

	City of Lacombe Council Policy	
	Respectful Workplace Policy	
	Policy Number:	14/126.02 2020 PO
	Effective By:	March 23, 2020
	Rescinds:	14.121.01.14 Positive Work Environment Policy and Guidelines
	Review Frequency:	Every 2 years or upon any legislative change
	Responsible Department:	Human Resources
	Reference:	Alberta OH&S Act, Alberta Human Rights Act, City of Lacombe Workplace Violence Directive, City of Lacombe Health and Safety Manual, Dispute Resolution Administrative Directive

Purpose of the Policy

The City recognizes conflicts, disagreements or inappropriate behaviours may occur in the workplace. It is expected these issues be resolved in a manner that contributes to a healthy and productive workplace. This Policy is meant to establish the standards of behaviour, prevention measures and a process for employees to report behaviours that are inconsistent with those standards and negatively impact the workplace.

Policy Statement

The City of Lacombe is committed to creating and maintaining a respectful workplace where all employees recognize the dignity and worth of each other, and work together to create a safe, healthy and respectful work environment. The City ensures all reports of inappropriate behaviour is taken seriously and dealt with immediately through the mechanisms outlined in this Policy. No employee shall be subject to reprisals or in any way criticized when acting in good faith while following this policy and the procedures or for participating in an investigation. The Respectful Workplace Policy is not intended to discourage an employee from exercising rights pursuant to any other legislation or process available to them, including the *Alberta Human Rights Act and the Alberta Occupational Health and Safety Act and Regulations*.

For situations related to Violence in the Workplace, please refer to the Health and Safety Manual Violence Directive.

Where behaviour may constitute a criminal offence, the City will refer the matter to the Lacombe Police Service for further investigation.

Applicability

This policy applies to:

- Members of the Public appointed to City Committees;
- City Employees;
- Contractors and Suppliers providing services to the City;
- Members of the Public while on City property, accessing City services and or interacting with City staff on their property; and

- Volunteers.

And while conducting City business or related activities at:

- City buildings, owned, leased or occupied by the City;
- City worksites;
- locations visited by employees on City business, including conferences, meetings, vendor/supplier, private property site visits;
- any location of a work based social gathering; and
- while engaging on social networking and other electronic or print communication mediums.

Non-Compliance

Non-compliance with the terms of this policy can result in potentially long term damaging impacts to City of Lacombe employees and the workplace overall, a breach of the legislation and/or the law.

Definitions & Abbreviations

Bullying – refers to conduct that is conscious, willful, deliberate, repeated and hostile that may be marked by an imbalance of power, intent to harm and/or threat of aggression.

CAO – means the City of Lacombe’s Chief Administrative Officer.

Complainant – means a person who alleges that an offense or violation has taken place.

Complaint Investigator – the person appointed, internal or external, to undertake an investigation of a formal complaint.

Disrespectful Behaviour - Disrespectful behaviour refers to conduct, comments, actions or gestures which are humiliating, offensive, hurtful, rude or belittling and serve no valid work-related purpose and have the potential to create a poisoned work environment. While this conduct may not fit the definition of harassment, discrimination or bullying within the meaning of this policy or associated legislation, it is nonetheless inappropriate and will not be tolerated. Disrespectful behaviour does not include consensual banter or consensual relationships, assignment of tasks, performance reviews, coaching, and or discipline imposed by the City.

Division Director - means the Director of Community Services, Director of Corporate Services or Director of Operations and Planning or Senior Manager of Financial Services.

Formal Process – means investigating a written complaint and arriving at findings of whether there was a breach of this policy or not.

Good Faith – means a sincere belief that is absent of malice.

Health and Safety - includes physical, psychological and social well-being.

Informal Process - means a method in which to resolve an issue of disrespectful conduct of an employee through discussion (facilitated or direct) or mediation. Reference: Dispute Resolution Administrative Directive.

Natural justice - refers to a process that allows a person(s) affected by a decision to have a reasonable opportunity of presenting their case. It is the duty to act fairly, listen to arguments and to reach a decision in a manner that is untainted by bias.

Respondent - means a person whom a complaint or allegation has been filed against.

Reprisal – means action taken against a complainant or participant in the investigation of a complaint under this policy. Threats of, or verbal or written reprimand, termination, loss of advancement opportunities, change in duties, reduction in pay, change in reporting structure, change in work location, harassment and coercion or anything meant to dissuade an employee from reporting or participating in an investigation.

Workplace Discrimination/Harassment (includes sexual harassment) - means any single or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offense or humiliation to an employee, or adversely affect the employee's health and safety. This includes conduct, comment(s), bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation; and a sexual solicitation or advance. It excludes any reasonable conduct on the part of the City or a supervisor in respect of the management of employees or a work site.

Responsibilities

Council

- To approve the policy;
- Be a role model for behaviour standards when interacting with City Employees.

Chief Administrative Officer

- Be a role model for behaviour standards and by demonstrating professionalism, cooperation and respect;
- Create and maintain a positive workplace where employees feel valued and respected;
- Ensure ongoing education and training on respectful behaviour in the workplace is provided to employees;
- Ensure awareness of and compliance with the Respectful Workplace Policy;
- To take appropriate action in a prompt, impartial and confidential manner when issues arise;
- To ensure complaints are investigated;
- To support all parties involved in resolving issues, and ensure no person suffers reprisal as a result of making a complaint, or for providing information;
- To refer employees to the City's Employee and Family Assistance Program as appropriate;
- To follow up with the parties after a complaint has been resolved.

Directors & Managers

- Be a role model for behaviour standards and by demonstrating professionalism, cooperation and respect;
- Create and maintain a positive workplace where employees feel valued and respected;
- Ensure awareness of and compliance with the Respectful Workplace Policy;
- To refer employees to the City's Employee and Family Assistance Program as appropriate;
- To take appropriate action in a prompt, impartial and confidential manner when issues arise;
- To ensure complaints are investigated;

- To support all parties involved in resolving issues, and ensure no person suffers reprisal as a result of making a complaint, or for providing information.
- To follow up with the parties after a complaint has been resolved.

Supervisors

- Be a role model for behaviour standards and by demonstrating professionalism, cooperation and respect;
- Create and maintain a positive workplace where employees feel valued and respected;
- Ensure awareness of and compliance with the Respectful Workplace Policy;
- To refer employees to the City's Employee and Family Assistance Program as appropriate;
- To take appropriate action in a prompt, impartial and confidential manner when issues arise;
- To support all parties involved in resolving issues, and ensure no person suffers reprisal as a result of making a complaint, or for providing information.

Human Resources

- Be a role model for behaviour standards and by demonstrating professionalism, cooperation and respect;
- Create and maintain a positive workplace where employees feel valued and respected;
- Ensure awareness of and compliance with the Respectful Workplace Policy;
- Arrange for regular ongoing training and education on respectful behaviour in the workplace;
- Provide resources to assist with achieving a positive and respectful work environment;
- Receive and investigate complaints in a timely, confidential and unbiased manner;
- Assess issues brought forward and provide advice;
- Assist with informal resolutions as appropriate;
- To refer employees to the City's Employee and Family Assistance Program as appropriate;
- Identify external resources as appropriate, to assist with investigations as required;
- Receive investigation reports and follow-up on recommendations;
- To support all parties involved in resolving issues, and ensure no person suffers reprisal as a result of making a complaint, or for providing information.
- To follow up with the parties after a complaint has been resolved.

Employees and Volunteers

- Demonstrate respectful and appropriate behaviour at all times;
- Refrain from causing or participating in inappropriate behaviour;
- Set an example by respecting the dignity and rights of all employees, volunteers and members of the public;
- Recognize and refrain from actions that offend, embarrass or humiliate others;
- Consider and have an awareness of the actions, reactions and behaviour towards others;
- Make concerns known promptly to management or volunteer supervisor;
- Not make allegations of disrespectful behavior that are frivolous or vindictive;
- Work towards and participate in a solution if disrespectful workplace issues arise;
- To attend education and training on respectful workplace behaviour;
- Immediately inform a supervisor or manager if there is an imminent threat or risk of violence that could compromise an individual's or other's safety.

Informal Process

Anyone who believes they have been the subject of conduct that is in violation of this policy may consider an informal process to attempt to resolve the matter.

While not mandatory, it is encouraged as a first step to resolve concerns by direct communication with the person(s) engaging in the inappropriate behaviour. Where an employee or volunteer feels confident or comfortable in doing so, they should communicate their disapproval in clear terms to the person(s) whose conduct or comments are offensive.

Anyone subjected to the inappropriate behaviour is encouraged to keep a written record of the date, time, details of the conduct and witnesses if any. The record should also reflect the direct request to cease the offensive conduct or comments and any outcome.

If the employee/volunteer is uncomfortable confronting the person engaging in the offensive conduct or comments, they may report the conduct to their Manager, Division Director, Volunteer Coordinator or Human Resources to seek assistance.

Depending upon the nature and severity of the alleged conduct and subject to the consent of the person reporting the conduct, the City may first try to resolve the issue informally. Informally resolving the matter may include a facilitated discussion and or mediation between the parties, and/or additional education on the terms of this policy.

Formal Process

An employee/volunteer may file a formal, written complaint with the Human Resources Department. In the case of a complaint involving a member of the Human Resources Department or a member of Council the complaint is to be brought forward to the CAO who shall appoint an external investigator. If the complaint is against the City's CAO, the complaint shall be brought forward to the Mayor with a copy to the Human Resources Department.

The complaint must include the name of the Respondent and particulars of the alleged behaviour in question. In addition to the particulars, the employee should include the remedy they are seeking. The employee does not have to have a record of events in order to file a complaint, however a record that includes dates, names of witnesses supports a complete and comprehensive investigation. The formal complaint form can be found attached to this Policy.

Upon receipt of a formal complaint, the Complaint Investigator shall meet with the Complainant to clarify details, discuss the process going forward, investigation timelines, possible outcomes of the investigation and confirm the remedy sought.

The Complainant will be provided with information on how to access the City's Employee and Family Assistance program for additional support.

The Complainant will be advised they have the right to file a complaint/claim under the *Alberta Human Rights Act and the Alberta Occupational Health and Safety Act and Regulations*.

The Complainant will be advised that to the extent possible, confidentiality will be maintained and the scope of any investigation will be limited to those directly involved and have material information on the matter.

Temporary or Interim Measures

In the event of an allegation under this policy, the City has full discretion to take whatever temporary, interim measures it deems appropriate to ensure the workplace remains a safe and productive environment and/or helps to facilitate an investigation into the allegations including, but not limited to removing an individual from the workplace or a temporary reassignment.

Variation from the General Procedure

The steps set out in this Policy and the manner in which an investigation is carried out is intended to be flexible in order to permit the City to respond to the specific circumstances at issue in each case. The City reserves the right to engage in a different procedure as it deems appropriate in any given circumstance. In the event that an individual does not proceed with a formal complaint or decides to later withdraw a written complaint, the City may still initiate a formal investigation of the conduct reported if the City determines it is necessary to ensure the health and safety of individuals at the workplace or to comply with applicable laws.

Confidentiality

The City pledges to respect the confidentiality and privacy of all concerned to the extent possible. The City will not disclose the circumstances related to a complaint under this policy or the names of the parties involved (including the Complainant, the Respondent and any witnesses) except where necessary to investigate the incident, to take corrective action, and to inform the parties involved of the results of the investigation or as required by law.

Frivolous or Vexatious Complaints

Complaints that are found to be frivolous or vexatious shall not be tolerated. Individuals responsible for filing such complaints shall be subject to disciplinary action, up to and including termination.

Investigative Procedures

Upon receipt of a formal complaint the Complaint Investigator shall conduct a confidential preliminary investigation within five (5) business days to determine whether or not the allegations may be founded.

If it is determined that an investigation is not warranted, and if the complaint is dismissed, the Complainant will be informed of the dismissal and if there is to be any follow-up on the part of the City, such as additional education or training or discussion.

Where it is determined that the allegations appear to be founded, the Complaint Investigator will conduct a thorough and complete investigation into the matter, including obtaining formal statements from the Complainant, from witnesses, from the Respondent and from any other sources considered appropriate by the Complaint Investigator.

The Complaint Investigator will send a copy of the written complaint to the Respondent, together with a copy of this policy. The Respondent will be given an opportunity to submit to the Complaint Investigator a written response to the complaint. A copy of that written response will then be provided to the Complainant.

Upon completion of the investigation, the Complaint Investigator shall provide a written report of the findings, including whether there was a breach of City Policy, the Complainant's desired resolution and any other recommendations that would serve to benefit the workplace. Other recommendations may include, but is not limited to counselling, mediation, additional training/education, etc.

The decision on any course of action to be taken resides with the City, including if any disciplinary action is to be imposed.

Documentation related to an investigation under this policy will be retained on file in Human Resources. A copy of the Complaint Form and the outcome shall be placed on the Complainant's and Respondent's Personnel File. Record of any disciplinary action taken will be placed on the disciplined employee's Personnel File.

In cases of substantiated complaints, the City will, for a reasonable period of time, make regular, confidential follow-up contact with the Complainant to ensure the inappropriate behaviour has stopped and that no retaliation has occurred.

Attachments:

- Schedule "A" Examples
- Schedule "B" Formal Complaint Form

Original Signed

Mayor

Original Signed

Chief Administrative Officer

March 23, 2020

Approval Date (MMMM/DD/YYYY)

March 23, 2020

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Schedule A – Examples

“Bullying” is a conscious, willful, deliberate, repeated and hostile activity that may be marked by an imbalance of power, intent to harm and/or threat of aggression. Bullying may include, but is not limited to the following

- (i) Verbal bullying – name calling, put-downs, sarcasm, teasing, spreading rumors, religion, threats, making references to one’s culture, ethnicity, race, homophobic tendencies, [prejudiced behaviour against a person’s actual or perceivable sexual orientation], transphobic tendencies [prejudiced behaviour against a person’s actual or perceived gender identity or gender expression], or other unwanted comments
- (ii) Social bullying – exclusion, gossip, ganging up, mobbing, scapegoating, humiliating others, gestures or graffiti intended to put others down
- (iii) Physical bullying – hitting, poking, pinching, chasing, shoving, coercing, damaging property, or destroying
- (iv) Cyber bullying – the use of technology to intimidate, put down, or spread rumors about someone, or supporting deliberate, hostile and hurtful behaviour towards an individual or groups of individuals. It can occur within a peer group or between groups

“Reprisal” means any action or threat of action by a person that does or would adversely affect an employee with respect to any terms or conditions of employment or opportunity for promotion, and includes threatened termination, layoff, suspension, demotion or transfer of a worker, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty to dissuade an employee from filing a complaint or participating in an investigation.

“Disrespectful behaviour” is

- (i) Any conduct, comments, actions or gestures which are humiliating, offensive, hurtful, or belittling.
- (ii) Repeated conduct, comments, actions, or gestures when taken in isolation seem minor but when repeated can lead to a conclusion of harassment.
- (iii) A single incident of sufficient seriousness to have a significant impact on the recipient or the work environment.
- (iv) Hostile or unwanted.
- (v) Affecting the employee’s dignity, wellbeing, or physical integrity.
- (vi) Resulting in a harmful or poisoned work environment.

Examples of disrespectful behaviour include, but are not limited to:

- (i) Written or verbal comments, actions, gestures, or other behaviours such as “joke” which are humiliating, offensive, hurtful, or belittling.
- (ii) Abusing authority and imposing arbitrary punishment or negative job assignments;
- (iii) Harsh tone of voice and using abusive, threatening, derogatory or profane language;
- (iv) Deliberately excluding an employee from relevant work activities or decision-making.
- (v) Decision-making which is influenced by factors which have no work-related purpose.

- (vi) Attempting to discredit an employee by spreading false information about them.
- (vii) Disrespectful body language.

“Discrimination/Harassment” (includes sexual harassment) means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker’s health and safety, and includes

- (i) Conduct, comment, bullying or action because of race, ethnicity religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation;
- (ii) Denial of equitable treatment in hiring or in the terms, conditions or benefits of employment;
- (iii) Failing to accommodate an individual protected under Alberta’s Human Rights Act.

“Sexual Harassment” is defined as unwelcome conduct of a sexual nature that detrimentally affects the work environment and/or leads to negative, job-related consequences for the victim. Sexual behaviour of any kind that an individual finds offensive may be considered sexual harassment, even if the behaviour is subtle, non-verbal, or consistent with the overall culture of the workplace.

Examples of sexual harassment include, but are not limited to:

- (i) Unwelcome sexual advances, requests, comments, physical contact such as unnecessary touching, pinching or jostling or gestures that are suggestive or persistent staring that is of a sexual nature;
- (ii) Displays of pornographic or other sexual materials in the form of pictures, electronic mediums, graffiti, cartoons, or sayings.
- (iii) Crude language and “dirty jokes”.
- (iv) Gender-based insults; sexual innuendo and sexual remarks with sexual overtones.
- (v) Nudity or sexual exposure
- (vi) Propositioning or unwelcome invitations - either direct or indirect.
- (vii) Taunting or threatening; non-verbal gesturing or leering; touching, unwanted physical contact or derogatory images.
- (viii) Comments about an individual’s looks, dress, appearance or sexual habits.
- (ix) Persistent and unwelcome flirting.
- (x) Requirement to wear sexist, revealing or suggestive clothing.