees with the information necessary to identify and deal with situations of violence or potential violence in their workplace. Human Resources shall provide this training as requested by Departments in addition to prescheduled annual sessions.

11. VIOLENT INCIDENTS

- 11.1** Abusive or offensive language, swearing and arguments with co-workers or members of the public shall be addressed by the Supervisor of the offending or offended employee(s).
- 11.2** Continued more frequent arguments with co-workers or the public, intentional property damage, vandalism, theft and fist fights would indicate an increasing level of concern for the safety of all employees. The Supervisor with authority over the workplace is responsible to reconfirm the zero-tolerance policy with the offending employee and to issue discipline in consultation with their Manager and Human Resources.
- 11.3** The Supervisor shall work in conjunction with Human Resources to ensure steps are taken to reduce the risk of future similar violent situations.
- 11.4** Supervisor's conducting investigations shall follow the requirements of Section 12.0 and 14.0 of the Workplace Violence Procedure.

12. DOMESTIC VIOLENCE

The OSHA states in Section 32.0.4, the following in regards to Domestic Violence:

If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker."

13. ADMINISTRATION

13.1 Costs

The Corporation shall be responsible for the costs of the administration of this policy including the costs of any mediation services initiated by the Corporation. All parties retaining outside legal or any other assistance shall be solely responsible for the cost involved.

13.2 Records

All documentation related to complaints made under this policy shall be filed in one centralized location, separate from any personnel files, with

the Workplace Violence Policy Co-ordinator, to ensure confidentiality. Records will be destroyed in accordance with the record retention requirements of the Municipal Freedom of Information and Protection of Privacy Act.

13.3 Policy Review

In accordance with Section 32.0.1 (1)(c) of the Occupational Health and Safety Act, this policy shall be reviewed as often as necessary, but at least annually.

13.4 Communications

The Workplace Violence Policy Co-ordinator is responsible for a plan of communications to inform employees and officials (elected and appointed) about the existence of this policy and how to effectively use it.

This policy shall be posted at a conspicuous place in the workplace in accordance with section 32.0.1 (2) of the Occupational Health and Safety Act.

13.5 Inconsistencies with Policy

The Executive Director of Human Resources along with the Senior Management Team is responsible for the Workplace Violence Policy and ensuring compliance with this policy. Where consistency questions arise, the Executive Director of Human Resources is responsible for raising the concerns with the City Clerk, CAO and the appropriate members of management in an effort to resolve the issue.

**THE CORPORATION OF THE CITY OF WINDSOR
PROCEDURE**

		Procedure No.:	HRHSPRO-00026(b)
Department:	Human Resources	Approval Date:	June 7, 2010
Division:	Health and Safety	Approved By:	Chief Administrative Officer
		Effective Date:	June 15, 2010
Subject:	Workplace Violence Procedure	Policy Ref.:	Workplace Violence Policy
		Pages:	Replaces: Workplace Violence and Harassment Policy
Prepared By:	Kimberley Brown		Date: December 5, 2005

1.0 PURPOSE

1.1 To ensure that incidents and injuries as a result of workplace violence are investigated in accordance with the Occupational Health and Safety Act and corporate policy, and that appropriate corrective actions are identified and implemented to prevent the incident from reoccurring.

2.0 SCOPE

2.1 This procedure applies to all employees and officials (elected or appointed), inclusive of paid, unpaid and volunteer services.

3.0 DEFINITIONS

Accident – An incident which has given rise to an injury, ill health, a fatality or property damage.

Critical Injury As defined in Regulation O. Reg. 834 under the Occupational Health and Safety Act:

Is an injury of a serious nature that:

- Places life in jeopardy
- Produces unconsciousness
- Results in substantial loss of blood
- Involves the fracture of a leg or arm, but not a finger or toe
- Involves the amputation of a leg, arm, hand or foot, but not a finger or toe
- Consists of burns to a major portion of the body; or
- Causes the loss of sight in an eye.

Customer is defined to include users and visitors to facilities as well as non-employees engaged in off-site interaction with city employees for work-related reasons.

Domestic Violence also known as **domestic abuse, spousal abuse, child abuse or intimate partner violence (IPV)**, can be broadly defined as a pattern of abusive behaviours by one or both partners in an intimate relationship such as marriage, dating, family, friends or cohabitation. Domestic violence has many forms including physical aggression (hitting, kicking, biting, shoving, restraining, throwing objects), or threats of sexual abuse; emotional abuse; controlling or domineering; intimidation; stalking; passive/covert abuse. (http://en.wikipedia.org/wiki/Domestic_violence)

Employee Family Assistance Program (EFAP) is defined as the program that is contracted by the Corporation of the City of Windsor to provide counselling to eligible employees and officials.

Emergency for use in this procedure, is defined as a situation where, in the reasonable opinion of an employee witness, an assault has occurred or is about to occur or there is a risk of an assault occurring which has or may cause an injury (serious) to any person, including self-injury. Without limiting the generality of this statement, the presence of a weapon in a worksite, whether or not it is being used or is in plain sight, will be treated as an emergency.

Employee as defined in this procedure to include all union and non-union, regular and temporary full and part-time staff as well as students, interns, secondments, volunteers, seasonal staff and those working through an employment contract.

Incident – A work related occurrence in which an injury, ill health (regardless of severity) or damage to property could have occurred.

Informal Resolution is defined as a mutually agreed upon resolution between the respective parties which may involve an objective third party to resolve the issue without proceeding to a formal investigation.

Injury is defined as a violation of a person's physical or psychological integrity and includes self-injury.

Injury (Serious) is defined as an Injury, which requires immediate medical attention and includes a critical injury as defined in the Occupational Health and Safety Act, Regulation 834.

Malicious Complaints are defined as complaints made under this policy, which were known to be unfounded at the time they were made. Making a vexatious or malicious complaint can result in discipline up to and including dismissal.

Official (Elected or Appointed) as defined in this procedure as a person who holds a public office or membership on a Council Committee with the City of Windsor whether obtained by election or by nomination of City Council or the Corporation of the City of Windsor.

Poisoned or Negative Environment is characterized by an activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive workplace. Examples include but are not limited to: graffiti, sexual insults or jokes, or abusive treatment of an employee or the display of pornographic or otherwise offensive material.

Retaliation is defined as any action taken against an employee who reported or witnessed an incident of workplace violence that is intended or perceived as a form of intimidation of the employee or an attempt to pressure the employee into withdrawing his or her complaint or statement about the incident. Retaliation includes making a false report of workplace violence against another employee. Acts of retaliation will be treated as independent acts of Workplace Violence and will be dealt with under this policy.

Risk Assessment is defined as an assessment the purpose of which is to identify the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. The OHSA requires that this assessment shall include consideration of: common circumstances in similar workplaces, and circumstances specific to the workplace.

Senior Management Team (SMT) includes members of the Corporate Leadership Team or whichever group(s) directly report to the CAO and all Executive Directors.

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; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; 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. [R.S.O. 1990, Occupational Health and Safety 1(1)].

Workplace Violence is further broken down into the following four categories:

- **Type I (Criminal Intent)** - Person has no relationship to the workplace
- **Type II (Client or Customer)** - Person is a client, visitor or family member of a client at the workplace who becomes violent toward a worker or another client; or worker becomes violent toward a client, visitor or family member of a client.
- **Type III (Worker-to-Worker)** - Perpetrator is an employee or past employee of the workplace

- **Type IV (Personal Relationship)** - Perpetrator usually has a relationship with an employee (e.g., domestic violence in the workplace)

Workplace Violence Policy Co-ordinator is defined as the Executive Director of Human Resources or designate.

4.0 GUIDING PRINCIPLES

4.1 The guiding principles of this procedure are:

- 4.1.1** Employees and officials (elected or appointed) have a duty to report incidents of workplace violence.
- 4.1.2** Complaints filed under the Workplace Violence Policy should involve events that have occurred within six months of the filing date.
- 4.1.3** Safety of employees, customers, and officials (elected or appointed) in all City of Windsor workplaces and City of Windsor owned or operated facilities.
- 4.1.4** Mutual respect between employees, between employees and customers of the City, and between employees, customers and officials (elected or appointed).
- 4.1.5** Co-ordinated application of all components of the Respectful Workplace Program.
- 4.1.6** Compliance with legislation and regulations including, but not limited to the Occupational Health and Safety Act, the Ontario Human Rights Code and the common law.
- 4.1.7** Maintain respect for the collective agreements between the City unions, associations and the Corporation.
- 4.1.8** Ease of use by both employees and management.
- 4.1.9** Availability of informal resolutions.
- 4.1.10** Enforceability and clarity.

5.0 VIOLENCE PROGRAM

5.1 The Workplace Violence Procedure is developed based on the requirements of the Occupational Health and Safety Act section 32.0.1(1)(a).

- 5.2 Section 6.0 of the Workplace Violence Procedure establishes the required steps for Workplace Violence Assessments to occur in corporate worksites.
- 5.3 Section 8.0 of the Workplace Violence Procedure establishes the measures and procedures for employees to summon immediate assistance in instances of actual or potential workplace violence.
- 5.4 Section 11.0 of the Workplace Violence Procedure establishes the mechanism for all employees to report incidents of workplace violence to their supervisor or the employer.
- 5.5 Section 12.0 of the Workplace Violence Procedure establishes the process for conducting investigations at both the department level and Human Resources level.
- 5.6 In developing the Workplace Violence Procedure, the Ministry of Labour guideline, Workplace Violence and Harassment: Understanding the Law was utilized.

6.0 MEASURES TO CONTROL RISKS IDENTIFIED IN AN ASSESSMENT

In keeping with the requirements of Section 32.0.3(1) of the Occupational Health and Safety Act, the Corporation shall ensure that:

- 6.1 Each worksite shall be assessed to determine the potential for the risk of violent situations. Through the use of the Workplace Violence Assessment Tool, conditions or workplaces are reviewed to minimize the risk of violence.
- 6.2 The Workplace Violence Assessment Tool shall detail aspects of a particular work place or process that creates a potential exposure to workplace violence. Human Resources will provide departments with training on the purpose of the assessment and how it is to be completed.
- 6.3 The Workplace Violence Assessment Tool shall be completed for each corporate worksite by the on-site employee and/or by a Departmental management representative as designated by the Executive Director/Corporate Leadership Team (CLT) member. If requested, Human Resources will assist with the completion of the assessment.
- 6.4 Upon receipt of the completed Workplace Violence Assessment Tool the Executive Director/CLT member shall provide a copy of the Tool to the applicable Joint Health and Safety Committee and to Human Resources.
- 6.5 In conjunction with Human Resources, the completed Workplace Violence Assessment Tool shall be summarized and provided to the appropriate Executive Director/CLT member outlining the potential

sources of workplace violence and any recommendations to address those identified.

- 6.6 The Executive Director/CLT member, in consultation with Human Resources, will develop an action plan to address the potential sources of workplace violence identified in the assessment and timelines for implementation thereof.
- 6.7 The Workplace Violence Assessment Tool shall be completed once every 5 years or after an event where current security measures were not effective, for each corporate worksite. Copies are to be sent to Human Resources for file retention.
- 6.8 Each department is responsible to ensure that the recommendations for addressing potential sources of workplace violence as identified by the completed Workplace Violence Assessment Tool are implemented within the specified time frame as provided by the Executive Director/CLT member. Human Resources will monitor the implementation process to ensure due diligence and maintain compliance with the provisions in the Occupational Health and Safety Act specific to Workplace Violence.

7.0 DOMESTIC VIOLENCE

In keeping with the requirement of Section 32.0.4 of the Occupational Health and Safety Act, the Corporation recognizes the following:

- 7.1 Domestic Violence is a serious workplace issue, which can cause significant disruption in an employee's ability to perform the functions of their job and feel safe in the workplace.
- 7.2 The Corporation is committed to heightening awareness of domestic violence and providing guidance for employees and management to address the occurrence of domestic violence and its effects on the workplace.
- 7.4 It is important to promote the understanding that everyone has the right to a life free from abuse in any form. Domestic violence is a wholly unacceptable and inexcusable behaviour, and responsibility for domestic violence lies with the perpetrator. The Corporation strives to create a working environment that promotes the view that violence against people is unacceptable and that such violence will not be condoned or made the subject of jokes or graphics. Under the Corporate Standards of Employee Department procedure engaging in acts or gestures of violence or harassment committed against fellow employees, clients, customers or members of the public, may be considered just cause for disciplining of the employee, up to and including termination.

- 7.5** The Corporation respects an employee's right to confidentiality. The Corporation recognizes that employees experiencing domestic violence normally have the right to complete confidentiality. However, in circumstances of child protection or the protection of vulnerable adults from abuse, the child protection and adult protection services may need to be involved. Complete confidentiality cannot be guaranteed in these situations.
- 7.6** The Corporation respects an employee's right to privacy in the event they do not wish to inform the Corporation that they have experienced domestic violence.
- 7.7** The Corporation will not discriminate against anyone who has been subjected to domestic violence, in terms of his or her existing employment or career development.
- 7.8** The Corporation is aware that domestic violence victims may have performance problems such as chronic absenteeism or lower productivity. The Corporation will make reasonable efforts to consider all aspects of the employee's situation and/or safety concerns when addressing performance and safety issues.
- 7.9** The Corporation will make every effort to assist an employee experiencing domestic violence. If an employee needs to be absent from work due to domestic violence, the length of the absence will be determined by the individual's situation through collaboration with the employee, respective union or association, department and Human Resources while continuing to abide to the Corporate Collective Agreements, bylaws and policies.
- 7.10** The Corporation undertakes to ensure the safety of its employees. The Corporation will actively provide support to employees to minimize the risk of their safety while at work, if they make it known to the Corporation that they are experiencing domestic violence.
- 7.11** The Corporation will make support available to employees involved in domestic violence. The Corporation will provide support through managers, supervisors, Human Resources and Employee Family Assistance Program provider.
- 7.12** The Corporation recognizes that perpetrators of domestic violence may wish to seek help and support voluntarily. They will have access, when appropriate, to help and support in accordance with the processes described in this procedure.
- 7.13** The Corporation will provide information sessions for employees to raise awareness of domestic violence as well as training in relation to this procedure.

8.0 PROCEDURES FOR SUMMONING ASSISTANCE

8.1 Emergency - First Response

Health and Safety Emergency Phone is available 24 hours a day, 7 days a week at 519-562-0088.

- Wherever corporate phones are located, emergency phone numbers shall be placed in view for Corporate Health and Safety Emergency phone 519-562-0088 and for Emergency Services 9-911.
- When an incident of workplace violence is an emergency, an employee witnessing the event shall call 9-911 and then report immediately to the employee with the most authority at the worksite at the time of the incident and the Corporate Health & Safety Emergency phone (519-562-0088). The Workplace Violence Policy Co-ordinator or designate shall be contacted by Corporate Health and Safety immediately after being apprised of the incident.
- The Workplace Violence Policy Co-ordinator or designate shall be responsible for interacting with emergency response personnel and shall immediately advise the appropriate Executive Director(s)/CLT, other appropriate members of the Senior Management Team and the Chief Administrative Officer (CAO).
- The Workplace Violence Policy Co-ordinator or designate shall immediately commence an investigation as required by the Workplace Safety and Insurance Act and in the event of a critical injury, notify the Ministry of Labour.

8.2 After Emergency is Resolved

- When the emergency has been resolved, the supervisor of the worksite or Workplace Violence Policy Co-ordinator or designate will prepare a Workplace Violence Reporting Form and an investigation will be commenced in accordance with this procedure.
- Where, in the discretion of an employee's supervisor or manager in consultation with the City Solicitor or designate and the respective Executive Director/CLT member, it is necessary to immediately suspend an employee for reasons of safety to himself or herself or others and/or to prevent damage to equipment, the supervisor or manager shall have regard to the applicable collective agreements and law in respect of union, association or non-union employees.

9.0 CRITICAL INJURY or FATALITY

9.1 In the event of a critical injury or fatality, the Ministry of Labour requires the scene not to be disturbed other than to provide immediate medical attention for the injured worker and to prevent further damage. Securing the scene of a critical injury or fatality is the responsibility of the site employees where an incident occurs.

9.2 Once the scene is secure, immediate notifications must be made by the site employees to the following:

- Person with authority over the worksite, and
- The appropriate members of the Senior Management Team; and
- Corporate Health and Safety is to be notified at 519-562-0088; and
- The certified member of the applicable joint health and safety committee designated in these incidents as per the 'Ministry of Labour Inspection, Investigation and Protocol Requirements', as contained in the Corporate Management and Leadership Element Procedure of the Corporate Health and Safety Plan.

Human Resources Health and Safety will notify the Ministry of Labour with regards to the requirements of Section 51(1) of the Occupational Health and Safety Act.

9.3 Documentation of the incident will be completed by the site Supervisor/Manager and may include photos, etc. may be taken, but any investigations that may disturb the scene will not be completed until the scene has been released by the Ministry of Labour.

10.0 RESPONSIBILITY

All employees and officials are responsible to abide by and uphold the Workplace Violence Procedures.

10.1 Chief Administrative Officer (CAO)

The CAO shall ensure:

- Promotion of and active participation in staff training.
- Provision and implementation of safe and healthy work practices as outlined in the Workplace Violence Procedure;
- By requiring Senior Management and all Managers and Supervisors to be accountable for ensuring compliance with this procedure.

- Advocate to City Council in instances where financial requirements are necessary in relation to corrective action and/or elimination of risks of workplace violence.

10.2 Senior Management Team

Senior Management Team shall ensure:

- Promotion of and active participation in staff training
- Employees authorized with responsibility under the Workplace Violence Procedure are provided with information and resources to carry out those responsibilities.
- The Workplace Violence Procedure is supported through corporate training and communication sessions.
- All corrective actions are completed to eliminate recurrence of identified exposures to workplace violence. Respond to any other additional recommendations with acceptance or alternative measures providing the same level of safety including timetables for implementation.
- Workplace Violence Assessment Tool is completed, maintained and updated for their respective areas.

10.3 Human Resources

Human Resources shall:

- Identify who is responsible as the Workplace Violence Policy Coordinator.
- Update and maintain all training programs in relation to the Workplace Violence Procedure.
- Identify and provide to departments a schedule of all required training in regards to the Workplace Violence Procedure.
- Provide assistance and support to departments in relation to the requirements of this procedure.
- Review all investigation documents received from departmental level investigations for completeness and thoroughness.
- Review all recommendations for corrective action and provide support and follow-up to departments as required.

10.4 Managers/Supervisors

Managers/Supervisors shall:

- Provide promotion of and active participation in staff training
- Attend appropriate training programs as required in corporate investigation protocols.
- Ensure required forms are provided and accessible to employees and investigator.
- If requested, assist in the investigation or provide other means of support.
- Ensure incidents are documented on corporate Workplace Violence Investigation Form(s) as required in this procedure.
- Ensure all required reports and documentation are submitted to Human Resources for file retention and follow-up.
- Implement all appropriate recommendations after consultation with appropriate Senior Management Team member.
- Obtain assistance from any other person or source deemed necessary and appropriate in the course of the investigation.
- Conduct investigations into instances of workplace violence that are reported to you or incidences of workplace violence that come to your attention, using the procedure contained herein.
- Record all actions taken on the Workplace Violence Investigation Report as detailed in Section 11.5 of this Procedure.
- Communicate details of the incident and any corrective actions taken to all applicable workers.
- Monitor situation to ensure corrective actions have achieved desired results.

10.5 Workers

Workers shall:

- Co-operate and provide assistance during investigations of workplace violence as requested.

- Shall attend and participate in all Health and Safety training provided in relation to this procedure and the prevention of workplace violence.

10.6 JHSC Certified Worker Member duties

- Complete investigation of any critical injury or fatality in relation to workplace violence or harassment as per Section 52 of the Occupational Health and Safety Act.
- Shall attend and participate in all Health and Safety training provided in relation to this procedure and the prevention of workplace violence.

11.0 REPORTING PROCEDURES

11.1 All employees have a duty to report workplace safety issues, including incidents of workplace violence to their supervisor or manager.

11.2 Any employee who is a witness to or a victim of workplace violence shall report the incident to his or her supervisor or manager as soon as possible. The person receiving the report from the employee shall advise the appropriate Executive Director(s)/CLT member.

11.3 Where an employee's supervisor or manager is the person who is alleged to have committed the act of violence, the employee shall report the incident to the Workplace Violence Policy Co-ordinator, who shall advise the appropriate Executive Director(s)/CLT member.

11.4 Upon review of an alleged incident of workplace violence, an employee's supervisor or manager, in consultation with their Executive Director/CLT member or the Workplace Violence Policy Co-ordinator, may direct that the alleged incident should be dismissed or dealt with under another policy, procedure, process of the Respectful Workplace Program, collective agreement or criminal investigation and if they determine another policy applies, they shall advise and assist the employee in applying under that venue. If an incident is dismissed the appropriate Executive Director(s)/CLT member and the Workplace Violence Policy Co-ordinator shall be notified.

11.5 Where the employee's supervisor or manager, or the Workplace Violence Policy Co-ordinator, determines that an alleged incident should be dealt with under this procedure, the following shall occur:

- a. Where the employee's supervisor or manager, or the Workplace Violence Policy Co-ordinator, as applicable, reasonably believes that the incident can be resolved without a formal investigation and all the parties to the incident agree, efforts may be made to

achieve an informal resolution. An informal resolution may be achieved with the utilization of mediation services, appropriate corporate staff members or Executive Members of the appropriate Union/Association.

- b. Where the employee's supervisor or manager, or Workplace Violence Policy Co-ordinator, as applicable, does not believe that the incident can be resolved without a formal investigation or any party does not agree to an informal resolution, he or she shall immediately prepare a Workplace Violence Reporting Form.
- c. The employee's supervisor or manager, or Workplace Violence Policy Co-ordinator, as applicable, shall acknowledge in writing to the individual submitting the complaint receipt of complaint within 5 Human Resources business days. A copy of the notification shall be maintained in the file.
- d. The employee's supervisor or manager, or Workplace Violence Policy Co-ordinator, as applicable, shall, following notification to the complainant, notify in writing the alleged respondent(s) within 14 Human Resources business days. The notification will include a copy of the complaint, where there is a single respondent identified. In instances where multiple respondents are named each respondent will be advised of the allegations solely against them rather than a copy of the entire complaint. A copy of the notification(s) shall be maintained in the file.
- e. In cases where the respondent(s) provide a written response to the complainant's allegations, a copy of the respondent(s) written response will be forwarded to the complainant for review.
- f. In any event, no emergency shall proceed to an informal resolution until a Workplace Violence Reporting Form is prepared and an investigation commenced.

11.6 If, in the discretion of the Workplace Violence Policy Co-ordinator or the supervisor after consultation with their respective Senior Management Team member, Corporate Legal Department and with the advice of the Workplace Violence Policy Co-ordinator disclosing any part or all of the incident report with or without names included, will not create a potential for further workplace violence, may provide a copy of any part or all of the Workplace Violence Reporting Form to any or all the parties to the incident. In exercising this discretion, regard shall be had to the following principles:

- a. The safety of the worksite
- b. The privacy and reputations of the individuals involved
- c. The reasonable expectations of any witnesses
- d. The rights of the employees and the bargaining unit

- e. The possibility for achieving an informal or mediated resolution
- f. The integrity and intent of the Respectful Workplace Program
- g. In accordance with the requirements of the Municipal Freedom of Information and Protection of Privacy Act (M.F.I.P.P.A.)

12.0 FORMAL INVESTIGATIONS

12.1 Suspension of Investigation

12.1.1 If there is a prior criminal proceeding, outstanding grievance, a prior outstanding complaint under the Human Rights Policy or multiple complaints in relation to the same incident(s) that forms the basis of a report under this policy, the supervisor or manager, shall notify the applicable Executive Director/CLT member, and the Workplace Violence Policy Co-ordinator, who may, in his or her sole discretion, suspend the investigation.

12.1.2 The Executive Director and the Workplace Violence Policy Co-ordinator shall notify the employee's supervisor or manager of any decision to suspend an investigation pending the result of the other process.

12.2 Investigation Process

In order to provide an investigation process that is fair for all parties, the Corporation will provide complainants with two options in which an investigation may proceed:

Department Investigation

12.2.1 Where, in the discretion of an employee's supervisor or manager in consultation with the City Solicitor or designate and the respective Executive Director/CLT member, it is necessary to immediately suspend an employee for reasons of safety to himself or herself or others and/or to prevent damage to equipment, the supervisor or manager shall have regard to the applicable collective agreements and law in respect of union, association or non-union employees.

12.2.2 The complainant can file a Workplace Violence complaint with their direct supervisor or Executive Director, and have their department conduct the investigation. The investigation will follow the process as outlined in Section 12.3 Formal Investigations at Department Level and 12.4 Department Level Investigation Procedure.

Referral to Workplace Violence Policy Co-ordinator

If an Executive Director/CLT member believes a complaint and/or incident could more effectively be investigated by a party outside its department of origin, the Executive Director/CLT member can refer the complaint to the Workplace Violence Policy Co-ordinator or the Executive Director of Human Resources for follow-up.

12.3 Formal Investigations at Department Level

If informal attempts at resolving the problem are not appropriate or prove ineffective, a formal complaint and investigation shall be required.

The following procedure has been established so that complaints of workplace violence can be resolved internally and expeditiously within departments.

12.3.1 The employee who is the victim or witness to an incident of workplace violence shall inform their supervisor or manager. The report shall be made as soon as possible after the incident(s) occurred and the supervisor/manager shall ensure the incident details are documented on a Workplace Violence Reporting form.

12.3.2 In cases of suspected or confirmed domestic violence, the supervisor or manager shall consult with Human Resources and the corporate EFAP provider for appropriate referrals and documentation.

12.4 Department Level Investigation Procedure

When a supervisor or manager becomes aware of an incident of workplace violence and a formal investigation is to be completed the following steps will be taken in investigating and documenting the incident.

File Created & Documentation Standards:

- o All incidents are to be recorded on a Workplace Violence Reporting Form.
- o The employee's supervisor or manager is to establish a file on the incident to record all actions taken.
- o On the left hand inside cover a Workplace Violence Contact Log shall be affixed. All actions taken on the file are to be recorded on this form in order to compile an accurate chronological record of the history of the complaint/incident.

- The Workplace Violence Reporting Form is to be attached to the back cover of the file.
- Using the Workplace Violence Investigative Report, document all follow-up action taken in response to an incident or complaint.
- Prior to beginning any interview, the investigator shall ensure that a Waiver for Disclosure of Information is signed by the person being interviewed and placed in the file.
- Advise Respondent of complaint prior to beginning of interview process, and if the complaint is in writing, provide the respondent(s) with a copy of the portion of the complaint that is alleged to have occurred.
- Ensure the Certified member of the worksite Joint Health and Safety Committee is present during interviews with the complainant, respondent and all witnesses as a resource to the interviewee.
- Conduct interview with the complainant first then respondent, then any witnesses deemed to have direct information on the issue(s) at hand.
- All interview notes are to be reviewed by person being interviewed at the end of interview for accuracy. Once the person being interviewed is satisfied with content they are to sign and date the recorded statement of information. If the interviewee refuses to sign for any reason, this is to be documented in the notes and signed by the person conducting the interview.
- Investigator must determine outcome of investigation applying the definition of Workplace Violence and considering information obtained through the investigation process.
- Final report on the incident is to be completed on the Workplace Violence Investigative Report by the investigator.
- Copy of the report is to be provided to the Executive Director/CLT member of the respective department(s).
- Copy of the report is to be forwarded to the Human Resources Department, Attention: Workplace Violence Policy Co-ordinator for file retention.

- o Human Resources will monitor follow-up on the recommended actions to ensure implementation and effectiveness thereof.

13.0 WORKPLACE VIOLENCE POLICY CO-ORDINATOR INVESTIGATIONS

13.1 After receiving a Workplace Violence Reporting Form, in relation to a complaint filed by a worker against their supervisor or manager, the Workplace Violence Policy Co-ordinator or designate shall conduct an investigation into the alleged incident. The timing of the investigation shall be at the discretion of the Workplace Violence Policy Co-ordinator, but all reasonable attempts will be made to complete the investigation as promptly as possible, given consideration to the issue at hand, safety of the employees, availability of witnesses and other considerations.

13.2 The Workplace Violence Policy Co-ordinator or designate shall acknowledge in writing to the individual submitting the complaint within 5 Human Resources days the receipt of the complaint to the Workplace Violence Policy Co-ordinator located at Human Resources Department. A copy of the notification shall be maintained in the file.

13.3 The Workplace Violence Policy Co-ordinator or designate shall, following notification to the complainant, the Workplace Violence Policy Co-ordinator shall notify within 14 Human Resource days in writing the alleged respondent(s). The notification will include a copy of the complaint, where there is a single respondent identified. In instances where multiple respondents are named each respondent will be advised of the allegations solely against them rather than a copy of the entire complaint. A copy of the notification(s) shall be maintained in the file.

13.4 In cases where the respondent(s) provide a written response to the complainant's allegations, a copy of the respondent(s) written response will be forwarded to the complainant for review.

13.5 The Workplace Violence Policy Co-ordinator may delegate an investigation to a Health and Safety Advisor or another corporate employee with appropriate skills, or subject to consultation with the appropriate Executive Director/CLT member, an external agency.

13.6 The investigator may interview witnesses, examine work areas, review documents or take any other steps which they consider in their sole discretion would further the investigation. Where an employee who is alleged to have committed the act of workplace violence is interviewed, he or she will be entitled to have one (1) representative of his or her worksite Joint Health and Safety Committee (JHSC) present. The worksite JHSC shall designate the representative.

13.7 The designated JHSC member shall be the certified member of the JHSC representing the worksite. In accordance with the union or association designation, the certified worker member or the certified management member shall be designated by the JHSC as a resource to the complainant or respondent respectively.

13.8 Where there has been police involvement in the incident, the carriage of response will remain exclusively with Windsor Police Services.

13.9 Where the alleged perpetrator of the violence is a customer or an official (elected or appointed), the investigator shall seek the advice of the appropriate Executive Director/CLT member, the CAO and obtain consultation from Corporate Legal Department as to whether the customer, the official or other witnesses who are not employees should be interviewed.

13.10 The investigator shall advise any witnesses that any agreements made as to the confidentiality of information may be overridden by an order made by any person hearing a disciplinary grievance. The investigator shall complete a 'Waiver of Disclosure of Information' form with each witness.

13.11 The investigator may, in his or her discretion, attempt to achieve an informal resolution of the incident by agreement or mediation and may, subject to the approval of the Workplace Violence Policy Co-ordinator retain an external mediator for that purpose. Any informal resolution will be subject to the acceptance of all parties to the incident, the supervisor and/or the Workplace Violence Policy Co-ordinator to ensure the resolution was freely agreed to and is appropriate in all the circumstances.

13.12 The investigator shall adhere to the following principles in the conduct of the investigation:

- a. The safety of the worksite
- b. The privacy and reputations of the individuals involved
- c. The reasonable expectations of any witnesses
- d. The rights of the employees and the bargaining unit
- e. The possibility for achieving an informal or mediated resolution
- f. The integrity and intent of the Respectful Workplace Program
- g. In accordance with the requirements of the Municipal Freedom of Information and Protection of Privacy Act (M.F.I.P.P.A.)

14.0 INVESTIGATION REPORTS FOR ALL LEVELS OF INVESTIGATION

14.1 The investigator shall prepare a report, as soon as possible following the receipt of the Workplace Violence Reporting Form and the commencement of the investigation. The investigator will make every reasonable effort to complete the investigation in a timely manner giving consideration to 13.12 above.

- 14.2** The report shall set out the nature of the alleged incident of violence, the nature of the investigation conducted and any findings of fact reached by the investigator.
- 14.3** The investigator may make non-binding recommendations with respect to future conduct of any employee in the report. Where it is alleged that the perpetrator of the violence was a customer, the investigator in consultation with Corporate Legal Department, the respective Executive Director/CLT member, may make recommendations about actions to be taken with respect to the customer.
- 14.4** Where the investigator was able to resolve the matter informally or through mediation, the investigator will report to the Workplace Violence Policy Co-ordinator in writing on the type or nature of resolution achieved.
- 14.5** Where the investigator determines that there are worksite violence issues of a systemic nature, the investigator may make non-binding recommendations about ways to prevent future occurrences of violence. It will be the responsibility of the Workplace Violence Policy Co-ordinator to address any recommendations referencing systemic issues.
- 14.6** The report of the investigation will be delivered to the Executive Director of Human Resources and Executive Director and CLT member of the employee who made the report and, when the act was alleged to have been committed by another employee, the Executive Director and CLT member of the employee alleged to have committed the act of violence.
- 14.7** If, at the discretion of the Workplace Violence Policy Co-ordinator disclosing the investigation report will not create a potential for further workplace violence, the Workplace Violence Policy Co-ordinator may provide a copy of the investigation report to the parties in the incident. In exercising his or her discretion under this section the Workplace Violence Policy Co-ordinator shall have regard to the following principles:
- a. The safety of the worksite.
 - b. The privacy and reputations of the individuals involved
 - c. The reasonable expectations of any witnesses
 - d. The rights of the employees and the bargaining unit
 - e. The possibility for achieving an informal or mediated resolution
 - f. The integrity and intent of the Respectful Workplace Program.
 - g. In accordance with the requirements of the Municipal Freedom of Information and Protection of Privacy Act (M.F.I.P.P.A.)

15.0 ACTING ON INVESTIGATION REPORTS – EMPLOYEE VIOLENCE

15.1 The Executive Director in consultation with the appropriate CLT members and the Executive Director of Human Resources of the employee alleged to have committed an act of workplace violence is obligated, having regard to the recommendations of the investigator, to determine the appropriate remedy including but not limited to:

- a. Acceptance or rejection of an informal or mediated resolution.
- b. Implementation of recommended changes to the worksite.
- c. Training for any or all employees in the worksite.
- d. Recommendations for EFAP assistance for any or all employees in the worksite.
- e. Discipline.
- f. Reporting the incident to the police if it has not already been reported.
- g. Other actions as deemed appropriate.

15.2 Where discipline is issued to an employee as a result of an investigation, the supervisor or manager shall have regard to the applicable process inclusive of the collective agreements and law in respect of union or non-union employees.

15.3 If there is a grievance or other legal process under any disciplinary procedure following discipline issued under section 14.1 and 14.2 above, the person hearing the grievance or process at any level may make an order, in his or her sole discretion, that the contents of the investigation report may be disclosed to all parties to the grievance notwithstanding any agreements previously made regarding confidentiality. In exercising his or her discretion, the party hearing the grievance or process will have reference to the following principles:

- a. The safety of the worksite.
- b. The privacy and reputations of the individuals involved.
- c. The reasonable expectations of any witnesses.
- d. The rights of the employees and the bargaining unit.
- e. The possibility for achieving an informal or mediated resolution.
- f. The integrity and intent of the Respectful Workplace Program
- g. All other corporate policies and collective agreements.

16.0 ACTING ON INVESTIGATION REPORTS – NON EMPLOYEE VIOLENCE

16.1 The Executive Director in consultation with the appropriate CLT member, Executive Director of Human Resources, the CAO and Corporate Legal Department of the employee alleged to have been a complainant of an act of workplace violence by a customer or

official (elected or appointed) is (are) obligated to determine the appropriate remedy including but not limited to:

- a. Acceptance or rejection of an informal or mediated resolution
- b. Report to the police or application for a restraining order. Consideration should be given to consultation with Legal Department prior to issuing a restraining order.
- c. Barring of the customer or the official (elected or appointed) from a worksite/facility.
- d. Advising other affected employees of potential risks with respect to the customer or official (elected or appointed) by the most appropriate means and in consultation with the Corporate Legal Department.
- e. Changes in the worksite.
- f. Training for any or all employees in the worksite on the Respectful Workplace Program and/or Non-Violent Crisis Intervention.
- g. Recommendations for EFAP assistance for any or all employees in the worksite.

16.2 Where a report is made to the Police or a restraining order is sought, the Executive Director(s) shall seek the input and assistance of the Corporate Legal Department and CLT member.

17.0 ADMINISTRATION

17.1 Discretion to amend time limits

The Workplace Violence Policy Co-ordinator may in his or her sole discretion, extend the time required for completing any of the requirements of this procedure. The investigator will make every reasonable effort to complete the investigation in a timely manner commensurate to the complexity of the matter giving rise to items of 16.1.

17.2 Forms


The forms applicable to this procedure are:

- A. The Workplace Violence Risk Assessment Tool
- B. The Workplace Violence Reporting Form
- C. Workplace Violence Contact Log
- D. Waiver for Disclosure of Information
- E. Workplace Violence Investigative Report

All forms are located on the City of Windsor Intranet site, through Corporate Health and Safety, Forms.

17.4 Procedure Review

This procedure shall be reviewed by the Supervisor of Health and Safety and the Joint Health and Safety Committees and approved by the CAO annually and; in the event of any significant change in health or safety law or policy in the province of Ontario, or a determination that any part of this procedure is contrary to law, the procedure shall be reviewed and revised.



Chief Administrative Officer

6/11/10

Date