

# Management Directive

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<b>Number:</b>	<b>MD-059</b>
<b>Title:</b>	<b>Workplace Violence</b>
<b>Type:</b>	<b>Human Resources</b>
<b>Sub-type:</b>	<b>Health and Safety</b>
<b>Owner:</b>	<b>Legislative Services</b> <b>Human Resources</b>
<b>Approved By:</b>	<b>CAO</b>
<b>Approval Date:</b>	<b>April 29, 2025</b>
<b>Effective Date:</b>	<b>November 9, 2004</b>
<b>Revised Date:</b>	Click or tap to enter a date.
<b>Applicable to:</b>	<b>All Employees</b>

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## 1. Legislative or Administrative Authority:

- 1.1. The CAO has the authority to approve Management Directives related to operational activities.
- 1.2. The Occupational Health & Safety Act requires employers to prepare and review at least annually, a written policy on workplace violence and harassment.
- 1.3. This Management Directive replaces Policy H8 – Workplace Violence.

## 2. Purpose:

- 2.1. The Corporation of the Municipality of Clarington is dedicated to providing a healthy, safe work environment. The Municipality is committed to providing a violence-free environment and recognizes that workplace violence is a health and safety issue. Acts of workplace violence by staff, volunteers or visitors will not be tolerated. The Municipality has a zero tolerance policy regarding workplace violence. Any violation of the policy will be investigated and may result in disciplinary action up to and including termination with cause.

## 3. Scope:

- 3.1. This Management Directive applies to all employees, as defined by the Ontario *Employment Standards Act, 2000* (“ESA”), regardless of where and when the work is done. For clarity, “employee” under this Management Directive means only those employees of the Municipality, which are considered employees under the ESA.

# Management Directive

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

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## **4. Definitions:**

### 4.1. Workplace violence is defined as:

- 4.1.1. the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- 4.1.2. an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- 4.1.3. a statement or behavior 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.

### 4.2. Where is the workplace?

- 4.2.1. The workplace is any location where business of the Municipality is being conducted such as offices and buildings of the Corporation. The workplace includes lunchrooms, washrooms, locker rooms, work sites, on-road municipal vehicles and personal vehicles while occupied by municipal employees during travel for the purpose of municipal business, during regular or nonregular hours, as required. Violence that occurs outside of the workplace, but which has repercussions in the work environment, adversely affecting employee relationships, may also be defined as workplace violence.
- 4.2.2. It is strongly encouraged that all acts of violence be reported to the immediate supervisor or designate. Acts of violence may also be reported to the Health & Safety Coordinator, Human Resources Supervisor, Director of Corporate Services/Human Resources or the Chief Administrative Officer or Designate.

## **5. Directive Requirements:**

### **Dealing with potential hostile situation or threat of violence:**

#### 5.1. Call the Police

- 5.1.1. Employees who feel that they are in imminent danger shall call 911

# Management Directive

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

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## 5.2. Confrontation in the workplace:

- 5.2.1. Stay calm, listen attentively, and ask the person to sit down.
- 5.2.2. Ask the person questions relevant to his or her complaint.
- 5.2.3. Acknowledge the person's concerns and try to find solutions.
- 5.2.4. Maintain eye contact.
- 5.2.5. Speak slowly, softly, and clearly. Avoid being defensive and avoid using words that may cause the person to be defensive.
- 5.2.6. Identify violent behaviours, especially before they escalate.
- 5.2.7. Set ground rules/boundaries, such as, "When you shout at me, I can't understand what you are saying."
- 5.2.8. Signal discreetly to a co-worker or supervisor/manager that you need help. Do not make any calls yourself. Have someone notify the supervisor/manager or, when necessary, the local police.
- 5.2.9. Attempt to keep the situation within your control.
- 5.2.10. Get yourself and others away from the potentially violent person.
- 5.2.11. Get out or hide. Evacuate the area.

## 5.3. Things that could lead to physical violence

- 5.3.1. Making false statements or promises you can't keep.
- 5.3.2. Explaining technical, complicated information when emotions are high.
- 5.3.3. Taking sides or disagreeing.
- 5.3.4. Taking remarks personally.
- 5.3.5. Showing your anger.
- 5.3.6. Being patronizing.
- 5.3.7. Invading the individual's personal space.

# Management Directive

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

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- 5.3.8. Verbal & non-verbal (body language) hostile style of communicating.
- 5.3.9. Making threats or dares.
- 5.3.10. Belittling or making the person feel foolish.
- 5.3.11. Criticizing or acting impatient.
- 5.3.12. Attempting to "bargain" with a threatening individual.
- 5.4. Assessments:
  - 5.4.1. A general risk assessment for the potential risk in the corporation was undertaken by each Department Head in consultation with their appropriate Supervisors utilizing the forms attached as Appendix "B", (Workplace Violence Assessment Form #1) and Appendix "C" (Workplace Violence Assessment Form #2). Documentation from the review and any recommendations will be reviewed by the CAO and the Department Head Group for possible trends or similar cross department risks. Recommendations and summary will be forwarded to the JHSC and the Health & Safety Coordinator. Risk assessments will be conducted for any new positions in line with Section E Part 1 above.
  - 5.4.2. When a risk potential is identified, a Risk Assessment will be completed by management to determine if workers are likely to be exposed to physical violence. When conducting an assessment, activities where workers are likely to be exposed to physical injury should be taken into account by considering;
    - 5.4.2.1. Circumstances specific to their workplace
    - 5.4.2.2. Circumstances that would be common to similar workplaces
    - 5.4.2.3. Any other required elements or tasks
    - 5.4.2.4. If existing conditions and work plans are sufficient such that, if a threat of violence were to occur, assistance would be readily available.
  - 5.4.3. The assessments must be reviewed by the JHSC.
  - 5.4.4. Reassessments must be completed as often as necessary to ensure the ongoing protection of workers from workplace violence. Updated

# Management Directive

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assessments will be reviewed with the Safety Coordinator for update as requested by the Department Heads.

- 5.4.5. When assessments are complete and it is found that current departmental work procedures do not adequately address the potential for workplace violence as required by the Occupational Health & Safety Act, the Manager responsible for that area shall put further controls in place.
- 5.4.6. If it is not practical to eliminate the risk, steps must be taken to minimize the potential risk.
- 5.4.7. Control plans or procedures must include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur.
- 5.4.8. Once the risk to a physical injury has been eliminated or minimized as far as reasonably possible, a method for controlling the risk (E.g. control plan or procedural change) must be communicated to the worker. Control plans or procedural changes will be reviewed with the position employee by the appropriate department supervisor. The Health & Safety Coordinator or Human Resource representative can attend if requested.

## 5.5. Domestic Violence

- 5.5.1. Any employee experiencing violence outside of the workplace (i.e. domestic violence) that may create a risk of danger to themselves or others in the workplace is encouraged to report such violence so that management can take reasonable preventive steps, examples may include;
  - 5.5.1.1. Meeting with the affected employee to create a specific safety plan
  - 5.5.1.2. Altering of working hours, and/or work locations if possible so as not to be predictable
  - 5.5.1.3. Blocking certain email addresses
  - 5.5.1.4. Screening phone messages
  - 5.5.1.5. Contacting Police for other options

# Management Directive

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

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- 5.5.2. Reports of Domestic Violence that may pose a risk to workers will follow as far as reasonably possible the investigative steps in the section entitled "Reporting".
- 5.6. Release of Information
  - 5.6.1. The employer or supervisor will provide information to a worker, including personal information related to the risk of workplace violence from a person with a known history of violent behaviour if:
    - 5.6.1.1. The worker can be expected to encounter that person in the course of their work; and
    - 5.6.1.2. The risk of workplace violence is likely to expose the worker to physical injury.
  - 5.6.2. The employer or supervisor will not disclose more personal information in these circumstances than is reasonably necessary to protect the worker from physical injury.
  - 5.6.3. Any information released in these circumstances must be done in consultation with Human Resources and the Municipal Clerk where deemed appropriate.
- 5.7. The right to refuse unsafe work
  - 5.7.1. As provided by the June 15, 2010 revision to Section 43 of the Occupational Health & Safety Act, a worker may refuse to work where they have reason to believe that they are in danger of being a victim of workplace violence. Such refusal would trigger the normal work refusal process, i.e., the employer's investigation of the refusal, followed up by a Ministry of Labour inspector, if necessary.
  - 5.7.2. Work Refusal protocol is covered in Standard Operating Procedure "Right to Refuse Unsafe Work", as well as Section 43 of the Occupational Health & Safety Act.
  - 5.7.3. Bill 168 clarifies that The OHSA will continue to prohibit workers in certain public and broader public sector workplaces from refusing work where the unsafe condition (e.g., workplace violence) is "inherent in the work" or is a "normal condition of employment."

# Management Directive

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- 5.7.4. There is no corresponding right to refuse work where "harassment" is believed likely to endanger the health and safety of a worker.
- 5.8. Reporting an incident or potential threat
  - 5.8.1. Employees who are victims of violence, or who believe they are potential victims of such violence, should promptly notify their supervisor, manager, department head or a designate from Human Resources and complete a "Violence Complaint Form" (see Appendix A) within seven (7) calendar days of an occurrence.
  - 5.8.2. If the offending person is the designate from Human Resources, the complainant should be taken directly to the Chief Administrative Officer or designate.
  - 5.8.3. The employee is encouraged to receive immediate medical attention where warranted and medical verification of the assault (if possible) should be obtained.
  - 5.8.4. Where a manager or supervisor initially receives the official complaint, it is their responsibility to ensure that the designate from Human Resources is notified about the complaint within two (2) working days from when they first received it. The designate from Human Resources is then responsible for assessment and initiation of investigation.
  - 5.8.5. The designate from Human Resources must acknowledge receipt of a complaint within two (2) working days (to Manager/Department Head/Complainant/Alleged Harasser).
- 5.9. Fact Finding
  - 5.9.1. The designate from Human Resources will conduct a one-on-one interview with relevant parties to obtain information and clarify the details of the reported incident. Both parties will have an opportunity to identify witnesses or others to be interviewed. Where the witnesses are not identified, or where otherwise appropriate, co-workers may be interviewed. All interviews will be conducted in a confidential manner.
  - 5.9.2. The designate from Human Resources will document the results and conclusions of the investigation after interviewing the complainant, respondent and any other relevant witnesses including co-workers if necessary. The Complainant and respondents may be asked to verify

# Management Directive

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documentation. Where appropriate and necessary, the designate from Human Resources may contact the Ontario Human Rights Commission for advice or assistance.

## 5.10. Notification and Discussion of Results

5.10.1. The designate from Human Resources will subsequently schedule meetings with the complainant, alleged person, Deputy CAO and Chief Administrative Officer where necessary, to present and discuss the findings and conclusions of the investigation.

5.10.2. Separate meetings may be convened if necessary and all parties have a right to be represented.

## 5.11. Report to Deputy CAO

5.11.1. A summary of the complaint and results of the investigation will be provided to the Chief Administrative Officer, Department Head and the parties affected by the outcome.

## 5.12. Disciplinary Measures

5.12.1. If there is evidence of violence, disciplinary measures will be taken by the Department Head or the Chief Administrative Officer as appropriate. Such discipline may include suspension or termination of employment with cause.

## 5.13. Malicious Complaints

5.13.1. Where, as a result of an investigation, it is determined that the complaint was made maliciously - with a specific and directed intent to harm, or made in bad faith with reasonable knowledge of any intent to harm, formal disciplinary actions may be taken against the complainant. Documentation regarding the disciplinary action will be placed in the employee's personnel file.

5.13.2. If the complaint is found to not be supported, no documentation of the complaint will be placed with the employee file of the alleged person.

## 5.14. Preventative Action

5.14.1. Steps should be taken to prevent any re-occurrence of violence and escalation of tension.

# Management Directive

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- 5.14.2. Employees who are aware of the symptoms that precede workplace violence can stop such problems before they start.
- 5.14.3. To fulfill this policy, the Municipality will work to prevent violence from occurring through training, education, awareness and reporting and will ensure that federal and provincial laws, as well as Municipal policies prohibiting violence, are fully enforced. Supervisors and employees should be well informed of the warning signs leading to acts of violence to allow for preventative measures to be utilized.
- 5.14.4. It is the responsibility of the Department Head to make all reasonable efforts to ensure that workplace violence does not occur, and that there is no retaliation for having made a good faith complaint, in his or her department.
- 5.15. What if you are accused
  - 5.15.1. Assess your behaviour seriously. Understand that, even if you did not mean to offend, your behaviour has been perceived as offensive.
  - 5.15.2. Cease the behaviour that the person finds offensive and apologize. Failure to cease this behaviour will leave you more vulnerable to a formal complaint, which could lead to disciplinary action.
  - 5.15.3. If you believe the complaint is unfounded, discuss the matter with your supervisor and/or Department Head or HR Manager. You are entitled to know the allegations against you and to have an opportunity to respond. Document your version of the alleged incident including times, places, what happened and any witnesses.
- 5.16. Consequences of criminal activity
  - 5.16.1. If an employee is charged with, or convicted of a criminal offence, regardless of whether or not the offence occurred on work time, serious disciplinary measures will be taken. If an employee commits a violent act of a criminal nature, the police must be informed immediately. If an employee is charged with a criminal offence and is awaiting trial, he/she may be suspended without pay until the charges have been dismissed. If an employee is convicted of a criminal offence, they may be discharged immediately.

# Management Directive

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

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5.16.2. Certain criterion will be explored in determining the level of discipline afforded to the employee. The following considerations will be taken into account:

- The seriousness of the offence.
- Whether the employee's conduct directly affects the Municipality of Clarington 's reputation or ability to deliver its services to the public.
- Whether the offence makes it difficult or impossible for the employee to continue performing their duties.
- Whether the presence of the employee would seriously disrupt the workplace due to other employees' refusal to work with them.
- Whether the conduct of the employee makes it unduly difficult for management to maintain the workplace.

5.16.3. The following examples are included to illustrate the possible consequences of criminal activity of employees outside the workplace:

- A senior member of management is criminally charged with sexual assault of a person.
- An employee is criminally charged with attempted murder, uttering death threats, impaired driving causing death.
- An employee whose duties require responding to fire related emergencies is criminally charged with arson, robbery, home invasion.
- An employee is criminally charged with hostage-taking.

## **5 Roles and Responsibilities:**

### **5.26 Chief Administrative Officer (CAO) is responsible for:**

5.26.2 Ensuring that this Management Directive is updated for changes in corporate need and governance as required.

### **5.27 Deputy CAOs / Directors / Managers / Supervisors are responsible for the following within their scope of authority:**

5.27.2 Being familiar with this Management Directive and taking necessary actions as required.

# Management Directive

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

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## **5.28 Corporate Health and Safety is responsible for:**

5.28.2 Reviewing and updating this Management Directive as required.

## **5.29 All Employees are Responsible for:**

5.29.2 Being familiar with this Management Directive and reporting incidents as set out within.

## **6 Related Documents:**

6.26 Appendix A – Workplace Violence Incident Report Form

## **7 Inquiries:**

7.26 For inquiries, please follow up with Human Resources at [Humanresources@clarington.net](mailto:Humanresources@clarington.net) or Corporate Health and Safety at [HS@clarington.net](mailto:HS@clarington.net).

## **8 Revision History:**

<b>Date</b>	<b>Description of Changes</b>	<b>Approved By</b>
April 29, 2025	Converted Policy H8 to a Management Directive	CAO
November 24, 2020	Updated.	CAO
November 9, 2004	H8 “Workplace Violence” created.	CAO