

	<h2>Municipality of Crowsnest Pass Policy</h2>
<p>Policy No.: Policy Title: Approval Date: Revision Date: Supersedes Policy: Department:</p>	<p>1818-01 Internal Harassment and Workplace Violence Policy June 25, 2024 June 6, 2024 HR-012- Internal Harassment Policy Corporate Services</p>

1.0 POLICY PURPOSE

The Municipality of Crowsnest Pass is committed to providing a safe and respectful work environment. All Employees have the right to work in a safe and respectful atmosphere which promotes equal opportunities and prohibits discriminatory or harassing behaviour or practices and workplace violence. This policy outlines the expectation for all staff to always treat all people with respect and dignity and aligns with Alberta's Occupational Health and Safety's Act and Regulations as amended from time to time. The Municipality will not tolerate any form of Harassment or Violence and this policy lays out the framework for educating employees to recognize the definitions of these practices and the steps for reporting incidents of Harassment and/or Violence to the Municipality.

The Municipality of Crowsnest Pass is committed to:

- Educating employees in the recognition of violence/harassment and operation of our policy and procedures in this regard;
- Investigating reported incidents of violence/harassment in an objective and timely manner;
- Taking necessary action in response to such reported incidents; and
- Providing appropriate support for Complainants

2.0 GENERAL DEFINITIONS

“Bald Allegation” means an allegation that does not contain sufficient detail or evidence to meet the definition of workplace Harassment. (i.e. My supervisor is harassing me because he does not like people who practice my religion.) When a Bald Allegation is received the Municipality will ask for additional supporting details.

“Complainant” refers to the individual who experiences an alleged act of workplace harassment and makes a complaint against the party who allegedly committed the act of harassment.

“Council” means the duly elected members of the Municipal Council of the Municipality of Crowsnest Pass.

“Employee” means any person employed with the Municipality.

“External” means any person not employed by the Municipality including members of the general public, user groups, guests, residents, spectators, coaches, contractors or any other non-employee.

“Formal Investigation” means the process through which the Employer examines a possible issue of workplace harassment or violence that has come to their attention. The purpose of the investigation is to gather and review information about the allegation and determine whether the harassment has in fact occurred. A full investigation is where complainants, respondents, witnesses are interviewed separately, and evidence is reviewed, and a formal report is prepared with recommendations. Formal is utilized for serious allegations or complaints that have complexity such as multiple people are involved; the facts are in dispute or a determination is needed if the behaviour constitutes harassment. There is a need for formal findings report to establish if the allegations are substantiated and if policy has been breached.

“Harassment” means any or all of the definitions found in the Harassment definitions section and includes General Harassment, Sexual Harassment, Discriminatory Harassment and Violence.

“Informal Resolution Process” means the process through which the Employer examines a possible issue of workplace harassment in an expedited or simplified manner because the complaint is straight-forward, the facts are largely not in dispute, and/or the behaviour clearly violates policy. There is opportunity to potentially resolve these complaints more quickly because the need for multiple interviews and reviewing evidence is not there. Informal Resolution Process may be handled by the Supervisor or Human Resources. They may be appropriate for on-the-spot issues that the Supervisor witnessed or was quickly told about, interpersonal conflict, first time incidents of inappropriate comments or joking, or when coaching/educating on the policy is required.

“Respondent” The person or organization who a complaint was made against, who will respond to the allegation.

3.0 POLICY STATEMENTS

3.1. “ General Harassment”

For the purpose of this policy, “harassment” is unwanted advances, requests for favours, or other verbal or physical contact which:

- (a) implicitly or explicitly makes submission of such conduct a term and condition of an individual’s work;

- (b) affects access to employment;
- (c) creates a hostile or offensive environment which interferes with an individual's work;
- (d) intimidates, embarrasses, coerces or humiliates an individual in the workplace;
- (e) arises out of a relationship which is not based on mutual consent; and/or
- (f) involves bullying:
 - (i) verbal bullying – name calling, put-downs, sarcasm, teasing, spreading rumours, making comments to destroy a person's reputation, publicly calling for Employee's termination to harass/intimidate that individual, repeated insinuations or unfounded accusations, threats, smear campaigns, making reference to one's culture, ethnicity, race, religion, negative comments or words intended to denigrate a person's actual or perceived sexual orientation or against a person's actual or perceived gender identity or gender expression, or other unwanted comments;
 - (ii) social bullying – exclusion, gossip, ganging up, mobbing, scapegoating, humiliating others, gestures or graffiti intended to put others down; or
 - (iii) physical bullying – hitting, poking, pinching, chasing, shoving, coercing, damaging property, or destroying personal property.

Harassment is comprised of any of the following behaviours, though it is not limited to the behaviours listed herein:

- (a) Verbal abuse or threats;
- (b) Unwelcome remarks or jokes;
- (c) Unwelcome invitations or requests;
- (d) Staring, leering or inappropriate observation of a Co-Worker or Employee;
- (e) Unwelcome physical contact; and/or
- (f) Any other behaviour, conduct or activity which is unwelcome or uninvited.

3.2 "Sexual Harassment"

For the purpose of this Policy, "sexual harassment" is unwanted sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature which:

- (a) Implicitly or explicitly makes submission of such conduct a term and condition of an individual's work;

- (b) Affects access to employment;
- (c) Creates a hostile or offensive environment which interferes with an individual's work;
- (d) Intimidates, embarrasses, coerces or humiliates an individual in the workplace; and/or
- (e) Arises out of a relationship which is not based on mutual consent.

Sexual harassment includes comments or conduct of a sexual nature that are unwelcome or offensive. This includes negative or inappropriate comments and conduct which is not necessarily sexual, but is directed at a person because of their gender.

The person engaging in the harassing behaviour does not necessarily have to have power or authority over the victim, although that is commonly the case.

Both men and women can be victims of harassment and someone of the same or opposite sex can be a harasser.

Sexual harassment is comprised of any of the following behaviours, though it is not limited to the behaviours listed herein:

- (a) Verbal abuse or threats associated with behaviour of a sexual nature;
- (b) Unwelcome remarks or jokes of a sexual nature;
- (c) Unwelcome invitations or requests of a sexual nature;
- (d) Staring, leering or inappropriate observation of a co-worker of a sexual nature;
- (e) Displaying or posting pornographic, offensive or derogatory materials of a sexual nature in the workplace;
- (f) Unwelcome physical contact of a sexual nature;
- (g) Exposing oneself sexually in the workplace;
- (h) Explicit or implicit demands of a sexual nature;
- (i) Sexual assault; and
- (j) Any other behaviour, conduct or activity of a sexual nature which is unwelcome or uninvited.

3.3 "Discriminatory Harassment"

Discriminatory harassment includes comments or conduct based on the protected grounds in human rights legislation which are unwelcome or offensive. The protected grounds include:

- (a) race, colour, ancestry or place of origin;
- (b) religious beliefs;
- (c) age;
- (d) physical and/or mental disability;
- (e) gender;
- (f) sexual orientation;
- (g) gender expression, gender identity;
- (h) family or marital status; and
- (i) source of income.

Examples of discriminatory harassment include:

- (a) offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected categories;
- (b) imitating a person's accent, speech or mannerisms;
- (c) persistent or inappropriate questions about whether a person is pregnant, has children, or plans to have children; and
- (d) inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance, or weight.

3.4 "Domestic Violence"

Domestic Violence is a pattern of behavior used by one person to gain power and control over another person with whom the person has, or had, a personal relationship including dating, marriage, adult interdependent partnerships, custody, blood relationships and adoption, as relationships stemming from these situations. This can range from subtle, intimidating behaviours to violent acts that result in physical harm or death.

Domestic violence can include physical violence, sexual abuse, financial control, emotional and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control.

Domestic Violence becomes a workplace hazard not a personal issue when it occurs at, or spills over into the workplace, putting a targeted Employee at risk, and posing a potential threat to other Employees or External parties.

3.5 “Violence”

For the purpose of this policy, “violence” shall mean the threatened, attempted or actual conduct of a person that causes, or is likely to cause, physical injury whether at the worksite or work-related.

Acts of violence can take the form of physical contact. The threat of violence, either overt or covert, can be just as detrimental and damaging as the physical act of violence itself. Abuse in any form erodes the mutual trust and confidence that are essential to the Municipality’s operational effectiveness. Acts of violence destroy individual dignity, lower morale, engender fear and break down work unit cohesiveness.

Acts of violence may occur as a single event or may involve a continuing series of incidents. Violence can victimize both men and women, and may be directed by or towards workers, visitors, and members of the public.

4.0 PROCEDURES

4.1 Preventing Harassment

It is the mutual responsibility of both employees and the Municipality to ensure a harassment free workplace which means demonstrating appropriate behaviour that does not violate this policy and working to foster a work environment that is based on respect and free from harassment

The Municipality will not tolerate or condone harassment or workplace violence as defined in Section 3. This includes making everyone aware of what behaviour is and is not appropriate, investigating complaints and taking corrective measures.

All employees will be trained on this policy, including refreshers making everyone aware of what behavior is not appropriate, how complaints are investigated and taking appropriate action.

4.2 Right to Assistance

Any person who has been the subject of Harassment or Violence has the right to access the assistance in communicating their objections and, if warranted, in pursuing the complaint more formally. It is recognized that the issue of access to recourse is particularly critical where the alleged offender is in a position of authority over the complainant or where other barriers exist.

4.3 What to do When Encountering Harassment

1. If at any time employees feel personally threatened, they are to call 911 or the police immediately. There is no expectation that employees put themselves at risk or jeopardize their safety in a real or perceived situation.
2. Ask for the behaviour to stop. Make it clear the behaviour is not welcome, or acceptable. This step is very important so that the Respondent is immediately made aware that their conduct is offensive and must stop. This is most effective when delivered in the moment when the memory of what was said hasn't faded but can be communicated after the fact. Straight talk is a good way to do this. "When you do X I feel Y". If this is not possible, you can utilize the right to assistance option above.
3. The Complainant is encouraged to carefully record the details of the incident, including the date, time and nature of the harassment and the names of any witnesses.
4. A written record of the Complaint should be made by the employee who has been subject to Harassment who should immediately advise Human Resources or their Supervisor who will advise HR. If this reporting structure is uncomfortable or inappropriate in the circumstance concerns may also be brought to the attention of the Deputy CAO or CAO. Timely reporting can greatly aid in the investigation process.
5. Employees are required to report if they believe Domestic Violence may be a threat or if a domestic violence incident occurs at the worksite.

4.4 Investigations

1. Investigations can be either done Formally or Informally depending on the circumstances. Informal Investigations can be done quickly to minimize impacts on Employees and are appropriate when the facts are not in dispute, there is not a lot of witnesses to interview or there is consensus on what occurred, and there is little or no evidence to review. Formal Investigations are more time consuming but may be utilized to establish findings on what occurred and determine if the behaviour violated this or another policy. Both types of investigations will include a final report.
2. In resolving harassment situations through administrative investigations, the parties must be treated with dignity and respect. During the process of the investigation, the allegations are simply that - allegations. The investigator will attempt to determine, through investigation, what occurred and if the behavior meets the definition of harassment in this policy according to the balance of probability.
3. There are other types of conflict in a workplace that may not meet the definition for Harassment such as incivility, occasional rudeness, interpersonal disputes, passive aggressiveness, and conflicting personality types especially those that are demanding/domineering, and while they may not constitute harassment these conflicts do need to be addressed nonetheless between the Employees themselves or with HR or the Management Supervisor. These conflicts shouldn't be allowed to fester causing a negative environment that Harassment may grow out of.

4. When an allegation is brought forward, the Municipality will assess whether it contains enough information/details to be considered Harassment as defined in this policy. At a minimum the complaint must contain a description of the incident and if relevant, whether the treatment is linked to a prohibited ground of discrimination, the name of the Respondent, and approximate dates, times and locations of incidents.
5. The Municipality will not investigate Bald Allegations unless more details are subsequently provided. Vague complaints that allege discrimination or harassment without specifically detailing the events that gave rise to the allegations can not be investigated, although the Municipality may attempt to try and obtain those details.
6. When there is sufficient information to proceed, the Municipality is committed to conducting investigation in a timely manner for any complaints received understanding the more complex an investigation is in terms of interviews and evidence, the longer it will take. The intent of the investigation is to:
 - (a) Protect workers;
 - (b) Limit the damage of harassment in the workplace;
 - (c) Collect and validate information;
 - (d) Increase moral and productivity;
 - (e) Avoid negative publicity, or costly or time consuming legal proceedings;
 - (f) Address conduct that does not comply with this policy and maintain a positive, respectful and harassment free workplace.
7. The incident report can be utilized to commence the Investigation. This form should be completed with as much information as possible, with dates and details and submitted to Human Resources or the Supervisor who will advise HR.
8. The Municipality will appoint an investigator who is impartial, meaning they do not have a personal stake in the outcome of the investigation. The Municipality may appoint an Employee that has specific training in how to conduct investigations, it may also opt to appoint an external investigator at its discretion.
9. The Investigator will have a scope of investigation which provides a clear mandate to keep the investigation focused and to ensure procedural fairness. For example, the scope should list the allegations in need of investigation and the role of the investigator will be to determine what happened, and whether it amounts to Harassment as defined by this policy. The findings will also include a determination of appropriate remedial measures. If other issues come up during the investigation, the investigator will raise them with the Employer and the mandate may be amended or these may be handled in another manner.
10. Investigations of a formal complaint will be carried out in accordance with the following:
 - (a) Investigations will be started promptly and in accordance with circumstances.
 - (b) The municipality and investigators will not disclose the circumstances related to the incident or names of the Complainant, Respondent or witnesses except:

- Where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident the results of the investigation and any corrective action to be taken to address the incident,
 - Where necessary to inform the employees of a specific or general threat of violence or harassment.
 - As required by law.
- (c) Only individuals necessary in verifying the complaint will be interviewed to maintain confidentiality of the Complainant and Respondent to the greatest extent possible.
- (d) The Complainant and Respondent will be interviewed in a confidential setting, and the Respondent will be advised of the allegations against them and provided the opportunity to answer for the same.
- (e) Employees will be required to cooperate in the investigation process. Individuals with knowledge of the circumstances or witnesses will be encouraged not to discuss the details with others.
- (f) The safety of the Complainant will be a paramount consideration through the investigation process.

4.5 No Recriminations or Retaliation

No individual filing a complaint will be penalized nor subjected to any prejudicial treatment as a result of making a complaint. No correspondence pertaining to the complaint will be placed on the complainant's personnel file.

No employee shall take retaliatory action against a Complainant with the intention of dissuading or punishing an individual for participating in the complaint process. Sanctions may be imposed for any such retaliation. Retaliation against individuals participating in the complaint process should not be confused with any sanction which may be imposed for making false allegations.

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.

4.6 Findings and Final Disposition

1. Following the investigation process, the Investigator will determine whether or not the complaint has been substantiated. In the event that it is not substantiated; the Complainant and the Respondent will both be advised, and the complaint will be dismissed, including a removal from the Respondent's record of any reference to the complaint. Consideration will be given to if the complaint was made in good faith and what recourse should follow in the event this conclusion isn't reached.

2. When analyzing the facts, the investigator will base their conclusions on the balance of probability. This is the civil standard of proof that an incident was more likely to have occurred than not.
3. If the complaint is substantiated, the appropriate corrective action and disciplinary measures will be identified and may include a range of responses. Consideration will be given to the specific circumstances and the offenders history and role. Recourse may include both disciplinary and corrective action such as:
 - (a) Apology;
 - (b) Training;
 - (c) Referral for counseling;
 - (d) Reassignment;
 - (e) Limiting access to certain areas or individuals within the organization;
 - (f) Discipline;
 - (g) Discharge; or
 - (h) Advising the RCMP of a potential criminal offense.

Systemic Harassment Investigation- Whether or not any complaint has been made, when concerns regarding a worksite are brought to the attention of the Municipality, the Municipality may direct a systemic review of any worksite, to ensure that employees are able to work free from violence, personal and or sexual harassment.

4.7 Complaint Confidentiality

Throughout this process and to the greatest extent possible, reasonable efforts shall be made to respect the confidential nature of the complaint. However, absolute confidentiality can not be guaranteed due to the need for an investigation and informing the alleged offender and Union if applicable.

4.8 Complaint Resolution Alternatives

The Municipality recognizes that nothing in this policy or procedures takes away the complainants right to file a complaint with the Alberta Human Rights Commission or commence proceedings in a civil or criminal court. Any individual has the right to pursue concerns through alternate forms, including the rights through and law of Alberta or Canada.

4.9 Victim Support

The Municipality understands that victims of Harassment need support. As a result, the Municipality will ensure that all victims are advised that they are not to blame for the behaviours directed at them and that being a victim of Harassment does not reflect on them.

The Municipality recognizes that victims of Harassment or other workers who may have been exposed to a violent incident, may require further follow up with a health professional. The Municipality will ensure that victims as well as others exposed to Harassment, are provided with the information needed to follow up with a health professional including information on what

benefits are available given the circumstances. Below is a listing of the agencies, programs and materials which are available to assist you in seeking support in addition to your personal professional service providers:

Who	Contact(s)	What
Alberta Human Resources and Employment Workplace Health and Safety	Province-wide Call centre 1-866-415-8690 Web site www.whs.gov.ab.ca	To report serious injuries and provide information on the requirements of the <i>Occupational Health and Safety Act</i> and regulations
Alberta Human Rights & Citizenship Commission	Phone: (403) 297-6571 (Southern AB) Toll Free: 1-800-432-1838	<ul style="list-style-type: none"> • Conducts seminars and information sessions • Circulates a Newsletter entitled "The Citizen"
Canadian Mental Health Association	Phone: (403) 297-1700	Counseling and crisis services
Victim Impact Statement Program	Information is available through police, Crown Prosecutor's Office , the Courts and other agencies providing services to victims. Forms may be obtained from the police.	Victims of crime are provided with the opportunity to express in writing to the courts, the harm done or loss suffered as a result of the crime. The judge considers the Statement in determining sentence.

MUNICIPALITY OF CROWSNEST PASS



Mayor

June 25, 2024

Date



Chief Administrative Officer

June 26 / 24

Date

