

<b>Type</b>	<b>Commissioner’s Procedure/Policy</b>	CP-002
<b>Title</b>	<b>Zero Tolerance Policy</b>	
<b>Effective date</b>	January 31, 2020	
<b>Amends</b>	Zero Tolerance Policy [June 14, 2019]	
<b>Next review date</b>	June 13, 2021	

## 1 Purpose

The Fair Practices Office (“FPO”) must appropriately manage clients or others who exhibit aggressive, abusive, intimidating, threatening or violent behaviour when interacting with FPO staff. At no time are FPO employees expected to tolerate abusive behaviours.

## 2 Definitions

- a. “abusive behaviour” means behaviour that includes, but is not limited to, aggressive, threatening, intimidating, insulting, degrading, racist, sexist, hateful, obscene or violent language or action which can reasonably be expected to cause fear, distress, or anxiety in the person who is the target of the behaviour.
- b. “interact” means any type of communication with FPO staff – in-person, phone, letter, email and website.
- c. “individuals” means FPO clients as well as members of the public.

## 3 Authority

Section 3.2 of the Fair Practices Office Regulation, Alta Reg 211/2018 provides authority for the Fair Practices Commissioner to establish any procedures that the Commissioner considers necessary.

## 4 Scope

- a. This policy is applicable to all FPO employees.
- b. This policy is applicable to any member of the public who interacts with any FPO employee.
- c. This policy applies to discrete incidents of abusive behaviour, not to escalating or persistent behaviours.

## 5 Background/Rationale

- a. Given the nature of the FPO’s business operations, there is an ever-present possibility for emotions to run high. Individuals may at times express themselves in a less than ideal manner. There may be profanity, insults and accusations. FPO staff have developed skills, and will continue to develop skills, that help them defuse such behaviour. It is anticipated that most individuals will eventually regain their composure and may even offer an apology.
- b. There will, however, be times when an individual’s behaviour is so egregious, and so surpasses the norms of acceptable social behaviour, that it crosses a line into abusive behaviour, which will not be tolerated.
- c. The response to such behaviour should be immediate and decisive and must be communicated in a respectful, assertive and direct manner.

## 6 How to apply this policy

### Steps for employees who are subject to abusive behavior

- a. Immediately notify your branch manager verbally.
- b. Follow up as soon as practicable with an email to your branch manager outlining the incident in as much detail as possible including direct quotations. Do not include personal commentary or subjective opinions; stick to facts.
- c. The manager will review the individual/client's Workers' Compensation Board (WCB) claim file (if they have one) and any additional information provided by the individual/client.

### Informing the individual/client

- d. The manager will write to the individual/client explaining the reasons for denying, withdrawing or not reinstating services. ***The reasons must draw from this Policy.*** The manager will also inform the individual or client in writing that they can:
  - i. Request that the Fair Practices Commissioner (the Commissioner) review the manager's decision within 30 days of the decision date, and who to send the request to, complete with mailing and email instructions (see Operations Policy-FPO-001, s.3.5), and
  - ii. Re-apply for services in six months time providing they meet the requirements in the section that follows, below (see "Application for Reinstatement of Services"). In exceptional cases where the WCB is pursuing fraud charges against a client, the period of denial may extend beyond six months. The period may also be shortened at the manager's or Commissioner's discretion.

### Applications for Reinstatement of Services

- e. After six months has passed from FPO's decision date the barred individual may apply in writing to the FPO to reinstate services. The individual should take ownership over their behavior and its effects and show that they will not repeat the same or similar behavior on the go-forward.
- f. Upon receiving a request in writing for the reinstatement of services, the responsible manager will organise an in-person discussion with the affected appeals advisor or administrative staff and, with input from those present determine whether services will be reinstated.
- g. If the responsible manager declines to reinstate services, the reasons for their decision will be sent in writing to the individual, along with notification of the individual's right to have the Commissioner review the manager's decision not to reinstate services (see Operations Policy-FPO-001, s.3.5).

### Request for Commissioner to review denial/withdrawal or refuse to reinstate services

- h. If an individual/client disagrees with the manager's decision to deny, withdraw or not to reinstate services, they may make a submission to the Fair Practices Commissioner. The submission to the Commissioner must:
  - i. be in writing
  - ii. set out detailed reasons for the request
  - iii. be submitted to the Commissioner within 30 days of the manager's decision. (Send requests for reviews by the Commissioner to the FPO's Executive Administrator, whose mailing and emailing

address will be included by the manager in their refusal, withdrawal and (refusal to) reinstatement letters.)

[Amended, January 31, 2020]

## 7 Additional steps/other notifications

- a. The branch manager will notify the Navigate the System manager of the zero tolerance breach and request the individual be flagged in CRM.
- b. The Navigate the System manager will send out a template email to FPO-ALL notifying all staff of the breach and the refusal/discontinuance of services.
- c. For WAAB or EAAB matters, the branch manager will place an unrestricted file note on the claim file in eCO under the category "Appeal" stating WAAB/EAAB is no longer representing the client - the reasons for not providing services will not be listed. This file note should be sent to the WCB claim owner and/or WCB supervisor if there is an active or postponed appeal on the claim. If there is an appeal filed with the Appeals Commission, the branch manager will notify the Appeals Commission via letter that WAAB/EAAB (as the case may be) FPO no longer represents the individual.
- d. If the individual attempts to contact the FPO in any manner, staff should not engage; voicemail, letters, faxes and emails should not be responded to; telephone calls should be terminated immediately with a brief explanation of the reason the call is being terminated.
- e. Details about attempts to contact the FPO should be provided by the applicable branch manager to the Navigate the System manager who will document them in CRM.
- f. The branch manager will discuss with the affected employee options available including the GoA employee assistance program.

## 8 Related content

- a. Section 3.2 of the Fair Practices Office Regulation, Alta Reg 211/2018.

## 9 Authorizing signature and date

<b>Approved by</b>	Harold Robinson, Fair Practices Commissioner
<b>Signature</b>	[original signed]
<b>Date</b>	January 31, 2020