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## The Corporation of the City of Stratford Policy Manual

<b>Policy Number:</b>	H.1.23
<b>Policy Section:</b>	Human Resources
<b>Department:</b>	Human Resources
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<b>Policy Type:</b>	Council-adopted Policy

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### **“Workplace Violence”**

#### **Policy Statement:**

The Corporation of the City of Stratford (the City) is committed to preventing, protecting against, and addressing workplace violence in order to ensure a safe, healthy and respectful workplace free from all forms of violence.

The City prohibits workplace violence directed at employees by members of the public, customers, contractors or between employees.

#### **Purpose:**

The purpose of this policy is to outline the City’s commitment to a physically and psychologically safe and healthy workplace and to ensure that all incidents of workplace violence are addressed appropriately.

#### **Scope:**

This policy applies to all employees of the City as well as all members of City Council, contractors, clients, customers and volunteers.

Other individuals, conducting business on City of Stratford’s premises (including but not limited to contractors, citizens and visitors), are also expected to conduct themselves in any City of Stratford-related activity in a manner consistent with this policy.

### **Relationship to Other Policies:**

Some behaviours that are defined as workplace violence under this policy can also constitute workplace harassment or abuse and, as such, the City's Harassment, Sexual Harassment and Discrimination Policy, Respectful Workplace Policy and Codes of Conduct may also be applicable in some circumstances.

### **Roles and Responsibilities:**

**Management Employees** - All levels of management employees are responsible for communicating to all employees that workplace violence is not permitted and will not be condoned or ignored. Management employees will make every effort to prevent workplace violence by:

- supporting a safe work environment that is free from violence by actively promoting a positive environment and intervening when issues arise;
- communicating the principles of this policy and upholding its spirit and intent to all employees;
- respond to potential threats, escalating situations and take all steps to put a stop to workplace violence of which they are aware, regardless of whether a complaint is filed;
- taking all complaints of workplace violence seriously and promptly and diligently investigating any alleged incident;
- taking prompt action to resolve complaints and taking appropriate corrective action;
- provide affected employees support and referral to the Employee Assistance Program;
- provide information to a worker related to a risk of workplace violence from a person with a history of violent behaviour if the worker can be expected to encounter that person at work and the risk of workplace violence is likely to expose the worker to physical injury (but disclose personal information only to the extent it is reasonably necessary to protect the worker from physical injury).

**Employees** - All employees share the responsibility to create a workplace that is free from workplace violence. Each employee is responsible for understanding what constitutes behaviour that is considered workplace violence and must conduct themselves in accordance with the spirit and intent of this policy.

**Human Resources** - Human Resources will be responsible for the following:

- Training and educating all employees on this policy and procedures including their responsibilities;
- Acting quickly and appropriately as when receiving a complaint under the policy;
- Providing guidance on the policy to managers/supervisors and employees;
- Keeping information about the complaint and/or investigation confidential unless disclosure is necessary for the purpose of investigating the complaint, or otherwise required by law.

## **Definitions:**

“Complainant(s)” means the person(s) who alleges they have been subjected to workplace violence.

“Worker” is a person who performs work (also known as employee) or supplies services for monetary compensation (as defined under the Occupational Health and Safety Act.

“Workplace violence” is defined in the OHS Act as:

- a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; and/or
- 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.

Some examples of workplace violence are:

- Verbally threatening to attack a worker.
- Leaving threatening notes at or sending threatening e-mails to a workplace.
- Shaking a fist in a worker’s face.
- Wielding or implying you have a weapon at work.
- Hitting or trying to hit a worker.
- Throwing an object at a worker.
- Sexual violence against a worker.
- Destroying workplace property.
- Kicking an object the worker is standing on such as a ladder.
- Trying to run down a worker using a vehicle or equipment such as a forklift.

“Domestic violence” includes a person who has a personal relationship with a worker - such as a spouse or former spouse, current or former intimate partner or a family member – who may physically harm, threaten or attempt to physically harm, that worker while at work.

“Respondent(s)” means the person(s) who the allegations of workplace violence have been made against.

“Workplace” means any location where an employee is carrying out any work-related function. The meaning of workplace may also be extended if workplace violence occurs outside the workplace but has an adverse effect on employee relationships in the workplace. This may include social functions, training and conferences, during travel, at restaurants, hotels or meeting facilities being used for business purposes, during telephone, email or other electronic communications such as texting and instant messaging and social media.

## **Procedure:**

Immediate Action - Where an employee is the subject of or witness to an incident of workplace violence, the employee should assess the situation and respond appropriately as follows:

1. Where an incident of workplace violence has occurred, medical attention should be sought as required. It is the responsibility of all employees to ensure that the safety and well-being of the individual(s) involved are attended to immediately.
2. If the situation warrants immediate notification of the police, it should be done directly by the employee affected, any employees who have witnessed the incident or by the supervisor/manager. The City of Stratford encourages and supports employees to lay criminal charges where appropriate. Any investigation carried out by the police will be in addition to the workplace investigation conducted by the City of Stratford.
3. The employee should document the events as soon as possible. The written record should include a description of the workplace violence, dates, times, locations, and the identity of any witnesses to the alleged workplace violence.
4. Employees are responsible for immediately reporting all incidents of workplace violence to their supervisor/manager or, in the supervisor's absence, the Director of Human Resources. The supervisor/manager or Director of Human Resources will conduct a preliminary investigation within seventy-two (72) hours of the incident to assess the seriousness of the circumstances and the immediate response needed.

## **Reporting an Incident and Investigation Procedures**

Employees are directed to refer to the workplace *Harassment, Discrimination, and Workplace Violence Reporting and Investigation Procedures (H.1.6 & H.1.23-001)*, which outline the City's internal process. Employees wishing to report an incident will use the Respectful Workplace Incident Form. Both documents can be found on the City's Website under the employee section of the Respectful Workplace Policy page.

## **Interim Measures**

Pending the results of a complaint, the City of Stratford may impose such interim measures as it deems necessary. Interim measures may include relocating the respondent, changing reporting structures or placing them on a non-disciplinary suspension from the workplace with pay pending the outcome of the investigation.

## **Retaliation**

All employees have a right to be free of retaliation or threat of retaliation, as a result of being involved in a complaint of workplace violence. Retaliation will be deemed to be a form of abuse or harassment and will be dealt with in accordance with the City's Disciplinary Policy outlined in the *H.1.27 Employee Code of Conduct Policy*.

## **Malicious Complaints**

If, as a result of an investigation, it is determined that an otherwise unfounded complaint was intended to be malicious, it will be considered a form of abuse or harassment and may be dealt with in accordance with this policy and/or as a disciplinary matter.

## **Confidentiality**

The administration of this policy will be done in accordance with all applicable provincial and federal laws. The City understands that it may be difficult to come forward with a complaint of workplace violence and recognizes a complainant's interest in keeping the matter confidential.

To protect the interests of the complainant, the person complained against (respondent) and any others who may report incidents of workplace violence, confidentiality will be maintained throughout the investigatory process to the extent appropriate and information obtained about an incident, including any identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating the complaint or taking corrective action, or is otherwise required by law.

All records of complaints, including minutes of meetings, interviews, results of investigations and other relevant material will be kept confidential by the Director of Human Resources except to the extent that disclosure is necessary to conduct an investigation, and to take remedial and/or disciplinary action in relation to the complaint. In that regard, information regarding the particulars of the allegations and the identity of the complainant may, where necessary, be provided to the individual (respondent) against whom a complaint has been made regardless of whether an informal or formal complaint procedure is invoked.

## **Communication**

A copy of this policy and procedures will be posted on the City's website and bulletin boards. Contractors/tenants who sign contracts or acquire permits from the City's will, at a minimum, will be notified of the policy and its location on the City's website. All employees will receive training on the policy.

## **Legislative Authority:**

Ontario Human Rights Code (OHRC)  
Occupation Health and Safety Act (OHSA)  
Accessibility for Ontarians with Disabilities Act (AODA)  
Criminal Code (R.S.C., 1985, c. C-46)

## **Related Documents:**

- H.1.6 Harassment, Sexual Harassment and Discrimination Policy
- Harassment and Discrimination Reporting and Investigation Procedures (H.1.6-001)
- H.1. 27 Employee Code of Conduct Policy
- Council Code of Conduct

- C.1.13 Facilities Code of Conduct Policy
- H.1.12 Health & Safety Policy
- Health and Safety Manual

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