

Workplace Health and Safety Bulletin



Preventing Violence and Harassment at the Workplace

Government of Alberta ■
Employment and Immigration

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Preventing Violence and Harassment at the Workplace

This Safety Bulletin presents information originally published in May 2000 in “Abuse in the Workplace: A Program Development Guide for Health Care Organizations”, published by Alberta Health and Wellness and the Government of Canada, Labour — Management Partnerships Program. The information has been generalized to apply to all employers and workers. Significant portions of the original publication specific to health care have not been reproduced in this Safety Bulletin.

Introduction

Violence and harassment include behaviours such as:

- physical assault or aggression,
- unsolicited and unwelcome conduct, comment, gesture or contact which causes offense or humiliation, and
- physical harm to any individual which creates fear or mistrust, or which compromises and devalues the individual.

Violence and harassment can come from anyone in the workplace and be directed at anyone. It can be subtle or overt. Abuse may be deliberate or unintended. The test is whether a reasonable person knows, or ought to know, that the behaviour would be considered unwelcome or inappropriate by the recipient. It may be a single event or may involve a continuing series of incidents. It may involve the abuse of authority or position, or it may involve relations among co-workers and affiliated personnel. Abuse can victimize both men and women, and may be directed by or towards workers, clients and members of the public.

Violence and harassment can come from anyone in the workplace and be directed at anyone.

Personal versus sexual harassment

“Personal” harassment, which is the subject of this Safety Bulletin, differs from “sexual” harassment. Although the following list is not exhaustive, the Canadian Human Rights Commission considers personal harassment to include:

- (1) verbal abuse or threats
- (2) unwelcome remarks, jokes or innuendoes or taunting about a person’s body, attire, age, marital status, ethnic or national origin, religion, etc.
- (3) displaying pornographic, racist or other offensive or derogatory pictures
- (4) practical jokes which cause awkwardness or embarrassment
- (5) unwelcome invitations or requests, whether indirect or explicit, or intimidation leering or other gestures
- (6) condescension or paternalism which undermines self-respect
- (7) unnecessary physical contact such as touching, patting or pinching, or punching
- (8) physical assault.

The Alberta Human Rights Commission defines sexual harassment as follows:

“Sexual harassment, being discrimination on the grounds of gender, is a violation of the *Individual Rights Protection Act*. Unwanted sexual advances, unwanted requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual’s employment.
- (2) Submission to or rejection of such conduct by an individual affects that individual’s employment.

Sexual harassment can include such things as pinching, patting, rubbing or leering, dirty jokes, pictures or pornographic materials, comments, suggestions, innuendoes, requests or demands of a sexual nature.

The behaviour need not be intentional in order to be considered sexual harassment. It is offensive and in many cases intimidates others”

Recognizing the problem of workplace violence and harassment

Many employers are recognizing the existence of workplace violence and harassment and developing solutions and strategies to address the problem. An increase in awareness is usually accompanied by a decrease in tolerance for incidents of abuse.

Many employers are recognizing the existence of workplace violence.

Extent of the problem

Workplace violence and harassment are recognized as a serious threat to an employer's success. Alberta, British Columbia and Saskatchewan have occupational health and safety legislation that requires employers to have a violence prevention program in place. Quebec has legislation on workplace psychological harassment. Employers in other provinces are not legally required to address this issue through workplace policies.

Alberta's requirements appear as Part 27 of the Occupational Health and Safety (OHS) Code. For the purposes of the OHS Code, violence means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury. Section 390 of the OHS Code requires employers to develop a policy and procedures respecting potential workplace violence. Section 8 of the *Occupational Health and Safety Regulation* requires that the procedures be in writing and available to workers.

Section 391 of the OHS Code requires employers to

- instruct workers how to recognize workplace violence
- communicate the organization's policy and procedures related to workplace violence,
- develop appropriate responses to workplace violence, and
- develop procedures for reporting, investigating and documenting incidents of workplace violence.

Section 392 of the OHS Code requires employers to investigate incidents of workplace violence, prepare a report of the incident that includes corrective actions to prevent a recurrence, and have the report readily available for inspection by an occupational health and safety officer. Section 8 of the *Occupational Health and Safety Regulation* requires that the incident report be in writing and available to workers affected by it.

Violence and harassment at the workplace can seriously compromise a work environment. For the victim, abuse can result in anger, depression, guilt, self-doubt about competency, anxiety and Post-Traumatic Stress Disorder type symptoms. Abuse can be as damaging for other workers at the workplace as it is for the victim. Workers may no longer feel as safe and comfortable at work. This may lead to lost productivity and decreased work performance. Overall worker morale may drop and the employer's reputation may be jeopardized. Recruiting and retaining staff may become more challenging. In the absence of policies, the employer may be subject to legal proceedings from victims.

Violence and harassment at the workplace can seriously compromise a work environment.

Higher insurance premiums, increased workers' compensation levy payments and lost-time claims may also result. Clearly, having policies and procedures in place to deal with workplace violence and harassment is beneficial.

Education and training

Education to increase awareness is key to eliminating workplace violence and harassment. Many workers are not familiar with their organization's policies on violence and harassment. Increased knowledge of these policies and procedures assists in reducing the stress as a result of an incident.

Education to increase awareness is key to eliminating workplace violence and harassment.

Some components of an effective education and training program include:

- clarifying roles and responsibilities
- educating staff about reporting procedures
- training of crisis intervention/victim support personnel (where appropriate)
- training and educating those charged with investigating incidents
- communicating with other agencies such as police, community and social services

- increasing worker awareness regarding rights and available assistance
- increasing awareness of applicable legislation and the employer's policies and procedures.

Prevention: Risk assessment and risk management

Prevention is preferable to intervention. This is no easy accomplishment given the varied dimensions, types and sources of violence and harassment at the workplace. How can an employer create an environment that discourages all forms of abusive behaviour?

Prevention is preferable to intervention.

Prior to developing a prevention program, an employer must carefully analyze and evaluate the current risks of workplace violence and harassment. Existing mechanisms the employer has established to address this issue should be part of this risk assessment.

Risk assessment is a logical and organized method of identifying and quantifying risks, allowing the employer to better manage these risks. Risks are often assessed by considering the severity of consequences and frequency of exposure to the risk. The next section of this Health and Safety Bulletin provides guidance in the development of a risk assessment process.

Following risk identification, risk management and prevention strategies need to be developed and implemented. Risk management involves the development of strategies that eliminate or reduce the risk.

Unfortunately, there is no one perfect prevention strategy. Employers vary in size, the types of workers employed, corporate culture and resources. The intent of this Safety Bulletin is to provide some practical suggestions and to identify resources that may assist in creating a program supporting a workplace free of violence and harassment.

Assessing risks

To manage the issue of workplace violence and harassment, each employer must determine the nature and extent of the problem. To accomplish this, a number of factors need to be considered which include the workers, the sources of abuse, work processes and the physical environment, and the level of organizational commitment towards the prevention of workplace violence and harassment. Within each of these factors are a number of variables which, when analyzed, will identify:

- any components within the environment that may enhance opportunities for abuse,
- those individuals at highest risk, and
- the need for controls.

After considering the following factors, the risk assessment questionnaire shown in Appendix A may be a useful tool.

To manage the issue of workplace violence and harassment, each employer must determine the nature and extent of the problem.

Workers

Who in the organization is at risk?

Determine who has been a victim of violence or harassment in the past. Is there a higher frequency of abuse in some occupational groups than others? Are there typical “at risk” workers such as females vs. males, inexperienced vs. experienced workers?

What has been the nature of the violence or harassment?

How an employer categorizes abuse for the purpose of risk identification should be drawn from its policy definition of violence and harassment and may be influenced by the type of work performed. Workplace violence and harassment could be examined in the following categories:

- verbal abuse (emotional/psychological abuse)
- sexual harassment
- physical aggression
- physical assault

The categorization of incidents should also form the basis of a reporting and information system on abuse.

What has been the effect and severity of the abuse?

Did the abuse cause injury and/or psychological trauma? Did the abuse result in worker absence from work? What was the impact upon worker morale? How long did it take for the affected worker(s) to recover from the event?

What is the frequency of reported incidents?

How often are incidents occurring? Are all incidents being reported? Is the present reporting system capturing the incidents appropriately?

What is the worker's perception of their safety?

Do they feel safe? Are they aware of assistance available to them following an incident of violence or harassment?

Sources of abuse

Who are the abusers?

Any categories of individual who comes into contact with or works within the organization e.g. co-workers, members of the public, consultants, inspectors, etc.

Under what circumstances has the abuse occurred?

What events preceded or precipitated the incident? What interventions were used? What was the behaviour of the offender before the incident?

Is there any process or mechanism in place to assess the potential for individuals to abuse?

Are persons assessed for their potential to abuse? Is this assessment communicated effectively to all workers who are likely to come into contact with the potential abuser? Are managers trained to identify troubled workers or to recognize and diffuse the group dynamics that may precede abuse? Are there processes to recognize a potentially abusive or violent worker prior to hiring? When an individual is terminated from the organization, is the possibility of retaliatory violence assessed?

Work processes and workplace characteristics

Where have incidents of violence and harassment occurred?

In what departments or programs (Field Services, Human Resources, Maintenance, etc.) and in what physical locations (parking lot, locker room) have incidents occurred?

When is violence and harassment most likely to occur?

What time of the year, month, week or day? What other events or activities are most likely occurring?

What are the characteristics of situations where violence and harassment has occurred?

What is the security of the physical environment? Is there sufficient lighting in entrances, hallways and parking lots? Is there appropriate entry access control? Are there appropriate building alarm systems in place? Is there clear signage for visitors? What is the ability of workers to visually monitor their surroundings? Does the physical layout or location increase or decrease the likelihood of violence and harassment? Do high traffic or work areas permit individuals sufficient personal space? What are the work processes in place? Are there mechanisms to summon help if needed? What is the workload of workers?

Organizational climate and management commitment

Are policies and procedures in place?

Has the employer stated that workplace violence and harassment will not be tolerated under any circumstances? Has the employer demonstrated a commitment to try to prevent violence and harassment? Do the policies commit to taking corrective action when abuse occurs?

Are the policies and procedures effectively communicated to workers?

Are the policies and procedures provided to new workers at orientation? Are they discussed at safety or staff meetings? Are they available to workers?

Are policies and procedures followed and effective?

Do workers feel that they have sufficient knowledge to deal with abusive situations? Are workers supported when abuse occurs? Do workers report incidents when they occur? Do abuse reports include all relevant information? Are complaints or incidents of abuse investigated in a timely fashion in accordance with the employer's policies and procedures? Is appropriate action taken in response to confirmed incidents of violence and harassment?

Are policies and procedures reviewed on a periodic basis?

Are workers given training upon hiring and on an ongoing basis?

Are workers (particularly those in high risk areas) trained about how to identify potentially volatile situations? Do they know how to respond or intervene? Do workers know the emergency response procedures and when it is appropriate to call for help? Do they know how to get immediate assistance? Does training include education on how to support co-workers who have been subjected to abuse?

Once the organization has completed its' risk assessment and has identified areas of risk, e.g. who, where and why, it is in a position to develop new, or improve existing, policies and procedures. Effective communication of the results of the risk assessment is a critical factor in developing and implementing successful policies and procedures.

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Reducing risks

Environmental factors may contribute to or encourage incidents of violence and harassment. Research suggests that the likelihood of assault is reduced when

- workers understand the employer's commitment to preventing workplace violence and harassment,
- an emergency response team is provided as needed, and
- prompt and appropriate response occurs in response to a reported incident of violence or harassment.

Environmental factors may contribute to or encourage incidents of violence and harassment.

Environmental and process changes

The evaluation of prior incidents provides insight into the environmental and process factors that increase the risk of an incident. The results of the risk assessment may show that workplace modifications are required. Minor examples of modifications include additional signage, improved lighting or adjusting work schedules. More significant changes such as major renovations or staffing review may also be identified.

The evaluation of prior incidents provides insight into the environmental and process factors that increase the risk of an incident

The risk assessment may permit the employer to heighten worker awareness of existing environmental limitations. An awareness of these limitations will assist in developing strategies to operate safely within the existing environment, without a need to make environmental adjustments.

Communication, education and training

Fundamental components of workplace violence and harassment prevention and management are

- communication,
- education, and
- training of all those associated with the employer.

Communication and training requirements will vary depending upon individual relationships and roles with the organization.

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(a) **Communication**

A well-communicated, clear statement of the employer's commitment often assists in the prevention of violence and harassment.

A communication strategy should be developed to increase awareness. The strategy needs to include the following:

- What the policy means
- Why the policy exists
- Who the policy applies to
- How the policy will be implemented.

A communication strategy should be developed to increase awareness.

What are some ways to communicate this information?

(i) *Orientation*

Provide information at the time of hiring. This provides an opportunity to communicate employer expectations regarding behaviour and provides the worker with knowledge of the employer's commitment to prevention. An educational component focusing on workplace violence and harassment and the employer's policy should be part of any orientation program. Consideration could be given to distributing printed information regarding the policy. Signage placed in strategic locations could be considered.

(ii) *Ongoing education and awareness*

Ongoing communication and distribution of information is important to reinforcing initial education and maintaining a high sense of awareness of the policy and procedures. This may occur in a number of ways. Availability of statistical information could assist in maintaining awareness. Safety or staff meetings to provide updates on policy changes or related topics could be offered. Holding a "Workplace Violence and Harassment Prevention Awareness" week may be helpful in some settings.

(b) Worker training

Education and training are critical. The exact content and type of training necessary depends on the findings of the risk assessment and the employer's specific prevention program.

Education and training
are critical.

"All workers need to understand:

- their rights and responsibilities under any relevant legislation and company policy
- the scope of workplace violence and harassment and their risk factors
- the organization's prevention policy
- the organization's procedures and arrangements to minimize or control the risk of violence and harassment
- safe and appropriate responses to incidents or potential incidents, including how to obtain assistance
- the correct procedure for reporting, investigating and documenting incidents or potential incidents
- the follow-up and support services that are available to them in the event of an incident involving violence or harassment"

(Source: The Canadian Centre for Occupational Health and Safety [CCOHS])

To prevent and manage incidents of workplace violence and harassment, adequate training to recognize potential situations for abuse and how to manage a potentially violent situation are important. An effective training program includes

- recognizing the potential for violence and harassment,
- managing incidents of violence and harassment and effective intervention strategies, and
- identifying training needs.

Recognizing the potential for abuse

One of the best predictors of future assault is a history of assault. Violence-prone individuals have a need for personal space four times larger than the average individual. These special personal space requirements must be respected. Early clues to behaviour that might indicate aggression or a difficulty to maintain control include an increase in agitation and behaviours such as pacing, clenching or pounding fists, increased verbal hostility and anger.

One of the best
predictors of future
assault is a history of
assault.

The assaultive person may also

- be under the influence of alcohol or drugs
- have a severe mental disorder
- have a disability associated with aging
- be personally frustrated.

Practical tips for workers dealing with potentially abusive individuals are provided in Appendix B. It is important that workers are made aware of potentially violent individuals and are equipped with the necessary skills and knowledge to take appropriate precautions.

Educational programs such as assertiveness training and conflict resolution, and interpersonal communication skill development courses may be considered appropriate, particularly in preventing altercations between workers or addressing other internal conflicts.

A list of some applicable training and educational programs that are available commercially or developed and implemented by other organizations is provided in Appendix C.

Who should receive training?

To decide who should receive training, the employer should consider which workers are exposed to greater risks.

It is suggested that where applicable, employers have a two-part educational program on prevention and management of abusive situations: a core section taught to all workers and an area-specific section to provide additional education to workers who work in potentially dangerous areas or with persons known to be high risk. This program should be an integral part of the orientation program for new workers and should be reviewed regularly.

To decide who should receive training, the employer should consider which workers are exposed to greater risks.

Developing policies and procedures

Having clear policies and procedures creates a supportive work environment where violence and harassment are not tolerated. A worker's ability to cope with stressful interactions is improved if they feel supported by the employer's policies. Workers are more likely to report incidents where there are clear and well understood policies and procedures.

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How to develop written policies on violence and harassment

A policy on workplace violence and harassment requires input from a broad cross-section of the employer's workers and managers. This group should develop recommendations for the development and implementation of a policy and associated programs to suit the particular work environment. External expertise may also be accessed. Health and Safety Committees may already be in place and may be considered an appropriate group to address this issue.

It may be beneficial to benchmark other employers' approaches to the issue. It is recommended, however, that each employer tailor its policy development process to suit its particular work environment.

The process of policy development may be as meaningful as the outcome. It can lead to enhanced awareness, increased understanding and heightened support for the program. A program developed internally that responds to the unique needs of the organization is more likely to gain general acceptance.

A program developed internally that responds to the unique needs of the organization is more likely to gain general acceptance.

Workplace violence and harassment policies often include a statement of belief, purpose and definitions.

Statement of belief

This describes the employer's values and beliefs with respect to workplace violence and harassment. It should include

- ongoing support for a workplace environment free of violence and harassment;

- affirmation that any act of violence or harassment is unacceptable; and
- a commitment to investigate and follow-up reported incidents.

Example:

(This organization) believes in the prevention of violence and harassment and promotes an abuse-free environment in which all people respect one another and work together to achieve common goals. Any act of violence or harassment committed by or against any worker or member of the public is unacceptable conduct and will not be tolerated.

We are committed to:

- (a) investigating reported incidents of violence and harassment in an objective and timely manner;*
- (b) taking necessary action; and*
- (c) providing appropriate support for victims.*

No action shall be taken against an individual for making a complaint unless the complaint is made maliciously or without reasonable and probable grounds.

No employee or any other individual affiliated with this organization shall subject any other person to violence or harassment.

Purpose

The purpose of the policy is to ensure that

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

Definitions

This section outlines the organization's definition of violence and harassment in order to determine applicability.

Each organization needs to develop a definition reflecting its Statement of Belief and the requirements of any existing regulations.

General

A general section may be included in the policy to expand upon the employer's statement of belief or definition relating to the effects of abuse. Relevant examples may also be included.

Example:

Acts of violence and harassment can take the form of physical contact or non-physical behaviours. Abuse in any form is an insidious practice that erodes mutual trust and confidence which are essential to (this employer's) operational effectiveness. Acts of violence and harassment destroy individual dignity, lower morale, engender fear, and break down work unit cohesiveness.

Supervisors at every level must be knowledgeable about and sensitive to the many forms that violence and harassment can take. These may involve unwarranted or inappropriate comments, gestures, physical contact or assault, or the display of offensive material. It may or may not be deliberate. It may in fact be unintended; the test is whether a reasonable person knows or ought to have known that the behaviour would be considered unwelcome or offensive by the recipient.

Acts of violence and harassment may occur as a single event or may involve a continuing series of incidents. They may involve the abuse of authority or position, or may involve relations among peers, visitors and external stakeholders. Abuse can victimize both men and women, and may be directed by or towards (this organization's) workers, visitors or members of the public. Sexual harassment is a form of discrimination prohibited by law; that is, harassment of a sexual nature has a sexual purpose or might reasonably be perceived as placing a condition of a sexual nature on any term or condition of employment.

Procedure

The “procedure,” as distinguished from the policy itself, outlines the methods or processes required to make the policy operate on a day-to-day basis. The procedures will vary considerably from employer to employer depending upon size, role and local conditions. The following is intended to serve as a guideline against which unique circumstances applicable to each employer may be considered. The “Procedure” component should include the following basic information.

The “procedure” outlines the methods or processes required to make the policy operate on a day-to-day basis.

Right to assistance

A statement that any person who believes they have been subjected to violence and harassment has the right to access assistance in communicating their objections and, if warranted, in pursuing the complaint more formally. This is particularly important in cases where the alleged offender is in a position of authority, or where there are communication barriers. As a minimum, assistance may be provided by a trained Human Resources representative and may also include support by a co-worker, a trained contact person, a union representative or a professional association representative. The procedure should also include a statement indicating that individuals have the right to address their concerns to the Alberta Human Rights Commission.

Steps prior to formal reporting

When incidents of violence or harassment occur, the procedure should encourage immediate reporting and initiation of formal investigating processes.

To address more subtle forms of abuse, procedures should include the following:

- A requirement for the victim to make his/her feelings known verbally to the alleged offender, directly or with the assistance of a third party. This should be the first step in the procedure. It is imperative that the alleged offender immediately be made aware that the behaviour or conduct is offensive to the victim and be given the opportunity to cease such behaviour.

- A requirement for the victim to carefully record details of the incident including the date and time, nature of the behaviour and names of any persons who may have witnessed the behaviour. This documentation is the victim's personal record and property. A specific form may be developed for recording complaints.

Formal reporting

After rendering assistance during or immediately after an incident, filing a report is the first step of the process in a case of abuse, or the second step to be followed in case of more subtle abuse when action taken as listed above is unsuccessful i.e. the behaviour persists. This would require the victim to document concerns, appending the written record to a record of any previous incidents.

The procedures should clearly indicate who is to receive the written complaint. Each employer needs to determine the appropriate individual depending on the employer's administrative structure. In cases where conflict of interest may exist, the procedure should identify an alternate recipient in order to ensure an impartial consideration of the complaint. Assistance of trained specialists in human resources or other trained counselors should be offered in preparing and submitting a written complaint.

No recriminations

It is the responsibility of all persons involved in the processing of a complaint to ensure that the complainant is neither penalized nor subjected to any prejudicial treatment as a result of making the complaint. The procedure should note that no correspondence pertaining to a complaint, other than that which is the complainant's personal property, shall be placed on the complainant's personal file.

Investigation

Detail concerning investigation of the complaint is outlined in the section "Intervention and follow-up".

Disposition of the complaint

Details concerning the disposition of the substantiated complaint of abuse should include, if appropriate, the range of disciplinary measures to be considered. These disciplinary measures will be consistent with the employer's disciplinary protocol and collective agreements where applicable. Alternatives are discussed in the section "Intervention – managing the offender".

In the case of unsubstantiated complaints, the range of measures for dealing with complaints made with malicious intent should be outlined. The procedure should also explain the requirements to remove from the worker's record any reference to the complaint.

Confidentiality

The procedures should emphasize the need to maintain strict confidentiality. It is the responsibility of any individual who becomes aware of an incident of violence or harassment not to disclose details of the incident to any third party without prior consultation with the victim.

Evaluation

An evaluation process is required to monitor the effectiveness of these procedures. This evaluation process should be consistent with the employer's protocols for evaluating policies and procedures.

Complaint resolution alternatives

The procedures should reinforce the principle that any individual has the right to pursue the concern through alternate forums. This may include exercising their rights through a collective agreement or any law of Alberta or Canada. Consideration could also be given to providing a "help line", where questions, concerns and complaints regarding violence and harassment may be directed on a confidential basis.

Procedures on this matter must be brief and are not intended as an educational tool.

Defining and documenting roles and responsibilities

A workplace violence and harassment program should outline the responsibilities of each participant in the organization.

In addition to indicating organizational support for the program, responsibilities of individual members should be clearly identified.

A workplace violence and harassment program should outline the responsibilities of each participant in the organization.

Senior administration responsibilities

(a) Requirements under the *Occupational Health and Safety Act*

The responsibilities of employers regarding employee safety are legislated. Alberta's *Occupational Health and Safety Act* requires, in Section 2(1) that:

“Every employer shall ensure, as far as it is reasonably practicable for the employer to do so,

(a) the health and safety of:

- (i) workers engaged in the work of that employer, and*
- (ii) those workers not engaged in the work of that employer but present at the work site at which work is being carried out, and*

(b) that the workers engaged in the work of that employer are aware of their responsibilities and duties under this Act and the regulations and the adopted code.”

It has been established in legal precedent in Canada that organizations and their chief executive officers may be prosecuted for *Occupational Health and Safety Act* violations.

Contact information for Alberta Employment and Immigration, the department that administers the *Act* in Alberta, is provided in Appendix C.

(b) Requirements under the *Human Rights, Citizenship and Multiculturalism Act*

The *Human Rights, Citizenship and Multiculturalism Act* holds an organization responsible for preventing sexual harassment in the workplace, as it constitutes discrimination on the basis of sex. In an information document distributed by the Alberta Human Rights Commission entitled “Defining Sexual Harassment”, the employer’s responsibilities are stated as follows:

“Employers are responsible for maintaining a work environment that is free of sexual harassment for all employees, customers and clients. A comprehensive personnel policy which includes procedures for sexual harassment complaints through identified channels can assist employers and employees. If a supervisor neglects to follow up on a complaint of sexual harassment, that person may also be liable under the Human Rights, Citizenship and Multiculturalism Act, for failing to take prompt and appropriate action.”

Worker responsibilities

The responsibilities and roles of workers regarding the implementation of a violence and harassment program should include:

- treating co-workers, clients and the public with respect and dignity
- participating in the development and implementation of policies and procedures
- participating in education programs
- reducing incidents of violence and harassment by practicing principles of prevention
- reporting incidents of violence and harassment as outlined in the employer’s procedures.

For a detailed outline of “rights of workers” see “The legal environment – Rights of workers” portion of this bulletin.

Role of the Occupational Health and Safety Committee

Depending on organizational structure and whether a Health and Safety Committee is present at the workplace, the committee may be an appropriate body to develop written policy, manage and maintain the program. This group often includes a broad representation of stakeholders. There has also been a demonstrated value to including volunteer representatives or other non-staff representatives on the committee. A subcommittee of the Health and Safety Committee may also be considered as an alternative to managing the program.

Worker representatives

Professional organizations and unions representing workers are important sources of input to the development and maintenance of a workplace violence and harassment prevention program. This role can usually be fulfilled through membership on the Health and Safety Committee or subcommittees. Worker representatives also have responsibilities to represent their members, whether they are victims of abuse or alleged to be offenders.

Shared responsibilities

- Maintain confidentiality when appropriate while investigations of violence and harassment are in process
- Participate in post abuse debriefing sessions
- Provide moral support to co-workers who are victims of abuse.

Intervention and follow-up

Management of abusive incidents after their occurrence is as critical as efforts towards prevention. Incidents need to be documented, investigated and remedied as effectively as possible, to reduce further damage and cost to the employer. Intervention must be timely and address the rights and responsibilities of both victim and alleged abuser. Post-assault stress among workers can result in an escalation in the number of cases of violence and harassment. Employers should review policies and procedures following an incident to ensure they adequately address any potential abusive situation. Workers should be encouraged to participate in the review, subsequent development, or revision of such policies.

Management of abusive incidents after their occurrence is as critical as efforts towards prevention.

Victim support

Workers who have been victims of abusive behaviour need to be debriefed shortly after the incident. Workers need to understand that they are not to blame for aggressive behaviours directed at them and that being the victim of an abuse does not reflect on their professional competence.

Debriefing should involve:

- review of critical incident facts
- review of victim needs
- assessment for symptoms of Post-Traumatic Stress Disorder
- social support
- the capacity to make meaningful sense of the episode.

Victims require emotional support and reassurance. They need information about their rights and options. If legal action has been initiated, co-workers should ensure that victims are supported throughout the process. Victims may be subjected to a variety of pressures from the abuser, co-workers, managers and lawyers.

Victims require emotional support and reassurance.

Following an incident, it is suggested that any or all of the following be provided:

- physical support to the victim(s) such as immediate medical care;
- environmental support which may include removing either the victim(s) or the offender(s) from the environment or adjusting the environment in order to reduce the potential for continued abuse;

- psychological support for affected individuals (the victim, other workers and offender, if appropriate) through appropriate intervention such as referral to an Employee Assistance Program, other debriefing programs, counseling or removal from the work environment;
- social support from co-workers, peers, supervisors;
- assistance to the victim in liaising with appropriate services such as the Workers' Compensation Board; and
- information about rights that exist under legislation, collective agreements and other legal options and support in accessing these options (refer to the section titled "The legal environment")

Victim support on an immediate, intermediate and longer term basis needs to be provided. Victims willingness to access support needs to be considered in developing the follow-up plan. Victims of abuse may minimize or deny an incident of violence or harassment. The employer must be sensitive to, and respect, the individual's wishes at this time while monitoring the ability of the individual to function effectively as a member of the organization. Appendix C provides information regarding sources of information, education and support in various communities around Alberta.

Quick response teams

Response teams have been created in some organizations to debrief the victim, interview parties involved and make decisions about further action. The intervention role may also be assumed by a Designated Abuse Officer, a Staff Abuse Committee or the Health and Safety Committee. The team may include a Human Resources professional, legal staff, psychologists and investigators.

Investigation

Investigating parties should be identified before an event occurs. These individuals need to be familiar with procedures and knowledgeable on the subject of human rights. They also need to be viewed as impartial and non-biased. When investigating allegations of abuse, employers need to consider the following:

- incidents must be investigated promptly (within approximately two weeks depending on the circumstances);

- written complaints are more reliable than verbal complaints. Whenever possible, a complainant is encouraged to sign their complaint;
- maintain confidentiality;
- interviewing only those individuals absolutely necessary to maintain confidentiality. The complainant and the accused will have to be interviewed in every case;
- encouraging those with knowledge of the case to not discuss details with others; and
- consider the safety of the complainant throughout the investigation.

The benefits of conducting a thorough and timely investigation include:

- (a) protecting workers;
- (b) increasing productivity;
- (c) increased worker morale;
- (d) avoiding negative publicity;
- (e) avoiding costly and time consuming legal proceedings; and
- (f) lowering the rate of worker turnover.

Management of the offender

The employer must address an incident of abuse in an objective and consistent manner. In substantiated complaints, the following factors should be considered when determining corrective action:

- (a) impact of the abuse on the victim;
- (b) nature of the abuse;
- (c) degree of aggressiveness and physical contact in the abuse;
- (d) period of time over which the abuse took place;
- (e) frequency of the abuse; and
- (f) vulnerability of the victim.

The employer must address an incident of abuse in an objective and consistent manner.

Referral of the offender to appropriate professional resources for assistance and follow-up should be considered.

Consideration needs to be given to specific circumstances and the role of the offender within the organization. The following are possible options which could be considered when taking corrective action:

- (a) apology;
- (b) training;

- (c) referral to an Employee and Family Assistance Program;
- (d) reassignment or relocation;
- (e) limiting access to certain areas of the organization;
- (f) report to professional body;
- (g) discipline;
- (h) discharge; or
- (i) filing a complaint or criminal charges (see “The legal environment”).

The employer may need to consult with other stakeholders when determining corrective action. If the assailant is a worker, it may be necessary to contact the worker’s union or the professional association to which the worker belongs.

Possible consequences of substantiated abuse should be included in an organization’s policies and procedures.

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Documenting cases of abuse

Documenting cases of abuse assists the employer in analyzing potential high risk situations and taking measures to reduce the occurrence of future incidents. An Abuse Reporting Form could assist in gathering this information.

Abuse Reporting Form

This form is a valuable tool when reporting and investigating incidents of abuse. A distinct form should be developed by the employer solely for the purpose of reporting incidents of workplace violence and harassment. A sample reporting form is provided as Appendix D.

It is important that an employer has the ability to monitor trends. A sample data reporting form is provided for this purpose as Appendix E.

A distinct form should be developed solely for the purpose of reporting incidents of workplace violence and harassment.

The legal environment

Awareness of the legal environment is critical. Incidents of violence and harassment can leave an employer open to legal liability, ranging from health and safety complaints to civil suits. For the purpose of this Bulletin, the legal environment includes legislation and common law i.e. precedent cases. Furthermore, a collective agreement or personal employment contract also provides a legal framework for dealing with many workplace issues.

Staff members must know the pros and cons of pressing charges, how to initiate legal procedures and be aware of what happens once the legal system becomes involved in the incident. Filing charges against an abuser has also been suggested as an aid to prevention of future abuse. In the section entitled “Intervention and follow-up”, it is recommended that the employer consider assisting the victim in filing charges against the abuser.

This portion of the Bulletin outlines some of the issues surrounding the legal rights and obligations of employers and workers. It discusses the pros and cons of filing charges and some of the processes employers should consider putting into place in order to effectively do so.

This portion outlines some of the issues surrounding the legal rights and obligations of employers and workers.

Legal options

When taking legal action against an alleged abuser, a number of avenues are available. An employer or individual should be aware of these when determining what steps to take.

Legislation

Action may be possible subject to a number of pieces of legislation, such as the Criminal Code of Canada and provincial legislation such as the *Human Rights, Citizenship and Multiculturalism Act* or the *Occupational Health and Safety Act*.

To deal with cases of workplace violence or harassment, most provinces rely on Human Rights legislation. However, some jurisdictions have enacted specific legislation dealing with some forms of workplace violence and harassment. Alberta, British Columbia and Saskatchewan have enacted legislation requiring employers to implement violence prevention programs. Quebec has legislation on workplace psychological harassment.

Alberta's requirements appear as Part 27 of the Occupational Health and Safety (OHS) Code. For the purposes of the OHS Code, violence means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury. Section 390 of the OHS Code requires employers to develop a policy and procedures respecting potential workplace violence. Section 8 of the *Occupational Health and Safety Regulation* requires that the procedures be in writing and available to workers.

Section 391 of the OHS Code requires employers to

- instruct workers how to recognize workplace violence
- communicate the organization's policy and procedures related to workplace violence,
- develop appropriate responses to workplace violence, and
- develop procedures for reporting, investigating and documenting incidents of workplace violence.

Section 392 of the OHS Code requires employers to investigate incidents of workplace violence, prepare a report of the incident that includes corrective actions to prevent a recurrence, and have the report readily available for inspection by an occupational health and safety officer. Section 8 of the *Occupational Health and Safety Regulation* requires that the incident report be in writing and available to workers affected by it.

Collective agreements and personal employment contracts

Collective agreements are legally binding contracts that set out many of the rights and obligations of employers and workers (see "Rights under collective agreements" in this section).

Private employment contracts may contain provisions for unexpected conduct and dispute resolution. Where appropriate, these provisions may be used by either party to deal with cases of abuse.

Workers employed under a personal employment contract, or who have no written agreement at all, may also claim damages in court for “constructive dismissal”. Essentially, the worker will argue that their job has been so fundamentally changed by the abusive situation that they have been dismissed from the job for which they were hired. An example would be where new responsibilities are added or current responsibilities or privileges taken away, without the agreement of the worker. If such actions fall within the definition of violence and harassment, complaints may arise within the context of an employer policy or ultimately in court.

Vicarious liability

Employers should be aware of the concept of vicarious liability, which holds the employers liable for the wrongful acts of employees in the course of carrying out their duties.

Standard of proof

The standard of proof is different in criminal and civil cases. In a criminal conviction, the level of certainty is very high i.e. beyond a reasonable doubt. The civil standard of proof requires that a party prove its case “on the balance of probabilities” i.e. it is more likely than not. The O.J. Simpson case in the United States demonstrates the difference. In the mid 1990’s, the well-known football player and actor was found not guilty of a murder charge in the criminal case but in a civil suit, was required to pay damages to the family of the victim because of the lower standard of proof.

Administrative tribunals, such as arbitration boards and human rights commissions, use the civil standard of proof or a modified version. In determining cases, for example, arbitrators have held that, while the criminal standard need not be met, an employer must prove its case convincingly, and that a “mere” balance of probabilities is not sufficient.

Forms of legal action

- (a) Workplace discipline
- (b) Professional disciplinary action
- (c) Human Rights complaints

- (d) Occupational Health and Safety complaints
- (e) Civil suits
- (f) Criminal or quasi-criminal charges

(a) Workplace discipline

Where allegations of abuse against workers have been substantiated, employers may take disciplinary action. This may range from a verbal or written warning in relatively minor cases to suspension, or finally termination for the most serious offences.

Progressive discipline is normally imposed for offenses that are not considered serious enough to warrant immediate dismissal. For example, for a worker engaged in verbal abuse, a first offense might result in a written warning, a second in suspension and further repetition in termination. Each case will, however, turn on its own facts.

Where a collective agreement is in place, articles on discipline and termination are usually included and the rights of the worker are described. The worker accused of misconduct is therefore entitled to union representation.

(b) Professional disciplinary action

Where the alleged abuser is a member of a regulated profession, charges of professional misconduct may be brought before the relevant College or Association. The College or Association must then investigate and, if sufficient evidence is found, a disciplinary hearing would be held. A professional found guilty of misconduct could face one or more penalties, ranging from reprimand to financial penalties or loss of a license to practice.

(c) Human Rights complaints

In Alberta, Human Rights complaints are covered by the *Human Rights, Citizenship and Municipalities Act*. To succeed in a claim under this legislation, the complainant must prove that the abuse was a form of discrimination on one of the prohibited grounds — race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income or family status. It is important to note that the listed

grounds are not fully inclusive. For example, sexual orientation is not listed but is, as a result of a 1998 Supreme Court of Canada decision, now a prohibited ground of discrimination.

(d) Occupational health and safety complaints

Under the *Occupational Health and Safety Act*, a worker could charge the employer with failing in the employer's duty to provide a safe workplace. Since the charge would be against the employer rather than the abuser, the employer would not participate on behalf of the worker.

(e) Civil suits

The individual or the organization may take action against an abuser to recover damages (money) for the harm done. In most cases, the action would be taken by the individual, e.g. defamation, emotional distress, personal injury, however, the employer may also have grounds for a lawsuit where, for example, the employer's reputation has been affected, or has suffered expenses as a result of the violence or harassment.

(f) Criminal charges

Where the abuse has taken the form of physical or sexual assault or serious threats, etc., criminal charges may be laid. In many cases, police would lay charges. However, individuals may also "lay an information" to commence criminal proceedings,

Pros and cons of taking legal action

Potential benefits of taking legal action include deterrence of future acts of violence and harassment; supporting staff, thereby positively affecting morale and assisting the victim in dealing with the incident; providing documentation for other actions, such as claims at the Crimes Compensation Board.

The disadvantages of taking legal action might include a long, drawn-out and costly court proceeding, increased animosity between the parties and negative publicity.

As discussed under “Rights” in this section, the general duty clause of the *Occupational Health and Safety Act* has also been applied in cases of workplace harassment. This clause stipulates that employers are required to protect the health and safety of workers “as far as is reasonably practicable”.

Deciding when to take legal action

The employer should have a process in place to ensure that decisions to lay charges are made fairly and consistently. Inconsistency may give the offender the impression that aggressive behaviors cannot be controlled by the institution. The following are factors to consider when deciding to take legal action:

(a) What is the purpose of the action — retribution, ending the abuse, or restitution?

(b) Has there been an impartial review of the incident?

An incident that is being considered for prosecution should be subject to an independent and objective review. This provides the employer with an opportunity to explore other alternatives and to question the motives of filing a complaint. An independent review may also support the legitimacy of the complaint in the eyes of the court.

(c) The seriousness of the assault

In a minor assault with no resulting damage, it may not be appropriate to lay criminal charges. However, a civil suit, professional complaint or workplace discipline may be appropriate.

(d) The willingness of the victim to file charges

A victim may not be prepared to take action, and is under no legal obligation to do so. However, some legal options are only open to the victim, and in other cases, success is less likely if the victim is not willing to testify. It is difficult to deal with cases of violence or harassment if the victim is not prepared to file a complaint, though in some cases, witnesses, the employer or police may do so.

(e) The likely outcomes of the court action

Depending on the evidence available, the decision-maker may be able to make a judgement that an action would, or would not, be likely to succeed.

(f) Legal competence

The offender may be deemed not legally competent and/or not criminally responsible. It is advisable to obtain expert legal advice on these issues prior to making a decision.

The following is a general guideline:

- If the offender is found to be legally competent, laying of charges may follow.
- If the offender is not found to be legally competent, charges may still be appropriate where the goal is to have the person placed in custody for the protection of others.
- If the person's legal competence is in question, an independent assessment may be required. However, unless the alleged abuser consents, a court order would be required to obtain an assessment.

(g) The risk of further offenses

The possibility that the abuser will re-offend ought to be considered in the decision to take legal action.

(h) Have other avenues of conflict resolution been explored?

(i) Cost of the action

Rights of workers

(a) Rights under the *Occupational Health and Safety Act*

Under the *Occupational Health and Safety Act*, workers have the duty to refuse to engage in work that they perceive to threaten their safety and health beyond what is reasonable for the job. Section 35 states "No worker shall carry out any work if, on reasonable and probable grounds, the worker believes that there exists an

imminent danger to the health and safety of that worker.” There is potential for this clause to be used as justification if, for example, a home care worker felt that entering the home of a potentially abusive client might endanger the worker’s own health and safety. Two recent Ontario court cases highlight this potential. In each, the worker won a wrongful dismissal suit after being fired for refusing to engage in work that the worker thought would threaten safety. In one case, involving a female bartender who refused to serve an abusive customer, the Ontario Labour Relations Board ruled that an abusive customer may constitute a sufficient health risk to a worker that there are grounds for work refusal. (Sharon Moore v. Barmaid’s Arms, Ontario Relations Board, March 23, 1995 cited in Lancaster Labour Law Reports, April 1995, p. 1-2.)

(b) Rights under collective agreements

All collective agreements must, as a matter of law, have a process for resolving differences. Where no specific language is included, the process included in the relevant legislation is deemed to be applicable.

A developing area of employment law suggests that where a collective agreement is in place, arbitration is the only forum available to employers and workers in resolving workplace issues. Since these decisions were rendered by the Supreme Court of Canada, some cases have narrowed their application, but practitioners and employers must be aware of possible limits of other forms of action.

Collective agreements may include specific clauses dealing with harassment or worker safety, or may reference employer policies that deal with these issues. However, even where there is no specific clause dealing with the matter, workers may be able to file grievances under other clauses. For example, where a worker is subject to sexual or racial harassment, the grievance may allege violation of a non-discrimination clause. Where the worker is passed over for promotion or not given the opportunity to work additional or overtime hours, the worker may frame the grievance with reference to the clauses that deal with these issues.

A worker who is covered by a collective agreement has the right to union representation in any dispute. The extent of the right may be included in the collective agreement itself, and the union has the legal obligation to represent workers within its bargaining unit. Through the involvement of union representatives, a joint agreement for resolution of the problem is often possible. Where this is not the case, a grievance may be submitted to arbitration, which is a formal forum that empowers an objective third party to render a decision legally binding on the parties.

In any case of discipline, if a worker has been found to have abused another, that worker also has the rights included in the collective agreement. Virtually all agreements will include clauses on discipline and dismissal, and the grievance process described above will also apply.

Whether or not workers use the grievance process, it is recommended that they be offered the opportunity to seek advice from a union representative, that the employer document the offer has been made and whether or not the worker accepts the assistance.

Employers are well advised to scrupulously follow the processes contained in collective agreements to ensure that resolutions are satisfactory, or that discipline is not overturned due to procedural faults.

(c) Right to an independent investigation

Workers have the right to independently report cases of workplace violence or harassment to police or the human rights commission. Employers may also include provisions for investigations to be done by independent investigators who are not connected to the employer. This is particularly important with small employers, where there may be no one with the required skills who does not have a connection to the parties involved, and can therefore be seen to be truly objective.

Any person is entitled to use sufficient force to protect him or herself. However, self-defense, to be considered justifiable, must be limited to actions that protect the well being of the victim without escalating to the point of retaliation.

Conclusion

An employer's program to prevent workplace violence and harassment must recognize and work within the prevailing legal climate. Employers should make themselves aware of the legal and ethical issues associated with intervention programs and prosecuting assailants, and ensure that the program addresses them. It is advisable that the employer consult legal counsel and local police to ensure the employer's legal obligations are fulfilled, and decisions to prosecute are defensible. The approach taken in pursuing charges may vary among police departments.

Some things the employer should do:

- Develop a workplace violence and harassment prevention program.
- Develop clear policies for determining when legal action will be initiated.
- File charges against abusers in a consistent manner when there are bona fide reasons for doing so and where it is appropriate.
- Maintain thorough and objective information gathering and assessment practices to ensure that when decisions to take action are made, they are based upon accurate information and will provide a solid basis for justification in the courts or other legal venues.

Program evaluation

The success of a workplace violence and harassment prevention program involves not only the implementation of the program but also ongoing evaluation. The program must be monitored to ensure objectives are being met. As the types of workers within the workplace change, the risks of violence and harassment may change and the program must be responsive. The evaluation process will depend upon a number of factors unique to the employer, including program objectives and available objectives.

This section discusses the components, framework and application of an evaluation program.

The program must be monitored to ensure objectives are being met.

What is program evaluation?

Program evaluation can provide information required to:

- (a) determine the effectiveness of the program
- (b) address accountability and control issues
- (c) provide information for decision-making.

To effectively evaluate programs, the program objectives must be stated clearly and practically defined. The objectives of the program must also be realistic. It is an unrealistic expectation, for example, to expect a workplace program to eliminate violence and harassment altogether. A more realistic goal might be to minimize their occurrence and establish an environment of non-tolerance.

Steps in the program evaluation process

Steps in the program evaluation process include needs assessment, process evaluation and outcome evaluation (one could characterize this as before, during and after).

- **Needs assessment**

Measures the needs of those who will be served by the program. Identifying needs assists in developing program objectives.

- **Process evaluation**

Evaluates the program to provide information on the effectiveness of the process and whether the program meets its intended objectives.

- **Outcome evaluation**

An outcome evaluation will determine whether a program has effectively met its previously stated objectives. This evaluation also identifies additional opportunities for improvement.

Program evaluation framework

The following provides a framework to approach program evaluation:

- **Program rationale**
 - Is there a need for the program?
 - Does the program make sense?
 - Is it reasonable to expect that it will fulfill its objectives?
- **Program delivery**
 - How is the program implemented?
 - Is it implemented as planned?
 - How does each program component contribute towards overall program objectives?
 - Is the program reaching its target population?
- **Objective achievement**
 - How successful is the program in achieving its objectives?
 - What factors enhance or impede its effectiveness?
 - What is the post-effectiveness of the program and how does it compare with other programs?
- **Impacts and effects**
 - What have been the effects (intended and unintended) of the program?
 - How can the efficiency of the program be increased without compromising its effectiveness?
- **Alternatives**
 - Are alternative programs available?
 - What modifications to the existing program would make it more efficient and cost-effective?

What does this mean for evaluation of a workplace violence and harassment program?

The following lists provide some samples objectives and evaluation questions for the program components of a workplace violence and harassment prevention program.

Prevention

- | | |
|-------------------------|--|
| Objectives | <ul style="list-style-type: none"> ▪ Increase level of reporting of workplace violence and harassment. ▪ Decrease in incidence of abuse. ▪ Reduce severity of abuse. ▪ Train all workers in intervention techniques. ▪ Increased awareness by all members of the employer's "no-tolerance" policy. |
| Process evaluation | <ul style="list-style-type: none"> ▪ Was there an increase in reported incidents? ▪ Were incidents categorized effectively? ▪ Were incidents predictable? ▪ Were victims appropriately trained? ▪ Were assailants made aware of the policy of "no-tolerance"? ▪ Were appropriate intervention techniques used? |
| Outcome evaluation | <ul style="list-style-type: none"> ▪ Did victims feel they were supported? ▪ Did victims have to remain away from work? ▪ Was there an increase/decrease in lost time? |

Victim Support

- | | |
|--------------------------|--|
| Objectives | <ul style="list-style-type: none"> ▪ To provide effective emergency response to an abusive situation. ▪ To provide workers with appropriate support following an incident of violence or harassment. ▪ To investigate and resolve complaints in a timely manner. |
| Process evaluation | <ul style="list-style-type: none"> ▪ Was every complaint investigated? ▪ Was the investigation concluded in a timely manner? ▪ Were all victims offered support? ▪ How many victims accessed support? ▪ Were police called when appropriate? ▪ Was the Emergency Team called, and if so, what was their response time? ▪ In how many cases were formal charges filed? |
| Outcome evaluation | <ul style="list-style-type: none"> ▪ Did victims feel they were supported? ▪ Did victims have to remain away from work? ▪ Was there an increase/decrease in lost time? |

Program evaluation by definition requires either quantitative or qualitative measurement. The employer needs to have benchmark data prior to implementing a workplace violence and harassment prevention program in order to measure the success of the program. For example, has the incidence of abuse increased/decreased since implementation of the program? Factors that influence the data must not be considered in isolation. An increased incidence of violence or harassment for example may be explained by increased rates of reporting.

Prior to implementing a program, evaluation methods and the frequency of data collection should be considered to ensure that the information required is captured appropriately.

What information and data do you need?

Reporting forms

The Sample Abuse Reporting Form (Appendix D) and the Sample Data Reporting Form (Appendix E) can be used to monitor changes and trends in incidents of violence or harassment. These are valuable evaluation tools to not only collect important data but to provide an ongoing measurement tool.

The results of the Sample Data Reporting Form could be used to create a monthly or quarterly summary. This information would provide a useful tool in evaluating the ongoing success of the program.

As historical data becomes available, trends in the nature of abuse could be identified, and changes addressed, if appropriate, through program modifications. In the event that other similar employers collect the same data, broader comparisons and problems identification could be made on an industry basis.

Existing information sources

Sources of information that may assist in this process may be internal management information systems or external sources such as the Workers' Compensation Board. There are also reporting requirements outlined in the *Occupational Health and Safety Act, Regulation, and Code*. A comparison of the internal data summaries with external sources could potentially identify discrepancies in the reporting system.

Additional sources of information can also be useful to identify or validate other areas of concern. For example, an employer's exit interview process could provide valuable information which may or may not be identified through other sources.

Questionnaires and interviews

Questionnaires and interviews are effective tools in continuing program evaluation. For example, course evaluations completed for staff abuse training and education sessions could be an indicator of program effectiveness. A sample questionnaire found in Appendix F was used to monitor the function of and subjective level of satisfaction with a victim support program. Organizations may wish to tailor this questionnaire to meet their specific needs.

Who should get this information and conduct the evaluation?

An employer needs to identify a group of individuals to manage and maintain the violence and harassment prevention program. The Health and Safety Committee (or a sub-committee) may be the ideal group to administer the program. This group would be responsible for monitoring trends, identifying necessary changes and recommending and implementing modifications.

Ongoing summary and status reports need to be widely circulated. This information would be beneficial in maintaining awareness of the issue and communicating ongoing efforts to address the problem.

Appendix A

Sample Risk Assessment Questionnaire

1.

(a) Have you experienced verbal abuse while an employee of this organization?

Yes ☐ No ☐

(b) If yes, did you report the incident(s)?

Yes ☐ No ☐

(c) If yes, did you report the incidents(s)?

Verbally? ☐ In writing? ☐

(d) What was the relationship of the abuser to you?

☐ Co-worker ☐ Client/Customer
☐ Member of the public ☐ Other (please specify)

(e) Where did the abuse occur? (e.g. Human Resources, parking lot, locker room, etc.)

(f) When did the abuse occur? i.e. year, month, week or day

2.

(a) Have you experienced a threat of physical violence while an employee of this organization?

Yes ☐ No ☐

(b) If yes, did you report the incident(s)?

Yes ☐ No ☐

(c) If yes, did you report the incidents(s)?

Verbally? ☐ In writing? ☐

(d) What was the relationship of the abuser to you?

- | | |
|---|---|
| ☐ Co-worker | ☐ Client/Customer |
| ☐ Member of the public | ☐ Other (please specify) |

(e) Where did the abuse occur? (e.g. Human Resources, parking lot, locker room, etc.)

(f) When did the abuse occur? i.e. year, month, week or day

3.

(a) Have you experienced a physical assault or attack while an employee of this organization?

Yes ☐ No ☐

(b) If yes, did you report the incident(s)?

Yes ☐ No ☐

(c) If yes, did you report the incidents(s)?

Verbally? ☐ In writing? ☐

(d) What was the relationship of the abuser to you?

- | | |
|---|---|
| ☐ Co-worker | ☐ Client/Customer |
| ☐ Member of the public | ☐ Other (please specify) |

(e) Where did the abuse occur? (e.g. Human Resources, parking lot, locker room, etc.)

(f) When did the abuse occur? i.e. year, month, week or day

4. Did you miss any time from work as a result of the violence or harassment?

Yes ☐ No ☐

If yes, please indicate the length of absence from work.

_____ days/wks/months

5. Do you:

(a) Work alone or with a small number of co-workers?

Yes ☐ No ☐

(b) Work late at night or early in the morning?

Yes ☐ No ☐

6. Are you concerned about your safety on the job?

Yes ☐ No ☐

What is your source of concern?

7. Do you believe that such a possibility represents a:

- ☐ High risk ☐ Medium risk ☐ Low risk

The completion of this section is voluntary. Information gathered from this section will only be used for statistical analysis and to identify trends in workplace violence and harassment abuse. Complete individual confidentiality will be maintained.

Male ☐

Female ☐

Length of service ☐ 1 year
 ☐ 1-3 years
 ☐ 3-5 years
 ☐ 5-10 years
 ☐ more than 10 years

Job classification: _____

Appendix B

Tips for Preventing and Managing Incidents of Violence or Harassment

Although no incident of abuse is deserved, there are steps that workers can take to reduce the incidents of violence or harassment on the job. The following practical suggestions are from a guide entitled “Violence in the Workplace” from the Canadian Centre for Occupational Health and Safety (1999).

Dealing with a potentially violent person

Tips for verbal communication

- ◆ Focus your attention on the other person to let them know you are interested in what they have to say.
- ◆ DO NOT glare or stare, which may be perceived as a challenge.
- ◆ Remain calm and try to calm the other person. DO NOT allow the other person's anger to become your anger.
- ◆ Remain conscious of how you are delivering your words.
- ◆ Speak slowly, quietly and confidently.
- ◆ Speak simply. DO NOT rely on official language or complex terminology.
- ◆ Avoid communicating a lot of technical or complicated information when emotions are high.
- ◆ Listen carefully. DO NOT interrupt or offer unsolicited advice or criticism.
- ◆ Encourage the person to talk. DO NOT tell the person to relax or calm down.
- ◆ Remain open-minded and objective.
- ◆ Use silence as a calming tool.
- ◆ Acknowledge the person's feelings. Indicate that you can see he or she is upset.

Tips for Non-Verbal Behaviour and Communication

- ◆ Use calm body language — relaxed posture with hands unclenched, attentive expression.
- ◆ Arrange yourself so that your exit is not blocked.
- ◆ Position yourself at a right angle rather than directly in front of the other person.
- ◆ Give the person enough physical space ...this varies by culture, but normally 1-2 m is considered an adequate distance.

- ◆ Get on the other person's physical level. If they are seated try kneeling or bending over, rather than standing over them. DO NOT pose a challenging stance such as:
 - standing directly opposite someone
 - putting your hands on your hips
 - pointing your finger
 - waving your arms
 - crossing your arms
- ◆ DO NOT make sudden movements which can be seen as threatening.
- ◆ DO NOT fight. Walk or run away. Get assistance from security or police.

Responding to a Physical Attack

If you are attacked:

- ◆ Make a scene, yell or scream as loudly as possible. Try shouting words like STOP, FIRE or HELP.
- ◆ If you are being pulled along or dragged, fall to the ground and roll.
- ◆ Blow a whistle, activate your personal security alarm or push the security alarm.
- ◆ Give bystanders specific instructions to help you. Single someone out and send them for help. For example, "You in the yellow shirt, call the police."
- ◆ If someone grabs your purse, briefcase or other belongings, DO NOT resist. Throw the item to the ground several feet away from the thief and run in the opposite direction, yelling "help" or "fire".
- ◆ DO NOT chase a thief.
- ◆ Run to the nearest safe place, a safe office or an open store.
- ◆ Call security or the police immediately after the incident.
- ◆ If the attack does not warrant calling the police, inform your supervisors or the authorities at your workplace.
- ◆ File an incident report.

Be Prepared

- ◆ Take a self defense course.
- ◆ Try to imagine yourself responding successfully to different types of attacks. Practice your responses.

Working Off-Site

If you work away from a traditional office setting you must exercise extra caution. In many cases you have less or no ability to control your work environment. You may require special training to avoid violence by using conflict resolution and mediation tactics. Nevertheless, the following specific preventive tactics or procedures will minimize or prevent risks associated with working off-site:

- ◆ Have access to a cellular telephone or similar means of communication.
- ◆ Use an established check-in procedure that allows you to manage typical situations you may encounter off-site.
- ◆ Prepare a daily work plan so that you and others know where and when you are expected somewhere.
- ◆ Arrange to meet in a safe environment.
- ◆ Be alert and make mental notes of your surroundings when you arrive at a new or different setting.
- ◆ Use the “buddy system”, especially when you feel your personal safety may be threatened.
- ◆ Determine under which circumstances unaccompanied visiting would involve unacceptable risk.
- ◆ Exercise your right to refuse to work in clearly hazardous situations.
- ◆ Disclose any feelings of discomfort or apprehension about an impending appointment to your supervisor.
- ◆ DO NOT enter any situation or location where you feel threatened or unsafe.
- ◆ Carry hand-held alarms, noise devices or other effective alarm devices.

When you are in unfamiliar premises:

- ◆ Check for escape routes and position yourself near an escape route.
- ◆ Mentally rehearse what you will do if an individual becomes aggressive or hostile. Decide what your best preventive tactic will be.
- ◆ Take control of the seating arrangements. If possible, seat yourself near the door.
- ◆ Maintain a “reactionary gap” between you and the person — out of reach of the average person’s kicking distance. Increase the gap by sitting at a table. Be aware of the person’s proximity at all times.
- ◆ Be well prepared for an appointment. Review the available information about the individual(s) you are meeting.
- ◆ Terminate the appointment in a non-confrontational manner if the individual appears to be:
 - intoxicated
 - under the influence of drugs
 - emotionally disturbed and threatening or out of control.

DO NOT allow yourself to be backed into a corner. Leave a clear path to the exit.

DO NOT venture too far into the premises e.g. remain near an exit.

DO NOT turn your back on the person or enter a room first.

Terminating a Potentially Abusive Interaction

- ◆ Interrupt the conversation firmly but politely.
- ◆ Tell the person that you:
 - do not like the tone of the conversation
 - will not accept abusive treatment
 - will end the conversation if necessary.
- ◆ Tell the person that you will ask them to leave the building, or that you will leave (if working off-site).
- ◆ If the behaviour persists, end the conversation.
- ◆ Ask the person to leave the building or leave yourself.
- ◆ If the person does not agree to leave, remove yourself from the scene and inform your manager or supervisor immediately.
- ◆ DO NOT return to the person if you believe they pose a physical threat.
- ◆ Advise other staff and have them leave the immediate area.
- ◆ Call security or your local police.
- ◆ File an incident report.

Appendix C

Who Can Help: Educational Programs, Associations, Agencies and Organizations

Programs and Services – Prevention

Who	Contact(s)	What
Alberta Employment and Immigration Workplace Health and Safety	Province-wide Contact Centre 1-866-415-8690 Web site www.whs.gov.ab.ca	To report serious injuries and provide information on the requirements of the <i>Occupational Health and Safety Act, Regulation, and Code</i> .
Unions		
Alberta Union of Provincial Employees (AUPE) 10451-170 Street NW Edmonton, AB T5P 4S7	Phone: (780) 930-3300 Toll Free 1-800-232-7284	Provide advice and assistance to members on workplace issues.
Canadian Union of Public Employees (CUPE) 410, 10525-170 Street NW Edmonton, AB T5P 4W2	Phone: (780) 484-7644	
Health Sciences Association of Alberta (HSAA) 10340-124 Street NW Edmonton, AB T5N 1R2	Phone: (780) 488-0168 Toll Free: 1-800-252-7904	
International Union of Operating Engineers (IUOE), Local 955 10350-172 Street NW Edmonton, AB T5S 1G9	Phone: (780) 483-0955	
United Nurses of Alberta (UNA) 9 th Floor, 10611-98 Avenue NW Edmonton, AB T5K 2P7	Phone: (780) 425-1025 Toll Free: 1-800-252-9394	

Educational Programs and Materials Available

Who	Contact(s)	What
Organizations that offer programs and courses		
Alberta Human Rights & Citizenship Commission	Phone: (780) 472-7661 (Northern AB) (403) 297-6571 (Southern AB) Toll Free: 1-800-432-1838	❖ Conducts seminars and information sessions ❖ Circulates a Newsletter entitled "The Citizen"
Brochures & Pamphlets/Videos		
Alberta Government Personnel Administration Office and AUPE	Phone: (780) 930-3300 (AUPE) (780) 427-8315 (Personnel Admin)	Information Booklet: "Sexual and Workplace Harassment"
New Brunswick Nurses' Union	750-Brunswick Street Fredericton, NB E3B 1H9	Booklet: "Zero Tolerance: Violence in the Workplace"
Ontario Nurses Association	Suite 600, 85 Grenville Street Toronto, Ontario M5S 3A2 Phone: (416) 9648833	Brochure: "Violence in the Workplace – A Guide for ONA Members"

Program and Services — Victim Support

Who	Contact(s)	What
Alberta Human Rights & Citizenship Commission	Phone: (780) 472-7661 (Northern AB) (403) 297-6571 (Southern AB) Toll Free: 1-800-432-1838	
Crimes Compensation Board 7 th Floor, 10365-97 St. NW Edmonton, AB T5J 3W7	Through your RITE operator (310-0000, anywhere in Alberta)	After a hearing process, the Board can compensate for most expenses that result directly from violent crimes. The Board will decide the amount and type of compensation. An eligible person must suffer some direct personal injury as a result of a violent crime.
The Information Centre	The City of Calgary P.O. Box 2100 Station "M" Calgary, AB T2P 2M5 Phone: (403) 268-4656	Produces "Calgary Community Services Directory"

Who	Contact(s)	What
The Support Network #320, Allarco Building 11456 Jasper Avenue NW Edmonton, AB T5K 0M1	Phone: (780) 482-0198	Produces two directories: ❖ Directory of Community Services (Edmonton & Area) ❖ Self-Help and Support Group Directory (Edmonton & Area) Also provides: ❖ Counselling Services (including Crisis Counselling) Courses and workshops in a variety of areas such as Assertiveness Training, Building Self Esteem, etc.
Victims' Programs and Service		
Alberta Justice Law Enforcement Division 10 th Floor, 10365-97 St. NW Edmonton, AB T5J 3W7	Phone: (780) 427-3460 Fax: (780) 427-5916	❖ "Victims' Programs Assistance Fund" Surcharges imposed by the courts on individuals convicted of Criminal Code, Food and Drug Act and Narcotic Control Act offences are deposited into the Victims' Programs Assistance Fund. Groups providing services or proposing to provide services may apply for funding. Applications for funding are reviewed by a committee and recommendations are made to the Minister of Justice
Victim Impact Statement Program	Information is available through police, Crown Prosecutor's Office, the Courts and other agencies providing services to victims. Forms may be obtained from the police.	Victims of crime are provided with the opportunity to express in writing to the courts, the harm done or loss suffered as a result of the crime. The judge considers the Statement in determining sentence.

Who	Contact(s)	What
Victim Services Units		
	Contact the police or RCMP in your area for complete information on local services.	A provincial newsletter entitled the "Advocate" is published biannually and is distributed to police, Crown Prosecutors, Court Services, the judiciary and community victim service providers. Information and ideas contributed by professional staff and victim support volunteers throughout Alberta are included in the newsletter.
Alberta Association of Registered Nurses (AARN)		
11620-168 Street NW Edmonton, AB T5M 4A6	Phone: (780) 451-0043 Toll Free 1-800-252-9329 (For RNs) Fax: (780) 452-3276	Provides information, consultation and/or referral services regarding questions about abuse in health care settings for registered nurses, other health professionals and members of the public. The AARN library houses related literature, research and audio visual materials, including the British Columbia Nurses' Union: "The Violent Story" (video and teaching materials). These items are available for loan to all members of the AARN on request.
Counselling		
❖ Employee Assistance Programs ❖ Local Alberta Mental Health Clinics ❖ AADAC		

Appendix D

Sample Abuse Reporting Form

Complainant Information

Last Name

First Name

Phone Number

Date/Month/Year of Incident

Time of Day:

Alleged Abuser(s)

Name, if known: _____

☐ Co-worker ☐ Visitor ☐ Other _____

Names of witnesses and/or those providing assistance

☐ Co-worker ☐ Visitor ☐ Other _____

☐ Co-worker ☐ Visitor ☐ Other _____

Description

Give a thorough description of the incident (what happened, where it occurred, what led up to the incident, who else was present, what action was taken at the time)

Medical Attention Required

☐ Yes ☐ No

The purpose of this form is to document your claim to assist in a thorough investigation of the complaint.

Signature of person reporting incident

Today's Date

Upon completion, please forward to: _____

Appendix E

Sample Data Reporting Form

The purpose of this form is to assist employers to gather statistical information. Standardized recording of this information can be used to track industry trends.

Complainant Information

Age: _____ Gender: ☐ Male ☐ Female

Classification: _____ Years of experience: _____

Employment status: ☐ Full-time ☐ Part-time ☐ Relief/casual

Shift start: _____ Shift end: _____

Site/Department _____

Alleged Abuser Data

Status: ☐ Co-worker ☐ Visitor ☐ Other: _____

Age: _____ Gender: ☐ Male ☐ Female

Incident Data

Date of incident: _____ Date of reporting: _____

Type of incident: ☐ Verbal abuse e.g. yelling, swearing, name-calling _____
☐ Physical aggression against objects _____
☐ Physical abuse _____
☐ Sexual harassment _____
☐ Other (please specify) _____

What injury or trauma, if any, resulted from the incident?

☐ Physical injury (describe) _____
☐ Emotional injury e.g. fear, anger, humiliation _____
☐ Other (please specify) _____

Medical attention required? ☐ Yes ☐ No

Action to prevent recurrence (to be completed by worker and supervisor)

Follow-up (established by worker/supervisor)

Lost time incident	☐ No	☐ Yes - # of shifts missed
Union contacted (if applicable)	☐ No	☐ Yes
Advised of available counselling	☐ No	☐ Yes
Advised of legal rights	☐ No	☐ Yes
Comprehensive incident review completed (if No, indicate date to be reviewed)	☐ No	☐ Yes
Law enforcement involved	☐ No	☐ Yes
Health and Safety Committee involved	☐ No	☐ Yes
Workers' Compensation Board forms completed	☐ No	☐ Yes
Short term disability claim	☐ No	☐ Yes
Long term disability claim	☐ No	☐ Yes
Evaluation of current policies/procedures	☐ No	☐ Yes
Investigation complete	☐ No	☐ Yes
Other actions		

Steps (if any) taken to accommodate:

Signature of Investigator

Date

Appendix F

Sample Questionnaire Sent to Victims One Month After Intervention

Date: _____

Dear: _____

You were recently involved in an assault or traumatic situation and a member of the Assault Support Team (AST) talked with you about that event. We are interested in your perception of what benefits you were able to receive from the support provided to you. We would greatly appreciate your honest response to the following questions.

Thank you.

1. How many contacts have you had with the support person regarding the incident/assault?

_____ Number of contacts

2. Did you have specific questions about company policy regarding your incident/assault?

☐ Yes ☐ No

If so, was the support person able to direct you to the appropriate people to answer the questions?

☐ Yes ☐ No

If no, explain

3. How much time elapsed from the time of your assault/incident to when you met with the support person?

_____ Days _____ Hours _____ Minutes

Did you feel this was ideal for your situation? ☐ Yes ☐ No

If not, what would have been preferable?

4. In general, do you feel it is most helpful to be familiar with the support person who contacts you, or to see someone you don't know very well? It is most helpful to be contacted by:

- ☐ A familiar person
- ☐ Someone I don't know
- ☐ Doesn't matter to me

5. The purpose of the AST is to help deal with feelings which accompany traumatic situations in a supportive, constructive manner. Do you feel this was accomplished in your case?

Absolutely Not 1 2 3 4 5 6 Absolutely Yes

Please offer suggestions:

Contact us:

Province-Wide Contact Centre



Edmonton
780-415-8690



Throughout Alberta
1-866-415-8690
(Toll Free)



Deaf or hearing impaired

- Edmonton 780-427-9999
- Other locations 1-800-232-7215
(Toll Free)

Web Site



www.worksafe.alberta.ca

Getting copies of OHS Act, Regulation & Code:

Queen's Printer



www.qp.gov.ab.ca



Edmonton 780-427-4952

Workplace Health and Safety



<http://employment.alberta.ca/whs-ohs>

Call any Government of Alberta office toll-free
Dial 310-0000, then the area code and telephone number you want to reach

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