

<b>2024-0030POLICY TYPE:</b>	GENERAL GOVERNMENT
<b>POLICY TITLE:</b>	ANTI-WORKPLACE VIOLENCE POLICY

<b>AUTHORITY:</b>	RES # 2024-0030
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**1) PURPOSE**

- 1.1 The RM of Livingston No. 331 (the “**RM**”) is committed to creating and maintaining a safe and secure environment in which all individuals are free from Violence (as defined below), including Domestic and Sexual Violence (as defined below). The purpose of this Policy is to establish policies and procedures to prevent and eliminate Violence in the workplace.

**2) SCOPE**

- 2.1 This Policy applies to all Employees, Contractors of the RM and visitors.
- 2.2 This Policy applies to all actions and behavior that are in any way connected to work, whether at a Worksite (as defined below), at work assignments off-site, off-site meetings, training sessions, business trips, transportation to and from work, and off-hours RM sponsored social events.

**3) DEFINITIONS**

- 3.1 “**Employees**” means all employees of the RM and its affiliates, including all full and part-time, casual, permanent and temporary employees, as well as volunteers and students.
- 3.2 “**Contractors**” means directors, officers, employees of dependent or independent contractors that may attend upon a RM Worksite, and any employees of sub-contractors.
- 3.3 “**Personnel**” means Employees and Contractors.
- 3.4 “**Violence**” is defined as the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes, but is not limited to:
- a. Domestic Violence (as defined below);
  - b. Sexual Violence (as defined below);
  - c. physical attacks or aggression (e.g. hitting, shoving, pushing, punching, slapping, pinching, grabbing, biting or kicking an individual, throwing an object at an individual; kicking an object the individual is standing on, such as a ladder);
  - d. threatening, abusive and intimidating behaviour (e.g. shaking a fist in an individual’s face, wielding a weapon at an individual, trying to hit an individual, trying to run down an individual using a vehicle or equipment, destroying property or throwing objects);
  - e. verbal or written threats (e.g. verbally threatening to attack an individual, leaving threatening notes or sending threatening emails to express an intent to inflict harm on an individual);
  - f. possessing any weapon capable of inflicting injury while on the RM’s premises including vehicles, private vehicles on the RM’s property or while conducting work-related business; and
  - g. willfully damaging the RM’s property or the property of others conducting business for or on behalf of the RM.

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- 3.5 **“Domestic violence”** is a pattern of behaviour used by one person to gain power and control over another with whom the person has, or has had, a personal relationship, including dating, marriage, adult interdependent partnerships, custody, blood relationships and adoption, as well as relationships stemming from these situations.

Domestic Violence can range from subtle, intimidating behaviours to violent acts that result in physical harm or death. Domestic violence can include physical violence, sexual abuse, financial control, emotional and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control.

Domestic violence becomes a workplace hazard, not a limited personal issue, when it occurs at, or spills over into, the workplace, putting the targeted worker at risk and posing a threat to co-workers. As a situation escalates, there is potential for harm to the victim, to their co-workers and possibly even clients.

Signs of domestic violence may include:

- a. reduced productivity and engagement;
- b. absenteeism or difficulty getting to work;
- c. reluctance to go home after work;
- d. harassing phone calls, frequent text messages and emails; and
- e. obvious injuries.

- 3.6 **“Sexual violence”** refers to any sexual act, attempt to obtain a sexual act, or other act directed against a worker’s sexuality using coercion, by any person regardless of their relationship to the victim, in a workplace or work-related setting. Sexual violence exists on a continuum which can range from anything from obscene name-calling to sexual assault, and includes online sexual violence including internet threats and sexual exploitation.

- 3.7 **“Worksite”** means a location where a worker is, or is likely to be, engaged in any occupation and includes any vehicle or mobile equipment used by a worker in an occupation.

- 3.8 **“Close Calls”** or **“Near Miss”** refers to incidents which did not result in actual physical harm but, except for circumstance, had the potential to result in physical harm.

- 3.9 **“Minor Incident”** refers to an incident in which no one is physically harmed in any way and which was resolved through employee or supervisor/manager mediation.

- 3.10 **“Major Incident”** means an incident in which someone was physically harmed (whether requiring medical attention or not), or which continued or escalated after supervisory/manager mediation.

#### 4) **POLICY**

- 4.1 All Personnel are entitled to work in an environment that is Violence free. The RM will make every reasonable effort to ensure that no Personnel are subjected to Violence in the workplace. No Personnel shall cause or participate in Violence against another person in the workplace.

- 4.2 This Policy applies to all Personnel, and prohibits Violence and retaliation, whether engaged in by fellow employees, by a supervisor or manager, contractor, or by a customer or client who receives services from the RM. Conduct prohibited by this Policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

- 4.3 ***This a ZERO tolerance policy.*** Any Employee in contravention of this Policy will be subject to appropriate disciplinary action up to and including termination of employment.

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Any breach by a Contractor or their employee(s) or may result in the RM terminating the contract for services with the Contractor.

## 5) **RESPONSIBILITIES FOR VIOLENCE PREVENTION, MITIGATION AND ELIMINATION**

5.1 While it is everyone's responsibility to ensure a workplace is free from Violence, some Employees share additional responsibilities based on their position as follows:

a. The RM:

- Providing all individuals with a workplace that is free of Violence;
- Making necessary adjustments to this Policy to ensure that it meets the needs of the RM;
- Reviewing this Policy every three years, or as required;
- Conducting an objective investigation into all complaints made pursuant to this Policy;
- Producing an investigation report regarding all complaints made pursuant to this Policy;

b. Administration:

- Ensuring that this Policy is applied in a timely, consistent, and confidential manner; and
- Determining what corrective action is appropriate where a complaint under this Policy has been substantiated;
- Administering this Policy;

c. Managers/Supervisors:

- Ensuring that Employees are trained and complying with this Policy.
- Complying with this Policy, including by conducting hazard assessments, implementing measures to eliminate and control any risks of Violence in the workplace, following all emergency procedures and cooperating during investigations.

d. Employees:

- Not causing or participating in Violence in the workplace.
- Complying with this Policy, including by following all reporting obligations, attending training sessions and cooperating during investigations.

## 6) **HAZARD ASSESSMENTS**

6.1 Violence is a workplace hazard that must be addressed during a hazard assessment. Managers/Supervisors of each Worksite must identify whether there is an actual or potential risk of Violence in the workplace, and collaborate with any affected Employee(s) to assess the risk of Violence in the workplace on a daily basis. Where Violence is identified as a hazard, steps must be taken to eliminate or control the risk of Violence.

6.2 Managers/Supervisors must ensure that all workers who may be affected by Violence are familiar with the necessary measures, controls, or procedures to keep themselves and others safe.

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## 7) COMPLAINT AND INCIDENT PROCEDURE

- 7.1 Individuals who have experienced conduct they believe is contrary to this Policy have an obligation to take advantage of this complaint procedure.
- 7.2 Individuals have a right to request the assistance of an occupational health and safety officer to resolve any complaint of work-related Violence.

### When to Report

- 7.3 Early reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of Violence. The limitation period on reporting complaints shall be that established by law. The RM strongly urges the prompt reporting of complaints or concerns to ensure rapid and constructive action is taken. The RM will attempt to resolve allegations of Violence quickly and fairly to stop alleged Violence before it becomes severe or pervasive, but can only do so with the co-operation of its Employees and Contractors. The RM cannot be held accountable for incidents in violation of this Policy where the incident or complaint was not brought to the attention of the RM.

### How to Report

- 7.4 All reports of Violence and retaliation will be taken seriously by the RM. The rights of all concerned will be respected. Individuals are encouraged to use these steps to address incidents of alleged Violence and retaliation internally within the RM:
  - a. **Step 1: Confront the Perpetrator(s):** Unless it may compromise their health or safety, an individual who believes they are being subjected to Violence and/or retaliation is encouraged to first clearly and firmly make it known to the alleged perpetrator that their conduct is objectionable and must stop. Although this may be difficult to do, telling the person that their actions are unwelcome may put a stop to the behavior.
  - b. If an Employee believes that someone who is not an Employee has violated this Policy, a formal complaint should be submitted in accordance with step 2 (below). The RM has limited control over third parties, but will investigate and take steps to address the issue and prevent future problems, if possible.
  - c. **Step 2: Formal Complaint:** Where step 1 cannot be done or is not successful, the RM encourages the reporting of all incidents of Violence and/or retaliation. Individuals who believe they have experienced conduct contrary to this Policy or who have concerns about such matters should file their complaints with their immediate supervisor, manager or Human Resources before the conduct becomes severe or pervasive.
  - d. Formal complaints should be made in writing and signed by the individual(s) making the complaint. If the individual(s) making the complaint requires assistance with the procedure, they should notify their supervisor, manager or Human Resources of their complaint verbally and request assistance with submitting a formal complaint in writing. A formal complaint, whether prepared by the individual(s) making the complaint or with assistance, should contain the following information, and should be remitted in the following format:
    - Name of individual(s) making complaint:
    - Home and work phone number of the individual(s) making complaint:
    - Workplace Location and Department (if applicable):
    - Respondent(s): Name(s) of alleged perpetrator(s):
    - Details of complaint: Describe incident(s) detailing behaviour, what was said, date(s), location, circumstances surrounding the incident, and names of any witnesses:

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- Objections made known: Have you previously told the respondent(s) that you object to his/her behaviour and/or told an appropriate person in authority of your concerns? If so, please detail:
- Consent: Do you authorize the release of information about the complaint to the respondent(s)?

### **Emergency Response Procedures**

7.5 There may be circumstances where an individual cannot immediately follow the above procedure and instead may be required to follow emergency response procedures. In case of a incident of Violence that creates or has the potential to create immediate danger to workers, the following procedures should be followed:

7.6 Employees:

- establish a safe location and notify a Manager/Supervisor or other person in authority immediately;
- do not aggravate, or allow anyone else to aggravate the situation; and
- follow the directions of the person in authority.

7.7 Managers/Supervisors:

- assess the immediate danger, appropriately and safely intervene and coordinate efforts to stabilize the situation, if possible;
- contact emergency services (e.g. police, ambulance and fire) and client emergency services, as required;
- take the appropriate measures to safeguard persons and the facility, if possible;
- secure the area where the incident occurred and do not disturb the area except to attend to injured persons, or to prevent further injuries. The secured area must remain secured and sealed unless released by an occupational health and safety officer or a peace officer, as required.
- notify the Administrator and Members of Council;
- as soon as it is safe to do so, properly record the details of the incident, including all relevant facts such as the time, place, persons involved and nature of the incident; and
- refer employees to any available supports such as the employee assistance program.

### **Investigation Process**

7.8 All reported allegations of Violence and retaliation and all incidents of Violence will be investigated promptly, thoroughly and impartially. After a formal complaint is received or an incident occurs, the Administrator will notify the alleged offender and undertake a confidential investigation in accordance with this Policy.

7.9 The investigation may include, but is not necessarily limited to, individual interviews with the parties involved and with individuals who may have observed the alleged conduct or may have other relevant knowledge. Following the conclusion of the investigation, the RM will inform the complainant and the alleged offender of the results of the investigation. Normally, investigations will be performed by the RM. In appropriate cases, the RM may decide to retain an independent investigator to conduct the investigation.

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### Retaliation

- 7.10 Regardless of the outcome of a complaint made in good faith, the individual lodging the complaint, as well as anyone providing information, will be protected from any form of retaliation by either coworkers or superiors. This includes demotion, unwanted transfer, denial of opportunities for advancement, as well as Violence against the individual as a result of them having made a complaint or having evidence regarding a complaint. The RM strictly prohibits any form of retaliation against any individual who reports Violence, or participates in an investigation of such reports. Retaliation is a serious violation of this Policy and individuals who participate in any form of retaliatory behaviour will be subject to disciplinary action up to, and including termination of employment, and contractors (and/or their employees) may be asked to leave the workplace and the contract for services with the contractor may be terminated.
- 7.11 No worker will be penalized, reprimanded, or in any way criticized when acting in good faith, while following this Policy and the supporting procedures for addressing Violence in the workplace.

### Outcome of Investigation

- 7.12 ***The RM has zero tolerance policy for Violence in the workplace.*** Violations of this Policy will result in the appropriate corrective/disciplinary action up to and including termination of employment for just cause.
- 7.13 A violation of this Policy will be considered a material or fundamental breach or default of the terms and conditions of any independent contractor or consulting agreement with the RM, such that the RM is entitled to terminate the contract at any time without prior notice to the Contractor.

### Fraudulent or Malicious Complaints

- 7.14 Where a complaint under this Policy has not been substantiated, no action will be taken against an Employee or Contractor who has made a complaint in good faith. Where a complaint is proven to be fraudulent or malicious (as distinct from unfounded or unsubstantiated), the individual who made the complaint may be subject to disciplinary action and the Contractor who made the complaint may be asked to leave the workplace and the contract for services with the Contractor may be terminated.

### Confidentiality

- 7.15 The RM will respect the privacy of all parties concerned in the complaint or incident as much as possible. The RM will not disclose the circumstances related to an incident of work-related Violence and/or retaliation or the names of the parties involved (including the complainant, the person alleged to have committed the work-related Violence and/or retaliation, and any witnesses) except:
- a. where necessary to investigate the incident, to take corrective action, or to inform the parties involved in the incident of the results of the investigation and corrective action taken; or
  - b. as required by law.

**Date approved:**

February 14, 2024

**Resolution No:**

2024-0030

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