

Burk's Falls Armour & Ryerson Union Public Library Board Policy Manual

Section:
Personnel

Number:
E-VI-9

Title:
Workplace Violence

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Adopted: July 20, 2011
Revised: January 2013

Reviewed: January 2012; January 2014
October 2015

Policy

The Burk's Falls, Armour & Ryerson Union Public Library is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. The library will take whatever steps are reasonable to protect workers from workplace violence from all sources.

A. PURPOSE OF WORKPLACE VIOLENCE POLICY

This policy is intended to:

1. Create and foster a work environment free from workplace violence;
2. Provide a definition of workplace violence;
3. Establish and detail the responsibilities of all persons in the Library workplace(s) to maintain a workplace free of actual, attempted or threatened violence;
4. Ensure that incidents of workplace violence are reported to Library management, Ministry of Labour, and/or law enforcement as appropriate;
5. Ensure that complaints of workplace violence are handled in a timely and equitable manner by the Library.

B. DEFINITIONS:

Subsection 1 (1) of the Occupational Health & Safety Act is amended by adding the following definitions:

"workplace violence"

- 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 a worker,
- c.) a statement or behaviour that 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.

Examples of violence in the workplace may include, but are not limited to:

- a.) Verbal threatening to attack a worker

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- b.) Leaving threatening notes or sending threatening correspondence (letters or e-mails) to the workplace
- c.) Shaking a fist in a worker's face
- d.) Hitting or trying to hit a worker
- e.) Throwing or kicking an object against a worker
- f.) Sexual aggression against a worker or patron

Violence in the library or on library property also includes

- a.) Intentionally or recklessly damaging the property of another person
- b.) Intentionally causing harm
- c.) Recklessly creating a risk by fighting
- d.) Creating a hazardous condition or danger by recklessly engaging in conduct which creates a substantial risk of serious physical injury
- e.) Intentionally placing or attempting to place another person in fear of imminent serious physical injury
- f.) Wielding a weapon

C. ZERO TOLERANCE

The library values the health and safety of its employees and expects that its workplace

- a.) will be free of workplace violence. The library will not tolerate incidents of workplace violence perpetrated against or by any employee, patron, vendor, contractor, visitor or any other person at the library or involved in library business.
- b.) Every person at the library is responsible for acting in compliance with this policy.
- c.) With respect to acts of workplace violence, as defined in this policy, the library may, where appropriate:
 - Remove the perpetrator from the library with assistance from the police, if necessary;
 - Discipline any employee, up to and including dismissal, and/or report the conduct to the police; and
 - Report the conduct of any other person to their employer, supervisor and/or principal and/or to the police.

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- d.) All physical assaults involving an employee or occurring at the library will be reported to police. All other incidents or threats of workplace violence will be reported to police, as appropriate.

D. RESPONSIBILITIES AND OBLIGATIONS

It is the responsibility of:

1. The Library Board

- a.) To take reasonable preventative measures to protect employees and others in the workplace from workplace violence;
- b.) To ensure that a workplace violence assessment is conducted;
- c.) To develop procedures to address the workplace violence risks identified in the violence assessment;
- d.) To ensure that all employees are trained in this policy;
- e.) To make this policy available in the workplace;
- f.) To ensure that this policy is communicated to contractors and other persons who attend the workplaces;
- g.) To establish a process for reporting and responding to incidents of workplace violence;
- h.) To ensure the process for reporting and responding to incidents of workplace violence is communicated, maintained and followed; and
- i.) To ensure that this policy is reviewed at least annually.

2. Employees

- a. To comply with this policy at all times to protect themselves and others in the workplace from workplace violence;
- b. To immediately notify their supervisor or other designated person of any incident of workplace violence whether the notifying worker is the victim or not. In the case of an extreme or imminent threat of physical harm to themselves or any person from workplace violence, the worker should contact the police;
- c. To participate in training regarding this policy and procedures directed at workplace violence risks in the workplace; and

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- d. To fully cooperate in any investigation of complaints or incidents of workplace violence or breaches of this policy.

E. DOMESTIC VIOLENCE OR VIOLENCE OUTSIDE THE WORKPLACE

Any employee experiencing violence outside of the workplace (i.e. domestic violence) that will create a risk of danger to themselves or others in the workplace must report such violence so that the library can take reasonable preventive steps.

F. DUTY TO DISCLOSE PERSONAL INFORMATION

The library has a duty to disclose and provide information to a worker, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour. Only as much information as reasonably necessary will be disclosed to protect the worker.

G. RIGHT TO REFUSE WORK

All employees have a right to refuse work where it is believed that their physical well-being is at risk because of actual, attempted, or threatened application of physical force. The employee is to remain in a safe place, as near as reasonably possible, to their workstation and available to the CEO or fellow staff member.

H. REPORTING AND INVESTIGATING WORKPLACE VIOLENCE

1. Reporting threats of workplace violence:

- All incidents of workplace violence or reprisal must be immediately reported to the CEO or to the Chairman of the Library Board.
- Any person subjected to workplace violence should, where appropriate, go to a safe location at the workplace and report the incident to the CEO or the Chairman of the Library board so that the incident can be investigated and addressed;
- All complaints and incidents are to be recorded in writing by the reporting person/employee and the CEO or Board Chairperson receiving the report. The date, time, location, potential witnesses and nature of the incident should be documented;

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- If the police have not previously been summoned, the CEO or Board Chairperson will report all physical assaults to police. All other incidents or threats of workplace violence will be reported to police as appropriate;
- If an incident of workplace violence involves a person who is not an employee of the library, the CEO or Board Chairperson will report the incident to that person's employer and/or such other person (this may include the police) as the library determines is appropriate in the circumstances.
- If a worker is disabled from regular duties, or requires medical attention, as a result of workplace violence, a report will be filed with the Ontario Ministry of Labour (notice under section 52 of the OSHA).

2. Investigation:

- All complaints or incidents of workplace violence or reprisal will be promptly investigated by the CEO and/or Board chairperson and one other Board member. Where the perpetrator is a library employee, the investigation will be conducted as quickly and confidentially as possible under the circumstances. Complete confidentiality is not possible in all circumstances and cannot be guaranteed;
- The investigation will include:
 - (a) A documented interview with the complainant and/or victim;
 - (b) A documented interview with the alleged perpetrator(s);
 - (c) A documented interview with any witnesses with relevant information to provide;And
 - (d) Any other step the investigator(s) deems necessary to fully and fairly investigate the complaint or incident;
- At the conclusion of the investigation into an incident or complaint, the CEO or Board Chairperson will prepare a written report, signed by all parties to the investigation, of the findings of fact and – after evaluating existing policies, procedures, physical premises and devices, employee training – any suggestions to prevent a recurrence, will be documented and the report will be placed in the Health and Safety Binder.

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I. Disciplinary Action

Where the perpetrator is a library employee, the CEO, in consultation with Chairperson of the Library Board, will take any necessary disciplinary action.

Disciplinary action for violations of this policy will take into consideration the nature and impact of the violations, and may include a verbal or written reprimand, suspension or termination (with or without notice).

Similarly, deliberate false accusations are of equally serious nature and will also result in disciplinary action up to and including termination without notice for just cause. Note, however, that an unproven allegation does not mean that violence did not occur or that there was a deliberate false allegation. It simply means that there is insufficient evidentiary basis to proceed or that while the complainant may have genuinely had reason to believe that there was violence, investigation has not borne out the complaint.

Reassessment of risks may result in revised or additional written policies and procedures to respond to any identified risks.

J. NO REPRISAL

Workplace violence and this policy are serious matters. This policy prohibits reprisals against employees who have made good faith complaints or provided information regarding a complaint or incident of workplace violence. Employees who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

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; and

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- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace violence.

An employee who makes a false complaint or otherwise abuses this policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this policy.

K. Training and Education

All employees, including students and volunteers whose placement is longer than one month duration, are required to be trained on this policy. Training will include:

- The means to recognize potentially violent situations;
- Procedures, work practices, administrative arrangements and engineering controls that minimize or eliminate the risk to workers
- The appropriate responses of workers to incidents of violence, including how to obtain assistance
- Procedures for reporting violent incidents.

L. POLICY REVIEW

This policy will be reviewed at least annually.