

# Abuse Policies and Protocols – A Primer for Local Governments

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Alberta Municipalities

*Canada's Specialty Insurance Law Firm*

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# Abuse vs Harassment Policies

Harassment Policies – are they the same?

- persistent attacks and criticism causing worry or distress;
- Threats of abuse; stalking;
- Persistent behaviours meant to torment, undermine, frustrate or provoke a reaction from
- Meant to frighten, intimidate or incapacitate the victim
- Inappropriate use of power or authority (all abuse)

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# *Occupational Health and Safety Act*

- Employers are required to help prevent workplace harassment and violence and address incidents when they do occur.
- Part 27 of the *OHS Code* requires:
  - Define workplace harassment and violence in all forms, including domestic and sexual violence;
  - require employers to investigate reports of violence or harassment and take corrective action;

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- Require employers to develop violence and harassment prevention plans;
- Review the plan every 3 years
- Require employers to advise workers of treatment opinion if harmed (workers entitled to wages and benefits while attending treatment).

# *Human Rights Code*

- Race, creed, religion, skin colour
- Sex, sexual orientation, gender-determined characteristics, gender identity
- Marital status, family status, income source, place of residence, social status
- Political belief, association or activity
- Disability (physical or mental), physical size or weight
- Age, nationality, ancestry or place of origin

# Abuse Policy

## Abuse:

- When someone causes harm to another.
- Takes on many forms:
  - Physical
  - Sexual
  - Verbal/Emotional
  - Mental/Psychological
  - Financial/Economic
  - Cultural/Identity

# Children

“Child” is anyone under the age of majority.  
Alberta: 18-years-old.

*Occupational Health and Safety Act*

*The Child Welfare Act Alberta*

*The Child, Youth and Family Enhancement Act*

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# Child Abuse

## Three recognized forms:

1. Physical

2. Sexual (including exploitation)

3. Emotional Abuse / Child Neglect

# Child Abuse

## Indicators of Physical Abuse

- bruising to soft tissue injuries in areas like cheeks, buttocks or thighs; head injuries.
- behavioral changes: anger, avoidance, fear, destructive or anti-social behavior
- sudden marked change in behavior

# Child Abuse

## Indicators of Sexual Abuse

Pain and injury; depression, hostility, anxiety, inappropriate sexual language or behavior towards others, using art to communicate, long absences from school, excessive promiscuity, sleep disturbance

# Child Abuse

## Emotional Abuse

Child experiences persistent rejection, humiliation, scapegoating, verbal attacks or put-downs by a parent, caregiver or adult.

# Child Abuse

## Emotional Abuse Indicators

Bed wetting, frequent psychosomatic complaints, nausea, abdominal pains, evidence of self-harm, isolate themselves from others, chronic crying or detached/flat affect, poor hygiene, chronic injuries or illnesses

# Child Abuse

## Neglect

The failure of the child's primary caregiver to provide adequate food, clothing, shelter, supervision of medical care

# Child Abuse

## Indicators of Neglect

Injuries resulting from lack of medical care or supervision, poor dental or personal hygiene, clothing consistently inadequate for weather conditions, hoarding or stealing food, self-destructive behaviors, a reluctance to go home, chronic injury or illness

# Children with Disabilities

Children with physical, cognitive or emotional disabilities are at an increased risk of abuse

This includes children with special needs, chronic illnesses or difficult temperaments

Particularly vulnerable population

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# Disclosure of Abuse

## Reporting Protocol:

1. Report the situation to *OHS* (if worker) or Alberta's Child Abuse Hotline (if a minor)
2. Obtain clear details about the situation
3. Don't interview or seek specific details
4. If child in danger, call the police first

# Disclosure of Abuse

For the victim:

1. Stay calm
2. Be sensitive and listen
3. Go slowly
4. Get only essential facts
5. Be supportive
6. Don't make promises
7. Tell the child what will happen next
8. Take notes

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# Disclosure of Abuse

## Reporting Protocol:

1. Abuse (either disclosed or observed) to be reported to OHS or Child Abuse Hotline (**legal duty**)
2. Report to police first if child is in danger
3. Do not speak to alleged abuser
4. Same protocol for disclosure of past/historical abuse

# Disclosure of Abuse

## Failure to Report

- Children (victim and possible others) left unsafe;
- Ongoing risk leading to further injury or possibly death;
- Is a breach of a section 4 of the Child, Youth and Family Enhancement Act and is considered an offence that could lead to a fine or even imprisonment.
- Duty to report overrides any duty to protect the privacy of clients, patients, students, staff or colleagues

# Confidentiality

Once a report is made to authorities, no contact or discussion with the alleged offender.

Duty to cooperate with the ensuing investigation of the authorities, nothing else.

Confidentiality is of the utmost importance.

# Hiring Protocols for Vulnerable Populations

Some employees will be required to undergo scrutiny before being considered for a position that involves providing services to vulnerable populations:

- Criminal record check
- Vulnerable persons Registry
- and child abuse registry check

# Abuse Policy

1. Should be in writing
2. Stand alone policy
3. Should be clear, concise and provide the requisite direction for staff
4. Reviewed by all staff
5. Be accessible to all staff at all times

# Abuse Policy

What to include?

- Reason for the policy (policy statement)
- Purpose of the policy
- Definitions
- Governing Legislation
- To whom does the policy apply?

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# Abuse Policy

What to include? (*cont...*)

- Abuse Reporting Procedures
- Reporting Protocol
- Investigative and Disciplinary Procedures
- Signature acknowledging that it has been read and understood.

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# Questions?

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