

MUNICIPALITY OF CROWSNEST PASS

MANUAL TITLE: HUMAN RESOURCES
SECTION & PAGE: _____
DEPARTMENT: Administration
COUNCIL APPROVAL _____ DATE : April 7, 2009

DISTRIBUTION: Internal

ADMIN POLICY: _____ BYLAW OR RESOLUTION DATE: April 7, 2009

REVIEWED: _____ REVISED: _____
REVIEWED: _____ REVISED: _____
REVIEWED: _____ REVISED: _____

POLICY #: HR-012 SUPERSEDES POLICY #: _____

HUMAN RESOURCES **INTERNAL HARASSMENT POLICY**

SCOPE

This policy applies to all staff members at the Municipality of Crowsnest Pass, (hereinafter referred to as the Municipality) in all departments, including management, inside staff, outside staff, volunteers, temporary and seasonal employees.

PURPOSE

The Municipality is committed to providing a safe and respectful work environment. Each individual has the right to work in a professional, respectful atmosphere which promotes equal opportunities and prohibits discriminatory or harassing practices and workplace violence. The Municipality will not tolerate any form of harassment or workplace violence and this policy lays out the framework for educating employees to the definitions of these practices and the steps for reporting incidents of harassment and/or workplace violence to the Municipality.

POLICY

The Municipality is committed to maintaining a safe, respectful workplace where employee dignity and integrity is protected and there is zero tolerance for harassment of any form. The Municipality has a responsibility to ensure adherence to this policy and that all parties in a harassment complaint have the right to fair and due process and to confidentiality.

DEFINITIONS

Definition of Harassment

For the purposes of this policy "Harassment" means harassment in any form including sexual harassment, personal harassment and workplace violence.

Alberta Human Rights laws prohibit harassment in the workplace, which by definition occurs when an employee is subjected to unwelcome verbal or physical conduct because of race, religious beliefs, color, place of origin, gender, mental or physical disability, ancestry, marital status, family status, source of income or sexual orientation.

Harassment may take the form of verbal or physical abuse, jokes, threats or derogatory statements (for example, remarks about a person's body, race or beliefs).

Sexual Harassment

Sexual Harassment is any unwanted verbal or physical conduct that is sexual in nature and constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to, or rejection of, such conduct by an individual is threatened to be used as the basis for decisions impacting an individual's employment, or has the effect of humiliating an individual, interfering with an individual's work performance or of creating a hostile work environment.

Sexual Harassment examples include:

- unwanted touching or leering
- inquiries or comments about a person's sex life
- the display of sexually offensive material
- sexually degrading words to describe a person
- derogatory or degrading remarks directed towards members or one sex or sexual orientation
- inappropriate or unwelcome focus/comments on a person's physical attributes or appearance
- persistent unwanted contact or attention after the end of a consensual relationship

DEFINITIONS - Continued

Personal Harassment

Personal Harassment is conduct that is deemed abusive, unfair, or demeaning treatment of a person or group of persons when:

- the treatment abuses the employment relationship or misuses the authority associated with the position of employment or,
- the treatment threatens or intimidates a person, and interferes with employment performance, or
- the treatment creates an intimidating, hostile or offensive work environment.

Examples of personal harassment include (but aren't limited to), insults, name calling, inappropriate jokes, derogatory remarks, persistent criticism, spreading malicious rumors, public reprimand, sarcasm, ridicule and humiliation.

Workplace Violence

The Occupational Health and Safety Code requires that violence in the workplace be viewed as a safety hazard. Workplace violence means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury, whether work related or at a work site.

The workplace includes *but is not limited to*: the physical work site, washrooms, break room, work related conferences or training sessions, work related travel, work assignments away from the physical work site, work related social functions, and telephone calls during the course of work.

At the Municipality, all aspects of violence in the workplace and within Municipal facilities will not be tolerated, and the definition is expanded to include zero tolerance for:

1. verbal assaults, taunting or ostracizing
2. bullying or coercion
3. threatening behavior such as shaking fists, destroying property or throwing objects;
4. verbal or written threats that express an intention to inflict harm or intimidate;
5. physical attacks;
6. vandalism and intentional damage against Municipal property or the property of others

RESPONSIBILITIES

Employee Experiencing Harassment

1. If an employee is experiencing or witnessing harassment of any kind they have a responsibility to tell the harasser to stop. It is ideal to try to resolve the situation informally, at first onset, before filing a formal complaint. If the behavior does not stop then the employee needs to file a formal complaint with a representative from the management team to address the behavior.
2. Employees should keep a record of incidents (date, times, location, possible witnesses, what happened, responses.) Employees do not have to keep records in order to file a complaint, but a record can help strengthen cases and can help employees remember details over time.
3. If, after asking the harasser to stop his/her behavior, the harassment continues, the employee needs to file a complaint in a timely fashion by reporting the problem to the Team Lead, Department Manager, Human Resources or Union Representative.

All complaints will be investigated in an objective and confidential manner to protect the integrity of the affected employee and the alleged harasser. All employees have a duty to protect the confidentiality of persons involved in any investigations or incidents.

Alleged Harasser

If an employee has been informed that their behavior is considered harassment, they should take this seriously and stop their behavior immediately. All complaints will require follow-up investigation with corrective action requirements for the harasser if the complaint is deemed valid. Employee support is available from Human Resources to assist with corrective behavior.

Directors, Managers, Team Leaders, Union Representatives

It is the responsibility of the Management team to take immediate and appropriate action to report or deal with incidents of harassment or violence of any type in the workplace - whether brought to their attention by an impacted employee, a third party or personally observed. Under no circumstances should a legitimate complaint be dismissed or downplayed.

Human Resources

Human resources is responsible for assisting the Municipality in achieving a respectful and safe workplace. Human Resources will assist with investigations and access external resources as required. They will assess issues that are brought forward, receive investigation reports and follow-up on recommendations as a result of investigations. They will maintain all records

associated with investigations, separate from other employee records. They will provide on-going support for corrective behavior as required.

PROCEDURE

Dealing with a Complaint

1. Once a complaint is received, it will be kept strictly confidential. An investigation will be undertaken immediately by Human Resources and all necessary steps will be taken to resolve the problem.
2. The complainant and the alleged harasser will be individually interviewed, in a confidential setting, as well as any individuals who may be able to provide relevant information. All information will be kept in confidence.
3. The employee and the alleged harasser will be advised of the outcome of the investigation.
4. If the investigation reveals evidence to support the complaint of harassment, the harasser will receive corrective action which could include a range of responses:
 - a) apology
 - b) training
 - c) referral to external community support resources
 - d) reassignment
 - e) discipline
 - f) termination
 - g) advising the local authorities of a potential criminal offense
5. 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.
6. If the complaint is not filed in good faith, it is a serious matter to knowingly make a false accusation of harassment with consequences ranging from a reprimand, to suspension without pay, to dismissal.
7. If the investigation fails to find evidence to support the complaint, but it was made in good faith, there will be no documentation concerning the complaint placed in the file of the alleged harasser.
8. Regardless of the outcome of a harassment complaint made in good faith, the employee lodging the complaint, or anyone providing information, will be protected from any form of retaliation by either co-workers or superiors. This includes dismissal, harassment, demotion, unwanted transfer, or denial of opportunities within the municipality.

SOURCES

Legislative Sources: Alberta Human Rights and Citizenship Commission
Occupational Health and Safety Code
Canadian Human Rights Commission

Municipal Sources: Pincher Creek Harassment Policy
Black Diamond Harassment Policy
City of Airdrie Positive Workplace Policy