

Respectful, Discrimination and Harassment Free Workplace:

Date Approved by Board:	2011.11.17 2016.10.20	Resolution No.:	11 113 16 138
Lead Role:	GM	Replaces:	HUM-007
Last Review Date:	2011.11.17	Next Review Date:	2019.10.20

Policy Statement

As an organization that is committed to the delivery of high quality public services, Beaver Municipal Solutions (BMS) promotes and expects respectful and responsible behaviors of all its employees when interacting with each other, with customers and all other stakeholders during the course of BMS business. All employees of BMS have the right to work in an environment based upon mutual respect, dignity and fairness, and one that is free from actions and behaviors that are contrary to respectful, dignified and fair treatment of the individual. This is obtained through a work environment free of all forms of harassments and discrimination. As such, the *Canadian Charter of Rights and Freedoms* and the *Human Rights, Citizenship and Multiculturalism Act for the Province of Alberta* shall be the standards upon which to ensure individual rights are not violated

Guidelines

As employees, volunteers and representatives of BMS we will strive to realize a work environment such that:

1. A respectful workplace will be obtained through the following:
 - a. By setting, communicating and modelling clear expectations of employee behaviour;
 - b. Providing appropriate training, education and awareness information that is congruent with a respectful workplace; and,
 - c. Communicating “zero tolerance” for behaviours contrary to the intent of this policy.
2. Employees shall not engage in conduct or behavior which constitutes discrimination, harassment or sexual harassment.
3. Any individual subjected to discrimination, harassment or sexual harassment has the right to make it clear either to an individual in a position of authority, to the alleged offender, or both, that the behavior and conduct is unacceptable.
4. Any person in a position of authority who receives a complaint is responsible for ensuring that the complaint is addressed.
5. Employees shall not knowingly and willfully submit complaints based on false allegations.
6. All employees can obtain advice and assistance regarding strategies for confronting discrimination, harassment or sexual harassment at an interpersonal level by contacting either their supervisor, the GM or the Human Resources Department.

7. Complaints regarding discrimination, harassment or sexual harassment may be resolved through either an informal verbal complaint mechanism, which may involve voluntary mediation or by submitting a formal written complaint with a person in authority.
8. Individuals alleged to have violated this policy are entitled to know the name(s) of individual(s) making an informal or formal complaint; and that in the case of a formal complaint, the alleged individual shall receive a copy of the letter of complaint which outlines such allegations.
9. Reasonable efforts shall be made to respect the confidential nature of all complaints while recognizing that absolute confidentiality cannot be guaranteed owing to the need for investigations and the need to inform the alleged individual; and
10. Individuals recognize that any resolution procedures do not take away the right to file a complaint outside the organization with the Alberta Human Rights Commission, or any association, or through civil or criminal court.

Definitions

1. **Respectful Workplace** is one where all employees are treated fairly, difference is acknowledged and valued, communication is open and civil, conflict is addressed early and there is a culture of empowerment and cooperation.
2. **Discrimination** is the denial of individual rights and freedoms in a manner which contravenes the *Canadian Charter of Rights and Freedoms* and the *Alberta Human Rights Act*. It is a legislated right that every person in Alberta is protected from discrimination under the following grounds: race, marital status, religious beliefs, family status, colour, age (18 years and over), gender, ancestry, physical disability, place of origin, mental disability, source of income, and sexual orientation.
3. **Harassment** occurs when someone is subjected to unwelcomed verbal or physical conduct. It is conduct exhibited once or repeatedly, that offends, demeans, belittles, or humiliates another person and that the person exhibiting the conduct knew or ought reasonably to have known would be unwelcome. The onus is on the person experiencing the harassment to inform the harasser that the behaviour is unwelcome.
4. **Sexual harassment** is discrimination based on the ground of gender and can occur between both individuals of the same gender or individuals of different genders. This can include unwanted sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature which:
 - a) Adversely affects, or threatens to affect, directly or indirectly, a person's job security, working conditions or prospects for promotions or earnings.
 - b) Affects access to services or employment.
 - c) Creates a hostile or offensive environment which interferes with an individual's work.
 - d) intimidates, embarrasses, coerces or humiliates the victim. Harassment is not a relationship of mutual consent.

5. **Person in authority** is the first person in authority, who may be a supervisor or the GM.
6. **Complainant** is an individual or group of individuals who submit a complaint. A complainant may be a third party having knowledge of an incident of discrimination or harassment.
7. **Respondent** is an individual against whom a harassment complaint is filed.
8. **Human Resources (HR) Department** is the BMS department and staff assigned to manage human resources matters including payroll
9. **Representatives of BMS/BRWMSC** this policy is intended to apply to:
 - a. employees
 - b. volunteers
 - c. contract personnel

Roles and Responsibilities

GM:

1. To report to Board on a semi-annual basis the status of violations of this policy.
2. Ensure the administration of this policy.

Supervisors or the GM of BMS:

1. To foster a harassment-free work environment and set an example about appropriate workplace behaviour.
2. To inform their respective employees of the expected conduct and procedures for reporting
3. potential violations of this policy on matters within the scope of the workplace.
4. To inform customers and visitors to BMS workplaces of this policy, and of the obligations of BMS employees to inform and to report on any incidents regarding alleged discrimination or harassment of anyone at the workplace
5. To investigate any reported cases of policy violation in the workplace and, wherever possible, ensure a satisfactory resolution at the department level.
6. To follow the same investigative procedures for any matters that may involve disciplinary action.
7. To provide awareness and education sessions for all representatives of BMS/BRWMSC on this policy and administrative procedures, via appropriate and timely means.

Employees of BMS:

1. To treat others with respect in the workplace.
2. To carefully think through any personal ethical challenge faced in the course of carrying out work responsibilities, and/or to consider consulting with your supervisor, a trusted peer or friend to assist you.
3. To take responsibility to inform any individual in the workplace where they believe the individuals' actions towards them or others in the workplace constitutes discrimination or harassment.
4. To take responsibility to report any potential infractions of this policy to your supervisor or to the GM for further action as required.
5. To cooperate with management in the event of the need for an investigation of the potential

policy violations.

6. To notify the appropriate authorities as required, normally the first person in authority, who may be an executive officer, manager or supervisor.

HR Department of BMS:

1. To assist employees, supervisors and GM in the education, implementation and enforcement of this policy.
2. To maintain records and documentation regarding this policy including files relating to submission and receipt of complaints, investigations and processing and resolution of complaints.

Informal Complaint Resolution

MAKING AN INFORMAL COMPLAINT

1. The complainant may convey objections to the individual directly or through a person in authority.
2. Failure to make objections known through an informal, verbal complaint does not preclude the filing of a formal complaint.
3. The complainant should keep written records regarding the incident(s) and of any attempts to inform the respondent directly or through reports to a person in authority.
4. If the complaint is about the complainants supervisor, the next responsible person of authority is to be notified, or the GM.
5. The respondent will notify the Human Resources Department regarding the complaint. The HR Department will maintain a written record of the verbal complaint, and assist as required.

RECEIVING AN INFORMAL COMPLAINT

1. The person in a position of authority who receives an informal verbal complaint shall take action to ensure the complaint is resolved within 30 days of the date the complaint is received.
2. The person in a position of authority should take the following actions:
 - a) Provide the complainant and respondent with information regarding discrimination, harassment or sexual harassment, including BMS policy and advise them where assistance is available.
 - b) Assist the complainant in speaking to the respondent directly, or speak to the respondent on the complainant's behalf to outline the allegations and attempt to resolve the complaint informally.
 - c) Monitor the status of the complaint to see that it is satisfactorily resolved within the required time limit.
 - d) Receive on-going assistance from the HR Department. The HR Department will maintain a written record of the complaint and related processes, and any resolution regarding the verbal complaint.

VOLUNTARY MEDIATION

1. If the individual in a position of authority is unable to resolve the complaint, the complainant

HUM-006 Beaver Municipal Solutions (BMS/BRWMSC) Commission Policy

and respondent will be asked whether they are willing to enter into voluntary mediation to assist the parties at arriving at a mutually agreeable resolution to the complaint. The mediation process will follow the recommendations of Resolving a Formal Complaint detailed within this policy, and a formal, written complaint will be required.

OUTCOME OF AN INFORMAL COMPLAINT

1. If a complainant confronts the respondent directly and resolves the problem at that level, no sanctions are applied by the organization.
2. If an individual in a position of authority is asked to speak to the respondent and the behavior appears to be in violation of BMS/BRWMSC policy, a warning may be issued indicating that such behavior is unacceptable. The warning will be written and subscribe to the requirements of policy HUM-005 Staff Suspension, Termination, Demotion or Reassignment.
3. All outcomes will be reported to the GM by the HR Department.

Formal Complaint Resolution

MAKING A FORMAL COMPLAINT

1. A formal complaint consists of a signed written statement outlining the allegations, describing the specific incident(s), the dates (if available) and any witness(es) who may have been present.
2. A formal complaint may be filed up to six months from the date of the most recent incident cited in the letter of complaint.
3. The complainant is responsible for notifying the person in authority if a complaint is filed with the Alberta Human Rights Commission, police, association or if civil court action is initiated while the charges are still under review by BMS/BRWMSC. BMS may, after consultation with legal counsel, elect to process the complaint in order to finalize its internal investigation procedure, in addition to the requirements of any external process.
4. The HR Department will receive a copy of the complaint, and notify the GM.

RECEIVING A FORMAL COMPLAINT

1. An individual in a position of authority shall:
 - a) Accept the formal complaint provided no more than six months has elapsed since the most recent incident outlined in the complaint. The GM may elect to consider a complaint received after this time.
 - b) Verify that the allegations may represent a violation of BMS/BRWMSC policy.
 - c) Seek assistance from the HR Department in processing the complaint.

RESOLVING A FORMAL COMPLAINT

1. An individual acceptable to both parties shall be appointed by the GM to conduct an investigation regarding the complaint, with the assistance of the HR Department
2. The complainant and respondent shall have the opportunity to:
 - a) Provide written submissions to the investigator.

HUM-006 Beaver Municipal Solutions (BMS/BRWMS) Commission Policy

- b) Respond to the other party's written submissions.
 - c) Appear before the investigator to provide oral submissions.
 - d) Respond to one and other's statements.
 - e) Have someone present to provide advice and assistance. (i.e., legal counsel, association representative, colleague)
3. The investigator shall have the right to ask questions of the complainant and respondent.
 4. The investigator's findings shall be detailed in a report to the GM, with copy to the HR Department
 5. Resolution of a formal complaint shall occur within three months of the date on which the complaint was filed.

OUTCOME OF A FORMAL COMPLAINT

1. Both parties to the complaint will be advised, in writing, of the decision with copies to the GM and the HR Department.
2. If the results of the investigation support the allegations in the letter of complaint, a range of sanctions may be imposed on the respondent by the GM. Regarding employees, the sanctions depend upon the nature and seriousness of the offence and will be in alignment with HUM-005 Staff Suspension, Termination, Demotion or Re-assignment. Regarding visitors to the workplace, sanctions can include barring from entry into the workplace and other measures as supported by applicable legislation and jurisprudence.
3. If the results of the investigation do not support the allegations, the complaint will be deemed to be unfounded and a letter will be issued indicating that the respondent has been cleared of all allegations. The respondent has the option of requesting that a copy of the letter be placed in the personnel file.
4. If the evidence indicates that the complainant knowingly and willfully made false allegations in an attempt to cause harm to the respondent, a range of sanctions may be imposed on the complainant by the GM. The sanctions depend upon the nature and seriousness of the offence and will be in alignment with HUM-005 Staff Suspension, Termination, Demotion or Re-assignment.

Appeals

1. Either the complainant or the respondent may appeal to the GM if dissatisfied with the resolution of a formal complaint within 30 days of the date of the resolution. The GM will address the appeal within 30 days of its receipt. The address to the appeal may support, modify or reject the original resolution, and the parties will be notified of the decision. The GM will notify the Board of the appeal, and the decision regarding it, in a timely manner. All reports to the Board will be handled in camera.
2. Either party has the right to seek civil or criminal redress through the courts or to file a complaint with their association or the Alberta Human Rights Commission.

Retaliation

1. No employee shall take retaliatory action with the intent of dissuading or punishing an individual for participating in the complaint resolution process. Sanctions may be imposed for retaliation.

2. Retaliation against individuals participating in the complaint resolution process is not to be confused with sanctions imposed for harassment or making false allegations.

Record Keeping

1. Reports of complaints, processing of complaints, mediations, resolutions of complaints, appeals and appeal decision and all other related documents and records will be maintained indefinitely by the HR Department.

General Manager

1. Where the complaint is regarding the GM, the complaint must be formal, and must be provided to the Board Chairman, through the HR Department. The Board Chairman will refer the complaint to the Board in a timely manner, and the process of investigation and resolution of the complaint by the Board will be guided by the requirements of this policy. Reports to the Board will be in-camera.

Roles and Responsibilities, Procedures, Forms and Related Policies:

1. The implementation of this Policy will be through the General Manager.
2. Related Policies:
 - HUM-001 Code of Ethics and Responsibilities
 - HUM-005 Staff Suspension, Termination, Demotion or Reassignment.
3. Appendices:
 - Form – Formal Complaint, Discrimination and Harassment