

MUNICIPALITY OF CROWSNEST PASS

MANUAL TITLE: HUMAN RESOURCES
SECTION & PAGE: _____
DEPARTMENT: Administration
COUNCIL APPROVAL _____ DATE : July 21, 2009
DISTRIBUTION: _____

ADMIN POLICY: _____ BYLAW OR RESOLUTION DATE: _____
REVIEWED: _____ REVISED: _____
REVIEWED: _____ REVISED: _____
REVIEWED: _____ REVISED: _____
POLICY #: HR-013 SUPERSEDES POLICY #: _____

HUMAN RESOURCES EXTERNAL PUBLIC ANTI-HARASSMENT POLICY

SCOPE

This policy applies to, but is not limited to, all users of Municipal programs, facilities and properties, including volunteers, patrons, guests, spectators, coaches, contractors, staff, and Council members, and for those members of the public interfacing with Municipal staff members, or Members of Council; and Municipal staff members or Council members interfacing with the public either - in person, in writing, email, voice mail, or on the telephone while on Municipal Properties.

PURPOSE

The Municipality is committed to providing a safe and respectful environment which extends into all Municipal programs, facilities and properties. The Municipality is also committed to ensuring the safety of service users and employees in its recreational programs, facilities and properties and in fostering an environment where there is safety and respect for others.

Currently the Municipality has a Code of Conduct for all employees adopted in 1994 which espouses the principals of best practices for ensuring confidentiality, mitigating conflict of interest or insider conflict of interest situations. It is built on the tenants of a respectful workplace where employees of the Corporation of the Municipality of Crowsnest Pass are expected to adhere to the highest standards of personal and professional competence, integrity and impartiality.

In 2009, the Municipality adopted an internal harassment policy to ensure that internal mechanisms were in place to assure employee protection from sexual and personal harassment as well as work place violence. In accordance with Federal and Provincial legislation, including Occupational Health and Safety and Human Rights laws, the Municipality is working toward policies that protect employees and the public from harm when engaging in conduct within Municipal facilities.

With that guiding principle, the Municipality has adopted this Public policy to ensure that the all users, staff and council feel safe while attending a program, meeting, or function while present at a Municipal facility or property. All people who use Municipal facilities or recreational programs or, who are present on Municipal property, are accountable for actions or behaviors that put the well-being, safety, or reputation of others at risk.

The Municipality of Crowsnest Pass will not tolerate any form of harassment or violence on or within Municipal property and this policy lays out the framework for educating staff, Council, volunteers and public users to the guidelines and enforcement step to be taken to address harassment and violence in programs, facilities or properties owned by the Municipality.

DEFINITIONS

Definition of Harassment

For the purposes of this policy "Harassment" means harassment in any form including sexual harassment, personal harassment and violence.

Examples of harassment or breach of the harassment policy that will not be tolerated, within or on any Municipal property, include (but are not limited to):

- physical abuse
- unwelcome verbal or physical conduct because of race, religious beliefs, color, place of origin, gender, mental or physical disability, ancestry, marital status, family status or sexual orientation – including jokes, threats, derogatory remarks
- loud verbal assaults directed at participants, officials, members of the public, Municipal staff or Council deemed to be aggressive or intimidating
- contravention of municipal by-laws, federal or provincial laws
- vandalism
- threats of violence or vandalism
- possession of weapons
- illegal consumption of drugs and alcohol

Sexual Harassment

Sexual Harassment is any unwanted verbal or physical conduct that is sexual in nature - examples include, (but aren't limited to):

- unwanted touching or leering
- inquiries or comments about a person's sex life
- the display of sexually offensive material
- sexually degrading words to describe a person
- derogatory or degrading remarks directed towards members or one sex or sexual orientation
- inappropriate or unwelcome focus/comments on a person's physical attributes or appearance
- persistent unwanted contact or attention

Personal Harassment

Personal Harassment is conduct that is deemed abusive, unfair, or demeaning treatment of a person or group of persons. Examples include, (but aren't limited to):

- insults
- name calling
- inappropriate jokes
- derogatory remarks,
- persistent criticism
- spreading malicious rumors
- public reprimand
- sarcasm, ridicule and humiliation

Workplace Violence

The Occupational Health and Safety Code requires that violence in the workplace be viewed as a safety hazard. Workplace violence means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury, whether work related or at a Municipal facility.

At the Municipality, all aspects of violence, both in the workplace and within Municipal facilities, will not be tolerated, and the definition is expanded to include zero tolerance for:

1. verbal assaults, taunting or ostracizing
2. bullying or coercion
3. threatening behavior such as shaking fists, destroying property or throwing objects;
4. verbal or written threats that express an intention to inflict harm or intimidate;

5. physical attacks;
6. vandalism and intentional damage against Municipal property or the property of others

PROCEDURE

Education

The Municipality and community partners will undertake an educational campaign aimed at raising awareness amongst participants, volunteers, contractors, employees, Councillors, and members of the public within the Municipality of the Crowsnest Pass on the non-harassment and non-violence policy within Municipality facilities.

Training of employees, volunteers and community groups using Municipal facilities will be provided to support implementation of the policy.

Incident Reporting

1. The Municipality's key concern is safety of our facility users and employees. If, at any time, public users or employees feel personally threatened, they are to call the Police immediately by calling 911. It is **NOT** the expectation that employees or public users will put themselves at any risk or jeopardize their safety in any real or perceived situation.
2. Any Municipal staff and Council, observing incidents, are to report all acts of harassment, violence or vandalism to the Chief Administrative Officer (CAO), or their department manager within 24 hours of the incident;
3. The public users of Municipal facilities are to report acts of violence, vandalism or harassing behavior to a Municipal staff member or a designated person within their organization using Municipal facilities within 24 hours
4. All incidents of violence and vandalism will be reported to the RCMP by the Municipality
5. Any volunteer organization using Municipal facilities but choosing to deal with incidents of harassment or violence directly are required to report back to the CAO of the Municipality within thirty days outlining the incident, and the remediation process

Enforcement Options

The Municipality and its community partners need to understand the scope of enforcement options to ensure compliance to this anti-harassment policy. If incidents arise, the Municipality will review all incidents occurring at any facilities, programs or properties related to the Municipality, and take required actions.

Under the scope of this policy all users of Municipal programs, facilities and properties, including staff, volunteers, patrons, guests, spectators, coaches, contractors, and Council members have a responsibility to report incidents to the CAO of the municipality, the volunteer board using Municipal facilities, or the RCMP under threatening conditions that arise including:

- a. observation of physical violence or vandalism
- b. verbal abuse, intimidating, harassing or threatening behavior as defined by this policy

If such behavior is observed, the following procedures should be enacted:

1. Ask the individual to stop their behavior, indicating that they are in violation of Municipal policy; if they refuse to stop, ask them to leave the premises as they are now trespassing on Municipal property
2. If there is a safety hazard, call the RCMP (dial 911) and without jeopardizing personal safety ask the person to stop the activity immediately or they will be asked to leave the Municipal premises.
3. If the party does not co-operate, inform them that they are now trespassing and the RCMP have been called
4. Wait for the RCMP to arrive; do not engage in confrontational behaviors
5. Advise Municipal staff immediately if on site
6. Prepare an incident report for the CAO or your board authority
7. The Municipality has the authority under this policy to prepare a letter of trespass for any individual found to be in violation of the Municipal harassment policy. Such letters may bar individuals from Municipal properties and facilities because of such behaviors – for a length of time to be determined by the CAO.

Non-Compliance Consequences

1. Individuals who break the tenants of this policy may be barred immediately from the premises and, if necessary suspended for a period of time through a Letter of Trespass.
2. All incidents where suspension from Municipal premises has occurred will be followed up in writing by the department concerned: Administration, Council, Recreation, Public Works, or any other Municipal department.
3. A Letter of Trespass will be sent to the person who has violated this policy, indicating the reason for the suspension and the length of suspension, and from which Municipal facilities, meetings or programs the person is suspended.
4. Severe incidents, in violation of federal or provincial laws, reported to the RCMP, may incur charges.
5. Where vandalism and theft have occurred, those responsible will be required to reimburse the Municipality for all costs of repairs, including lost revenues.

Appeal Process

An Appeal Process will be instituted to appeal any disciplinary measures enforced by the Municipality under this policy. Individuals can present their case in writing to the Municipality – to an Appeal board comprised of Municipal Council as a whole. Protection of information disclosed in this process will be directed by the Freedom of Information and Privacy Acts. The Appeal Board will review the appeal and all decisions are final.

SOURCES

Legislative Sources: Alberta Human Rights and Citizenship Commission
Occupational Health and Safety Code
Canadian Human Rights Commission
Trespass to Premises Act, R.S.A 2004

Municipal Sources: Pincher Creek Harassment Policy
Black Diamond Harassment Policy
City of Airdrie Positive Workplace Policy
City of Cote Saint-Luc Public Anti-Harassment Policy