

WORKPLACE

Violence
and Abuse



MANUAL

WORKPLACE

Violence and Abuse

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Definitions

Abuse

The program guide developed jointly by UNA, HSAA, AUPE and Employers (May 2000) defines abuse as:

- › Physical assault or aggression
- › Unsolicited and unwelcome conduct, gesture, or contact that causes offence or humiliation
- › Yelling, swearing and other forms of verbal aggression
- › Inappropriate electronic communication
- › Abuse can be deliberate, unintended, subtle or overt and can come from anyone directed at anyone.

“The test is whether a reasonable person knows or ought to know, that the recipient would consider the behaviour unwelcome or inappropriate”

Workplace violence and harassment can be a single or series of incidents and may take verbal, written, graphic or physical forms. UNA supports the classification of workplace violence and abuse into four types.

Classifications of Abuse

- › **Type I:** (Criminal Intent) The Respondent has no relationship to the workplace
- › **Type II:** (Client) The Respondent is a client at the workplace who becomes violent toward a worker or another client
- › **Type III:** (Worker to Worker) The Respondent is an employee or past employee of the workplace
- › **Type IV:** (Personal Relationship) The Respondent has a personal relationship with an employee e.g., domestic violence in the workplace

Bullying

Bullying is a form of abuse and harassment. The Canadian Centre for Occupational Health and Safety (CCOHS) defines bullying as acts or verbal comments that could cause psychological injury or isolate a person in the workplace. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a person or group of people. It is the assertion of power through aggression. The actions or behaviours can be overt or subtle and include:

- › Spreading malicious rumours, gossip or innuendo
- › Excluding or isolating someone socially
- › Undermining or deliberately impeding a person's work
- › Physically abusing or threatening abuse
- › Removing areas of responsibilities without cause
- › Establishing impossible deadlines that will set up the individual to fail
- › Withholding necessary information or purposefully giving the wrong information
- › Assigning unreasonable workloads
- › Underwork – creating a feeling of uselessness
- › Yelling or using profanity
- › Belittling a person's opinions
- › Public embarrassment/shaming
- › Continued denial of requests for training, leaves or promotion

Discrimination

The Alberta Human rights Act prohibits Employers from:

- › Refusing to employ or to continue to employ any person or
- › Discriminate against any person with regard to employment or any term or condition of employment because of the race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place or origin, marital status, source of income, family status or sexual orientation of that person or of any other person

Domestic Violence

Domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom they have or have had an intimate relationship. It can include any form of violent behaviours. There are additional dimensions to violence in a domestic relationship that are unique; such as:

- › Using property, pets, or children to threaten and intimidate
- › Economic abuse such as withholding or stealing money, stopping a partner from reporting to work or keeping a job
- › Sexual, spiritual or emotional abuse

Harassment

The Alberta Human Rights Commission provides that harassment occurs when someone is subject to unwelcome verbal or physical contact. This can be a single act or repeated behaviour that includes:

- › Verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts about appearance or beliefs
- › The display of pornographic, racist or offensive images
- › Practical jokes that result in awkwardness or embarrassment
- › Intimidation, leering or other objectionable gestures
- › Condescension or paternalism that undermines self-confidence
- › Unwanted physical contact such as touching, patting, pinching, punching and outright physical or sexual assault

The Alberta Occupational Health and Safety Act defines harassment as any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonable to know will or will cause offence or humiliation of the worker or adversely affects the worker's health and safety and includes:

- › Conduct, comment, bullying or action because of race, religious beliefs, colour, status, source of income, family status, gender, gender identity, gender expression and sexual orientation
- › A sexual solicitation or advance, but excludes any reasonable conduct of an employer or supervisor in respect of management or workers or a work site

Violence

The Occupational Health and Safety Act defines violence.

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 and sexual violence.

Collective Agreement Language

Safe workplace

34.01 The parties recognize the need for a safe and healthy workplace. The Employer shall be responsible for providing safe and healthy working conditions. The Employer and Employees will take all reasonable steps to eliminate, reduce or minimize all workplace safety hazards. Occupational health and safety education, training and instruction provided by the Employer, shall be paid at the Basic Rate of Pay, to fulfill the requirements for training, instruction or education set out in the Occupational Health and Safety Act, Regulation or Code.

Harassment policy

34.06 (a) The Employer shall have in place a harassment policy which shall be reviewed annually, and revised as deemed appropriate, by the Committee.

Zero tolerance and Policy Review

34.06 (b) There shall be a policy supporting zero tolerance of staff abuse which shall be reviewed annually by the Committee. Signs shall be posted in public areas to give notification of this.

No Discrimination

6.01 There shall be no discrimination, restriction or coercion exercised or practiced by either party in respect of any Employee by reason of age, race, colour, creed, ancestry, place of origin, source of income, political or religious belief, gender, sexual orientation, family status, marital status, physical disability, mental disability nor by reason of membership or non-membership or activity in the Union nor in respect of an Employee's or Employer's exercising any right conferred under this Agreement or any law of Canada or Alberta.

The No Discrimination language in the Collective Agreement offers protection against an Employer retaliating against an Employee who exercises any of their rights under the Collective Agreement including their right to a safe and healthy working environment.

STRATEGIC ADVICE:

reference Article 6.01 and the Alberta Human Rights if there is reason to believe that the harassment is related to protected grounds or union activity.

Occupational Health and Safety Legislation

Obligations under the
OH&S Act (Part 1)

Employer

Every employer shall ensure, as far as it is reasonably practicable that none of the employer's workers are subjected to or participate in harassment or violence at the worksite

Supervisor

Every supervisor shall as far as it is reasonably practicable ensure that none of the workers under the supervisor's supervision are subjected to or participate in harassment or violence at the worksite

Workers

Every worker shall, while engaged in an occupation refrain from causing or participating in harassment

Occupational Health and Safety Code (Part 27 Violence and Harassment)

Appendix A reproduces all applicable sections of the OH&S Code pertaining to Workplace Violence and Abuse for your reference. The legislation requires Employers to have a plan to address workplace violence and workplace harassment. It also requires the Employer to maintain policies and procedures, prepare hazard assessments and to provide training. It is UNA's experience all Employers meet the minimum requirement to maintain workplace violence and harassment policies and procedures. Generally, we find those policies and procedures, as written, meet and occasionally exceed our expectations. The Employer is required to provide Employees and local representatives with a copy of the policy and procedures upon request. Also Article 34.07(a) and (b) of the UNA Collective Agreement requires the OHS Committees to review the harassment policy and policy supporting zero tolerance of workplace violence on an annual basis. If there are concerns regarding the Employer's policy or procedures, UNA's Occupational Health and Safety Officer is available to assist.

Typically, where UNA takes issue with Employer policies and procedures is with the implementation and application of them. Where necessary, it is possible to ask the Government of Alberta's Occupational Health and Safety department to assign an Officer to investigate a complaint. The Officer will review the structure of the Policy and Procedures and assess whether the Employer followed its policies and procedures. The Officer's role is to assess the Employer's compliance with legislative requirements. The Officer's role is not to conduct an investigation into the validity of the harassment complaint itself. In other words, the complaint is not a form of appeal where the Officer can take issue with the Employer's conclusions; there only role is to assess the policy and procedures and the Employer's compliance with those policies and procedures.

Components of an Effective Employer Policy

The legislative requirements for harassment policy and procedure are set out in Part 27 of the OH&S Code. The following are additional suggestions to create an effective employer policy. Some Employer policies are specific to harassment while others address all forms of workplace abuse. In addition, as per OH&S legislation Employers are required to have policy and procedures regarding workplace violence.

Commitment Statement

A statement that the Employer is committed to provide safe and healthy workplace and eliminating all forms of harassment. In addition, it should include a commitment to investigate complaints and take appropriate corrective action(s) if an individual is found to have violated the policy.

Definitions

Should include clear definitions of behaviours that are considered unacceptable in the workplace. Often includes a statement that a reasonable action taken by the Employer or manager/supervisor relating to the management and direction of workers or a worksite is not workplace harassment.

Application

The policy should clearly set out who it applies to (may include volunteers or students) and in some instances where (worksite(s), conferences, Employer social events etc.).

Roles and Responsibilities

This portion clarifies the roles and responsibilities of the Employer (Supervisors/Managers and Human Resources), Employees and other parties (as defined in Application).

Confidentiality

Often the Employer policy will assure confidentiality to a Complainant or witnesses as part of the harassment/abuse complaint process. They may make that confidentiality subject to a legal obligation to

STRATEGIC ADVICE:

Retaliation must be proven. Duespayers should be reassured that any sign of retaliation for bringing a complaint forward will be taken seriously by union. If a manager is permitted to retaliate without any response, then it permits abuse against an already fragile target and it has a chilling effect on others who might step forward. UNA representatives need to make sure duespayers feel safe to step forward and raise their concern. Duespayers should also understand that a retaliation complaint will be investigated like any other complaint and the employer will be assessing whether the actions were related to the report of abuse. The Union support should also explain the difference between retaliation and the right to respond to allegations. The accused (respondent) is entitled to defense and usually that defense includes some form of attack on the accuser.

disclose or other exceptions. In theory this will make the Employee feel comfortable to come forward and remove their fear of reprisal. However, someone accused of harassment/abuse is entitled to a right to respond. An extension of the right to respond, is the right for the accused to know the allegations that have been made and who made the complaint. Also, generally, when an accused person hears the allegations they are able to deduce who made the complaint. The Employer's assurance of confidentiality is misleading in this regard.

Rather than relying on a confidentiality clause to make a Complainant feel safe, the Employer and Union representatives should find other ways to make a complainant feel safe and supported to come forward with concerns. This manual includes a section on building trusting relationships and those techniques should be emphasized as part of the process.

Strategic Advice: In any complaint, the accuser should assume the accused will become aware of their identity and not rely on confidentiality. The Union should apply trust building techniques to make the complainant feel safe and supported throughout the complaint process.

Formal Complaint Process

Provides information on the process to follow to file a formal complaint of harassment. It should outline who to file the complaint to including when the respondent is a supervisor and/or manager. The process should be short and simple in order to encourage individuals to file complaints.

Investigation

An effective policy provides step-by-step description of the investigation process. Managers and human resources personnel who work closely together may not be able to recognize inappropriate behaviour of their immediate report. If they do recognize it then they may be more likely to rationalize or minimize. In a few cases, the immediate supervisor(s) may have participated in the abuse. The employer should have a neutral, unbiased individual or team investigate the allegations and make recommendations.

Strategic Advice: Any discretion left to immediate supervisors should be heavily scrutinized.

No retaliation

The policy should include a clear statement banning retaliation by any of the parties involved in a complaint of harassment and a commitment to investigate any reports of retaliation.

Timeliness

Ideally the policy will set out specific time limits for every step of the process. The first step in the Employer's process should occur no later than 72 hours after receipt of the complaint. It is imperative that the process occurs sooner than later. The duespayer may be unable to return to the workplace until the process is completed and appropriate action taken. If this is the case placement in another work area or site should be considered. Other than exceptional circumstances, an investigation should be completed and an outcome delivered by the Employer within 3 months.

Outcome

If there is a finding of harassment the Employer must be committed to initiating appropriate measures to ensure that the objectional behaviour stops and is unlikely to occur in the future. The OHS legislation specifies certain corrective actions to be shared. These include: counseling or coaching, reporting, changes to policies and procedures in general, and changes to Workplace Violence and Harassment policies and procedures specifically. UNA takes the position the Employer must disclose any corrective action that is not disciplinary in nature. Whilst there may be other exceptions. The policy should specify the requirement to share in writing whether there was a finding of harassment and any corrective actions to be taken. The policy should also outline a range of possible actions (mandatory education, letter of warning, suspension or termination) for the Employer to consider in the event of a finding of harassment, even if those corrective actions may not be outlined in the written outcome letter.

Copy of Report

Harassment policies generally state that all records related to an incident of harassment are confidential and protected in accordance with the Employer's policies. Once a grievance is filed a copy of the report (investigation notes, recommendations and actions taken) should be requested. The Employer may deny the request initially but will eventually have to share this information with the Union. The Employer will be required to provide a copy of the report to establish that they followed their own policy, completed a full, unbiased and fair investigation and that they took appropriate action(s) to deal with the incident of harassment.

Informal complaints – Employees often wish to explore “informal” venues to raise concerns. This can take the form of the duespayer meeting with the abuser to identify the objectionable behaviour(s) and affect(s) of those behaviours. Another option is a meeting that involves Human Resources' and/or management

STRATEGIC ADVICE:

An Employee is entitled to a safe work environment. If Employer steps are not successful, then we can grieve, and they'll need to establish they did enough.

While a confidential, off-the-record meeting with a member of Human Resources or Management may provide a safe venue to voice a concern, the Employer will not be able to proceed with an investigation without the cooperation of the Employee(s). Such a meeting may prompt the Employer to commence its own investigation and meet with all staff. Unfortunately, the more common outcome is raised, unmet expectations for the Employee. Even when counseled in advance that the Employer will not be able to proceed, the employee tends to believe that something formal will arise from the informal meeting.

Symptoms of Abuse and Harassment

Individuals who experience Workplace Violence and Harassment experience distress and often chronic stress. This can lead to a variety of physical symptoms as well negatively impact an individual's energy, mental function, mood and relationships.

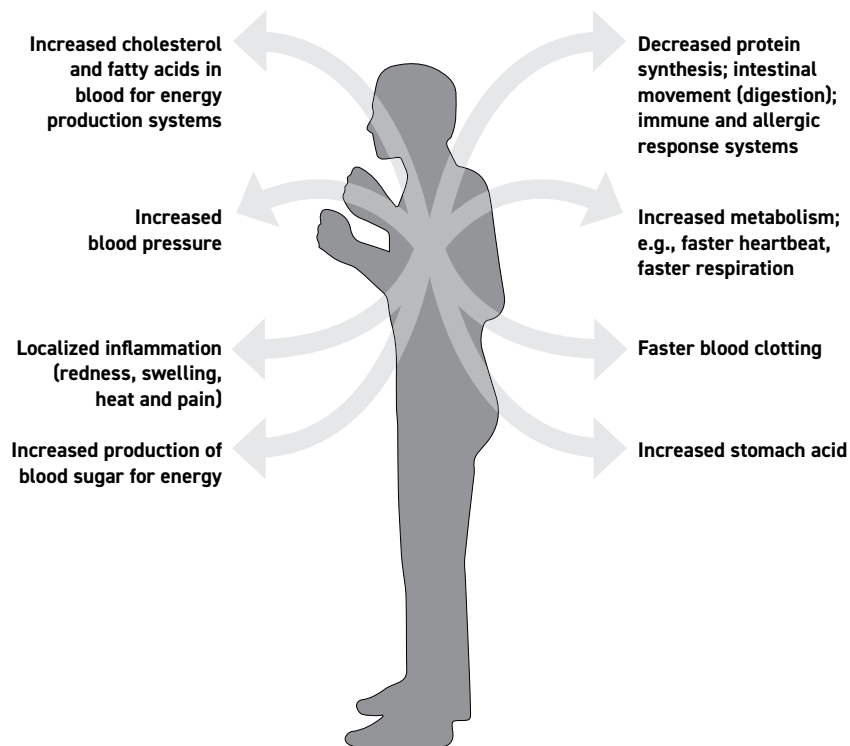
Physical health headaches, clenched jaw, neck/shoulder tightness, low back pain, palpitations, chest pain, nausea, abdominal cramps, GI issues, irregular periods, loss or increased appetite, sleep loss, low libido, adrenal fatigue, high blood pressure, increased cholesterol, increased risk of heart disease, heart attacks, and stroke, and suppressed immune system

Energy Fatigue and exhaustion

Mental function lack of focus (scattered and fragmented thought) and creativity, indecision, poor memory, racing or blank thoughts

Mood tension, depression, anxiety, nervousness, frustration, irritability, sadness, apathy, impatience, and short temper

Relationships argumentative, judgmental, impatient, easily frustrated, moody or sullen



Indicators of a psychologically unsafe workplace

Just as individuals may exhibit symptoms of Workplace Violence and Harassment, a workplace may exhibit signs of a psychologically unsafe workplace. The following are some of the most common indicators of a psychologically unsafe workplace.

High levels of sick leave– abuse and harassment leads to physical and psychological illness and increased use of sick time.

Frequent turnover on the unit/office – because abuse and harassment are so debilitating, employees feel powerless to stop it and choose to leave the unit rather than try to change the behaviour.

High number of vacant positions - Employer experiences difficulty filling positions despite repeated postings. Other Employees are aware of issues on the unit or in the office and do not apply on vacancies

Pattern of harassment or abuse – typically, Employees are able to identify the current target and they can trace back a series of targets who preceded the current target. Bullies tend to have one primary target at a time and they thrive when others are afraid to become the next target. Individuals who observe abuse and harassment are targets because the treatment towards the target intimidates those who observe the behaviours. It can be very distressing to see others abused and harassed and feel powerless to stop it.

STRATEGIC ADVICE:

Contact the Local executive as they are often aware of these signs. Suggest arranging a meeting with the Local executive and the Employees from the affected area to gather information. If the concerns involve multiple Employees, then encourage them to file a group complaint. There is always strength in numbers and this particularly effective when dealing with a workplace bully and harassment.

Best Practices Dealing with Duespayers

It is not unusual for a duespayer to delay contacting the union regarding harassment and/or bullying particularly when the abuse is subtle rather than overt. Often the individual questions their own feelings and wonders if they are being too sensitive or are over reacting to an incident(s) or behaviour(s). One of the effects of harassment and bullying is to diminish the target's self-confidence and self-esteem. Harassment and bullying has an insidious impact on its targets. Harassment and bullying undermines the very characteristics necessary for someone to challenge a harasser or bully. The following chart sets out the common impact on a target and the common traits necessary to stand up to a bully.

Impact on Target

Less trusting
Feels alone
Marginalized
Scared
Hopeless
Weak

....

Standing up to a bully

Trusting
Feels connected to others
Listened to
Confident
Goal and future oriented
Empowered

In order to address bullying and harassment, the target will need to move from the first column into the second column. To move the target into the second column, take time to help the target articulate their experience.

Articulating the Experience of Harassment/ Bullying

In the initial contact with the duespayer it is very important for the employee to tell their story and for the union representative (Local Executive, LRO) to allow the duespayer to tell their story without interruption or judgement. Ideally, the union representative will employ active listening techniques and begin to build trust with the duespayer. The target will be more likely to trust others who are able to give voice to their concerns.

Bullying and harassment can take many forms. The harassed or bullied employees may not recognize some of the ways they experience bullying or harassment or may struggle to describe specifics details. While some behaviours are obvious, like insults or name calling, other behaviours are subtle and pervasive. Generally, the behaviours involve an exercise of power and control to signal one party's dominance over the other. In order to assist employees to recognize the extent of the bullying and harassing behaviours they experience, here is a list of examples raised by other targets.

Excessive or unjustified criticism -

Over-monitoring of work and trivial fault finding -

Setting unrealistic goals or deadlines -

Called into office suddenly – the intent is to isolate the individual, catch them unprepared, and exert power.

Replacing proper work with demeaning jobs -

Sudden change to assignments/ procedures/ expectations – an employee cannot succeed if their instructions and expectations are constantly changing. It is also disheartening to complete work only to be told it is not needed or useful once it is completed. Managers may also withhold job responsibilities in order to demean the employee.

Yelling – this is intended to intimidate and may draw unwanted attention to the target.

Personal attack of a person's private life and/or personal attributes -

Public embarrassment/ shaming – the manager undermines the employee's confidence and credibility among their colleagues.

Threats – threats induce fear and anxiety.

Swearing and other forms of verbal aggression– swearing is a form of violence and a sign of disrespect.

Boundary violations – managers sometimes share information about their personal lives that place employees in awkward or uncomfortable situations.

Privacy/Confidentiality breaches – managers will share information about others. Often this will isolate, embarrass, shame, or cross

boundary violations. It is also a sign of disrespect and a signal to others that their information is not sacrosanct.

Physical abuse – this is an extreme expression of power and control. This is also a crime and injuries (physical or mental) would be covered by WCB.

Exclusion / favoritism – employees may be isolated from others. Results include reduced self-esteem and confidence and may be intended to dissuade the employee from seeking support from their colleagues.

Withholding information:

Rumours – rumors are lies intended to damage the reputation of their target. Employees are less likely to trust the target of the rumors, and the target is less likely to trust others. This further isolates the employee.

Inappropriate emails – emails may contain insults, threats, swears, or inappropriate information. The number or frequency of emails may also be a form of abuse or harassment.

Unreasonably denied requests – this is another form of control. Often the denied requests impact important commitments or professional aspirations and other times they simply make the employee feel they are not as worthy as others.

Pattern of harassment or abuse – typically, employees are able to identify the current target and they can trace back a series of targets who preceded the current target. Bullies tend to have one primary target at a time and they thrive when others are afraid to become the next target. Individuals who observe abuse and harassment are targets because the treatment towards the target intimidates those who observe the behaviours. It can be very distressing to see others abused and harassed and feel powerless to stop it.

Prominence of sick leave on the unit – abuse and harassment leads to illness and increased use of sick time.

Turnover on the unit – because abuse and harassment is so debilitating, employees feel powerless to stop it and choose to leave the unit rather than try to change the behaviour.

Memory Prompts

In order to articulate someone's experience of harassment there will need to be a sufficient amount of detail and specificity to substantiate the events. It is not unusual for an Employee to tolerate abuse, harassment or discrimination with the hope or belief that it will soon stop. Eventually, the target will reach out for help and their Union is a common source of support and advocacy. It is not uncommon for an Employee to endure abuse and harassment without documenting specific incidents at the time. If the Employee decides to formalize their complaint, then the best chance for success will be to provide as many details as possible to explain their experience of abuse and harassment. An Employee may feel overwhelmed or disheartened they do not have notes. The following are strategies an employee can use to recover or remember details of events.

EVENT DATES: Did the event take place in close proximity to someone's birthday, a long weekend/ named holiday, vacation, death, or injury? Can the employee recall the month? Season? If so, then do they recall if it was early, middle or late in month/season? Did the event occur at a staff event? Are there minutes?

PROXIMITY TO OTHER SIGNIFICANT EVENTS – may have involved a memorable patient on the unit at the same time; a recent disciplinary event; retirement.

WITNESSES – Was there anyone else present? If so, who else was present? Where were they located? Did the employee tell anyone at the time? Where did they tell them? What do they remember telling them?

Tips for Union Representatives

The following are some points for Union Representatives to remember when dealing with bullied and harassed duespayers.

BUILD TRUST – targets of abuse and harassment will be reluctant to trust. Many of the remaining tips will build trust if followed and erode trust if not followed.

MAINTAIN CONFIDENTIALITY – promise not to do anything without their express permission. Let them feel safe to share what happened.

LISTEN – need to voice their concerns

GIVE VOICE – summarize their complaints. The target wants someone who listened, understood and shows willingness to make an effort. This will build trust.

SHARE FEELINGS – anger, fear, distrust, loneliness, low confidence, sadness etc.... are a normal response to the experience of harassment. Acknowledge those feelings.

DOCUMENT – dates, times, event details, feelings, witnesses.

SUPPORT – coming forward is hard. The target will be questioned and will relive/re-experience the events when writing out a complaint and going through investigation. They will need an empathetic listener to help through this emotion.

REFER – LROs and Local representatives are entitled to have boundaries. Social workers, psychologists and psychiatrists are trained to counsel and heal. There are other resources the target can access such as EAP/counselling, psychologist coverage through benefits, someone trusted and respected in Human Resources or management, family, and friends. Local and LRO can provide support but everyone should know their limits.

KEEP THEM SAFE – agree not to proceed unless confident in success. If there retaliation – address it. There is also safety in numbers.

THEY ARE NOT ALONE – Affected targets need to know that they have support from the union and or co-workers. They may not have been the first to be harassed/bullied and they are unlikely to be the last. Explore the history on the unit or in the office. Arrange a meeting with the workgroup, Local representatives and LRO if appropriate. Have the work group sign a group complaint and then have them attach their individual complaints with specific details to the group complaint.

RECRUIT – are there others with similar concerns or others who left the unit because of the work environment. Where appropriate, recruitment should be the LRO/Local's role. The employee should not conduct their own investigation.

EXPLAIN – informal and formal process, retaliation, confidentiality, OHS legislation and collective agreement language. Review the dispute resolution process

MANAGE EXPECTATIONS – goal is not termination, unlikely to be told consequences so focus on safe environment as an outcome. If grieve, stay realistic regarding damages. Sometimes the target says they just want it all to be over but they are unable to move on because they get focused on damages or some other expectation.

GRIEVE – if not satisfied with the employer findings then consider a grievance.

Member on Member Complaints

United Nurses of Alberta's practice is to assign one individual to support/represent each individual involved the bullying and harassment complaint when one member makes a complaint against another.

LRO/Local assigned to complainant – the role is to provide support and ensure the complainant's concerns are taken seriously and the employer takes sufficient steps to provide a harassment/abuse-free workplace.

LRO/Local assigned to respondent – role is to provide support and ensure the accused is given an opportunity to respond to the complaint and that the outcome of the complaint is appropriate in the circumstances.

Each assigned LRO/Local will maintain confidentiality with respect to the information they learn while assisting their member. Specifically, the LRO/Local will not share information with the LRO/Local assigned to assist the other individual. The LRO/Local may approach a Manager of Labour Relations for advice in some circumstances.

Upon request, the Union may be able to assist the complainant and respondent by mediating the dispute.

Options For Duespayers

If a duespayer is experiencing harassment there are steps they can take. It can be difficult to know how to proceed. The Local Executive or Labour Relations Officer are ready to take a call or answer an email. The communication will be confidential. The Local Executive or Labour Relations Officer will listen and provide guidance. They will not take action without specific instructions from the duespayer. Options to consider:

- Contact Police - physical and sexual assault is a crime and can be reported to the Police;
- Take no immediate action and continue to document;
- Contact Employee Assistance Plan or Physician for professional counselling if the experience impacts mental or physical health;
- Take "Dealing with Abuse" Course to better understand your experience and the supports and options available to you;
- Duespayer speaks with harasser – requests behavior to stop (note, certain employer policies may require this step prior to a formal complaint unless the alleged abuser is a manager/supervisor);
- Explore facilitated discussion – the target may feel more comfortable speaking to the abuser with someone else present. This may include a combination of Labour Relations Officer(s), Local Executives, human resources, or an external mediator. Whether someone is appropriate to assist will depend on the relationship

with between the abuser, the nature of the documented harassment, the duration of events and the mediation/facilitation skills of the third party/ parties;

- LRO to talk to HR “off the record”. Conversation can be about harasser, or recommend policy reminders/education for the unit;
- Complaint on “my safety net” or other employer OH&S reporting systems;
- Formal Complaint by duespayer (Email stating, I am filing formal complaint pursuant to policy...);
- Informal Complaint by duespayer;
- Formal Complaint by Group (When there are a number of complaints, not against a duespayer);
- WCB claim - duespayer needs to notify employer and physician of intent to file claim;
- Grievance – the Collective Agreement requires the Employer to provide a safe workplace and maintain a policy on workplace violence and harassment. If, after a formal complaint, the Employer fails to meet the Collective Agreement the Union can grieve. This may include failure to investigate or to follow policy, failure to provide a safe and healthy workplace. If the harassment is discriminatory the Union may also grieve this violation;
- Alberta Human Rights Commission Complaint – if there is discriminatory harassment then the target may choose to make a complaint to the Human Rights Commission rather than pursuing a grievance;
- OH&S Complaint – the Employee or Union may submit a concern to the government regarding an unsafe workplace;

Considerations in deciding best course of action:

- Has there been any harassment/discrimination on a protected ground?
- Has target's conduct been above board? Could filing a formal complaint lead to performance management or discipline (not for making the complaint but for conduct that could be revealed in the investigation);
- What is the target looking for as a resolution?
- Is this happening only to the target, or are a number of people being harassed?
- Does the target understand the formal complaint process may not be confidential?

Appendix A

Part 27 Violence and Harassment

Hazard assessment

389 Violence and harassment are considered hazards for the purposes of Part 2. AR 87/2009 s389;56/2018

Violence prevention plan

- 390 (1) An employer must develop and implement a violence prevention plan that includes a violence prevention policy and violence prevention procedures.
- 390 (2) The employer must develop and implement the violence prevention plan in consultation with
- (a) the joint work site health and safety committee or the health and safety representative, if the employer is required to establish a committee or designate a representative, or
 - (b) affected workers, if the employer is not required to establish a committee or designate a representative. AR 56/2018 s23

Violence prevention policy

- 390.1 An employer must ensure that a violence prevention policy under section 390(1) includes the following:
- (a) a statement that the employer is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of violence;
 - (b) a statement that the employer will investigate any incidents of violence and take corrective action to address the incidents;
 - (c) a statement that the employer will not disclose the circumstances related to an incident of violence or the names of the complainant, the person alleged to have committed the violence, and any witnesses, except
 - (i) where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident of the results of the investigation and any corrective action to be taken to address the incident,
 - (ii) where necessary to inform workers of a specific or general threat of violence or potential violence, or
 - (iii) as required by law;
 - (d) a statement that the employer will disclose only the minimum amount of personal information under clause (c)(ii) that is necessary to inform workers of a specific or general threat of violence or potential violence;

- (e) a statement that the violence prevention policy is not intended to discourage a worker from exercising the worker's rights pursuant to any other law. AR 56/2018 s23

Violence prevention procedures

- 390.2 An employer must ensure that the violence prevention procedures under section 390(1) include the following:
- (a) the measures the employer will take to eliminate or, if that is not reasonably practicable, control the hazard of violence to workers;
 - (b) information about the nature and extent of the hazard of violence, including information related to specific or general threats of violence or potential violence;
 - (c) the procedure to be followed by the employer when disclosing the information in clause (b), which must be in compliance with section 390.1(c) and (d);
 - (d) the procedure to be followed by a worker to obtain immediate assistance when an incident of violence occurs;
 - (e) the procedure to be followed by a worker when reporting violence;
 - (f) the procedure to be followed by the employer when
 - (i) documenting and investigating an incident of violence, and
 - (ii) implementing any measures to eliminate or control the hazard of violence that have been identified as a result of the investigation;
 - (g) the procedure to be followed by the employer when informing the parties involved in an incident of violence of
 - (i) the results of an investigation of the incident, and
 - (ii) any corrective action to be taken to address the incident. AR 56/2018 s23

Harassment prevention plan

- 390.4 (1) An employer must develop and implement a harassment prevention plan that includes a harassment prevention policy and harassment prevention procedures.
- 390.4 (2) The employer must develop and implement the harassment prevention plan in consultation with
- (a) the joint work site health and safety committee or the health and safety representative, if the employer is required to establish a committee or designate a representative, or
 - (b) affected workers, if the employer is not required to establish a committee or designate a representative. AR 56/2018 s23

Harassment prevention policy

- 390.5 An employer must ensure that a harassment prevention policy under section 390.4(1) includes the following:
- (a) a statement that the employer is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of harassment;
 - (b) a statement that the employer will investigate any incidents of harassment and take corrective action to address the incidents;
 - (c) a statement that the employer will not disclose the circumstances related to an incident of harassment or the names of the complainant, the person alleged to have committed the harassment, and any witnesses, except
 - (i) where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident of the results of the investigation and any corrective action to be taken to address the incident, or
 - (ii) as required by law;
 - (d) a statement that the harassment prevention policy is not intended to discourage a worker from exercising rights pursuant to any other law, including the Alberta Human Rights Act. AR 56/2018 s23

Harassment prevention procedures

- 390.6 An employer must ensure that the harassment prevention procedures under section 390.4(1) include the following:
- (a) the procedure to be followed by a worker when reporting harassment;
 - (b) the procedure to be followed by the employer when documenting, investigating and preventing harassment;
 - (c) the procedure to be followed by the employer when informing the parties involved in an incident of harassment of
 - (i) the results of an investigation of the incident, and
 - (ii) any corrective action to be taken to address the incident. AR 56/2018 s23

Review of plans

- 390.7 (1) An employer must review the violence prevention plan and the harassment prevention plan, and revise the plans, if necessary.
- 390.7 (2) The employer must carry out the review required by subsection (1) in consultation with
- (a) the joint work site health and safety committee or the health and safety representative, if the employer is required to establish a committee or designate a representative, or

- (b) affected workers, if the employer is not required to establish a committee or designate a representative.
- 390.7 (3) With respect to the violence prevention plan, the review required by subsection (1) must take place on the earliest of the following:
 - (a) when an incident of violence occurs;
 - (b) if the joint work site health and safety committee or the health and safety representative, if applicable, recommends a review of the plan;
 - (c) every 3 years.
- 390.7 (4) With respect to the harassment prevention plan, the review required by subsection (1) must take place on the earliest of the following:
 - (a) when an incident of harassment occurs;
 - (b) if the joint work site health and safety committee or the health and safety representative, if applicable, recommends a review of the plan;
 - (c) every 3 years. AR 56/2018 s23
- 391 (Training of workers) An employer must ensure that workers are trained in
 - (a) the recognition of violence and harassment,
 - (b) the policies, procedures and workplace arrangements that the employer has developed and implemented to eliminate or control the hazards of violence and harassment,
 - (c) the appropriate response to violence and harassment, including procedures for obtaining assistance, and
 - (d) the procedures for reporting, investigating and documenting incidents of violence and harassment. AR 56/2018 s23
- 391.1 (Investigation and reporting of incidents) Sections 40(5)(b) to (d), (7) and (8) and 53 of the Act apply to incidents of violence or harassment. AR 56/2018 s23
- 391.2 (Treatment or referral) An employer must ensure that a worker reporting an injury or adverse symptom resulting from an incident of violence or harassment is advised to consult a health professional of the worker's choice for treatment or referral. 2017 c24 s2;56/2018
- 392 (Entitlement to pay) When a worker is treated or referred by a physician under section 391.2 and if the treatment sessions occur during regular work hours, the employer at the work site where the incident occurred shall not make a deduction from the worker's pay or benefits for the time during which a worker attends the session.

2017 c24 s2;56/2018



WORKPLACE VIOLENCE & ABUSE FORM

This form was designed to assist the user. A user may include a member, Local Representative or Labour Relations Officer. This form is not necessary to proceed with a formal complaint but can aid users to prepare for the formal complaint process. We encourage the use of this form. If you are experiencing bullying and harassment, please contact UNA.

NAME: LOCAL:

UNIT/SITE/PROGRAM

EMPLOYER:

CONTACT UNA BY PHONE

Provincial Office
780-425-1025 or 1-800-252-9394

Southern Alberta Regional Office:
403-237-2377 or 1-800-661-1802

INSTANCES

DEFINITIONS

From the *Alberta Occupational Health and Safety Act*

DISCRIMINATORY ACTION: any action or threat of action by a person that does or would adversely affect a worker with respect to any terms or conditions of employment or opportunity for promotion, and includes termination, layoff, suspension, demotion or transfer of a worker, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty.

HARASSMENT: any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety, and includes

- i. 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 and sexual orientation, and
- ii. a sexual solicitation or advance, but excludes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site.

VIOLENCE: whether at a work site or work-related, 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.

DATE	INCIDENT (WHO/WHAT/WHERE/WHEN)	WITNESSES	THOUGHTS, FEELINGS, & SYMPTOMS

INSTANCES CONTINUED

DATE	INCIDENT (WHO/WHAT/WHERE/WHEN)	WITNESSES	THOUGHTS, FEELINGS, & SYMPTOMS

IMPACT

Describe the impact the harassment has had on the following aspects, if applicable:

HEALTH:

RELATIONSHIPS AT WORK:

ATTENDANCE/ABSENCES:

CONDUCT/DISCIPLINARY RECORD:

SUMMARY OF HARASSMENT

When did the harassment start?

Who is involved in the harassment?

Are others being harassed as well? If so, who?

Was the harassment based on a protected ground? YES NO

Protected grounds are race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, sexual orientation, appearance/size/weight, or union involvement.

If so, please elaborate:

NAME: LOCAL:

UNIT/SITE/PROGRAM

EMPLOYER:

STEPS TAKEN OR INTERESTED IN

PLEASE NOTE: At this point, we do not advise the member to take any of these steps. Instead, get a full picture of any steps the member has already taken or may be interested in to assist us in providing the best information about options.

Communicated with the harasser(s)? Taken Interested

DETAILS (WHO/WHAT/WHEN AND IF ANY FURTHER ACTION WAS TAKEN)

Communicated with manager? Taken Interested

DETAILS (WHO/WHAT/WHEN AND IF ANY FURTHER ACTION WAS TAKEN)

Communicated with HR? Taken Interested

DETAILS (WHO/WHAT/WHEN AND IF ANY FURTHER ACTION WAS TAKEN)

Communicated with a co-worker(s)? Taken Interested

DETAILS (WHO/WHAT/WHEN AND IF ANY FURTHER ACTION WAS TAKEN)

Communicated with your union? Taken Interested

DETAILS (WHO/WHAT/WHEN AND IF ANY FURTHER ACTION WAS TAKEN)

Reached out to EAP or your physician? Taken Interested

DETAILS (WHO/WHAT/WHEN AND IF ANY FURTHER ACTION WAS TAKEN)

Filed a complaint with the employer? Taken Interested

DETAILS (WHO/WHAT/WHEN AND IF ANY FURTHER ACTION WAS TAKEN)

Any other steps taken? Taken Interested

DETAILS (WHO/WHAT/WHEN AND IF ANY FURTHER ACTION WAS TAKEN)

Appendix C:

Additional Resources

<https://www.ccohs.ca/topics/hazards/psychosocial/>

https://www.covenanthealth.ca/media/122424/workplace_abuse_and_harassment.pdf

<https://extranet.ahsnet.ca/teams/policydocuments/1/clp-ahs-pol-workplace-violence-prevention-response.pdf>

https://www.albertahumanrights.ab.ca/publications/bulletins_sheets_booklets/sheets/hr_and_employment/Pages/harassment.aspx

<https://www.lawsociety.ab.ca/?s=Harassment+policy>

CONTACTS

PROVINCIAL OFFICE
(Edmonton)

 **780-425-1025/1-800-252-9394**

SOUTHERN ALBERTA
REGIONAL OFFICE
(Calgary)

 **403-237-2377/1-800-661-1802**

 **nurses@una.ca**

 **www.una.ca**

LOCAL OFFICE