

# HALTON REGIONAL POLICE SERVICES BOARD

## ADEQUACY STANDARDS POLICY DOCUMENT

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<b>Policy No. &amp; Subject:</b>	<b>B-AI-016 – Workplace Violence Prevention</b>
<b>Date Approved:</b>	August 5, 2010
<b>Effective Date:</b>	August 5, 2010
<b>Reporting Requirement:</b>	Annually
<b>Revision Dates:</b>	
<b>Service Directive Linkage:</b>	HRS-021 Workplace Violence HRS-022 Workplace Harassment PFS-008 – Workplace Harassment/Discrimination

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### **LEGISLATIVE AUTHORITY:**

Bill 168, an Act to amend the *Occupational Health and Safety Act*, (Royal Assent - December 15, 2009 - Effective Date: June 15, 2010.) The Bill made legislative amendments to the *Occupational Health and Safety Act* to further protect workers from violence and harassment in the workplace, and requires that every employer prepare a policy regarding workplace violence and harassment.

### **Board Policy**

#### **Purpose:**

The Halton Regional Police Services Board is committed to providing a safe and healthy work environment for its employees and for the Members of the Halton Regional Police Service, and is committed to the prevention of workplace violence and harassment. The Board recognizes that unwanted behaviours in the workplace must be addressed early to minimize the potential for workplace violence and harassment. Workplace violence and harassment are serious conduct matters that may constitute a violation of Canada's *Criminal Code*, the *Ontario Human Rights Code* or the *Occupational Health and Safety Act and the Police Services Act*.

This policy was created to provide Board direction to the Chief of Police to ensure continued compliance with Ontario's *Occupational Health and Safety Act*, as amended by Bill 168.

### **A. Definitions**

For the purposes of this policy, the following definitions shall apply:

1. **Workplace Violence** means:
  - (i) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
  - (ii) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
  - (iii) 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.

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2. **Workplace Harassment** as prescribed by the *Ontario Occupational Health and Safety Act* means 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. Workplace harassment may be an action or behaviour related to Prohibited Grounds of discrimination under the *Ontario Human Rights Code*.
3. **Prohibited Grounds** under the *Ontario Human Rights Code* are: race, creed, colour, ancestry, place of origin, ethnic origin, language or dialect spoken, citizenship, sex, sexual orientation, age, marital status, family status, physical or mental disability.
4. **Member** means all employees of the Halton Regional Police Service including temporary, contract, part-time staff and volunteers.
5. **Person in Authority** means a supervisor, manager, director, or senior officer.
6. **Workplace** means any and all locations where business or sanctioned social activities of the Police Service are conducted, including external training facilities such as the Ontario Police College, service vehicles, courthouses and other locations where Members are assigned.

### B. WORKPLACE VIOLENCE AND HARASSMENT POLICY

The Chief of Police shall:

1. Take all reasonable steps to protect Members from workplace violence and harassment.
2. Develop and implement a written workplace violence and harassment policy and shall review the policy annually.
3. Ensure that the policy is posted in a conspicuous place in the workplace.
4. Ensure that the Members are educated with respect to the policy.
5. Ensure that the policy addresses the circumstances under which a Member may refuse to work when workplace violence is likely to endanger him or her. The policy must address the occupational requirements of a police officer in relation to any work refusal.
6. Ensure that the safety of all Members is addressed during the course of an investigation into workplace violence.
7. Ensure that the operational policing duties in relation to an investigation into workplace violence are addressed in a manner that is free of any conflict of interest.
8. In accordance with the *Ontario Occupational Health and Safety Act* which permits an employee to refuse to perform a particular job or task if he or she believes it is hazardous to his or her health and safety, ensure that this right to refuse work is subject to Section 43(1) and 43(2)(1) of the *Ontario Occupational Health and Safety Act* which stipulates that anyone employed in a police service cannot assert the right to refuse work when the risk of a particular job or task is inherent in the employee's work; is a normal condition of the Member's employment; or when a refusal to work would directly endanger the life, health or safety of another person.

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9. Ensure that the policy addresses the notices required to be provided to the Ministry of Labour and/or the Service's Joint Health and Safety Committee.
10. Appoint a Member to act as a Workplace Coordinator with respect to Workplace Violence and Harassment.

#### C. **WORKPLACE VIOLENCE AND HARASSMENT PROGRAM**

1. The Chief of Police shall develop and maintain a program to implement the policy with respect to workplace violence and harassment pursuant to the Ontario *Occupational Health and Safety Act*.
2. The Workplace Violence program shall include but is not limited to the following:
  - (a) measures and procedures to control the risks identified in the workplace risk assessment as likely to expose a Member to physical injury;
  - (b) measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
  - (c) measures and procedures for Members to report incidents or complaints of workplace violence to the employer or person in authority;
  - (d) set out how the employer will investigate and deal with incidents or complaints or workplace violence; and
  - (e) include any other requirements as prescribed by law.
3. The Workplace Harassment program shall include, but is not limited to the following:
  - (a) measures and procedures for Members to report incidents of workplace harassment to the employer or supervisor;
  - (b) measures and procedures for the investigation of incidents and complaints of workplace harassment;
  - (c) any other requirements as prescribed by law.
4. The Chief of Police shall provide Members with information and training that is appropriate for the Members on the contents of the workplace violence and harassment policy and program.

#### D. **WORKPLACE VIOLENCE – ASSESSMENT OF RISKS**

1. The Chief of Police shall ensure that a workplace violence risk assessment is undertaken. This assessment shall consider the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.
2. The workplace violence risk assessment shall take into account the following considerations:

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- (a) circumstances that would be common to similar workplaces;
  - (b) circumstances specific to the workplace; and
  - (c) any other requirements prescribed by law.
3. The Chief of Police shall ensure that the results of the workplace violence risk assessment are provided to the Occupational Health and Safety Committee.
4. The Chief of Police shall reassess the risks of workplace violence as often as is necessary to ensure that the related policies and programs continue to protect Members from workplace violence.

#### **E. DOMESTIC VIOLENCE**

1. The Chief of Police shall ensure that measures are in place to address the risk of domestic violence in the workplace.
2. The Chief of Police shall take every precaution reasonable in the circumstances for the protection of Members if a person in authority becomes aware, or ought reasonably to be aware, of domestic violence that would likely expose a Member to physical injury that may occur in the workplace.

#### **F. DISCLOSURE OF PERSONAL INFORMATION**

1. The Chief of Police shall ensure that the disclosure of personal information related to a risk of workplace violence takes into consideration the requirements of both the *Occupational Health and Safety Act* and the *Municipal Freedom and Protection of Privacy Act*.

#### **G. MONITORING REQUIREMENTS**

1. The Chief of Police shall:
  - (a) pursuant to Section 32.0.1 (1) (a) of the *Occupational Health and Safety Act*, review the Police Service's Workplace Violence and Harassment Policy on an annual basis; and
  - (b) pursuant to Section 32.0.3 (4) of the *Occupational Health and Safety Act*, as often as necessary, reassess the risks of workplace violence to ensure that the related policy and program continue to protect workers from workplace violence.

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### H. REPORTING REQUIREMENTS

1. On an annual basis, the Chief of Police shall provide to the Board, a statistical report containing the following information:
  - (a) the number of Workplace Violence and Harassment Complaints filed;
  - (b) a summary of the disposition of each complaint;
  - (c) the date of the annual review required in Section G.1(a) of this policy and any amendments or revisions to the Workplace Violence and Harassment Policy; and
  - (d) the date of any reassessment of risks conducted in accordance with Section G.1 (b) of this policy, and the results of any actions taken.