



Office of the
Saskatchewan Information
and Privacy Commissioner

HUMAN RESOURCES POLICY

9.0 EMPLOYEE WELLNESS 9.06 VIOLENCE FREE WORKPLACE

Purpose

To provide a healthy, safe, secure and violence free work environment for Saskatchewan Information and Privacy Commissioner (IPC) employees, visitors and clients through a commitment to effective prevention, intervention and resolution.

Application

This policy applies to all employees of the IPC, and all approved locations where an employee may carry out their duties.

Policy

Every employee has the right to carry out their duties in a violence-free environment. The IPC is committed to preventing and minimizing the risk of violence in any form, in any approved location which employees are engaged in work related activities and will take all reasonably practicable steps to ensure that employees are not exposed to violence in accordance with *The Saskatchewan Employment Act*, and *The Occupational Health and Safety Regulations, 2020*.

Violence of any type, committed by or against employees will not be tolerated and all incidents will be investigated.

Violence that occurs outside the normal workplace which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

Workplace violence is proactively addressed through:

- Following occupational health and safety standards, the Foundational Pillars Safety Management System, and the National Standard for Psychological Health and Safety in the Workplace.
- Effective incident reporting, investigation procedures and data analysis.

- Timely implementation of Critical Incident Stress Management response, to provide workplace intervention, where applicable.
- Identification of violence hazards and proper training for all employees to protect themselves.

The IPC recognizes that members of the public, clients or other parties who conduct business with the IPC may act violently towards IPC employees. In these circumstances, the IPC acknowledges its responsibility to do all in its power to protect, support, and assist those employees.

Definitions

Applicant or Complainant mean the individual or party who requested a review or investigation or are seeking summary advice.

Critical Incident Stress Management is a workplace intervention to provide information following a situation that causes people to experience unusually strong emotional reactions that have the potential to interfere with their ability to function.

Emergency response preparedness outlines procedures to prepare for and respond to emergency events (i.e., what to do if you encounter a violent individual or receive a threatening call).

Employee of the IPC Means:

1. All employees, supervisors and managers appointed under *The Freedom of Information and Protection of Privacy Act*.
2. Students or other individuals on work-experience placements.
3. Volunteers working on behalf of the IPC.
4. Fee-for-service individuals, dependent and independent contractors providing services to the IPC.
5. The Commissioner.

Foundational Pillars Safety Management System is a systematic approach to managing occupational health and safety and ensuring that, at a minimum, it complies with occupational health and safety legislation.

National Standard for Psychological Health and Safety in the Workplace is a set of voluntary guidelines, tools and resources, adopted by the IPC, intended to guide organizations in promoting mental health and preventing psychological harm at work.

Organization means the individual(s) representing a public body, local authority, trustee, or any other entity who are the subject of a consultation, review, investigation or disregard file.

Other parties are any person or group of people who the IPC interacts with for business purposes that do not qualify as an employee, applicant, complainant, organization or third party. Other parties include service providers, letter carriers, couriers, construction personnel, maintenance personnel or any other person or group of people who visit the office.

Senior Leadership

For the purposes of this policy, means the Commissioner, Deputy Commissioner or any director.

Supervisor is any employee of the IPC who is authorized by the Commissioner to oversee and/or direct the work of others. There are varying levels of supervisory authority i.e., Commissioner, Deputy Commissioner, Executive Director, Director, Manager.

Third party is any entity involved with a case file who do not qualify as or represent an applicant, complainant or organization.

Violence means attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives reasonable cause to believe that the employee is at risk of injury. Violence includes:

- The conduct which meets the above criteria, of everyone at the workplace, including, but not limited to, the public, applicants, complainants, organizations, third parties, employees, supervisors, managers, co-workers and other parties.
- Incidents employees may be subjected to outside of the workplace, but are related to work activities, such as but not limited to off-site business-related functions or social events; when conducting site inspections or in person interviews, and threatening telephone calls, texts or e-mails received at home.

Examples of workplace violence include but are not limited to:

- Physically threatening behaviour, such as shaking a fist at someone, destroying property, or throwing objects.
- Verbal or written threats to physically attack an employee.
- Leaving threatening notes or sending threatening e-mails or texts.
- Wielding a weapon at work.
- Stalking someone.
- Physically aggressive behaviours, including hitting, shoving, standing aggressively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault.

Violence Prevention Plan is a proactive safety strategy that includes the prescribed elements listed in *The Saskatchewan Employment Act (section 3-21)* and *The Saskatchewan Occupational Health and Safety Regulations, 2020* (sections 3-11 and 3-26).

Workplace is any area at a place of employment where an employee works or is required or permitted to be present or any other approved location where the employee performs duties on behalf of the IPC, including:

- The office or approved remote work location.
- During work related travel.
- At restaurants, hotels or meeting facilities that are being used for work purposes.
- During telephone, e-mail, virtual meetings or other communications.

Compliance/Non-Compliance

Employees not in compliance with this policy will be subject to discipline in accordance with Policy 11.02 Corrective Discipline, up to and including termination of employment.

Responsibilities

All employees are responsible, within their level of authority, to ensure a healthy and safe work environment.

The Commissioner

Has the ultimate accountability for ensuring occupational health and safety legislated requirements are met within the IPC, including resource allocation and a system of accountability.

Senior Leadership, Managers and Supervisors

Are responsible for developing and implementing a workplace violence prevention plan including all elements required by legislation in consultation with the appropriate Occupational Health Committee/Representative(s). Ensuring timely activation of Critical Incident Stress Management response where appropriate. Recommending an employee who has been exposed to a violent incident consult with the employee's physician for treatment or referral for post-incident counselling. Advising new employees about the nature and extent of the risk of violence in the workplace, including identities of problematic individuals. Where warranted, providing verbal notice to all employees when an incident or potential incident creating a safety risk has occurred, and when new threats or potential threats have been identified.

Occupational Health and Safety Committee (OHS)

Provides consultation during the development and implementation of this policy, the workplace violence prevention plan, and the training document. Assists senior leadership in delivering training pertaining to workplace violence, the investigation of any violent incident, and the remediation process.

Employees

All employees are responsible for complying with this policy and the workplace violence prevention plan, refraining from causing or participating in any act of violence towards another

employee, doing their part by ensuring that their behaviour does not violate this policy, and fostering a work environment based on respect.

Training

The IPC shall ensure all employees are informed of emergency response preparedness procedures and that supervisors/managers have sufficient knowledge of such procedures.

The employee training program will be provided to all employees on an annual basis and include:

- The means to recognize potentially violent situations.
- Procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to employees.
- The appropriate responses of employees to incidents of violence, including how to obtain assistance.
- Procedure for reporting violent incidents.
- The means to understand their legal obligation to refrain from participating in or carrying out acts of violence.

Procedure

Incident Reporting

Any employee who is the victim of or a witness to, or becomes aware of, a threat, intimidation or physical assault must provide a written report on the matter to their supervisor/a member of senior leadership, a member of the OHS Committee or the Commissioner as soon as possible. The reporting employee and the person they reported to will complete the 9.02 Incident Reporting and Investigation Form. If they feel it is warranted, an employee may also report an incident to local law enforcement.

Incident Investigation

All violent incidents must be reported and investigated in accordance with the process outlined in policy 9.02 Health and Safety. Where applicable, critical incident stress management response will be initiated.

Emergency preparedness procedures including calling the police, shall be followed where appropriate.

In accordance with this policy's confidentiality provision, upon commencement of an investigation, if warranted by the circumstances, employees may be provided with information about the incident, to keep themselves safe while the investigation is ongoing.

Along with member(s) of Senior Leadership appointed by the Commissioner, the OHS Committee will be involved with the investigation and make recommendations for corrective action. The Commissioner will approve implementation of corrective action, and the Executive Director of Corporate Services, Manager of Administration and all supervisors will take steps to implement.

Due to the small size of the office, the IPC will engage an impartial third party to conduct an investigation where the complainant and respondent involved in a violent incident are both employees of the IPC, or in other situations at the discretion of the Commissioner.

In accordance with this policy's confidentiality provisions, upon conclusion of an investigation all employees will be informed of the nature of the investigation, the findings, and any changes to this policy or prevention plan required because of the investigation. If changes require retraining, the IPC will provide this training to all employees during work hours.

Complaints Resolution Process

If the IPC does not resolve an issue or address a concern raised by an employee or OHS Committee/representative(s) with respect to the health, safety and welfare of the employees at the workplace, the IPC shall provide written reasons for not resolving the issue or addressing the concern to the committee or the representative.

The complaint process for an employee who wishes to raise a safety concern, shall be as follows:

- In writing to the appropriate supervisor for resolution.
- If not resolved, in writing to the OHS co-chairs.
- If not resolved, in writing to the Commissioner.
- If not resolved, in writing to the Occupational Health Division of the Ministry of Labour Relations and Workplace Safety.

Confidentiality

To conduct a fair and unbiased investigation and to protect privacy, the IPC will keep all information related to a complaint of workplace violence confidential and will only release as much information pertaining to an incident as is necessary to parties with a need-to-know in order to investigate and respond to the complaint, or if required to do so by law. As part of the initial response, a determination will be made by the Commissioner in consultation with the OHS Committee and/or senior leadership as to whether the incident under investigation poses a credible safety risk to the complainant or other employees while the investigation is ongoing, resulting in additional disclosure of information pertaining to the incident.

Involved Parties

Out of respect for the involved individuals, it is essential that the complainant, respondent, witnesses and anyone else involved in an investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

Development and Subsequent Review

In accordance with section 3-26(6) of *The Occupational Health and Safety Regulations*, this policy and the violence prevention plan will be reviewed and updated as required, at minimum of every three years or when a violent incident occurs. All employees are entitled to participate in the development, review and revision processes. Retraining may be required for all employees when revisions are made.

Authority

The Freedom of Information and Protection of Privacy Act, section 43.1

The Saskatchewan Employment Act Part III Occupational Health and Safety, section 3-21

The Occupational Health and Safety Regulations, 2020, section 3-11 and section 3-26

Influencing Sources

Legislative Assembly Service Human Resource Policy 9.7

The Saskatchewan Employment Act

The Occupational Health and Safety Regulations, 2020

Saskatchewan Public Service Human Resource Manual, Section 815

3.07 Guidelines for Responding to Inappropriate Behaviour Threats and Violence

9.02 Health and Safety

9.06 Violence-Free Workplace – Prevention Plan and Guidelines

9.06 Violence-Free Workplace – Training Guide

Related policies

2.03 Harassment and Discrimination in the Workplace

5.07 Definite Leave of Absence

11.02 Corrective Discipline