

Canadian Food Inspection Agency

Workplace Violence Prevention Policy

Date: July 28, 2015

**Occupational Health, Safety & Prevention
Workforce Workplace Relations Directorate
Canadian Food Inspection Agency**

RDIMS: #6693935

Canada

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1. Effective Date

This Policy was revised, effective July 28, 2015. The original effective date was February 22, 2013.

1.0 Introduction:

The *Canada Labour Code (CLC)* Part II was amended in 2000 to include provisions to protect employees from, and to prevent, workplace violence. The *Canada Occupational Health and Safety (COHS) Regulations Part XX*, made pursuant to the *CLC* in 2008, identified certain prevention requirements regarding workplace violence. Prevention requirements include, but are not limited to, the identification and assessment of factors contributing to workplace violence and the development and implementation of control measures to minimize workplace violence or the risk of it. The Canadian Food Inspection Agency (CFIA) Workplace Violence Prevention Policy has been developed in response to the *CLC* and *COHS Regulations*.

2. Application:

This policy applies to all workplaces controlled by the CFIA and to workplaces that are not under the control of the Agency but where CFIA employees are engaged in work activities on behalf of the Agency.

The CFIA cannot enforce adherence to its policies by individuals visiting CFIA installations or to employees of third party workplaces, not under the control of the CFIA. However, the CFIA will not tolerate violent behaviours from any such individuals toward its employees and in situations where violence in the workplace has occurred between or by employees of third-party establishments. The CFIA will address the situation to the extent possible, both via our internal controls as well as by reporting it to the Employer of the third-party employee via the appropriate means.

3. Purpose and Objective:

The purpose of this policy is to ensure that obligations with respect to preventing workplace violence as outlined in the *CLC* Part II and the *COHS Regulations* are communicated and respected.

The objective of this Policy is to set out for all CFIA managers, supervisors and employees the roles and responsibilities of CFIA personnel in regard to the prevention and response to incidents of actual and potential workplace violence and to outline the process by which occurrences of violence in the workplace will be addressed.

4. Authorities

Pursuant to Part XX of the *COHS Regulations*, the Employer is responsible to identify all factors that contribute to workplace violence, assess the potential for workplace violence, and develop and implement systematic controls to eliminate or minimize workplace violence or a risk of workplace violence to the extent reasonably practicable.

5. Definitions:

Workplace violence: any action, conduct, threat or gesture of a person toward an employee in their workplace that can reasonably be expected to cause harm, injury or illness to that employee. (*Canada Occupational Health and Safety (COHS) Regulations, Part XX, Section 20.2*).

An act of violence can take the form of physical contact or non-physical behaviours. An act of violence may occur as a single event or may involve a continuing series of incidents. Violence may involve relations amongst peers, visitors and external stakeholders.

Workplace violence is not limited to incidents which occur in the workplace. Work-related violence can also occur at off-site business-related facilities, or at functions, such as trade shows or conferences.

Workplace: means any place where an employee is engaged in work for CFIA and includes any mode of transportation (such as a plane, train) where the employee is travelling in the course of business (Section 122 (1), CLC- Part II).

Note: In some instances, CFIA as the employer, controls the activities of its employees but may not control the workplace where work activities are being conducted or in some instances the employer may not control the activity, as it is not work-related. The degree of control over the workplace will have an impact on the application of this policy. E.g. non-mandatory recreational events sponsored by the Employer, public parking lots not controlled by the Employer and travelling to and from work.

Competent Person (Investigator)

is a person who:

- a) is impartial and is seen by the parties to be impartial;
- b) has knowledge, training and experience in issues relating to workplace violence; and
- c) has knowledge of relevant legislation.

(*Canada Occupational Health and Safety Regulations, Part XX, subsection 20.9 (1)*).

The "parties" to a complaint, as referenced in (a) above and throughout this Policy, are the individuals directly involved in the situation or allegation of exposure to workplace violence, and the Employer.

6. Roles and Responsibilities:

Failure to implement and uphold the provisions of this policy could be considered to be a breach of regulatory duty. Therefore, Employer representatives (managers and supervisors) could be subject to intervention measures, up to and including prosecution through Employment and Social Development Canada (ESDC) – Labour Program.

6.1 Employer

The Vice-President – Human Resources, as the Delegated Head of the OHS Program shall:

- a) ensure the development of a Workplace Violence Prevention Policy in consultation with the National OHS Policy Committee;
- b) dedicate sufficient attention, resources and time to address factors that contribute to workplace violence including, but not limited to, bullying, teasing, and abusive and other aggressive behaviour and to prevent and protect against it;
- c) communicate to employees information about factors contributing to workplace violence; and
- d) ensure that a policy and related procedures are in place to assist employees who have been exposed to workplace violence.
- e) ensure implementation and review of the policy as per *Part XX of the COHS Regulations*.
- f) ensure that an assessment of all factors that may contribute to workplace violence and an assessment of the potential for workplace violence has been completed in consultation with the National OHS Policy Committee.

6.2 Managers

Managers shall ensure that:

- a) the CFIA Workplace Violence Prevention Policy is posted in the workplace ;
- b) a safe, healthy and violence-free workplace is maintained by:
 - ensuring supervisors and employees participate in all mandatory training;
 - working with supervisors to communicate to employees information about factors contributing to workplace violence;
- c) the Workplace OHS Committee members participate in the necessary education and training to facilitate their understanding and support the issues of privacy and confidentiality related to the prevention of violence in the workplace;
- d) Agency response procedure related to workplace violence are developed in consultation with the National Occupational Health and Safety Policy Committee;
- e) emergency response procedures, including Emergency Evacuation Plans, are in place and communicated to employees;
- f) the response procedures and protocol for appointing a competent person to investigate are established; and

- g) the CFIA Resolution / Investigative Process for a reported incident of workplace violence is communicated to supervisors and employees, and that the investigative procedures are followed.

6.3 Supervisors

Supervisors shall:

- a) provide and promote a safe, healthy and violence-free Workplace by:
- ensuring employees participate in all mandatory training;
 - providing orientation to ensure any new employee(s) and/or any person(s) granted access to the workplace is aware of the elements of the CFIA Workplace Violence Prevention Policy;
- b) participate in and be familiar with the CFIA Workplace Violence Prevention Policy by:
- addressing and resolving as soon as possible, (if feasible) any reported incidents of Workplace violence with the employee(s) involved;
 - ensuring that employees are informed of the location of emergency contact information;
 - following-up to ensure that employee assistance is offered to those exposed to Workplace violence; and
 - ensuring employees are familiar with the worksite Evacuation Plans.

6.4 Employees

Employees shall:

- a) contribute to maintaining a safe, healthy and violence-free workplace by taking responsibility for their own safety by ensuring they complete all mandatory OHS training in a timely manner;
- b) participate in and be familiar with the CFIA Workplace Violence Prevention Policy by:
- following procedures as outlined in the CFIA Workplace Violence Prevention Policy and Emergency Evacuation Plans;
 - reporting to their supervisor/manager any experience with, or observation or threat of, workplace violence; and
 - cooperating with any Employer representative, competent person and/or Workplace OHS Committee members and/or Health & Safety Representative conducting an inspection or investigation on behalf of the Employer; and
 - when reporting workplace violence, or participating in workplace violence investigations, to provide sufficient information to, and respond to requests for information from, the Employer to facilitate the Employer's review of the situation including participating in an attempt to resolve the matter as soon as possible.

7. Prohibited Conduct:

An employee shall not subject any person to workplace violence or intentionally contribute to workplace violence. Prohibited conduct in the workplace includes, but is not limited to:

- Intentionally causing harm or injury to another person;
- Intentionally causing damage to the property of the Agency or another person;
- Threatening remarks directed at another person (written or oral);
- Bullying or intentional harmful teasing (written or oral); and
- Exhibiting extreme anger or hostility or threatening gestures.

An employee who displays any behaviour that constitutes violence in the workplace shall be subject to corrective and/or disciplinary action, up to and including termination.

8. Resolution:

In the event an employee experiences or witnesses violence in the workplace, the employee should seek assistance from a manager, union or Workplace OHS Committee representative only after removing him/herself from harm. In any event, Management must be advised of the situation as soon as possible. Management will assess the situation and implement measures to manage the situation and co-ordinate the appropriate response action.

Upon becoming aware of a situation of violence or alleged violence in the workplace, the supervisor and/or manager will assess the situation and try to resolve the issue with the parties as soon as possible.

The Employer will conduct a prima facie review and determine whether the information presented meets or is obviously outside of the scope of the definition of workplace violence and/or whether there are sufficient grounds for further action.

CFIA supports informal dispute resolution practices, i.e. if practicable (depending on the nature of the complaint), efforts should be made to resolve the issue informally and expeditiously at the lowest level possible. If the complaint can be resolved informally, the supervisor/manager will, at a minimum, consider the implementation of measures to eliminate or minimize similar issues of workplace violence in the future. **In cases where informal resolution is reached, managers or supervisors should also ensure that Labour Relations is consulted. The Area OHS Advisor and the Corporate Security Division must be informed with respect to the resolution of the complaint.** The identity of individuals will not be disclosed without their consent.

Employees with questions or concerns regarding a workplace violence incident should contact their supervisor/manager. Supervisors/managers will offer support to those affected by a workplace violence incident.

Workplace violence can have a far-reaching impact and affect the entire workplace; therefore, the manager may need to implement measures that deal with the workplace as a whole as a result.

9. Investigation Process

If the complaint cannot be resolved informally, the manager will appoint, in consultation with the parties to the incident of workplace violence based on the issue of impartiality, a competent person (investigator) to investigate the complaint.

The identity of the individual(s) involved will not be disclosed without their consent nor will information be disclosed where prohibited by law.

NB: Assault (including sexual assault) is covered by the *Criminal Code* and in such cases the police should be contacted immediately (via 9-1-1 or your local emergency number). CFIA Corporate Security Division must then be informed of the incident as soon as practicable.

Internal and external resources may be used to fulfil the requirement of a "competent person".

Please consult with the Corporate OHS unit for advice and guidance on the criteria that must be met, and the process for selection and appointment of a competent person.

10. Confidentiality/Privacy

Confidentiality/privacy is an essential element of an effective investigation into a workplace violence incident. Failure to respect privacy and confidentiality could compromise an investigation, making it less effective. Any individual who becomes aware of a workplace violence incident should not disclose any information to a third party unless required to by law. The names of individuals involved cannot be identified in the investigative report without permission from those individuals.

11. Disciplinary/Corrective Measures

Disciplinary/corrective measures may be taken by the delegated manager as a result of a workplace violence incident or as a result of any action taken by an employee who retaliates against another employee for reporting an incident of workplace violence.

Knowingly making false or vexatious complaints will not be tolerated and will be subject to disciplinary/corrective measures, up to and including termination in accordance with the CFIA Discipline Policy.

11.1 Non-Retaliation

Employees will not be penalized or disciplined for making a complaint in good faith. In fact, employees have a legal obligation to report all hazardous situations noted during the course of employment and should be encouraged to report incidences of workplace violence so that they can be addressed and prevented.

12. Assistance

Managers and supervisors will offer assistance (such as the Employee and Family Assistance Program) to employees who are the victim of, or witness, a workplace violence incident.

13. Agency Resources

Human Resources Branch (HRB):

13.1 National Occupational Health, Safety & Prevention Section will:

- a) develop policies and programs, and promote workplace practices, that support a safe, healthy and violence-free workplace ;
- b) develop and ensure availability of mandatory OHS-related training associated with this policy;
- c) develop a monitoring and reporting framework for internal evaluation and external reporting;
- d) consult with the National Occupational Health and Safety Policy Committee and OHS internal network as appropriate; and
- e) establish and maintain a database that tracks the investigation reports resulting from a workplace violence complaint. The information maintained in the database will reflect the confidentiality requirement of this Policy.

13.2 Workforce/Workplace Relations Directorate will:

- a) ensure availability of Workplace Relations-related training associated with this policy;
- b) recommend conflict resolution services (e.g. mediation, facilitation);
- c) provide advice in respect to workplace violence issues and all other labour relations issues.

13.3 Corporate Security Division shall:

- a) provide advice and guidance to supervisors, managers and Workplace OHS Committees and/or Representatives on the elements of maintaining a violence-free workplace or with regard to any reported case(s) of workplace violence;
- b) develop and provide Security Awareness training; and
- c) conduct an administrative investigation or initial fact finding on behalf of the Employer following reported incidents of violence within their jurisdiction or area of responsibility (for e.g. criminal matters).

13.4 The National OHS Policy Committee shall:

- a) promote and contribute to maintaining a safe, healthy and violence-free workplace by:
 - participating in the development and implementation of the CFIA Workplace Violence Prevention Policy and the Directive on Building Emergency Management;
 - participating in consultation regarding the development of general procedures, controls and education for the prevention of violence in the workplace ;

- recommending corrective measures to Workplace OHS Committees in instances where Workplace OHS Committees have referred unresolved complaints to the National OHS Policy Committee;
- participating in the implementation of response procedures and protocols for appointing a competent person to investigate incidents of workplace violence;
- monitoring protocols for maintaining a safe, healthy and violence-free workplace ;
- participating in the review of the CFIA Workplace Violence Prevention Policy at least once every three years.

13.5 Area OHS Advisors and the Laboratory Safety Coordinator shall:

- a) provide advice and guidance to supervisors, managers, employees and workplace OHS Committees and representatives on the elements of maintaining a violence-free workplace or with regard to any reported case(s) of workplace violence;

13.6 Workplace OHS Committees and/or Health & Safety Representatives will:

- a) promote and contribute to maintaining a safe, healthy and violence-free workplace by:
 - participating in the implementation of the CFIA Workplace Violence Prevention Policy and Emergency Evacuation Plans;
 - reviewing a summary of the results of Workplace inspections or investigations to identify factors that may contribute to workplace violence.
- b) ensure that privacy and confidentiality protocols related to workplace violence are followed
- c) participate in the development of local response procedures in the event of workplace violence
- d) ensure that adequate records are maintained on incident/investigative reports
- e) monitor protocols for maintaining a safe, healthy and violence-free workplace; and
- f) monitor the Emergency Evacuation procedures for effectiveness of controls with regard to any potential case(s) of workplace violence

14. Reporting

The report prepared following an investigation into a workplace violence incident shall be maintained at the worksite and be available for examination by an ESDC Health & Safety Officer as required under the *CLC*. A copy of the report shall be forwarded to the local OHS Committee or Representative, respecting the confidentiality provisions at Section 10.0 of this Policy and to the National OHS & Prevention Unit to ensure required data is entered, maintained and tracked.

Human Resources Branch, OHS & Prevention Unit will maintain and report on Agency records of workplace violence and provide an annual report to CFIA Corporate Security Division and to the CFIA National OHS Policy Committee.

The CFIA Corporate Security Division group will maintain a record of workplace violence incidents and provide reports of workplace violence the Security Program Management Committee and to Senior Management as required.

15. Developing, Monitoring and Evaluating:

The Employer will carry out its obligations under the COHS Regulations, Part XX (developing, monitoring and evaluating a policy and procedures for preventing workplace violence) in consultation with and through the participation of the National OHS Policy Committee. Human Resources Branch, OHS & Prevention Unit, in consultation with and with the participation of the National OHS Policy Committee, will review this Policy, including procedures, control measures and training for the prevention of workplace violence at least once every three years.

16. Sanctions:

In cases of misconduct, wilful action or inaction, recklessness, or non-compliance with regards to the provisions of this Policy, where a frivolous or vexatious complaint has been made, or a complaint has been made in bad faith, and has been determined through an investigation; administrative and/or corrective measures including disciplinary measures may be implemented by CFIA Management in consultation with the Agency Security Officer, Human Resources, and Legal Services, as appropriate.

17. Dispute Resolution

For employees, where at any time there is a dispute or complaint regarding the sanctions resulting from the application of this Policy or its supporting directives, the internal grievance process will apply in accordance with the CFIA Human Resources policies and Collective Agreements or the employee could exercise their right of redress under Section 133 of Part II of the Canada Labour Code as applicable.

18. References

Canada Labour Code - Part II

Canada Occupational Safety and Health Regulations

Canada Centre for Occupational Health and Safety

Employment and Social Development Canada – Labour (Health and Safety Publications – Information on Part XX, COHS Regulations)

19. Enquiries

For interpretation, clarification, or enquiries regarding any aspect of this policy please contact:

National Manager, Occupational Health, Safety and Prevention
Occupational Health, Safety and Prevention Section
Workforce/Workplace Relations Directorate
159 Cleopatra Drive
Ottawa, On, K1A 0Y9

Email: COHS Mailbox: CFIAOSH_SSTACIA@inspection.gc.ca

You can also refer to the Frequently Asked Questions (FAQs - RDIMS 4153156).

APPROVAL:

This CFIA Workplace Violence Prevention Policy has been approved by:



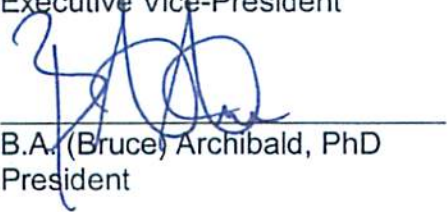
Gerard Etienne
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Date 30 June 2015



Carolina Giliberti
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Date JUL 23 2015



B.A. (Bruce) Archibald, PhD
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Date July 28/15