

## Respectful Workplace Policy

Questions regarding this policy should be directed to the Policy Administrator.

Effective Date:	10/24/2018	Cross Reference:	Safe Disclosure Ethics and Accountability CUPE Collective Agreement KCFA Collective Agreement Employee Progressive Discipline Code of Conduct
Policy Owner:	Vice-President Finance & Administration/CFO	Appendices:	Appendix A
Policy Administrator:	Executive Director Human Resources		
Approver:	Executive Committee		
Review Schedule:	Every 4 Years		

### 1. Policy Statement

- 1.1 Keyano College is committed to providing a learning and working environment free of discrimination, harassment, and bullying. It is therefore the policy of the Institution that acts of discrimination, harassment or bullying by or against members of the College community are unacceptable and will not be tolerated.
- 1.2 The Institution recognizes its responsibility to deal efficiently, effectively and fairly with allegations of discrimination, harassment, and bullying. The reporting of all incidents, regardless of who the potential offender may be, is encouraged.

### 2. Background

- 2.1. The *Alberta Human Rights Act* prohibits discrimination in employment based on prohibited grounds. Employers are expected to create an inclusive workplace that respects the dignity of every individual by ensuring there is no discrimination in the workplace, removing barriers that are based on protected grounds, and considering requests for accommodation for needs based on a protected ground.
- 2.2. The creation of a respectful workplace and learning environment is a collective responsibility between Keyano College and the members of its College community.
- 2.3. This policy does not remove or affect any rights of appeal or rights to grieve which members of the College community have independent of this policy. Nor does it affect an individual's right to file a timely human rights complaint with the Alberta Human Rights Commission or to file civil or criminal charges in appropriate cases.

### 3. Policy Objective

3.1 The objectives of this policy are to:

- Provide a working and learning environment that is safe, respectful and free from any form of harassment and discrimination
- Promote an understanding of the nature and effects of discrimination, harassment, and bullying
- Prevent and reduce incidents of discrimination, harassment, and bullying
- Provide a process for dealing quickly, effectively, and appropriately with any incidents that occur

### 4. Scope

4.1. This policy applies to all current and prospective members of the College community, including:

- Students
- Employees
- Volunteers
- Consultants
- Service and supply contractors and their employees while they are engaged in activities related to the College

4.2. For the purposes of this policy, the work and learning environment includes:

- Work or learning related conferences, training sessions, and travel
- College related functions
- Keyano College property, including contract sites
- Virtual environment, including phone, email, social media, and other electronic means
- Working and non-working hours as long as there is a relationship to College activities

### 5. Definitions

5.1 “Association” refers to the Keyano College Faculty Staff Association (“KCFA”).

5.2 “Union” refers to the Canadian Union of Public Employee Local 2157 (“CUPE”).

5.3 “Complainant” is the person who makes a complaint or brings a discrimination, harassment, or bullying issue to the attention of the employer.

5.4 “Discrimination” is any attempt to harass an individual, in matters related to employment on the basis of prohibited grounds. Discrimination does not need to be intentional to be illegal.

5.5 “Harassment” is unsolicited or unwelcome conduct, comments, gestures, or contact which causes offence or humiliation to any individual; engenders fear or mistrust; or, compromises an individual’s dignity or sense of self-worth. It is an attempt by one person to exercise perceived power over another. The harasser knows, or ought to know, that the behaviour is unwelcome or coercive. Harassment includes engaging in a course of annoying comments or conduct against a worker in a workplace that is known, or ought reasonably to be known, to be unwelcome. It includes discriminatory and sexual harassment, bullying, or workplace violence as prohibited by law.

Harassment can take many forms such as:

- Threats, intimidation or verbal abuse
- Unwelcome remarks or jokes about subjects of a prohibited ground of discrimination
- Displaying sexist, racist or other offensive pictures or posters
- Sexually suggestive remarks or gestures
- Inappropriate physical contact, such as touching, patting, pinching, or punching
- Physical assault, including sexual assault.

5.6 “Investigation” is a fair and impartial fact-finding process which leads to a decision and action by the employer.

5.7 “Mediation” is a collaborative process of communication and solution-seeking between the employer, employee, and the Association or Union, where applicable, that leads to the resolution of a matter.

5.8 “Protected Grounds” include race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, ancestry, age, place of origin, marital status, source of income, family status and sexual orientation.

5.9 “Respondent” is the person whose behaviour is being complained about.

5.10 “Retaliation” means to hurt or attempt to hurt somebody in return, to deliberately harm or attempt to harm somebody in response or revenge for an action he or she has done.

5.11 “Sexual Harassment” is any sexual behaviour, which is unwelcome, personally offensive, debilitates morale, and therefore interferes with work effectiveness. It includes: offensive sexual flirtations, unwelcome advances, propositions, continued or repeated verbal abuse of an equal nature, and graphic or degrading verbal comments of a sexual nature about an individual or their appearance. The display of sexually suggestive and/or inappropriate written or graphic material or objects including photos, videos or the use of degrading verbal comments creates an offensive atmosphere and is a form of sexual harassment.

5.12 “Third Parties” are Institution visitors and contractors and their employees.

5.13 “Workplace bullying” is unreasonable behaviour directed toward an employee or group of employees that creates a risk to health and safety. Unreasonable behaviour can be defined as behaviour that harms, intimidates, threatens, victimizes, undermines, offends, degrades or humiliates another staff member(s). The most common types of bullying are:

- Verbal abuse
- Cyber-bullying
- Exclusion or isolation of employees
- Constant non-constructive criticism of another’s work
- Attempts to humiliate, intimidate, or undermine staff
- Assignment of meaningless tasks unrelated to the job
- Assignment of impossible tasks
- Deliberately changing work rosters to inconvenience particular employees
- Deliberately withholding information vital for effective work performance.

Workplace bullying does not include:

- Reasonable and proper application of management responsibilities such as performance appraisals, coaching, discipline, attendance management and the application of performance standards
- Complaints about legitimate and reasonable performance and management process, disciplinary action, or allocation of work in compliance with Collective Agreements and Employment standards
- Implementation of organizational change.

## **6. Guiding Principles - Protected Grounds**

- 6.1 The College considers harassment and discrimination, in all its forms, to be a serious offence and shall take appropriate disciplinary measures up to and including termination against any employee who subjects any other member of the College Community to harassment and / or violence.
- 6.2 The College recognizes that harassment and discrimination can take place in many forms including, but not limited, in person, over the phone, by emails, through social media (e.g. Facebook) and within the community.
- 6.3 The College does not condone or tolerate any act of harassment, discrimination, workplace bullying, workplace violence or any behaviour which denies individuals their dignity and respect.
- 6.4 The College will take all complaints of harassment seriously. The College will take such disciplinary measures as it deems appropriate, in accordance with relevant collective agreements and the Employee Discipline Policy, against any person under the direction of the Institution who subjects any member of the College community to harassment.
- 6.5 While this policy is not intended to inhibit social relationships, individuals involved in or entering into a sexual relationship with a consenting adult who is or who is about to be subject to them for the purpose of evaluation or supervision should consider the power differential and the implications thereof for the student or employee if a sexual relationship continues, and consistent with the Ethics and Accountability Policy are expected to decline or terminate their supervisory or evaluation role in that instance by arrangement with the responsible Executive.
- 6.6 Members of the College community should not imply or threaten that a current or prospective member of the College community's "co-operation" of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development, any condition of employment, or offering work related rewards. This includes sexual offers or advancements from management, coworkers, persons in positions of political power, and / or community members.

## **7. Guiding Principles – Complaints**

- 7.1 Barring exceptional circumstances, a report of complaint is to be made as prompt as possible to ensure a timely investigation and resolution can be achieved. Appendix 1 contains information on options for making complaints.

- 7.2 The Institution or anyone acting on behalf of the Institution will not disclose the name of a complainant or a respondent or the circumstances related to the complaint to any person except where disclosure is necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint or required by law.
- 7.3 Employees who are complainants or respondents are entitled to be accompanied by a representative of their Union or Association. The representative acts in the interest of the employee but may not answer questions on behalf of the employee. The representative acts in a supportive nature to ensure that proceedings are fair and that all parties are providing clear and correct communication and evidence.
- 7.4 All meetings with students must include the appropriate Dean, Director or designate.

## **8. Guiding Principles – Bad Faith Complaints**

- 8.1 Any person who files a complaint that is knowingly false or files the complaint for malicious reasons or in bad faith is subject to appropriate disciplinary action.
- 8.2 Substantiated cases of a bad faith complaint may result in disciplinary action ranging from a written reprimand to dismissal if the respondent is an employee of the Institution or a written reprimand to expulsion if the respondent is a student.

## **9. Guiding Principles – Discipline**

- 9.1 If harassment has occurred and has been substantiated, the Institution will take appropriate corrective action and remedies to resolve the complaint with the respondent up to and including dismissal of the employee or expulsion of the student when appropriate.
- 9.2 Where the complaint has not been substantiated, it will be dismissed and no documentation relating to the complaint will be placed in the respondent's file.
- 9.3 Any employee in a supervisory or managerial position who receives a complaint alleging harassment and who fails to take corrective action pursuant to this policy, may also be subject to disciplinary action up to and including termination of employment.
- 9.4 Disciplinary action will be taken if anyone engages in acts of retaliation or reprisal against the complainant or against anyone else involved in the investigation process.
- 9.5 Disciplinary action will be in accordance with the procedures outlined within the appropriate Collective Agreements and the Employee Discipline Policy.

## **10. Guiding Principles – Third Party**

10.1 Third parties are expected to accept and meet the terms of this policy. The College will take reasonable and practical action to stop or reduce the risk to members of its community of harassment by third parties.

10.2 It is also possible that a member of the College's community might engage or participate in the harassment of third parties. Such conduct is not acceptable and the Institution will investigate complaints and discipline as per this policy as it deems advisable.

## **11. Guiding Principles – Confidentiality**

11.1 To the extent reasonably possible, the complaint, the names of the relevant parties and witnesses and the particulars concerning the complaint, including any response, will be kept confidential, recognizing that release or publication of such information may be necessary in order to properly investigate the complaint or to respond to any legal or administrative proceedings arising under the implementation of this policy or otherwise.

## **12. Preventative Measures & Training**

12.1 Risk assessments of the work environment will be completed to identify any issues prior to an incident occurring. This may include a review of records, reports, and current practices. Research may also include a review of similar workplaces. Recommendations will be made to stakeholders including: the supervisor of the employee/area and next level(s) of authority Human Resources, and the Joint Worksite Health & Safety Committee as appropriate.

12.2 All employees will be provided with training on this policy as well as general training on creating and maintaining a respectful workplace; identifying, preventing, and addressing discrimination and harassment in the workplace; and identifying, preventing, and addressing workplace violence.

## **13. Assistance**

13.1 Any employee who has been harmed by interpersonal conflict, discrimination, harassment or workplace violence has the right to assistance. The College recommends that any employee who has been harmed at the organization seek consultation with the Manager Health Services (for employees), Wellness Services (for students), and/or another health care provider for treatment or referral as soon as possible.

## **14. Special Circumstances**

14.1 Should an employee have a legal court order (e.g. a restraining order or "no contact" order) against another individual, the employee is encouraged to notify his/her supervisor and to supply a copy of that order to Human Resources. Such information will be kept confidential and only shared on a need-to-know basis (e.g. with Campus Security).

14.2 Weapons of any type are not permitted at the College at any time.

14.3 Nothing in this policy is intended to prohibit discrimination on the basis of bona fide and reasonable occupational requirements.

## 15. Roles & Responsibilities

15.1 All members of the College community are entitled to a work and learning environment free of harassment. All members of the College community share in the responsibility of creating and maintaining a harassment and discrimination free environment through mutual respect, co-operation and understanding towards one another.

All employees and students are expected to model respectful behaviour and refuse to engage in or condone discrimination, harassment and/or violence. Employees of Keyano College must comply with the provisions of the Respectful Workplace policy and the Code of Conduct policy, and participate in any procedures undertaken to address situations arising from administration of these policies. Students of Keyano College must comply with the Student Code of Conduct policy and participate in any procedures undertaken to address situations arising from administration of it.

In addition to the above, those with supervisory duties have the responsibility to maintain a working environment free from interpersonal conflict, discrimination, harassment, and violence by initiating positive measures and taking prompt remedial action should such instances occur. This includes, but is not limited to:

- a. addressing incidents of possible interpersonal conflict, discrimination, harassment, and violence that occur in the unit in a timely and confidential manner with appropriate documentation of any action taken;
- b. educating themselves and those in their unit on respect in the workplace, human rights, and violence prevention;
- c. taking the initiative to seek appropriate advice and guidance from Human Resources to carry out their responsibilities with respect to dealing with interpersonal conflict, discrimination, harassment and violence;
- d. implementing any recommendations resulting from the processes outlined below (which may include discipline) as appropriate to their position.

STAKEHOLDER	RESPONSIBILITIES
<b>President</b>	<ul style="list-style-type: none"> <li>• Where deemed appropriate review the investigation report and issue decisions concerning the complaint</li> </ul>
<b>Divisional Vice-President</b>	<ul style="list-style-type: none"> <li>• Where deemed appropriate review the investigation report and issue decisions concerning the complaint</li> </ul>
<b>Executive Director, Human Resources / Human Resources Staff</b>	<ul style="list-style-type: none"> <li>• Develop, maintain and oversee the implementation of this policy</li> </ul>

<b>Employees</b>	<ul style="list-style-type: none"> <li>• Create and maintain a harassment free environment through mutual respect, co-operation and understanding towards one another</li> <li>• Promptly submit complaints</li> </ul>
<b>Manager</b>	<ul style="list-style-type: none"> <li>• Attend meetings at request of Human Resources or subordinate staff</li> <li>• Take corrective action on receipt of complaint</li> </ul>
<b>Dean, Director or designate</b>	<ul style="list-style-type: none"> <li>• Attend all meetings with students</li> <li>• Take corrective action on receipt of complaint</li> </ul>
<b>Union or Association Representative</b>	<ul style="list-style-type: none"> <li>• Accompany complainants or respondents to meetings</li> <li>• Support employees and ensure that proceedings are fair, and that all parties are providing clear and correct communication and evidence</li> </ul>
<b>Investigators</b>	<ul style="list-style-type: none"> <li>• Commence and complete an investigation of the complaint by gathering information from the complainant, respondent, and witnesses</li> <li>• Prepare and submit a report containing their findings and recommendations</li> </ul>
<b>Complainant</b>	<ul style="list-style-type: none"> <li>• Undertake the appropriate process to address the complaint</li> <li>• Maintain confidentiality except when required to initiate complaint, participate in the investigation, and respond to legal or administrative proceedings</li> </ul>
<b>Respondent</b>	<ul style="list-style-type: none"> <li>• Cooperate during the investigation by providing a written reply to the complaint, and participating in interviews</li> <li>• Maintain confidentiality except when required to initiate complaint, participate in the investigation, and respond to legal or administrative proceedings</li> </ul>

### 13. Policy Management

Policy Title:	Respectful Workplace Policy
Approval Date:	
Effective Date:	
Historical Review Dates:	
Next Review Date:	
Related Legislation:	Occupational Health and Safety Act, Human Rights Act
Supersedes Policies:	700 Individual Rights - Conflict, Discrimination, Harassment & Violence
Monitoring/Frequency:	Every 4 Years
Policy Owner:	President & CEO
Policy Administrator:	Executive Director Human Resources
Policy Coordinator:	Executive Assistant, President & CEO and Board of Governors

## Appendix 1

## Complaint Procedures

Individuals who believe that they have been subjected to harassment should, if possible, choose one or all of the following methods to resolve the complaint:

### Option #1:

1. Inform the person that you find the behaviour unwelcome and that you want them to stop. This can be done verbally or in writing;
2. Document the complaint and keep a record detailing the incident. Write down factual dates, times, witnesses, location, what was said, etc;
3. If direct communication with the offending individual is not possible or you are uncomfortable in bringing the matter directly to his/her attention or the communication has been unsuccessful in ending the objectionable behaviour, then you should contact either:
  - Human Resources; or,
  - A person in a position of authority whom you trust.

### Option #2

Parties involved in a harassment complaint may choose to have their issue resolved informally without undergoing a formal investigation procedure. The complainant and the respondent will meet to discuss the situation along with a trusted third person. The complainant and/or Human Resources may elect to have the complainant's supervisor, and Union or Association representative present during the meeting. If the complainant is a student, the appropriate Dean, Director or designate, must be present.

Many complaints can be resolved informally and this method of resolution usually leads to the most satisfying outcome for all parties. Informal resolution focuses on facilitating communication between the parties so that they can achieve a prompt resolution.

After this process, if resolution is not achieved, both parties may elect to use a third party mediator to develop an understanding of the problem and attempt to find a solution. The mediator may facilitate discussions or meetings between the parties. Mediation may take place at any time as long as both parties agree to proceed with such. The College will arrange for a trained mediator.

### Option #3

If the informal method for resolving a possible harassment situation does not succeed or is not appropriate, the employee may file a formal written complaint with Human Resources. Formal complaints of harassment will be handled, where possible, expediently and discreetly. Formal complaints will be investigated thoroughly by a trained investigator. Human Resources and/or an independent 3rd party specialist will conduct an investigation of harassment.

The investigator will meet with the complainant, seek specific information on the complaint, and ensure the complainant fully understands the investigation process. The complainant will be advised that the complainant can withdraw from any further action in connection with the complaint, at any stage, although the College may continue to investigate the complaint.

In a timely manner, the investigator will interview the respondent to obtain his/her written reply. If necessary, the investigator will interview any witnesses named by the complainant and respondent. All employees of the College have a responsibility to co-operate in the investigation.

Following the conclusion of the investigation, the investigator will inform the Executive Director of Human Resources and the Divisional Vice-President of the outcome of the witness interviews to determine whether this policy has been breached. If necessary, the President will be informed/consulted.

Details pertaining to the actual investigation will remain confidential in the secure custody accessible only by designated members involved with the investigation and their legal advisors. Disclosure of the circumstances of the complaint and/or persons involved will only occur if required for the investigation, corrective action or by law.

**Violence in the Workplace:** An employee who experiences or witnesses violence or the potential for violence in the workplace, is expected to:

1. Report the incident immediately to Campus Security, his/her supervisor, and/or Human Resources.
2. A risk assessment will be undertaken to ensure that the situation is not an immediate danger to any stakeholders. In the event that a risk is identified, immediate action will be taken to ensure the safety of stakeholders.
3. Once safety is ensured, a written document of the incident will be created and an investigation will take place, in consultation with Human Resources.
  - a. investigations are to be conducted as expeditiously and as confidentially as possible;
  - b. all parties to an investigation shall be treated fairly and shall be impartially investigated;
  - c. any parties that have the right to representation will be informed of such right;
  - d. all subjects of the complaint as well as any potential witnesses will be provided with the facts alleged and be given a full opportunity to respond;
  - e. a written report of the investigation will be created and will include the findings and recommendations;
  - f. findings of the investigation, but not necessarily recommendations will be conveyed back to the person who originally reported the incident and any other stakeholders as appropriate; and
  - g. if there is a finding of violence in the workplace, appropriate remedial and disciplinary action will be undertaken.