

Approval Date: July 22, 2019	Policy Number: P-80-17-B
Motion: Motion-19-07-266	
Supersedes: P-80-17-A	
Title: Respectful Workplace Policy	

Purpose

The policy defines what is considered bullying, discrimination, and harassment and outlines procedures regarding how complaints will be handled.

Definitions

“Bullying” generally consists of comments or actions that a reasonable person would find objectionable or unwelcome and which serve no work-related purpose. It may occur during a single incident or over a series of incidents.

Some actions may not be considered bullying unless repeated. Bullying does not include actions taken in good faith while exercising managerial/supervisory roles and responsibilities (such as an appropriately conducted performance review).

Examples of bullying:

- Spreading malicious rumors and gossip;
- Using insults or put downs;
- Blaming, scolding, criticizing and belittling;
- Excluding or isolating;
- Making unreasonable demands, constantly changing guidelines, setting impossible deadlines and interfering with or sabotaging work;
- Disciplining or threatening job loss without reason;
- Withholding information or giving the wrong information;
- Vandalizing or tampering with personal belongings and equipment;
- Making personal attacks, based on someone’s private life and/or personal traits;
- Cyber-bullying through email, text messaging, social networking, and websites.

“Complainant” is an individual or group of individuals who submit a complaint.

“Discrimination” is any unwelcome practice, comment or behaviour, whether intentional or not, based upon any one or more of the following protected grounds in the *Alberta Human Rights Act* including race, religious beliefs, color, gender, gender expression, gender identity, physical disability, mental

disability, ancestry, age, place of origin, marital status, source of income, family status, and sexual orientation:

- When such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group;
- When submission to or rejection of such conduct is used as a basis for any employment decision including, but not limited to, matters or promotion, raise in salary, job security or benefits affecting the employee and evaluation; or
- When such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

“Harassment” is conduct that:

- A reasonable person would consider unwelcome;
- Results in the recipient feeling intimidated, irritated, belittled or humiliated;
- Negatively affects work performance;
- Creates a hostile work environment; and
- Serves no legitimate work purpose.

Harassment is usually persistent and repetitive, but even a single comment or act can amount to harassment if the unwelcome behaviour is severe.

Examples of harassment are:

- Insinuations or allegations about someone that is likely to insult them or damage their reputation;
- Threats, intimidation or verbal abuse;
- Racial nicknames;
- Displaying derogatory images or signs;
- Jokes, insinuations, taunts, mimicking, or comments.

“Sexual Harassment” is one or more occurrences involving unwelcome conduct of a sexual nature, by men towards women, by women towards men, between men, or between women based on the protected grounds of gender, gender identity, gender expression and sexual orientation:

- When such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offence or humiliation to another person or group;
- When submission to such conduct is made either implicitly or explicitly a condition of employment;
- When submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security or benefits affecting the employee); or
- When such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of sexual harassment are:

- Requests for sexual favors;
- Advances, propositions, touching or leering;
- Persistent unwanted contact or attention after the end of a consensual relationship;

- Sexually suggestive comments, gestures, jokes or stories;
- Stalking or persistent attempts to contact another person;
- Sexually degrading words used to describe a person;
- Inquiries or comments about a person's sex life or sexual behaviour;
- Displays of sexually suggestive material.

“Retaliation” is any unjust action taken against an employee for:

- Making a workplace complaint made about bullying, discrimination, or harassment; or
- Participating in an investigation.

Examples of retaliation are:

- Threats;
- Exclusion;
- Reduction in wages;
- Sudden and unjustified performance reviews.

“Mediation” is a confidential, informal and voluntary process whereby an impartial mediator facilitates communication between those in dispute to assist them in developing mutually acceptable agreements to resolve the issues and improve their future working relationship.

“Respondent” is an individual against whom a complaint is filed.

“Supervisors” means all employees who have employees reporting to them including supervisors, managers, directors, and the CAO.

“Workplace” is any place where work-related activities are conducted. It includes, but is not limited to, the physical work premises including parking lots, Town of Peace River-owned vehicles, work-related social functions (social events, golf games, etc.), and work assignments outside our offices and facilities, work-related travel, and work-related conferences or training sessions.

Policy

We are committed to ensuring a safe, vibrant and healthy workplace where everyone is treated with respect, dignity and fairness. We all share in this responsibility. Any acts of discrimination or harassment including sexual harassment against or by employees will not be tolerated in our workplace. This policy applies to all employees.

This policy is not intended to discourage an employee from exercising their rights under governing legislation.

Responsibilities

1. Supervisors:

- 1.1. Act as a role model for professional and respectful behaviour;

- 1.2. Promote a safe and respectful workplace;
 - 1.3. Report all complaints of which they become aware to Human Resources;
 - 1.4. Ensure their direct reports are aware and understand the expected conduct and procedures for reporting potential violations of this policy;
 - 1.5. Promptly lead or assist in the selected resolution method of potential violations of this policy;
 - 1.6. Protect the privacy of the individuals involved to the extent possible while ensuring fair process during an investigation;
 - 1.7. Ensure complainants and respondents are treated fairly and respectfully;
 - 1.8. Where warranted, supervisors, in consultation with Human Resources, will promptly take appropriate corrective measures, which may include disciplinary action up to and including termination.
2. Human Resources:
- 2.1. Provides awareness and education of this policy for all employees;
 - 2.2. Ensures all documentation of formal complaints, accompanying documentation and findings of any investigation are maintained appropriately;
 - 2.3. Promptly leads or assists in the selected resolution method of potential violations of this policy;
 - 2.4. Protects the privacy of the individuals involved to the extent possible while ensuring fair process during an investigation;
 - 2.5. Ensures complainants and respondents are treated fairly and respectfully;
 - 2.6. Discusses the results of an investigation with supervisors to ensure appropriate corrective measures.
3. Employees:
- 3.1. Must not engage in conduct or behaviour which constitutes bullying, discrimination, harassment or sexual harassment;
 - 3.2. Must make every effort to maintain a safe and respectful workplace;
 - 3.3. Encourage the person who is the subject of the behaviour to report the incident to their supervisor, Human Resources, union representative, or any member of management with whom they feel comfortable if they become aware of or witness behaviour that violates this policy;
 - 3.4. Should report any potential infractions of this policy to their supervisor, Human Resources, union representative, or any member of management with whom they feel comfortable;
 - 3.5. Fully cooperate in an investigation of a potential violation of this policy;
 - 3.6. Provide verification of awareness and understanding of the policy by completing the sign-off form.

The Town Way: We believe in creating a positive workplace for everyone and will take all incidents of bullying, discrimination, and harassment very seriously.

Procedures

4. Procedure for the Complainant:

- 4.1. If comfortable doing so, speak to the offending individual. Tell them that their behaviour is unwelcome and ask them to stop.
- 4.2. Keep a record of the incident (dates, times, locations, possible witnesses, what happened, your response, any attempts to resolve the situation, etc.).
- 4.3. If you are unable to speak to the offending individual or if the behaviour continues even after you have asked them to stop, or at any time you feel you are being harassed, report the incident(s) to your supervisor, Human Resources, union representative, or any member of management with whom you feel comfortable.
- 4.4. You must make a complaint in writing within 60 days of the incident.
- 4.5. If you are unsure how to put the complaint in writing, the person to whom you report the incident (supervisor, Human Resources, union representative, or other member of management) will help you document the complaint.
- 4.6. If you so choose, your complaint may be resolved through either an informal mechanism, which may involve mediation or by requesting an investigation.
- 4.7. Keep the complaint and process for resolution confidential. This will ensure that the situation does not become more difficult and will respect all parties involved.
- 4.8. If your complaint is regarding discrimination or harassment, you have the right to contact the Alberta Human Rights Commission to file a complaint. Additionally, if circumstances warrant it, you may contact the RCMP.

5. Procedure for Respondent:

- 5.1. If an employee informs you that they believe that your behaviour violates this policy, you can significantly improve the situation by hearing the person out and acknowledging what they are saying and how they feel.
- 5.2. Remember that harassment may have occurred even if you did not intend it. If you have engaged in behaviour contrary to the policy, immediately stop the comments or behaviour as soon as you become aware of the complainant's concerns.
- 5.3. Speak to a supervisor, Human Resources, or union representative for assistance, or to seek further clarification as to what is suitable behaviour in the workplace.
- 5.4. Fully cooperate with the selected form of resolution, whether it is mediation or an investigation.
- 5.5. Keep the complaint and process for resolution confidential. This will ensure that the situation does not become more difficult and will respect all parties involved.
- 5.6. If the complainant initiates a formal investigation procedure you will be notified of the complaint in writing, be interviewed by an investigator, and be given the opportunity to respond to the allegations against you. You also have the right to seek legal counsel, at your expense, to respond to the allegations against you in a formal investigation.

6. Procedure for Supervisors and Human Resources:
 - 6.1. The Town will not accept anonymous complaints.
 - 6.2. Once a complaint is received keep the information confidential while ensuring fair process in the investigation. Information relating to the complaint will only be disclosed to the extent necessary to carry out resolution procedures, or to meet the Town's obligation to provide a harassment free workplace. Parties involved in the resolution processes will not discuss the complaint with other employees who are not directly involved in the process. Improper breaches of confidentiality may result in disciplinary action.
 - 6.3. An investigation is to be undertaken immediately and all necessary steps taken to resolve the situation. Two individuals within management or Human Resources or both will conduct all interviews. Alternatively, an external investigator may be contracted to conduct the investigation. The complainant, the respondent, and any individuals who may be able to provide relevant information will be interviewed. All information is kept in confidence by all parties involved.
 - 6.4. The supervisor, in consultation with Human Resources, will determine if the respondent is to be placed on administrative leave during the investigation.
 - 6.5. Upon conclusion of the investigation, the supervisor or Human Resources or both will inform the complainant and respondent of the determination as to whether the complaint was founded or not.
 - 6.6. Upon conclusion of the investigation, and where it is warranted, the supervisor, in consultation with Human Resources, will promptly take corrective measures, which may include disciplinary action up to and including termination. The complainant is not entitled to know if the respondent is disciplined.
 - 6.7. If the complaint was filed in good faith, no documentation is placed on the complainant's personnel file, regardless of whether or not the complaint is upheld. The Town shall not place the complaint on the respondent's personnel file, but will keep the complaint in a separate file. The Town shall place any discipline on the respondent's personnel file.

False Complaints

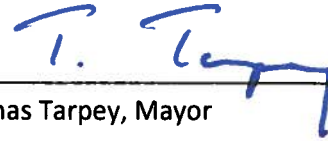
7. If an investigation results in a finding that the complainant falsely accused another of conduct contrary to this policy knowingly, in bad faith, or in a malicious manner, the complainant will be subject to appropriate sanctions, up to and including termination. Making a false complaint or providing false information about a complaint is a violation of this policy.
8. For the purposes of this policy, bad faith includes:
 - 8.1. Making a complaint for the purpose of aggravating or embarrassing a person;
 - 8.2. Making a complaint that is not meant to lead to any practical result;
 - 8.3. Making a complaint with the intention to mislead;
 - 8.4. If there is the presence of ill-will, or other similar type of behaviour.
9. A person who submits a complaint in good faith, even if the complaint is not proven, does not violate this policy.

No Retaliation

10. Retaliation in any form against any person involved in a complaint, or in an investigation, is a violation of this policy and will result in disciplinary action, up to and including termination.
11. The Town will take all reasonable and practical measures to prevent retaliation or threats of retaliation.

Management Practices

12. Managing or coaching or both that includes performance feedback and appraisal, work assignment, and the implementation of disciplinary actions is not a violation of this policy. This policy does not restrict a supervisor's responsibilities in these areas.



Thomas Tarpey, Mayor



Christopher J. Parker, CAO