

Lac La Biche County *Policy*

TITLE: Workplace Violence and Harassment Policy

POLICY NO: HR-34-006

RESOLUTION: 20.198

EFFECTIVE DATE: March 3, 2020

DEPARTMENT RESPONSIBLE: Human Resources

NEXT REVIEW DATE: March 3, 2023

POLICY STATEMENT:

Lac La Biche County is committed to:

- creating and sustaining a vibrant, healthy, safe and caring work environment, free from violence and harassment.
- ensuring that employees at Lac La Biche County have a work environment that is free of violence or harassment of any kind, whether it arises from another employee or any other person visiting the workplace, or interacting with County employee, County volunteer, contractor, or member of the public.
- ensuring violence prevention practices are established to create and maintain a respectful and safe work environment, free from violence.
- complying with the *Occupational Health & Safety Act* of Alberta.

DEFINITIONS:

Workplace means:

- “Workplace” means a place where an employee is, or may be, conducting work on behalf of the County, including work-based social gatherings.

Workplace harassment means:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known, or ought reasonably to be known, to be unwelcome.
- This includes unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It includes behaviour that intimidates, isolates or discriminates against the targeted individual.

Workplace violence means:

- The exercise or attempt of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker,
- A threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

1.0 PRINCIPLES:

This policy applies to the following people and places:

1.1 People:

- i. Lac La Biche County employees;
- ii. Contractors providing service for or to the County;
- iii. Suppliers delivering material to the County;
- iv. County volunteers or workplace experience students
- v. Members of Council; and
- vi. Members of the public.

1.2 Places:

- i. County buildings, facilities, sites, offices or work environments;
- ii. Locations visited by employees while traveling on County-related business;
- iii. Conferences, meetings, vendor/supplier or customer sites; and
- iv. Locations of work-based social gatherings.

1.3 Everyone listed in Section 1.1 will adhere to this policy and not subject any other person or property to threats and/or violence.

1.4 All parties including management, employees and elected officials should be prepared to actively work together to address the issue of workplace violence.

1.5 Any threat or violent act made against an employee or by an employee or against County property will be dealt with as a serious issue and appropriate action will be taken.

1.6 As an employer, The County has a duty to:

- a. warn and protect staff, contractors and the public when there is an issue, or potential issue, of violence in the workplace;
- b. investigate reported incidents of violence in an objective and timely manner;
- c. take necessary action when violence has occurred or is likely to occur; and
- d. provide support for employees that fall victim to violence in the workplace.
- e. Maintain confidentiality of personal information of those involved.

1.7 No action shall be taken against an employee for reporting an incident, as it is their right, 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.

2.0 Investigating and Responding to Workplace Violence

2.1 All reported incidents of workplace violence or harassment will be promptly investigated by the Human Resources department.

2.2 If underlying causes of an incident are identified during an investigation, recommendations may be provided for immediate preventative action.

2.3 The County will advise an employee who, as a victim of workplace violence, may be experiencing adverse symptoms as a result of the violent act that they should consider consulting with a health professional. Services are also available from the County's Employee & Family Assistance Program (EFAP) provider, free of charge.

3.0 Consequences of Non-Compliance

3.1 Employees failing to adhere to the items contained in this policy will be subject to appropriate disciplinary action. Appropriate action will depend on the circumstances of the incident and may range from, but not be limited to, warnings and suspensions, up to and including dismissal. Incidents may also be referred to the RCMP for investigation.

3.2 Contractors, suppliers, volunteers, and members of the public are expected to adhere to this policy. If violence and/or harassment occurs, the County will take appropriate action to ensure a safe workplace. This could include discontinuing business with individuals or organizations, issuing Trespass Notices or referring the matter to the RCMP.

"Original Signed"
Chief Administrative Officer

March 4, 2020
Date

"Original Signed"
Mayor

March 4, 2020
Date

SPECIAL NOTES/CROSS REFERENCE:

AMENDMENT DATE:

Procedure

TITLE: Harassment and Violence Reporting Procedure **PROCEDURE NO:** HR-34-006

EFFECTIVE DATE: March 3, 2020

DEPARTMENT RESPONSIBLE: Human Resources **NEXT REVIEW DATE:** March 3, 2023

GENERAL GUIDELINES:

Overview

This procedure is to be used in conjunction with the Workplace Violence and Harassment Policy (No. HR-34-006).

PROCEDURE:

Reporting Harassment and Violence

In order to ensure unwanted harassing and violent behaviour is stopped and not repeated, the following steps should be followed if an employee believes they have been subjected to harassment or if an employee has observed such behavior.

1. Any employee who feels they have been harassed are encouraged whenever possible, if they feel safe to do so, to resolve problems informally and where necessary, to request Human Resources to assist in this process.
2. The Complainant should keep a written record of the incident or incidents of the harassment including such information as dates, times, witnesses, and what happened.
3. Employees are encouraged, if safe to do so, to advise the Respondent that the behaviour is unwelcome and unwanted, describe the behaviour that is making them uncomfortable and ask them to stop. If this is too intimidating or inappropriate, or if the attempt to stop the offending behaviour is unsuccessful, the Complainant may seek the advice of their supervisor, department manager, or the Human Resources Manager.
4. If the perceived harassment or violence persists, the Complainant should report the incident(s) to any of the following:
 - Human Resources Manager
 - Their immediate supervisor, or where the supervisor is the Respondent, the manager the supervisor reports to.
 - Health & Safety Coordinator

5. Complaints can be made in written form (email, letter, etc.).
6. Supervisors, Managers, and the Health & Safety Coordinator who have been approached by a Complainant will refer the Complainant to the Human Resources Manager.

Investigating a Harassment and Violence Complaint

7. The Human Resources Manager will select an individual to be the Investigation Administrator (Administrator). The Administrator will be responsible to ensure that this procedure is followed as set out in a fair and consistent manner. The Administrator will be one of the following individuals:
 - Human Resources Manager or designate unless there is a conflict or a perceived conflict of interest. (please refer to point 8 below)
 - Mayor or designate if complaint involves the CAO or Member(s) of Council.
 - CAO or designate if complaint involves a Senior Manager.
8. It is recognized that there may be circumstances when it is inappropriate for Human Resources to act in this capacity for a specific complaint due to conflict of interest. A conflict of interest exists when there is clear and convincing evidence that the Human Resources representative has a personal or professional interest in the outcome or resolution of the complaint. If, at the outset, the Complainant or Respondent believes Human Resources to be in a conflict of interest situation, they shall advise the Human Resources Manager. If the Human Resources Manager does not agree that a conflict of interest exists, it will be referred to the CAO to determine if another Administrator is to be assigned.
9. Should the complaint name a member of the Human Resources Department as the Respondent, the matter may be referred to an independent third-party Investigator.
10. Should the complaint name a member of Lac La Biche County Council, the matter will be handled in accordance with the Council Code of Conduct bylaw.
11. During the initial meeting between the Administrator and the Complainant, the Administrator will outline the details of the Workplace Violence & Harassment Policy and the process for resolving complaints. Resources such as the Employee & Family Assistance Plan (EFAP) will be offered to the Complainant should they be experiencing any adverse symptoms as a result of the incident.
12. Lac La Biche County has an obligation to provide a workplace free of harassment and violence. Should a Complainant decide not to submit a formal written complaint, Human Resources may decide after a preliminary assessment that an investigation is needed. The decision to move

forward with an investigation without a formal written complaint will be discussed with the Complainant prior to actioning to ensure the individual(s) is fully aware of the process and to provide an opportunity to clarify any previous statements made.

13. If the Complainant wishes to pursue the resolution of the complaint, a preliminary assessment will take place and the Administrator will:
 - i. Interview the Complainant to obtain all factual information including dates, times, and what happened from the Complainants point of view, the name of the Respondent, and the names of any witnesses.
 - ii. Obtain a written complaint from the Complainant in which the details of the allegations are clearly described. Should the Complainant decide to report verbally, the individual who it was reported to will assist in documenting the statement.
 - iii. Determine whether the complaint fits with one or more definitions of harassment or violence as defined in the Workplace Violence & Harassment Policy. This is prima facie (based on first impression; accepted as correct until proved otherwise) determination only and does not constitute a finding about the merits of the complaint or the facts alleged.
14. The Administrator will advise the Complainant of the determination within two (2) working days of the initial meeting with the Complainant.
15. If at any time the Investigation Administrator believes that the personal or psychological safety of the Complainant or the Respondent are at risk, appropriate measures will be taken to protect the person, pending the outcome of an investigation and/or the resolution of the complaint. Such measures may involve the temporary relocation of one of the parties. The Complainant will not be relocated without their consent. Where temporary relocation is inappropriate or not possible, arrangements may be made for one of the parties to be placed on a leave of absence with pay until the complaint has been resolved. This leave is not disciplinary in nature.
16. Should the complaint fit within the definition of violence or harassment then further investigation is necessary and will include but not limited to:
 - The Administrator may appoint an Investigator in lieu of performing it themselves.
 - Written notification from the Administrator will be given to the Complainant(s) and the Respondent(s) informing them of the investigation and next steps. (Should the Respondent disagree with who the appointed Investigation Administrator is, please see point #8.)
 - The Investigator will interview the Complainant(s), Respondent(s), and any person(s) involved in the incident and any identified witnesses.

- The Investigator will interview any other person(s) who may have knowledge of the incident.
- The Investigator will review any supporting evidence (emails, voicemails, social media, etc.).
- The Investigator will submit a written report on the findings from the investigation. The report shall include but not limited to:
 - In the opinion of the Investigator, whether harassment as defined in the Workplace Violence & Harassment Policy or in relevant legislation has occurred or not.
 - The reasons for this opinion.
 - Recommendations, where appropriate, regarding the creation of an effective and safe working environment, one that is free of harassment.

17. The Human Resources Manager or Mayor (if the Respondent is the CAO) will receive the Investigators report and in consultation with the investigation Administrator will determine the appropriate remedy.

18. The Complainant(s) and Respondent(s) shall be notified of the outcome of the investigation and remedy is executed.

Resolution

19. Any Lac La Biche County employee who is found in contravention of the Workplace Violence & Harassment Policy may be subject to disciplinary action(s). Each violation of this policy will be assessed individually, and corrective actions may include but not limited to:

- An apology from the Respondent(s) to Complainant(s)
- Mandatory education and training
- Verbal or written reprimand
- Suspension without pay
- Transfer
- Termination of employment with just cause

Appeals

20. Individuals who are dissatisfied with the outcome of the formal investigation may submit a written appeal, within 6 weeks of the completion of the report, directly to the CAO, who will

review and render their decision in writing. It is also employees right to file a complaint with the Alberta Human Rights Commission and/or Alberta Occupational Health & Safety.

Withdrawal of Complaints

21. The Complainant may withdraw the complaint at any time by notifying the Investigation Administrator in writing.
22. Once sent for investigation, the County will respond to the concerns raised. The County may need to proceed with an investigation even when the Complainant no longer chooses to participate in the process. In this case, the County will pursue the matter without a Complainant and the Complainant will become a witness to the investigation. In this case, the Complainant will still be informed of the results of the investigation and advised to the extent possible, of actions taken, if any, to address the findings of the investigation and prevent recurrence of the incident.
23. When a complaint is withdrawn prior to a determination being made of the validity of the Complainant's case, the Respondent, if they believe the complaint was vexatious or frivolous, has the right to initiate a complaint under the Workplace Violence & Harassment Policy and these Procedures in order to have an opportunity to present their case.

“Original Signed”
Chief Administrative Officer

September 29, 2020
Date