

STATEMENT OF POLICY AND PROCEDURE			
SUBJECT:	WORKPLACE VIOLENCE	IUOE LOCAL 793 P&P No.	HS 8
DISTRIBUTION:	ALL EMPLOYEES	DATE OF POLICY:	January 1, 2019
REPLACES:	HS 8	EFFECTIVE:	January 1, 2019
DATE:	June 15, 2010	PAGE:	1 of 6
ISSUED BY:	INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 793		

1 POLICY

- 1.01 The International Union of Operating Engineers, Local 793 maintains a “zero tolerance” policy towards violence in the workplace or during work-related activities and is committed to protecting the health and safety of its employees. Acts of violence destroy individual dignity, lower morale and engender fear.
- 1.02 The IUOE Local 793 does not condone and will not tolerate any acts of violence against or by an IUOE Local 793 employee. Violent acts will not be tolerated by an individual associated with the IUOE Local 793 or OETIO and all other persons entering the IUOE Local 793 workplace.
- 1.02.1 Workplace violence is not limited to incidents that occur within the traditional workplace. Workplace violence can occur at off-site business-related functions (ie. conferences, trade shows), at social events related to work, in clients’ homes or away from work but resulting from work (ie. threatening phone calls from a client).
- 1.03 The IUOE Local 793 will take all reasonable and practical measures to protect its employees from violence from all sources. Appropriate action will be taken against any person who takes any reprisal against a person who reports workplace violence.
- 1.04 Everyone must be dedicated to the prevention of violence in the workplace. Managers, supervisors, and workers are expected to uphold this Policy and will be held accountable by the Employer.
- 1.05 The IUOE Local 793 will take every reasonable precaution to protect an employee from physical injury if it becomes aware, or believes, that domestic violence is a risk in the workplace or during work-related activities.
- 1.06 There is a workplace violence program that implements this Policy. It includes measures and procedures to protect workers from workplace violence, means of summoning immediate assistance and a process for workers to report incidents, or raise concerns.
- 1.07 All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats.
- 1.08 Management will investigate and deal with all incidents and complaints of workplace violence in a fair and timely manner, respecting the privacy of all concerned as much as possible.
- 1.09 Appropriate remedial, disciplinary, and/or legal action will be taken according to the circumstances surrounding breaches of this Policy. It is equally recognized that frivolous, vexatious or malicious complaints are equally a violation of this Policy and are equally subject to appropriate actions listed above.
- 1.10 This Policy will be posted in all IUOE Local 793 workplaces.
- 1.11 The Workplace Harassment Policy should be consulted whenever there are concerns about harassment in the workplace.

2 PURPOSE

- 2.01 The purpose of this Policy is to establish procedures and to minimize and/or prevent violence and unacceptable behaviour in the workplace and to foster the safety and security of IUOE Local 793 employees and all visitors to our work sites.

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DATE:	June 15, 2010	PAGE:	2 of 6
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2.02 This Policy and Procedure will implement and illustrate the complaint process for all incidents of workplace violence for those who have been subjected to or witnessed violent behaviour.

3 SCOPE

3.01 This Policy and Procedure applies to all employees and individuals associated with the IUOE Local 793 and related and/or associated entities as well as other persons entering the IUOE Local 793 workplace.

4 RESPONSIBILITY

4.01 All employees of the IUOE Local 793 have a responsibility to play a part in ensuring an environment free from acts of violence. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this Policy. No employee is required to tolerate acts of violence for any reason at any time. All employees are expected to uphold this Policy and will be held accountable by the Employer

4.01.1 All individuals associated with the IUOE Local 793 and OETIO and all other persons entering the IUOE Local 793 workplace are expected to conduct themselves in accordance with this Policy.

4.01.2 All employees are responsible for reporting any violence, potential risk of violence or unacceptable behaviour they may experience or witness to their immediate manager, supervisor or the Human Resources Manager. This includes issues in the employee's personal life that may impact on the employee's or his/her co-worker's safety. Reporting of incidents is accomplished through completion of the Workplace Violence Incident Report.

4.01.3 Should an employee have a legal court order (ie. restraining order or "no-contact" order against another individual), the employee is required to notify and supply a copy of the order to the Human Resources Manager. Such information shall be kept confidential.

4.01.4 All employees are responsible for attending any training or information sessions provided by the IUOE Local 793 to reduce violence or risks of violence.

4.01.5 All employees are expected to cooperate with the police, company investigators or other authorities as required during any investigation related to workplace violence.

4.02 Each manager and supervisor is responsible for fostering a safe working environment free from violence. Managers and supervisors must set an example for appropriate workplace behaviour, and must deal with situations immediately upon becoming aware of them, regardless of whether there has been a complaint.

4.02.1 All managers and supervisors will identify and alert staff to violent persons and hazardous situations. Managers and supervisors are responsible for assessing the risk of violence to employees in their jurisdiction, minimizing those risks where necessary or reasonably possible and informing any affected employees of such risk or potential risk.

4.02.2 Included in the health and safety components of job descriptions are management's responsibilities for enforcing policies and procedures, investigating and responding to workplace violence. Refer to P&P No. HS 10 – Accident, Incident, Injury and Illness Reporting.

4.02.3 Managers and supervisors are responsible for contacting the police as required and for ensuring that individuals receive proper medical treatment, as first priority, when injuries have occurred. All incidents must be immediately reported to the Human Resources Manager.

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DATE:	June 15, 2010	PAGE:	3 of 6
ISSUED BY:	INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 793		

- 4.02.4 Managers and supervisors will assist employees with the completion of any Workplace Violence Incident Reports and ensure that all reports are forwarded to the Human Resources Manager immediately upon completion.
- 4.02.5 Managers and supervisors must complete the Workplace Violence Incident Report, where an employee incurs a lost time injury and is unable to complete the form themselves. This must be submitted to the JOHSC, Human Resources Manager and union within 4 days of the occurrence as prescribed by the Occupational Health and Safety Act.
- 4.03 The Employer has the responsibility to take measures to prevent violence in the workplace, provide procedures to handle complaints, to resolve problems and to remedy situations when a violation of this Policy occurs. The IUOE Local 793 will continue to educate all employees and increase awareness of this issue throughout the organization.
- 4.03.1 The Employer recognizes its duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if
- the worker can be expected to encounter that person in the course of his/her work and
 - the risk of workplace violence is likely to expose the worker to physical injury
- 4.03.2 All reports or threats of violence will be investigated in a prompt, objective and sensitive way and appropriate actions will be taken in response to acts of violence.
- 4.03.3 The Employer will facilitate medical attention and support for those involved directly or indirectly in a violent incident.
- 4.03.4 The Employer will ensure that any deaths or critical injuries are reported immediately as prescribed in the Occupational Health and Safety Act with the Ministry of Labour and that police are notified immediately in such instances.
- 4.04 The JOHSC is responsible for the annual review of this Policy, for conducting regular risk assessments ensuring compliance with applicable legislations and recommending required changes to the Employer. The JOHSC will also immediately review all Workplace Violence Incident Reports.
- 4.04.1 The JOHSC will make recommendations to the Employer for developing, establishing and providing training in violence prevention measures and procedures.
- 4.04.2 The Designated Certified Worker Representative shall investigate all critical violence-related injuries.

5 DEFINITIONS

- 5.01 **“Workplace violence”** is
- 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; or
 - a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- 5.02 **“Workplace”** means in or on the property of any of the IUOE Local 793 or OETIO offices, or away from any of the IUOE Local 793 or OETIO offices if the employee is engaged in work-related activities. The workplace also extends to sites where employees are involved in work-related functions and/or activities.

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DATE:	June 15, 2010	PAGE:	4 of 6
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5.03 **“Unacceptable behaviour”** means physically or psychologically aggressive behaviours which cause the recipient to have a fear of physical violence. These include, but are not limited to,

- hitting, kicking, punching, pushing, shoving, slapping, pinching, grabbing, biting
- carrying or brandishing weapons of any sort
- throwing objects at an individual with a view to cause physical injury or fear
- destruction of a workplace or co-worker’s property
- threats of violence
- intimidating behaviour intended to invoke fear
- obscene or harassing telephone calls
- harassing surveillance such as stalking
- displaying irrational behaviour

5.04 **“Domestic violence”** is a pattern of behaviour used by one person to gain power and control over another with whom he or she has had an intimate relationship. It may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and use of electronic devices to harass and control.

5.05 **“Employer”** means IUOE Local 793 and related and/or associated entities.

5.06 **“Local 793”** when referenced in this document signifies the employer and encompasses all IUOE Local 793 and related and/or associated entities.

6 REFERENCES AND RELATED STATEMENTS of POLICY and PROCEDURE

- 6.01 Ontario Occupational Health and Safety Act and its Regulations
- 6.02 Workplace Safety and Insurance Act and its Regulations
- 6.03 Canada’s Criminal Code
- 6.04 Canada Labour Code
- 6.05 IUOE Local 793 P&P No. 1 – Code of Conduct
- 6.06 IUOE Local 793 P&P No. HS7 – Workplace Harassment
- 6.07 IUOE Local 793 P&P No. HS9 – Emergency Response Plan
- 6.08 IUOE Local 793 P&P No. HS10 – Reporting Hazardous Conditions
- 6.09 IUOE Local 793 P&P No. HS11 – First Aid
- 6.10 IUOE Local 793 P&P No. HS12 – Accident, Incident, Injury and Illness Reporting

7 PROCEDURE

7.01 Reporting:

If any individual is seen with a weapon, makes a verbal threat or assault against an employee or another individual in the workplace, witnesses are required to immediately contact the police, emergency response services, their immediate manager or supervisor and the Human Resources Manager.

7.01.1 All employees are to report all violence-related incidents or hazards to their immediate manager or supervisor or directly to the Human Resources Manager using the Workplace Violence Incident Report.

7.01.2 All reports are to be submitted to the Human Resources Manager for further investigation. Measures will be taken to safeguard employees and curtail the violence.

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DATE:	June 15, 2010	PAGE:	5 of 6
ISSUED BY:	INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 793		

- 7.01.3 If a violent incident results in a critical injury to a worker the Designated Certified Worker Representative will assist the Human Resources Manager in preparing the report to the Ministry of Labour and JOHSC.
- 7.01.4 The Employer will report all injuries to the Ministry of Labour and WSIB as required by the Occupational Health and Safety Act and Workplace Safety and Insurance Act.
- 7.01.5 Copies of all reports will be provided to the Business Manager and JOHSC.
- 7.01.6 A worker can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence. Refer to P&P No. HS10 – Reporting Hazardous Conditions.
- 7.02 Investigation:
The Human Resources Manager will pursue investigating all claims of violence and will work with the complainant and any witnesses.
- 7.02.1 If a violent incident results in a critical injury to a worker the Designated Certified Worker Representative will investigate the details surrounding the incident and report to the Human Resources Manager.
- 7.02.2 All parties to the investigation will be advised that they may have representation.
- 7.03 Resolution:
The Business Manager will be made aware of all reports and details associated with reports of violence in the workplace. The Business Manager will make all determinations in resolution outcomes or other corrective actions.
- 7.03.1 Possible resolutions and/or corrective actions may be:
- apology
 - training
 - referral to an assistance program
 - reassignment or relocation
 - report to a professional body
 - suspension
 - discharge; and/or
 - legal action
- An individual affected by workplace violence has the right to pursue their concern through alternative forums or other forms of dispute resolution. Nothing in this Policy prevents an individual from pursuing other remedies to an incident of workplace violence such as a criminal or civil action.
- 7.03.2 All reports will be discussed with the JOHSC, protecting individual's privacy as much as possible, so that revisions to the violence prevention and training programs can be determined and recommended accordingly.
- 7.04 Emergency Response:
Refer to the organization's P&P No. HS9 – Emergency Response Plan

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DATE:	June 15, 2010	PAGE:	6 of 6
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7.05 Support:

Management will respond promptly, assess the situation and attend employees affected by workplace violence by:

- facilitating medical attention;
- debriefing staff;
- providing referrals to appropriate community agencies;
- completion of all required reports; and
- reporting to police as required.

7.06 Risk assessments will be reviewed annually as well as when new jobs are created or job descriptions are changed substantially.

7.07 New employees will receive appropriate orientation to the Workplace Violence Policy. All employees will receive an annual review of the Policy's general and site-specific components.

7.08 The effectiveness of this Policy will be reviewed at least annually or when such circumstances require immediate review.

7.09 All records of violence reports and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law. The IUOE Local 793 will do everything it can to protect the privacy of individuals involved and to ensure that complainants and/or respondents are treated fairly and respectfully. The IUOE Local 793 will protect this privacy so long as doing so remains consistent with the enforcement of this Policy and adherence to the law.

7.10 All reported incidents are documented and retained on file. Where it is deemed violations of this Policy have occurred, including the filing of false claims, documentation is retained in individuals' personnel files.

8 ATTACHMENTS

8.01 Workplace Violence Incident Report