

## WORKPLACE VIOLENCE POLICY

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### EXECUTIVE SUMMARY

Alberta's Occupational Health and Safety Act defines a "worker" as "a person engaged in an occupation". Every employer is responsible for ensuring, as far as it is reasonably practicable to do so, the health and safety of both workers engaged in the employer's work and other workers present at work sites at which that work is being carried out.

The Occupational Health and Safety Code provides that employers must ensure that workers are instructed in how to recognize workplace violence, in policies and procedures that effectively minimize or eliminate it, in the appropriate response to such violence (including how to obtain assistance), and in procedures for reporting, investigating and documenting workplace violence incidents.

Workplace violence is currently addressed in a limited way in the Administration's Respectful Workplace Policy. However, Corporate Security, Human Resources (HR) and Environmental & Safety Management (ESM) believe, and the Administrative Leadership Team (ALT) has agreed, that a more proactive approach to the prevention of violence in the workplace needs to be taken. As a result, on 2014 June 24, ALT approved the attached Workplace Violence Policy (Attachment 1) and Procedures (Attachment 2) for application to City staff, contractors providing service for or to The City, suppliers delivering material to The City, volunteers, and members of the public and directed that these documents be referenced in both the Administration's Respectful Workplace and Code of Conduct Policies. ALT also directed that funding be made available from The City's Health, Safety and Wellness Reserve to ensure that effective communication plans and education programs could be developed to inform City staff and others about this policy.

The attached Policy and Procedures clearly outline expectations of employees, contractors providing service for or to The City, suppliers delivering material to The City, volunteers, and the public, the consequences of non-compliance with the policy and how workplace violence complaints will be investigated and addressed.

Council's Ethical Conduct Policy for Members of Council (Attachment 3) refers to Council's commitment to "creating and sustaining a vibrant, healthy, safe and caring work environment and in all interactions with the public, all City employees, contractors, Council staff and all members of Council" and refers to The City's Respectful Workplace Policy. Council members may wish to consider whether the Workplace Violence Policy and Procedures should also apply to Council members and their employees.

### ADMINISTRATION RECOMMENDATIONS

That the Priorities and Finance Committee recommend that Council:

1. Extend the application of the Workplace Violence Policy and Procedures (Attachments 1 and 2) to Council members and their employees and include the Workplace Violence Policy and Procedures in the Ethical Conduct Policy for Members of Council (Attachment 3); and
2. Direct that this report and the attachments remain confidential pursuant to Sections

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23(1)(b) and 24(1)(a) of the Freedom of Information and Protection of Privacy Act until such time as Council makes a decision in regard to the same and direct that the in camera discussions relating to this report remain confidential.

### RECOMMENDATION OF THE PRIORITIES AND FINANCE COMMITTEE, DATED 2014 SEPTEMBER 02:

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That Council:

1. a. Extend the application of the Workplace Violence Policy and Procedures (Attachments 1 and 2), and include the Workplace Violence Policy and Procedures in the Ethical Conduct Policy for Members of Council (Attachment 3), **with respect to Members of Council, as contained in Attachment 4.**
  - b. Extend the application of the Workplace Violence Policy and Procedures (Attachments 1 and 2), and include the Workplace Violence Policy and Procedures in the Ethical Conduct Policy for Members of Council (Attachment 3), **with respect to Council Members' employees, as contained in Attachment 4.**
2. Direct that the Report, Attachments and Recommendations remain confidential pursuant to Sections 23(1)(b) and 24(1)(a) of the *Freedom of Information and Protection of Privacy Act*, until such time as Council makes a decision with respect to the Workplace Violence Policy as contained in the Attachment 4.

### Opposition to Recommendation 1 a.

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Opposed: A. Chabot

### PREVIOUS COUNCIL DIRECTION/POLICY

The Ethical Conduct Policy for Members of Council was effective 2013 July 1.

### BACKGROUND

Corporate Security partnered with HR and ESM to develop a comprehensive workplace violence program to assist with employee and public safety, comply with the Occupational Health and Safety Act and the Regulations and Code made pursuant to it and help manage risk to the Corporation. The City has thousands of employees who deal with the public on a daily basis and the Corporation and its employees are vulnerable to incidents of workplace violence. In addition to the need to comply with legislation, the case for a more robust workplace violence policy is strengthened by the increased recognition of the impact of bullying and domestic violence on employees and organizations.

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After a review of Administration's Respectful Workplace Policy, Corporate Security, ESM and HR determined that the topic of workplace violence merited a standalone policy that included both workplace violence prevention and response. The Policy and Procedures included as Attachments 1 and 2 were adopted by ALT on 2014 June 24.

Corporate Security will be responsible for implementing and enforcing this policy.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

#### **Current State:**

From 2011 January 1 to 2014 February 28, 147 workplace violence incidents were reported to Corporate Security. 75 incidents were reported in 2011, 20 incidents were reported in 2012, 40 incidents were reported in 2013, and 12 incidents were reported during 2014 January and February. However, these numbers are not precise as there is often a disconnect between incidents reported to Corporate Security and those reported to other business units. That is, incidents may be reported to one business unit but not to others. As a result, there may be additional instances of workplace violence not captured in these numbers.

Corporate Security runs an annual communications campaign to encourage employees to identify and report security incidents, including workplace violence. There is a page on Corporate Security's myCity site containing information on presentations on workplace violence available for business units. Presentations are provided in group environments or during one-on-one consultations. While these help increase employees' awareness of workplace violence issues and policies, help employees recognize and respond to incidents or situations and familiarize employees with reporting procedures, presentations are currently provided on a reactive basis, often being requested after a workplace violence incident has occurred. This is not sufficient and potentially leaves The City subject to criticism and legal action.

Corporate Security examined best practices in North America and Europe and concluded that it is a best practice for corporations to ensure that they have in place both a robust policy and clear procedures to prevent, mitigate and properly investigate workplace incidents.

#### **Stakeholder Engagement, Research and Communication**

##### **Stakeholder Engagement:**

Two stakeholder engagement sessions were held in 2013 June and September with employees from Roads, Parks, Transit, and Recreation. On 2013 June 18, Corporate Security sent a letter to all unions and associations to inform them that a new workplace violence policy was in development. A draft of the new policy and procedures was sent in 2014 March and feedback was requested. However, to date, only one association has replied.

##### **Research:**

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### Legal and Regulatory Compliance:

The following matters were considered in preparing the Workplace Violence Policy and Procedures:

- The provisions of the Alberta Occupational Health and Safety Act and the Regulations and Code made pursuant to it;
- Bill C-45, federal legislation that amended the Criminal Code and became law on 2004 March 31, which established new legal duties for workplace health and safety and imposed significant penalties for violations that result in injury or death. The Bill provided new rules for attributing criminal liability to organizations, including corporations, their representatives and those who direct the work of others. Bill C-45 resulted in the addition of Section 217.1 to the Criminal Code which allows for a corporation and persons directing work to be charged criminally if a worker suffers “bodily harm”;
- There is also a requirement under provincial legislation that certain workplace violence incidents be reported to the Province. That is reflected in an Occupational Health and Safety Incident Management Directive, a Health and Safety Incident Reporting and Investigation Directive and in the Health and Safety Incident Investigation Guideline. The City currently lacks a central incident repository. For example, even though an incident may be reported to ESM, it may not be reported to Corporate Security for investigation and vice versa;
- There is a “duty to warn” and “duty to protect” that have been applied in some cases that provide that the employer has a duty to warn other employees when violence is known or suspected and to protect them. A number of organizations require employees who are involved in possible domestic violence situations where the offender may attend at the workplace to report this to the employer. This was not previously required at The City. Corporate Security has been involved in a few domestic violence matters where threats occurred and investigations were required;
- Best practices canvassed by Corporate Security (e.g. ASIS Workplace Violence Prevention and Response Guidelines; B.C. Government; Canadian Association of Threat Assessment Professionals; Society for Human Resources Management) would see an interdisciplinary threat assessment team formed as part of a workplace violence program. That team would manage violent incidents or reports of troubling behaviours made under the policy. Given ALT’s approval of the Workplace Violence Policy, Corporate Security will establish such teams as required; and
- Several members of Corporate Security have taken training in the use of WAVR 21 (Structured Professional Guide for the Workplace Assessment of Violence Risk) and HCR-20<sup>3</sup> (Assessing Risk for Violence) used extensively by other corporations and in the health care industry.

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Overall, a defined reporting process, central incident repository and trained and credible team to assist with assessment and monitoring are required to help ensure employees and citizens are protected.

### Communications

With ALT's adoption of the attached Workplace Violence Policy and Procedures, Corporate Security is developing a communications plan and working with HR's Organizational Effectiveness team to develop a program to educate employees.

### **Strategic Alignment**

Adopting the attached Workplace Violence Policy and Procedures is consistent with The City's vision of "Working together to create and sustain a vibrant, healthy, safe and caring community".

### **Social, Environmental, Economic (External)**

It is essential that The City comply with legislation requiring it to ensure, as far as it is reasonably practicable to do so, a safe environment for its employees and others.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

Corporate Security has received confirmation that \$55,000 to fund the design, development and delivery of a workplace violence training program through Organizational Effectiveness in HR and for the delivery of an initial communications awareness campaign for the new policy is available from The City's Health, Safety and Wellness Reserve.

### **Risk Assessment**

The adoption of the Workplace Violence Policy and Procedures will help mitigate legal, operational, reputational, and financial risk to which The City might be exposed if such a policy and procedures were not adopted. The policy addresses The City's obligations pursuant to the Occupational Health and Safety Act and the Regulations and Code made pursuant to it and will assist in enhancing the safety of City staff and others.

#### **REASONS FOR RECOMMENDATION:**

ALT has adopted the attached Workplace Violence Policy and Procedures to apply to all City employees, contractors providing services for or to The City, suppliers delivering material to The City, volunteers, and members of the public. Council may wish to extend the application of this Policy and the Procedures to Council members and their employees and include the Policy and Procedures in the Ethical Conduct Policy for Members of Council.

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### ATTACHMENTS

1. Administration Workplace Violence Policy
2. Corporate Security Workplace Violence Procedures
3. Ethical Conduct Policy for Members of Council
4. **Distribution – Ethical Conduct Policy for Members of Council**

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