

## **Workplace Violence Policy**

The Royal Agricultural Winter Fair ("RAWF") is committed to the prevention of workplace violence. The RAWF will not tolerate any acts of violence and will take all reasonable and practical measures to prevent violence and protect employees from acts of violence. Appropriate remedial, disciplinary, and/or legal action will be taken according to the circumstances.

Violent behaviour in the workplace is unacceptable from anyone. This policy applies to all employees, contractors of the RAWF, volunteers, students, clients, customers, any person engaged in business with the RAWF, and visitors to RAWF properties.

### **Non-exhaustive Definition of Violence**

For the purpose of this policy, violence includes:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- the exercise of physical force by a person against another person, in a workplace, that causes or could cause physical injury to the worker;
- an attempt to exercise physical force against a worker 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 the worker, in a workplace, that could cause physical injury to the worker.

### **Recognizing Domestic Violence in the Workplace**

What follows are some signs that may be noticed in the workplace.

The victim may:

- try to cover bruises;
- be sad, lonely, withdrawn, and afraid;
- have trouble concentrating on a task;
- apologize for the abuser's behaviour;
- be nervous when the abuser is in the workplace;
- make last-minute excuses or cancellations;
- use drugs or alcohol to cope; or
- miss work frequently or more often than usual.

The abuser may interfere with the victim while at work by:

- miss work frequently or more often than usual.
- repeatedly phoning or emailing the victim;
- stalking and/or watching the victim;
- showing up at the workplace and pestering co-workers with questions about the victim. (Where is she? Who is she with? When will she be back?, etc.);
- displaying jealous and controlling behaviours;
- lying to co-workers (she's sick today, she's out of town, she's home with a sick child, etc.);
- threatening co-workers (if you don't tell me, I'll...);
- verbally abusing the victim or co-workers;
- destroying the victim's or the organization's property; or
- physically harming the victim and/or co-workers.

The abuser may attempt to prevent the victim from getting to work by:

- interfering with transportation by hiding or stealing the victim's car keys or transportation money;
- hiding or stealing the victim's identification cards;
- threatening deportation in a situation where the victim was sponsored;
- failing to show up to care for children; or
- physically restraining the victim.

### **Responsibilities**

All employees are responsible for preventing and reporting acts of violence that threaten or perceive to threaten a safe work environment. All employees will:

- Maintain a safe work environment, whenever possible;
- Not engage in or ignore violent, threatening, intimidating or other disruptive behaviours; and
- Report promptly to their supervisor any incident where the employee is subjected to, witnesses, or has knowledge of workplace violence, or has reason to believe that workplace violence may occur. Workplace violence includes domestic violence that threatens a worker in the workplace.

The RAWF will:

- Take reasonable preventative measures to protect employees and others in the RAWF workplace from workplace violence;
- Ensure that workplace violence risk assessments are completed and reported;
- Take all reasonable and practical measures to minimize or eliminate risks identified through the risk assessment process, workplace inspections, or the occurrence of a workplace violence incident;
- Post this policy in a conspicuous location in each workplace;
- Establish and maintain a process for reporting, investigating, documenting and responding to incidents of violence;
- Ensure that the process for reporting and responding to incidents of violence is communicated, maintained and followed;
- Ensure that this policy is reviewed at least annually;
- Respond promptly to all reports of violence, address immediately all incidents of workplace violence, and not condone or permit any behaviour contrary to this policy;
- Ensure workers are made aware of their rights to:
  - have workplace violence incidents investigated when they are reported;
  - report incidents of physical assault or threats of physical assault to the police; and
  - support from management when reporting incidents of physical assault or threats of physical assault to the police (e.g. time for interactions with the police and making accessible to the police information in the employer's possession with respect to the incident);
- Take all reasonable and practical measures to protect workers, acting in good faith, who report workplace violence or act as witnesses, from reprisal or further violence;
- Take every precaution reasonable in the circumstances for worker protection if they become aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace;
- Review annually, in conjunction with review of risk assessments, the effectiveness of actions;
- Provide information to workers, including appropriate personal information, related to a risk of workplace violence from a person with a history of violent behaviour; and

- Provide workers with training, information and instruction appropriate for the worker on the RAWF's workplace violence policy and program.

### **Reprisal Prohibited**

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. The RAWF will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence. Reprisal is defined as any act of retaliation, either direct or indirect.

RAWF has developed a process to report and investigate complaints of workplace violence. All complaints and investigations will be dealt with in a fair, respectful and timely manner. We will take reasonable precautions to protect workers from all source of workplace violence.

### **Zero Tolerance**

Contravention of this policy may result in the following:

- Removal from the property;
- Discipline or dismissal; or
- Police involvement.

All physical assaults involving an employee or occurring at RAWF will be reported to the police. Threats of physical violence will be reported to the authorities, as appropriate.

### **Domestic Violence**

Any employee, or an employee with knowledge of another employee, experiencing violence outside of the workplace that may create a risk of danger to themselves or others in the workplace is encouraged to report such violence to their manager/supervisor so that necessary preventative precautions may be taken to protect all employees.

### **Sharing Information**

Where RAWF acknowledges that a person employed has a history of violent behaviour, RAWF will provide the necessary minimum information to any worker who is at risk if they may encounter this person, and is at risk of likely physical injury. RAWF will make every effort to respect the privacy of the potentially violent person as much as possible.

### **Response to an Incidence of Workplace Violence**

Any employee who observes workplace violence or is a victim thereof, shall immediately go to a safe location and report it to their manager, human resources or management. The police may need to be contacted.

**Investigation:**

- (a) Employees shall report all incidences of workplace violence as soon as possible to ensure a timely investigation of the incident.
- (b) All complaints will be referred to human resources for investigation.
- (c) Complaints must be in writing and signed by the complainant. Staff of the human resources can assist in drafting the formal complaint. See Schedule "A" for Complaint Form.
- (d) Where possible the following details should be included in the complaint:
  - name(s) of the complaint(s) and contact information
  - names of the alleged accused, position and contact information (if known)
  - what happened – a description of the events or situation
  - when it happened – dates and times of the events of incidents
  - where it happened
  - who saw it happen – the names of witnesses, if any
- (e) Human resources staff will determine in consultation with others as necessary and on a case-by-case basis, whether the complainant or, where applicable, the respondent, should be placed on a paid leave, relocated within the RAWF, or provided with an alternate reporting relationship during an investigation.
- (f) Human resources staff or an external investigator will promptly conduct an investigation.
  - (i) The investigation will be kept confidential to the extent possible and identifying information will not be disclosed unless necessary to conduct the investigation or as required.
  - (ii) The results of the investigation must be communicated to the complainant and the accused as soon as possible, but no later than 3 weeks from the time that the complaint was made.
  - (iii) Human resources will interview the complainant and/or victim, the accused and any witnesses.

- (iv) At the conclusion of an investigation, the human resources staff or investigator will prepare a written report that includes the allegations, respondent's position, witness and documentary evidence, factual findings, conclusions and discussion about policy violation(s).
- (v) The human resources staff may make recommendations to correct any existing problems and/or to prevent similar problems from occurring in the future. Corrective action, if any, must be communicated in writing within ten (10) calendar days of the investigation being concluded.
- (vi) Final decisions regarding the disposition of a complaint will be made by the responsible supervisor and communicated in writing to the parties.
- (g) Investigations, both informal and formal, conducted by human resources or an external investigator will include a comprehensive and impartial review of all relevant information, including the respondent's position/response, witness information, etc. Human resources staff or the investigator has the authority to speak with anyone, examine and copy any documents, records, files and enter any work locations which are relevant to the complaint.
- (h) The WSIB or Ministry of Labour may need to be contacted as required by law. The police may need to be contacted, if they have not already been contacted, if the conclusion of the investigation involves crimes that fall under the *Criminal Code of Canada*.

**Refusal to Intervene or Investigate:** Human resources has discretion to refuse to intervene or investigate or may discontinue an intervention or investigation where: a complaint is made anonymously; the complaint is frivolous, vexatious or made in bad faith/an abuse of process; another complaint avenue has been pursued/engaged regarding the same or a related concern; or having regard to all the circumstances further investigation of the matter is unnecessary. A frivolous complaint contains allegations that are not a breach of the policy. A complaint is vexatious when the complaint has been the subject of a decision by an alternate complaint process that considered the human rights allegations, or the complaint was filed to annoy, embarrass or harass the respondent. Complaints are made in bad faith when an adequate remedy already exists or the complainant is engaging in improper action - fraud, deception, intentional misrepresentation - or is motivated to file out of malice or vindictiveness.

**Reprisals:** This policy strictly prohibits any retaliation, either direct or indirect, against an individual for: exercising their rights under the policy, initiating a complaint in good faith, investigating a complaint, being a decision maker in a complaint, participating as a witness in an investigation, being a respondent to a complaint, having been associated with, or representing a complainant, witness or respondent. Employees found to have engaged in reprisals may be subject to discipline. Appropriate discipline for a policy violation is not considered a reprisal.

**Complaint Records:** Records of a complaint will only be placed on an employee's personal file when disciplinary action is taken.

The employer (human resources or designated person) will keep records of the investigation including:

- a copy of the complaint or details about the incident;
- a record of the investigation including notes;
- a copy of the investigation report (if any);
- a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace violence and the accused, if a worker of the employer; and
- a copy of any corrective action taken to address the complaint or incident of workplace violence, where applicable.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace violence, take corrective action or otherwise as required by law.

Records will be kept for at least one year after the conclusion of an investigation.

**Disciplinary Action:** Any employee who engages in workplace violence, reprisals, or breaches confidentiality may be subject to appropriate disciplinary action up to and including termination of employment. Staff who are in a supervisory position and fail to take action when advised of workplace violence may also be subject to disciplinary action. Disciplinary action may also be taken if a complaint is found to be vexatious, made in bad faith and/or an abuse of process.

## Schedule "A" – Complaint Form

**Name and contact information of worker who has allegedly experienced workplace violence:**

**Name of accused and contact information, if available:**

### **Details of the complaint of workplace violence**

Please describe in as much detail as possible the incident(s) of workplace violence, including: (a) the names of the parties involved; (b) any witnesses to the incident(s); (c) the location, date and time of the incident(s); (d) details about the incident(s) (behaviour and/or words used); (e) any additional details. (Attach additional pages if required)

### **Relevant documents/evidence**

Attach any supporting documents, such as emails, handwritten notes, or photographs. If someone else has relevant documents, please note that below.

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

Date created: \_\_\_\_\_