

	Violence in the Workplace Policy V-1068-20	Effective Date: September 30, 2020
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Part 1 Purpose

- 1.1 The Municipality of the District of Yarmouth (MODY) is committed to providing a safe work environment for all employees and Councillors. MODY will respond promptly to threats, acts of violence, and acts of aggression by any employee, Councillor, committee member, member of the public or other person;
- 1.2 every employee and Councillor at the Municipality is responsible for keeping the workplace free from violence. This includes verbal and physical intimidation, hostile language and actions, verbal and physical threats, bullying or violent behavior by employees, Councillors or members of the public against self, others or Municipal property;
- 1.3 an employee, Councillor, committee member, client, member of the public or other person who exhibits violent or threatening behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including dismissal from employment, removal from committee, or sanction under Municipal and Provincial legislation or policy;
- 1.4 any employee, Councillor, or committee member may file a complaint under this policy. Complaints by members of the public will be addressed through the Code of Conduct and Progressive Discipline Policy

Part 2 Definitions

- 2. 1 “CAO” means the Chief Administrative Officer of the Municipality of Yarmouth;
- 2. 2 “Complaint” means a formal (written or verbal) allegation against a party of a situation that is unsatisfactory or unacceptable;
- 2. 3 “Complainant” means the person who has made a report about another individual whom they believe violated this Policy;
- 2. 4 “Councillor” means a member of the MODY Council;

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- 2. 5 “Human Resources” means the Director of Corporate Services;
- 2. 6 “Investigator” means the person charged with conducting the investigation;
- 2. 7 “MODY” means the Municipality of the District of Yarmouth;
- 2. 8 “Municipality” means the Municipality of the District of Yarmouth;
- 2. 9 “Respondent” means the person who is alleged to have violated this Policy;
- 2. 10 For the purposes of this policy, the “workplace” is considered to be any place occupied by an employee, Councillor, committee member, client or citizen where municipal business is being conducted as part of their employment or function which includes, but is not limited to, municipal offices and sites, municipally-owned vehicles, work-related social gatherings, on-line or electronic media, work-related functions or other locations where an employee, Councillor, committee member, client or citizen is engaged in activity associated with their employment or conducting municipal business, and private homes, businesses or construction sites where an employee is conducting municipal business;
- 2. 11 “Violence in the workplace” may include, but is not limited to, the following list of prohibited behaviors directed at or by employees, Councillors, committee members, clients, or others:
 - 2.11.1 direct threats or physical intimidation such as shaking a fist at someone, finger pointing, destroying property, or throwing objects;
 - 2.11.2 physically aggressive behaviours, including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault;

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- 2.11.3 verbal or written threats to physically attack an employee, including through electronic media;
- 2.11.4 intentionally causing damage to the property of another;
- 2.11.5 implications or suggestion of violence;
- 2.11.6 bullying;
- 2.11.7 intimidation;
- 2.11.8 unwelcome and/or disrespectful comments or gestures;
- 2.11.9 stalking;
- 2.11.10 possession of weapons of any kind on municipal property, including parking lots, other exterior premises or while engaged in activities for the Municipality in other locations;
- 2.11.11 assault of any form as defined under Federal or Provincial statute;
- 2.11.12 physical restraint, confinement;
- 2.11.13 dangerous or threatening horseplay;
- 2.11.14 loud, disruptive or angry behavior or language that is clearly not part of the typical work environment;
- 2.11.15 blatant or intentional disregard for the safety or well-being of others;
- 2.11.16 commission of a violent crime on municipal property;
- 2.11.17 any other act that a reasonable person would perceive as constituting a threat of violence.

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It is defined broadly enough to include acts that may be considered criminal.

Part 3 Policy

- 3. 1 Any person experiencing or witnessing imminent danger of personal injury or violence involving weapons should call 911 immediately;
- 3. 2 Any person who is the subject of a suspected violation of the Violence in the Workplace Policy involving violence without weapons or personal injury, or is a witness to such suspected violation, should report the incident to his or her supervisor, Human Resources or the CAO;
- 3. 3 Employees are expected to report any threat or act of violence that they have witnessed, received, or been informed of, to their supervisor, Human Resources or the CAO; supervisors and Human Resources shall provide written notice of such a report to the CAO;
- 3. 4 In cases where the respondent or complainant is a Councillor, reports shall be made to the municipal solicitor; the municipal solicitor shall provide written notice of such a report to the CAO;
- 3. 5 In cases where the respondent or complainant is the CAO, reports shall be made to the municipal solicitor;
- 3. 6 Employees or Councillors who commit a violent act or threaten to commit a violent act may be subject to disciplinary action, criminal prosecution and/or civil prosecution as appropriate;
- 3. 7 Any individual who makes a substantial threat, exhibits threatening behavior or engages in violent acts on municipal property, at municipally sponsored events, or other location/event shall be subject to removal from the premises as quickly as safety permits, pending the outcome of an investigation.

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Part 4 Complaint

4.1 Complaint involving an employee or member of the public

4.1.1 anyone who believes that he or she has been subject of violence in the workplace will:

4.1.3.1 make a reasonable attempt to resolve the behavior informally by telling the alleged offender that their behavior is unacceptable and unwelcome and clearly stating that this behavior must stop;

4.1.3.2 if the matter is not resolved informally between the individuals, the complainant should immediately inform one of the following: their immediate supervisor, Human Resources, or the CAO;

4.1.3.3 anyone who is a witness to violence in the workplace should immediately inform one of the following: their immediate supervisor, Human Resources, or the CAO. The witness will be notified if the complaint is resolved informally, or if the matter is progressing to an investigation.

4.1.2 Supervisors and managers who are aware of violence including prohibited conduct or any potential for violence in the workplace are expected to address the situation promptly whether or not a formal complaint has been made. Supervisors and managers are required to proactively address any conduct which could lead to violence or a violent act;

4.1.3 it is important that reports or complaints be made as soon as possible after the alleged incident has occurred so that the issue may be addressed as swiftly as possible;

4.1.4 the complainant may have evidence of violent or aggressive behavior, but may not wish to lay a formal complaint, if this happens:

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4.1.4.1 the CAO, Human Resources or supervisor (in the case of employees) and the complainant may agree on an informal means of resolving the issue which may include informal meetings or other communications with the person against whom the allegations are made; or

4.1.4.2 the CAO may recommend that an investigation should nevertheless occur as though a formal complaint was in fact laid, even where that recommendation is contrary to the wishes of the complainant. An investigation may need to proceed if the allegations are serious or if there have been previous complaints or incidents involving the respondent. The CAO will consider this recommendation in consultation with the Municipal Solicitor.

4.1.5 Where possible a complaint must be made in writing and include details of:

4.1.5.1 what happened – a description of the events or situation;

4.1.5.2 when it happened – dates and times of the events or incidents;

4.1.5.3 where it happened;

4.1.5.4 who saw it happen – the names of any witnesses.

4.1.6 In all cases the CAO shall be informed of reports and shall have the final decision on the appropriate course of action.

4.2 Complaint involving a Councillor or the CAO who is either the complainant or respondent

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- 4.2.1 anyone who believes that he or she has been subject of violence in the workplace will:
 - 4.2.3.1 make a reasonable attempt to resolve the behavior informally by telling the alleged offender that their behavior is unacceptable and unwelcome and clearly stating that this behavior must stop;
 - 4.2.3.2 if the matter is not resolved informally between the individuals, the complainant should immediately inform the municipal solicitor;
- 4.2.2 anyone who is a witness to violence in the workplace should immediately inform one of the following: the Municipal solicitor, CAO or Human Resources, (CAO and Human Resources will refer the matter to the Municipal solicitor). The witness will be notified if the complaint is resolved informally, or if the matter is progressing to an investigation;
- 4.2.3 The Council, CAO, supervisors and managers who are aware of violence including prohibited conduct or any potential for violence in the workplace are expected to address the situation promptly whether or not a formal complaint has been made;
- 4.2.4 it is important that reports or complaints be made as soon as possible after the alleged incident has occurred so that the issue may be addressed as swiftly as possible;
- 4.2.5 the complainant may have evidence of violent or aggressive behavior, but may not wish to lay a formal complaint, if this happens:
 - 4.2.4.1 the solicitor and the complainant may agree on an informal means of resolving the issue which may include informal meetings or other communications with the person against whom the allegations are made; or
 - 4.2.4.2 the solicitor may recommend that an investigation should nevertheless occur as though a formal complaint was in fact laid,

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even where that recommendation is contrary to the wishes of the complainant. An investigation may need to proceed if the allegations are serious or if there have been previous complaints or incidents involving the respondent;

4.2.6 where possible a complaint must be made in writing and include details of:

4.2.5.1 what happened – a description of the events or situation;

4.2.5.2 when it happened – dates and times of the events or incidents;

4.2.5.3 where it happened;

4.2.5.4 who saw it happen – the names of any witnesses.

Part 5 Investigation

5.1 Investigations will be completed by the CAO, Human Resources or other employee appointed by the CAO. In all cases involving a Councillor or the CAO, the investigation shall be completed by the municipal solicitor. The Municipality also has the option of retaining an external investigator where appropriate.

The investigation will include:

5.1.1 interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations;

5.1.2 interviewing available witnesses, if any;

5.1.3 reviewing any related documentation;

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- 5.1.4 making detailed notes of the investigation and maintaining them in a confidential file;

- 5.2 where the case involves an employee, once the investigation is complete, the investigator will prepare a detailed report of the findings to the CAO. A summary of the findings will also be provided to the complainant and respondent.

- 5.3 where the case involves a Councillor, once the investigation is complete, the solicitor will prepare a detailed report of the findings and recommendations and submit to Council and the CAO at an in-camera session;

- 5.4 where the case involves the CAO, once the investigation is complete, the solicitor will prepare a detailed report of the findings and recommendations and submit to Council at an in-camera session; if the CAO chooses, they may elect to have legal representation present for the delivery of the report to Council;

- 5.5 should circumstances warrant, the respondent's employment, or seat on a committee may be suspended (with pay for employees and Councillors) during all or part of the Municipality's investigation. Where a criminal charge is laid, the Municipality reserves the right to suspend an employee, Councillor or committee member without pay pending trial;

- 5.6 where the Warden or Deputy Warden is involved, Council may choose exercise its rights, with respect to removing them from those positions, as provided for in the *Municipal Government Act*.

- 5.7 no employee, Councillor or committee member shall be subjected to criticism, reprisal, retaliation or disciplinary action from MODY for good faith reporting pursuant to this policy; filing a complaint or providing evidence in bad faith could result in disciplinary action for employees, or suspension of committee seat for committee members and Councillors.

- 5.8 this policy has the goal of balancing timeliness of the investigation with the concepts of thoroughness and fairness for all involved. Following are the investigation timelines:

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1. Once a complaint is received, the investigator will have 14 calendar days to collect statements from victims and witnesses;
2. The respondent will then have 14 calendar days to submit a rebuttal in writing;
3. The investigator will then have 14 calendar days to submit a final report, including checking with complainants or witnesses on statements made by the respondent;
4. Depending on the complexity of the situation, additional time may be allotted for proper research

Part 6 Third Parties

6.1 This policy also applies to customers, clients and the general public who violate this policy. The Municipality may have limited ability to investigate or control the conduct of these third parties. However, MODY will take reasonable action to stop or reduce the risk to its employees, Councillors or committee members of violations of the policy by third parties. Such action may include:

6.1.1 posting this policy in a location visible to third parties;

6.1.2 removing third party violators;

6.1.3 withdrawing municipal services;

6.1.4 contacting law enforcement;

6.1.5 taking legal action against third party violators;

6.2 where a third party engaged in workplace violence has been asked to stop and does not, employees are authorized to:

6.2.1 end telephone conversations;

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6.2.2 politely decline service;

6.2.3 ask the individual to leave the workplace;

6.2.4 seek the assistance of a supervisor or law enforcement.

All such actions shall be reported immediately, in writing, to the supervisor, Human Resources or the CAO;

6.3 where employees are in the private home or business of a client who engages in workplace violence, employees are authorized to decline service and leave the premises. Where a client has engaged in workplace violence in the past, or where there is a good possibility of the client becoming violent, employees are encouraged not to attend alone.

Part 7 Rights

7.1 Employees have the right to refuse work if workplace violence is likely to endanger them. In these instances, employees should immediately contact their supervisor, at which point appropriate measures will be taken to protect the employee and investigate the situation.

MUNICIPALITY OF THE DISTRICT OF YARMOUTH

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Chief Administrative Officer's Annotation for Official Policy Book	
Date of Notice to Council members of Intent to Consider (7 days Min)	September 21, 2020
Date of Passage of current Policy	September 30, 2020
I certify that this Violence in the Workplace Policy V-1068-20 was adopted by Council as indicated above.	
	
_____	<u>October 13, 2020</u>
Chief Administrative Officer	Date

Date last reviewed: September 30, 2020

Date last amended: