
Discrimination and Harassment

Date of Approved by Council: 05/23/90; 08/24/99
09/04/2007

Resolution No: C-70/90; 552/99
703/2007

Lead Role: Chief Commissioner

Replaces: 40-44-020

Last Review Date: September 4, 2007

Next Review Date: 09/2010

Administrative Responsibility: Human Resources

Policy Statement

As an organization that is committed to the delivery of high quality public services, Strathcona County promotes and expects that all employees, volunteers and customers have the right to a work environment free of all forms of harassments and discrimination. As such, the *Canadian Charter of Rights and Freedoms* and the *Human Rights, Citizenship and Multiculturalism Act for the Province of Alberta* shall be the standards upon which to ensure individual rights are not violated. Similar to the County's Respectful Workplace policy (HUM-001-032), employees, volunteers and citizens conducting business with the County shall be treated with respect, dignity and fairness.

Guidelines

As employees, volunteers and representatives of Strathcona County we will strive to realize a work environment such that:

1. Employees shall not engage in conduct or behaviour which constitutes discrimination, harassment or sexual harassment.
2. Any individual subjected to discrimination, harassment or sexual harassment has the right to make it clear either to an individual in a position of authority, to the alleged offender, or both, that the behaviour and conduct is unacceptable.
3. Any person in a position of authority who receives a complaint is responsible for ensuring that the complaint is addressed.
4. Employees shall not knowingly and wilfully submit complaints based on false allegations.
5. All employees can obtain advice and assistance regarding strategies for confronting discrimination, harassment or sexual harassment at an interpersonal level by contacting either their respective Manager, a member of the Executive, or Human Resources department.
6. Complaints regarding discrimination, harassment or sexual harassment may be resolved through either an informal verbal complaint mechanism, which may involve voluntary mediation or by submitting a formal written complaint with a person in authority.

7. Individuals alleged to have violated this policy are entitled to know the name(s) of individual(s) making an informal or formal complaint; and that in the case of a formal complaint, the alleged individual shall receive a copy of the letter of complaint which outline such allegations.
8. Reasonable efforts shall be made to respect the confidential nature of all complaints while recognizing that absolute confidentiality cannot be guaranteed owing to the need for investigations and the need to inform the alleged individual; and
9. Individuals recognize that any resolution procedures do not take away the right to file a complaint outside the organization with the Alberta Human Rights Commission, or any association or union, or through civil or criminal court.

Definitions

1. **Discrimination** is the denial of individual rights and freedoms in a manner which contravenes the *Canadian Charter of Rights and Freedoms* and the *Human Rights, Citizenship and Multiculturalism Act for the Province of Alberta*. It is a legislated right that every person in Alberta is protected from discrimination under the following grounds: race, marital status, religious beliefs, family status, colour, age (18 years and over), gender, ancestry, physical disability, place of origin, mental disability, source of income, and sexual orientation.
2. **Harassment** is conduct exhibited once or repeatedly, that offends, demeans, belittles, or humiliates another person and that the person exhibiting the conduct knew or ought reasonably to have known would be unwelcome.
3. **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 to such conduct a term or condition of an individual's work.
 - b) affects access to services or employment.
 - c) creates a hostile or offensive environment which interferes with an individual's work.
 - d) intimidates, embarrasses, coerces or humiliates the victim. Harassment is not a relationship of mutual consent.
4. **Person in authority** is the first person in authority, who may be an executive officer, manager or supervisor.
5. **Complainant** is an individual or group of individuals who submit a complaint. A complainant may be a third party having knowledge of an incident of discrimination or harassment.
6. **Respondent** is an individual against whom a harassment complaint is filed.
7. **Representatives of Strathcona County** This policy is intended to apply to:
 - employees
 - volunteers
 - contract personnel

Roles and Responsibilities

Chief Commissioner:

- To report to Council on a semi-annual basis the status of violations of this policy.

Executives and Managers of Strathcona County:

- To inform their respective employees, in conjunction with any assistance from Human Resources, of the expected conduct and procedures for reporting potential violations of this policy on matters within the scope of the workplace.
- To investigate any reported cases of policy violation in the workplace and, wherever possible, ensure a satisfactory resolution at the department level.
- To follow the same investigative procedures for any matters that may involve disciplinary action.

Supervisors of Strathcona County:

- To assist the department manager with any investigation of reported potential violations of this policy on matters with the scope of the workplace and, wherever possible, ensure a satisfactory resolution at the department level.
- To follow the same investigative procedures for any matters that may involve disciplinary action.

Representatives of Strathcona County:

- To carefully think through any personal ethical challenge faced in the course of carrying out work responsibilities, and to consider using any of the “Helpful Tools” referenced in this policy; and/or to consider consulting with your supervisor, the Employee and Family Assistance Program, a trusted peer or friend to assist you.
- To take responsibility to report any potential infractions of this policy, and to consider using the “Reporting Tool” referenced in this policy to assist with your reporting.
- To provide your report on any potential infractions of this policy to your supervisor, Department Manager, member of the Executive, or Human Resources representative for further action as required.
- To cooperate with management in the event of the need for an investigation of the potential policy violations.
- To provide verification of awareness and understanding of the policy by completing the sign-off form as part of this policy.

Human Resources Department:

- To assist, where appropriate, department manager or their designate in the investigation of any reported cases of potential violation of this policy on matters within the scope of the workplace.
- To notify the appropriate authorities as required, normally the first person in authority, who may be an executive officer, manager or supervisor.
- In cooperation with the department manager or supervisor, report findings to the complainant and the respective Associate Commissioner and Chief Commissioner.
- To provide awareness and education sessions for all representatives of Strathcona County, in conjunction with department managers, on this policy and administrative procedures, via appropriate and timely means.

Informal Complaint Resolution

MAKING AN INFORMAL COMPLAINT

1. The complainant may convey objections to the individual directly or through a person in authority.
2. Failure to make objections known through an informal, verbal complaint does not preclude the filing of a formal complaint.
3. The complainant should keep written records regarding the incident(s) and of any attempts to inform the respondent directly or through reports to a person in authority.

RECEIVING AN INFORMAL COMPLAINT

1. The person in a position of authority who receives an informal verbal complaint shall take action to ensure the complaint is resolved within 60 days of the date the complaint is received.
2. The person in a position of authority should take the following actions:
 - a) Provide the complainant and respondent with information regarding discrimination, harassment or sexual harassment, including County policy and advise them where assistance is available.
 - b) Assist the complainant in speaking to the respondent directly, or speak to the respondent on the complainant's behalf to outline the allegations and attempt to resolve the complaint informally.
 - c) Monitor the status of the complaint to see that it is satisfactorily resolved within the required time limit.

VOLUNTARY MEDIATION

1. If the individual in a position of authority is unable to resolve the complaint, the complainant and respondent will be asked whether they are willing to enter into voluntary mediation.
2. Voluntary mediation shall be offered within 60 days of the date the informal complaint is received.
3. The focus of the mediation process is educational and preventative, rather than punitive.
4. If the complainant and respondent agree, the individual in a position of authority shall appoint a neutral third party acceptable to both.
5. If the informal complaint is not resolved through mediation, a formal complaint can be filed.

OUTCOME OF AN INFORMAL COMPLAINT

1. If a complainant confronts the respondent directly and resolves the problem at that level, no sanctions are applied by the organization.
2. If an individual in a position of authority is asked to speak to the respondent and the behaviour appears to be in violation of County policy, a warning may be issued indicating that such behaviour is unacceptable. Failure to discontinue the behaviour may result in a formal complaint.
3. If both parties enter voluntary mediation, an acceptable resolution may be achieved. If the complaint is not resolved through mediation, a formal investigation may be initiated.

Formal Complaint Resolution

MAKING A FORMAL COMPLAINT

1. A formal complaint consists of a signed written statement outlining the allegations, describing the specific incident(s), the dates (if available) and any witness(es) who may have been present.
2. A formal complaint may be filed up to six months from the date of the most recent incident cited in the letter of complaint.
3. The complainant is responsible for notifying the person in authority if a complaint is filed with the Alberta Human Rights Commission, police, union, association or if civil court action is initiated while the charges are still under review by Strathcona County. The County may, after consultation with legal counsel, elect to process the complaint in order to finalize its internal investigation procedure.

RECEIVING A FORMAL COMPLAINT

1. An individual in a position of authority shall:
 - a) accept the formal complaint provided no more than six months has elapsed since the most recent incident outlined in the complaint. The Chief Commissioner may elect to consider a complaint received after this time.
 - b) verify that the allegations may represent a violation of County policy.
 - c) notify and provide a copy of the complaint to the respondent and the Chief Commissioner.

RESOLVING A FORMAL COMPLAINT

1. An individual acceptable to both parties shall be appointed by the Chief Commissioner to conduct an investigation regarding the complaint.
2. The complainant and respondent shall have the opportunity to:
 - a) provide written submissions to the investigator.
 - b) respond to the other party's written submissions.
 - c) appear before the investigator to provide oral submissions.
 - d) respond to one and other's statements.
 - e) have someone present to provide advice and assistance. (i.e., legal counsel, association/union representative, colleague)
3. The investigator shall have the right to ask questions of the complainant and respondent.
4. The investigator's findings shall be detailed in a report to the Chief Commissioner.
5. Resolution of a formal complaint shall occur within three months of the date on which the complaint was filed.

OUTCOME OF A FORMAL COMPLAINT

1. If the results of the investigation support the allegations in the letter of complaint, a range of sanctions may be imposed on the respondent by the Chief Commissioner. The sanctions depend upon the nature and seriousness of the offence and include a verbal warning, a written reprimand with a copy retained in the respondent's file, transfer, demotion, suspension and termination of employment.

2. If the results of the investigation do not support the allegations, the complaint will be deemed to be unfounded and a letter will be issued indicating that the respondent has been cleared of all allegations. The respondent has the option of requesting that a copy of the letter be placed in the personnel file.
3. If the evidence indicates that the complainant knowingly and wilfully made false allegations in an attempt to cause harm to the respondent, a range of sanctions may be imposed on the complainant by the Chief Commissioner. The sanctions depend upon the nature and seriousness of the offence and include: a verbal warning, a written reprimand with a copy retained in the complainant's file, transfer, demotion, suspension and termination of employment.

Appeals

1. Either the complainant or the respondent may appeal to the Chief Commissioner if dissatisfied with the resolution of a formal complaint.
2. Either party has the right to seek civil or criminal redress through the courts or to file a complaint with their union, association or the Alberta Human Rights Commission.

Retaliation

1. No employee shall take retaliatory action with the intent of dissuading or punishing an individual for participating in the complaint resolution process. Sanctions may be imposed for retaliation.
2. Retaliation against individuals participating in the complaint resolution process is not to be confused with sanctions imposed for harassment or making false allegations.

Course of action for addressing various types of policy violations:

1. If between employees, address via internal processes.
2. If between "supervisor" and employee, address via internal processes.
3. If between employee and customers, address via internal process as directed by the respective department manager.
4. If between employee and an elected official, address via internal processes as directed by the Chief Commissioner.

Note: The foregoing does not preclude the involvement of police authorities depending upon the nature and particular details of the complaint.