

**M.D. of OPPORTUNITY No. 17**

**PERSONNEL POLICY**

**TITLE: WORKPLACE VIOLENCE AND HARASSMENT PREVENTION POLICY**

**EFFECTIVE DATE: April 24, 2019**

**POLICY NUMBER: P.008**

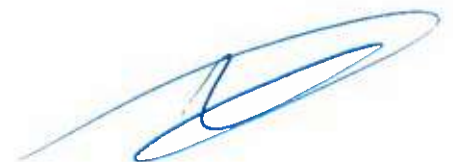
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**1. Statement of Commitment**

The Municipal District of Opportunity No. 17 (The MD) is committed to maintaining a workplace free from violence and harassment. The MD has zero tolerance for violence or harassment in the workplace, or any form or variation of violence or harassment in the workplace, including abuse of authority. It is important that M.D staff understand the expectations for workplace behavior, including the rights and responsibilities of workers and the obligations of the MD and its managers and directors. To protect workers from harm MD staff are encouraged to report conduct that does not meet our standards or are violations within this policy. Any act of violence, harassment committed by or against any worker or member of the public is unacceptable conduct and will not be tolerated. The foregoing statement includes acts of workplace violence or harassment perpetrated via social media (Facebook, Twitter, email, etc.).

As part of this commitment to prevent workplace violence and harassment, the MD is committed to:

- a) Maintaining a safe and healthy workplace for all workers;
- b) The development, and education, of prevention-oriented practices;
- c) Addressing bullying behavior as soon as possible;
- d) Effective problem-solving processes to address worker concerns, whether related to individual or group behavior.
- e) investigating reported incidents of violence and harassment in an objective and timely manner;
- f) taking necessary corrective action;
- g) not disclose the names of the complainant, the alleged perpetrator, or any witnesses, except:
  - (i) where necessary to investigate the incident and take corrective action, or to inform involved parties of investigation results and actions taken,
  - (ii) if necessary to inform workers of a threat of violence or potential violence, or
  - (iii) as required by law; and
- h) disclose the minimum amount of personal information required to inform workers of a threat of violence or potential violence.
- i) Providing appropriate support for victims.



This policy is not to discourage or prevent a worker from exercising any other legal rights pursuant to any other law, including the Criminal Code of Canada and the Alberta Human Rights Act. No worker or any other individual affiliated with this organization shall subject any other person to violence or harassment.

## **2. Purpose**

The purpose of this policy is to develop and implement a proactive approach to the prevention of violence and harassment in the workplace, and to outline the expectations for workplace behavior, and the rights and obligations for reporting and responding to violence or harassment incidents when they occur.

## **3. Scope**

This Policy applies not just to the physical premises of the MD worksites and its facilities, vehicles and other properties but also to off-site locations including, but not limited to: off-site meeting rooms, conferences locations, client locations, social events related to work, and worker homes, if real or implied consequences directly related to the workplace exist.

This Policy applies at all times not just working hours.

## **4. Definitions**

**Abuse of authority:** occurs when an individual uses authority unreasonably to interfere with a worker or the worker's job. This form of harassment includes humiliation, intimidation, threats and coercion. It does not include normal managerial activities, such as counseling, performance appraisals, and discipline, as long as these are not done in a discriminatory manner.

**Violence:** whether at a work site or work-related, is defined as 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.

**Harassment:** is defined as any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows, or ought to reasonably to know, will or would cause offence or humiliation to a worker or adversely affects the worker's health and safety and includes:

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



but excludes any reasonable conduct of an employer or supervisor in respect to the management of workers or a work site.

**Worker:** for the purpose of this policy, is defined as an MD employee, elected official, a contractor providing service to or for the MD, volunteer and stakeholder involved in a business partnership / relationship with the Municipality.

## **5. Prohibited Conduct**

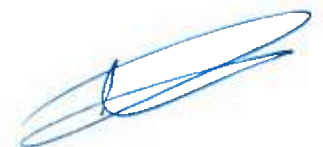
No worker or any other individual present in an MD workplace or affiliated with the MD shall subject any other person to violence or harassment or allow or create conditions that support violence and harassment.

An MD worker that subjects an MD worker or any other person present in an MD workplace or affiliated with the MD to violence or harassment may be subject to disciplinary action up to and including termination of employment.

## **6. Management Responsibilities (Supervisors, Managers, Directors, CAO)**

While every worker is responsible for maintaining and contributing to an environment that is free from violence and harassment, those in positions of authority over workers carry more responsibility than other workers within our organization do. Management have additional obligations to make every reasonable effort to establish and maintain a workplace free of violence and harassment. Their responsibilities include:

- a) Act respectfully towards workers and other people while at work or participating in a work-related activity;
- b) Develop workplace arrangements that minimize the risk of violence and harassment;
- c) Promote a non-violent, harassment-free workplace;
- d) Ensure that this Policy is presented and explained to all workers supervised or managed;
- e) Identify training needs for workers in prevention, identification, and handling of workplace violence, harassment or bullying;
- f) Ensure that workers understand the steps available for recourse when concerned about any acts observed, and how to report incidents;
- g) Ensure the immediate physical safety of all persons in the workplace if an incident of workplace violence occurs;
- h) Intervening immediately when inappropriate conduct has been brought to their attention or has been observed;



- i) Notifying the local RCMP when there are reasonable grounds to believe that a violation of the Criminal Code has occurred;
- j) Respecting the rights of all parties to a fair, equitable and confidential process for responding to complaints;
- k) Support to all those who participate in a problem-solving process; and
- l) Enforcement of corrective and/or disciplinary measures, where applicable.

## **7. Worker Responsibilities & Rights**

- a) Conducting themselves in a manner which demonstrates professional conduct, mutual respect for others, and which honors diversity in the workplace;
- b) Participating fully, and in good faith, in any resolution process, or formal complaint and investigation process, where they have been identified as having potentially relevant information;
- c) Reporting any incidents which may be in violation of this policy; and
- d) Respecting the rights to personal dignity, privacy and confidentiality pertaining to this policy.

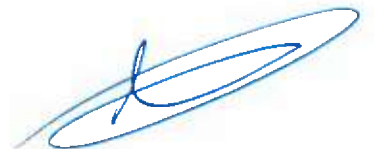
## **8. Workplace Violence Prevention Plans and Response**

### **Hazard Assessment Identification and Assessment**

The MD shall ensure that hazards of violence are reasonably identified and, where reasonably practicable, controlled.

- For each position within the MD, the Director shall ensure that a hazard identification and assessment is developed which includes violence as a source of workplace hazards.
- Hazard identification and assessments shall be developed with the involvement of each employee, along with the M.D's Safety Personnel, Health & Safety Representatives and the Joint Workplace Health and Safety Committee (if applicable).
- Hazard identification and assessments shall identify a mitigation strategy for each identified source of violence.
- Employees shall be provided with the hazard identification and assessment for their positions, along with the mitigation strategies. Tools, training, or resources shall be provided, where required, to enable the mitigation strategy.

In the event that the M.D becomes aware of a new or emergent hazard of violence, including specific or general threats of violence or potential violence, impacted MD employees shall be notified immediately; and actions shall be taken by the employer to reasonably mitigate the hazard. Disclosure of details related to hazards of violence shall comply with the confidentiality and privacy requirements contained in this policy/procedures.



## **9. Complaint Procedure**

Prior to filing a formal report of the incident a person subjected to workplace violence or harassment (the Complainant or COM) must let their objections to the behavior be known to the perpetrator (the Subject of Complaint, or SOC). It is strongly recommended that the COM do so with the assistance of Human Resources Manager, safety staff, or their supervisor or manager as appropriate.

A COM may ask for support from Human Resources Manager, safety staff or their supervisor or manager/director to prepare and submit a written formal complaint.

A COM should carefully record details of all incidents including the date and time, the nature of the violent or harassing actions, what happened, who perpetrated the action(s), and the names of possible witnesses (WITs). This record is the COM's personal property. The COM may choose to file a written formal complaint using this record, or otherwise use it in any manner they deem appropriate.

## **9. Confidentiality**

Strict confidentiality by all parties is required to properly investigate an incident and to offer appropriate support to all involved.

Any worker who has information about an incident or investigation of workplace violence, harassment or bullying must not disclose it to any third party except the investigator(s) of record. To be specific, gossiping about an incident seriously undermines the effectiveness of the investigation and the rights of all parties involved, whether the information is accurate or not. As a result, breach of confidentiality will result in disciplinary action.

Any worker with questions, concerns, or information about an incident must share that information only with the investigator(s) of record, Human Resources, or their supervisor or manager.

## **10. Non-Retaliation**

All persons involved in the investigation of a complaint will ensure that the COM, the WITs, and the SOC are neither penalized, retaliated against, nor subjected to prejudicial treatment as a result of the complaint. Corrective action(s) are wholly the purview of the MD personnel authorized by this Policy. Immediate disciplinary action will be taken against any worker who retaliates against any person who is party to an incident of workplace violence, harassment or bullying.



## **11. Investigations**

The MD commits to investigating any incident of violence, harassment or bullying, if they occur. All aspects of the investigation will be fair, timely, confidential, professional, and impartial, consistently applied and will aim to preserve the dignity, self-respect and rights of all parties.

The MD will not disclose the circumstances related to a report of violence or harassment including the circumstances, name(s) of the complainant(s), the person alleged to have committed the incident(s), and any witness(es), except:

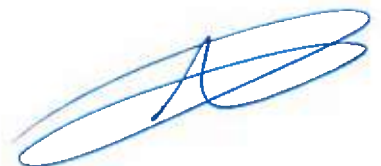
- Where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident of the results of the investigation or any corrective action to be taken to address the incident;
- Where necessary to inform workers of a specific or general threat of violence or potential violence; or
- As required by law.

Where applicable, only the minimum amount of personal information will be disclosed, if and when necessary, to inform workers of a specific or general threat of violence or potential violence.

Responses to violent or harassing behaviour will aim to correct the identified behaviour and to prevent further occurrences or violations of this policy. This policy will be enforced in accordance with the principles of progressive disciplinary action, up to and including immediate termination.

### **Investigation Procedure**

1. Upon receipt of a formal written complaint of workplace violence, harassment or bullying the Chief Administrative Officer (CAO) will determine whether an investigation will occur, and will:
  - a) Respond to the COM in writing as to whether an investigation will commence or not, clearly relating to the specifics of the complaint;
  - b) Assign the investigation to an internal or external investigator;
  - c) Suspend with pay any worker involved if necessary to ensure the immediate safety of the workplace; and
  - d) Be responsive with the COM and the SOC regarding the progress and outcome of the investigation, as able.
2. The investigator will:
  - a) Advise all parties to the investigation that they may have representation;



- b) Conduct the investigation in accordance with the principles of natural justice and the investigation steps contained in the MD's Safety Program with the goal of determining facts and root causation; and
- c) Explore all allegations by interviewing the parties involved and anyone with knowledge of the incident(s), the circumstances of the complaint, or responsibilities for the workplace.

3. The investigator will provide a written report to the CAO within thirty (30) working days of the SOC being advised of the complaint, which will include one of the following conclusions:

- a) There is sufficient evidence to support a finding that a violation of this policy occurred;
- b) There is insufficient evidence to support a finding that a violation of this policy occurred; or
- c) There is sufficient evidence to support a finding that no violation of this policy occurred.

4. The CAO will, within ten (10) working days of receiving the investigation report:

- a) Concur with, add to, or amend the report in consultation with the investigator;
- b) Recommend corrective action(s) in writing;
- c) Advise the COM and SOC of the report progress.

## **12. Corrective Action(s)**

1. In recommending corrective action(s), the CAO will consider the following:

- a) The impact of the incident(s) on the COM;
- b) The nature of the incident(s);
- c) The degree of aggressiveness and physical contact;
- d) The period of time and frequency of the incidents;
- e) The vulnerability of the COM; and
- f) All underlying causes.

2. The following corrective actions may be recommended depending on the particular incident and the factors in the previous paragraph:

- a) Apology;
- b) Training;
- c) Referral to an assistance program;
- d) Re-assignment or relocation;
- e) Report to a professional body;
- f) Progressive discipline;
- g) Termination; and/or
- h) Legal action





3. The Human Resources and Safety Coordinators will assist the manager(s) involved to complete the action(s) and as far as able, serve as a disinterested resource to any involved workers.

### **13. Records**

The documents related to the incident, the investigation, and any other component of the matter will be filed as a sealed record in a secured location, separate from the COM's and SOC's personal files, for two (2) years from the date of the incident. The record will be readily available for inspection by anyone directly affected by the incident, or an MD or provincial Occupational Health and Safety Officer.

The documents will be retained as a sealed record in a secure location for up to seven (7) years if circumstances warrant. Examples include: waiting for the expiration of a limitation period, to be available for evaluating the workplace violence policy, or to monitor persons of ongoing concern.

### **14. False Accusations**

False accusations violate the intent and purpose of this Policy and undermine an essential workplace health and safety process.

If an investigation finds that the COM intentionally accused the SOC of workplace violence or harassment falsely, knowingly or in a malicious manner, the COM will be subject to appropriate discipline up to and including termination. Investigations finding false accusation has been made, together with the action(s) taken as a result, will be recorded in the COM's personnel file.

Any worker who submits a written formal complaint in good faith, even where the complaint cannot be substantiated, has not violated this Policy.

### **15. Complaint Resolution Alternatives**

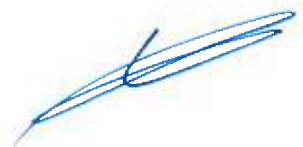
An individual affected by workplace violence or harassment has the right to pursue their concern through alternative forums such as mediation, other forms of dispute resolution, legal action, etc.

### **16. Assistance**

A worker with questions or concerns about this Policy or a complaint regarding workplace violence or harassment may contact one or more of the following initial assistance sources:

1. Human Resources Coordinator;
2. Safety staff; and/or
3. Their supervisor or manager

The goal of these staff persons will be to provide help, information, advice, or guidance. The worker's consultation will be kept confidential until he or she makes a formal written complaint OR if the consultation reveals an imminent physical threat in the workplace.





Workers who believe they have suffered discrimination or harassment on the protected grounds of race, religious beliefs, color, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation may at any time file a complaint with the Alberta Human Rights & Citizenship Commission at 1-800-432-1838.

#### **17. Evaluation**

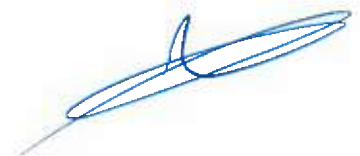
This Policy will be reviewed by the Human Resources annually to ensure that it conforms with the current Alberta Occupational Health and Safety Act, Code and Regulations and that it continues to address the needs of the MD to combat workplace violence and harassment. The evaluation may include a needs assessment, process evaluation, or outcome evaluation using any and all data or information sources Human Resources deems appropriate.

Benchmark data should be compiled to monitor the efficacy of the Policy.

ADOPTED BY COUNCIL RESOLUTION.

**Amended: August 8, 2017**

**April 24, 2019**

A handwritten signature in blue ink, consisting of a stylized, cursive script that is difficult to decipher. It appears to be a signature of an official, possibly a council member or administrator, placed at the bottom right of the document.