

<b>Corporate Policies and Procedures</b>			
<b>DEPARTMENT:</b> Human Resources			<b>POLICY #:</b> A-09
<b>POLICY:</b> Misconduct in the Workplace (other than Corporate Policy A-04 – OHRC Violation)			
<b>DATE:</b> JUN28/01	<b>REV. DATE:</b> OCT 28/15	<b>COVERAGE:</b> All Employees	<b>PAGE #:</b> 1 of 6

## **POLICY STATEMENT:**

The County of Renfrew is committed to providing a safe and secure workplace for its employees, free from threats and violence. The County will not tolerate any form of threatening remark or gesture against an employee of the County while carrying out his/her normal duties. All reports of incidents are taken seriously and dealt with appropriately. Employees who are found to have engaged in such conduct are subject to disciplinary action, up to and including dismissal.

## **DEFINITIONS:**

### **Bullying**

Bullying is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause, or should be known to cause, fear, distress and/or harm to another individual physically, psychologically, socially, or to their reputation or property, or to create a negative environment in the workplace for the individual. Bullying occurs in a context where there is a real or perceived power imbalance, (e.g. reporting relationship, job class, intelligence, economic status, age, gender, etc.). The behaviour includes the use of any physical, verbal, electronic written or other means.

### **Violence**

For the purposes of this policy, 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 he/she is at risk of injury.

### **Workplace Violence**

Workplace violence includes:

- Threatening behaviour such as shaking fists, destroying property, or throwing objects.
- Verbal or written threats – any expression of intent to inflict harm.
- Harassment – any behaviour that demeans, embarrasses, humiliates, annoys, alarms, or verbally abuses a person and that is known or would be expected to be unwelcome. This includes words, gestures, intimidation, bullying, or other inappropriate activities.
- Verbal abuse – swearing, insults, or condescending language.
- Physical attacks – hitting, shoving, pushing, or kicking.

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Rumours, swearing, verbal abuse, pranks, arguments, property damage, vandalism, sabotage, pushing, theft, physical assaults, psychological trauma, anger-related incidents, rape, arson, and murder are all examples of workplace violence.

Workplace violence can occur at off-site County business-related functions, at social events related to work, in clients' homes, or away from work but resulting from work (e.g. a threatening telephone call to an employee's home from a client).

#### **REQUIREMENTS:**

1. To ensure early identification and prevention of violence in the workplace, all employees are responsible for reporting, in writing to their manager and/or supervisor any incident committed by a County employee, a client, or a member of the public, that constitutes a potential or actual threat of violence towards a County employee, especially if one or more of the following factors is known to be present or to have occurred (this list is not exhaustive):
  - (a) Threatening statements to do harm to self or others.
  - (b) References to other incidents of violence.
  - (c) Intimidating behaviour such as insubordination, open defiance, pestering, or confrontational behaviour.
  - (d) History of violent, reckless, or anti-social behaviour.
  - (e) Recent marked decline in performance.
  - (f) Major change in personality, mood, behaviour, or standards of personal grooming.
  - (g) Obsessions with persons or things, particularly weapons.
  - (h) Experiencing what appears to be serious stress in personal life.
  - (i) Substance abuse.
  
2. Department Heads are responsible for:
  - (a) In consultation with the Human Resources Department, coordinating specific training for employees when such a need in their department has been identified.
  - (b) Providing active support to managers and supervisors in implementing this policy.

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- (c) Exercising responsibilities similar to those described for supervisors, for their area of responsibility.
3. Supervisors are responsible for:
- (a) Ensuring that all employees are aware of the contents of this policy.
  - (b) Promoting enrollment in training courses in these areas that are available to employees.
  - (c) Ensuring that their own skills in these areas are current.
  - (d) Being aware of and using appropriate stress-defusing measures when dealing with clients and members of the public, and when conducting performance reviews or engaging in discipline and termination of employees.
  - (e) Intervening in any incident to implement this policy.
  - (f) Taking immediate action when necessary, including, but not limited to, calling the police, fire department, and ambulance services, and summoning employees certified in first-aid as needed.
  - (g) Immediately reporting to the Department Head or Director of Human Resources, any direct or veiled threats of violence made to an employee, and any action taken.

**PROCEDURES:**

4. Following a report of an incident, the appropriate Department Head and the Human Resources Department shall:
- (a) Coordinate an immediate investigation, in co-operation with police services or through a trained risk assessor, when any incident or potential incident of violence is reported, in order to assess the risk or continued risk to County employees:
    - (i) Investigations may include interviews with the employee, significant other, supervisors, and other employees; a review of previous incidents if available, and consultations with the Health and Safety Committee.
    - (ii) Where a Bargaining Unit member is the subject of an investigation, an appropriate Bargaining Unit representative is included as a member of the investigating team.

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- (iii) Where a Bargaining Unit employee makes a claim against any employee outside of the Bargaining Unit, the Bargaining Unit representative (see (ii) above) will not be involved in the investigation meetings.
  - (b) If violence or threats are found to have occurred, take immediate steps to eliminate the risk and any possible recurrence.
  - (c) Develop or recommend, and monitor, the implementation of an action plan until there is a final resolution of the risk of violence.
  - (d) Document any information received or action taken in a separate file and take measures to protect the confidentiality of this information.
  - (e) Advise managers and supervisors on how to minimize the risk of violence associated with performance appraisals, disciplinary measures and terminations and on courses relating to the management of violent and abusive behaviour.
  - (f) Coordinate the provision of assistance to employees who were the target of violence or witnesses to violence and who may suffer adverse effects from the situation.
  - (g) Ensure that all employees receive a copy of this policy and coordinate general training as well as specific training in response to identified needs.
5. The employee shall:
- (a) Use appropriate stress-defusing behaviour with clients and with members of the public.
  - (b) Report to the supervisor, Department Head or the Director of Human Resources, as appropriate, any early warning signs of a potentially threatening situation which arouse concern and any instances of threatening statements or threatening behavior which was directed at them or at any other employee of the County.
  - (c) Co-operate fully in any fact gathering interviews which are designed to assess the risk of violence in the workplace and keep all information concerning the matter confidential.

Failure to do so will result in disciplinary or other appropriate action.

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6. Should a complaint be directed to the position of Chief Administrative Officer/Clerk or the Human Resources Director the procedures is as follows:
- (a) Complaint against the Chief Administrative Officer/Clerk:  
You may present your complaint in an oral and written presentation to the Warden. The Warden will investigate the complaint and then present it to the Finance and Administration Committee and Council as appropriate.
  - (b) Complaint against the Director of Human Resources:  
You may present your complaint in an oral and written presentation to the Chief Administrative Officer/Clerk of the Corporation.
7. The following apply to actions resulting from a report:
- (a) Employees who, with good intentions, provide information about behavior or actions which they perceive as threatening or potentially violent will not be subject to disciplinary or other action if their perceptions are not substantiated.
  - (b) An employee who is the subject of a report and who refuses to discuss potentially violent behavior or co-operate in interventions to assess or defuse the risk of workplace violence is, if information is uncovered through fact-finding to establish a reasonable possibility of risk, granted leave without pay and benefits until he/she agrees to co-operate and provides proof of co-operation. Refusal to co-operate may result in dismissal if the employee has received written notice to that effect and has been given a reasonable opportunity to co-operate.
  - (c) Interventions that may form part of a risk assessment or plan of action for a County employee who is the subject of a report or investigation may include referral to the employee's physician, use of short term disability plan or temporary leave of absence, referral to counseling and other services, fitness-for-duty evaluation and other appropriate interventions. Extreme situations may warrant suspension, obtaining appropriate court orders and/or police involvement.
  - (d) Employees who are found to be at risk of engaging in violent conduct or who have engaged in violent conduct may be subject to suspension or dismissal if warranted. Disciplinary action will not normally be taken until all other avenues of assistance have been considered and found to be inappropriate or ineffective. Employees who engage in repeat violent behaviour after a first incident is reported may be subject to immediate dismissal or suspension, pending the development of an appropriate plan of action.

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- (e) Where the threat or incident of violence has originated from an external source, actions that warrant consideration may include changes to the physical work space, changes to procedures to offer better support and protection, withdrawal of services, police intervention and the use of appropriate court orders.
- (f) A summary of the incident will be kept in the personnel file and all other related documents will be kept in a separate file.
- (g) This policy and its procedures do not abrogate any employee's right to file a grievance with the appropriate Bargaining Unit or to access other provisions of the Collective Agreement which may apply.
- (h) Any reprisal or threat of reprisal against an employee making a complaint or participating in the investigation of a complaint is regarded as a serious offence, subject to disciplinary action, and may result in a reprimand, suspension, or dismissal.

8. The following apply to trauma support:

- (a) County staff who have witnessed or experienced a traumatic event may need special support. Their special needs will be acknowledged and accommodated. The Human Resources Department maintains a list of available services that offer appropriate support.
- (b) The Director of Human Resources or designate will advise affected staff of their support options and will coordinate any special assistance that may be required.