

Hastings Highlands Public Library

Area: Human Resources Initial Policy Approval Date: June 11, 2013

Policy Title: Prevention of Workplace Violence Last Review:

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This policy addresses the prevention of workplace violence as part of the Hastings Highlands Public Library Board's responsibility for worker health and safety under the Ontario *Occupational Health and Safety Act.* .

Violent behaviour in the workplace is unacceptable from anyone including staff, members of the board, volunteers, clients, and others who do business with the library. Individuals who violate this policy may be removed from library property, and in the case of employees, are subject to disciplinary action including termination.

Section 1: Definition

- 1. The Hastings Highlands Public Library recognizes the definition of violence as set out in the *Occupational Health and Safety Act*. Workplace violence means:
 - 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 the worker,
 - c) 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. Occupational Health and Safety Act, R.S.O. 1990, chapter O.1, s.1 (1)
- 2. Violence in the workplace may include:
 - a) verbally threatening to attack a worker
 - b) leaving threatening notes or sending threatening 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
 - f) sexual aggression against a worker
- 3. Violence in the library or on library property also includes:
 - a) intentionally or recklessly damaging of the property of another person
 - b) intentionally causing alarm

- 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

Section 2: Responsibility and Response

- 1. The CEO or designate must develop and maintain a workplace violence program which will set out:
 - a) a process for assessing the risk of violence in the workplace
 - b) measures to control risk including those from domestic violence
 - c) procedures for reporting incidents of violence
 - d) the process for dealing with, and investigating, violent incidents and complaints. (See Appendix A which follows).
- 2. Employees are encouraged to report behaviour that they reasonably believe poses a potential for violence as described above.
- 3. Anyone experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call the police.
- 4. Workplace violence should be reported immediately to the most senior staff member available.
- 5. Physical or sexual assault or threat of physical violence will be reported to the police.
- 6. All reports will be thoroughly investigated by the CEO or designate.
- 7. The Library CEO will provide staff with information on the risk of violence in the library and training workshops on a periodic basis addressing concerns such as "dealing with difficult people."
- 8. The Hastings Highlands Public Library administration, at the request of an employee, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on library property in cases where the employee suspects that an act of violence, will result from an encounter with said individual(s).
- 9. This policy (HR-08) and the Workplace Violence Program (HR-08-Appendix A) will be:
 - a) reviewed annually by the library board
 - b) posted in the staff room

Section 3: Confidentiality and False Reports

1. All investigations shall be conducted in strict confidence to the extent possible. Documents will be stored in the Human Resources cabinet and access to these records will be restricted.

2. Employees who are found to have made false or malicious complaints will be subject to disciplinary action.

Related Documents:

Occupational Health and Safety Act, R.S.O. 1990, chapter O.1

Bill 168: An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters. (Statutes of Ontario, 2009, Chapter 23)

Trillium Public Library Policy HR-07: Human Rights-Discrimination and Workplace Harassment

Trillium Public Library Policy OP- 02 Safety, Security and Emergency

Appendix A - Workplace Violence Program

Plan for Maintaining Security in the Library

- 1. The library staff will conduct a worksite assessment as often as necessary to ensure measures for violence prevention are effective. The assessment will:
 - a) identify jobs or locations with the greatest risk
 - b) identify high risk factors
 - c) include a physical workplace security audit
 - d) evaluate the effectiveness of existing security measures
- 2. The CEO, or designate, will annually review the history of past incidents to identify patterns or trends.
- 3. The CEO, or designate will review the annually the previously recognized areas of higher risk in the library including:
 - a) ongoing contact with the public
 - b) working alone or in small numbers
 - c) the circulation desk or anywhere money is kept
 - d) closing the library building at night
 - e) monitoring of secondary entrances to the library

Measures for Reducing the Risk of Workplace Violence

- 1. Learn to recognize the signs of violence
 - a) Early identification and prevention of violence in the workplace is encouraged. Potential threats of violence that should be reported could include the following:
 - i. threatening statements to do harm to self or others
 - ii. reference to other incidents of violence
 - iii. confrontational behaviour
 - iv. major change in personality, mood or behaviour
 - v. substance abuse
- 2. Institute general measures to reduce risk including:
 - a) designate the CEO's office and staff room (rooms with doors that lock and telephone) as emergency safe rooms
 - b) keep all secondary entrance doors locked, but with 'crash bars'
 - c) keep the exterior lights around the building in good working order
 - d) ensure staff will not work alone in the library without prior consent of the CEO
- 3. Staff procedures to increase personal safety
 - a) Notice your surroundings and report any unsafe or dangerous situation to the most senior staff member.
 - b) If you feel uncomfortable about a person who has entered the library, trust your instincts. If you feel threatened, make a scene YELL!
 - c) Use a buddy system when leaving work.
 - d) If you ever find you are working alone in the library, let the CEO, or someone at home know the situation and tell him or her when you expect to leave.

- e) If you enter a bathroom and suspect it is unsafe, do not call out. Back out, go to a safe, lockable place with telephone and call for help.
- f) Know the nearest exit or room with a lock.
- 4. Staff procedures for threatening behaviour:
 - a) Do not argue with a threatening person. Identify yourself as a library staff member. Remain calm and keep your voice low and firm.
 - b) Do not put yourself or others in danger. Keep a distance of four feet.
 - c) Be friendly but firm, introduce yourself, look at the person while you talk to him/her, let the person talk, clarify the problem and offer solutions.
 - d) Get assistance from another staff person.
 - e) Advise him/her that the police will be called if the abuse does not stop.
 - f) If the behaviour does not change, call the police.
 - g) Notify the CEO or designate.
- 5. Staff procedures for dealing with violence/assault
 - a) If you hear raised voices or sounds of a scuffle investigate.
 - b) If you witness violence or an assault call the police and describe the situation.
 - c) Recruit other staff to move others out of the way to a safer location.
 - d) Do not block exits to prevent a threatening/violent person from leaving the building.
 - e) Do not invade the personal space of the threatening person.
 - f) Do not get between two people fighting.
 - g) Notice details so you can describe the situation to the police.
 - h) Notify the CEO.
- 6. Domestic Violence: Steps to Increase Your Personal Safety
 - a) Tell someone at work about your situation.
 - b) Make up a "code word" for co-workers so they know when to call for help.
 - c) Ask your co-workers to screen your calls and visitors.
 - d) Ask a co-worker to call the police if your abuser is bothering you.

How to report a situation

- 1. A report should be made as soon as possible after an action or behaviour occurred
- 2. An informal, verbal complaint may be brought forward to the CEO. It is in the best interest of all concerned that a report be written.
- 3. If a formal complaint is requested, the employee must file a written report with the CEO
- 4. The report should include a brief statement of the incident, when it occurred, where it occurred, date and time it occurred, the person(s) involved and the names of any witnesses if any.

Investigation and Dealing with Incidents or Complaints

- 1. After receiving a report the CEO or her designate will complete an investigation as quickly as possible, depending on the nature and severity of the issue. This will include interviews with the employee, the alleged perpetrator, if a staff member, and any witnesses.
- 2. The results of the investigation will be discussed with the employee and recommended preventative actions and/or resolutions presented.
- 3. A separate meeting will be held with the alleged perpetrator, if a staff member.

- 4. If the findings do not support the allegations the CEO will recommend that no further action is necessary and that the matter be closed.
- 5. Should the investigation conclude that there is evidence of misconduct the CEO will prescribe a resolution that may include police intervention.
- 6. Employees who are found to have made false or malicious complaints will be subject to disciplinary action.

Editor's Notes for reference only (and not to be included within your library's policy itself)

The *Occupational Health and Safety Act* (OHSA) provides the legal framework and the tools to achieve the goal of making Ontario's workplaces safe and healthy. Since 1979, the OHSA has had requirements for all workplaces, with respect to policy on health & safety in general. Section 25 of the OHSA (within Part III) reads as follows: ..."an employer shall..."

- post, in the workplace, a copy of the [Occupational Health and Safety] Act and any explanatory material prepared by the Ministry
- ii. prepare and review <u>at least annually</u> a **written occupational health and safety policy** and **develop and maintain a program** to implement that policy;
- iii. **post** at a conspicuous location in the workplace, a copy of the occupational health and safety **policy**"

In 2010, new policy and program requirements (Bill 168) relating to **Workplace Violence and Harassment** were added to the OHSA and the following legal requirements for employers were added:

- 1) Conduct an assessment for each location on risk of workplace violence
- 2) Write **policy**
 - (a) prepare a policy with respect to workplace violence;
 - (b) prepare a policy with respect to workplace harassment;
 - (c) review the policies as often as is necessary, but at least annually.
- 3) Write a **program** to implement the policy and address the risks in each specific workplace location. (Any template used must be tailored to fit the workplace where it would be used and based on the results of the assessment for that workplace.)
- 4) **Provide information** or instruction to staff on contents of policies and programs

For more information on the 2010 legislative changes, check **Workplace Violence and Harassment: Understanding the Law** (posted on the Ministry's website at

http://www.labour.gov.on.ca/english/hs/pubs/wpvh/index.php) Two documents in the Occupational Health & Safety Council of Ontario Workplace Prevention Series are useful for those working through the requirements – including the Risk Assessment checklists. These can be found on the WSIB website (www.wsib.on.ca) under "Employers" - "Health and safety" – "Preventing workplace violence: Bill 168"

- <u>Developing Workplace Violence and Harassment Policies and Programs: What Employers Need</u> to Know
- Developing Workplace Violence and Harassment Policies and Programs: A Toolbox)

In September 2016, the Government of Ontario implemented another workplace harassment prevention measure under *Bill 132: Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment*). Bill 132 is part of the Government of Ontario's It's Never Okay Action Plan to stop sexual violence and harassment, and is *an enhancement to Bill 168* from 2010, *on* workplace violence and harassment. Under Bill 132, in addition to drafting policies and developing programs to assess and manage threats of violence and harassment, employers

will need to go ensure that the workplace harassment program includes a reporting mechanism and training on the procedures. Bill 132 contains a requirement to investigate any complaint of harassment and report investigation outcomes to complainants. Bill 132 is posted at http://www.ontla.on.ca/bills/bills-files/41 Parliament/Session1/b132ra.pdf

The Occupational Health and Safety Awareness and Training Regulation (O. Reg. 297/13) under OHSA is a regulation that requires employers to make sure workers and supervisors complete a basic occupational health and safety awareness training program. Besides these requirements, employers continue to have on-going duties under the OHSA to inform workers about workplace-specific hazards. This includes the general duty to "provide information, instruction and supervision to a worker to protect the health or safety of the worker" [clause 25(2)(a)]. Information about regulation O.Reg. 297/13 within OHSA is posted at http://www.labour.gov.on.ca/english/hs/sawo/pubs/fs_trainingreg.php

Please note that the while we have provide a sample Workplace Harassment Program (in Appendix A), each of the actual written programs for each location must reflect the unique aspects of the physical building (for example, that the library is located on two floors and supervision is restricted). Should an inspection occur, the Ministry of Labour inspector will be able to tell if a unique program for that location was created or whether the template/sample was "lifted" without editorial changes.