

Mackenzie County

Title	Workplace Violence and Harassment	Policy No:	HR003
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Legislation Reference	<i>Occupational Health & Safety Act Sections 40(1) and (2)</i>
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Purpose

The purpose of this policy is to ensure, having completed an organizational risk of violence, sexual harassment, discriminatory harassment, general harassment assessment, that:

- A. Employees are aware of, and understand, that acts of violence, sexual harassment, discriminatory harassment and general 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;
- B. Those subjected to acts of violence, sexual harassment, discriminatory harassment and general harassment are encouraged to access any assistance they may require in order to make or pursue a complaint;
- C. Employees are advised of available recourse if they have been subjected to, or become aware of, situations involving violence, sexual harassment discriminatory harassment and general harassment;
- D. Action will be taken in response to complaints, and where complaints are substantiated, appropriate corrective and disciplinary action will be taken;
- E. Victims of violence will be supported and the effectiveness of the County's actions evaluated.

Policy Statement

Mackenzie County (the "County") believes in the prevention of harassment, violence, sexual harassment and discriminatory harassment in the workplace and promotes a violence/harassment-free workplace in which all people respect one another and work together to achieve common goals. Any act of violence or harassment committed by or against any employee, member of the public or Council member is unacceptable and such conduct will not be tolerated. The County believes that all individuals it employs have the right to work in an

environment free from violence and harassment. This policy is in keeping with the County's dedication to providing and maintaining an environment that fosters respectful and responsible behaviours.

We are committed to:

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

Definitions

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 an individual's work;
- (b) Affects access to employment;
- (c) Creates a hostile or offensive environment which interferes with an individual's work;
- (d) Intimidates, embarrasses, coerces or humiliates an individual in the workplace; and/or
- (e) Arises out of a relationship which is not based on mutual consent.

Sexual harassment includes comments or conduct of a sexual nature that are unwelcome or offensive. This includes negative or inappropriate comments and conduct which is not necessarily sexual, but is directed at a person because of their gender.

The person engaging in the harassing behaviour does not necessarily have to have power or authority over the victim, although that is commonly the case.

Both men and women can be victims of harassment and someone of the same or opposite sex can be a harasser.

Sexual harassment is comprised of any of the following behaviours, though it is not limited to the behaviours listed herein:

- (a) Verbal abuse or threats associated with behaviour of a sexual nature;
- (b) Unwelcome remarks or jokes of a sexual nature;
- (c) Unwelcome invitations or requests of a sexual nature;
- (d) Staring, leering or inappropriate observation of a co-worker of a sexual nature;
- (e) Displaying or posting pornographic, offensive or derogatory materials of a sexual nature in the workplace;
- (f) Unwelcome physical contact of a sexual nature;
- (g) Exposing oneself sexually in the workplace;
- (h) Explicit or implicit demands of a sexual nature;
- (i) Sexual assault; and
- (j) Any other behaviour, conduct or activity of a sexual nature which is unwelcome or uninvited.

Discriminatory Harassment

Discriminatory harassment includes comments or conduct based on the protected grounds in human rights legislation which are unwelcome or offensive. The protected grounds include:

- (a) race, colour, ancestry or place of origin;
- (b) religious beliefs;
- (c) age;
- (d) gender;
- (e) sexual orientation;
- (f) gender expression, gender identity,
- (g) family or marital status;
- (h) source of income; and

- (i) conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Examples of discriminatory harassment include:

- (a) offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected categories;
- (b) imitating a person's accent, speech or mannerisms;
- (c) persistent or inappropriate questions about whether a person is pregnant, has children, or plans to have children; and
- (d) inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance, or weight.

General Harassment

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

- (a) implicitly or explicitly makes submission of such conduct a term and condition of an individual's work;
- (b) affects access to employment;
- (c) creates a hostile or offensive environment which interferes with an individual's work;
- (d) intimidates, embarrasses, coerces or humiliates an individual in the workplace;
- (e) arises out of a relationship which is not based on mutual consent; and/or
- (f) involves bullying:
 - (i) verbal bullying – name calling, put-downs, sarcasm, teasing, spreading rumours, threats, making reference to one's culture, ethnicity, race, religion, negative comments or words intended to denigrate a person's actual or perceived sexual orientation or against a person's actual or perceived gender identity or gender expression, or other unwanted comments;

- (ii) social bullying – exclusion, gossip, ganging up, mobbing, scapegoating, humiliating others, gestures or graffiti intended to put others down; or
- (iii) physical bullying – hitting, poking, pinching, chasing, shoving, coercing, damaging property, or destroying personal property.

Harassment is comprised of any of the following behaviours, though it is not limited to the behaviours listed herein:

- (a) Verbal abuse or threats;
- (b) Unwelcome remarks or jokes;
- (c) Unwelcome invitations or requests;
- (d) Staring, leering or inappropriate observation of a co-worker;
- (e) Unwelcome physical contact; and/or
- (f) Any other behaviour, conduct or activity which is unwelcome or uninvited.

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 worksite or work-related.

Acts of violence can take the form of physical contact. The threat of violence, either overt or covert, can be just as detrimental and damaging as the physical act of violence itself. Abuse in any form erodes the mutual trust and confidence that are essential to the County’s operational effectiveness. Acts of violence destroy individual dignity, lower morale, engender fear and break down work unit cohesiveness.

Acts of violence may occur as a single event or may involve a continuing series of incidents. Violence can victimize both men and women, and may be directed by or towards workers, visitors, and members of the public.

Domestic Violence

When Mackenzie County is aware that a worker is or is likely to be exposed to domestic violence at a work site, the employer must take reasonable precautions to protect the worker and any other persons at the work site likely be affected.

Poisoned Work Environment

Even if no one is directly targeted, harassing comments or conduct can poison the work environment, making it an uncomfortable place in which to work. This is also considered harassment.

Some examples of actions that can create a poisoned work environment include:

- (a) displaying offensive, discriminatory materials such as posters, pictures, calendars, web sites or screen savers;
- (b) distributing offensive or discriminatory e-mail messages or attachments such as pictures or video files;
- (c) practical jokes that embarrass or insult someone; and
- (d) jokes or insults that are offensive, racist or sexual in nature.

Preventing Harassment

It is the mutual responsibility of both the employee and the County to ensure a harassment free workplace.

The County will not tolerate or condone discriminatory, sexual harassment, general harassment or a poisoned work environment. This includes making everyone aware of what behaviour is and is not appropriate, investigating complaints and taking corrective measures.

Every employee must demonstrate appropriate behaviour that does not violate this policy and must foster a work environment that is based on respect and is free of harassment.

Instruction and Training for Employees

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

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

Procedures

The procedure below outlines the process in place to give effect to the operation of this policy.

1. Right to Assistance

Any person who has been the subject of violence, sexual harassment, discriminatory harassment, general 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 employee who has been subjected to violence, sexual harassment, discriminatory harassment, general harassment should advise their immediate supervisor and, if this is uncomfortable or inappropriate in the circumstances, the CAO should be advised of the incident. If the concern relates to the CAO concerns should be brought to the attention of the Reeve in conjunction with Human Resources.

2. Steps Prior to Formal Reporting

(a) Where appropriate, the complainant can make his or her feelings known verbally to the alleged offender, either directly or with the assistance of a third party as outlined above. This first step is very important so that the alleged offender is immediately made aware that their conduct is offensive to the victim and must stop. Again, it is recognized that it will not always be possible for the complainant to make the alleged offender aware of the concern personally.

(b) The complainant is encouraged to carefully record the details of the incident, including the date and time, nature of the violence, harassment, discriminatory harassment, general harassment, and the names of any persons who may have witnessed the violence. The Abuse Reporting Form should be utilized and completed as comprehensively as possible in this regard.

(c) The complainant is not required to engage in the informal complaint process prior to making a formal complaint.

(d) At any time during the informal complaint process, the complainant may choose to file a formal complaint.

3. Formal Reporting

The written record of the complaint should be provided to the CAO and, where the alleged offender is the CAO, the report should be provided to the Reeve in conjunction with Human Resources.

4. 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 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.

5. Investigation

The County is dedicated to conducting thorough and timely investigations of any complaints received, with the intention of accomplishing the following:

- protecting workers;
- limiting the damaging effects of violence, sexual harassment, discriminatory harassment, general harassment on victims and others;
- increasing productivity;
- increasing worker morale;
- avoiding negative publicity;
- avoiding costly and time consuming legal proceedings; and
- lowering the rate of worker turnover.

The County will appoint an investigation team which may include the complainant's supervisor, human resources and the Chief Administrative Officer. This team may vary depending upon the position held by the alleged offender identified in the complaint.

Investigations of a formal complaint will be carried out in accordance with the following:

- incidents will be investigated as promptly as possible in accordance with the circumstances;
- the County will not disclose the circumstances related to an incident or names of the complainant, the person alleged to have committed the violence or harassment, and any witness, except
 - where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the

- incident the results of the investigation and any corrective action to be taken to address the incident;
- where necessary to inform employees of a specific or general threat of violence or harassment or potential violence or harassment (in doing so, the County will disclose only the minimum amount of personal information that is necessary to inform employees of a specific or general threat); or
- as required by law;
- only those individuals absolutely necessary to verifying the complaint will be interviewed in order to maintain the confidentiality of the complainant and the offender to the greatest extent possible. In all cases, both the complainant and the accused will be interviewed and the accused will be advised of the allegations they face, and provided with an opportunity to answer the same;
- in all cases, both the complainant and the respondent will be interviewed and the respondent will be advised of the allegations they face, and provided with an opportunity to answer the same;
- individuals with knowledge of the incident will be encouraged not to discuss the details with others; and
- the safety of the complainant will be a paramount consideration throughout the investigation process.

This prevention policy is not intended to discourage any employee from exercising the employee's rights pursuant to any other process or legislation.

6. Disposition of the Complaint

Following the investigation process, the County 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 flow 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 possible options exist in this regard:

- (a) Apology;
- (b) Training;

- (c) Referral for counseling;
- (d) Reassignment;
- (e) Limiting access to certain areas or individuals within the organization;
- (f) Discipline;
- (g) Discharge; or
- (h) Advising the local authorities of a potential criminal offense.

7. Systemic Harassment Investigation

Whether or not any complaint has been made, when concerns regarding a worksite are brought to the attention of the County, the County may direct a systemic review of any worksite, to ensure that employees are able to work free from violence and harassment.

8. 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, union, and/or an Occupational Health & Safety (OHS) Officer.

Complaint Resolution Alternatives

The County 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.

Occupational Health and Safety Reporting Requirements

An employee should be aware that an incident involving workplace violence constitutes an "incident that has the potential of causing serious injury" pursuant to section 40(5) of the *Occupational Health & Safety (OHS) Act*. As a result, the County 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 OHS Officer. Only those events listed in section 40(2) of the *OHS Act* will need to be reported directly to Alberta Human Resources and Employment. Sections 40(1) and (2) of the *OHS Act* reads as follows:

40(1) When an injury or incident described in subsection (2) occurs at a work site, the prime contractor or, if there is no prime contractor, the employer shall report the time, place and nature of the injury or incident to a Director of Inspection as soon as possible.

- (2) The injuries and incidents to be reported under subsection (1) are
 - (a) an injury or incident that results in the death of a worker,
 - (b) an injury or incident that results in a worker being admitted to a hospital, and for the purposes of this clause, "admitted to a hospital" means when a physician writes admitting orders to cause a worker to be an inpatient of a hospital, but excludes a worker being assessed in an emergency room or urgent care centre without being admitted,
 - (c) an unplanned or uncontrolled explosion, fire or flood that causes a serious injury or that has the potential of causing serious injury,
 - (d) the collapse or upset of a crane, derrick or hoist,
 - (e) the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure, or
 - (f) any injury or incident or a class of injuries or incidents specified in the regulations.

Victim Support

The County understands that victims of violence, sexual harassment, discriminatory harassment and general harassment need support. As a result, the County 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, sexual harassment, discriminatory harassment or general harassment does not reflect on them.

The County recognizes that victims of violence, sexual harassment, discriminatory harassment, general harassment or other workers who may have been exposed to a violent incident, may require emotional support and reassurance. The County will ensure that victims as well as others exposed to violence, sexual harassment, discriminatory harassment or general harassment, are advised to consult a health professional of their choice for treatment or referral. The County will also advise affected workers of the ability to access Employee Assistance Programs (EAP) 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
Alberta Human Resources and Employment Workplace Health and Safety	Province-wide Call Centre 1-866-415-8690 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 Human Rights & Citizenship Commission	Northern Alberta (780) 472-7661 Southern Alberta (403) 297-6571 Toll Free: 1-800-432-1838	<ul style="list-style-type: none"> • Conducts seminars and information sessions • Circulates a Newsletter entitled “The Citizen”
The Support Network #320 Allarco Building 11456 Jasper Avenue NW Edmonton, AB T5K 0M1	(780) 482-0198	<p>Produces two directories:</p> <ul style="list-style-type: none"> • Director of Community Services (Edmonton & Area) • Self-Help and Support Group Director (Edmonton & Area) <p>Also provides counseling services (including crisis counseling) and courses and workshops in a variety of areas such as Assertiveness Training, Building Self Esteem, etc.</p>
Alberta Justice Law Enforcement Division 10 th Floor, 10365-97 St. NW Edmonton, AB T5J 3W7	Phone: (780) 427-3460 Fax: (780) 427-5916	<p>“Victims’ Programs Assistant Fund”</p> <p>Surcharges imposed by the courts on individuals convicted of Criminal Code, Food and Drug Act and Narcotic Control Act offences are deposited into the Victims’ Program Assistance Fund. Groups providing services may apply for funding. Applications for funding are reviewed by a committee and recommendations are made to the Minister of Justice.</p>
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 sentence.

The County 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.

Program Evaluation

The County 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 workplace violence, sexual harassment, discriminatory harassment, general harassment and establish an environment of non-tolerance to workplace violence, sexual harassment, discriminatory harassment, general 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 as to their perception of the efficacy and fairness of the process.

Related Policies & Procedures

ADM042 - General Safety Policy
HR001 - Employee Code of Conduct
Collective Agreement

	Date	Resolution Number
Approved	2020-01-14	20-01-020
Amended		
Amended		