

## SAMPLE WORKPLACE VIOLENCE POLICY

Please note that this is a generic template. Bill 168 requires that each employer identify the specific risks associated with each of their worksites, develop procedures to address such risks, and educate their workers regarding these procedures.

### INTRODUCTION

*(Company Name)* recognizes that every person is entitled to a safe work environment that is free of violence and threatening behaviour.

*(Company Name)* will adhere to the spirit and intent of all applicable legislation governing workplace violence including, but not limited to, the *Occupational Health and Safety Act* and the *Criminal Code*.

*(Company Name)* is committed to maintaining a workplace where all workers are treated with dignity and respect. There will be zero tolerance of any form of workplace violence or threatening behaviour toward its workers.

This policy outlines the commitment, principles and procedures that *(Company Name)* will follow with respect to preventing and stopping violence in the workplace. Any violation of this policy will be subject to disciplinary action up to, and including dismissal.

### ACCOUNTABILITY

*(Company name)* will, in accordance with the Occupational Health and Safety Act:

1. Appoint a Workplace Violence and Harassment Coordinator;
2. Assess the risk of workplace violence that may result from the nature of *(company name)* worksites and the nature and conditions of work performed there;
3. Advise the Health and Safety Committee/workers of the results of the risk assessment and provide a copy of any written report;
4. Establish and maintain procedures to control the risks identified in the risk assessment;
5. Reassess the risk of workplace violence as often as is necessary;
6. Take every reasonable precaution to protect workers from domestic violence that may occur in the workplace and expose workers to physical injury;
7. Establish measures for summoning immediate assistance when workplace violence is threatened, occurs, or is likely to occur;
8. Inform workers on when and how to seek medical assistance should a violent incident occur in the workplace;
9. Establish a reporting procedure for incidents or threats of workplace violence;
10. Establish an investigation procedure for dealing with incidents or allegations of workplace violence or threats of violence;

11. Provide all workers with training and information regarding this policy and associated procedures;
12. Monitor the company's compliance with this policy and established procedures;
13. Review this policy annually to ensure that it is current and effective;

Accountability for ensuring compliance with the provisions of this policy rests with the (*Director of Human Resources*) or designate.

**All workers are expected to:**

1. Familiarize themselves with this policy;
2. Attend any training related to this policy;
3. Ask their supervisor for clarification on this policy if they have questions;
4. Help promote a violence-free workplace;
5. Refrain from workplace violence as defined in this policy; and
6. Immediately report to (appropriate management staff) incidents of, threats of, or potential for workplace violence, whether directly experienced or witnessed.

**Responsibilities of management:**

1. Foster a violence-free workplace;
2. Ensure that workers under their supervision receive adequate information and training on this policy;
3. Report any incidents or potential for workplace violence to (*the Director of Human Resources*);
4. Collaborate with (*the Director of Human Resources*) to investigate all aspects of any reported instances of harassment in conjunction with in a timely manner;
5. Maintain confidentiality in the investigation process.
6. If a member of management becomes aware or receives knowledge that domestic violence may occur in the workplace that would likely expose any worker to physical injury, they will immediately advise (*the Director of Human Resources*) who will take all reasonable precautions to see that workers are protected.
7. If a member of management becomes aware that:
  - a. A worker may, in the course of their duties, encounter another worker or other person who has a history of violent behaviour, and
  - b. There is a risk of workplace violence that is likely to expose the worker to physical injury,
 they will immediately advise (the Director of Human Resources) who will provide information, including personal information, to the worker sufficient to

protect them from physical injury. (The Director of Human Resources) will not provide any more personal information than is reasonably necessary to protect the worker from physical injury.

## **APPLICATION AND SCOPE**

The policy is applicable whenever a worker:

- Carries out duties or conducts business on behalf of *(Company Name)*.
- Represents *(Company Name)* on committees or at work related events/conferences;
- Attends work-related functions; and/or
- Socializes with other workers

Locations and situations covered by this policy include, but are not limited to:

- *(Company Name)* offices and worksites;
- Other buildings or premises under the jurisdiction of *(Company Name)*;
- Company vehicles;
- Social functions sanctioned by or under the jurisdiction of *(Company Name)* whether held at company offices or facilities or at other locations approved by the company;
- Work-related travel outside of company facilities;
- Incidents which occur outside the workplace but have negative repercussions at work or adversely affect working relationships;
- Threats of violence which occur by electronic means (e-mail, telephone, voice mail, internet, or fax) or written communication; and
- Any other locations or events where company business, operations, or social functions are carried out.

## **DEFINITIONS**

### **Worker:**

As used in this policy, the term “worker” includes any full-time, part-time, probationary, temporary and casual worker as well as volunteers and students. It also extends to the *(Board of Directors and Committee members)*.

### **Please Note:**

This policy also protects workers from workplace violence by those individuals whom they may contact in the course of their job duties. These include, but are not limited to, customers, clients, members of the public, family, friends and those who have access to the workplace and supply goods and services to *(company name)*.

### **Reprisal:**

Reprisal refers to a negative action or omission against a worker who:

- Invokes this Policy, whether on behalf of oneself or another individual;
- Participates or co-operates in any inquiry under this policy;
- Associates with a person who has invoked this Policy or participated in its procedures; and/or
- Performs a legitimate role under this Policy.

## **Workplace Violence**

"Workplace violence" means:

1. The exercise of physical force against a worker in a workplace that causes, or could cause, physical injury to the worker, their personal property, their family, or their friends;
2. An attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker, their personal property, their family, or their friends, ;
3. Comments or gestures which threaten such actions;
4. Any such actions which occur outside the workplace but have repercussions in the work environment

Examples of workplace violence include but are not limited to:

- Hitting
- Throwing objects
- Pushing
- Kicking
- Stalking
- Physical restraint
- Arson
- Vandalism
- Sabotage of work or property
- Threatening gestures or remarks
- Physical bullying

## **COMPLAINT PROCEDURE**

Any person who feels that he/she has experienced workplace violence or threats of such violence may request assistance or file a complaint under this policy without prejudice or fear of reprisal. If you believe that you have been threatened with or subjected to workplace violence:

### **Step 1**

- If you believe that a worker or other person with whom you interact in the course of your duties (for example, a customer, supplier, etc.) has subjected you to violence or threats of violence, report the incident to your Supervisor or (*the Director of Human Resources*) immediately.

- Keep a record of the incident(s) including dates, location, witnesses, your response to the individual and any other pertinent information.
- If allegations of workplace violence are made against you, keep a record of your version of the alleged incident. If you believe the complaint is unfounded or made in bad faith, discuss the matter with your immediate Supervisor or with Human Resources.

## Step 2

- If the offensive behaviour does not stop, file a formal written complaint with *(the Director of Human Resources)* Any formal written complaint filed by an worker must contain:
  - Name(s) of the respondent(s);
  - The date or dates of the incident(s);
  - Location(s) of the alleged incident(s);
  - Details of the incident(s); and
  - Names of any witnesses.
- The *(Director of Human Resources)* will then address the issue with the alleged offender in accordance with Step 3.

## Step 3

- *(The Director of Human Resources)* will review the written complaint and may determine that an investigation is warranted and evidence indicates that violence, as defined by the policy and applicable legislation, has occurred.
- Measures will be implemented immediately to protect the victim from further harm.
- Confidentiality will be maintained at all times except when the disclosure of names is necessary for the purpose of investigating the complaint, when taking any action in relation to the complaint, or where disclosure is required by law.
- If criminal actions are alleged, witnessed, or found to have occurred, the responding member of management will contact the Police immediately. Criminal actions include, but are not limited to, the following behaviours:
  - The displaying of hate-based graffiti or pornography;
  - The transmission or storing of electronic telecommunications that incite hatred and violence or that constitute pornography;
  - The displaying of symbols or emblems (including clothing) that suggest racial supremacy and incite hatred and violence;
  - Stalking (persistently pursuing a particular individual although the advances are clearly unwelcome)
  - Sexual assault or threat of sexual assault;

- Threats against an individual or their loved ones or family;
- Extortion; and/ or
- Physical assault or threats of physical assault

*Note:*

*Whether or not a formal complaint is filed, the (Director of Human Resources) may be obligated to proceed with an investigation if it appears that applicable legislation and/or the policy has been violated.*

## **FORMAL INVESTIGATION PROCEDURE**

1. The (Director of Human Resources) or a designated investigator will undertake an investigation immediately and all necessary steps will be taken to resolve the problem.
2. Individual interviews with the complainant, the respondent and any witnesses will be held. If you are interviewed, you may have a co-worker or other support person present with you as an observer at the meeting.
3. If the investigation reveals evidence to support the complaint of workplace violence, appropriate measures will be taken. These may include disciplinary action up to and including discharge.
4. If the respondent is disciplined, the incident will be documented and filed in his/her employment file in accordance with Human Resources documentation procedures.
5. If the investigation fails to find evidence to support the complaint, there will be no documentation filed placed in the parties' personal Human Resources files.
6. If resolution is not achieved, you may still exercise your rights under the *Occupational Health and Safety Act* or *Criminal Code* as appropriate.
7. Workers who make legitimate, complaints of workplace violence in good faith will not have their employment affected in any adverse manner.
8. Where the complaint is determined to be abusive, frivolous, vindictive, or made in bad faith, the company will take appropriate action towards the complainant, which may include discipline.
9. Reprisal against an individual who has filed a complaint in good faith or who has been named as a witness or respondent in a complaint may result in disciplinary action being taken by [the company]. This discipline may occur whether or not the complaint was substantiated and whether or not the complaint was resolved through any of the procedures set out in this policy,

*\*This policy is subject to amendment and/or revocation at the Company's sole discretion, without prior notice to workers.*

**WORKER ACKNOWLEDGEMENT FORM**

*For Receipt of the Workplace Violence Policy*

I have read, understood and agree to comply with the terms of this Policy. I understand that violation of this policy may result in disciplinary action, possible termination and/or civil and criminal penalties:

Signature:	Date
Printed name	Business Unit