



BY-LAW

NO. 2025 –

**Being a By-law to Adopt a Violence Prevention in the Workplace Policy for
The Corporation of the Municipality of Kincardine**

Whereas pursuant to the said Municipal Act, Sections 8 and 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas Section 270 (1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended, requires a municipality to adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

Whereas the Occupational Health & Safety Act, Part III.0.1 Violence and Harassment indicates that an employer shall prepare a policy with respect to workplace violence; and

Whereas the Council of the Corporation of the Municipality of Kincardine desires to adopt a new Violence Prevention in the Workplace Policy; now therefore be it

Resolved that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That the Violence Prevention in the Workplace Policy for The Municipality of Kincardine, attached hereto as Schedule 'A' and forming part of this By-law be adopted.
2. That this By-law shall come into full force and effect upon its final passing.
3. That Policy GG.6.7 Violence Prevention Policy and all other Policies inconsistent with this By-law, be repealed.
4. That Policies GG.6.10 Substance Abuse (Drug & Alcohol) Policy; GG.6.11 Medical Marijuana Policy; and GG.6.8 Progressive Discipline Policy be repealed, as these Policies are replaced by the Human Resources Procedures.
5. That By-law may be cited as the "Violence Prevention in the Workplace Policy By-law".

Read a First, Second and Third Time and Finally passed this 8th day of January, 2025.

Mayor

Clerk

Schedule 'A'

Policy No.: HR.06

Section: Your Government & People

Policy Title: Violence Prevention in the Workplace Policy

Adopted Date: January 8, 2025

By-law No.: 2025 -

Revision Date:

1. Purpose

The Municipality of Kincardine ("Municipality") is committed to building and preserving a safe, productive, and healthy working environment for its employees, free from workplace violence or threats of violence. It is required by law to protect against all forms of violence and the Municipality will strive to create a workplace where workers are respected and feel safe to contribute.

Acts of violence against or by any employee will not be tolerated by the Municipality. The Municipality is committed to addressing all reports or complaints of violence in a fair and timely manner in accordance with the outlined procedure. The Municipality is committed to preventing and resolving workplace violence situations to the best of our ability.

If at any time there is an **immediate risk** to any person or property, all parties involved will move to a safe environment and **call police at 9-1-1**.

Any worker who subjects another individual to violence in the workplace will be subject to disciplinary actions appropriate to the severity of the incident, up to and including termination.

2. Scope

Violent behaviour in the workplace is unacceptable and will not be tolerated from workers, supervisors, management, Council members, clients, contractors, or residents. Everyone is expected to uphold this policy and to work together to prevent workplace violence.

3. Definitions

"Violence in the Workplace" shall mean the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker OR an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker OR a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.

"Domestic Violence" shall mean 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, that may physically harm, attempt or threaten to physically harm that worker while at work.

"Complainant" shall mean the person who reports or complains about violence or threats of violence.

"Designated Investigator" shall mean a third party selected by the Human Resources Department or Mayor to conduct the investigation.

"Respondent" shall mean the person whose conduct or actions are the subject of a violence or threat of violence report or complaint.

"Retaliation" shall mean taking or threatening to take adverse action against someone because of a reported complaint about violence or threats of violence or due to participation in an investigation of an alleged violation.

"Witness" shall mean a person who may have information relevant to the report or complaint and may volunteer or be requested to provide that information.

4. Responsibility

The Chief Administrative Officer is responsible for the overall application of the Policy. When, in the judgement of the Chief Administrative Officer, a situation is apparent that should be communicated to Council, it will be done so through normal reporting procedures.

It is the responsibility of every Director, Manager, and Supervisor to be familiar with the Policy and understand when reported incidents need to be escalated.

Employees are responsible to adhere to the Policy and understand how to report a complaint. The Human Resources department will ensure that when the situation arises that meets the criteria defined in the Policy, the appropriate procedures will be followed.

5. Procedure

5.1. General Parameters

Any employee who is aware of violent activity including prohibited conduct or any potential for violence to occur should notify their supervisor and the Human Resources department immediately.

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.

For the purposes of this policy and procedure, workplace violence can occur:

- a) At the workplace
- b) At employment-related social functions
- c) In the course of work assignments outside the workplace
- d) During work-related travel
- e) Over the telephone, if the conversation is work-related
- f) Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship

For the purposes of this policy and procedure, the following are examples of workplace violence:

- g) Verbally threatening to attack a worker
- h) Displaying or exhibiting extreme anger or hostility
- i) Shaking a fist in a worker's face
- j) Wielding a weapon at work
- k) Sending threatening notes or emails
- l) Hitting or trying to hit a worker
- m) Throwing an object at a worker
- n) Trying to run down a worker using a vehicle or other equipment

5.2. Violence Risk Assessment

The Municipality will conduct a risk assessment of the work environment to identify potential risks that could affect the organization and the health and safety of employees and will institute measures to eliminate or control any identified risks to employee safety.

The following factors will be considered during the assessment:

- a) Past incidents of violence
- b) Violence that is known to occur in similar workplaces
- c) The circumstances in which work takes place, including the type of work and conditions of work
- d) The interactions that occur in the course of performing work
- e) The physical location and layout of the workplace

The risk assessment may include reviews of records, incident reports, staff surveys, health and safety inspection reports, first aid records, or other related records. Areas that will be considered and may contribute to risk of violence

include but are not limited to: contact with the public, exchange of money, receiving doors, and working alone or at night.

The Municipality will provide the Joint Health & Safety Committee with a written copy of the assessment and advise of the results. The Municipality will reassess the risks of workplace violence as often as necessary to ensure that the policy and procedure continue to protect workers from workplace violence.

5.3. Reporting Incidents of Workplace Violence

Employees are strongly encouraged to report any incidents of workplace violence to the appropriate person as soon as possible. Any individual who believes that they have been subject to or a witness to violence in the workplace will:

- a) Where possible, make a reasonable attempt to resolve the behaviour informally by confronting the alleged offender that his or her behaviour is unacceptable and unwelcome and clearly state verbally or in writing that this behaviour must stop without filing a formal complaint.
- b) If the matter cannot be resolved informally between the individuals, the Complainant should immediately inform (in writing) one of the following: their immediate supervisor, Manager or Director and the Human Resources department.
- c) If the alleged offender is the employee's manager, or in a position of power, the complainant is welcome to file a complaint with the Director or the Human Resources department.
- d) In the case of inappropriate or violent behavior involving a member of Council, the Mayor is required to respond proactively and oversee the process in consultation with the Integrity Commissioner.
- e) The *Workplace Harassment & Violence Reporting Form* will be used to report any alleged incident.

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. Management will investigate and deal with all complaints or incidents of workplace violence in a fair, respectful, and timely manner.

The *Incident Decision & Escalation Path* will be used as a guide through the process.

5.4. Investigation Process

The Municipality will ensure that an investigation appropriate in the circumstances is conducted when the Human Resources department or Management becomes aware of an incident or receives a complaint of workplace violence.

Once a complaint has been reported to the Human Resources department, the Human Resources Manager will determine who will conduct the investigation into the incident or complaint of workplace violence. If the allegations of workplace violence involve the Chief Administrative Officer or a Director, the investigation will be referred to a designated third-party investigator to conduct an impartial investigation. Upon the commencement of a formal investigation, the Chief Administrative Officer and the Mayor will be informed.

Once a complaint has been received, the Municipality will complete a thorough investigation and take appropriate workplace action, as necessary, to protect the complainant during the course of the investigation. The Municipality will ensure that, where practicable, the investigation is completed within 60 days or less of the complaint being filed unless there are extenuating circumstance warranting a longer investigation. The Joint Health & Safety Committee will not be involved in investigations and will not be provided with any identifying information of the parties involved.

The investigator, whether internal or external, will at minimum complete the following:

- a) Ensure the investigation is kept confidential and information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- b) Interview the complainant who allegedly experienced the workplace violence and interview the respondent to allow for a response to the specific allegations.
- c) Interview any relevant witnesses employed by the employer who may be identified by either the complainant or respondent or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- d) Collect and review any relevant documents.
- e) Take appropriate notes and statements during interviews with the complainant, respondent, or any witnesses.
- f) Prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace violence, the response from the alleged respondent, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and provide one of the following determinations:
 - i. The allegations appear to be unsubstantiated and therefore no action will be taken
 - ii. The allegations appear to be substantiated and an action plan is required to resolve the matter

All employees will have a right to representation (i.e. JHSC member, union steward, supervisor, or human resources) throughout the investigation process.

5.5. Investigation Results

Upon completion of an investigation, the Municipality will provide both the complainant and respondent a written summary of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation. This written notification will be provided within 10 days of the investigation being completed and will not include the investigation report unless required by law.

Where the Municipality determines that violence or harassment has occurred, control measures will be implemented to eliminate or control the risk of violence or harassment to a worker as a result of the investigation.

These control measures will be determined on a case-by-case basis, depending on the situation investigated. Any control measure enacted will be communicated to the complainant and respondent, as well as any other employees the measure affects.

5.6. Disciplinary Measures

Any disciplinary action will be determined by the CAO and Director in consultation with the Human Resources Manager and will be proportional to the seriousness of the behaviour or action involved in the incident.

If the Municipality determines that an employee has been involved in an incident of violence towards another employee, immediate disciplinary action will be taken, up to and including immediate dismissal.

5.7. Domestic Violence

If the Municipality becomes aware that domestic violence is likely to expose an employee to physical injury in the workplace, the Municipality will take every reasonable precaution in the circumstances for the protection of the worker.

The Municipality will provide appropriate assistance to any employee who is a victim of violence. Municipality recommends that a worker who has been harmed as a result of an incident of violence at the workplace consult their health care provider for treatment or referral for post-incident counselling, if appropriate.

5.8. Confidentiality

Confidentiality is required to properly investigate a workplace incident and to offer proper support to those adversely affected. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Everyone involved with the investigation must ensure that all information is treated with strict confidence. Information will only be released to those who need to know for purposes related to the resolution of the complaint. The Municipality will do everything reasonably possible to protect the privacy of any individuals involved and to ensure that complainants and respondents are treated fairly and respectfully.

5.9. Fraudulent or Malicious Complaints

It is a violation of this policy for anyone to knowingly make a false complaint, or to provide false information about a complaint. Unfounded or frivolous allegations may cause both the respondent and the Municipality significant damage. Any employee who knowingly makes a false allegation related to violence or harassment will be subject to immediate disciplinary action, up to and including termination of employment.

5.10. No Retaliation

Employees will not be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace violence. Any retaliation or threat of retaliation will be addressed through the disciplinary process and will be subject to disciplinary actions appropriate to the severity of the incident, up to and including termination.

5.11. Instruction & Training

The Municipality will provide all employees with appropriate training and information regarding this policy and procedure. This will raise awareness and will help employees understand the factors that contribute to workplace violence and how to prevent it. Employees are responsible for adhering to this policy and should report every incident of violence immediately to management. This includes any incidents that have been witnessed, experienced by, or reported to an employee.

5.12. Record Keeping

All records of the investigation will be kept confidential and maintained in the Human Resources department. The investigation documents, including the report should not be disclosed unless necessary to investigate an incident or complaint of workplace violence, take corrective action or otherwise as required by law. The records will be retained according to retention standards set out by the Municipality.

5.13. Program Review

This policy and procedure have been developed in consultation with the Joint Health & Safety Committee. It will be reviewed annually, or more frequently if necessary to ensure that it accurately represents the Municipality's violence prevention program. In accordance with the Occupational Health and Safety Act, this policy will be posted in a conspicuous place in the workplace and signed by the Chief Administrative Officer.

6. Related Policies

- a) HR.06 Appendix A - Incident Decision & Escalation Path
- b) Workplace Harassment & Violence Reporting Form

7. Related Documents/Legislation

- a) Occupational Health & Safety Act, 1990

8. Additional Information/Subjects can be added as needed.

N/A

ACKNOWLEDGEMENT & AGREEMENT:

I, _____, acknowledge that I have read, understand, and will adhere to the Violence Prevention in the Workplace Policy of the Municipality of Kincardine.

NAME:	
SIGNATURE:	
DATE:	

APPENDIX A - Incident Decision & Escalation Path

