



# COUNTY OF ST. PAUL NO. 19

## BALANCING RURAL HERITAGE WITH A DIVERSE ECONOMY

### **POLICY OBJECTIVE:**

The County of St. Paul is committed to building and preserving a safe, productive, and healthy working environment and will not tolerate acts of harassment against or by its employees in accordance with the workplace rights set out in the *Occupational Health and Safety Act* and by the Alberta Human Rights Commission under the *Alberta Human Rights Act*.

### **1.0 POLICY STATEMENT:**

- 1.1 This Policy applies to all employees of the County of St. Paul.
- 1.2 By developing this Policy, the County is committed to a violence and harassment free work environment by promoting prevention and dealing promptly and effectively with any incidents that may occur.
- 1.3 In the event of an incident involving violence or harassment perpetrated by an employee, the County may act to discipline the employee, up to and including discharge for cause.
- 1.4 The County shall establish programs and procedures to reduce the risk of violence and harassment in the workplace. All employees are expected to be aware of and participate in such programs and procedures, as required.

### **2.0 PURPOSE:**

- 2.1 The purpose of this Policy is to define what is considered harassment and outlines guidelines regarding how complaints will be handled.

### **3.0 DEFINITIONS:**

- 3.1 **“Personal Harassment”** means the occurrence of a single or repeat incident of objectionable or unwelcome conduct, comments, bullying, or action intended to intimidate, offence, degrade, or humiliate a particular person or group.

Moreover, Alberta human rights law prohibits harassment in the workplace based on the following grounds: race, religious beliefs, colour, place of origin, gender, mental or physical disability, ethnicity, marital status, family status, sexual orientation, or source of income.

- 3.2 **“Sexual Harassment”** means unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victim of the harassment. Sexual harassment can include things such as inappropriate touching, indelicate jokes, the presence of pictures or pornographic materials, comments, suggestions, innuendoes, requests or demands of a sexual nature. The behaviour need not be intentional to be considered sexual harassment.
- 3.3 **“Violence”** means an incident in which an employee is threatened or assaulted on County premises or in circumstances relating to the employee executing job duties, a client or visitor to the workplace is threatened or assaulted on County premises, or an employee threatens or assaults a client, co-worker, or other individual in circumstances relating to the execution of job duties by an employee.
- 3.4 **“Workplace”** means in or on County property, or away from the County if an employee is engaged in work-related activities.

#### 4.0 COMPLAINT PROCEDURES:

- 4.1 If an employee is being harassed, the employee shall:
- (a) tell the harasser that the behaviour is unwelcome and ask the harasser to stop, if that is appropriate or possible;
  - (b) maintain a record of incidents with dates, times, locations, possible witnesses, what occurred, and how the employee responded to the harassing behaviour;
  - (c) file a written complaint. If the harassment continues after asking the harasser to cease the harassing behaviour or if the employee does not feel that addressing the harasser is appropriate or possible, report the

problem to either the immediate supervisor or Regional Director of Emergency Management and Occupational Health and Safety;

(d) If desired, contact the Alberta Human Rights Commission and/or the police to file a complaint.

- 4.2 Once a written complaint is received, it will be kept strictly confidential. An investigation shall be undertaken by a qualified third party and the necessary steps shall be taken to address the problem. If appropriate, action taken may include mediation. In the absence of the Director, the Chief Administrative Officer shall undertake the investigation.
- 4.3 Both the complainant and alleged harasser will be interviewed, as will any individuals who may be able to provide relevant information. All information shall be kept in confidence as long as doing so remains consistent with the enforcement of this Policy and adheres to the law.
- 4.4 If an investigation reveals evidence to support harassment complaint, the harasser shall be disciplined appropriately. The incident will be documented in the harasser's personnel file. Additionally, any employee found to be involved in the harassment of another person will be subject to immediate disciplinary action including but not limited to suspension without pay or termination of employment with cause.
- 4.5 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 harasser. The investigation shall be deemed closed.
- 4.6 Results of an investigation shall be communicated to all parties.
- 4.7 An appeal may be filed in writing within ten (10) days of the results of an investigation being issued. The appeal shall contain the reason(s) for appeal. Investigations undertaken by the Regional Director of Emergency Management and Occupational Health and Safety may be appealed to the Chief Administrative Officer. Investigations undertaken by the Chief Administrative Officer may be directed to the Regional Director. If a complaint involves either

the Chief Administrative Officer or Regional Director, another member of senior management will conduct the appeal investigation, The appeal shall be completed within ten (10) days. Any timelines may be extended if required by mutual agreement of the parties involved.

- 4.8 An appeal is the final step in the complaint process; the ruling of the appeal investigator shall be final.

## **5.0 RESPONSIBILITIES:**

### **Employees:**

- 5.1 Employees are personally accountable and responsible for enforcing this Policy and are expected to make every effort to prevent discrimination or harassing behaviour within the workplace.
- 5.2 Employees are responsible for informing their supervisors of any violence, potential risk of violence, personal or sexual harassment they may experience or witness. This includes issues in the employee's non-work life that may affect the employee or a co-worker's safety.
- 5.3 Employees are responsible for reporting to their supervisors any incidents of violence or harassment according to the procedures set out in this Policy.
- 5.4 Employees are responsible for attending any training or information sessions provided by the employer to reduce violence, risks of violence, or harassment.
- 5.5 Employees are expected to cooperate with the police, County investigators, or other authorities as required during any investigation related to an incident.

### **Supervisors**

- 5.6 Supervisors are responsible for assessing the risk of violence and harassment employees, minimizing those risks where necessary or reasonably possible and informing any affected employee of such risk or potential risk.

- 5.7 Supervisors are responsible for ensuring employees are trained to:
- (a) recognize the potential for violence;
  - (b) follow the procedures and policies developed to minimize the risk of violence or harassment;
  - (c) respond to incidents appropriately; and
  - (d) report and document such incidents.
- 5.8 Supervisors are responsible for tracking and reporting risks of violence, incidents of violence, and harassment to the Chief Administrative Officer and Regional Director of Emergency Management and Occupational Health and Safety.
- 5.9 Supervisors are responsible for ensuring proper medical care if provided to anyone involved in an incident and for securing the safety of employees, before investigating the incident or taking reports.
- 5.10 Supervisors are responsible for forwarding all written complaints to the Regional Director of Emergency Management and Occupational Health and Safety for investigating.
- 5.11 Supervisors are responsible for cooperating with the RCMP, other authorities, and the County investigator during any investigation related to a workplace incident.

**Regional Director of Emergency Management and Occupational Health and Safety**

- 5.12 The Director shall carry out investigations as required. In the Regional Director's absence, the Chief Administrative Officer shall carry out investigations.

**6.0 BAD FAITH COMPLAINTS:**

- 6.1 Making a complaint in bad faith or providing false information about a complaint is prohibited and a violation of this Policy. Any complaints made in bad faith, if determined by an investigation, are subject to disciplinary action up to and including the termination of employment.

## 7.0 GENERAL PROVISIONS:

- 7.1 Managing and coaching that includes performance appraisals, work assignment, and the implementation of disciplinary actions is not a form of harassment and the Policy does not restrict a manager or supervisor's responsibilities in these areas.

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