

COUNTY OF ST. PAUL NO. 19

Our Mission - To create desirable rural experiences



OHS-11 Workplace Violence and Anti-Harassment Policy

Department: Occupational Health and Safety

POLICY OBJECTIVE:

The County of St. Paul is committed to building and preserving a safe, productive, and healthy working environment and will not tolerate acts of violence or harassment against or by its employees in accordance with the workplace rights set out in the *Occupational Health and Safety Act* and by the Alberta Human Rights Commission under the *Alberta Human Rights Act*.

POLICY STATEMENT:

1.0 GENERAL MATTERS

- 1.1 This Policy applies to all Employees and Contractors of the County of St. Paul.
- 1.2 This Policy shall define what is considered as violence and harassment and outline guidelines dictating how complaints will be handled.
- 1.3 The County is committed to a violence and harassment free environment by promoting prevention and dealing promptly and effectively with any incidents that may occur.
- 1.4 In the event of an incident involving violence or harassment perpetrated by an employee, the County may act to discipline the employee, up to and including, termination for cause.
- 1.5 The County shall establish programs and procedures to reduce and minimize instances of violence and harassment in the workplace. All employees are expected to be aware of and participate in such programs and procedures, as required.
- 1.6 This Policy is intended to augment Alberta human rights law, which prohibits harassment in the workplace based on the following grounds: race, religious beliefs, skin colour, place of origin, gender identity, mental or physical disability, ethnicity, marital status, family status, sexual orientation, or source of income.

2.0 DEFINITIONS

2.1 In this Policy, the following words shall have the intended meanings provided:

- a) “Contractor” means an individual contracted to perform work for or provide services to the County;
- b) “Personal Harassment” means the occurrence of a single or repeat incidence of objectionable or unwelcome conduct, bullying, comments, or other actions intended to degrade, humiliate, intimidate, or offend a group or person;
- c) “Sexual Harassment” means unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victim of the harassment. Sexual harassment can include things such as inappropriate touching, indelicate jokes, the presence of pictures or pornographic materials, comments, suggestions, innuendoes, requests or demands of a sexual nature. The behaviour does not need to be intentional to be considered sexual harassment;
- d) “Violence” means an incident in which an employee is threatened or assaulted on County premises or in circumstances relating to the employee executing job duties, a client or visitor to the workplace is threatened or assaulted on County premises, or an employee threatens or assaults a client, co-worker, or other individual in circumstances relating to the execution of job duties by an employee;
- e) “Workplace” means a job site in or on County property, or away from the County provided that an employee is engaged in off-site work-related activities.

3.0 COMPLAINT PROCEDURES

3.1 If an employee is being harassed or experiencing Violence in the Workplace, the employee is strongly encouraged to take the following steps:

- a) tell the harasser that the behaviour is unwelcome and ask the harasser to stop, if that is appropriate or possible;
- b) maintain a record of incidents with dates, times, locations, possible witnesses, what occurred, and how the employee responded to the harassing behaviour;
- c) make a complaint. If the harassment continues after asking the harasser to cease the harassing behaviour or if the employee does not feel that addressing the harasser is appropriate or possible, report the problem to either

the immediate supervisor or Regional Director of Emergency Management and Occupational Health and Safety;

- d) If desired, contract the Alberta Human Rights Commission and/or the police to file a complaint.
- 3.2 Once a complaint is received, it shall be kept strictly confidential. An investigation shall be undertaken by a qualified third-party investigator and the necessary steps shall be taken to address the problem. If appropriate, action taken may include mediation.
 - 3.3 Both the complainant and the alleged harasser will be interviewed, as will any individuals who may be able to provide relevant information. All information shall be kept in confidence if doing so remains consistent with the enforcement of this policy and adheres to the law.
 - 3.4 If an investigation reveals evidence to support the harassment complaint, the harasser shall be disciplined appropriately. The incident will be documented in the harasser's personnel file. Additionally, any employee found to be involved in the harassment of another person will be subject to immediate disciplinary action including but not limited to suspension without pay or termination of employment with cause.
 - 3.5 If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser. The investigation shall be deemed closed.
 - 3.6 The results of all investigations shall be communicated to the relevant parties.
 - 3.7 An appeal may be filed in writing within ten (10) days of the results of an investigation being issued. The appeal shall contain the reason(s) for appeal. Investigations undertaken by another qualified third-party investigator. The appeal shall be completed within ten (10) days. Any timelines may be extended if required, through a mutual agreement of the parties involved.
 - 3.8 An appeal is the final step in the complaint process; the ruling of the third-party appeal investigator shall be final.
 - 3.9 Making a frivolous complaint in bad faith or providing false information about a complaint is strictly prohibited and constitutes a violation of this policy. Any complaints, if determined through an investigation to be frivolous or made in bad faith, are subject to disciplinary action up to and including the termination of employment for cause.

4.0 RESPONSIBILITIES

Employees

- 4.1 Employees are personally accountable and responsible for enforcing this policy and are expected to make every effort to prevent discrimination or harassing behaviour within the Workplace.
- 4.2 Employees shall inform their supervisors of any Violence, potential risk of Violence, Personal or Sexual Harassment that they experienced or witnessed. This includes issues in the employee's personal life that may affect the employee or a co-worker's safety.
- 4.3 Employees shall report to their supervisors any incidents of Violence or Harassment according to the procedures set out in this policy.
- 4.4 Employees shall attend any training or information sessions provided by the County to reduce Violence, risks of Violence, Personal or Sexual Harassment.
- 4.5 Employees shall cooperate with the police, County investigators, or other authorities as required during any investigation related to an incident.

Supervisors

- 4.6 Supervisors are responsible for assessing the risk of Violence and Harassment to employees, minimizing those risks where necessary or reasonably possible, and informing any affected employee of such risks or potential risks.
- 4.7 Supervisors are responsible for ensuring employees are trained to:
 - a) recognize the potential for Violence;
 - b) follow the procedures and policies developed to minimize the risk of Violence or Harassment;
 - c) respond to incidents appropriately; and
 - d) report and document such incidents.
- 4.8 Supervisors are responsible for tracking and reporting risks of Violence, incidents of Violence, and Harassment to the Chief Administrative Officer and Regional Director of Emergency Management and Occupational Health and Safety.
- 4.9 Supervisors are responsible for ensuring proper medical care is provided to anyone involved in an incident and for securing the safety of employees, before investigating the incident or taking reports.

- 4.10 Supervisors are responsible for forwarding all complaints to the Regional Director of Emergency Management and Occupational Health and Safety to commence the investigation process.
- 4.11 Supervisors are responsible for cooperating with police authorities, other authorities, and the County investigator during any investigation related to Workplace Violence or Harassment.

Chief Administrative Officer and the Regional Director of Emergency Management and Occupational Health and Safety

- 4.12 The Chief Administrative Officer and the Regional Director of Emergency Management and Occupational Health and Safety shall be made aware of all incidents and investigations and maintain documentation related to all incidents and investigations.

5.0 PERFORMANCE MANAGEMENT

- 5.1 Managing and coaching that includes performance appraisals, work assignments, and the implementation of disciplinary actions is not a form of harassment and this policy does not restrict a manager or supervisor's responsibilities in these areas.

Council Approval: June 11, 2019
Amended: August 13, 2019