

# VILLAGE OF EMPRESS

Title: Respectful Workplace Policy

Policy Number: 11-07

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Review Date:

## TITLE: RESPECTFUL WORKPLACE POLICY

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### POLICY STATEMENT:

Village of Empress believes in the prevention of violence and harassment and promotes an abuse-free environment 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 employees, elected officials, volunteers, residents and customers is unacceptable conduct and will not be tolerated.

### PURPOSE:

1. The purposes of this respectful workplace policy are:
  - a. To formalize the responsibility and commitment of the Village to ensure that all employees, elected officials, volunteers, residents and customers enjoy and contribute to a respectful workplace and service environment.
  - b. To establish a work environment in which all employees, elected officials and volunteers are treated with respect and dignity and can contribute to a productive and professional atmosphere.
  - c. To ensure that all employees, elected officials and volunteers understand what is meant by a respectful workplace and know what to do to ensure that a respectful workplace is created and maintained at the Village .
2. People value diversity and the rights of others related to their race, national or ethnic origin, religion, age, sex, marital status, family status, disabilities, and sexual orientation and discrimination or harassment under any of these grounds is prohibited.
3. Discrimination and harassment are not tolerated at the Village. All employees, elected officials, volunteers, residents, customers and visitors at the Village are entitled to a respectful experience free from discrimination and harassment and are expected to contribute positively to such an experience.
4. Each employee, elected official, volunteer, resident, customer and visitor should feel comfortable and be treated fairly and civilly by others. All employees, elected officials and volunteers of the Village are expected to conduct themselves in a friendly, courteous and professional manner. The philosophy, which must be shared by employees, elected officials and volunteers of the Village, is to treat others as you would have them treat you. Employees and elected officials are expected to consider the feelings and pride of others and to respect their unique backgrounds and contributions.
5. Conflicts are to be resolved in a civil manner and gossip, intimidation, violence or bullying are not tolerated.
6. Cooperative and collaborative behaviours are promoted including positive communication, healthy group dynamics and proactive problem solving.

7. Each member of management of the Village will act as a model for his/her staff and will perform his/her supervisory duties in a respectful, non-discriminatory way.

8. In order to foster a respectful workplace, everyone at the Village must understand that this policy applies to all. Every employee, elected official and volunteer must accept his/ her responsibility and accountability to ensure that a discrimination and harassment free work environment exists at the Village.

#### **OUR COMMITMENT TO EMPLOYMENT EQUITY:**

9. The Village incorporates the intent of the harassment policy in its hiring practices. The Village promotes equal access to jobs, promotions, transfers, pay increases, training and development opportunities, and other aspects of employment to all individuals.

10. The Village will provide fair and equal opportunities to all employees and prospective employees, the Village will employ people who are capable of carrying out the work available, regardless of their ethnicity, gender, culture, religion, age or affiliations.

#### **DEFINITIONS:**

11. Respectful communication avoids the use of profane language, sexual innuendo, yelling, rude gestures or other behaviour that serves to intimidate or offend the listener. Communication styles must show respect for intelligence and honest efforts to do a good job. Words, phrases or delivery styles which demean or belittle a fellow employee are not acceptable.

12. Discrimination refers to unfair, differential treatment of individuals or groups and is prohibited by law. Discrimination may be intentional or unintentional and often stems from prejudice or stereotypes we have of others. Discrimination can result in one individual or group having an advantage over another. Discrimination can cause an individual or group to be excluded from activities, which they have the right to be included in.

13. All employees, elected officials and volunteers at the Village are protected from discrimination in employment by the Alberta Human Rights Act on the following grounds: race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, political belief, or unrelated criminal or summary conviction of that person or class of persons.

14. All residents and visitors who access the services provided by the Village are protected from discrimination by the Alberta Human Rights Act on the following grounds: race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, or sexual orientation, age, political belief, or unrelated criminal or summary conviction of that person or class of persons.

15. Favouritism based on personal knowledge and friendship among employees is also a form of discrimination against individuals who do not share the same relationships. Fellow employees must be treated fairly without regard to personal relationships. However, the performance record and demonstrated abilities of individual employees needs to be taken into account when assigning tasks, delegating responsibility, or making job selections, rewarding employees on the basis of performance, proven ability, and loyalty to the organization is not considered a form of discrimination.

16. Harassment is a type of discrimination. It is a serious violation of fundamental human rights. Harassment means engaging in a course of annoying comment or conduct that is known or ought reasonably to be known to be unwelcome, and is tied to a prohibited ground of discrimination.

17. Harassment is also objectionable conduct or comment directed towards a specific person(s), which serves no legitimate work purpose, and has the effect of creating an intimidating, humiliating

or offensive work environment.

18. Harassment attacks a person's dignity, health, and well-being. It is unwarranted comment or conduct that humiliates, intimidates, excludes, isolates and undermines the individual's self-esteem due to membership in a protected group. It can be a single incident (in the case of physical contact) or a pattern of repeated incidents directed against an individual or group. Whether intentional or unintentional, harassment demonstrates a lack of respect for the individuality and the dignity of those it targets.

19. Harassing behaviour includes, but is not limited to:

Physical threats or intimidation,

- a. Words, gestures, actions or jokes which may humiliate, degrade or abuse,
- b. Spreading negative comments about an employee or supervisor and their intelligence, integrity or other trait in a manner that degrades the person in the opinion of his or her co-workers, supervisors or staff members,
- c. Rumors or stories that have nothing to do with work performance, whether true or not, that are spread about co-workers or their close friends or families,
- d. Distribution or displaying of offensive pictures or materials, including materials on computers.

20. Harassment does not include consensual relationships, welcome discussions or welcome social invitations, and this policy is not intended to curtail such consensual behaviour. Consensual, welcome behaviour can be distinguished from workplace harassment on the basis that it is mutually desired, and does not involve intimidation, reprisal or the misuse of power.

#### **SEXUAL HARASSMENT:**

21. Sexual harassment is a type of discrimination under the Alberta Human Rights Act. Sexual harassment is uninvited and unwelcome conduct that is sexual in nature, which may detrimentally affect the work or service environment or lead to adverse job related or other consequences for the victim of harassment. The term "sexual harassment" has come to be used to identify those kinds of sexual coercion and exploitation of women and men in a formal or structured relationship in which we have an expectation that the relationship has nothing to do with sex or sexuality.

22. Sexual harassment behaviour includes, but is not limited to:

- a. Remarks, jokes, innuendoes or derogatory or demeaning comments regarding someone's body, appearance, physical or sexual characteristics or clothing;
- b. Display or distribution of sexually offensive or derogatory pictures, cartoons or other material;
- c. Unwelcome questions or sharing of information regarding a person's sexuality, sexual activity, or sexual orientation;
- d. Sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the victim of harassment; and
- e. Unwanted physical contact of any kind.

#### **CRIMINAL HARASSMENT:**

23. Criminal harassment may be defined as adverse differential treatment of an individual or individuals which involves assault, damage to personal property or company property, and stalking.

#### **WORKPLACE CONFLICT:**

24. Discrimination and harassment are specific types of conflicts which are prohibited by the AB Human Rights Act. There are many other types of conflicts that can arise in the workplace that are not

dealt with by the AB Human Rights Act. For the purpose of this policy, these other types of conflicts are dealt with as "Workplace Conflict".

25. Getting along with co-workers or supervisors may not always be easy, but making an effort to resolve conflict at work should be a goal of all employees at the Village. It is the expectation of the Village that each employee will try his/her best to get along with his/her co-workers. This means:

- a. Respect the fact that others may be different from you and that they may have a different approach or way of doing something than you do,
- b. Be aware of the fact that how you act can impact others in the workplace,
- c. Avoid talking negatively, gossiping or being judgmental about your co-workers. This type of behaviour encourages conflict in the workplace, and is not consistent with the goals of the Harassment Policy,
- d. If you are not sure if your behaviour is welcome, ask.

#### **WORKPLACE VIOLENCE:**

26. Employees must not engage in any improper activity or behaviour or violent behaviour in the workplace that might create or constitute damage to property, a hazard to themselves or any other person.

27. Improper activity or behaviour includes the attempted exercise by a person towards another person in the workplace of any physical force or violence so as to cause injury and includes any threatening statement or behaviour, physical or mental bullying, tormenting or other demeaning behaviours towards another person.

#### **WORKPLACE BULLYING:**

28. Workplace bullying can be defined as a conscious, willful and deliberate hostile activity intended to harm or intimidate. Bullying activity can be physical or verbal. Bullying can also be described as the assertion of power through aggression.

29. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. Bullying activities can be overt in terms of direct face-to-face confrontations, either in private or in front of others. Bullying can also consist of degrading staff members to co-workers or members of the public behind their backs by spreading negative comments about a person's intelligence, integrity, or other trait.

30. Bullying or other aggressive or demeaning behaviours towards others are contrary to a respectful workplace and will not be tolerated at the Village. Individuals, who are found to be bullying or otherwise tormenting others, either physically or mentally, will be subject to discipline.

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#### **POISONED ENVIRONMENT:**

32. Disrespectful communication methods, discrimination and harassment can "poison" the work environment for the victim as well as for others who share the work environment. A "poisoned" work environment is one which is hostile, intimidating or offensive. Comments or actions of a co-worker or a supervisor may create a poisoned environment. These comments or actions make the workplace uncomfortable and can interfere with productivity and interactions of the work group. The poisoned environment forms an unequal term or condition of employment, and is therefore a violation of the right to be free from discrimination.

## **EARLY INTERVENTION:**

33. Employees, elected officials, volunteers, residents and visitors who feel subject to, or who are aware of an incident are encouraged to try to communicate directly with the other individual(s) involved and advise him/her that the behaviour is unwelcome. This communication should be directly with the persons involved, clear in its intent and be made promptly following any action that is believed to be harassment.

34. Talking to uninvolved third parties and spreading gossip without the knowledge of the person involved usually serves only to increase animosity. Doing nothing will allow misunderstandings and bad feelings to become more intense and deeply rooted.

35. Attempting to solve problems between individuals involved is always the preferred approach. However, if such problem solving attempts are not successful or if the perceived seriousness of the situation makes an individual feel unable to communicate directly with the other person involved, he/she should discuss the issue with a member of management (and a union official if he/she wishes).

## **COMPLAINT PROCEDURE:**

37. All incidents of harassment that cannot be resolved directly by the individuals involved, including single and multiple incidents, must be reported so that corrective action may be taken to stop the behaviour, and remedy the situation for the individual(s) involved.

38. It is the responsibility of the Village to ensure that all complaints, which are brought to the attention of a member of the management staff, are dealt with promptly and fairly. Employees, and elected officials, volunteers, residents and visitors who feel subject to, or who are aware of unresolved harassment are required to report it in writing to their management supervisor. If the complaint involves a supervisor, the complaint should be reported to the CAO. If the complaint involves the CAO, the complaint should be reported to the Mayor or Council.

39. If a supervisor, manager or the Mayor suspects that harassment may be occurring, he/she must take action to deal with the issue.

40. Each incident reported will be investigated in a timely manner and appropriate remedial action will be taken upon completion of the investigation. The Village will strive to address complaints within sixty days.

41. The resolution will ensure that all harassment which has been substantiated through the investigative process will be stopped, and that a respectful work environment is created for all individuals implicated in the complaints. Disciplinary action will be taken where warranted in the opinion of management or Council.

42. Individuals who file a complaint under this Policy may still file a Human Rights complaint with the AB Human Rights Commission if applicable.

43. The Village appreciates that it may be difficult to bring forward a complaint of harassment in the workplace and that an individual will feel more comfortable in doing so if he/she is assured of confidentiality with respect to his/her complaint. It is in the best interest of everyone involved in a complaint that the matter be treated in confidence. Therefore, to protect the interests of everyone involved, confidentiality will be maintained throughout the investigative process at the Village. Information that must be shared in the process will be disclosed on a "need to know" basis. It is recognized that in most cases, the specific reported incidents must be discussed with the alleged offender(s) in order to move towards a meaningful resolution.

44. An allegation of harassment is an extremely serious matter. Complaints which are made in bad faith or which are vexatious or vindictive in nature may lead to discipline for the individual who

files the false complaint.

45. Individuals who file a bona fide complaint, as well as anyone else implicated in the investigation or resolution of a complaint, will not be penalized for his/her participation. Any interference with the conduct of an investigation, or retaliation against a complainant, respondent or witness, will itself *result in disciplinary action*.

46. *Complaints* brought under this policy against the CAO, the Mayor or members of Council shall be presented to an outside consultant with expertise in human rights and harassment investigations who will be responsible for investigating the complaint or resolving it informally.

47. The outside consultant will be retained by and will report directly to the Mayor and CAO in cases involving members of Council. In cases involving the Mayor, the outside consultant will be retained by and will report directly to the CAO. In cases involving the CAO, the outside consultant will be retained by and will report directly to the Mayor.

48. Investigations will be conducted of any complaint. The investigation process will be as confidential as possible, recognizing that the parties involved must be respected and the investigation must be thorough and fair. All parties involved in the investigation will be required to sign a confidentiality agreement. Unionized employees who are part of the investigation have the right to Union representation.

49. If at any time during the investigation the complaint can be resolved to the satisfaction of the complainant and in a manner that is acceptable to the alleged harasser, the resolution will be recorded in writing. The resolution will be signed by the complainant and the alleged harasser and placed in a special confidential file to be kept.

50. The investigator has the authority to speak with anyone, examine any documents and enter any work location relevant to the complaint for the purposes of investigation or settlement. These duties shall be carried out in accordance with the preceding provisions of this policy.

51. The investigator may make interim reports as required, to address instances of interference, obstruction or retaliation encountered while dealing with the complaint under this policy.

52. The investigator shall within two weeks provide a report to the party or parties to the complaint pursuant to this policy, containing findings of fact and conclusions as to whether the conduct breaches the provisions of this policy. All written materials (including all notes taken and any report prepared by the investigator) related to the investigation of the complaint under this policy will be treated as strictly confidential for all purposes including any applications made under the Freedom of Information and Protection of Privacy Act, and further, in accordance with that Act, the outside consultant will only release information on a need to know basis. Whenever possible, investigation reports are to be presented in a summary format without names of witnesses.

53. The party or parties receiving the report will review the report and where the complaint is substantiated appropriate action will be taken to resolve the complaint and to prevent any reoccurrence of the harassment. Where a complaint is substantiated, appropriate disciplinary action up to and including dismissal may be taken against the alleged harasser, with the exception of the Mayor and Council which may take another form of action.

54. Where a complaint is false and malicious, appropriate disciplinary action must be taken against the complainant. Whether the complaint is substantiated or not, no documentation of the complaint will be placed on the personnel files of the complainant or the alleged harasser, except any written record of discipline or dismissal arising as a result of the investigation. However, the report will be sealed and kept in a confidential harassment file for a period of three years to prove due diligence by the Village in properly investigating all aggregations.

## DISCIPLINE PROCEDURES:

55. All employees who violate provisions of this policy are subject to disciplinary procedures. The following steps will be used as a general guideline, but the severity of the violation and the elapsed time since previous violations if any, will be taken into account and may result in additional warnings for minor offences or immediate suspension or termination for first offenses of a very serious nature:

- a. First contravention: verbal warning followed up with a letter of expectation which will be placed on the employee's personnel file,
- b. Second contravention: letter of discipline plus one day work suspension without pay,
- c. Third contravention: letter of discipline plus one week work suspension without pay,
- d. Fourth contravention: termination of employment.

56. Volunteers and committee members who violate provisions of this policy are subject to removal from their committees or their volunteer positions.

57. Residents or customers who violate provisions of this policy may be denied service or asked to leave the municipal facility.

58. Council members who violate provisions of this policy are subject to private or public sanction from the rest of Council.

MOTION: C 35-17-04-2018