

TITLE

RESPECTFUL WORKPLACES AND THE PREVENTION OF HARASSMENT AND VIOLENCESCOPE

Provincial

DOCUMENT

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NOTE: The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definitions section.

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OBJECTIVES

- To foster a safe, healthy, and inclusive **workplace** at Alberta Health Services (AHS), which supports **workers'** physical, psychological, and social well-being.
- To establish a culture of shared accountability and cooperation in promoting and maintaining a safe, healthy, and respectful **workplace**.
- To empower workers to be accountable to keep themselves and each other safe from **harassment** and **violence** in the workplace.
- To protect workers from the potential hazards associated with all types of harassment (including **sexual harassment**) and violence (including **domestic/personal relationship violence** and **sexual violence**) regardless of its source.
- To enhance awareness of the rights, responsibilities, and available supports for workers who are at risk of, experience, or otherwise become aware of workplace harassment or violence.
- To outline the accountabilities of AHS **managers**/medical leaders and **supervisors** with respect to supporting and maintaining a safe and respectful workplace free of harassment and violence.

PRINCIPLES

AHS is committed to providing a safe, healthy, and inclusive workplace where all persons are treated with respect and dignity and which values diversity. This is in alignment with *Our People Strategy*, the *Patient First Strategy*, the *Code of Conduct*, the principles of a **just culture**, and the AHS Values.

AHS does not tolerate workplace harassment or violence. These are considered serious matters and shall be addressed in accordance with AHS' legal obligations under Occupational Health and Safety (OHS) legislation, other applicable legislation, Accreditation Canada standards, the AHS Values, principles of a just culture, applicable collective agreements, the *Non-Union Exempt Employees Terms and Conditions of Employment*, other terms and conditions of employment, the *Medical Staff Bylaws and Rules*, and *Midwifery Staff Bylaws and Rules*.

APPLICABILITY

Compliance with this document is required by all Alberta Health Services employees, members of the medical and midwifery staffs, Students, Volunteers, and other persons acting on behalf of Alberta Health Services (including contracted service providers as necessary).

ELEMENTS

1. Points of Emphasis

- 1.1 All workers, including managers/medical leaders and supervisors, have a shared responsibility to promote and sustain safe and **respectful behaviour** in the workplace, and are expected to participate in, and work collaboratively towards, ensuring a healthy workplace that is free from **disrespectful behaviour**, **discrimination**, harassment, and violence.
- 1.2 This Policy, and associated procedures, do not apply to harassment or violence against patients. In these situations, refer to the *Keeping Patients Safe from Abuse Policy* and the *Protection for Persons in Care Act* (Alberta).
- 1.3 This Policy applies to four types of workplace harassment and violence and is supported by procedures for the four general types of harassment and violence recognized by AHS:
 - a) Type I (External Party): **Respondent** has no current relationship to the workplace or to a worker.
 - b) Type II (Patient-to-Worker): Respondent is a patient, visitor of a patient, or a family member of a patient.
 - c) Type III (Worker-to-Worker): Respondent is any current worker.
 - d) Type IV (Domestic/Personal Relationship): Respondent has, had, or desires a domestic or personal relationship with a worker.

Where incidents or concerns span more than one of the above Types, or do not clearly fit within the typology, all applicable procedures may be referred to and/or the response determined on a case-by-case basis.

- 1.4 AHS is committed to eliminating or controlling workplace harassment and violence, regardless of its source, as far as it is reasonably practicable to do so.

- 1.5 All reports of concerns shall be made **in good faith** and shall be taken seriously and addressed in an objective, appropriate and timely manner, without reprisal against workers who report an incident, or who are otherwise involved in the review or investigation of incidents.
- 1.6 Details about requirements and processes related to prevention, reporting, response, review and investigation, documentation, communication, and disclosure of information can be found in the applicable *Respectful Workplaces and Prevention of Harassment and Violence* procedure(s).
- 1.7 No element of this Policy, or its associated procedures, limits a worker's right to:
- a) report an incident of harassment or violence to a law enforcement agency;
 - b) pursue a concern under any applicable legislation, including the *Alberta Human Rights Act* and the *Occupational Health and Safety Act* (Alberta);
 - c) report wrongdoing under the *Whistleblower Policy*;
 - d) pursue a concern or comply with the provisions of a professional or government association;
 - e) file a grievance in accordance with an applicable collective agreement; or
 - f) exercise any other legal rights the worker may be entitled to.
- 1.8 Non-compliance with this Policy, or its associated procedures, may result in disciplinary action up to and including termination.

2. Respectful Workplaces

- 2.1 AHS acknowledges that disrespectful behaviour, harassment, and violence exist on a continuum of behaviours in all four Types, and that disrespectful behaviour can be a precursor to harassment or violence. Accordingly, this Policy addresses the expectation of respectful behaviour in the workplace, as well as the prevention of and response to harassment or violence.
- 2.2 AHS supports workers, patients, families, visitors, and other members of the public to create a culture of safety and respect through the use of conversations, signage, communication materials, tools, supports, and other resources.
- 2.3 All workers are required to participate in, and work collaboratively to ensure a workplace free of disrespectful behaviour, discrimination, harassment, and violence in accordance with the AHS Values and the *Code of Conduct*.
- 2.4 Patients, family members, visitors, and other members of the public using or accessing AHS' services or otherwise in the workplace are expected to

demonstrate respectful behaviour and refrain from causing or participating in harassment or violence.

3. Workplace Harassment and Violence

- 3.1 Work areas are responsible for taking action to prevent harassment and violence through the implementation of this Policy and associated procedures. In some instances, that implementation may include the development of more detailed harassment and violence prevention plans.
- 3.2 Harassment and violence are considered workplace hazards. Where risks related to these hazards are identified:
- a) specifics shall be considered and documented in the *Hazard Identification, Assessment and Control* (HIAC) worksheet for the position; and
 - b) HIAC worksheets shall be completed by the manager/medical leader or supervisor with **AHS worker** involvement and be available to all AHS workers. AHS workers must be aware of hazards relevant to their position and how to safely reduce and respond to risks using available controls listed in the HIAC.
- 3.3 All incidents of workplace harassment or violence must be reported, reviewed, investigated, and responded to as per the applicable *Respectful Workplaces and the Prevention of Harassment and Violence* procedure(s). Where necessary, corrective action shall be taken to address the incidents in an effort to prevent reoccurrence.
- 3.4 Any allegations of workplace harassment or violence shall be made in good faith. Any AHS worker who is found to have made malicious, knowingly false, or other allegations not made in good faith may be subject to disciplinary action up to and including termination.
- 3.5 Workers may refuse to perform dangerous work and are protected from any form of reprisal for exercising this right, as provided by the *Occupational Health and Safety Act* (Alberta). In order to implement a work refusal, an AHS worker must follow the established *Dangerous Work Refusal* Process.
- 3.6 AHS shall not disclose the circumstances related to an incident of harassment or violence, or the names of the individuals involved (including any person who reported the incident, any person alleged to have committed the harassment or violence, and any witnesses), except on a need-to-know basis:
- a) to review or investigate the incident or to take corrective action;

- b) to inform the individuals involved in the incident, to the extent permissible by AHS' privacy obligations, of the results of the review or investigation and corrective action taken;
 - c) to inform workers of a specific or general threat of violence or potential violence; or
 - d) as required by law.
- 3.7 AHS shall disclose only the minimum amount of personal information required that is necessary to protect workers from, and inform workers of, a specific or general threat of violence or potential violence.
- 3.8 AHS shall not disclose medical information about workers who have been affected by harassment or violence in the workplace, except where required.
- 3.9 AHS shall cooperate with investigations conducted by external agencies to the extent required by law.

4. Responsibilities

- 4.1 All workers shall:
- a) respect the dignity and human rights of all individuals in the workplace including other workers, patients, families, visitors, and other members of the public;
 - b) demonstrate safe and respectful behaviour in line with the AHS Values and in a way which respects diversity and inclusion;
 - c) not engage in disrespectful behaviour, discrimination, harassment, violence, or retaliatory behaviour towards another individual in the workplace; and
 - d) cooperate with the requirements of this Policy and associated procedures.
- 4.2 AHS workers shall:
- a) fulfill all the responsibilities of workers in Section 4.1;
 - b) complete all required training and use safety controls/prevention strategies regarding the prevention of harassment and violence as indicated on the HIAC or as otherwise required;
 - c) actively address and attempt to resolve conflict that may affect them in the workplace, and seek assistance from the manager/medical leader or

supervisor, or other supports (for example, Protective Services) where necessary;

- d) report incidents of harassment or violence as per the applicable *Respectful Workplaces and the Prevention of Harassment and Violence* procedure(s);
- e) escalate issues of non-compliance with this Policy and associated procedures by the manager/medical leader or supervisor by reporting this to the **next level manager**/medical leader; and
- f) consider and access supports offered including, but not limited to, the Employee Family Assistance Program, and/or seek out alternative supports if they have been affected by an incident of workplace harassment or violence.

4.3 Supervisors shall:

- a) fulfill all the responsibilities of workers in Section 4.1 and AHS workers in Section 4.2;
- b) take appropriate action to ensure that none of the workers under their supervision are subjected to or participate in harassment or violence in the workplace;
- c) advise workers under their supervision of all known or reasonably foreseeable harassment or violence hazards in the area where workers are performing work; and
- d) report to their manager/medical leader a concern about harassment or violence, regardless of how the supervisor became aware of the concern or incident (that being whether they received a report of the incident, witnessed the incident, or became aware of the incident through any other means).

4.4 Managers/medical leaders (or the next level manager/medical leader, if applicable) shall:

- a) fulfill all the responsibilities of workers in Section 4.1, AHS workers in Section 4.2, and of supervisors in Section 4.3;
- b) together with AHS workers, ensure that harassment and violence are addressed as workplace hazards in the HIAC document for each position with corresponding prevention strategies;
- c) advise workers and, as needed, other individuals in the workplace including patients, families, and visitors about the application of this Policy and associated procedures;

- d) ensure that AHS workers are adequately trained and are using safety controls/prevention strategies to protect themselves from harassment and violence;
- e) ensure that harassment or violence concerns raised by workers, supervisors, and the Joint Workplace Health and Safety Committee (JWHSC) or health and safety representative are resolved in a timely manner;
- f) be the accountable agent of AHS in ensuring incidents of disrespectful behaviour, discrimination, harassment, or violence are addressed as soon as is reasonably practicable, regardless of:
 - (i) how the manager/medical leader became aware of the concern or incident (that being whether they received a report of the incident, witnessed the incident, or became aware of the incident through any other means); or
 - (ii) whether the concern or incident arose within the area they manage or supervise.
- g) report concerns arising in another work area to the applicable manager/medical leader of the other area, or the next level manager/medical leader of that area as required;
- h) on behalf of AHS and in partnership with Human Resources Business Partnerships (HRBP), Workplace Health & Safety (WHS), Medical Affairs, and/or Protective Services, review and investigate incidents and reports of harassment or violence in a timely, fair, safe, and respectful manner in order to take appropriate steps to respond;
- i) offer and provide support to workers who are affected by workplace harassment or violence (details about supports can be found in the applicable *Respectful Workplaces and Prevention of Harassment and Violence* procedure(s));
- j) implement follow up and any identified corrective actions using the incident management process and harassment and violence prevention plans, in an effort to prevent reoccurrence of harassment or violence;
- k) address reprisal against a worker who has reported or witnessed an incident or concern of harassment or violence; and
- l) escalate unresolved concerns and issues of non-compliance with this Policy and associated procedures by reporting the concern to the next level manager/medical leader or other appropriate leadership.

4.5 AHS HRBP and WHS shall:

- a) lead the implementation of the Policy and associated procedures in AHS, working in partnership with other departments (for example, Medical Affairs, Midwifery Services, Volunteer Resources) where appropriate, to enable compliance by all workers;
- b) assist AHS workers by ensuring:
 - (i) the appropriate training, safety controls/prevention strategies, information, and resources are available to allow AHS workers to cooperate with the requirements of this Policy and associated procedures; and
 - (ii) supports are available for AHS workers who are affected by an incident of workplace harassment or violence;
- c) assist managers/medical leaders and supervisors by supporting them in:
 - (i) advising AHS workers about the application of this Policy and associated procedures, processes, or programs;
 - (ii) assessing harassment or violence concerns to identify appropriate review or investigation, follow up, and/or corrective actions, as appropriate, and ensuring that appropriate organizational supports are utilized (for example, Protective Services, Employee Relations, Labour Relations, Engagement and Patient Experience, Patient Safety, etc.);
 - (iii) developing associated documentation arising from harassment and violence concerns (for example, MySafetyNet reporting, investigation notification letters, investigation reports, etc.) as necessary; and
 - (iv) implementing identified follow up and/or corrective actions;
- d) escalate issues of non-compliance with this Policy and associated procedures by reporting non-compliance to the manager or other appropriate leadership; and
- e) ensure that **contracted service providers** are aware of their obligations under this Policy and associated procedures.

4.6 Contracted service providers shall:

- a) ensure that their representatives are meeting the expectations and obligations of this Policy and its associated procedures before they start work for AHS and continuously while working for AHS.

DEFINITIONS

AHS worker means AHS employees, members of the medical and midwifery staffs, students, and volunteers, but excludes contracted service providers and their workers.

Contracted service providers means a third party, including a self-employed person, providing goods or services to AHS in an AHS site or facility.

Discrimination means any practice, comment or conduct that is known or ought reasonably to be known to be unwelcome, and which is related to any protected ground in the *Alberta Human Rights Act*.

Disrespectful behaviour means comments or conduct that is rude, inconsiderate, or insensitive. Disrespectful behaviour includes behaviours that can be addressed and stopped by bringing them to the attention of the other individual. Disrespectful behaviour can also occur between two or more workers with both sides contributing to the discord. It is recognized that if disrespectful behaviour goes unaddressed, it can lead to harassment or violence.

Domestic/personal relationship violence means threatened, attempted, or actual conduct that causes or is likely to cause physical or psychological injury or harm, and is used to frighten, control, intimidate or humiliate a worker, by a person who is, was or wishes to be in a personal, intimate, or domestic relationship with a worker. This can range from subtle, coercive forms to violent acts that result in physical harm or death. Examples of behaviour may include but are not limited to physical violence, sexual abuse, financial control, emotional and psychological intimidation, verbal abuse, stalking, and using electronic devices to harass and control.

Harassment means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying, or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety and includes discrimination and sexual solicitations or advances. Workplace harassment can include incidents that occur outside of the workplace or working hours, but are related to the workplace (for example, inappropriate phone calls, e-mails, social media posts, visits to a worker's home and incidents at luncheons or after work socials) or harassment from clients and service recipients. Harassment excludes any reasonable conduct of a manager/medical leader or supervisor in respect of the management of workers or a workplace.

In good faith means in accordance with standards of honesty, trust, sincerity, and without ulterior motive.

Just Culture means an environment where everyone feels safe, encouraged, and enabled to discuss quality and safety concerns.

Manager means the individual(s) who has the delegated human resources authority for directly planning, monitoring, and supervising direct reports.

Next level manager means the manager to whom a manager or supervisor reports.

Respectful behaviour means behaviour that shows due regard for the feelings, wishes, rights, or traditions of others. Respectful behaviours support a safe, healthy, and inclusive workplace and are aligned with AHS' *Code of Conduct*, the principles of a just culture, and the AHS Values.

Respondent means the individual against whom an allegation has been made.

Sexual harassment means any unwelcome conduct or comment of a sexual nature that ought reasonably to be known or expected to cause offence or humiliation to a person, detrimentally affects the work environment, or leads to adverse job-related consequences for the recipient of the harassment. Such conduct or comment includes, but is not limited to:

- conduct or comment that is related to gender, gender identity, gender expression or sexual orientation; or
- a sexual solicitation or advance including but not limited to where the person making the solicitation or advance is, or is perceived to be, in a position to confer, grant, or deny a benefit or advancement to the worker.

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

- unwanted sexual contact;
- stalking; or
- a pattern of on-going sexual harassment leading to psychological harm.

Supervisor means a person, whether unionized or non-unionized, who has charge of a workplace or authority over an AHS worker.

Violence means the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence. It is acknowledged that harassment may become violence.

Worker means AHS employees, members of the medical and midwifery staffs, students, volunteers, and workers of contracted service providers.

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

REFERENCES

- Alberta Health Services Governance Documents:
 - *Code of Conduct*
 - *Emergency Response Codes Policy (#1132)*
 - *Incident Reporting and Investigation Standard of Practice (#WHS-PCS-06)*
 - *Investigations Policy (#1163)*
 - *Keeping Patients Safe from Abuse Policy (#1153)*
 - *Medical Staff Bylaws*
 - *Medical Staff Rules*
 - *Midwifery Staff Bylaws*
 - *Midwifery Staff Rules*
 - *Respectful Workplaces and the Prevention of Harassment and Violence: Type I (External Party) Procedure (#1115-01)*
 - *Respectful Workplaces and the Prevention of Harassment and Violence: Type II (Patient-to-Worker) Procedure (#1115-02)*
 - *Respectful Workplaces and the Prevention of Harassment and Violence: Type III (Worker-to-Worker) Procedure (#1115-03)*
 - *Respectful Workplaces and the Prevention of Harassment and Violence: Type IV (Domestic/Personal Relationship) Procedure (#1115-04)*
- Alberta Health Services Resources:
 - AHS Values
 - Collective Agreements
 - *Dangerous Work Refusal Process*
 - *Hazard Identification, Assessment, and Control Process*
 - MySafetyNet
 - *Our People Strategy*
 - *Patient First Strategy*
- Non-Alberta Health Services Documents:
 - Accreditation Canada Standards
 - *Alberta Human Rights Act*
 - *Occupational Health and Safety Act (Alberta)*
 - *Occupational Health and Safety Code (Alberta)*
 - *Occupational Health and Safety Regulation (Alberta)*
 - *Protection for Persons in Care Act (Alberta)*

VERSION HISTORY

Date	Action Taken
May 5, 2014	Revised, includes change in Title from "Workplace Abuse and Harassment" and note change in Document Number from SWE-02
June 3, 2019	Revised, includes change in Title from "Workplace Violence: Prevention and Response"
August 23, 2019	Non-substantive change