



Workplace Violence Program

Prince Edward County Arts Council (County Arts) is committed to providing a safe work environment and maintaining a Workplace that is free of Workplace Violence as required by the Occupational Health and Safety Act (“Act”). This document supports the Workplace Violence Policy and outlines the responsibilities associated with this program. The program will be reviewed annually and revised as necessary.

I. Objectives

1. To assist County Arts and staff in addressing Workplace Violence.
2. To take every precaution reasonable in the circumstances to prevent Workplace Violence.
3. To provide guidelines on:
 - Conducting a Workplace Violence risk assessment
 - Developing preventative measures
 - Reporting and investigating Workplace Violence
 - Incident follow-up

II. Application

This program applies to employees, board members, volunteers, and contractors.

III. Policies, Standards and Legislation

1. The County Arts “Workplace Violence Policy” states that County Arts “is fully committed to the prevention of workplace violence and management understands it is ultimately responsible for worker health and safety, whether it be from accident, illness, or violence. County Arts will take whatever steps are reasonable and necessary to protect our workers from workplace violence from all sources. Violent behaviour in the workplace is unacceptable, no matter from what source, be it employee, vendor, or even the customer. Therefore this policy applies to anyone who enters the workplace, interacts with our employees, our customers, and even applies when work is being done offsite. Everyone is expected to uphold this policy and to work together to prevent workplace violence.”

2. The Occupational Health and Safety Act requires all employers to take every precaution reasonable in the circumstances to protect employees against the risk of Workplace Violence.

3. The Criminal Code of Canada makes it an offence for employers and those who direct work who fail to take reasonable steps to prevent bodily harm to an employee or any other person arising from work.

IV. Definitions

“Workplace Violence” as defined by the Act means:

- The exercise of physical force by a person against a Worker, in a Workplace, that causes or could cause physical injury to the Worker;
- An attempt to exercise physical force against a Worker, in a Workplace, that could cause physical injury to the Worker;
- A statement or behaviour that it is reasonable for a Worker to interpret as a threat to exercise physical force against the Worker in the Workplace that could cause physical injury to the Worker.

Examples of Workplace Violence under this definition may include but are not limited to:

- Threatening behaviour – shaking fists in front of a Worker, or pushing a Worker
- Verbal or written threats – any expression of intent to inflict physical force that could cause physical injury. For example, “You better watch your back, I am going to make you pay for what you did to me.”, or “If you don’t leave me alone you will regret it.” Or involving body language or behaviours that leave little doubt in the mind of the recipient that the perpetrator intends to cause physical injury
- Physical attacks – hitting, shoving, pushing, kicking, biting, pinching or inciting an animal to attack.

Act: “Act” is the Occupational Health and Safety Act, R.S.O. 1990, as amended.

Complainant: A “Complainant” is any person who is a Worker and any person who is a volunteer, all of whom are entitled to submit a complaint under this program Workplace Violence.

Contractor: A “Contractor” is an organization, partnership, or individual engaged by County Arts to provide services to County Arts either personally or with the assistance of other individuals.

Manager: A “Manager” is the person responsible for the work unit who has the ability to review behaviour and initiate corrective action including discipline, if required.

Related Third Party: Related Third Party includes a Contractor and the Contractor’s employees or subcontractors.

Respondent: A “Respondent” is any person who is a Worker (as defined below) or Customer, any one of whom is alleged to have engaged in Workplace Violence as defined above.

Visitor: A “Visitor” is any person who is not a Worker or a Related Third Party who has occasion for any reason to visit the business premises.

Worker: A “Worker” has the definition ascribed under the Act, and also includes any person recognized by County Arts as an Employee, Volunteer, Board Member, or Contractor.

Workplace: For the purposes of this program, the Workplace includes but is not limited to, 206 Main Street Unit 2E, Picton, ON, and any locations offsite where work may occur, including virtual meetings.

V. Roles and Responsibilities: Workplace Violence

Shared Responsibility

Everyone involved with County Arts shares a responsibility for creating and maintaining an environment free of Workplace Violence. Every effort must be made to work toward the resolution of complaints by all those affected. Anyone who witnesses Workplace Violence is responsible for bringing it to the attention of their Manager and participating in the investigation of the complaint.

Management Responsibilities

Managers are responsible for understanding what constitutes violent behaviour and communicating to all to whom the policy applies that Workplace Violence and abuse will not be condoned or ignored. Managers will make every effort to prevent Workplace Violence and abuse by:

- Being a role model with respect to appropriate conduct at work and promoting a nonviolent Workplace.
- Assessing specific risks in the workplace and reviewing/revising the assessment as is necessary but at a minimum, annually.

- Communicating this policy and program to Workers.
- Implementing Workplace arrangements and appropriate procedures that minimize the risk of Workplace Violence.
- Monitoring the effectiveness of this program and applicable procedures on an ongoing basis and recommending changes as required.
- Taking all complaints of Violence seriously and promptly and diligently investigating any alleged incident.
- Implementing any follow-up actions as required by this program.
- Keeping detailed confidential records of any incidence of Workplace Violence or investigations

Worker Responsibilities

All Workers share the responsibility to create a Workplace that is free from Workplace Violence and abuse. Each Worker is responsible for understanding what constitutes Workplace Violence and abuse and conducting himself or herself in accordance with the spirit and intent of the policy. Worker responsibilities include:

- Being a role model with respect to appropriate conduct at work and promoting a nonviolent Workplace.
- Providing input as requested to assess specific risks for the workplace and reviewing/revising the assessment as is necessary but at a minimum, annually.
- Cooperating with the Manager in meeting the requirements of this program. (e.g., any efforts to investigate and resolve matters arising under the program).
- Abiding by the requirements of this program and applicable procedures.
- Reporting any incidents of Workplace Violence that have been experienced or witnessed in accordance with the applicable procedures.
- Participating in training as required.

VI. Identifying Risk Factors for Workplace Violence

All Workplaces must be assessed for risk factors pertaining to Workplace Violence. Certain types of work or conditions can put employees at higher risk from Workplace Violence.

Some risk factors could include:

- Working with unstable or volatile individuals
- Handling money or valuables
- Direct contact with customers, some of which may be irate
- Working alone, or in small numbers

VII. Workplace Violence Risk Assessment

The overall responsibility for coordinating the risk assessment process shall rest with Management. Steps to assess risk will include, but are not limited to:

- Working with health and safety representatives to identify potential risks
- Solicit input from Workers on what risks they believe exist
- Review of any reports of emergencies, or incidents

Following a collection of potential risks, each will be reviewed and considered, and resolutions, where practical or reasonable, will be assigned to each. Assessments may be ongoing and all risk identified, no matter when, will be reviewed in a timely manner, not simply at the annual review period.

VIII. Training and Prevention

All Workers will be provided information on the policy and program with respect to Workplace Violence. Based on the Workplace Risk Assessment, Management may determine that the potential exposure to Workplace Violence necessitates the need to develop specific skills and knowledge. Depending on the level of risk of Workplace Violence, Worker training can range from reviewing relevant safety tips, posting of safety tips, or arranging for specialized training. In some cases, a written prevention procedure may need to be developed or the Workplace's physical design may need to be reviewed or assessed in regard to the specific risks for the task.

IX. No Reprisal Workplace

Violence and this program are serious matters. This program prohibits reprisals against Workers who have made good faith complaints or provided information regarding a complaint or incident of Workplace Violence. Any person who engages in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment for cause. Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of Workplace Violence.
- Intentionally pressuring a person to ignore or not report an incident of Workplace Violence.
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of Workplace Violence. Although false and frivolous accusations of Violence occur in rare instances, such false accusations are serious offences because they may have serious consequences for the accused. The insufficiency of evidence to prove a complaint does not mean that the complaint was submitted in bad faith. A malicious or bad faith complaint means that a person has made a complaint knowing that it was untrue. A Worker who makes a false complaint or otherwise abuses this program may be disciplined up to and including

dismissal from employment, for cause. Such discipline is not a reprisal or breach of this policy.

X. Complaint Process: Informal and Formal Investigation Procedure

Confidentiality

All reports made in the course of action taken pursuant to these procedures shall be considered to be confidential to the parties involved and to those responsible for the investigation and resolution of the incident. The identities of all Complainants, Respondents and witnesses and the nature of the complaint itself will be kept confidential and only those with a need to know will be informed. All Workers have the obligation under the Act to report incidents of Workplace Violence that are experienced or witnessed to their Manager. If the Worker's Manager is involved in the Workplace Violence, the Worker shall contact the next level Manager. In all cases, the Worker shall follow the reporting procedures as outlined below.

Complaints that Pose an Immediate Risk of Physical Injury

The Worker shall immediately remove themselves from the situation or area, if possible, until there is no further risk of violence. If it is not possible to leave the area, and the threat of violence is imminent, the Worker is to call emergency services (911). Once the Worker is safe, they must contact their immediate Manager to report the incident.

Complaints that do not Pose an Immediate Risk of Physical Injury

A Worker who experiences Workplace Violence or who has concerns regarding possible incidents of Workplace Violence (the Complainant) shall report the incident to his or her Manager as soon as possible. The Manager shall review the complaint and consider whether an informal resolution to the complaint is possible. A Manager who receives a complaint of Workplace Violence which appears to be capable of resolution informally shall use reasonable efforts to assist the Complainant in effecting informal resolution. The Manager assesses the immediate risk, gathers information and must document the concern. The parties should receive a copy of the complaint and have the opportunity to respond in writing. Efforts at informal resolution should include individual meetings with the parties as appropriate. The parties may decide to meet as a group to resolve the issue. If informal resolution is not possible or suitable, a Formal Investigation will take place.

Formal Investigation

An investigator shall be appointed by Management and the investigation shall proceed expeditiously and on a confidential basis. The investigator will be responsible for establishing the facts, including interviews with the Complainant, Respondent and any witnesses. The Complainant, Respondent and witnesses may be called upon with minimal advance notice to ensure the confidentiality and timeliness of the investigation process. The Complainant, Respondent and witnesses will be provided a copy of the information they provided during the course of the investigation. The process of the investigation is as follows:

- The investigator interviews the Complainant.
- The investigator interviews any witnesses identified as having knowledge of the incident.
- The investigator interviews the Respondent to obtain the Respondent's response to the allegations in the complaint.
- It may be necessary for the investigator to re-interview the Complainant, Respondent or witnesses.
- The investigator will prepare and submit a report summarizing the facts and findings within 10 days of initiating the investigation and conclude whether there is:
 - sufficient evidence to substantiate a finding of violation of the policy/program
 - insufficient or lack of credible evidence to substantiate a finding of violation of the policy, or
 - no credible evidence to substantiate a violation of the policy.
- Copies of the investigator's report will be distributed to Management, the Complainant, the Respondent.
- Based on the investigator's findings, Management shall determine whether further action is warranted (i.e. corrective action or termination) and advise the Complainant and Respondent in writing of the outcome within 10 days of receiving the investigator's report.

XI. Disclosure of those with a Violent History or Domestic Violence

Managers are required to provide information, including personal information, to a Worker about a person with "a history of violent behaviour" if the Worker could be expected to encounter the person in the course of his/her work and there is a risk of Workplace Violence that may expose the Worker to physical injury. This can include the spouse or significant other of a fellow employee, where there is risk of that person being Violent at the workplace. Employees who are experiencing domestic violence should inform Management of any risk that that may present to the workplace or Workers. Personal information shall only be disclosed as is reasonably necessary to protect the Workers from physical injury.