

Part 27 Violence and Harassment

Hazard assessment

389 Violence and harassment are considered hazards for the purposes of Part 2.

AR 87/2009 s389;56/2018

Violence prevention plan

390(1) An employer must develop and implement a violence prevention plan that includes a violence prevention policy and violence prevention procedures.

390(2) The employer must develop and implement the violence prevention plan in consultation with

- (a) the joint work site health and safety committee or the health and safety representative, if the employer is required to establish a committee or designate a representative, or
- (b) affected workers, if the employer is not required to establish a committee or designate a representative.

AR 56/2018 s23

Violence prevention policy

390.1 An employer must ensure that a violence prevention policy under section 390(1) includes the following:

- (a) a statement that the employer is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of violence;
- (b) a statement that the employer will investigate any incidents of violence and take corrective action to address the incidents;
- (c) a statement that the employer will not disclose the circumstances related to an incident of violence or the names of the complainant, the person alleged to have committed the violence, and any witnesses, except
 - (i) where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident of the results of the investigation and any corrective action to be taken to address the incident,
 - (ii) where necessary to inform workers of a specific or general threat of violence or potential violence, or
 - (iii) as required by law;

- (d) a statement that the employer will disclose only the minimum amount of personal information under clause (c)(ii) that is necessary to inform workers of a specific or general threat of violence or potential violence;
- (e) a statement that the violence prevention policy is not intended to discourage a worker from exercising the worker's rights pursuant to any other law.

AR 56/2018 s23

Violence prevention procedures

390.2 An employer must ensure that the violence prevention procedures under section 390(1) include the following:

- (a) the measures the employer will take to eliminate or, if that is not reasonably practicable, control the hazard of violence to workers;
- (b) information about the nature and extent of the hazard of violence, including information related to specific or general threats of violence or potential violence;
- (c) the procedure to be followed by the employer when disclosing the information in clause (b), which must be in compliance with section 390.1(c) and (d);
- (d) the procedure to be followed by a worker to obtain immediate assistance when an incident of violence occurs;
- (e) the procedure to be followed by a worker when reporting violence;
- (f) the procedure to be followed by the employer when
 - (i) documenting and investigating an incident of violence, and
 - (ii) implementing any measures to eliminate or control the hazard of violence that have been identified as a result of the investigation;
- (g) the procedure to be followed by the employer when informing the parties involved in an incident of violence of
 - (i) the results of an investigation of the incident, and
 - (ii) any corrective action to be taken to address the incident.

AR 56/2018 s23

Domestic violence

390.3 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.

AR 56/2018 s23

Harassment prevention plan

390.4(1) An employer must develop and implement a harassment prevention plan that includes a harassment prevention policy and harassment prevention procedures.

390.4(2) The employer must develop and implement the harassment prevention plan in consultation with

- (a) the joint work site health and safety committee or the health and safety representative, if the employer is required to establish a committee or designate a representative, or
- (b) affected workers, if the employer is not required to establish a committee or designate a representative.

AR 56/2018 s23

Harassment prevention policy

390.5 An employer must ensure that a harassment prevention policy under section 390.4(1) includes the following:

- (a) a statement that the employer is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of harassment;
- (b) a statement that the employer will investigate any incidents of harassment and take corrective action to address the incidents;
- (c) a statement that the employer will not disclose the circumstances related to an incident of harassment or the names of the complainant, the person alleged to have committed the harassment, and any witnesses, except
 - (i) where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident of the results of the investigation and any corrective action to be taken to address the incident, or
 - (ii) as required by law;
- (d) a statement that 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*.

AR 56/2018 s23

Harassment prevention procedures

390.6 An employer must ensure that the harassment prevention procedures under section 390.4(1) include the following:

- (a) the procedure to be followed by a worker when reporting harassment;

- (b) the procedure to be followed by the employer when documenting, investigating and preventing harassment;
- (c) the procedure to be followed by the employer when informing the parties involved in an incident of harassment of
 - (i) the results of an investigation of the incident, and
 - (ii) any corrective action to be taken to address the incident.

AR 56/2018 s23

Review of plans

390.7(1) An employer must review the violence prevention plan and the harassment prevention plan, and revise the plans, if necessary.

390.7(2) The employer must carry out the review required by subsection (1) in consultation with

- (a) the joint work site health and safety committee or the health and safety representative, if the employer is required to establish a committee or designate a representative, or
- (b) affected workers, if the employer is not required to establish a committee or designate a representative.

390.7(3) With respect to the violence prevention plan, the review required by subsection (1) must take place on the earliest of the following:

- (a) when an incident of violence occurs;
- (b) if the joint work site health and safety committee or the health and safety representative, if applicable, recommends a review of the plan;
- (c) every 3 years.

390.7(4) With respect to the harassment prevention plan, the review required by subsection (1) must take place on the earliest of the following:

- (a) when an incident of harassment occurs;
- (b) if the joint work site health and safety committee or the health and safety representative, if applicable, recommends a review of the plan;
- (c) every 3 years.

AR 56/2018 s23

Training of workers

391 An employer must ensure that workers are trained in

- (a) the recognition of violence and harassment,
- (b) the policies, procedures and workplace arrangements that the employer has developed and implemented to eliminate or control the hazards of violence and harassment,
- (c) the appropriate response to violence and harassment, including procedures for obtaining assistance, and
- (d) the procedures for reporting, investigating and documenting incidents of violence and harassment.

AR 56/2018 s23

Investigation and reporting of incidents

391.1 Sections 40(5)(b) to (d), (7) and (8) and 53 of the Act apply to incidents of violence or harassment.

AR 56/2018 s23

Treatment or referral

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

2017 c24 s2;56/2018

Entitlement to pay

392 When a worker is treated or referred by a physician under section 391.2 and if the treatment sessions occur during regular work hours, the employer at the work site where the incident occurred shall not make a deduction from the worker's pay or benefits for the time during which a worker attends the session.

2017 c24 s2;56/2018

Retail fuel and convenience store worker safety application

392.1 Sections 392.2 to 392.6 apply to gas stations, other retail fuelling outlets and convenience stores where workers are ordinarily present during business hours.

2017 c24 s2;56/2018

Additional requirements for violence prevention plan

392.2 An employer must ensure that the violence prevention plan contains the following procedures, policies and control measures, in addition to those required under sections 390, 390.1 and 390.2:

- (a) safe cash-handling procedures, including procedures that minimize the amount of money readily accessible to a worker at the work site;
- (b) where the work site is open to the public between the hours of 11:00 p.m. and 5:00 a.m.,
 - (i) a time lock safe at the work site that cannot be opened by a worker between, at minimum, those hours;
 - (ii) limiting the quantities of high-value items, including cash and lottery tickets, accessible at the work site between, at minimum, those hours;
 - (iii) storing remaining high-value items in the time lock safe referred to in subclause (i) or securely elsewhere;
- (c) maintaining good visibility into and out of the work site;
- (d) limiting access by the public to the interior of any buildings at the work site;
- (e) monitoring the work site by video surveillance;
- (f) signs at the work site visible to the public indicating that
 - (i) where the work site is open to the public between the hours of 11:00 p.m. and 5:00 a.m.,
 - (A) the safe at the work site is a time lock safe that cannot be opened;
 - (B) the quantity of high-value items such as cash and lottery tickets at the work site is limited;
 - (ii) the work site is monitored by video surveillance;
- (g) each worker working alone is provided with a personal emergency transmitter that is monitored by the employer or the employer's designate.

2017 c24 s2;56/2018

Additional training required

392.3 In addition to any training under section 391, the employer must ensure that a worker is trained in the violence prevention plan requirements listed in section 392.2.

2017 c24 s2;56/2018

Review of violence prevention plan and worker training

392.4 The employer must ensure that the violence prevention plan requirements under section 392.2 and corresponding worker training under section 392.3 are reviewed and, if necessary, revised every 3 years, and whenever there is a change of circumstances that may affect the health and safety of workers.

2017 c24 s2;56/2018

Personal emergency transmitter

392.5 A worker working alone must at all times during the worker's work shift wear the personal emergency transmitter referred to in section 392.2(g).

2017 c24 s2;56/2018

Mandatory fuel prepayment

392.6(1) An employer must require that customers prepay for fuel sold at gas stations and other retail fuelling outlets.

392.6(2) In addition to the requirement in subsection (1), an employer may implement procedures or use equipment as approved by a Director for payment for or sale of fuel, or the dispensing of fuel, to ensure worker safety.

2017 c24 s2;56/2018

