

# ***ATLANTIC PILOTAGE AUTHORITY OHS SYSTEM***

## **PREVENTION OF VIOLENCE IN THE WORKPLACE**

### **PROGRAM OVERVIEW**

The APA is committed to providing a harassment and violence-free work place for all APA employees.

The Prevention of Violence in the Workplace Program has been designed to meet the prescribed requirements under *Canada Labour Code 125(1), COHS 19.4;19.5;19.6 and MOSH 7-123;124;125* and as jointly outlined in the Hazard Prevention Program.

Acts of violence may occur as a single incident such as a physical attack or as an event resulting from a series of exposure to harassment factors such as teasing and bullying. All factors that may contribute to violence in the work place that we are made aware of that are reported will be investigated and any deliberate acts of violence in the work place will be subject to disciplinary measures.

Violence, threats, harassment, intimidation, and other disruptive behavior will not be tolerated in our work places. The Authority will investigate every complaint with the goal of taking all reasonable steps to prevent and deal effectively with it when it does occur. Employees who commit such acts may be removed from the work place and may be subject to disciplinary action.

Per COHS Section 20.3, this program shall be provided and posted at a place accessible to all employees.

### **Definitions**

**Work place violence:** Per COHS Section 20.2, "work place violence" constitutes any action, conduct, threat or gesture of a person towards an employee in their work place that can reasonably be expected to cause harm, injury or illness to that employee.

**Work place harassment:** This term is meant to define any objectionable act, comment or display that demeans, belittles or causes personal humiliation or embarrassment, or any act of intimidation or threat. It includes harassment prohibited by the *Canadian Human Rights Act*, which consists of harassment related to race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction.

**Work place:** Per the Canada Labour Code, Part II, "work place" is defined as "any place where an employee is engaged in work for the employee's employer".

**Person:** This term is meant to include those individuals who work in the work place as well as individuals with whom the employee may come into contact with while working, such as the general public.

**Employee:** This term is meant to include only those individuals who work in the work place in full time, part time or casual capacity.

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## **Program Objective**

The objective of this program is to:

- (a) provide a safe, healthy and violence-free work place;
- (b) ensure sufficient and dedicated attention, resources and time to address factors that contribute to work place violence including, but not limited to, bullying, teasing, and abusive and other aggressive behaviour and to prevent and protect against it;
- (c) communicate to all APA employees' information about factors contributing the existence or potential for work place violence; and
- (d) appropriately assist those who are subjected to violence in the work place utilizing the appropriate procedures for recourse and that assistance/counselling is available.
- (e) encourage and support persons to report any factors that may contribute to violence in the work place and that all incidents of work place violence must be reported.

## **Employee Responsibilities**

Under this program an employee has the following responsibilities:

- To treat individuals at the work place with respect;
- To report any incidents of work place violence, experience or observed, to the employer;
- To report any factor not yet identified that may contribute to work place violence; and
- To co-operate in the investigation and resolution of matters involving work place violence.

## **Employer Responsibilities**

In the event of an incident, APA is committed to resolving workplace violence situation to the best of our ability and, if they cannot be resolved, having a competent impartial person(s) conduct an investigation to arrive at conclusions and recommendations for corrective action.

The employer shall not disclose information whose disclosure is prohibited by law or could reasonably be expected to threaten the safety of individuals.

## **Ongoing Prevention Assessment**

Under COHS 20.5 (1), the APA shall appoint the appropriate in-house personnel to assess the potential for work place violence, using the factors identified under section under COHS 20.4, by taking into account, at a minimum, the following:

- (a) the nature of the work activities;
- (b) the working conditions;
- (c) the design of the work activities and surrounding environment;

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- (d) the frequency of situations that present a risk of work place violence;
- (e) the severity of the adverse consequences to the employee exposed to a risk of work place violence;
- (f) the observations and recommendations of the policy committee or, if there is no policy committee, the work place committee or the health and safety representative, and of the employees; and
- (g) the measures that are already in place to prevent and protect against work place violence.

### **Reporting Procedure**

Any person who experiences violence in the work place by another person is encouraged to inform their direct supervisor or to report directly to the Human Resources Manager.

Additionally, the person shall:

- Document all events, including time, date and names;
- Bring documentation to their direct supervisor or Human Resources Manager to fill out a violence in the workplace incident form; and
- Discuss and/or request further support/assistance, if required.

Confidentiality/ privacy is need to properly investigate a work place violence incident and to offer proper support to those adversely affected. Any person who becomes aware of a work place violence incident should not disclose any information to a third party without consulting the complainant/person(s) directly involved. Those question or concerns regarding a work place violence incident should contact the Human Resources Manager.

**Employees will not be penalized or disciplined for reporting an incident in good faith.**

### **Investigation Procedure**

Upon receiving a formal report, the appropriate APA management will decide whether to contact police authorities. APA management will then address and resolve the complaint between the parties involved. If the matter can be resolved, APA management will assess and implement controls to prevent the work place violence from happening again. Identities of person(s) involved will not be disclosed without their consent.

If the incident reported cannot be resolved internally, APA management will appoint a competent person(s) to investigate the complaint and submit a written report to the CEO. Upon receipt of the report, the CEO will provide it to the Human Resource Manager to ensure the appropriate controls are implemented to prevent reoccurrence.

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Under COHS 20.6 (1), the controls shall be developed and implemented as soon as practicable, but not later than 90 days after the day on which the risk of work place violence has been assessed. Once controls referred to in subsection (1) are implemented, the employer shall establish procedures for appropriate follow-up maintenance and corrective measures, including measures to promptly respond to unforeseen risks of work place violence. Any controls established to eliminate or minimize work place violence shall not create or increase the risk of work place violence.

### **Recourse Action**

Based on the following factors, APA management (or in conjunction with an appointed competent third party) will decide on the appropriate action:

- The severity of the incident
- Whether there was intent to injure or harm
- Events leading up to the incident that indicated the work place violence was likely to occur
- The prior history of the employee
- Whether the report was made in good faith

### **Assistance**

If request, the APA will provide assistance for any employee who was involved in a work place violence incident. This assistance may include (but is not limited to):

- Employee Assistance Program
- Counselling

### **Record Keeping**

Per COHS 20.7 (3), the APA shall keep, for a period of three years, a written or electronic record of findings following the review of the work place violence prevention measures, and make it readily available for examination by the appropriate health and safety office or the Minister.

### **Employee Education**

The OHS Coordinator shall ensure that all APA employees receive education on the Prevention of Violence in the Workplace Program.

### **Review of Effectiveness**

At least annually, at the November meeting, the WHSC shall discuss and evaluate the effectiveness of this program. This program should also be reviewed whenever there is a change in conditions in respect to potential hazards.