

Town of High Level Policy 251-17

Title: **WORKPLACE VIOLENCE/HARASSMENT/ABUSE/SEXUAL
ABUSE HARASSMENT POLICY**

Authority: Council
Resolution: 251-17
Date Adopted: 27 March 2017
Old Policy No.: 185-01
Rescinds:

Policy

The purpose of this policy is to:

Ensure, having completed an organizational risk violence/harassment/abuse/sexual harassment assessment, that:

1. Individuals are aware of, and understand, the acts of violence/harassment/abuse/sexual harassment are considered a serious offense for which necessary sanction will be imposed, and a policy and procedures are in place to deal with the same;
2. Those subjected to acts of violence/harassment/abuse/sexual harassment are encouraged to access any assistance they may require in order to make or pursue a complaint;
3. Individuals are advised of available recourse if they have been subjected to, or become aware of, situations involving violence/harassment/abuse/sexual harassment;
4. Action will be taken in response to complaints, and where complaints are substantiated, appropriate corrective and disciplinary action will be taken;
5. Victims of violence/harassment/abuse/sexual harassment will be supported and the effectiveness of the Town's actions evaluated;
6. The Policy applies to all activities where all individuals the Town employs along with elected officials are involved in work-related activities, regardless of the location;
7. The Town operates the policy on a "Zero Tolerance" basis and any act of violence/harassment/abuse/sexual harassment will be considered serious by the Town and appropriate investigation and action will be taken.

Policy Statement

The Town of High Level (hereinafter the "Town") believes in the prevention of violence/harassment/abuse/sexual harassment in the workplace and promotes a violence/harassment-free workplace. Any act of violence/harassment/abuse/sexual harassment committed by or against any elected official, employee, or member of the public is unacceptable and such conduct will not be tolerated. The Town believes that all individuals it employs along with elected officials have the right to work in an environment free from violence/harassment/abuse/sexual harassment. This policy is in keeping with the Town's

dedication to providing and maintaining an environment that fosters respectful and responsible behaviours.

We are committed to:

- Educating our employees and elected officials in the recognition of violence/harassment/abuse/sexual harassment and operation of our policy and procedures in this regard;
- Investigating reported incidents of violence/harassment/abuse/sexual harassment in an objective and timely manner;
- Taking necessary action in response to such reported incidents; and
- Providing appropriate support for victims.

1. DEFINITIONS

1.01 Harassment

Harassment is generally defined as any conduct in the workplace that creates an intimidating, threatening, coercive or hostile work environment and may include:

Threat, intimidation or verbal abuse;

- (a) Unwelcome remarks or jokes which may or may not be sexual, racial or religious in nature;
- (b) A taunt about an individual's appearance, race, religious beliefs, colour, place of origin, mental or physical disabilities, ancestry, marital status, family status, sexual orientation, source of income or gender;
- (c) The distribution or display of offensive literature or other materials;
- (d) Unnecessary and unwelcome physical contact;
- (e) Any form of retaliation for filing a complaint under this Policy;
- (f) Behaviour (conduct or comments) that is unwelcome, and has the purpose or effect of humiliating an individual, substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.
- (g) Harassment shall not include any behaviour with legitimate management actions, including measures designed to assess or improve employee performance or impose discipline.

1.02 Sexual Harassment

For the purpose of this policy, "sexual harassment" is unwanted sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature which:

- (a) Implicitly or explicitly makes submission of such conduct a term and condition of the employee's or elected official's work;
- (b) Affects access required of an employee or elected official to complete their duties;

- (c) Creates a hostile or offensive environment which interferes with the employee's or elected official's work;
- (d) Intimidates, embarrasses, coerces or humiliates an employee or elected official in the workplace; and/or
- (e) Adversely affects, or threatens to affect, a person's job security, prospects of promotion or earnings, working conditions, or opportunity to secure a job, or any kind of public service and is a violation of *Human Rights Act*.
- (f) Arises out of a relationship which is not based on mutual consent.

1.03 Violence

For the purpose of this policy, “violence” shall mean the threatened, attempted or actual conduct of a person that causes, or is likely to cause, physical injury whether at the work site or work related. The Town’s definition is expanded to include all aspects of violence including but not limited to:

- (a) bullying;
- (b) verbal assault, taunting or ostracizing;
- (c) direct or indirect threat to assault, injure, cause bodily harm of any kind or a direct or indirect threat to cause property damage;
- (d) intimidation or a statement or action, other than a direct or indirect threat, that makes you afraid for you own and another person’s safety;
- (e) physical assaults of any degree;
- (f) Any incident where a weapon of any kind is used, displayed or alluded to.

1.04 Abuse

Abuse in any form erodes the mutual trust and confidence that are essential to the Town’s operational effectiveness. Acts of abuse destroy individual dignity, lower morale, engender fear, and break down work unit cohesiveness. Abuse can come from anyone, including the public, and be directed at anyone in the workplace or the public. It can be subtle or overt, deliberate or unintended, and may be a single event or may involve a continuing series of incidents.

Abuse includes but is not limited to the following behaviours:

- (a) physical assault or aggression;
- (b) causing mental anguish
- (c) unsolicited and unwelcome conduct, comments, gestures;
- (d) threats or statements either verbal or written that give a reasonable cause to believe there is a risk of injury either physically or emotionally;
- (e) contact which causes offence or humiliation;
- (f) physical harm to an individual which engenders fear or mistrust or which compromises and devalues the individual;
- (g) bullying, violence, coercion, intimidation, persecution, humiliation, ridiculing, or mocking.

2. INSTRUCTION AND TRAINING OF EMPLOYEES:

The Town will provide training to its employees and elected officials which will include a review and explanation of this policy and its procedures, as well as a description of the Town's expectations of employees and elected official relative to their behaviour in the workplace. This training will include the following:

- (a) How to recognize workplace violence/harassment/abuse/sexual harassment;
- (b) Appropriate response to incidents of violence/harassment/abuse/sexual harassment; and
- (c) The procedures for reporting, investigating and documenting incidents of workplace violence/harassment/abuse/sexual harassment pursuant to policy and procedure.

3. PROCEDURES

The procedures below outline the process in place to give effect to the operation of this policy.

3.01 Right to Assistance

An individual who has been the subject of violence/harassment/abuse/sexual harassment has the right to access assistance in communicating their objections and, if warranted, in pursuing the complaint more formally. It is recognized that the issue of access to recourse is particularly critical where the alleged offender is in a position of authority over the victim or where there are other communication barriers.

An individual who has been subjected to, or observed, violence/harassment/abuse/sexual harassment should advise, in the case of harassment by an employee, the applicable Director; if the concern relates to the Director, the CAO; if the concern relates to an elected official, the CAO and/or Mayor; and if the individual subjected to violence/harassment/abuse/sexual harassment is an elected official, the concern should be brought to the attention of the CAO. If the concern relates to the CAO, concerns should be brought to the attention of the Mayor.

3.02 Steps Prior to Formal Reporting

- (a) An individual is required to make his or her feelings known verbally to the alleged offender, either directly or with the assistance of a third party as outlined above. The first step is very important so that the alleged offender is immediately made aware that their conduct is offensive to the victim and such conduct must stop. Again, it is recognized that it will not always be possible for the victim to make the alleged offender aware of the concern personally.
- (b) An individual may ask for support from management to communicate their objections to the incident if they choose.
- (c) An individual is required to carefully record the details of the incident, including the date and time, nature of the violence/harassment/abuse/sexual harassment, and the names of any persons who may have witnessed the violence/harassment/abuse/sexual harassment. The attached Abuse Reporting Form should be utilized and completed as comprehensively as possible in this regard.
- (d)

3.03 Formal Reporting

- (a) An individual may choose to file a formal report and the written record of the complaint should be provided as outlined in number 3.01 above.
- (b) Upon receipt of a formal complaint of violence/harassment/abuse/sexual harassment the recipient will determine whether an investigation will be pursued and will:
- advise the CAO or Mayor (if appropriate);
 - advise the Respondent in writing of the investigation and nature and specifics of the complaint; and
 - advise the Complainant of the investigation.

3.04 No Recriminations or Retaliation

No individual filing a complaint will be penalized nor subjected to any prejudicial treatment as a result of making a complaint. No correspondence pertaining to the complaint will be placed on the complainant's personnel file.

No person shall take retaliatory action against a complainant with the intention of dissuading or punishing an individual for participating in the complaint process. Sanctions may be imposed for any such retaliation. Retaliation against individuals participating in the complaint process should not be confused with any sanction which may be imposed for making false allegations.

3.05 Investigation

- (a) The Town is dedicated to conducting thorough and timely investigations of any complaints received, with the intention of accomplishing the following:
- protecting employees, elected officials and members of the public;
 - limiting the damaging effects of violence/harassment/abuse/sexual harassment on victims and others;
 - increasing productivity;
 - increasing morale;
 - avoiding negative publicity;
 - avoiding costly and time consuming legal proceedings; and
 - lowering the rate of worker turnover.
- (b) The Town will assign the investigation to an internal or external person(s) to investigate. This may be the Director of Finance, a Department Head or the CAO;
- (c) The Investigator will:
- Advise all parties to the investigation that they may have representation;
 - Conduct the investigation in accordance with this Procedure; and

- Explore all allegations by interviewing the Complainant, the Respondent, and others who may have knowledge of the incident(s) or circumstances that led to the complaint, or are responsible for the workplace.
- (d) The investigator must prepare a written report of the investigation's finding and forward that report to the Director of the appropriate department within 15 working days from the Respondent being advised of the complaint.

3.06 Disposition of the Complaint

Following the investigation process, the Town will determine whether or not the complaint has been substantiated. In the event that the complaint is not substantiated, the complainant and the alleged offender will both be advised and the complaint is dismissed, including a removal from the alleged offender's record of any reference to the complaint. Consideration will be given to whether or not the complaint was made with malicious intent and what recourse should follow in the event that this conclusion is reached.

In the alternative, if the complaint is substantiated, the appropriate corrective and disciplinary measures will be identified and may include a range of responses. Consideration will be given to the specific circumstances of the incident and the role of the offender within the organization. Recourse may include both disciplinary and corrective action. The following options exist in this regard:

- (a) A written apology;
- (b) A written reprimand delivered to the harasser, and recorded in his/her personnel file;
- (c) Training;
- (d) Referral to counseling;
- (e) Mediation;
- (f) Reassignment;
- (g) Limiting access to certain areas or individuals within the organization;
- (h) Withholding of a promotion;
- (i) Demotion;
- (j) Suspension without pay;
- (k) Termination of employment; and
- (l) Advising the local authorities of a potential criminal offence.

3.07 Confidentiality

Throughout the process, to the greatest extent possible, reasonable efforts shall be made to respect the confidential nature of a complaint. However, absolute confidentiality cannot be guaranteed owing to the need for an investigation and the need to inform the alleged offender and/or and O H & S Officer.

4. COMPLAINT RESOLUTION ALTERNATIVES

The Town recognizes that nothing in this policy or procedures takes away from the complainant's right to file a complaint with the Alberta Human Rights Commission, or commence proceedings in a civil or criminal court. Any individual has the right to pursue their concerns through alternate forums, including the exercise of rights through any law of Alberta or Canada.

5. OCCUPATIONAL HEALTH AND SAFETY REPORTING REQUIREMENTS

Employees and elected officials should be aware that an incident involving workplace violence constitutes an "accident that has the potential of causing serious injury to a worker" pursuant to section 18(3) of the *O H & S Code*. As a result, the Town must investigate the incident, prepare a report, keep the report on file for a period of two years from the date of the incident and have it readily available for inspection by an O H & S Officer. Only those events listed in section 18(2) of the *O H & S Code* will need to be reported directly to Alberta Human Resources and Employment. Section 18(1) and (2) of the *Code* reads as follows:

18(1) If an injury or accident described in subsection (2) occurs at a work site, the prime contractor or, if there is no prime contractor, the contractor or employer responsible for that work site shall notify a Director of Inspection of the time, place and nature of the injury or accident as soon as possible.

(2) The injuries and accidents to be reported under subsection (1) are

- an injury or accident that results in death
- an injury or accident that results in a worker's being admitted to a hospital for more than 2 days,
- an unplanned or uncontrolled explosion, fire or flood that causes a serious injury or that has the potential of causing a serious injury,
- the collapse or upset of a crane, derrick or hoist, or
- the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.

6. VICTIM SUPPORT

The Town understands that victims of violence/harassment/abuse/sexual harassment need support. As a result, the Town will ensure that all victims are advised that they are not to blame for the aggressive/harassing behaviours directed at them and that being a victim of violence/harassment/abuse/sexual harassment does not reflect on them.

The Town recognizes that victims of violence/harassment/abuse/sexual harassment or employees and elected officials, who may have been exposed to a violent incident, may require emotional support and reassurance. The Town will ensure that victims as well as others exposed to violence/harassment/abuse/sexual harassment are advised to consult a health professional of their choice for treatment or referral. The Town will also advise affected employees or elected officials of the ability to access Employee Assistance Programs if they wish. Below is a listing of the agencies, programs and materials which are available to assist you in seeking support in addition to the EAP and your personal professional service providers:

Who	Contact(s)	What
Victim Impact Statement Program	Information is available through police, Crown Prosecutor's Office, the Courts and other agencies providing services to victims. Forms may be obtained from the police.	Victims of crime are provided with the opportunity to express in writing to the courts, the harm done or loss suffered as a result of the crime. The judge considers the Statement in determining the sentence.
Alberta Human Rights Commission Northern Regional Office 800 Standard Life Centre 10405 Jasper Avenue Edmonton, Alberta T5J 4R7	Confidential inquiry line: (780) 472-7661 Toll Free: 1-800-432-1838	To make a human rights complaint or if there is a question about specific situations, call the Commission's confidential inquiry line. A written complaint can also be sent through regular mail.
Alberta Human Resources and Employment Work-place Health and Safety	Province-wide Call Centre 1-866-415-8690 Website: www.whs.gov.ab.ca	To report serious injuries and provide information on the requirements of the <i>Occupational Health and Safety Act</i> and regulations
Alberta Employment Standards	Tel: (780) 427-3731 Toll Free: 1-877-427-3731	Inquiries regarding the <i>Alberta Employment Standards Code</i>
Alberta Occupational Health & Safety	Tel: (780) 415-8690 Toll Free: 1-866-415-8690	Inquiries regarding the <i>Alberta Occupational Health & Safety Code</i>

The Town is dedicated to engaging in a process by which they follow up with the victim in order to ensure that their needs are being met post-incident. The Post Intervention Victim Questionnaire will be utilized in this regard.

7. PROGRAM EVALUATION

The Town will engage in a program evaluation process to monitor the effectiveness of its policy and procedures. Given that the purpose of this policy and procedure is to minimize the occurrence of violence/harassment/abuse/sexual harassment and establish an environment of non-tolerance to violence/harassment/abuse/sexual harassment, the process will be evaluated against that measure.

The evaluation program will include the following:

- a needs assessment;
- process evaluation in order to measure whether the program is meeting its intended objective;
- outcome evaluation to determine whether the program has met its objectives and whether additional opportunities for improvement in the program can be identified.

This process will include canvassing individuals who have made complaints as well as other employees or elected officials as to their perception of the efficiency and fairness of the process.

Schedule "A"

Town of High Level

Workplace Violence, Harassment, Abuse and Sexual Harassment Policy

Risk Assessment Questionnaire

Verbal Abuse

1(a) Have you experienced verbal abuse while an employee or elected official of this organization?

- Yes
- No

1(b) If yes, did you report the incident(s)?

- Yes
- No

1(c) If yes, how did you report the incident(s)?

- Verbally
- In writing

1(d) What was the relationship of the abuser to you?

- Co-Worker
- Customer
- Elected Official
- Other (please specify) _____

1(e) Where did the abuse occur?

1(f) When did the abuse occur?

Physical Violence

2(a) Have you experienced a threat of physical violence while an employee or elected official of this organization?

Yes

No

2(b) If yes, did you report the incident(s)?

Yes

No

2(c) If yes, how did you report the incident(s)?

Verbally

In writing

2(d) What was the relationship of the abuser to you?

Co-Worker

Customer

Elected Official

Other (please specify) _____

2(e) Where did the abuse occur?

2(f) When did the abuse occur?

Physical Assault or Attack

3(a) Have you experienced a physical assault or attack while an employee or elected official of this organization?

Yes

No

3(b) If yes, did you report the incident(s)?

Yes

No

3(c) If yes, how did you report the incident(s)?

Verbally

In writing

3(d) What was the relationship of the abuser to you?

- Co-Worker
- Customer
- Elected Official
- Other (please specify) _____

3(e) Where did the abuse occur?

3(f) When did the abuse occur?

Other Information

4(a) Did you miss any time from work as a result of the violence, harassment?

- Yes
- No

4(b) If yes, please indicate the length of absence from work: _____ days/weeks/months

-

4(c) Do you work alone?

- Yes
- No

4(d) Do you work with a small number of co-workers?

- Yes
- No

4(d) Do you work between 6:00 p.m. and 7:00 a.m.?

- Yes
- No

4(e) Are you concerned about your safety on the job?

- Yes
- No

4(f) What is the source of your concern?

4(g) Do you believe that such a possibility represents a:

- High Risk
- Medium Risk
- Low Risk

4(h) The completion of this section is voluntary. Information gathered from this section will only be used for statistical analysis and to identify trends in workplace violence and harassment. Complete individual confidentiality will be maintained in respect of this portion.

- Male
- Female

Length of service:

- 1 year
- 1-3 years
- 3-5 years
- 5-10 years
- More than 10 years

Job Classification: _____

Description

Give a thorough description of the incident (what happened, where it occurred, what led up to the incident, who else was present, what action was taken at the time):

The purpose of this form is to document your claim to assist in a thorough investigation of the complaint.

Signature of person reporting incident

Today's Date

Upon completion, please forward to: _____

Schedule "C"

Town of High Level

Workplace Violence, Harassment, Abuse and Sexual Harassment Policy

Data Reporting Form

Complainant Information

Age: _____ Gender: _____ Classification: _____

Male
 Female

Years of experience: _____ Employment status:

Full -time
 Part-time
 Relief/casual
 Elected Official

Shift start: _____ Shift end: _____

Alleged Abuser(s) Data

Status:

Co-worker
 Customer
 Elected Official
 Other _____

Age: _____ Gender: _____

Male
 Female

Incident Data

Date of incident: _____ Date of reporting: _____

Type of incident:

Verbal abuse, e.g., yelling, swearing, name calling _____
 Physical aggression against objects _____
 Physical abuse _____
 Sexual harassment _____
 Other (please specify) _____

What injury or trauma, if any, resulted from the incident?

Physical injury (describe) _____
 Emotional injury e.g. fear, anger, humiliation _____
 Other (please specify) _____

Medical attention required?

Yes
 No

Action to prevent recurrence (to be completed by worker and supervisor)

Follow-up (established by worker/supervisor)

Lost time incident

- Yes
If yes, # of shifts missed _____
- No

Advised of available counseling

- Yes
- No

Comprehensive incident review completed

- Yes
- No
If "no" indicate date to be reviewed _____

Law enforcement involved

- Yes
- No

Workers' Compensation Board form completed

- Yes
- No

Short term disability claim

- Yes
- No

Long term disability claim

- Yes
- No

Evaluation of current policies/procedures

- Yes
- No

Investigation complete

- Yes
- No

Other actions:

Steps (if any) taken to accommodate:

Signature of Investigator

Date

Schedule "D"

Town of High Level

Workplace Violence, Harassment, Abuse and Sexual Harassment Policy
Post-Intervention Victim Questionnaire

Date: _____

Dear: _____

You were recently involved in an incident of violence/harassment/abuse, sexual harassment. _____ discussed the incident and support options with you. We are interested in your perception of what benefits you were able to receive from the support provided to you. We would greatly appreciate your honest response to the following questions.

Thank you.

1). How many contacts have you had with the support person regarding the incident/assault?

2). How much time elapsed from the time of your assault/incident to when you met with the support person?

_____ Days _____ Hours _____ Minutes

Did you feel this was ideal for your situation?

- Yes
- No

If not, what would have been preferable?

3). In general do you feel it is most helpful to be familiar with the support person who contact you, or to see someone you don't know very well?

It is most helpful to be contacted by:

- A familiar person
- Someone I don't know
- Doesn't matter to me

4). The purpose of the Policy is to help deal with feelings which accompany traumatic situations in a support, construction manner. Do you feel this was accomplished in your case?

Absolutely Not

1 2 3 4 5 6

Absolutely Yes

Please offer suggestions:

Schedule "E"

Town of High Level

Workplace Violence, Harassment, Abuse and Sexual Harassment Policy

Acknowledgement & Agreement

I certify that I have read, understand, and agree to the terms set forth in the Town of High Level Workplace Violence, Harassment, Abuse and Sexual Harassment Policy.

I agree to adhere to this policy and understand that if I violate the rules set forth in this policy, I may face punitive or corrective action, up to and including termination of employment.

I further certify that I have received a copy of this policy.

Name (please print)

Signature

Date

Witness