



## **Anti- Violence Policy**

**Policy No: A-00-20**

**Adopted: June 22, 2020**

**Review Date: 2023**

### **Policy Statement:**

**All employees have the legal right, at any time to raise the issue of violence without fear of reprisal.**

### **Purpose:**

It is public policy in Canada to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination.

The Town of Bow Island is committed to building and preserving a safe, productive, and healthy working environment for its employees based on mutual respect. Any act of violence committed by or against any elected official, employee, or member of the public is unacceptable and such conduct will not be tolerated. The Town believes that all individuals it employs along with elected officials have the right to work in an environment free from violence.

In accordance with Occupational Health and Safety and the Bow Island Health and Safety Program, every employee, Supervisor, Manager and the Senior Manager has a right to freedom from workplace violence, as per Part 1 of the Occupational Health and Safety Act Legislation and Code.

Making a false complaint or providing false information about a complaint is prohibited and a violation of this Anti-Violence Policy. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

### **Definitions:**

**Violence** is defined as any interaction or act of aggression or hostility between individuals that involves; causing physical injury to another person, uttering threatening remarks, creating a reasonable fear of injury, subjecting another individual to emotional distress, damaging employer or employee property, possession of a firearm or dangerous weapon while on Town of Bow Island property or while conducting Town of Bow Island business.



**Domestic Violence** is when a person who has a personal relationship with a worker—such as a spouse, former spouse, current or former intimate partner or a family member—may physically harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence and the Town must take reasonable precautions to protect affected workers if they are likely to be exposed to domestic violence at a work site.

**Sexual Violence** means the threatened, attempted, or actual conduct of a sexual nature by a person, whether at the workplace or work-related, that causes or is likely to cause physical or psychological injury or harm, including but not limited to:

- unwanted sexual contact, coercion, and obscene name calling,
- stalking and online forms such as internet threats and harassment,
- a pattern of on-going sexual harassment leading to psychological harm.

**Workplace** means a location where a worker is, or is likely to be, while engaged in their work or work-related activities. The workplace includes all locations where business or social activities organized by Town of Bow Island are conducted, including but not limited to work in the community and locations of work-related social events. Workplace includes any vehicle or mobile equipment used by the Town of Bow Island worker as part of their job.

**Managing and/or Coaching** that includes counselling, performance appraisal, work assignment, and the implementation of disciplinary actions, is not a form of personal violence, and the policy does not restrict a manager/supervisor's responsibilities in these areas.

#### **Policy:**

To ensure that employees at the Town of Bow Island have a work environment free of violence of any kind, whether it arises from another employee or any other person visiting the workplace, or interacting with staff:

This policy ensures that:

- Individuals are aware of, and understand that, acts of violence are considered a serious offence for which necessary action will be imposed.
- Those subjected to acts of violence are encouraged to access any assistance they may require pursuing a complaint; and
- Individuals are advised of available recourse if they are subjected to, or become aware of, situations involving violence.



### **Application of this Policy:**

This policy applies to all individuals working for the Town of Bow Island including front line employees, temporary employees, contract service providers, Contractors, all supervisory personnel, Managers, Mayor, Councillors and Volunteers. The Town will not tolerate personal violence whether engaged in by fellow employees, managers, the Mayor, Councillors, Volunteers, or contract service providers of the Town.

The Town of Bow Island will not tolerate any form of violence against job candidates and employees on any grounds mentioned above, whether during the hiring process or during employment. This commitment applies to such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

All Town of Bow Island employees are personally accountable and responsible for enforcing this policy and must make every effort to prevent violent behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.

This Anti-Violence Policy must never be used to bring fraudulent or malicious complaints against employees.

It is important to realize that unfounded/frivolous allegations of personal violence may cause both the accused person and the Town significant damage. If it is determined by the Town that any employee has knowingly made frivolous unfounded false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

### **Special Circumstances**

All records of violence, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, Town of Bow Island will assist police agencies, lawyers, insurance companies, and courts to the fullest extent possible.

### **Confidentiality**

Town of Bow Island 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 Town of Bow Island 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. Any disciplinary action will be determined by the Chief Administrative Officer and will be proportional to the seriousness of the behaviour concerned. The Town of Bow Island will also provide appropriate assistance to any employee who is victim of violence.

Where appropriate, the Town Council will be made aware of all violence complaints as soon as possible, while preserving confidentiality as much as is practicable. As with all personnel matters, Council discussions on such complaints will be in Closed Session.

### **Sharing Information**

If a person employed has a history of violent behaviour, The Town will provide necessary minimum information to any worker who is at risk if they may encounter this person and is at risk of likely physical injury. The Town of Bow Island will make every effort to respect the privacy of the potentially violent person as much as possible.

### **Employee/Supervisory Roles in Maintaining a Positive Work Environment**

As an employee of Town of Bow Island, you have the following responsibilities to our workplace. We trust that all our employees will help us eliminate violence from our workplace.

#### **Worker's Role**

If you are a worker who has witnessed violence in the workplace:

- Inform the affected person that you have witnessed what you believe to be violence and that you find it unacceptable. Support is often welcome. If that person does not feel that they have been harassed, then normally the incident should be considered closed.
- If practicable, inform the offender(s) that you have witnessed the act(s) and find it unacceptable.
- Encourage the affected person to report the incident to their Manager.

#### **Manager's and Management's Role**

- Management is responsible for creating and maintaining a violence-free workplace and must ensure workers are not subject to harassment or violence at the work site.



- Managers must be sensitive to the climate in the workplace and address potential problems before those problems become serious.

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

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

### **Procedures:**

#### **Lodging A Complaint**

Any person who believes they are being subjected to violence should report the incident immediately, after going to a safe location, to their Supervisor to resolve the issue quickly and in confidence without fear of retaliation. If the Supervisor is the one being violent all complaints should be immediately reported to the CAO. If the CAO is the one being violent the incident should be immediately reported to the Mayor. It is equally important to be aware not to use your fellow co-workers as a sounding board because of the possible damage it can cause to the accused before proper process has been followed.

Individuals who believe they have been the subject of personal or sexual violence by a Town employee, Manager, the Mayor, Councillors, or contract service providers of the Town should first make their objection clearly known to the offender. Although it is preferable that objections to the violence be voiced to the offender, it is not a prerequisite to filing a complaint.

Complaints regarding violence can be dealt with through an informal or formal process. A decision to use this resolution recourse can also be made by the CAO.

#### **1. Informal Resolution**

An individual may choose to initiate action to resolve a violent situation. Possible action could include some or all of the following:

- a) the complainant may inform the offender that the actions are unwelcome and must stop immediately.



- b) the complainant may request the involvement of a colleague, or a supervisor to provide informal intervention towards an acceptable resolution of the situation.
- c) the complainant should keep a record of incident(s) which lists dates, times, locations, possible witnesses, description of the incident(s), personal response, and outcome.

## 2. Formal Resolution

- a) The formal process of resolution may be pursued if the informal process does not resolve the situation or if the complainant or the CAO believes the formal process to be more appropriate. If at any point in the formal process a consensus is reached the informal approach is more appropriate, the formal process may be suspended.
- b) Complainants are encouraged to file a complaint as soon as possible after the incident. The Town reserves the right not to deal with any complaint that is based on alleged incidents that occurred more than one (1) year prior to the date of the complaint.
- c) The complainant must submit a formal complaint in writing to the Town Manager to commence a formal process.
- d) Complaints involving the CAO or Councillors may be submitted in writing to Mayor for Council to deal with.
- e) Complaints involving the Mayor may be submitted to the Council Committee of the Whole.
- f) If a formal investigation is deemed necessary, the CAO shall:
  - i. Advise the offender, in writing, of the nature and specifics of the allegations and an investigation has been initiated.
  - ii. Advise the complainant of the investigation.
  - iii. Provide the alleged offender with a copy of the written complaint.
  - iv. Interview the alleged offender, the complainant, and witnesses separately.
  - v. The alleged offender shall be given a reasonable opportunity to be heard and reply to the evidence.

## 3. Investigation and Reporting



- a) The investigation shall be carried out by the CAO, a designate or a committee of Council. The complainant has a right to request that the investigator be of the same gender as the complainant.
  - b) The investigator shall approach the investigation with an open mind, with no predisposition or any specific finding.
  - c) The designate can be someone from outside the organization if the CAO and/or Council feel it is appropriate and if the parties involved agree. The designated individuals may be a person outside of the organization with experience in violent situations. It would be preferable this person does not know either party.
  - d) The investigation and report shall not contain or be influenced by information that is prejudicial, ill-founded, or irrelevant, and findings of fact shall be based upon evidence, not assumptions. The standard of proof to be used in determining if a complaint has merit is based on a balance of probabilities.
  - e) A written report shall be submitted within thirty (30) working days of the complaint.
  - f) Based on the evidence and recommendations in the written report, the CAO shall take action that is consistent with this and other Town policies as soon as possible.
  - g) The CAO or designate will advise the complainant and alleged offender of the outcome of the investigation.
  - h) The CAO shall make appropriate support services available for victims of violence and for the complainant and alleged offender if the allegations are dismissed.
4. Appeals
- a) Appeals by either party must be made in writing to the CAO within ten (10) working days after the said action has been taken
  - b) The CAO will respond within (30) working days.
  - c) Either party has the right to seek civil or criminal redress through the courts or to file a complainant with the Alberta Human Rights Commission.



- d) Extenuating circumstances may affect some of the timelines outlined in this policy. Such circumstances will be documented and communicated to all parties involved as they arise.

### Disciplinary Measures

If it is determined any employee has been involved in personal violence of another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counselling, a formal warning and could result in immediate dismissal without further notice.

All physical assaults involving an employee or occurring at Town of Bow Island will be reported to the police. Threats of physical violence will be reported to the authorities as appropriate.