

**POLICY # PE - 007**  
**RESPECTFUL WORKPLACE POLICY**  
**(Workplace Violence, Harassment and Anti-Discrimination)**

DEPARTMENT: PERSONNEL

<b>APPROVAL DATE:</b>	09-06-91 (June 1991)
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## **I) ANTI-DISCRIMINATION**

### **A) POLICY STATEMENT**

1. The County is dedicated to promoting a workplace in which all people are respected, respect one another and work together to achieve common goals. The County believes that all individuals it employs have the right to work in an environment free from discrimination, and this Policy is in keeping with the County’s dedication to providing and maintaining an environment that fosters fair, respectful and responsible behaviours by Council, Administration and all employees and volunteers.

### **B) POLICY**

At no time will the County discriminate against any employee, refuse to employ, or refuse to continue to employ, any employee because of the race, religious beliefs, colour, gender, sexual orientation, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, or family status of that person.



1. The County's position against discrimination does not apply with respect to a refusal, limitation, specification or preference relative to an individual's employment, or potential employment, based on a *bona fide* occupational requirement.

## II) WORKPLACE VIOLENCE AND HARASSMENT

### A) POLICY STATEMENT

1. The County believes in the prevention of violence and harassment (including sexual harassment) in the workplace, and promotes a workplace free of violence and harassment in which all people respect one another and work together to achieve common goals. Any act of violence or harassment committed by or against any member Council, Administration, employee, volunteer or member of the public is unacceptable and such conduct will not be tolerated. The County believes that all individuals it employs and works with as volunteers have the right to work in an environment free from violence and harassment. This Policy is in keeping with the County's dedication to providing and maintaining an environment that fosters respectful and responsible behaviours.
2. We are committed to:
  - a) Educating our Council, Administration, employees and volunteers in the recognition of violence and harassment, and operation of this Policy and procedures in this regard;
  - b) Investigating reported incidents of violence and harassment in an objective and timely manner;
  - c) Taking necessary action in response to such reported incidents; and
  - d) Providing appropriate support for Complainants.

### B) PURPOSE

1. The purpose of this Policy is to ensure, having completed an organizational risk of violence and harassment assessment, that:
  - a) Individuals are aware of, and understand, that acts of violence and harassment (including sexual harassment) are considered a serious offense



for which necessary sanction will be imposed, and this Policy and procedures are in place to deal with the same;

- b) Those subjected to acts of violence or harassment are encouraged to access any assistance they may require in order to make or pursue a complaint;
- c) Individuals are advised of available recourse if they have been subjected to, or become aware of, situations involving violence or harassment;
- d) Action will be taken in response to complaints, and where complaints are substantiated, appropriate corrective and disciplinary action will be taken; and
- e) Victims of violence or harassment will be supported, and the effectiveness of The County's actions evaluated.

## C) DEFINITIONS

### 1. Violence

1.1 For the purposes of this Policy, "violence" shall mean the threatened, attempted or actual conduct of a person that causes, or is likely to cause, physical injury whether at the worksite or workrelated.

1.2 Acts of violence can take the form of physical contact. The threat of violence, either overt or covert, can be just as detrimental and damaging as the physical act of violence itself.

Abuse in any form erodes the mutual trust and confidence that are essential to the County's operational effectiveness. Acts of violence destroy individual dignity, lower morale, engender fear, and break down work-unit cohesiveness.

1.3 Acts of violence may occur as a single event or may involve a continuing series of incidents. Violence can victimize both men and women, and may be directed by or towards members of Council, Administration, employees, volunteers, visitors and members of the public.

### 2. Harassment

2.1 For the purposes of this Policy, "harassment" is generally defined as any conduct in the workplace that creates an intimidating, threatening, coercive or hostile work environment. Harassment may include:

- a) Threats, intimidation or verbal abuse;
- b) Unwelcome remarks or jokes which may or may not be sexual, racial or religious in nature;

- c) Taunts about any individual's appearance, religious beliefs, colour, place of origin, mental or physical disabilities, ancestry, marital status, family status, source of income, gender or sexual orientation;
- d) The distribution or display of offensive literature or other materials;
- e) Conduct constituting sexual harassment, as discussed in more detail below;
- f) Unnecessary or unwelcome physical contact;
- g) Conduct that creates a hostile or offensive environment which interferes with an individual's work;
- h) Conduct that intimidates, embarrasses, coerces or humiliates an individual in the workplace; and
- i) Any form of retaliation for filing a complaint under this Policy.

### 3. Sexual Harassment

3.1 Sexual harassment is a form of harassment. For the purposes of this Policy, "sexual harassment" means unwanted sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature which:

- a) Implicitly or explicitly makes submission to such conduct a term and condition of an individual's work;
- b) Affects access to employment or volunteer opportunities;
- c) Creates a hostile or offensive environment which interferes with an individual's work;
- d) Intimidates, embarrasses, coerces or humiliates an individual in the workplace; Or
- e) Arises out of a relationship which is not based on mutual consent.

3.2 Sexual harassment is comprised of any of the following behaviours, although it is not limited to the behaviours listed herein:

- a) Verbal abuse or threats associated with behaviour of a sexual nature;
- b) Unwelcome remarks or jokes of a sexual nature;
- c) Unwelcome invitations or requests if sexual in nature;
- d) Staring, leering or inappropriate observation of a co-worker of a sexual nature;

- e) Displaying or posting pornographic, offensive or derogatory materials of a sexual nature in the workplace;
- f) Unwelcome physical contact of a sexual nature;
- g) Exposing oneself sexually in the workplace;
- h) Explicit or implicit demands of a sexual nature; or
- i) Any other behaviour, conduct or activity of a sexual nature which is unwelcome or uninvited.

## **D) INSTRUCTION AND TRAINING**

1. The County will provide training to its Council, Administration, employees and volunteers (when reasonable) that will include a review and explanation of this Policy and its procedures, as well as a description of the County's expectations of Council, Administration, employees and volunteers relative to their behaviour in the workplace. This training will include the following:
  - 1) How to recognize workplace violence and harassment;
  - 2) Appropriate response to incidents of violence and harassment; and
  - 3) The procedures for reporting, investigating and documenting incidents of workplace violence and harassment pursuant to this Policy.

## **E) PROCEDURES**

The procedure below outlines the process in place to give effect to the operation of this Policy.

### **1. Right to Assistance**

1.1 Any person who has been the subject of violence or harassment has the right to access assistance in communicating their objections and, if warranted, in pursuing the complaint more formally. It is recognized that the issue of access to recourse is particularly critical where the alleged offender is in a position of authority over the Complainant or where there are other communication barriers.



1.2 An employee who has been subjected to violence or harassment should advise his or her immediate supervisor and, if this is uncomfortable or inappropriate in the circumstances, then the employee's next immediate supervisor should be advised of the incident. At any time, an employee may contact Human Resources for assistance.

## 2. Steps Prior to Formal Reporting

2.1 The Complainant is required to make his or her feelings known verbally to the alleged offender, either directly or with the assistance of a third party as outlined above. This first step is very important so that the alleged offender is immediately made aware that his or her conduct is offensive to the Complainant and must stop. Again, it is recognized that it will not always be possible for the Complainant to make the alleged offender aware of the concern personally.

2.2 The Complainant is required to carefully record the details of the incident, including the date and time, nature of the violence or harassment, and the names of any persons who may have witnessed the violence. The attached Abuse Reporting Form should be utilized and completed as comprehensively as possible in this regard.

## 3. Formal Reporting

3.1 The written record of the complaint should be provided to the immediate supervisor and Human Resources Manager and, where the alleged offender is immediate supervisor, the report should be provided to the next immediate supervisor and Human Resources Manager. At any time, the complaint may be provided to Human Resources who will involve the relevant supervisors when reasonable to do so.

3.2 The Human Resources Manager has the express authority to assume primary control of an investigation at his/her sole discretion when it is reasonable to do so.

3.3. If the concern relates to the Human Resources Manager, concerns should be brought to the attention of the Chief Administrative Officer (the "CAO").

3.5 If the concern relates to the CAO, concerns should be jointly brought to the attention of the Reeve and the Human Resources Manager by contacting the Human Resources Manager.

3.6 If the concern relates to the Reeve, the concern should be brought jointly to the Deputy Reeve and the Human Resources Manager by contacting the Human Resources Manager.



3.7 If the concern relates to a member of Council (other than the Reeve), concerns should be brought jointly to the attention of the Reeve and the Human Resources Manager by contacting the Human Resources Manager.

4. No Recriminations or Retaliation

4.1 No person filing a complaint will be penalized nor subjected to any prejudicial treatment as a result of making a complaint. No correspondence pertaining to the complaint will be placed on the Complainant's personnel file.

4.2 No employee shall take retaliatory action against a Complainant with the intention of dissuading or punishing an individual for participating in the complaint process. Sanctions may be imposed for any such retaliation. Retaliation against individuals participating in the complaint process should not be confused with any sanction which may be imposed for making false allegations.

4.3 A person who knowingly or intentionally makes a false or malicious accusation against any other person may be subject to sanctions. In the case of an employee, such sanctions may include but are not limited to disciplinary action up to and including termination for cause.

5. Investigation

5.1 The County is dedicated to conducting thorough and timely investigations of any complaints received, with the intention of accomplishing the following:

- a) Protecting workers;
- b) Limiting the damaging effects of violence or harassment to Complainants and others;
- c) Increasing productivity;
- d) Increasing worker morale;
- e) Avoiding negative publicity;
- f) Avoiding costly and time consuming legal proceedings; and
- g) Lowering the rate of employee turnover.



5.2 The County will appoint an investigation team which may include the Complainant's supervisor and the Manager of Human Resources (or his/her delegate). This team may vary depending upon the positions held by the Complainant and the Accused identified in the complaint. The Human Resources Manager has the express authority to assume primary control of an investigation at his/her sole discretion when it is reasonable to do so.

5.3 Investigations of alleged abuse will be carried out in accordance with the following guidelines:

- a) Incidents will be investigated as promptly as possible and in no case will commence more than 10 days following receipt of a formal written complaint;
- b) Only those individuals absolutely necessary to verify the complaint will be interviewed in order to maintain the confidentiality of the Complainant and the Accused to the greatest extent possible. In all cases, both the Complainant and the Accused will be interviewed, and the Accused will be advised of the allegations he/she faces (including the Complainant's identity, with the Complainant's consent), and provided with an opportunity to answer the same;
- c) Individuals with knowledge of the incident will be encouraged not to discuss the details with others;
- d) In appropriate circumstances, the County's Safety Manager will be notified of the complaint, investigation, outcome, and any other relevant information, insofar as is reasonable, to allow the County to comply with its duties and obligations pursuant to the *Occupational Health and Safety Act, Regulations and Code*; and
- e) The safety of the Complainant will be a paramount consideration throughout the investigation process.

## 6. Disposition of the Complaint

6.1 Following the investigation process, the County will determine whether or not a complaint has been substantiated. In the event that the complaint is not substantiated, the Complainant and the Accused will both be advised of the outcome and the complaint will be dismissed, including a removal from the Accused's record of any reference to the complaint. Consideration will be given to whether or not the complaint was made with malicious intent and what recourse should flow in the event that this conclusion is reached.

6.2 In the alternative, if the complaint is substantiated, the appropriate corrective



and disciplinary measures will be identified and may include a range of responses. Consideration will be given to the specific circumstances of the incident and the role of the offender within the organization. Recourse may include both disciplinary and corrective action. The following possible options exist in this regard:

- a) Apology;
- b) Training;
- c) Referral to an Employee Assistance Program (“EAP”) for counseling;
- d) Reassignment;
- e) Limiting access to certain areas or individuals within the organization;
- f) Discipline;
- g) Discharge; or
- h) Advising the local authorities of a potential criminal offence.

6.3 When it is determined that there is merit to a complaint (or when a person is determined to have maliciously or intentionally made a false or malicious accusation), a copy of the investigation report (if any) or any other relevant documentation may be maintained on the Accused’s personnel file. In such circumstances, the Accused shall be given written notice of the placement on his/her personnel file.

## 7. Confidentiality

7.1 Throughout the process, to the greatest extent possible, reasonable efforts shall be made to respect the confidential nature of a complaint. However, absolute confidentiality cannot be guaranteed owing to the need for an investigation, the need to fully inform the Accused, and the possible duty to inform Alberta Occupational Health and Safety, the police or other officials.

## **F) COMPLAINT RESOLUTION ALTERNATIVES**

1. The County recognizes that nothing in this Policy or its procedures takes away from the Complainant’s right to file a complaint with the Alberta Human Rights Commission, file a grievance, or commence proceedings in a civil or criminal court. Any individual has

the right to pursue their concerns through alternate forums, including the exercise of rights through any law of Alberta or Canada.

## **G) OCCUPATIONAL HEALTH AND SAFETY REPORTING REQUIREMENTS**

1. Employees should be aware that an incident involving workplace violence constitutes an “accident that has the potential of causing serious injury to a worker” pursuant to Section 18(3) of the Alberta *Occupational Health and Safety Code*. As a result, the County must investigate the incident, prepare a report, keep the report on file for a period of at least two years from the date of the incident and have it readily available for inspection by an Occupational Health and Safety Officer. Only those events listed in Section 18(2) of the *Occupational Health and Safety Code* will need to be reported directly to Alberta Occupational Health & Safety. Sections 18(1) and 18(2) of the *Occupational Health and Safety Code* read as follows:

18(1) If an injury or accident described in subsection (2) occurs at a work site, the prime contractor or, if there is no prime contractor, the contractor or employer responsible for that work site shall notify a Director of Inspection of the time, place and nature of the injury or accident as soon as possible.

(2) The injuries and accidents to be reported under subsection (1) are

- a) an injury or accident that results in death,
- b) an injury or accident that results in a worker’s being admitted to a hospital for more than 2 days,
- c) an unplanned or uncontrolled explosion, fire or flood that causes a serious injury or that has the potential of causing a serious injury,
- d) the collapse or upset of a crane, derrick or hoist, or
- e) the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.

## **H) VICTIM SUPPORT**

1. The County understands that victims of violence and harassment need support. As a result, the County will ensure that all Complainants are advised that they are not to blame for the aggressive or harassing behaviours directed at them, and that being a victim of violence or harassment does not negatively reflect on them.
2. The County recognizes that both victims of violence or harassment or other employees who may have been exposed to a violent incident, may require emotional support and reassurance. The County will ensure that Complainants as well as others exposed to violence or harassment are advised to consult a health professional of their choice for treatment or referral. The County will also advise affected workers of the ability to access EAPs if they wish. Human Resources can provide a listing of the agencies, programs and materials which are available to assist you in seeking support in addition to the EAP and your personal professional service providers.
3. The County is dedicated to engaging in a process that includes follow up with Complainants in order to ensure that their needs are being met post-incident. The Post-Investigation Victim Questionnaire will be utilized in this regard.

## **I. PROGRAM EVALUATION**

1. The County will engage in a program evaluation process to monitor the effectiveness of this Policy and procedures. Given that the purpose of this Policy and procedures is to minimize the occurrence of workplace violence and harassment, and establish an environment of non-tolerance to workplace violence and harassment, the process will be evaluated against that measure.
2. The evaluation program will include the following:
  - a) Needs assessment;
  - b) Process evaluation in order to measure whether the program is meeting its intended objective; and
  - c) Outcome evaluation to determine whether the program has met its objectives and whether additional opportunities for improvement in the program can be identified.
3. This process will include canvassing individuals who have made complaints as well



as other employees as to their perception of the efficacy and fairness of the process.