

# Harassment and violence in the workplace

## OHS requirements for employers, supervisors and workers

This publication explains what is required under the Alberta Occupational Health and Safety (OHS) legislation as it relates to harassment and violence.

### Key information

- Harassment and violence are workplace hazards.
- Employers must develop harassment and violence prevention plans.
- Employers and supervisors must ensure workers are not subject to or participate in workplace harassment or violence.
- Workers must refrain from causing or participating in harassment or violence.

Harassment and violence can take place at any work site and may range from disrespectful remarks to physical aggression. Addressing issues early on can prevent acts of bullying and harassment from progressing to acts of physical violence. Alberta's OHS legislation includes requirements to help prevent workplace harassment and violence and address incidents when they do occur.

Employers in the retail fuel and convenience sector must meet additional requirements when developing and implementing a violence prevention plan. To learn more, read *Workplace violence prevention plan: employer guide for retail fuel and convenience stores*.



“harassment” is 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 affect the worker’s health and safety, and includes



- (i) conduct, comments, bullying or actions because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and
- (ii) a sexual solicitation or advance.

but excludes any reasonable conduct of an employer or supervisor related to the normal management of workers or a work site.

-OHS Act s. 1 (q)

## Workplace harassment

### What is workplace harassment?

The definition of harassment in the OHS Act includes a broad range of harassing behaviours workers can be subjected to, or participate in.

Workplace harassment is behaviour intended to intimidate, offend, degrade or humiliate a particular person or group. It is a serious issue and creates an unhealthy work environment resulting in psychological harm to workers.

Harassing behaviour can include:

- unwelcome conduct, comments, gestures or contact that cause offence or humiliation (e.g. name-calling, harassing phone calls, spreading rumours)
- deliberate misgendering (i.e. referring to a person using terms or pronouns that do not align with the person's affirmed gender)
- physical or psychological bullying that creates fear or mistrust or that ridicules or devalues the individual (e.g. fist shaking, yelling)
- exclusion or isolation of individuals
- intimidation (e.g. standing too close or making inappropriate gestures/comments)
- cyberbullying (e.g. posting or sending offensive or intimidating messages through social media or email)
- deliberately setting the individual up to fail (e.g. making unreasonable demands, setting impossible deadlines, interfering with work)
- intentionally withholding information or giving the wrong information
- taking away work or responsibility without cause
- displaying or circulating offensive pictures or materials in print or electronic form

Harassment is a workplace hazard. It must be addressed during a hazard assessment.

### What isn't workplace harassment?

It is not considered harassment when an employer or supervisor takes reasonable actions while managing and directing workers. Reasonable actions considered to be part of a manager's or supervisor's work functions include changing work assignments, scheduling, assessing and evaluating work performance, inspecting workplaces, implementing health and safety measures, and taking disciplinary action such as dismissing, suspending, demoting, or reprimanding with just cause. When done reasonably and fairly, these actions should not be considered to be workplace harassment.

Differences of opinion or minor disagreements between co-workers are also not considered workplace harassment. However, these situations can turn into harassment if steps are not taken to

resolve the conflict. Similarly, difficult conditions of employment, such as professional practice limitations, organizational changes, or financial restrictions, are not considered harassment.

Work-related stress, on its own, does not constitute harassment. However, an accumulation of stress factors resulting from harassing behaviours such as those described earlier may result in a harassment situation.

## Workplace violence

"Violence", whether at a work site or work related, means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence.



-OHS Act, s.1(yy)

### What is workplace violence?

Violence in the workplace could put worker at risk of physical or psychological harm. Workplace violence can include:

- physical attack or aggression (e.g. hitting, shoving, pushing or kicking a worker, throwing an object at a worker, kicking an object the worker is standing on, such as a ladder)
- threatening behaviour (e.g. shaking a fist in a worker's face, wielding a weapon at work, trying to hit a worker, trying to run down a worker using a vehicle or equipment such as a forklift, destroying property or throwing objects)
- verbal or written threats (e.g. verbally threatening to attack a worker, leaving threatening notes or sending threatening emails to express an intent to inflict harm on a worker)
- domestic violence
- sexual violence

Violence is a workplace hazard. It must be addressed during a hazard assessment.

## Harassment and violence in the workplace

## Domestic violence

When an employer is aware that a worker is or is likely to be exposed to domestic violence at a work site, the employer must take reasonable precautions to protect the worker and any other persons at the work site likely to be affected.



-OHS Code Part 27, s. 390.3

Domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom the person has or has had a personal relationship, including dating, marriage, adult interdependent partnerships, custody, blood relationships and adoption.

Behaviours can range from subtle, intimidating behaviours to violent acts that result in physical harm or death. Domestic violence can include physical violence, sexual abuse, financial control, emotional and psychological intimidation, verbal abuse, stalking, and using electronic devices to harass and control.

Domestic violence becomes a workplace hazard, not a limited personal issue, when it occurs at, or spills over into, the workplace. It may put the targeted worker at risk and may pose a threat to co-workers.

Read *Domestic violence in the workplace* to learn more.



## Sexual violence

Sexual violence as a workplace hazard refers to any sexual act, attempt to obtain a sexual act, or other act directed against a worker's sexuality using coercion, by any person regardless of their relationship to the victim, in a workplace or work related setting.

Sexual violence exists on a continuum from obscene name-calling to rape and/or homicide, and includes on-line forms of sexual violence (e.g. Internet threats and harassment) and sexual exploitation.

## Obligations of work site parties

Social expectations about what constitutes workplace health and safety have changed over time. Issues such as psychological health (particularly workplace harassment and bullying) are included in the OHS legislation. As part of the roles of individuals at the work site, the OHS Act and OHS Code define specific duties employers, supervisors and workers must follow to address harassment and violence at the workplace.

The OHS Act states:

- Employers must, as far as reasonably practical, ensure their workers are not subject to or participate in harassment or violence at the work site.
- Supervisors must, as far as reasonably practical, ensure workers under their supervision are not subject to harassment or violence at the work site.
- Workers must refrain from causing or participating in harassment or violence.

## Hazard assessment

The hazard assessment and control process is a documented approach to prevent work-related illness or injury.

Employers must identify situations that could put workers at risk of harassment or violence at the workplace. Recognizing these real and potential hazards, employers can take steps to eliminate or control them and prevent harm to workers.

A team approach is necessary when doing hazard assessments. If you have a joint work site health and safety committee (HSC) or health and safety (HS) representative, they must be involved. You must also involve workers affected by the hazards.

In addition, the employer must ensure that all workers who may be affected by the hazards know the necessary health and safety measures or procedures to keep themselves and others healthy and safe on the job.

Find more information on the hazard assessment process in *Hazard assessment and control: a handbook for Alberta employers and workers*. See *Health and safety committees and representatives* for details about HSCs and HS representatives.



## Harassment prevention plan and violence prevention plan

Every employer must develop and implement a harassment prevention plan and violence prevention plan at the workplace.

The plans must be in writing and readily available for reference by workers at the work site. Both paper and digital formats are acceptable.

A harassment prevention plan must include a harassment prevention policy and harassment prevention procedures. A violence prevention plan must include a violence prevention policy and violence prevention procedures.

When developing and implementing the plans, the employer must consult with the HSC or an HS representative if one exists. If your work site is exempt from having a committee or representative, the employer must involve workers affected by these hazards when setting up and implementing the prevention plans.

### Review of plans

In order to protect workers from workplace harassment or violence, the employer is required to review the plans every three years, or more often as necessary. The review should focus on whether the policy and procedures are current and if there are any deficiencies or gaps to address. If revisions are necessary, ensure they adequately address the prevention of harassment or violence and that the policies and procedures are current.

The prevention plans may need to be reviewed more often if recommended by the HSC or HS representative.

An incident of harassment or violence also triggers a review of the plan. If there is an incident of harassment or violence within three years of the most recent review of the associated prevention plan, the plan will need more frequent review.

Employers must consult the HSC and HS representative, if one exists, when reviewing and revising the plans. The employer must consult affected workers if there is not an HSC or HS representative.

## Policies and procedures

Harassment prevention and violence prevention policies form an important framework for the proactive prevention and management of harassment and violence in the workplace. Clear policies set overall expectations that harassment and violence are not tolerated in the work environment.

Procedures, as distinguished from the policy itself, outline the methods or processes required to make the policy work on a day-to-day basis. The procedures establish a way of doing things that the employer and workers are to follow.

Samples of harassment and violence policies are provided at the end of this bulletin.



### Harassment prevention policy

A harassment prevention policy must state that:

- the employer is committed to eliminating the hazard of harassment, or if the hazard cannot be eliminated, it will be controlled
- the employer will investigate all incidents of harassment and take corrective action to address the incidents
- the employer will not disclose the circumstances related to an incident of harassment or the names of the parties involved (including the complainant, the person alleged to have committed the harassment, and any witnesses) except where necessary:
  - to investigate the incident or to take corrective action,

- to inform the parties involved in the incident of the results of the investigation and corrective action taken, or
- as required by law
- the harassment prevention policy is not intended to discourage a worker from exercising rights pursuant to any other law, including the *Alberta Human Rights Act*.

Refer to Part 27 of the OHS Code for the requirements in developing harassment and violence prevention policies and procedures.



### Harassment prevention procedures

The harassment prevention procedures must include the procedure for:

- workers to report workplace harassment
- the employer when documenting, investigating and implementing controls
- informing the parties involved (including the complainant, the person alleged to have committed the harassment, union officials who make the complaint) in an incident of harassment of the results of the investigation and corrective action to be taken

### Violence prevention policy

A violence prevention policy must state that:

- the employer is committed to eliminating the hazard of violence, or if the hazard cannot be eliminated, it will be controlled
- the employer will investigate all incidents of violence and take corrective action to address the incidents
- the employer will not disclose the circumstances related to an incident of violence or the names of the complainant, the individual alleged to have committed the violence, and any witnesses, except where necessary:
  - to investigate the incident or to take corrective action,
  - to inform the parties involved in the incident of the results of the investigation and corrective action taken,

- to inform workers of a specific or general threat of violence or potential violence, or
- as required by law
- the employer will only disclose the minimum amount of personal information needed to inform workers of a specific or general threat of violence or potential violence
- the violence prevention policy is not intended to discourage a worker from exercising rights pursuant to any other law

### Violence prevention procedures

The violence prevention procedures must include the procedure for:

- disclosing information that is necessary to address specific and general threats of violence (including personal information)
- workers to obtain immediate assistance
- workers to report workplace violence
- documenting, investigating and implementing measures to eliminate or control violence
- informing the parties involved (including the complainant, the person alleged to have committed the violence, union officials who make the complaint) in an incident of violence of the results of the investigation and corrective action to be taken

Violence prevention procedures must also include

- information about the nature and extent of the hazard of violence, including information related to specific or general threats of violence or potential violence
- measures the employer will take to eliminate or control the hazard

### Flexibility – it's your work site

An employer may organize information for the harassment and violence prevention policies and procedures in a manner that suits the organization. For example, the employer may combine the two prevention policies into one document. The OHS legislation establishes general principles along with specific provisions. As long as all the legislative requirements are met an employer has flexibility.

## Worker training

An employer must instruct workers on the hazard of workplace harassment and violence, how to recognize the signs of danger, what to do about it, and how to report it.

An employer must ensure that workers are trained in

- the recognition of violence and harassment,
- the policies, procedures, and workplace arrangements that effectively eliminate or control violence and harassment,
- the appropriate response to violence and harassment, including procedures for obtaining assistance, and
- the procedures for reporting, investigating and documenting incidents of violence and harassment.



- OHS Code, Part 27, s. 391

## Investigating and reporting of incidents

An employer must investigate any incident of harassment or violence and take action to address the incident and prevent it from happening again.

The employer must prepare an investigation report, outlining the circumstances of the incident and the corrective action.

- This report must be retained for at least two years after the incident.
- The employer must ensure the report is readily available and provide a copy of the report to Alberta OHS on request.

To ensure confidentiality and protection of personal information, OHS legislation does not require an HSC or HS representative to participate when an employer investigates incidents of harassment or violence unless the incident results in the fatality of a worker or a worker being admitted to hospital.

Alberta OHS officers monitor an employer's compliance with the requirement to investigate

incidents of harassment and violence. Officers can write orders where work site parties don't demonstrate compliance.

Learn more about the role and duties of an OHS officer in the publication *Role and duties of government occupational health and safety officers* and *Work site inspections*.



Refer to sections 40(5)(b, c, d), 40(7-8) and 53 of the *OHS Act* for requirements that apply to investigation and reporting of incidents of harassment or violence.



### OHS officers

OHS officers carry out inspections and investigations to enforce OHS legislation. If officers believe a work site is unhealthy or unsafe, they can call for a variety of corrective measures that may include issuing compliance orders stopping work at the work site(s) or ordering shut down of equipment.

Officers may also provide employers and workers educational resources to help them understand their OHS rights and responsibilities.

Officers do not perform dispute resolution among work site parties (e.g. employers, supervisors, workers). Advocating for any work site parties is also not part of an officer's duties. In addition, the officers do not have the authority to

- impose disciplinary action (e.g. reprimand, termination) on work site parties,
- dictate how an employer manages their work schedule, placement of workers and staff training, or
- obligate an employer to compensate (e.g. pay worker for pain and suffering, provide worker with time off with or without pay) workers affected by an incident.

In some circumstances where there may be lost wages associated with an incident, the officer does have authority to require the employer to compensate the worker.

## Worker support

An employer must offer support to workers who are affected by an incident of harassment or violence.

An employer must ensure that a worker reporting an injury or adverse symptom resulting from an incident of harassment or violence is advised to consult a health professional (of the worker's choice) for treatment or referral.

Some employers provide an employee assistance program (EAP) at the workplace. An EAP is a confidential, short term, counselling service for employees to offer help in resolving personal problems that are affecting their work. Workers affected by harassment or violence may wish to access these services.

When a worker is treated or referred by a physician for treatment relating to harassment or violence that occurred at the work site, and if the treatment sessions occur during regular work hours, the employer cannot make any deduction from the worker's wages and benefits.

Note: the obligation to pay wages and benefits only applies to the employer at the work site where the incident occurred, not future employers.

## Sample workplace harassment prevention policy

The management of company name is committed to providing a work environment in which all workers are treated with respect and dignity. Harassment will not be tolerated from any person at or outside of the work site including *(List who this policy applies to, especially if it applies to people other than workers such as customers, clients, other employers, supervisors, workers and members of the public, etc.)*

company name as the employer is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of harassment. Everyone is obligated to uphold this policy and to work together to prevent workplace harassment.

Workplace 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. It includes conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and a sexual solicitation or advance.

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or a work site is not workplace harassment.

In support of this policy, we have put in place workplace harassment prevention procedures. It includes measures and procedures to protect workers from the hazard of harassment and a process for workers to report incidents, or raise concerns. *(Consider specifying and expanding upon the components of the harassment prevention procedures here.)*

The employer will ensure this policy and the supporting procedures are implemented and maintained. All workers and supervisors will receive relevant information and instruction on the contents of the policy and procedures.

Supervisors will adhere to this policy and the supporting procedures. Supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the information they need to protect themselves.

Every worker must work in compliance with this policy and the supporting procedures. All workers are required to raise any concerns about harassment and to report any incidents to the appropriate person. *(Consider providing more information about how to report incidents and other procedures here.)*

The employer will investigate and take appropriate corrective actions to address all incidents and complaints of workplace harassment in a fair, respectful and timely manner. *(Consider providing more information about how incidents and complaints will be investigated and/or dealt with here.)*

The employer pledges to respect the privacy of all concerned as much as possible. The employer will not disclose the circumstances related to an incident of harassment or the names of the parties involved (including the complainant, the person alleged to have committed the harassment, and any witnesses) except where necessary to investigate the incident, to take corrective action, to inform the parties involved in the incident of the results of the investigation and corrective action taken, or as required by law.

No workers can be penalized, reprimanded or in any way criticized when acting in good faith while following this policy and the supporting procedures for addressing situations involving harassment. This harassment prevention policy does not discourage a worker from exercising the worker's right under any other law, including the *Alberta Human Rights Act*.

Signed: *(Signature of the highest management level)*

Date:

This form is for example purposes only. Completing this form alone will not necessarily put you in compliance with the legislation. It is important and necessary that you customize this document to meet the unique circumstances of your work site. Further, it is essential that this document is not only completed, but is used, communicated, and implemented in accordance with the legislation. The Crown, its agents, employees or contractors will not be liable to you for any damages, direct or indirect, arising out of your use of this form.

(Adapted from [Sample workplace harassment policy](#) on Ontario.ca.)

## Sample workplace violence prevention policy

The management of company name is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. We will take whatever steps are reasonable to protect our workers from the potential hazards associated with workplace violence. Violent behaviour or threat of violence in the workplace is unacceptable from anyone. This policy applies to *(List who this policy applies to, especially if it applies to people other than workers such as visitors, clients, delivery persons and volunteers, etc.)*

company name as the employer is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of violence. Everyone is obligated to uphold this policy and to work together to prevent workplace violence.

Violence, whether at a work site or work-related, is 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.

In support of this policy, we have put in place workplace violence prevention procedures. It includes measures and procedures to protect workers from workplace violence, a means of summoning immediate assistance and a process for workers to report incidents or raise concerns. *(Consider specifying and expanding upon the components of the violence prevention procedures here.)*

The employer will ensure this policy and the supporting procedures are implemented and maintained. All workers and supervisors will receive relevant information and instruction on the contents of the policy and procedures.

Supervisors will adhere to this policy and the supporting procedures. Supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the information they need to protect themselves.

Every worker must work in compliance with this policy and the supporting procedures. All workers are required to raise any concerns about workplace violence and to report any violent incidents or threats. *(Consider providing more information about how to report incidents and other procedures here.)*

The employer will investigate and take appropriate corrective actions to address all incidents and complaints of workplace violence in a fair and timely manner. *(Consider providing more information about how incidents and complaints will be investigated and/or dealt with here.)*

The employer pledges to respect the privacy of all concerned as much as possible. The employer will not disclose the circumstances related to an incident of violence or the names of the complainant, the individual alleged to have committed the violence, and any witnesses, except where necessary to investigate the incident or to take corrective action, to inform the parties involved in the incident of the results of the investigation and corrective action taken, to inform workers of a specific or general threat of violence or potential violence, or as required by law. The employer will disclose only the minimum amount of personal information required that is necessary to inform workers of a specific or general threat of violence or potential violence.

No workers can be penalized, reprimanded or in any way criticized when acting in good faith while following this policy and the supporting procedures for addressing situations involving workplace violence. This violence prevention policy does not discourage a worker from exercising the worker's right under any other law.

Signed: *(Signature of the highest management level)*

Date:

This form is for example purposes only. Completing this form alone will not necessarily put you in compliance with the legislation. It is important and necessary that you customize this document to meet the unique circumstances of your work site. Further, it is essential that this document is not only completed, but is used, communicated, and implemented in accordance with the legislation. The Crown, its agents, employees or contractors will not be liable to you for any damages, direct or indirect, arising out of your use of this form.

(Adapted from **Sample workplace violence** policy on Ontario.ca.)

## Contact us

### OHS Contact Centre

(Complaints, questions, reporting serious incidents)

Anywhere in Alberta

- 1-866-415-8690

Edmonton & surrounding area

- 780-415-8690

Deaf or hearing impaired

- 1-800-232-7215 (Alberta)
- 780-427-9999 (Edmonton)

### Online Reporting Service

(PSIs, mine or mine site incidents)

[psi.labour.alberta.ca](http://psi.labour.alberta.ca)

### Website

[alberta.ca/OHS](http://alberta.ca/OHS)

## Get copies of the *OHS Act*, Regulation and Code

### Alberta Queen's Printer

[qp.gov.ab.ca](http://qp.gov.ab.ca)

### Occupational Health and Safety

[alberta.ca/ohs-act-regulation-code.aspx](http://alberta.ca/ohs-act-regulation-code.aspx)

## For more information

### Alberta Human Rights Commission

[albertahumanrights.ab.ca](http://albertahumanrights.ab.ca)

### Domestic violence in the workplace (LI059)

[ohs-pubstore.labour.alberta.ca/li059](http://ohs-pubstore.labour.alberta.ca/li059)

### Hazard assessment and control: a handbook for Alberta employers and workers (BP018)

[ohs-pubstore.labour.alberta.ca/bp018](http://ohs-pubstore.labour.alberta.ca/bp018)

### Health and safety committees and representatives (LI060)

[ohs-pubstore.labour.alberta.ca/li060](http://ohs-pubstore.labour.alberta.ca/li060)

### OHS work site inspections: what to expect (CI005)

[ohs-pubstore.labour.alberta.ca/CI005](http://ohs-pubstore.labour.alberta.ca/CI005)

### Role and duties of government occupational health and safety officers (LI046)

[ohs-pubstore.labour.alberta.ca/li046](http://ohs-pubstore.labour.alberta.ca/li046)

### Workplace violence prevention plan: employer guide for retail fuel and convenience stores (BP031)

[ohs-pubstore.labour.alberta.ca/bp031](http://ohs-pubstore.labour.alberta.ca/bp031)

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