

Violence in the Workplace Prevention Policy HR-69-13

Policy Statement

The City of Hamilton is committed to providing a respectful, supportive, healthy, safe, accessible, diverse, equitable and inclusive work environment for all employees, as they are entitled to work in an environment free from workplace violence.

The City does not tolerate acts of workplace violence and is committed to providing a safe and respectful environment for all those who enter its facilities and access its services.

If you require this document in an alternate format, please contact hrhealthsafe@hamilton.ca.

Purpose

The City is proactive in working with its employees to prevent violence in the workplace by establishing and implementing a comprehensive workplace violence prevention program to fulfill the requirements of relevant legislation including the:

- Occupational Health and Safety Act
- Criminal Code of Canada
- Ontario Human Rights Code
- Workplace Safety and Insurance Act

This policy defines workplace violence and identifies the responsibilities of employees and people leaders. It identifies behaviours that constitute violence and identifies the process for reporting and resolving incidents of violence.

Scope

This policy applies to all employees of the City of Hamilton which includes, but is not limited to regular, temporary and contract employees, volunteers, students and interns. For the purpose of this policy, collectively these classifications will be called "employees". This policy applies to elected officials.

Members of the general public, visitors to City facilities, individuals conducting business with the City of Hamilton and employees of contractors or other organizations providing services to the City are expected to refrain from violence towards employees.

This policy does not apply to workplace harassment. Refer to the Harassment and Discrimination Prevention Policy in response to incidences of workplace harassment. This policy is used in conjunction with the RZone Respectful Environments Policy and related documents.

Definitions

The following terms referenced in this policy are defined as:

Domestic violence	The exercise, attempt or threat of physical force by a person who has a personal relationship with an employee such as a spouse or former spouse, current or former intimate partner or a family member that may be directed towards an employee or employee(s) at the workplace.
Employer	In accordance with the Occupational Health and Safety Act, means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services.
People Leader	Any individual responsible for directing the work of others, including but not limited to elected officials (when in a supervisory relationship with City employees), the City Manager, General Managers, Executive Directors, Directors, Managers, Superintendents, Supervisors, Team Leaders, Project Managers and Forepersons.
Vexatious	Conduct that is inappropriate, unnecessary, and that a reasonable person would consider to be offensive, upsetting, distressing, demeaning, or would make a person uncomfortable.
Workplace	Any building or part of a building in which one or more employees work, including employee eating, changing and lounge areas, and any vehicle or conveyance, or any area including outside worksites, where employees perform their duties (e.g. construction site, open field, parking lot, road, park). A workplace also includes any work-related function or circumstances including contact made through social media and electronic communication.
Workplace harassment	Personal harassment includes workplace harassment as defined by the Occupational Health and Safety Act:

	<ul style="list-style-type: none"> • Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome • Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome • Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. <p>A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.</p>
Workplace violence	<p>Workplace violence includes any and/or all of the following actions:</p> <ul style="list-style-type: none"> • The exercise of physical force by a person against an employee, in a workplace, that causes or could cause physical injury to the employee • An attempt to exercise physical force by a person against an employee, in a workplace, that causes or could cause physical injury to the employee • A statement or behavior that is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee. <p>Workplace violence includes domestic violence as defined above.</p> <p>Examples of behaviours that constitute workplace violence include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Verbally threatening to attack an employee • Leaving threatening emails or notes referencing physical force against the employee • Shaking a fist in an employee's face • Hitting or trying to hit an employee • Throwing an object at an employee • Sexual abuse against an employee • Making threatening calls to an employee

	<ul style="list-style-type: none"> • Trying to run down an employee using a vehicle or equipment such as a forklift • Wielding a weapon at work
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Principles

The City of Hamilton

- Prohibits violence in any workplace, or at any work related and/or employee function, or in any other work-related circumstances
- Creates an environment that encourages victims of violence and witnesses to report all incidents of violence
- Has a workplace violence prevention program that is created in consultation with Joint Health and Safety Committees (JHSCs) which includes measures and procedures to identify, eliminate or minimize risks that are likely to expose an employee to violence in the workplace. These measures include conducting regular risk assessments, implementing control measures specific to the various workplaces across the City, and providing instruction and information to employees on violence prevention in the workplace
- Ensures that measures and procedures in the workplace violence prevention program are carried out and hold leadership accountable for responding to and resolving complaints of violence
- Makes every effort to ensure an appropriate level of privacy and confidentiality in circumstances where an incident of workplace violence has occurred or when a victim comes forward requesting assistance from the employer. Private information will only be shared as required to comply with the law.

Reports of workplace violence or risk of violence made in good faith cannot be used as the basis of reprisal against the reporting employee.

Responsibilities

The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this policy as follows:

People Leader

The people leader will:

- Ensure this policy and associated procedures are reviewed with all employees annually
- Ensure that workplace violence is not tolerated, ignored or condoned
- Post the Violence in the Workplace Prevention Policy on the health and safety board or other conspicuous location

- Assess the risk of workplace violence with the support of Human Resources and the Joint Health and Safety Committee using the [Workplace Violence Risk Assessment form](#)
- Establish and ensure that measures, controls, procedures and any related training is in place in the workplace for summoning assistance if workplace violence is occurring or is likely to occur in consultation with the respective Joint Health and Safety Committee/s, to be reviewed and endorsed by the Health, Safety and Wellness Specialist prior to implementation
- Take every precaution reasonable in the circumstances for the protection of the employee if the employer becomes aware, or ought reasonably to become aware, that domestic violence would likely expose an employee to physical injury in the workplace
- Investigate and report all incidents, complaints or reports of workplace violence in a prompt, objective and sensitive way in accordance with the [Violence in the Workplace Prevention Procedure](#).
- Document reports of workplace violence, hazards and measures taken to address them
- Monitor workplace violence trends and take corrective action
- Consult Human Resources for support concerning options to resolve incidents
- Discipline those employees found to have violated this policy in consultation with Human Resources
- Provide employees who have been directly or indirectly involved in violent incidents with appropriate supports, e.g., first aid, medical assistance, debriefing by a skilled professional through Employee and Family Assistance Program (EFAP), and/or providing support through Critical Incident Peer Support (CIPS) team
- Contact Ministry of Labour, Immigration, Training and Skills Development and Police when required
- In consultation with Human Resources and subject to any limitations and/or disclosure requirements of the Municipal Freedom of Information and Protection of Privacy Act and the Personal Health Information Protection Act, provide information to employees, including personal information, related to risk of workplace violence from a person with a history of violent behavior, if,
 - a. The employee can be expected to encounter the person in the course of his/her work, and
 - b. The risk of workplace violence is likely to expose the employee to physical injury

Employees

- Refrain from threatening violence or engaging in any violent behaviour in the workplace, at any work-related functions, or in any other work-related circumstances

- Immediately report all incidents of, or injuries arising from, workplace violence to a people leader or directly to Human Resources
- Participate in information updates and instruction concerning violence in the workplace
- Be aware of the impact of professional obligations and legislation on the right to refuse unsafe work based on workplace violence
- Understand and comply with all workplace violence policies and procedures
- Report violent criminal acts, or suspected violent criminal acts, to the Police and notify Human Resources
- Co-operate fully in any investigation of a violent incident
- Contribute to workplace violence risk control measures and risk assessments
- Review the Workplace Violence Prevention Program
- Seek support through the people leader, Joint Health and Safety Committee (JHSC), Union (if applicable) and Employee and Family Assistance Program (EFAP) when encountering a workplace violence issue
- Seek support through the people leader, JHSC, Union (if applicable) and EFAP if experiencing domestic violence and advise the people leader of any potential risk to self or others in the workplace so reasonable precautions can be taken to protect the employee and coworker

Joint Health and Safety Committee (JHSC)

- Make recommendations to the City regarding the development, review and implementation of a workplace violence prevention program
- Review the Violence in the Workplace Prevention Policy annually
- Assess the risk of workplace violence when requested by the people leader and Human Resources using the Workplace Violence Risk Assessment tool
- Monitor trends associated with incidents or injuries as a result of workplace violence and recommend appropriate controls
- Participate in the investigation of critical injuries as a result of violence
- Provide support and referrals (internal and external) to employees with situations concerning actual or potential violence so that they can receive prompt assistance and advice

Human Resources (Health Safety and Wellness Section)

- Monitor legislative requirements, leading practices and standards related to workplace violence
- Develop assessment tools, information packages and training programs
- Provide guidance to the people leader completing the [Workplace Violence Risk Assessment form](#) and the Joint Health and Safety Committee
- Assist in investigations of workplace violence
- Assist workplaces in developing violence prevention programs

- Ensure the Violence in the Workplace Prevention Policy and other associated policies are reviewed on an annual basis in consultation with Joint Health and Safety Committees

Compliance

Any employee who is found to have violated the Violence in the Workplace Prevention Policy may be disciplined according to the severity of the actions, up to and including termination of employment with cause and without severance. Such terminations will be communicated to Council.

Any form of retaliation against employees exercising their rights under this policy will be considered a serious violation of this policy and will not be tolerated. Such retaliatory actions may be subject to disciplinary action, up to and including termination of employment with cause and without severance. Such terminations will be communicated to Council.

Any employee found to have lodged or otherwise supported a false accusation will be subject to appropriate disciplinary action up to and including termination of employment with cause and without severance.

Related Documents

- [Violence in the Workplace Prevention Procedure](#) COH-RQ-WI- 005
- [Workplace Violence Risk Assessment tool](#)
- [Harassment and Discrimination Prevention Policy](#) HR-61-13
- [Procedure for Resolving Harassment and Discrimination Issues](#)
- [Processing "Reporting of Accidental Injury or Industrial Disease" Forms Guideline](#) COH-RQ-GD-018
- [RZone Respectful Workplace Policy](#) HR-89-23
- [RZone Respectful Workplace Procedure](#)
- [RZone Respectful Workplace Guideline](#)
- [Code of Conduct for Employees](#) HR-01-09

Approval

Approved by Council of the City of Hamilton 2014-02-12

History

This policy replaces the former policy named Violence in the Workplace Prevention Policy (Appendix A, Code of Conduct) dated November 17, 2005 .

The Occupational Health and Safety Advisory Committee and Policy Review Group were consulted in the creation of this policy.

Approved by Council of the City of Hamilton 2014-02-12 Policy review history:

- Senior Management Team 2016-03-31
- Corporate Policy Review Group (PRG) 2017-06-02
- PRG 2018-07-06; 2019-06-28
- Human Resources Leadership Team 2020-07-21
- PRG 2021-07-05; 2022-06-27; 2023-06-05

This policy was reviewed and updated by Health, Safety and Wellness team. Updates include use of accessible format, plain and inclusive language. Reviewed by the City's Joint Health and Safety Committees and the Policy Review Group and approved by Director, Employee Health and Labour Relations and Human Resources Leadership Team in July 2024.