SUBJECT: Violence in the Workplace Prevention Policy (HUR05001) (City Wide)

RECOMMENDATION:

That the Violence in the Workplace Prevention Policy attached as Appendix “A” to this report HUR05001 be approved and implemented.

Catherine Graham, General Manager
Human Resources

EXECUTIVE SUMMARY:

The City of Hamilton recognizes that violence can constitute a health and safety hazard in the workplace. As part of an overall Code of Conduct for City employees, and in keeping with the Human Resources Strategy’s commitment to a respectful and supportive workplace, this Violence in the Workplace Prevention Policy provides for information and education for employees to promote the prevention of violence in the workplace. The policy also provides clear direction for dealing with incidents of violent behaviour or threats of violence.

BACKGROUND:

This Violence in the Workplace Prevention Policy is a new policy which, if approved will form part of the Code of Conduct for City of Hamilton employees. This Code of Conduct cluster of policies, when completed, will be made available to each employee of the City of Hamilton. While a Corporate Safety Procedure currently exists, as part of the review and update of the Human Resources policies, it was determined that it is appropriate to complete a Violence in the Workplace Prevention Policy.
An interdepartmental staff team has been formed to ensure that the City has a comprehensive workplace anti-violence strategy. A component of the procedures for this policy provides that workplace hazard assessments will be carried out by the Joint Health and Safety Committees to determine training and communication requirements.

**ANALYSIS/RATIONALE:**

In seeking to provide a safe, secure and respectful work environment, it is necessary to prepare and implement an up-to-date Violence in the Workplace Prevention Policy. The intention of the policy is to prevent violence in the workplace and where necessary to act upon incidents of violence promptly and effectively.

A clear, comprehensive policy against workplace violence will establish the City’s commitment to prevent workplace violence. It will assist employees in determining what is expected of them in a workplace free from violence, threats of violence and other disruptive behaviour.

**ALTERNATIVES FOR CONSIDERATION:**

There is no alternative to passing and implementing a Violence in the Workplace Prevention Policy, in light of Council’s desire to become a “City of Choice for High Performance Public Servants” and the commitment in the Human Resources Strategy to provide respectful, supportive, healthy, safe, inclusive and accessible workplaces.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial Implications:**

There will be costs associated with implementing this policy and program and implementing any possible upgrades or installations identified by the workplace hazard assessments. After receipt of the workplace hazard assessments carried out by the Joint Health and Safety Committees, further work will be required to determine the priorities for the necessary training, changes to operating procedures and retro fitting of facilities to address identified hazards. Costs will either be absorbed in departmental budgets or provided for in subsequent budget requests.

**Legal Implications:**

Liability could occur if the City, as an employer, does not institute policies and procedures to prevent violence in the workplace and to deal appropriately with incidents of violence or threatened violence.

Legal Services has advised that the proposed policy complies with the following legislation which was considered in the preparation of this policy.
Policies Affecting Proposal:

This policy will form part of the “Code of Conduct” policy cluster which also includes:

- Harassment & Discrimination Prevention Policy (including Sexual Harassment) *(currently existing Human Resources Policy)*
- Personal Harassment Prevention Policy *(currently existing Human Resources Policy)*
- Substance Abuse Prevention Policy *(under development)*
- Conflict of Interest Policy *(under revision)*
- Fraud Policy & Protocol *(currently existing corporate policy)*
- Policy for Business Travel, Seminar & Conference *(currently existing corporate policy)*
- Computer Acceptable Use Policy *(currently existing corporate policy)*
- Election Activity Policy *(under development)*
- Employment of Relatives Policy *(currently existing Human Resources Policy)*

Relevant Consultation:

The Human Resources Department has consulted with the following in the development of this policy.

**Union Locals**

- CUPE, Local 5167
- ATU, Local 107
- I.U.O.E., Local 772
- OPSEU – EMS, Local 256
- H.P.F.F.A., Local 288
- ONA, Local 50
- C.U.P.E., Local 1041
- C.L.A.C., (Part time Firefighters), Local 911

- Risk Management
- Legal Services
- Non-union Employee Policy Review Group
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes ☐ No
The City is committed to providing a safe and respectful environment for its employees as well as all those who enter its facilities and access its services.

Environmental Well-Being is enhanced. ☐ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☐ Yes ☐ No
A skilled, innovative and diverse workforce is attracted and retained.

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☐ No
This policy promotes a workplace without violence as well as provisions to deal effectively and promptly with incidents of violent behaviour.
VIOLENCE IN THE WORKPLACE PREVENTION POLICY
(Code of Conduct)

POLICY STATEMENT
AND PURPOSE

The City of Hamilton is committed to providing a respectful, supportive, healthy, safe, accessible and inclusive work environment for all employees, who are entitled to work in an environment free from violence, threats of violence, intimidation and other disruptive behaviour. The City is also committed to providing a safe and respectful environment for all those who enter its facilities and access its services.

This policy defines Violence in the Workplace, and identifies the rights and responsibilities of employees and management. It establishes expectations about appropriate behaviour and clarifies the City’s commitment to addressing inappropriate behaviour.

The City prohibits violence in the workplace, or at any work related and/or staff function, or in any other work-related circumstances. The City will be proactive in working with its employees to prevent violence in the workplace.

The intention of this policy is to prevent violence from taking place, and where necessary to act upon incidents of violent behaviour promptly, fairly, and judiciously. The most effective element in preventing violence in the workplace is education. The City will provide education, information and promote awareness of violence issues to foster a safe, secure and respectful workplace.

The City of Hamilton has also implemented policies on Harassment and Discrimination and Personal Harassment. Those policies may provide means for addressing concerns which do not fall within the provisions of the Violence in the Workplace policy.

SCOPE

This policy applies to all employees of the City of Hamilton, including but not limited to regular, temporary, probationary and contract employees and to students, volunteers, and interns.

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. Should such violence occur, the City will take all available steps to ensure a workplace free from violence.

**SHARED RESPONSIBILITY**

Since all employees have the right to work in an environment free from violence, all employees share the responsibility to support a violence free workplace. The particular responsibilities of the employer, management, and employees are specified as follows.

**EMPLOYER RESPONSIBILITY**

The City of Hamilton is responsible for:

- Providing a workplace free from all forms of violence, threats of violence, intimidation and other disruptive behaviour.
- Providing violence awareness education and information to employees, including training in conflict resolution and violence prevention for managers and supervisors where appropriate.
- Creating an environment that encourages victims of violence and witnesses to report all incidents of violence.

**MANAGEMENT RESPONSIBILITY**

Management staff are expected to provide employees with a safe work environment, free from violence, threats of violence, intimidation and other disruptive behaviour. They must ensure that violence is not tolerated, ignored or condoned.

Management staff are responsible for not only their own actions, but also for dealing with the actions of staff under their supervision. The following are steps which management staff will undertake to prevent violence in the workplace and to address violent behaviour.

- If violence occurs or if management staff becomes aware of violence in the workplace, or the threat of violence, action must be taken in accordance with this policy. Management staff must approach an employee if violence or the threat of violence is suspected because some employees may be embarrassed or reluctant to report a violent incident, or threat of violence. In some circumstances, it may be necessary for management staff to report incidents of violence if the employee who is the victim of violence is reluctant, too frightened or otherwise unable to do so. Management staff who do not take corrective action may be subject to disciplinary action.
- Discipline those employees found to have violated this policy.
- Depending on the nature of the violent incident, management staff may advise those involved of their option to contact the Police, or alternatively, may decide the situation warrants them to call the Police directly.
 Attend education and training sessions on violence prevention and conflict resolution provided by the City of Hamilton.

 In consultation with the Human Resources Department, provide employees who have been subjected to workplace violence and their co-workers who witnessed the incident, with appropriate supports, eg, Employee and Family Assistance Program, Critical Incident Response Team.

**EMPLOYEE RESPONSIBILITY**

Employees share the responsibility to ensure that their work environment is free from violence, threats of violence, intimidation and other disruptive behaviour. Employees must not threaten violence or engage in any violent behaviour in the workplace, at any work related functions, or in any other work related circumstances. This includes but is not limited to:

- Engaging in or threatening violence and/or using any City resources such as workplace phones, fax machines, mail, or email to perpetrate or threaten violence. (See City of Hamilton Computer Acceptable Use Policy).

- Engaging in violence or threatening violence which has arisen out of a workplace incident or relationship while away from the workplace.

Employees must report any incidents of violence or threatened violence in the workplace, to supervisors or managers, or directly to the Human Resources Department, Labour Relations Officer or Human Rights Consultant. Employees covered under a collective agreement may also speak to a union representative. If a criminal act, or suspected criminal act has occurred, employees are to report the incident to the Police and are strongly encouraged to notify the Human Resources Department, Labour Relations Officer.

Employees are expected to co-operate fully in any investigation of a violent incident.

Employees are expected to treat all other employees and members of the public with respect and dignity.

**VIOLENT WORKPLACE BEHAVIOURS**

Workplace violence may be physical or psychological in nature. Examples of violent workplace behaviours may include but are not limited to the following:

- Assault or Battery (with or without a weapon) including shoving, hitting, pushing or kicking

- Behaviour intended to intimidate such as vandalism, arson, sabotage, or throwing objects
• Displays of any kind of weapon

• **Verbal or written threats:**

  **Direct Threats:** Clear and explicit written or verbal communication which clearly indicates that the perpetrator intends harm, eg. “You’re going to pay for what you did”

  **Conditional Threats:** Implied, (written or verbal) involving a condition eg. “If you don’t stop bugging me, you will be sorry”.

  **Veiled Threats:** Typically involve behaviours that suggest that the perpetrator intends harm eg., “This hammer could really do some damage”.

• Threatening messages transmitted through third parties.

• Intimidation and bullying.

**COMPLIANCE**

Any employee who is found to have violated this Violence in the Workplace Prevention Policy may be disciplined according to the severity of the actions, up to and including dismissal.

**REPRISAL**

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 dismissal.

**FALSE ACCUSATIONS**

Any employee found to have lodged or otherwise supported a false accusation will be subject to appropriate disciplinary action up to and including dismissal.

**CONFIDENTIALITY**

The City of Hamilton will make every effort to ensure appropriate confidentiality where an incidence of violence has occurred.

**DEFINITIONS**

**Assault:** Any willful attempt or threat to inflict injury upon another person, when coupled with an apparent present ability to do so, and any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm.

**Battery:** Occurs when a person:
1. Actually and intentionally touches or strikes another person against the will of the other, or;
2. Intentionally causes bodily harm to another person

**Bullying:** The misuse of power or position to persistently criticize and condemn; to openly humiliate and undermine an individual’s ability. The bullying attacks on a person may be sudden, irrational, and unpredictable.

**Management Staff:** 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, Supervisors, Team Leaders, Project Managers and Forepersons.

**Perpetrator:** An individual who threatens or commits an act of violence.

**Violence:** Unjust or unwarranted exercise of force; the unlawful use of force so as to injure, damage or abuse a person.

**Weapon:** Anything used, or designed to be used, in destroying, defeating, threatening or injuring a person.

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**COUNCIL REFERENCE**

Approved by Council of the City of Hamilton on 2005, in Report No.