



TOWNSHIP OF AUGUSTA

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| SECTION: | Health and Safety | POLICY NUMBER: | POL- 203 |
| SUBJECT: | Workplace Violence and Harassment Procedure | DATE APPROVED: | July 2024 |
| COVERAGE: | All Township Employees | REVIEW DATE: | July 2025 |

POLICY

1.0 OBJECTIVE

Augusta Township will not tolerate workplace violence and harassment as defined under the Ontario Occupational Health and Safety Act. Workplace violence may occur between co-workers, contractors, visitors, suppliers, or any member of the public etc. In addition, any harassment or discrimination incidents that escalate into workplace violence will not be tolerated. Any employee who engages in violence or harassment is subject to discipline up to and including termination of employment. The purpose of this procedure is to identify steps to follow in the event of an incident involving workplace violence and harassment.

2.0 SCOPE

The procedure applies to all Augusta Township employees. This procedure has been developed in accordance with the Ontario Occupational Health & Safety Act. The policy will be reviewed annually in accordance with applicable legislation.

3.0 DEFINITIONS

Conformity: Fulfillment of a requirement.

Contractor: Person or organization providing services to another organization in accordance with agreed upon specification, terms, and conditions.

Corrective Action: Action to eliminate the cause of a non-conformity and to prevent recurrence. There can be more than one cause for a non-conformity.

Employer: A person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor, or subcontractor to perform work or supply services.

Health and Safety Representative: A worker that brings awareness to safety concerns and facilitates communication between the constructor, supervisor, and the workers regarding safety.

Incident: Work related event(s) in which an injury, fatality or occupational illness occurred; and includes event(s) where no injury or illness occurred, such as a near hit or property damage.

Management: People who have care and control over people and/or processes.

Organization: Company, corporation, firm, enterprise, authority or institution, or part or combination thereof, whether incorporated or not, public, or private, that has its own functions, management, and administration.

Procedure: A documented, specified method to carry out an activity.

Record: Document stating results achieved or providing evidence of activities performed.

Risk: Combination of the likelihood of an occurrence of a hazardous event or exposure(s) and the severity of injury or occupation illness that can be caused by the event or exposure(s).

Risk Assessment: Process of evaluating the risk(s) arising from a hazard(s), considering the adequacy of any existing controls, and deciding whether or not the risk(s) is acceptable.

Senior Management: Person(s) at the highest level of an organization's structure responsible for leading, managing and /or directing an organization's day-to-day activities and/or operations.

Subcontractor: is an employer who hires workers and is hired in turn by a contractor.

Supervisor: A person who has charge of a workplace or authority over a worker.

Supplier: A person who supplies any machine, device, tool, or equipment under any rental, leasing, or similar arrangement for use in or about a workplace.

Worker: Any of the following:

- (a) A person who performs work or supplies services for monetary compensation.
- (b) A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
- (c) A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution.
- (d) Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.

Workplace: any land, premises, location, or thing at, upon, in or near which a worker works.

Workplace Harassment:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- (b) workplace sexual harassment

Workplace Violence: As per the Occupational Health and Safety Act, workplace violence is defined as:

- (a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- (b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- (c) A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Some examples of workplace violence are:

- **Threatening behaviour** - such as “shaking fists”, “moving closer aggressively”, “pointing finger”.
- **Physical attacks** – such as “hitting”, “shoving”, “spitting”, “pushing” or “kicking”.

Workplace sexual harassment is defined as:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

4.0. WORKPLACE VIOLENCE AND HARASSMENT POLICY AND PROGRAM

The up-to-date workplace violence and harassment policy should be posted on all health and safety boards. All employees must review the policy as part of their orientation. Senior management in consultation with the Health and Safety representative will review the policy at least annually or as often as necessary and update all employees on the amendments as soon as possible.

5.0. WORKPLACE VIOLENCE RISK ASSESSMENT

An employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. Management and supervisors are required to periodically assess the risk of violence in each workplace.

Assessments and reassessments must be documented, using the ***Workplace Violence Risk Assessment form in Schedule A***, and must identify the potential risks of violence in the workplace.

The assessment requires an evaluation of the following:

- General physical environment.
- Specific risks associated with the type of work or conditions of work.
- Controls associated with the specific risks.

An assessment will be conducted at the beginning and a reassessment will follow every three years.

A reassessment shall be done at a minimum of every three (3) years or as often as necessary. Reasonable controls must be implemented to eliminate or mitigate the risks identified in the assessment. A copy of the results of the assessment must be given to the health and safety representative or on the request of the workers if the assessment is in writing.

Risk Assessment controls are also communicated in the following ways:

- Safety meetings
- Safety board (posted)

6.0. HANDLING WORKPLACE VIOLENCE

6.1. Summoning Immediate Assistance

If a violent situation is determined an immediate threat, the emergency response plan for the workplace must be followed:

- workers who are at an immediate risk of workplace violence should promptly leave and seek out a safe place.
- Workers who are in a situation or have witnessed a situation where workplace violence is likely to occur should immediately contact the Supervisor or contact the Police by dialing 9-1-1.

(a) Employees who are at risk of workplace violence with non-workplace parties (visitors or anyone from the public etc.) on the workplace property.

(b) Employees who are in a situation or have witnessed a situation where workplace violence is likely to occur off workplace property should:

- contact the Police by dialing 911.

(c) Seek immediate assistance from public or seek shelter in a safe public place

6.1.1 When making the emergency service call:

- Remain calm.
- Let the operator control the conversation. They have standard questions for obtaining critical information from you in a timely and orderly manner.
- Clearly state your location and the location of the situation you are reporting using the street address if you know it.
- State briefly and clearly what you have observed or why you are calling.
- If possible, without exposing yourself to danger, stay on the line until emergency services arrive, unless the operator specifically asks you to hang up.

6.1.2 Taking into consideration the circumstances, secure the location or evacuate the premises on the advice of the supervisor when safe to do so.

6.1.3 Wherever possible, it is important to let the harasser or abuser know right away that his or her behavior is unacceptable and that it must stop immediately.

7.0. Domestic Violence

Domestic violence is defined as violent, threatening or extremely coercive behavior perpetrated by one partner in a current or former relationship on the other. It can consist of a pattern of ongoing abuse, or a single isolated incident. Senior Management shall take every precaution reasonable in the circumstances for the protection of the worker and other employees. The following steps should be taken if workers are found to be exposed to domestic violence:

- (a) Report issues of domestic violence immediately to senior management. All information will be kept confidential to maintain the privacy of the individual being threatened with domestic violence.
- (b) If an employee has a legal court order (e.g. restraining order, or “no-contact” order) against another individual, the employee may be required to notify his or her Supervisor, and to supply a copy of that order to Senior Management. This will likely be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at the company, in direct violation of the court order. Such information will be kept confidential.
- (c) Employers will apply controls to workplace violence according to the risk if applicable. Controls may include but are not limited to:
 - Limit number of entrances or exits
 - Installing public way
 - Provide workers with portable phones.

7.1. Employee with a History of Violence

Senior management’s duty is to provide workers with information, including personal information, related to a risk of workplace violence from a person with a history of violent behavior if:

- (a) the worker can be expected to encounter that person in the course of his or her work; and
- (b) the risk of workplace violence is likely to expose the worker to physical injury.

No employer or supervisor shall disclose more personal information in the circumstances than is reasonably necessary to protect the worker from physical injury.

7.2. Violence without Intent

Violence in the workplace can occur without the intent of the person who is causing harm. Examples of this include:

- (a) A person could become violent due to medical conditions.
- (b) A person could become violent due to a disability such as Autism, mental health.

- (c) Two individuals who are not employees of the company could be fighting and injure an employee who tries to intervene.

7.2.1 If a supervisor becomes aware or ought reasonably to be aware that a worker is taking medication which could potentially cause a violent incident, they must immediately contact senior management to implement safety measures to protect the worker and/or their coworkers.

7.3 Work Refusal

An employee has the right to refuse work if he/she has reason to believe he/she is in danger from workplace violence. However, an employee can only refuse work if the alleged violent offender is at the workplace and has threatened to hurt the other worker. The protocol for the work refusal process can be found in the work refusal procedure.

8.0. CONFLICT RESOLUTION

By actively addressing conflict when it occurs and encouraging the workplace to use an informal or formal process, workers can find a peaceful solution to resolve their conflict. Augusta Township will encourage effective conflict resolution as a key strategy for preventing harassment and violence in the workplace. The process for Conflict Resolution may be found below.

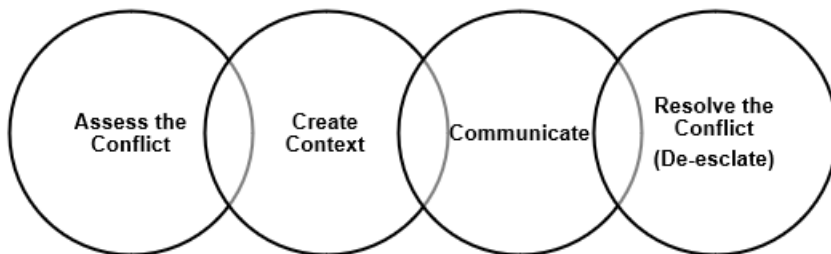


Figure 1. Conflict Resolution 4S Process

8.1. Process Steps and Implementation

- (a) **Assess the conflict:** Workers must analyze the conflict including background, participants, issues, dynamics, and possible solutions.
- (b) **Create the Context:** Worker should avoid combative dialogue confusing the receiver and select the appropriate message to communicate. Select the right message or response to get the right response!
- (c) **Decide on the Communication:** During disputes, workers should practice active listening to understand the other person's perspective, and use non-blaming assertiveness, to help them

understand yours. Ensure body language conveys respect, empathy, and openness.

- (d) **Resolve Conflict/De-escalate:** Worker should eliminate any bias perspectives on “right vs wrong” narratives and provide understanding. Refrain from providing feedback in a “criticizing” manner and provide feedback in more empathic manner.

9.0. CONTROLS AND THEIR IMPLEMENTATION

While determining risk controls or considering changes to existing controls, consideration shall be given to reducing the risks according to the following hierarchy:

9.1. Hierarchy of Risk Control

In a hazardous environment, the primary method of protecting workers is by controlling their exposure to occupational hazards. To achieve this objective, a hierarchy of controls (see Fig 1 below) has been established as a means of determining the feasibility and effectiveness of control solutions. The essence of the hierarchy is that the control methods at the top of the inverted pyramid are potentially more effective and ensure better protection than those at the bottom. It is prudent that this hierarchy of controls be followed to develop inherently safer systems, where the risk of illness or injury is substantially reduced.

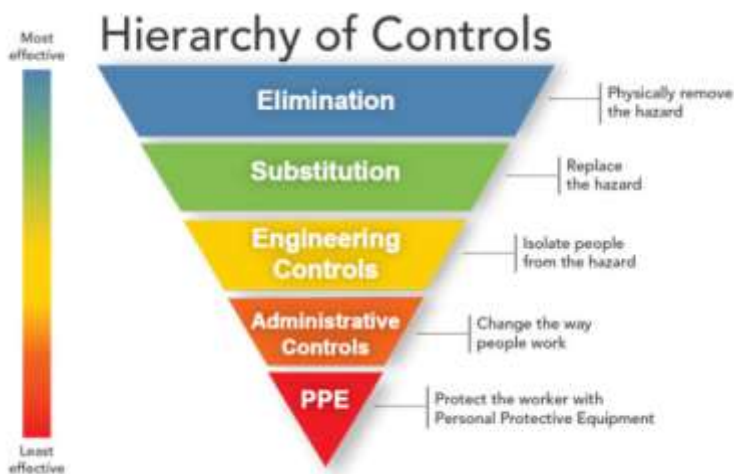


Figure 2: Hierarchy of Controls; *Source: NIOSH. n.d.*

9.2. Implementing the Hierarchy of Controls

A brief description of each of the control methodologies (based on NIOSH classification) along with examples of each have been enumerated below.

10.0. ELIMINATE (REMOVE)/ SUBSTITUTE

Physically removing the hazard that is causing harm or likely to cause harm to the workers is the most effective method of hazard control. Substitution, the second most effective hazard control, involves replacing something that produces a hazard (like elimination) with something that does not produce a hazard. To be an effective method of control, the new product must not produce another hazard. While elimination/ substitution are the most effective methods of reducing hazards, they also tend to be the most difficult to implement for an existing process. For a process at the design and development stage, elimination/ substitution of hazards may be inexpensive and simple to implement. However, for an existing process, major changes in equipment and procedures may be required to eliminate or substitute for a hazard.

10.1. ENGINEERING CONTROLS

Engineering controls do not eliminate hazards, but rather isolate workers from hazards. Engineering controls are designed to remove the hazard at the source before it comes in contact with the worker. Well-designed engineering controls can be highly effective in protecting workers and will typically be independent of worker interactions to provide a high level of protection. Although the capital costs of engineered controls tend to be higher than less effective controls in the hierarchy, over the longer term, operating costs are frequently lower, and in some instances, can provide cost savings in other areas of the process.

10.1.1 For example:

Alarm systems with access codes provided for employees, installation of CCTV cameras. well-lit areas, increased fully automated processes, application of interlocks, alarm & detection systems etc.

10.2. ADMINISTRATIVE CONTROLS

Administrative controls do not remove hazards, but limit or prevent the exposure of workers to the hazards by changing the way people work. Administrative controls may be relatively inexpensive to establish but, in the long term, can be expensive to sustain. These methods for protecting workers have also proven to be less effective than other measures, requiring significant effort by the affected workers.

10.2.1 For example:

posting safety posters, training on WHMIS/ mandatory trainings,

ensuring work is undertaken during the day (instead of night), good housekeeping, safe systems at work, training and information, welfare, monitoring, training, supervision etc.

10.3. PERSONAL PROTECTIVE EQUIPMENT (PPE IS A LAST RESORT).

The use of PPEs is the least effective means of controlling hazards because of the high potential for damage that may render them ineffective. Additionally, some PPEs, such as respirators, increase the physiological effort to complete a task and, therefore, may require medical examinations to ensure workers can use the PPE without risking their health.

11.0. OTHER CONSIDERATIONS

The following are considered when determining controls:

11.1. Can the hazard be eliminated?

- If the hazard can be eliminated record details of the risk and how it was eliminated and retain evidence in the OHSMS
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11.2. Can the risk be effectively managed?

- If the risk cannot be effectively managed, do not proceed with the task. A business evaluation will need to be done on this task/activity.
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11.3. Consultation occurs to assess possible controls using the hierarchy of risk control measures outlined above. use the risk assessment matrix to evaluate the effectiveness of the proposed control. If there are existing controls in place for the task/activity, they should be evaluated for effectiveness. a cost benefit analysis may be required to aid in determining the best control method. A cost-benefit analysis can assist in determining the most effective method to address safety concerns and the priorities for the activities that require them, in the least expensive manner.

11.4. The best control method is agreed upon and implemented.

Consideration shall also be given to the location of controls:

- **At the Source:** Elimination of task or substituted task.
- **Along the Path:** Redesign of workstation/processes, isolating processes, automated procedures, relocation, barriers, absorption, dilution
- **At the Worker:** Job rotation and relief procedures, orientation, training and supervision, safe job procedures, safe work practices,

emergency planning, housekeeping, hygiene practices, personal protective equipment (PPE).

12.0. REPORTING

12.1. Procedures for Incidents involving Employees.

The following steps should be taken if an employee believes they are a victim of workplace violence or harassment:

- (a) Fill out the Workplace Violence and Harassment Reporting Form
- (b) Report the incident to

- Direct Supervisor for workplace violence and harassments incidents from workers
 - Senior Management for workplace violence and harassments incidents from supervisor
 - Health and Safety Representative if workplace violence and harassments incidents from members of senior management
- OR

if employee is not comfortable going to senior management
Employee who reports threats or acts of violence, will not be retaliated against through disciplinary action. Acts of retaliation include (but are not limited to): interference, coercion, threats, physical restraint, workload reassignments, denial of promotion, or any other manner of retribution. Any acts of retaliation must be reported immediately to the President.

12.2. Procedures for Incidents involving Outsiders.

Should a worker be harassed or threatened by an individual outside of the workplace and have reason to believe this person may harm them in any way, the Employee is required to report concerns to his or her Supervisor.

If a visitor to any of the company's workplaces or any member of the public is seen with a weapon (or is known to possess one), makes a verbal threat or sexually assaults against an employee or another individual, employee witnesses are required to immediately contact the police, emergency response services and their Supervisor.

- 12.2.1.** Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary action being taken against the individual lodging the fraudulent or malicious complaint.

13.0. INVESTIGATIONS

The following procedures must be followed when investigating incidents of workplace violence and harassment cases:

- Supervisors (with the help of the JHSC, if required) must conduct an investigation using the **Workplace Violence and Harassment Investigation Form**.
- Supervisor will interview and document the comments of any witness(es) and the alleged offender. Information will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective actions.
- As per the OHSA sec 32.0.7(1) it states that the employer must ensure that an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances. Further, the worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation;
- As per OHSA sec. 52 (1)(c) it states that If a person is disabled from performing his or her usual work or requires medical attention because of an accident, explosion, fire or incident of workplace violence at a workplace, but no person dies or is critically injured because of that occurrence, the employer shall, within four days of the occurrence, give written notice of the occurrence containing the prescribed information and particulars to the following:
 - (a) The committee, the health and safety representative and the trade union, if any.
 - (b) The Director, if an inspector requires notification of the results of the investigation or any corrective actions taken will be communicated to the reported victim and alleged offender.
- Any incidents, discussion or investigations will be kept confidential, except where disclosure is necessary for the purpose of investigation or where it may be required by law.

14.0. OUTCOMES OF INVESTIGATION

14.1 Offender

Workers will be subject to the Company's progressive disciplinary policy and procedure. Augusta Township reserves the right to combine or skip steps depending on the facts of each situation and nature of the offense. Disciplinary action taken will be consistent with the seriousness of the infraction. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the impact the conduct and performance issues have on the organization.

14.2 A Victim of Workplace Violence and Harassment

Workers injured from incident will follow the guidelines outlined in Augusta Township's Return to Work Program. Augusta Township's is committed to cooperating with all of their employees who have been injured on the job site and will do everything they can for an early and safe return to work.

14.2.1. As per the Occupational Health and Safety Act s. 52, If a person is disabled from performing his or her usual work or requires medical attention because of workplace violence at a workplace, but no person dies or is critically injured because of that occurrence, the employer shall, within four days of the occurrence, give written notice of the occurrence containing the prescribed information and particulars to the following:

- The committee, the health and safety representative and the trade union, if any.
- The Director, if an inspector requires notification of the Director.

15.0 RESPONSIBILITIES

15.1. Management

- Take all precautions necessary to provide a safe work environment for all employees that is free of violence, threats of violence, harassment, assault, and intimidation.
- All complaints will be addressed, and disciplinary measures will be taken when a report has been substantiated, regardless of the position of the offender.
- Any incidents or discussion will be kept confidential, except where disclosure is necessary for the purpose of investigation or punitive action, or where it may be required by law.

15.2. Supervisors

- Investigate reported alleged incidents of workplace violence or harassment.
- Implement corrective actions as required.

15.3. Workers

- Treat their fellow employees with proper consideration and respect.
- Report all incidents of workplace violence and harassment to their supervisor or senior management or H&S Representative.
- Address the harasser to let him/her know that the comment was not acceptable.
- Inform supervisor if harassment does not stop.

15.4. Investigator

- The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation or as required by law.
- The investigator must remind the worker who allegedly experienced workplace harassment, the alleged harasser(s) and any witnesses of any confidentiality requirements under the company workplace harassment program.
- The investigator must thoroughly interview both the worker who has allegedly experienced workplace harassment and the alleged harasser(s), if the alleged harasser(s) is a worker. If the alleged harasser is not a worker of the company, the investigator must make reasonable efforts to interview the alleged harasser, if the alleged harasser is known to the company.
- The investigator must collect and review any relevant documents.

15.5. Alleged Offender

- Respond to allegations against them.
- Cooperate in the investigation process.
- Review policies and procedures.

15.6. Joint Health and Safety Committee (JHSC)

- Treat workplace violence and harassment incidents the same as any other workplace hazard.
- Participate in the investigation if required.
- Document and Record Maintenance

15.7. Record Retention

- Records are to be retained for a minimum of 3 years. Records will remain legible and readily identifiable.

16.0. REFERENCES

- Violence and Harassment, Occupation Health and Safety Act, Part III.0.1 s. 32.0.1 – 32.0.8
- Duties of employers – Occupational Health and Safety Act, s. 25, 26
- Duties of supervisors – Occupational Health and Safety Act, s. 27
- Duties of workers– Occupational Health and Safety Act, s. 28
- Health and Safety Representative– Occupational Health and Safety Act, s. 8