

*Note: This document has been updated to be compliant with changes to Alberta's Occupational Health and Safety Act resulting from Bill 30.*

<b>Policy No.:</b> A-19	<b>Section:</b> Administration	<b>Page #</b> 1 of 7
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<b>Title:</b>	<b>Workplace Violence and Harassment Policy</b>
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<b>Legislation Reference:</b>	<b>Alberta's Occupational Health and Safety Act</b>
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**Purpose:** Town of Smoky Lake is committed to building and preserving a safe, productive, and healthy working environment for its employees based on mutual respect. In pursuit of this goal, the organization neither condones nor tolerates acts of violence or harassment against or by any employee.

**Definitions**

**Violence:** Whether at a work site or work-related, means 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:** Means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying, or action by a person which the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affect the worker's health and safety.

Harassment includes a sexual solicitation or advance, as well as conduct, comment, bullying, or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression, or sexual orientation.

Harassment does not include any reasonable conduct of an employer or supervisor in respect to the management of workers or a work site.

**Work site:** Means a location where a worker is or is likely to be engaged in any occupation and includes any vehicle or mobile equipment used by a worker in an occupation.

## **Guidelines**

### **Training and Education**

Town of Smoky Lake will ensure that all employees are trained and educated on violence and harassment in the workplace and that they are clear about the roles and responsibilities, as well as this policy and procedures. The training will cover, at minimum, the following topics:

- How to recognize workplace violence and harassment;
- The policy, procedures, and workplace arrangements that effectively minimize or eliminate workplace violence and harassment;
- The appropriate response to workplace violence and harassment, including how to obtain assistance; and
- Procedures for reporting, investigating, and documenting incidents of workplace violence and harassment.

In addition, a copy of this policy will be made available to all employees.

### **Hazard Assessment**

Town of Smoky Lake will conduct a hazard assessment in the workplace that identifies situations where risks of physical violence and harassment exist. The hazard assessment will include the following factors:

- Hiring procedures;
- Potential work or work related sources of violence and harassment;
- Work processes; and
- The physical environment.

Once the hazard assessment is completed, the company will have identified:

- Whether there are any aspects of the workplace that could increase the potential for violence or harassment;
- Which individuals are at the highest risk; and
- Where there is a need for controls.

### **Reporting Procedures**

#### **Reporting Violence and Harassment**

Any employee who is directly affected by or a witness to any incident of violence and harassment in the workplace should report the incident immediately to management, or the human resources department.

Alternate reporting mechanisms will be made available to employees in circumstances where the designated recipients of harassment complaints is the alleged harasser.



Town of Smoky Lake will investigate all incidents of violence or harassment and take actions to address the incident and prevent it from reoccurring. The company will prepare a report that outlines the circumstances of the incident and retain this record for two years. In addition, the company will ensure that the report is available upon request to an occupational health and safety officer.

Appropriate assistance will be provided to any employee who is the victim of violence or harassment. If a worker reports an injury or adverse symptom resulting from workplace violence or harassment, or is exposed to workplace violence or harassment, the company will advise the worker to consult a health professional of their choice for treatment or referral. An employee who is likely to be exposed to domestic violence at the worksite is encouraged to advise the CAO. The company is committed to ensuring the protection and safety of the employee and will take reasonable precautions to do so.

### **Informal Procedure**

Any employee who has been the subject of violence and harassment can take the following actions:

- Confront the alleged offender personally, or in writing, clearly stating what the unwelcome behavior or action was and requesting that it stop immediately; or
- Discuss the situation with the alleged offender's supervisor, the alleged victim's supervisor, or any other supervisor.

Any employee who is the victim of violence and harassment can and should, in all confidence and without fear of reprisal, personally report the occurrence to their supervisor or a manager.

### **Formal Procedure**

An employee who is the subject of violence and harassment can make a written complaint to the management team. The written complaint must be delivered to the CAO, or Manager of finance if a conflict of interest exists. It must include the following information:

- The date and time of each incident being reported;
- The nature of the violence or harassment;
- The name of any persons involved in the incident;
- The name of any persons who witnessed the incident; and
- A full description of what occurred.

Once a written complaint has been received, the company will complete a thorough investigation. Employees will not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunity because they lodged a complaint when they honestly believed they were the subject of violence and harassment or the threat of violence in the workplace.



## **Investigation Procedures**

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant, any persons involved in the incident, and any identified witnesses; and
- Interviewing any other persons who may have knowledge of the incident.

Statements from all parties involved will be taken and a decision will be made. If necessary, the organization may employ outside assistance or request the use of legal counsel. Where Town of Smoky Lake determines that violence and harassment has occurred, a written report of the remedial action will be given to the employees concerned, as appropriate.

A copy of the complaint detailing the complainant's allegations will be provided to the respondent and will explain that:

- The respondent may reply to the complainant's allegations in writing;
- The reply will be made known to the complainant before the case proceeds; and
- The organization will take all measures to prevent any unnecessary disclosure of the incident and the identities of the parties.

Town of Smoky Lake will retain investigation reports for a minimum of two years after the incident.

If the complainant decides not to lay a formal complaint, senior management may decide that a formal complaint is required, which will be based on the investigation of the incident and will file such documents with the persons against whom the complaint is laid.

## **Fraudulent or Malicious Complaints**

Unfounded, frivolous, or fraudulent allegations of violence and harassment may cause both the respondent and the company significant damage.

If the company determines that any employee has knowingly made false statements regarding an allegation of workplace violence or harassment, immediate disciplinary action will be taken and may include immediate dismissal without further notice.

## **Confidentiality**

All records of violence or harassment and subsequent investigations are considered confidential and are strictly prohibited from being disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, the organization will assist police agencies, lawyers, insurance companies, and courts to the fullest extent. Town of Smoky Lake will do everything it can to protect the privacy of the



individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. The organization will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action.

### **Reprisal**

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence and harassment or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence and harassment. Reprisal is defined as any act of retaliation, either direct or indirect.

### **Disciplinary Measures**

If the company determines that any employee has been involved in a violent behavior or unacceptable conduct related to another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counselling, a formal warning, and other disciplinary measures, and could result in immediate dismissal without further notice.

### **Roles and Responsibilities**

Employees must assist in eliminating violence and harassment from the workplace and must comply with the following responsibilities.

#### **All Employees**

All employees are personally accountable and responsible for complying with this policy. Employees must make every effort to prevent and eliminate violence and harassment in the work environment and to intervene immediately by advising a member of management if they observe a problem or if a problem is reported to them.

Any employees who have been a victim of or are at potential risk of domestic violence are encouraged to advise human resources if they think that the aggressor may attempt to contact them at work. Town of Smoky Lake will take all reasonable precautions to protect the employee from domestic violence that has followed them into the workplace.

#### **Colleagues**

An employee who witnesses violence or harassment in the workplace to a colleague should:

- Inform the victim that you have witnessed what you believe to be violence or harassment and that you find it unacceptable. Support is often welcome. If



that person does not feel that they have been the victim of violence and harassment, then normally the incident should be considered closed.

- If you feel comfortable doing so, inform the alleged offender that you have witnessed the act and find it unacceptable.
- Encourage the victim to report the incident to their supervisor or manager.

### **Management**

- Management has a legal responsibility for creating and maintaining a violence- and harassment-free workplace.
- Management will enforce this policy and ensure its application in the day-to-day operations of the company by its employees.
- Managers must be sensitive to the climate in the workplace and address potential problems before those problems become serious.
- If a manager becomes aware of violence and harassment in the workplace and chooses to ignore it, that manager and the company risk being named co-respondents in a complaint and may be found liable in legal proceedings brought about by the victim.

When an employee has asked their manager to deal with a violent incident, the manager must:

- Support the employee without prejudice.
- Work with the employee and document the offensive action and have the employee sign a complaint.
- Contact their superior or senior management and provide details of the incident on behalf of the employee.

### **Review**

This policy and training procedures will be reviewed and, if necessary, updated when an incident of violence or harassment occurs, upon recommendation from the joint work site health and safety committee or representative or at very least every three years.

### **Special Circumstances**

If an employee has a legal court order (for example, a restraining order or "no-contact" order) against another individual, the employee is encouraged to notify their supervisor, and to supply a copy of that order to the human resources department. This will likely be required in instances where the employee strongly feels that the aggressor might attempt to contact that employee while at the workplace, in direct violation of the court order. Such information will be kept confidential.

If any visitor at the workplace is seen with a weapon, or is known to possess one, or makes a verbal threat or assault against an employee or another individual, employee witnesses must immediately contact the police, emergency response services, their immediate supervisor, and the human resources department.



## Acknowledgment and Agreement

I, \_\_\_\_\_, acknowledge that I have read and understand the Workplace Violence and Harassment Policy of Town of Smoky Lake. I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules set forth by this policy, I may face disciplinary action up to and including termination of employment.

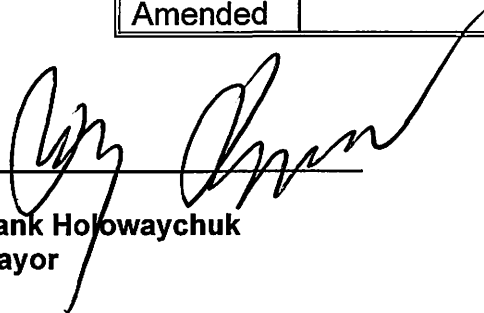
Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

	DATE	RESOLUTION NUMBER
Approved	November 19, 2019	805-19
Amended		
Amended		



\_\_\_\_\_  
Hank Holowaychuk  
Mayor



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Adam Kozakiewicz  
Chief Administrative Officer

