



TOWN OF THREE HILLS

POLICY # 450-A1

WORKPLACE VIOLENCE AND HARASSMENT POLICY

Adopted by Council on: June 8, 2020
Resolution #: 289-2020

1. PURPOSE

- 1.1 The purpose of this policy is to adopt a proactive approach to the prevention of Violence and Harassment in the workplace and outline the expectations of Employees and the public of the Town of Three Hills in reporting and responding to Violence and Harassment issues if they occur.
- 1.2 The Town believes in the prevention of Violence and Harassment in the workplace and promotes a workplace in which all people respect one another and work together to achieve common goals.
- 1.3 The Town has a duty under the Occupational Health & Safety (OHS) Code to:
 - 1.3.1 Develop and implement policies and procedures respecting potential workplace Violence and Harassment;
 - 1.3.2 Instruct Employees on how to recognize workplace Violence and Harassment;
 - 1.3.3 Communicate the Policy and procedures related to workplace Violence and Harassment;
 - 1.3.4 Conduct Hazard assessments;
 - 1.3.5 Develop appropriate responses to workplace Violence and Harassment; and
 - 1.3.6 Develop procedures for reporting, investigation and documenting incidents of workplace Violence and Harassment.

2. AUTHORITY

- 2.1 The authority for the Violence and Harassment Policy is by resolution of Council of the Town of Three Hills.
- 2.2 The CAO is accountable and responsible for the development, evaluation and implementation of this Policy.
- 2.3 The CAO reserves the right to exercise appropriate managerial judgement to take such actions as may be necessary to achieve the intent of this Policy.

- 2.4 The CAO reserves the right to vary from the guidelines outlined in this Policy to address unusual circumstances on a case by case basis.

3. DEFINITIONS

- 3.1 Whenever the singular masculine gender is used in this Policy, the same shall include the feminine and neutral gender whenever context requires.

- 3.2 In this Policy, unless the context otherwise requires:

3.2.1 "CAO" shall mean Chief Administrative Officer for the Town of Three Hills or his designate.

3.2.2 "Council" shall mean the body of elected officials that govern the Town.

3.2.3 "Domestic Violence" shall mean a pattern of behavior used by one person to gain power and control over another with whom a person has or has had a personal relationship. This includes, but is not limited to:

- i. Physical Violence;
- ii. Sexual abuse;
- iii. Financial control;
- iv. Emotional and psychological intimidation;
- v. Verbal abuse;
- vi. Stalking; and
- vii. Using electronic devices to harass and control.

3.2.4 "Employee" for the purposes of this Policy, shall mean an individual employed by the Town.

3.2.5 "Harassment" shall mean, as defined in the *Occupational Health & Safety Act*, RSA 2017, C. O-2.1, any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to an Employee, or adversely affects the Employee's Health and Safety and includes, but is not limited to:

- i. Conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and
- ii. A sexual solicitation or advance

But excludes any reasonable conduct of an employer or Supervisor in respect of the management of Employees or a work site.

3.2.6 "Hazard" shall mean a situation, condition or thing that may be dangerous to Health

and Safety.

- 3.2.7 “Health and Safety” shall include physical, psychological, and social well-being.
- 3.2.8 “Health and Safety Representative” shall mean an Employee representative designated under section 17 of the *OHS Act*.
- 3.2.9 “OHS Act” shall mean the *Occupational Health & Safety Act*, RSA 2017, c. O-2.1.
- 3.2.10 “Sexual Violence” shall mean any sexual act, attempt to obtain a sexual act, or other act directed against an Employee’s sexuality using coercion, by any person regardless of their relationship to the victim, in a workplace or work-related setting.
- 3.2.11 “Supervisor” shall mean all Employee’s with the classification of Manager, Director or CAO;
- 3.2.12 “Threat” shall mean any act, gesture, or statement that gives an Employee, or another person, reasonable cause to believe that there is risk of injury to themselves or another person or damage to property.
- 3.2.13 “Town” shall mean the Town of Three Hills as an employer.
- 3.2.14 “Violence,” whether at a work site or work-related, shall mean the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or Sexual Violence. Examples include, but are not limited to:
 - i. Physical Acts such as hitting, shoving, pushing kicking and sexual assault;
 - ii. Any Threat, behavior, or action which is interpreted to carry the potential to harm or endanger the safety of others, result in acts of aggression, or destroy or damage property either personal or corporate; and
 - iii. Disruptive behavior that is not appropriate to the work environment, such as yelling and swearing.

4. POLICY

4.1 Policy Statement

- 4.1.1 The Town is committed to:
 - i. Working in collaboration with its leaders, Employees, unions and associations to provide a safe workplace in which all Employees and individuals are treated with respect and dignity;
 - ii. Making the workplace as safe as is reasonably practicable for Employees, contractors and users of town services;
 - iii. Educating Employees in the recognition of acts of Violence and Harassment and the operation of Town policies and procedures in this regard; and
 - iv. Investigating reported incidents of Violence and Harassment in an objective

- and timely manner;
- v. Taking necessary action in response to such reported incidents; and
- vi. Providing appropriate support for victims.

4.1.2 The Town will ensure Employees are aware of, and understand, that acts of Violence and Harassment are considered a serious offense for which necessary sanction will be imposed, and policy and procedures are in place to deal with the same.

4.2 Scope

4.2.1 This Policy applies to the following people and places:

- i. People:
 - a. Town Employees;
 - b. Contractors providing services for or to the Town;
 - c. Suppliers delivering materials to the Town;
 - d. Volunteers;
 - e. Members of Council and their Employees; and
 - f. Members of the public.
- ii. Places:
 - a. Town-owned buildings, facilities, sites, offices or work environments;
 - b. Locations visited by Employees while traveling on Town-related business;
 - c. Conferences, meetings, vendor/supplier or customer sites; and
 - d. Locations of work-based social gatherings.

4.3 General

4.3.1 All those listed in section 4.2.1(i.) of this Policy shall adhere to this Policy and not subject any other person or property to Threats and/or Violence.

4.3.2 Any Threat or violent act made against an Employee or by an Employee or against Town property will be dealt with as a serious issue and appropriate action will be taken.

4.3.3 No action shall be taken against an Employee for reporting an incident unless the Employee knowingly makes a false or bad faith complaint or knowingly makes a false or misleading statement in which case the Employee may be subject to disciplinary action.

4.3.4 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.

- 4.3.5 No Employee 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.
- 4.3.6 This Policy is not intended to discourage an Employee from exercising their rights pursuant to any other law (e.g. contacting police, union grievance, human rights complaints, etc.), including the *Alberta Human Rights Act*.
- 4.3.7 Any person who has been the subject of Violence and Harassment has the right to access assistance in communicating their objections and, if warranted, in pursuing the complaint more formally.

4.4 Responsibilities

- 4.4.1 The Town shall be responsible for:
 - i. Ensuring, as far as it is reasonably practical to do so, the health, safety and welfare of Employees, contractors and the public through the prevention of Violence and Harassment in the workplace in accordance with the OHS Act and corresponding regulations and codes;
 - ii. Providing competent supervisors who are trained to recognize and appropriately deal with Violence and Harassment;
 - iii. Training Employees to recognize and appropriately deal with Violence and Harassment;
 - iv. Working with the joint worksite Health and Safety committee or Health and Safety Representative;
 - v. Investigating all reports of Violence and Harassment in the workplace;
 - vi. Championing a positive safety culture; and
 - vii. Supporting Health and Safety education and initiatives.
- 4.4.2 Supervisors shall be responsible for:
 - i. Preventing Violence and Harassment in their areas;
 - ii. Participating in activities that demonstrate a health & safety commitment and promote a healthy, safe and productive work environment;
 - iii. Being a visible leader amongst Town staff in the understanding of this Policy, associated administrative directives and safe work practices;
 - iv. Providing leadership that will ensure Employees understand their health &

safety obligations and responsibilities under the OHS Act, Regulation and Code and this Policy;

- v. Reporting Violence and Harassment in the workplace.

4.4.3 Employees are responsible for:

- i. Protecting their own and others' Health and Safety at their worksite;
- ii. Acknowledging in writing that they understand and will adhere to this Policy and that violation of this Policy may be just cause for termination of employment or other relationship with the Town;
- iii. Being familiar with and follow the procedures that are in place to assist Employees in dealing with situations of workplace Violence and Harassment;
- iv. Report incidents of Violence and Harassment to their immediate Supervisor, Health & Safety Representative or CAO as quickly as possible to complete an incident report.
- v. Refraining from Violence and Harassment in the workplace;
- vi. Reporting Violence and Harassment in the workplace.

4.5 Prevention and Assessment of Risk

4.5.1 The primary objective is to prevent Violence and Harassment from occurring at Town workplaces.

4.5.2 The Town, as an employer, has a role in prevention by:

- i. Identifying and assessing risks at Town workplaces, including workplace Violence;
- ii. Working collaboratively across business units to assist in implementing appropriate mitigation measures to address risks; and
- iii. Educating Employees on preventative measures.

4.5.3 Employees have a role in prevention by:

- i. Learning to identify warning signs of workplace Violence and Harassment;
- ii. Refraining from workplace Violence;
- iii. Reporting, in accordance with this Policy and any procedures related to this Policy, any Violence or Harassment incidents or warnings signs observed in the workplace.

4.6 Reporting & Investigating Workplace Violence & Harassment

4.6.1 Each Employee has a responsibility to ensure safety and security in the workplace.

- 4.6.2 Employees shall report any violent acts or acts of Harassment, including threats and warning signs of violent behavior, to their immediate Supervisor.
- 4.6.3 Employees who do not feel comfortable reporting the situation to their Supervisor can report directly to any member of management, the union, Human Resources, or Health & Safety Representative.
- 4.6.4 If a situation presents an imminent Threat to any Employee's safety, police assistance shall be requested.
- 4.6.5 All Incidents reported shall be investigated by the CAO or a trained investigator in an objective and timely manner and shall result in immediate action taken.

4.7 **Complaint Recourse**

- 4.7.1 Depending on the nature of the circumstances, discipline will normally be progressive and bear a reasonable relationship to the violation, as outlined in the Town's Personnel Policy and related procedures and Collective Bargaining Unit Agreement, as amended from time to time.
- 4.7.2 Disciplinary action against an Employee accused of Violence and/or Harassment in the workplace may include any of the following steps:
 - i. Verbal warning; or
 - ii. Written warning; or
 - iii. Suspension; or
 - iv. Termination for just cause without the provision of notice or pay in lieu thereof.

4.8 **Confidentiality**

- 4.8.1 To the greatest extent possible, reasonable efforts shall be made to respect the confidential nature of a complaint.
- 4.8.2 Information regarding the incident shall not be disclosed except:
 - i. Where necessary to investigate the incident or take corrective action;
 - ii. To inform the parties involved in the incident of the investigation results and any corrective actions to be taken;
 - iii. Where necessary to inform Employees of a specific or general Threat of Violence and/or Harassment or potential Violence and/or Harassment; or
 - iv. As required by law.
- 4.8.3 The Town is committed to disclosing only the minimum amount of personal information required to inform Employees of a Threat of Violence and/or Harassment, or potential Violence and/or Harassment.

5. PROGRAM EVALUATION

5.1 The Town will engage in a program evaluation process to monitor the effectiveness of its Policy and procedures every three years as outlined in the OHS Act.

6. PRIOR POLICY

6.1 This Policy shall supersede and replace all prior policies, oral or written, regarding the workplace Violence and Harassment at the Town of Three Hills Office.

6.2 This Policy shall repeal Policy 450 – Workplace Violence and Harassment Policy.

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