



TOWN OF  
**SLAVE LAKE**

## POLICY

<b>OWNER DEPT: ADMINISTRATION</b>	
<b>EFFECTIVE DATE: SEPT. 03, 2019</b>	<b>REVISED DATE:</b>
<b>SUPERSEDES: C.A.002</b>	<b>MOTION NUMBER: # 291-19</b>

<b>TITLE: WORKPLACE HARASSMENT AND DISCRIMINATION</b>
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### **POLICY STATEMENT:**

The Town of Slave Lake is committed to promoting equality, diversity and an inclusive and supportive environment for its staff and volunteers, and affirms the rights of individuals to be treated with respect and dignity.

Harassment, discrimination, and the promotion of hatred will not be tolerated from any person within or outside of the work site, including customers, clients, other employers, supervisors, workers, and members of the public.

Freedom from harassment and discrimination is a fundamental human right in the workplace.

### **POLICY OBJECTIVES:**

The purpose of this policy is to:

1. Provide a policy against workplace harassment and discrimination, meaning that harassment or discrimination of any sort is deemed completely unacceptable and is not tolerated under any circumstance.
2. Ensure all Town staff and volunteers have a full understanding of what harassment or discrimination is and encompasses.
3. Ensure that if harassment or discrimination does occur, staff and volunteers shall be assured of the fact that all incidents will be addressed quickly, thoroughly and effectively.
4. Provide measures and procedures to protect workers from the hazard of harassment and a process for workers to report incidents, or raise concerns.

Brian Vance, CAO

September 3, 2019  
Date Approved

# **TITLE: WORKPLACE HARASSMENT AND DISCRIMINATION**

## **PROCEDURE**

### **Definitions**

#### **1. Complainant:**

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.

#### **2. Discrimination:**

The denial of individual rights and freedoms in a manner which contravenes the Canadian Charter of Rights and Freedoms and the Human Rights, Citizenship and Multiculturalism Act for the Province of Alberta. 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. Employee:**

Refers to all seasonal, part time, full time, and salaried persons appointed pursuant to the Municipal Government Act (R.S.A. 2000). Employee in this policy also relates to Town Volunteers and Town Councillors and should be addressed accordingly

#### **4. Harassment:**

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

Specific types of harassment/discrimination may include, but not be limited to:

- a) Emotional: Shunning, shouting, being accusatory, excluding, or tormenting.
- b) Homophobic: Any harmful speech or conduct focusing on the issue of a victim's alleged or actual sexual orientation.
- c) Physical: Pushing, kicking, hitting, tripping, punching, or using any other sort of violence against a victim.
- d) Racist/Intolerant: Taunts, slurs and/or physical threats directed around a victim's race, religion or ethnicity.
- e) Sexual: Initiating and/or executing unwanted physical contact, making sexually threatening and/or abusive comments.
- f) Verbal: Name-calling, ridiculing, using words to attack, threaten or insult, spreading rumours.

Please note that an instance of harassment or discrimination may fall into more than one "category" listed above.

#### **5. HSC**

Joint Health and Safety Committee

#### **6. Incident:**

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Any situation that may be considered a condition of harassment or discrimination and is reported as the victim or as a witness

### **7. Person in authority:**

The first person in authority, who may be an executive officer, manager or supervisor.

### **8. Respondent:**

the harasser or person against whom a complaint is made. The Complainant says that the Respondent is responsible for the conduct they are concerned about.

### **9. Retaliation:**

Can be any action taken against an individual in retaliation for:

- a) having invoked this policy whether on behalf of oneself or another individual;
- b) having participated or cooperated in any investigation under this policy; or
- c) having been associated with a person who has invoked this policy or participated in these procedures.

### **10. Sexual harassment:**

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 or condition of an individual's work.
- 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.

### **11. Town:**

Refers to the Town of Slave Lake

### **12. Violence:**

Any incident where a person is abused, threatened or assaulted related to circumstances at work, i.e., abusive statements, threats, assaults, intimidation, coercion, robbery, situations between co-workers and/or with customers, and all forms of harassment.

## **Responsibilities**

### **1. Administrative Services Coordinator:**

Is responsible for coordinating all reported incidents. Receive a copy of all records filed. Any Employee may request the Administrative Services Coordinator to be present at any stage of the reporting process. Ensure consistency with municipal policy and procedures.

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### **2. Chief Administrative Officer (CAO):**

To review this policy and make necessary changes as needed. To assure that all Employees are familiar with this and all personnel policies and that they are followed accordingly. If an incident is filed, shall follow Policy guidelines in a timely manner. Shall appoint those responsible for conducting investigations into complaints of harassment and/or discrimination, as deemed necessary.

### **3. Director:**

Assist the immediate Supervisor in the implementation of their respective duties and assure that all Employees are treated in a fair and equitable manner. If an incident is filed shall follow those guidelines addressed in this policy and follow them in a timely manner.

### **4. Employee:**

Shall be familiar with this and all personnel policies. An Employee who has a complaint, or has witnessed an incident, is expected to report the incident to their Supervisor immediately. If an Employee feels intimidated with the individual in question they may take the issue to their Director or Administrative Services Coordinator for remediation.

### **5. Supervisor:**

Shall address any and all problems or complaints in an expeditious and fair manner to resolve the issue. Turn all reports directly over to their respective Director.

## **Standards/Guidelines**

1. This document is intended as a guide for Directors and staff alike on the common sense approach to ensuring that the policy is implemented in a fair and consistent manner throughout the organization.
2. Harassment/discrimination in the workplace is unwelcome conduct that is offensive in nature and that detrimentally affects the work environment. Examples include, but not limited to:
  - a) Unwelcome behavior, remarks, jokes or taunting about a person's race, religious beliefs, color, gender, physical or mental disabilities, marital status, age, ancestry or place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation
  - b) Insulting gestures or practical jokes based on any of the above-noted grounds.
  - c) Display of racist or offensive pictures or materials.
  - d) Physical or verbal assault.

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3. Sexual harassment is unwelcome conduct, where the behavior is one-sided and not wanted by the victim. The victim may be of any gender. The Respondent may be of any gender. The Respondent ought responsibly to have known that the behavior would be unwelcome. The behavior may occur in any situation involving the employment relationship, whether at, or away from, the workplace.

Sexual harassment can take many forms, from the subtle to the overt. It may occur once or many times. Examples include, but not limited to:

- a) Suggestive remarks or gestures.
- b) Compromising invitations or requests.
- c) Verbal abuse.
- d) Display of sexually offensive materials.
- e) Unwelcome leering or whistling.
- f) Sexual jokes which cause awkwardness or embarrassment.
- g) Unwelcome inquiries or comments about an individual's sex life.
- h) Unwelcome physical contact or exposure.

4. Filing false claims, determined to be for any reasons, or multiple unfounded claims may be considered a form of harassment and will not be tolerated. Any signs of abuse of this policy will result in disciplinary actions.

### **Policy and Procedures**

1. Procedures when the harassing, discriminative, or threatening behavior is from an external source.
  - a) Dealing with escalating behaviours:

Confusion and frustration: behavior is characterized by impatience. The Employee response can be to:

    - Listen to concerns.
    - Offer to record the complaint for follow-up.
    - Calmly reassure and clarify with factual information.
    - Remind them that the Town of Slave Lake wants them to be satisfied with our services and their concerns are valid and noted.

Blame and Anger: behavior is characterized by finding fault. Anger is often identified through body language such as pointing fingers and shouting. This signals risky behavior that may escalate quickly. The Employee response should not be to argue with comments made, but to:

    - Listen to concerns.
    - Offer to record the complaint for follow-up.
    - Recommend that a private meeting with a Supervisor could be arranged to discuss solutions to the issue. Often a break from the situation will cause the angry individual to regroup and calm down so that a reasonable solution can be sought.
    - Follow up with an Employee Harassment/Discrimination report (see Appendix A) and notify your Supervisor.

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**Hostility:** behavior is characterized by threats, rage, and out-of-control behavior. The Employee must be concerned with personal safety. Once the situation has been deemed hostile and critical:

- Do not put yourself at risk.
- Notify your Supervisor and follow up with an Employee Harassment/Discrimination report.
- The RCMP should be notified (911) as soon as possible.

**Insults and swearing:** behavior is characterized by using foul language and/or insults to get their point across.

- Advise the person we want to serve them and are willing to listen to their problem, but we cannot continue to do so until they stop their behavior and they are willing to talk to you in a calm and respectful manner.
- Once the customer calms down, refer to the “confusion and frustration” section (above) for procedures.

**b) Dealing with fighting incidents:**

- (i). All patrons and staff at Town facilities have a right to be free of intimidation and violence. If a fight breaks out in a public facility:

- Do not put yourself at risk.
- The RCMP should be notified (911) as soon as possible.
- Request the fighting to cease.
- Call for additional staff support while waiting for police intervention.
- Notify your Supervisor and follow up with an incident report.

**c) Dealing with vandalism incidents:**

- (i). Vandalism to Town property will not be tolerated. If you catch a person in the act of vandalism:

- Do not put yourself at risk.
- Notify RCMP and Peace Officer if individuals are in the middle of the act.
- If possible, attempt to obtain their name, address, and phone number and the names and contact information of any witnesses.
- If a person is a minor, contact the parents and advise them of the situation.
- Notify your Supervisor and follow up with an incident report.

**d) Dealing with weapons:**

- (i). A weapon is any instrument designed, or used to, intimidate or inflict injury. No weapons are allowed on the premises. If someone with a weapon is encountered:

- Do not put yourself at risk. Ensure the safety of yourself and others.
- The RCMP should be notified (911) as soon as possible.
- Notify your Supervisor and follow up with an Employee Harassment/Discrimination report (see Appendix A).

**e) Dealing with someone who is under the influence of drugs or alcohol:**

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- (i). People under the influence of drugs and alcohol can be potentially dangerous to you, themselves, and others. Use your judgment, if a person appears to be out of control or a risk to safety and/or property:
  - Do not put yourself, or others, at risk.
  - Encourage the person to be seated or leave the building.
  - Notify the RCMP (911) as soon as possible.
  - Speak calmly to the individual until professional intervention arrives.
  - Notify your Supervisor and follow up with an incident report.
- f) In the event whereby someone is in a violent situation or an attack from another, they shall fill out the attached Employee Harassment/Discrimination report (see Appendix A) and follow the reporting procedure.

2. Procedures when harassing, discriminative, or threatening behavior is from an internal source.

- a) Early resolution:

The objective of early resolution is to resolve any situation or conflict as soon as possible, in a fair and respectful manner without having to resort to the complaint process. Every effort should be made to resolve the problem early with open communication and in a co-operative manner. The use of problem resolution mechanisms such as coaching, counselling and facilitation can in many instances resolve the issue and prevent the situation from escalating to the point where filing a complaint is necessary. An allegation of harassment is serious. If a person working for the Town believes that they have been harassed, the following actions should be taken:
- b) Procedures for handling a complaint of harassment or discrimination:
  - (i). Immediately inform the Respondent that his or her behavior is unwelcome and unwanted. Do so before witnesses, if possible. If the situation makes this difficult, inform the person over the telephone, in writing or through a representative. You may also seek advice from your Supervisor or person in authority. Once you inform the Respondent that the behavior is unwelcome, they will normally stop.
  - (ii). If the behavior continues, keep a record of the incident(s) (date, times, locations, possible witnesses, what happened, your response). You do not have to have a record of events in order to file a complaint, but a record can strengthen your case and help you remember details over time.
  - (iii). File a complaint by filling out a *Employee Harassment / Discrimination* form (see appendix A). If, after asking the Respondent to stop their behavior, the harassment continues, report the problem to one of the following individuals:
    - Direct Supervisor, or
    - Department Director, or
    - Administrative Services Coordinator, or
    - Chief Administrative Officer.

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You also have the right to contact the Alberta Human Rights Commission to file a complaint of sexual harassment and, if circumstances warrant it, a charge of assault may be filed with the RCMP.

Once a complaint is received, it will be kept strictly confidential. The Employee receiving the complaint will forward it immediately to the Director and/or CAO. The Director and/or CAO will appoint the person or persons responsible for conducting the investigation. Those involved will be immediately separated, if necessary, to prevent further incidents, from potential contact and/or conflict. The Respondent will be notified of the complaint. An investigation will be undertaken immediately with a record kept of all statements and related activities. The investigator(s) will prepare a report with synopsis, conclusion, and recommendations and forward it to the Director and/or CAO. The Director and/or CAO will approve appropriate follow-up.

If a Complainant names the CAO as the Respondent, the matter will be referred to an external third-party Investigator.

**Note:** The Complainant and the Respondent will be asked to provide names of witnesses along with approval to contact them for the investigation.

The Complainant, Respondent, as well as any individuals who may be able to provide relevant information, will be interviewed. All information will be kept in confidence.

If the investigation reveals evidence to support the complaint of harassment, the Respondent will be disciplined appropriately. Discipline may include suspension or dismissal, and the incident will be documented in the Respondent's file. No documentation will be placed on the Complainant's file where the complaint is filed in good faith, whether the complaint is upheld or not.

If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged Respondent.

Regardless of the outcome of a harassment complaint made in good faith, the Complainant, as well as anyone providing information, and those involved with the investigation, will be protected from any form of retaliation by either co-workers or superiors. This includes dismissal, demotion, unwanted transfer, and denial of opportunities within the Town or harassment of an individual as a result of their complaint or having provided evidence regarding the complaint.

If the investigation fails to find evidence to support the complaint, the Respondent will be protected from any form of retaliation by either co-workers or superiors. This includes dismissal, demotion, unwanted transfer, and denial of opportunities within the Town or harassment as a result of the alleged assault.

The Complainant must express the complaint honestly and accurately. Where it is determined that malicious, false or willfully damaging accusations have been made against an individual, disciplinary action (up to and including dismissal) will be taken against the Complainant and any other Employee making such statements.

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- c) What to do if you know about, or suspect, an incident of harassment / discrimination:
  - (i). Discuss your concerns with the recipient of the behavior. Ensure that they want something done about it.
  - (ii). Encourage the person to bring the incident to the attention of their Supervisor or another person in authority.
  - (iii). Contact a supervisor, Director, CAO, Administrative Services, or RCMP for advice on the best way to handle the situation.
- 3. Support for Employees affected by workplace harassment and discrimination:
  - a) Management will respond promptly, assess the situation and ensure that these interventions are followed:
    - (i). debriefing (by skilled professional);
    - (ii). referrals to community agencies, treating practitioner and employee assistance program;
    - (iii). completion of incident reports, WCB reports (if necessary)
    - (iv). reporting to police (as required); and
    - (v). team debriefing
- 4. Risk assessment
  - Management (with worker involvement) assesses workplace harassment and discrimination in all jobs, and in the workplace as a whole. It reviews risk assessments annually, as well as when new jobs are created or job descriptions are changed substantially.
- 5. Education
  - New Employees will receive both general and site-specific orientation to the workplace harassment and discrimination policy. In addition, all Employees will receive an annual review of the policy's general and site-specific components.
  - Any training developed, established and provided will be done in consultation with, and in consideration of, the recommendations of the HSC.
- 6. Program Evaluation
  - The effectiveness of the Workplace Harassment and Discrimination policy is evaluated annually by Management and reviewed by the HSC.
  - Frontline Employees, Managers and Supervisors are accountable for establishing and implementing the Policy and procedures related to workplace harassment and discrimination. Responsibility for complying with the health and safety policy is part of the job description of Managers, Supervisors and frontline Employees.
  - Included in the health and safety components of job descriptions are Management responsibilities for enforcing policy and procedures, investigating and responding to workplace harassment and discrimination.

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### **7. Accountability**

All workplace parties are accountable for complying with the Policy, measures and procedures related to workplace harassment and discrimination.

### **8. Records**

All records of reports and investigations of workplace harassment and discrimination are kept for five years.

### **9. Policy Review**

This workplace harassment and discrimination policy will be reviewed annually.



# Appendix A – Complaint Form

## Employee Harassment/Discrimination

### Private and Confidential

**Instructions for completing this form:** This form is intended for the use of Employees only to report complaints and/or incidents they believe violate the Workplace Harassment and Discrimination Policy. Please ensure that you fill out every section of the form accurately, attach any supporting documentation you may have, and ensure that it has been signed and dated. If you are unable to attach relevant supporting documentation, please attach a list detailing the documentation and persons who may be in possession of it. Upon completion of the form, please provide it to management immediately.

If you have questions about which ground may apply to your situation or any other questions related to this Policy, consult with management, Human Resources, and/or contact the Alberta Human Rights Commission (AHRC). The AHRC may be contacted through its confidential inquiry line at 780-427-7661.

#### **Employee (Complainant) Information**

First Name	Last Name
<input type="checkbox"/> Check this box if First Name and Last Name do not apply to you because you have either a registered Birth Certificate or Change of Name Certificate bearing a Single Name. Provide your name below.	
Single Name	
Telephone Number	Alternative Telephone Number
Email	Work Location

#### **Details of Person(s) Involved in the Complaint**

<b>Person 1</b>		
First Name	Last Name	
Telephone Number	Alternative Telephone Number	Work Email
<input type="checkbox"/> Respondent (alleged to have engaged in wrongdoing) <input type="checkbox"/> Witness <input type="checkbox"/> Other: _____		
<b>Person 2</b>		
First Name	Last Name	
Telephone Number	Alternative Telephone Number	Work Email
<input type="checkbox"/> Respondent (alleged to have engaged in wrongdoing) <input type="checkbox"/> Witness <input type="checkbox"/> Other: _____		

# **Employee Harassment/Discrimination**

**Private and Confidential**

**Details of Person(s) Involved in the Complaint (Continued)**

<b>Person 3</b>		
First Name		Last Name
Telephone Number	Alternative Telephone Number	Work Email
<input type="checkbox"/> Respondent (alleged to have engaged in wrongdoing) <input type="checkbox"/> Witness <input type="checkbox"/> Other: _____		
<b>Person 4</b>		
First Name		Last Name
Telephone Number	Alternative Telephone Number	Work Email
<input type="checkbox"/> Respondent (alleged to have engaged in wrongdoing) <input type="checkbox"/> Witness <input type="checkbox"/> Other: _____		

## Complaint Details

Include dates, times, and details of specific behaviour and/or words used. Attach additional pages if necessary.

# Employee Harassment/Discrimination

## Private and Confidential

**Complaint Ground (check all that apply):**

<input type="checkbox"/> Age	<input type="checkbox"/> Record of Offence
<input type="checkbox"/> Ancestry	<input type="checkbox"/> Reprisal
<input type="checkbox"/> Citizenship	<input type="checkbox"/> Sex (including Pregnancy & Breastfeeding)
<input type="checkbox"/> Colour	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Creed/Religion	<input type="checkbox"/> Sexual harassment (Sex)
<input type="checkbox"/> Disability	<input type="checkbox"/> Sexual harassment (Sexual orientation)
<input type="checkbox"/> Ethnic Origin	<input type="checkbox"/> Sexual harassment (Gender Identity)
<input type="checkbox"/> Family Status	<input type="checkbox"/> Sexual harassment (Gender Expression)
<input type="checkbox"/> Gender Expression	<input type="checkbox"/> Workplace Harassment
<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Level of Literacy
<input type="checkbox"/> Marital Status	<input type="checkbox"/> Membership in a Union or Staff Association
<input type="checkbox"/> Place of Origin	<input type="checkbox"/> Political Affiliation
<input type="checkbox"/> Race	<input type="checkbox"/> None of the above: _____

Employee (Complainant) Signature

Date (yyyy-mm-dd)