

**Municipality of Sioux Lookout**  
**Administrative Procedure No. 3-51**

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Subject: **Violence Free Workplace**

Section: Personnel

Applies To: All Employees, Volunteers, Boards, Co-op Placement Personnel, Students, Agents of the Corporation, Consultants, Contractors, Council, Members of the Public, visitors to Municipal facilities, and individuals conducting business with the Corporation

Effective: June 26, 2023

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## **1. Background/ Policy Statement**

**1.1** The Corporation of the Municipality of Sioux Lookout (the “Municipality”) is committed to creating a work environment where everyone plays a vital role in ensuring a safe and healthy workplace by preventing workplace violence. Threats or acts of violence against an employee are unacceptable and will, at no time, be tolerated. The Municipality has zero tolerance for violence in the workplace.

**1.2** This policy should be read in conjunction with [Occupational Health and Safety Act](#).

## **2. Definitions and Examples**

**2.1 “Civility”** means the act of showing regard for others, being considerate in your interactions, and recognizing the inherent value of each individual in the Workplace.

**2.2 “Critical Injury”** means an injury which:

- places life in jeopardy;
- produces unconsciousness;
- results in substantial loss of blood;
- involves the fracture of a leg or arm, including a wrist, hand, ankle, or foot;
- involves the amputation a leg, arm, hand, or multiple fingers or toes;
- consists of burns to a major portion of the body; and,
- causes the loss of sight in an eye or eyes.

**2.3 “Domestic Violence”** means 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, or attempt or threaten to physically harm, that worker at work.

**2.4 “Employee”** means any of the following:

- a person who performs work or supplies services for monetary compensation;
- a student who performs works or supplies services for no monetary compensation under a work experience program approved by a school board, a college, university, or other post-secondary institutions; or
- such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.

**2.5 “Member of Council”** refers to any elected or appointed official on Council, including the Mayor.

**2.6 “Record”** includes documents business transactions, decisions, and activities such as notes, memos, agendas, minutes, training records, etc.

**2.7 “Risk Assessment”** means assessing the risk of Workplace violence, from a prevention perspective, that may arise from the nature of the Workplace, the type of work, or the conditions of work.

**2.8 “Senior Leader”** means the Chief Administrative Officer (“CAO”) and Heads of Departments.

**2.9 “Supervisor”** means a person who has charge of a workplace or authority over an Employee and can include but not limited to, Members of Council, Senior Leaders, Directors, Managers, Supervisors, and Forepersons.

**2.10 “Violence”** is defined as any conduct, threatened or actual, by any person, that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives an employee reasonable cause to believe that individual is at risk of injury including visible and non visible injuries.

**2.11 “Workplace”** means any land, premises, location, or thing at, upon, in, or near which an employee works, and may include but is not limited to:

- a) physical and virtual work environments (including vehicles);
- b) locations visited by Employees while travelling on Municipal-related business; or,
- c) locations of work-based social gatherings, training, and conference or travel.

**2.12 “Workplace Parties”** means Supervisors, Employees, Committees, unions and associations, service contractors, students, and volunteers.

**2.13 “Workplace Violence”** means:

- a) The exercise of physical force by a person against an Employee, in a workplace, that causes or could cause physical injury to the Employee;
- b) An attempt to exercise physical force against an Employee, in a Workplace, that could cause physical injury to the Employee;
- c) Sexual violence of any nature to the Employee; and,
- d) A statement or behaviour 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.

### **3. Purpose**

**3.1** The purpose of this of Policy is to:

- a) Adopt a proactive approach to preventing workplace violence;
- b) Outline the requirements of acceptable behaviours for those who have a role in dealing with workplace violence;
- c) Provide assistance and support to any employee who is involved in incidents of violence including alleged respondents and complainants; and,
- d) Comply with the Municipality’s legislative responsibilities under the *Occupational Health and Safety Act* respecting Workplace Violence.

### **4. Application and Scope**

**4.1** This policy applies to:

- a) Employees (including but not limited to service contractors, students, and volunteers);
- b) Members of Council;

- c) Board and Committee members;
- d) Consultants;
- e) Agents of the Corporation;
- f) Visitors to municipal facilities;
- g) Individuals conducting business with the Municipality; and,
- h) Members of the public.

**4.2** The Municipality will not discriminate or retaliate against employees because they are or are perceived to be victims of workplace violence. Noncompliance with respect to this Policy will give rise to disciplinary action up to and including termination. When administering the Policy, the Municipality shall do so in a fair and unbiased manner.

## **5. Key Principles**

### **5.1 Violence Free Workplace**

- a) All individuals have the right to work or access services in a safe environment free from perceived, actual, attempted, or threatened Workplace Violence.
- b) Workplace Violence is a serious matter and the Municipality will take every reasonable precaution to prevent it.

### **5.2 Shared Responsibility**

- a) It is a shared responsibility between all individuals to create an environment where everyone is able to work without potential or actual threat of Workplace Violence. All individuals should be prepared to actively work together to address Workplace Violence.

### **5.3 Zero Tolerance**

- a) Violent behaviour in the Workplace is unacceptable from anyone. Workplace Violence from any individual will not be tolerated, condoned, or ignored.

## **6. Roles and Responsibilities**

### **6.1 Senior Leaders**

- a) Ensure a Workplace Violence Prevention Policy is in place and reviewed at least once, annually, and a program is in place to implement this Policy; and,
- b) Comply with section 7.2 Roles and Responsibilities for Supervisors if incidents were reported by direct reports.

## 6.2 Supervisors

- a) Lead by creating and maintaining a safe and healthy workplace free of Workplace Violence while being a role model for others;
- b) Post this Policy in a visible location in the Workplace and ensure Employees can locate this Policy in the workplace and digital location;
- c) Hold Employees accountable for their behaviour and for following measures and procedures;
- d) Ensure Employee awareness of training, and monitor and enforce compliance with this Policy and accompanying program;
- e) Require Employees to review this Policy at least once annually;
- f) Conduct Risk Assessments and address hazards of Workplace Violence with corrective actions;
- g) Advise Employees of the risk of Workplace Violence from a person with a history of violent behaviour they may encounter where physical injury is likely;
- h) Advise Employees to report their concerns to their Supervisor, Human Resources or any member of management if they fear that Domestic Violence may enter the workplace;
- i) Inform Employees of how to summon immediate assistance in the case of an extreme or imminent threat of Workplace Violence;
- j) Advise Employees to report concerns, and incidents of Workplace Violence to their Supervisor, Human Resources, or any member of management;
- k) Act immediately on incidents of Workplace Violence;
- l) Document incidents reported by the Employee or incidents that are known or witnessed;
- m) Report incidents to Human Resources who will provide support for the intake, tracking, and processing of inquiries, complaints, and investigations;
- n) Address incidents, and depending on the nature of the incident or complaint, collaborate with Human Resources to determine who will investigate further;
- o) In collaboration with Human Resources, determine appropriate corrective action to address the incident;
- p) Notify Human Resources immediately if a critical injury or fatality occurs in their Workplace as a result of an incident of Workplace Violence; and,
- q) Notify Human Resources as soon as possible if a Ministry of Labour, Training and Skills Development Inspector attends their Workplace as a result of an incident of Workplace Violence.

## 6.3 Employees

- a) Create and maintain a Workplace free from Workplace Violence while being a role model for others;
- b) Understand and comply with this Policy and accompanying program and participate in training;
- c) Review this Policy at least once annually;
- d) Summon immediate assistance by contacting Corporate Security, and in the case of extreme or imminent threat of physical harm to themselves or any individual from Workplace Violence, summon the Police;
- e) Raise any concerns about Workplace Violence to their Supervisor or Human Resources;
- f) Report incidents of Workplace Violence experienced, witnessed, or having knowledge of to their Supervisor, Human Resources, or any member of management; and, co-operate fully in investigations of incidents of Workplace Violence.

#### **6.4 Human Resources**

- a) Prepare, maintain, and facilitate the review of this Policy at least once, annually;
- b) Develop and maintain a program to implement this Policy in consultation with Workplace Parties, and review the program as often as necessary;
- c) Receive all incidents of Workplace Violence, and support the appropriate party to address and/or investigate;
- d) Provide support and guidance to Supervisors and Employees to ensure compliance with this Policy and accompanying program;
- e) Facilitate interactions with Ministry of Labour, Training and Skills Development Inspectors as a result of incidents of Workplace Violence;
- f) Facilitate informal resolutions, mediations, and investigations, as required
- g) Engage the Incident Assessment Team, to assist in the investigation and ensure corrective actions are consistent in the resolution of incidents of Workplace Violence;
- h) Report any fatal or critical injury as a result of Workplace Violence to the Ministry of Labour, Training and Skills Development; and,
- i) Offer Workplace Violence Prevention Program training and other requisite training programs (e.g. Workplace investigations) as required by the *Occupational Health and Safety Act*.

### **7. Right to Refuse**

- 7.1** Employees have the right to refuse unsafe work where workplace violence is likely to endanger them. While the work refusal is being investigated, the worker is to

remain in a safe place that is as near as possible to his or her work station, making him or her available for the purpose of an investigation.

**7.2** Investigations in a “right to refuse” situation must include a representative from the Joint Health and Safety Committee.

## **8. Domestic Violence**

8.1 The *Occupational Health and Safety Act* 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.*

## **9. Monitoring and Compliance**

**9.1** Supervisors must monitor their Employees’ compliance with this Policy on an ongoing basis.

**9.2** Operating departments must keep Records to verify compliance with this Policy in case of periodic reviews by Human Resources.

**9.3** The Policy must be reviewed at least once, annually by Senior Leaders to ensure its effectiveness and to comply with legislation.

**9.4** Consequences of non-compliance

9.4.1 Any Employee, who violates this Policy, including making a report of violence that is false, frivolous, or made in bad faith, may be subject to:

- regulatory action and/or criminal charges; and/or
- immediate corrective action which may include:
  - I. termination of employment;
  - II. prohibition from Municipal property;
  - III. having the incident reported to the Police; and /or,
  - IV. other action as appropriate.

9.4.2 Members of the public, visitors to Municipal facilities, or individuals conducting business with the Municipality, are expected to adhere to this Policy. This includes refraining from inappropriate behaviour towards Employees, Members of Council, and persons acting on behalf of the Municipality. If inappropriate behaviour occurs, the Municipality will take appropriate action to ensure a Workplace free from violence. This could include barring the person from facilities, reporting the incident to Police, or other action with vendors or suppliers.

### **9.5 Alternative Approach**

Circumstances may exist where the provisions of this Policy may not apply or may require an alternate course of action. In these circumstances, written approval from the Chief Administrative Officer and Human Resources is required prior to any alternate action.

## **10 Reporting Process**

### **10.1 Obligation to Report**

10.1.1 All employees must report a situation that he/she believes is workplace violence under this Program. A report may be made by the actual victim of alleged workplace violence; by a co-worker who witnessed the incident(s); or by a third party reporting on behalf of the victim(s).

10.1.2 Employees who, with good intentions, provide information about behaviour or actions which they perceive as threatening or potentially violent will not be subject to disciplinary or other form of reprisal if their perceptions are not substantiated. However, if it is learned that an employee intentionally made a false report or provided false information regarding the report, disciplinary action up to and including termination may be taken against that employee.

10.1.3 A report should normally be made as soon as possible after the relevant action or behaviour occurred and directed to the employee's immediate Supervisor.

10.1.4 Although an employee may choose to make a verbal report, it is in the best interest of all concerned to provide a written report, which should contain a

brief account of the incident, when it occurred, the person(s) involved and the names of witnesses, if any. The report should be signed and dated.

10.1.5 If the report is submitted to the Supervisor, it shall be referred in consultation to the Department Head and the Human Resources Manager immediately. The Human Resources Manager with a supervisory person may choose to investigate it or retain a qualified outside consultant to do so.

10.1.6 The Human Resources Manager will inform the Chief Administrative Officer of the fact that a report has been made and that an investigation will be conducted.

## 10.2 Notice Requirements

9.2.1 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 to 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.

## 11 Investigations

**11.1** To the extent possible, the investigator shall ensure that the incident is investigated promptly and fairly, in a discreet and confidential manner to minimize implications with all parties involved.

**11.2** As soon as is reasonably practicable, the person(s) assigned shall initiate the investigation by meeting with the individual who made the report.

**11.3** The individual making the report has the right to be accompanied by another employee of his/her choice in any meeting with the investigator(s). The investigator(s) shall confirm receipt of the report, clarify details, and apprise the individual of the steps that will be taken.

- 11.4** After speaking with the applicable Senior Leader or Supervisor, the investigator(s) have the authority, subject to applicable laws, to talk with anyone, examine any documents, and enter any work locations that are relevant to the reported incident. If the Police request that the Municipality not investigate the situation until after the police investigation has been completed, the investigator will speak to Human Resources.
- 11.5** An employee who is the subject of a report and who refuses to discuss potentially violent behaviour or cooperate in interventions to assess or defuse the risk of workplace violence may, if information is uncovered through fact finding to establish a reasonable possibility of risk, be disciplined in accordance with the Municipality's Discipline Policy.
- 11.6** Interventions that may form part of a risk assessment or plan of action for an employee who is the subject of a report or investigation may include referral to the employee's physician, use of sick leave, and/or temporary leave of absence, referral to counselling, fitness-for-duty evaluation and other appropriate interventions. Extreme situations may warrant obtaining appropriate court orders, and/or police involvement.
- 11.7** Depending upon the circumstances, the investigator(s) may determine that it is appropriate to physically and/or operationally separate the employee who made, and the employee who is the subject of the report until the investigation has been completed. In extreme situations, an employee may be suspended (with or without pay) pending an investigation.

## **12 Findings and Recommendations**

- 12.1** Once the investigation is complete, the investigator(s) will submit a confidential written document to the Chief Administrative Officer. The investigator(s) will endeavour to submit this document within ten (10) calendar days from the receipt of the initial report. The document will summarize the investigator's findings and conclusions and will recommend corrective action if appropriate.
- 12.2** A conclusion about whether a specific incident of workplace violence did or did not occur should be based upon the investigation.
- 12.3** If the findings do not support the initial report, the investigator(s) will recommend that no further action is necessary.

**12.4** Human Resources will inform the Chief Administrative Officer, as well as the applicable Supervisors or Senior Leaders of the content of the report and the investigator's findings, conclusions, and recommendations. In cases likely to result in suspension or termination from employment and/or where the respondent has been the subject of several reports, the Chief Administrative Officer may approve, change or reject any of the investigator(s) recommendations.

### **13 Discipline**

**13.1** The appropriate disciplinary action imposed shall follow the Municipality's Discipline Policy.

### **14 Confidentiality**

**14.1** All investigations, interviews and deliberations shall be conducted in strict confidence to the extent possible. The documents will be stored in the Human Resources Department. Except as otherwise outlined in the Policy, information about a report of violence, its investigation and/or its resolution shall be released only on a need-to know basis, as determined by Human Resources.

**14.2** To the extent possible, investigation reports shall be presented in summary format.

**14.3** The Municipality cannot guarantee confidentiality if the individuals who made, or those that are the subject of, a report choose to initiate proceedings or make comments outside the Municipality's internal procedures. Information collected and retained is subject to the *Municipal Freedom of Information and Protection of Privacy Act*.

### **15 Employee Representation**

**15.1** If the employees are members of a bargaining unit, the individuals who made, and those that are the subject of, a report are entitled to union representation throughout the investigation process, if they so choose.

**15.2** If the employees are non-union employees, they may also have a representative accompany him/her throughout the investigative process. The Investigators shall advise these individuals of their entitlement.

- 15.3** The representatives must ensure that the matter remains confidential, and not to disclose any information relating to a report, its investigation and/or resolution to anyone who is not aware of the matter.

## **16 Trauma Support**

- 16.1** Employees that have witnessed or experienced a traumatic event may need special support. These needs will be acknowledged and accommodated by the Municipality. The Municipality will encourage these Employees to use community agencies as appropriate.
- 16.2** Human Resources will advise the affected staff of their options and will coordinate any special

## **17 Employee Education and Training**

- 17.1** All new Employees shall be made aware of this Policy through the Employee orientation process.
- 17.2** Senior Leaders and Supervisors shall ensure that a copy of the Policy is readily accessible in the Workplace and shall ensure that all employees under their direction are aware of and comply with the Policy.
- 17.3** Supervisors shall ensure that the Employees that are under their supervision are aware of the Policy and all supervisory personnel shall act as good role models.