

Listuguj Mi'gmaq Government Order-In-Council



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|---|---|---------------------------|
| Chronological no.: 2027 | Subject: Workplace Violence & Harassment Policy | Originated by: |
| The Council of the Listuguj Mi'gmaq Government | | District Gespe'gewa gi |
| Date of duly convened meeting | D 0 7 M 1 1 Y 1 2 | Province Gepeg |

Whereas it is the intent of Listuguj Mi'gmaq Government to provide a safe workplace for employees and to provide a comfortable and secure atmosphere for staff and community members and also people we do business with; and

Whereas Chief and Council, together with the employees, share the responsibility for ensuring a safe and secure environment; and

Whereas a policy has been written and reviewed by Chief and Council; and it should be implemented immediately;

Therefore be it resolved:

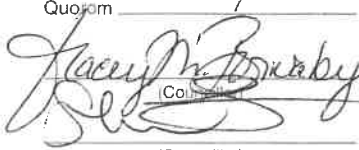
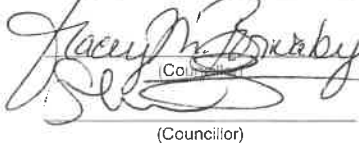
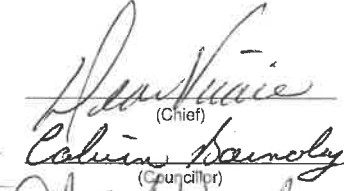







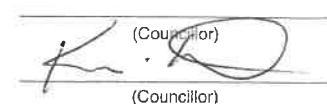
Chief and Council ratify the "Workplace Violence and Harassment Policy"; and

Be it further resolved:

All new and existing employees will be informed of the policy, and that further training will be offered to raise awareness of this important issue.

Moved: Calvin Barnaby
 Seconded: Tracey Metallic
 Abstain: -
 Opposed: -
 Status: Passed Defeated Tabled

Quorum 7

 (Chief)
 (Councillor)
 (Councillor)
 (Councillor)
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Listuguj Mi'gmaq First Nation

Workplace Violence and Harassment Policy

PURPOSE:

It is the intent of Listuguj Mi'gmaq First Nation to provide a safe workplace for employees and to provide a comfortable and secure atmosphere for customers and others with whom we do business. We will be successful only if we all share the responsibility for ensuring a safe and secure environment. We will not tolerate theft, threats, sexual harassment, discrimination, drug or alcohol abuse, or vandalism to Listuguj Mi'gmaq First Nation or personal property.

Behaviors or actions that pose a threat to security must be reported to a supervisor or manager. Where warranted, an investigation will ensue. Should an investigation determine that there is merit to substantiate a complaint, the offending employee will be subject to discipline up to and including termination.

Any employee who believes that another employee has the potential for becoming violent and doing harm to himself/herself or others should immediately report this suspicion to management. Upon learning of such potential for violent behavior, the supervisor/manager must inform the general manager.

Acts determined to be criminal in nature may result in a termination of employment and prosecution in a court of law.

RESPONSIBLE:

All Listuguj Mi'gmaq First Nation employees.

Employees

- Employees are responsible for informing their Supervisors of any violence, potential risk of violence, or unacceptable behaviour they may experience or witness. This includes issues in the employee's non-work life that may impact on the employee's or his or her co-worker's safety.
- Employees are responsible for reporting to their Supervisors any incidents of violence or close calls, according to the procedures set out in this policy.
- Employees are responsible for attending any training or information sessions provided by the employer to reduce violence or risks of violence.
- Employees are expected to co-operate with the police, company investigators or other authorities as required during any investigation related to workplace violence.

HS-LIS-028 v.01

Issue Date:

Revision Date:





Listuguj Mi'gmaq First Nation

Workplace Violence and Harassment Policy

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- Employees are responsible for attending any training or information sessions provided by the employer to reduce violence or risks of violence.
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Supervisors

- Supervisors are responsible for assessing the risk of violence to employees in their jurisdiction, minimizing those risks where necessary or reasonably possible and informing any affected employee of such risk or potential risk.
- Supervisors are responsible for ensuring employees are trained to:
 - recognize the potential for violence;
 - follow the procedures and policies developed to minimize risk;
 - respond to incidents appropriately; and
 - report and document such incidents.
- Supervisors are responsible for tracking and reporting risks of violence, incidents of violence, and close calls to the Joint Health and Safety Committee and Management, according to the time lines set out in the procedures. The Violent Incident Report Form is used for this purpose.
- Supervisors are responsible for ensuring proper medical care is provided for anyone involved in an incident and for securing the safety of employees, before investigating the incident or taking reports.
- Supervisors are responsible for co-operating with police, company investigators or other authorities, as required during any investigation related to workplace violence.

DEFINITIONS:

“Violence” means unacceptable behaviour as defined in paragraph 5.03 and includes any incident in which

- an employee is threatened or assaulted on company premises or in circumstances relating to the employee executing his or her job duties;
 - a client or visitor to the workplace is threatened or assaulted on company premises;
- or
- an employee threatens or assaults a client, co-worker or other individual in circumstances relating to the employee’s execution of his or her duties.

“Workplace” means in or on the property of Company, or away from Company property if the employee is engaged in work-related activities.

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“Unacceptable Behaviour” means physically or psychologically aggressive behaviours including but not limited to:

- hitting, kicking, punching, pushing, shoving, slapping, pinching, grabbing, biting
- carrying or brandishing weapons of any sort
- throwing objects at an individual with a view to cause physical injury or fear
- destruction of workplace or co-workers' property
- threats of violence
- intimidating behaviour that causes the recipient to have a fear of physical violence
- obscene or harassing telephone calls.
- Harassment
- Sexual Harassment

“Close Calls” means incidents that did not result in actual physical harm but, except for circumstance, had the potential to result in physical harm.

PROCEDURE:

The Managers shall initiate a process to involve supervisors, employees, the Joint Health and Safety Committee in assessing the risk of violence in the department and work environment on a periodic basis. The process shall include taking actions to remove as many risks as can be reasonably removed and instructing employees to recognize risk. The risk assessment shall be reviewed at least annually.

Each and every incident of violence in the workplace shall be reported immediately to the Supervisor. The Supervisor shall investigate the incident immediately. The Violent Incident Investigation Checklist may be used to ensure proper investigation of any reported violent incident.

- The Supervisor shall immediately make the appropriate inquiries of the victim and/or witnesses to determine if the incident is minor or serious.
- If the incident is minor:
 - the Supervisor will determine if mediation is appropriate and if so, mediate or arrange for mediation of the situation;
 - conduct the appropriate investigation immediately; and

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- within twenty-four (24) hours, write a report outlining the details, facts and witnesses of the incident and submit the report to the Manager the Joint Health and Safety Committee and Human Resources department.

If the assailant is an employee, the Supervisor shall apply appropriate disciplinary measures based on the facts of the incident and the assailant's employment record.

- If the incident is serious:
 - the Supervisor must first ensure the safety of employees and him/herself;
 - ensure proper medical treatment is provided or sent for;
 - contact the authorities as soon as possible, (Police or Ministry of Labour, where appropriate), to report the incident;
 - contact the Manager, the Joint Health and Safety Committee, as appropriate, as soon as possible, to assess who should be involved in the investigation;
 - conduct a thorough investigation, keeping detailed notes of facts, times, witnesses, and witness accounts;
 - within twenty-four (24) hours after the completion of the investigation write and submit a detailed report of the incident to the Joint Health and Safety Committee and the Manager, Human Resources department, and any other parties required by law.
 - consult with the Manager, Human Resources department regarding any disciplinary action to be applied.

The individual responsible for documenting newly hired employees shall ensure a copy of this policy is provided to and reviewed with each new employee during that employee's documentation process.

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