

## **Workplace Violence and Sexual Harassment Policy**

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**2C.016**

**Section: 2.0 General Government and Administrative Services**  
**- C. Human Resources**

**Authority: Chief Administrative Officer**

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### **Statement**

To ensure that the working environment for the Municipal District of Bonnyville (M.D.) is free from harassment, sexual harassment and workplace violence.

This policy applies to all M.D. employees including contracted employees who are working on M.D. sites or involved in activities related to company business.

### **Purpose**

Every M.D. employee has the right to work in an environment free of harassment and where respectful treatment is the norm. The M.D. recognizes that harassment compromises the integrity of the employment relationship and undermines an employee's self-respect, as well as productivity. This policy defines harassment in the workplace and delineates the processes for handling such inappropriate behaviors.

M.D. employees are expected to conduct themselves, and to consider the behaviors of others, using the principles of reasonableness and respect for the rights of others. These same principles are the basis for interpretation and application of this policy.

Actions which constitute harassment, retaliation, and bad faith complaints will not be tolerated.

### **Definitions**

For the purposes of this policy:

- (1) "Harassment" is any conduct, comment, gesture or physical contact that a reasonable person should know would be unwelcome, inappropriate or otherwise offensive to an individual or group of individuals, and where such behavior has the effect of:
  - (a) Intimidating or creating a hostile, threatening, or coercive work environment;
  - (b) Negatively interfering with an employee's work performance;
  - (c) Adversely affecting an employee's employment relationship;
  - (d) Denying an employee's respect or dignity;
  - (e) Endangering a person's safety.

In deeming what is harassment, the underlying measure is the impact of the behavior on an individual. While behavior need not be intentional or repetitive to be deemed harassment, a single incident, if not representing a serious intent to offend or hurt, is expected to be addressed from the perspective of a reasonable person.

Whenever the appropriateness of behaviors is questioned, consideration by all involved, from the direct interaction to those providing interventions, will be based on the concept of what a reasonable person might expect.

## Policy

Harassment as defined in this policy is not limited to behavior in the workplace. It can occur in a variety of work-related activities such as company social functions, conferences, training sessions or travel.

There are several forms of harassment including, but not limited to, the forms described below:

(1) Discriminatory Harassment

Harassment is a form of discrimination when based on the protected grounds set out by Human Rights legislation and is against the law. There are two commonly addressed types of discriminatory harassment.

(a) **Sexual harassment:** Sexual harassment includes conduct involving:

- (i) Unwelcome sexual attention, advances or propositions;
- (ii) Sexually explicit or implicit comments about a person's body or attire or personal life;
- (iii) Displays of nude or sexually suggestive photographs or images in the workplace;
- (iv) Sexist or sexual jokes communicated verbally or visually, that cause awkwardness or embarrassment;
- (v) Suggestive or obscene remarks, gestures or facial expressions;
- (vi) Unwanted touching, patting, or unnecessary closeness.

Such behaviors are considered sexual harassment when they:

- (vii) Interfere negatively with a person's work performance or create an intimidating, hostile or offensive work environment;
- (viii) May have reasonably caused insecurity, discomfort, offense or humiliation;
- (ix) Imply that submission to or the rejection of the behavior is perceived as a factor affecting employment matters such as promotion, salary, job security and benefits.

The primary factor in sexual harassment is that the conduct is unwelcome and unwanted.

(b) **Harassment based on the prohibited grounds of discrimination (other than sexual harassment):** This refers to conduct which an employee finds objectionable because it is about or motivated by those characteristics of an individual considered as protected grounds under relevant human rights legislation. These include:

- (i) race
- (ii) place of origin
- (iii) colour
- (iv) family status
- (v) mental or physical disability
- (vi) marital status
- (vii) age
- (viii) sexual orientation
- (ix) ancestry
- (x) religious beliefs

- (xi) gender
- (xii) source of income

When related to the protected grounds as provided by human rights legislation, the following are examples of conduct that may be deemed harassment:

- (xiii) Demeaning, offensive or insulting comments, jokes, slurs, name calling, gestures, innuendoes, threats, or taunting.
- (xiv) Limitations in the employment relationship, such as denying development opportunities.
- (xv) Offensive posters, pictures, cartoons, graffiti, drawings, or other visual representations.

(2) Harassment that is Not a Form of Discrimination

The term "harassment" is often used to describe behaviors, other than discriminatory harassment, which also result in creating a negative or hostile work environment. These behaviors, while not covered by human rights law, do not contribute to a respectful workplace and are inconsistent with company values and desired interpersonal behaviors and may offend occupational health and safety legislation.

The normal performance management process and performance-related feedback from managers or supervisors do not, in themselves, constitute harassment.

Types of non-discriminatory harassment include:

- (a) Personal Harassment: While not covered by Human Rights Law, there is a growing awareness that personal harassment can also have the effect of creating an intimidating, humiliating, hostile or offensive workplace. Examples of personal harassment might include, but are not limited to:
  - (i) Bullying or coercion;
  - (ii) Gossip, rumors, negative blogging and cyberbullying;
  - (iii) Demeaning comments about a person's ability;
  - (iv) Yelling inappropriately;
  - (v) Constant unwarranted criticism;
  - (vi) Favoritism (leading to exclusion or inequitable treatment);
  - (vii) Malicious gestures or actions.
- (b) Threats: Threats may be either specific or implied. Creating an intimidating, hostile or offensive work environment for someone can be a form of threatening behavior. For a statement to be a threat, it must stipulate a consequence that is totally out of proportion with the cause and the circumstances.

Harassment that is determined to be non-discriminatory will be addressed in an effective and efficient manner.

(3) Workplace Violence

Workplace violence is the threatened, attempted, or actual conduct of a person that causes or may cause physical injury or a fatality in the workplace. Examples of violence can include, but are not limited to:

- (a) Physical attacks such as hitting, shoving, pushing or kicking;
- (b) Verbal, written, or implied threats that express intent to inflict harm;

- (c) Threatening behaviors such as shaking fists, destroying property or throwing objects;
- (d) Acts of domestic violence that evolves into the workplace;
- (e) Any other act that would arouse fear in a reasonable person in the same circumstances.

Any person who makes a threat, exhibits threatening behaviors, or engages in a violent act on municipal property may be removed as quickly as possible taking into consideration the safety and legal aspects of the situation. Any person who is engaging in workplace violence may be suspended from entering company property pending the outcome of an incident investigation. People committing these acts outside the workplace, but the results of which impact the workplace, are also violating this policy and will be dealt with accordingly. Threats, acts of violence and physical assault will be investigated. Possession and/or use of unauthorized personal firearms or weapons in the workplace are prohibited.

## Roles and Responsibilities

(1) All M.D. employees:

Respectful workplace behavior fosters a positive work environment. It is the responsibility of all M.D. employees to play a part in ensuring that the company's work environment is free from harassment. They can do this by familiarizing themselves with this policy and avoiding conduct that could be viewed as constituting harassment.

The M.D. encourages all individuals who believe they are being harassed, as described in this policy, to document details of the incident(s) promptly after the offensive behavior has occurred. The M.D. also encourages employees who believe they are being harassed to notify the offender(s) that their behavior is unwelcome if it is appropriate under the circumstances.

The M.D. recognizes that confrontation with an alleged harasser is difficult or may be ineffective. Therefore, a number of processes for resolution are outlined in the next section on Action Guidelines.

(2) Managers and Supervisors:

M.D. supervisors, managers, and executive management are responsible to ensure this policy is enforced and are accountable for providing a respectful workplace free of harassment. This means that persons in authority must:

- (a) Lead by example;
- (b) Demonstrate behavior consistent with this policy;
- (c) Encourage employees to report incidents of harassment;
- (d) Advise employees of the options available to them.

(3) Human Resources:

- (a) Assist in harassment complaint resolutions brought forward;
- (b) Provide alternative dispute resolution resources when required;
- (c) Develop and implement appropriate proactive measures to address issues of harassment in the workplace;

- (d) Assess issues related to harassment and a respectful workplace that are brought forward and provide resources, direction, or alternatives for resolutions;
- (e) Update this policy to remain consistent with Human Rights legislation.

## Action Guidelines

- (1) This policy has been developed to reinforce the M.D.'s commitment to create a respectful workplace and to promote equitable employment opportunities for all M.D. employees. To this end, and to work toward preventing harassment in the workplace, the M.D. will implement appropriate monitoring procedures.
- (2) Many of the best outcomes occur when the individual being harassed is active in the solution. If you believe you are being harassed, you may take the steps below:
  - (a) An M.D. employee who is subjected to harassment or discrimination should inform that employee that the conduct/comment is unwelcome. This is advisable only if the harassed employee feels comfortable and safe in addressing the harasser.
    - (i) Should the harassed employee feel uncomfortable or unsafe to address the harasser it is recommended that the complaint be brought to the attention of their supervisor. If this is not a suitable process for the employee, Human Resources may be contacted as an alternate.
  - (b) When seeking advice or information, it is not necessary to make a complaint or participate in any resolution processes if you do not wish to.
  - (c) M.D. employees may discuss the issue with their supervisor or Human Resources to assist in dealing with workplace harassment as outlined in the action guideline noted above.
  - (d) The Employee and Family Assistance program is also available for counseling support.
- (3) What resolution processes are available?

Many people who experience harassment say, "I just want it to stop." However, it often will not stop unless action is taken. The following are some steps you can take to initiate a resolution process:

  - (a) Alternative Dispute Resolution (ADR): Alternative Dispute Resolution refers to a range of options that can be used, depending on the circumstances, to assist individuals or groups in resolving a conflict between them. Some techniques include facilitated discussions, mediation, coaching or training. This option may be discussed with the supervisor or Human Resources contingent on the circumstances of the complaint. Assistance will be initiated to implement a plan to resolve a harassment situation.
  - (b) Formal Complaint: It is also possible to make a formal complaint of harassment, which will normally be followed by an investigation, when there appears to be grounds. A harassment complaint must be submitted to the supervisor or Human Resources as noted in the above action guideline section.

Following the receipt of a complaint an investigator who is trained in handling harassment investigations will gather facts and submit a report to Human Resources.

Both the complainant and the accused harasser are interviewed and will provide a list of witnesses or other respondents to be interviewed.

The M.D. may consider any or all of the following, depending on the severity of the complaint and whether the accused harasser has had any previous warnings related to harassing behaviors:

- (i) education or training;
- (ii) counseling;
- (iii) warnings - verbal and written;
- (iv) transfer;
- (v) demotion or suspension;
- (vi) termination of employment.

(4) Employees Who Are Being Investigated for Workplace Harassment

It can be upsetting to be told your behavior is considered harassment. The following are resources available in this situation:

- (a) An employee who is being investigated will be contacted immediately for a fair and equitable opportunity to discuss the situation.
- (b) If an investigation occurs, those involved (the complainant, the employee being investigated and their respective managers) will be advised that an investigation is underway and will have the opportunity to provide input to the investigators. Those involved will be advised of the outcome when the investigation is complete.
- (c) Human Resources are available for discussion and consultation.
- (d) Coaching may be recommended to assist in achieving behavior change.
- (e) The Employee and Family Assistance Program may be a good resource to assist in dealing with this situation.

(5) Supervisors and Managers in Handling a Situation that may be Workplace Harassment

The best solutions for harassment situations are prevention and early action. Supervisors and managers are encouraged to do the following:

- (a) Stay in touch with workgroups and be aware of behavior that is occurring.
- (b) Make your expectations clear to employees and emphasize that no harassment will be tolerated.
- (c) Lead by example by demonstrating positive, respectful behavior.
- (d) If you observe someone engaging in inappropriate behavior, let the person know as soon as possible and in a professional manner, that the behavior does not meet the company's expectations of respectful conduct and it must stop. Coaching or other resources may be offered to the individual.
- (e) Contact the supervisor or Human Resources if the harassment behavior continues after the individual has been confronted about his or her conduct, to develop a constructive intervention.
- (f) Those in supervisory or management roles who learn about or observe discriminatory behavior are accountable to see that it is not ignored. If you are approached by an employee for assistance in dealing with another employee who is believed to be harassing this individual, provide consultation or coaching about how to manage the situation. Always, the first consideration is whether the person

being harassed can tell the other employee that his or her conduct is offensive. You are responsible for taking action and this may be as simple as offering coaching to your employee. When in doubt, discuss the occurrence with Human Resources.

(6) Employees Who Witness Workplace Harassment but are Not Directly Involved

Working together, it is possible to create a positive work environment that all can enjoy. Harassment can detract from the quality of the work environment even for those not directly involved. If harassment is witnessed, the following options exist:

- (a) Discuss options with the co-worker who is being harassed.
- (b) Respectfully inform the harasser that you believe his or her behavior may be construed as harassment and may detract from the quality of the workplace and suggest they may want to review this policy.
- (c) It is recommended that the witness contact their supervisor to discuss issues of harassment or Human Resources as an alternate.

## Confidentiality

The M.D. recognizes it is difficult to report harassing behavior and also understands an employee's interest in keeping certain kinds of harassing behavior confidential. All allegations of harassment will be treated in a timely and sensitive manner, and the rights of those involved will be respected at all times. The associated records of harassment investigation and resolutions will be secured and will be the responsibility of Human Resources.

In a formal complaint process, only those involved directly – the complainant, the person accused of harassment, the investigator, all persons being interviewed, and Human Resources – will be given any knowledge of the situation. All will be cautioned regarding how confidentiality must be managed.

No record of the complaint is to be kept in the file of the person who brought the complaint forward, unless the action was made in bad faith and the person was subject to disciplinary action.

## Disciplinary Action

Any M.D. employee found to have committed harassment will be subject to discipline up to and including termination of employment. The severity of discipline will depend on various factors including the seriousness of the offence, the persistence of the behavior and whether mitigating or aggravating circumstances affect any party. In addition, the overriding obligation of persons in authority (executives, managers and line supervisors) is to maintain a high standard of conduct in upholding this policy.

## Protection Against Retaliation

The M.D. does not tolerate retaliation against employees who allege they have experienced harassment or have cooperated with or participated in a fact-finding procedure. Retaliation is broadly defined to include conduct that intimidates, coerces, penalizes or otherwise discriminates against others. Retaliation will be treated in the same manner as harassment under this policy and may be subject to disciplinary action.



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## Bad Faith Complaints

If it is determined that an M.D. employee has deliberately made a complaint in bad faith, this too may be subject to disciplinary action.

## Review Period

Within five (5) years from date adopted / amended / reviewed.

## For administrative use only:

<b>Previous Policy Number:</b> (prior to July 24, 2019)	10.12.37
<b>Related Documentation:</b> (plans, bylaws, policies, procedures, etc.)	Policy: Personnel Policy (#2C.007)