

<b>Title: RESPECTFUL WORKPLACE POLICY</b>		<b>Number: 8047</b>
<b>Reference:</b> Administrative Committee March 20, 2024 Administrative Committee May 1, 2024	<b>Adopted by City Council:</b> May 6, 2024	
	<b>Acting City Clerk</b>	<b>City Manager</b>
		<b>Supersedes:</b> Policy 8023 Policy 8040
<b>Administered by: PEOPLE SERVICES DEPARTMENT</b>		

## STATEMENT

THE CITY OF MEDICINE HAT ("CITY") IS COMMITTED TO CREATING AND SUSTAINING A WORKPLACE THAT SUPPORTS AN ENVIRONMENT WHERE EVERY PERSON IS TREATED WITH DIGNITY AND RESPECT AND AN ENVIRONMENT THAT ENSURES EQUAL OPPORTUNITY, IS FREE OF DISCRIMINATION, HARASSMENT OR VIOLENCE, AND IS INCLUSIVE, PRODUCTIVE, POSITIVE, SAFE AND RESPECTFUL TO ALL EMPLOYEES, VOLUNTEERS AND THE PUBLIC.

THIS POLICY IS CRITICAL TO THE VISION OF A DIVERSE WORKPLACE WHERE PEOPLE ARE ATTENTIVE AND INFORMED TO THE RIGHTS AND NEEDS OF EVERYONE AND ARE PARTICIPATING IN A CULTURE OF CARE AND RESPECT. WHEN HARM DOES HAPPEN, THE CITY WILL ENSURE THAT THERE IS CAPACITY THROUGHOUT THE WORKPLACE TO SUPPORT AND ASSIST WITH REPAIR AND REBUILDING OF RELATIONSHIPS AND TO TRANSFORM ROOT CAUSES.

## PRINCIPLES

1. The City values behaviours where people support each other, build healthy relationships, achieve excellent results and fulfill their potential. These behaviours set the foundation, so every employee can thrive and grow.
2. The City believes that individual dignity, mutual respect, self-esteem, and a sense of personal wellbeing provide a healthy and respectful foundation for a productive work environment.
3. Every employee has the right to be treated in a fair, reasonable and respectful manner. For this to be a normal part of our environment, the City will establish a common understanding of expectations and behaviours that will foster a respectful and inclusive workplace.

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4. The City will take the necessary steps to eliminate workplace violence and harassment, or, if elimination is not reasonably practicable, control the hazards of workplace violence and harassment. All employees are to support this policy and refrain from engaging in any form of disrespectful behaviour or workplace violence.
5. The City supports the principle of equal access to employment, promotions, training, and career development for all employees based on job-related knowledge, skill, and ability.
6. Employees are empowered to resolve issues and to deal with Disrespectful Workplace Behaviours in a direct, healthy, and expeditious manner honouring conflict resolution principles while preserving individual dignity and respect.
7. All City employees have a responsibility to foster a respectful workplace in a spirit of cooperation involving management, staff, unions, community groups, customers, anyone who acts on behalf of the City, and the general public. Behaviours that harass, discriminate, are disrespectful or violent will not be tolerated.

## ROLE OF COUNCIL

1. To receive, review and adopt this policy and any recommended amendments thereto.
2. To appoint a Lead Investigator and act as the appeal and decision body for Complaints where the City Manager is the Complainant or the Respondent.

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## 1. DEFINITIONS

- 1.01 Appeals - Where the Complainant or Respondent disagrees with the decision resulting from an investigation, they can advise the Director of People Services who will direct the appeal to the Appeal and Decision Body set out in Section 3.07 who was involved in making the decision for disposition of the Complaint.
- 1.02 Complaint – an allegation by an employee or prospective employee that a violation of this policy has taken place.
- 1.03 Complainant – A person(s) who alleges that an offense or violation of this policy or *Alberta Human Rights Act* has taken place.
- 1.04 Discrimination – Discrimination includes, but is not limited to, differential treatment or any action or policy having an adverse impact on an individual or group of individuals based on Protected Grounds.
- 1.05 Disrespectful Workplace Behaviour – Conduct, comments, actions, or gestures that are unwelcome to an individual, and serve no valid work-related purpose. It may be a single incident that is serious and has significant impact or a repeated behavior that in isolation seems minor but has a significant impact on the work environment. This includes, but is not limited to:
- Humiliating, intimidating, insulting, demeaning, annoying, embarrassing, bullying or otherwise offensive behaviour;
  - Refusing to cooperate with others and deliberately avoiding or excluding others from relevant work activities;
  - Written or verbal comments, behaviour or jokes that are degrading, offensive, demeaning, embarrassing, or insulting;
  - Spreading malicious rumours;
  - Vandalism and other damage to people or property;
  - Abuse of authority such as intimidation, threats, blackmail, or coercion;
  - Retaliation through words or actions against a Complainant for making a Complaint under this Policy or the *Alberta Human Rights Act*;
  - Discrimination;
  - Harassment; and
  - Workplace Violence.

If the Disrespectful Workplace Behaviour is related to any of the Protected Grounds, it may also be prohibited under the *Alberta Human Rights Act*.

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## 1.06 Harassment

- (a) Is any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence, humiliation, degradation, or embarrassment to an employee, or adversely affects the employee's health and safety.
- (b) Harassment includes, but is not limited to, unwelcome behaviour, physical contact, comments, jokes, gestures, posters, articles, or treatment in general that offends, demeans, or causes personal humiliation and/or embarrassment, or which causes a hostile, intimidating, or abusive work environment regardless of intent.
- (c) Harassment most often involves a pattern of behavior, however in some circumstances, a single incident could be severe enough to constitute harassment.
- (d) Harassment can be a form of discrimination when it relates to a Protected Ground.
- (e) Harassment does not include consensual relationships, mutually welcome social invitations or interactions, or reasonable action taken by the City or any director/manager/supervisor relating to the management and direction of workers.
- (f) The following are some examples of Workplace Harassment, but are not limited to:
  - Threats, leering, intimidation, insults;
  - Negative or derogatory comments, actions, or gestures;
  - Condescending comments that undermine someone else's reputation, work, or confidence;
  - Abuse of power such as improper use of seniority to intimidate, demean or undermine;
  - Yelling or shouting;
  - Taunting or jokes that will negatively isolate or target a person or group;
  - An individual or group of individuals treating an employee in an intimidating manner;
  - Malicious gossiping or the spreading of false information or rumours that result in embarrassment or humiliation, or impact an employee's performance or reputation;
  - Inappropriate and unwelcome inquires about an individual's personal life;

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- Intentional sabotage or interference with an individual's ability to complete their work;
  - Intentionally withholding relevant information, failing to include an employee in relevant communication or failing to provide an employee with the direction that is necessary to perform their essential job duties;
  - Making derogatory insults, comments, jokes, or inappropriate comments/questions based on a Protected Ground.
- (g) The following examples of legitimate workplace actions are not harassment when they are carried out in good faith:
- Assignment and direction of work;
  - Supervisor requests for updates or status reports;
  - Direct supervision, that can include meetings/discussions regarding performance expectations; or
  - Decisions regarding the approval or non-approval of days off, vacation, or flexible work arrangements.

Harassment is also addressed in the Workplace Violence and Harassment Prevention Plan available on Insite. Please refer to that Plan for more information.

- 1.07 Inclusive – Recognizing the value of diversity among employees, workgroups, customers, and the public with different backgrounds including but not limited to cultures, strengths, opinions, and experiences, and ensuring that no one is left out based on any of these characteristics nor any Protected Grounds.
- 1.08 Lead Investigator – The individual set out in Section 3.07, or their delegate, responsible for investigating a Complaint under this policy.
- 1.09 Protected Grounds – The *Alberta Human Rights Act* prohibits discrimination based on the protected grounds of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation.
- 1.10 Respondent – A person(s) whom a Complaint has been filed against.
- 1.11 Sexual Harassment
- (a) Sexual harassment is unwelcome or unwanted behaviour that is sexual in nature. Sexual harassment may sometimes, but not always, be an attempt by one person to exert power over another person. The harassment may have a negative effect for the person experiencing the harassment, regardless of what the harasser intended.

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- (b) Sexual harassment can include such things as suggestive remarks, jokes or invitations, comments about physical appearance, sharing suggestive sexual images, leering, or whistling, unwanted physical contact, outright demands for sexual favours, or physical abuse.
- (c) Workplace sexual harassment can include a wide range of behaviors. Examples of workplace sexual harassment can include, but are not limited to:
- Sexual advances, demands or conditions made by a superior or someone who could influence, or is reasonably believed to have the power to influence, another person's employment condition or opportunities;
  - Displaying, virtually sending, or posting sexually explicit or offensive material;
  - Inappropriate staring, leering, whistling;
  - Expressions of sexual interest after being informed that such interest is unwelcome;
  - Inappropriate or unwanted physical contact;
  - Objectionable or unwelcome comments about a person's gender identity, gender expression or sexual orientation;
  - Gestures, comments, and jokes of a sexual nature that cause embarrassment or discomfort;
  - Inappropriate comments or inquiries regarding a person's sex life;
  - Threats of reprisal or actual reprisal against someone who has refused a sexual invitation;
  - Actions of a sexual nature that are not directed at a particular person but create a hostile or offensive environment;
  - Unwelcome remarks about a person's appearance or physical attributes;
  - Derogatory threats, terms, taunts, or other language that is sexual or gender-based; and
  - Sexual assault or indecent exposure.

#### 1.12 Workplace Violence

- (a) Workplace Violence, whether it is at a work site or workplace, or is otherwise work-related, means the threatened, attempted, or actual conduct of a person that causes, or is likely to cause physical injury, psychological injury and includes domestic and/or sexual violence.

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- (b) Examples of Workplace Violence can include, but not be limited to:
- Threatening behaviour such as shaking fists, destroying property, throwing objects;
  - Verbal or written threats that express an intent to inflict harm;
  - Physical attacks;
  - Threats, including coercion; and
  - Angry, violent outbursts.
- (c) Domestic violence consists of a pattern of behavior used by one person to gain power and control over another with whom that person has or has had a personal relationship. Acts of domestic violence such as physical violence, emotional or psychological intimidation, verbal abuse or stalking which happen in or otherwise affect the workplace or any work site can be addressed under this Policy.
- (d) Workplace Violence may occur when employees are working alone or outside of regular hours and is not limited to the work site. Workplace Violence can occur at off-site business-related functions including:
- Attending conferences, training, workshops and/or trade shows; or
  - Any other instance that is related to employment with the City.

### 1.13 Hazard Assessment, Elimination and Control

- (a) "Hazard" references a situation or condition that may be dangerous to the safety and/or health of workers. If an existing or potential hazard to employee's is identified, the employer must take measures to eliminate the hazard. If the elimination of the hazard is not practical, the employer must control the hazard through controls set out by administration or personal protective equipment.

## 2. RESPONSIBILITIES

All City employees have a collective responsibility to demonstrate values and consistently model behaviours that promote, support, and sustain a respectful workplace through our words and actions.

### 2.01 City Council

- (a) Receive, review, amend and adopt any recommended changes to the Respectful Workplace Policy.

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2.02 Administrative Committee

- (a) Make recommendations to City Council regarding changes to the Respectful Workplace Policy.
- (b) Approve the Procedures to this Policy and any amendments to the Procedures, subject to City Council approval where such changes impact the responsibilities of Council set out in the Policy.

2.03 City Manager/Managing Directors

- (a) Be a role model for respectful behavior.
- (b) Ensure awareness of and compliance with the Respectful Workplace Policy within their divisions.
- (c) Ensure proper action is taken, in co-operation with the Director of People Services, to prevent and rectify any violations of the Respectful Workplace Policy.
- (d) Take immediate action to deal with Disrespectful Workplace Behaviour.
- (e) As far as reasonably possible, ensure no person to whom this policy applies suffers retaliatory action as a result of making a Complaint or for providing information in an investigation in accordance with this policy.
- (f) Refer all Complaints to the appropriate Lead Investigator in accordance with Section 3.07.
- (g) Participate as required when a decision about a Complaint is appealed.

2.04 Directors/Managers/Supervisors

- (a) Be a role model for respectful behavior.
- (b) Ensure awareness of and compliance with the Respectful Workplace Policy within their departments.
- (c) Ensure proper action is taken, in co-operation with the Director of People Services, to prevent and rectify any violations of the Respectful Workplace Policy within their departments.
- (d) As far as reasonably possible, ensure no person to whom this policy applies suffers retaliatory action as a result of making a Complaint or for providing information in an investigation in accordance with this policy.



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- (e) Refer all Complaints to the appropriate Lead Investigator in accordance with Section 3.07.
- (f) Cooperate as required with the Lead Investigator or their delegate during an investigation.
- (g) Where the results of the investigation support the allegations of the Complaint the Director/Manager/Supervisor of the Respondent shall:
  - i. work with the Director of People Services to develop a recommendation for disposition of the Complaint and determine a course of action,
  - ii. communicate the outcome of the investigation to the Respondent including any resulting course of action to be taken, and
- (h) Provide support and coaching as required to ensure the Respondent's Immediate Supervisor can support the decision for disposition of the Complaint in a satisfactory manner.
- (i) Ensure employees are aware of the support options available to them if they are subject to Disrespectful Workplace Behaviours, including the Employee Assistance Program (EAP).
- (j) Ensure a hazard assessment (if applicable) is conducted that identifies existing or potential hazards relating to Workplace Violence. The determination of a hazard assessment will be conducted by the Director of People Services, in conjunction with Occupational Health and Safety.
- (k) Develop and document adequate controls, if applicable, for each hazard identified to ensure cases of Workplace Violence can be reduced or eliminated.
- (l) Ensure all employees are aware of all existing potential hazards and controls related to Workplace Violence.

#### 2.05 Immediate Supervisor

- (a) Be a role model for respectful behavior.
- (b) Ensure employees are provided the opportunity to attend training related to the Respectful Workplace Policy.
- (c) Take appropriate action to protect employees and others in the workplace and put a stop, as far as reasonably possible, to any Disrespectful Workplace Behaviour they are aware of.
- (d) Refer all Complaints to the appropriate Lead Investigator in accordance with Section 3.07 and immediately report all instances of Workplace Violence to the Director of People Services.

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- (e) Provide support and/or coaching as required to ensure employees comply with the disposition of a Complaint in a satisfactory manner.
- (f) Ensure employees are aware of the support options available to them if they are subject to Disrespectful Workplace Behaviours, including the EAP and aid employees subjected to Workplace Violence.

#### 2.06 Director of People Services

- (a) Ensure that, where applicable in accordance with Section 3.07, they, or a suitable delegate, receives, coordinates, reviews and investigates Complaints regarding violation of the principles of this policy.
- (b) In cooperation with applicable Director/Manager/Supervisor of the parties to the Complaint, formulate an agreed upon course of action for the disposition of the Complaint in a timely manner.
- (c) At the conclusion of an investigation, summarize and review the findings with the applicable Director/Manager/Supervisor as necessary.
- (d) Ensure that the Complainant is advised of the findings of the investigation.
- (e) Ensure that any course of action determined for the Respondent is carried out.
- (f) If a decision is under appeal, provide the relevant investigation report to the person responsible to resolve the Appeal.
- (g) Provide information to the City Manager concerning the types of Complaints reported and the outcome of investigations as they occur while maintaining confidentiality to the extent possible.
- (h) Advise and make recommendations to Managing Directors, Directors, Managers, and Supervisors in dealing with potential violations of the Respectful Workplace Policy.
- (i) Make recommendations to the Administrative Committee regarding amendments to this policy.

#### 2.07 People Services Department

- (a) Administer this policy and ensure review of the policy every two years or when a serious incident of Workplace Violence or Harassment occurs.
- (b) Provide training and support to all employees ensuring the effective implementation of this policy.
- (c) Collect relative data and information of all reported incidents for analysis.

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- (d) Communicate the intent and guidelines of the Respectful Workplace Policy to all employees.
- (e) Respond to and make recommendations to the Director of People Services regarding policies and procedures contravening the Respectful Workplace Policy.
- (f) As far as reasonably possible, ensure no persons suffer retaliatory action as a result of making a Complaint or for providing information in an investigation in accordance with this policy.
- (g) Ensure employees are aware of the support options available to them, including the EAP, if they are subject to Disrespectful Workplace Behaviours.
- (h) Post the Respectful Workplace Policy in all City of Medicine workplace and work site locations.
- (i) Provide information and training to all City employees on the policy, procedures, hazard assessment, elimination, and control processes (if and where applicable).
- (j) Ensure serious injuries and accidents are reported to the appropriate regulator in the jurisdiction where the serious incident or accident occurred.
- (k) Participate in the investigation of reported Workplace Violence related incidents and make recommendations for corrective measures.

#### 2.08 Employees

- (a) Promote behaviours that will uphold a respectful workplace and follow processes established in this policy regardless of whether directly impacted by or witness to Disrespectful Workplace Behaviours between others.
- (b) Understand and comply with the policy and procedures, and complete any training required by this policy.
- (c) Participate in the hazard assessment, elimination and control processes, where applicable to Workplace Violence and Harassment.
- (d) Utilize the informal resolution process wherever possible and ensure that Respectful Workplace Behaviour is modelled regardless of whether they are the Complainant or the Respondent.
- (e) In accordance with the Whistleblower Policy, report any incidents of retaliatory action as a result of making a Complaint or involvement in the investigation.
- (f) Take immediate and appropriate action to report any incident of Workplace Violence to their immediate supervisor and the Director of People Services.

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- (g) Participate in the investigation of Workplace Violence and/or any Complaints, as required.
- (h) Seek medical attention as required following an incident of Workplace Violence.
- (i) Utilize the support options that are available when impacted by Workplace Violence, Harassment, Discrimination or Disrespectful Workplace Behaviours.

### 3. REPORTING AND RESOLUTION PROCESSES

- 3.01 This policy applies to all City employees, contractors, volunteers, and anyone else who acts on behalf of the City, and at all City facilities, locations visited by employees on City-related business and locations of work-based social gatherings.
- 3.02 All City employees, contractors, volunteers, and anyone else who acts on behalf of the City, are to always promote and model respectful workplace behaviour. The City will not tolerate Disrespectful Workplace Behaviour.
- 3.03 Training is a critical component of any City policy. Training on this policy will be mandatory for all employees in any work location.
- 3.04 Any report of Workplace Violence or Harassment, or Complaint and subsequent investigation shall be kept confidential to the extent possible. The circumstances related to the report/Complaint, the name(s) of the reporting employee, Complainant, the Respondent, and any witnesses, shall not be disclosed except:
  - i. where necessary to investigate the Complaint or to take corrective action, or to inform the parties involved in the Complaint of the results of the investigation and any corrective action to be taken to address the Complaint;
  - ii. where necessary to inform employees of a specific or general threat of violence or potential violence; or
  - iii. as required by law.

Where information must be disclosed in order to inform employees of a specific or general threat of violence, only the minimum amount of personal information necessary to inform employees of the threat will be disclosed.

#### 3.05 Reporting of Workplace Violence

- (a) Incidents of immediate crisis or danger involving weapons, physical injury, signs of threatening of physical injury must be reported immediately to the City of Medicine Hat Police by calling 911.

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- (b) Incidents of Workplace Violence must be reported to the Director of People Services and the Director/Manager/Supervisor immediately.
  - (c) Details of any incident relative to Workplace Violence or harassment must be documented on the City of Medicine Hat incident form that can found on Insite. This form must immediately be sent to the Director of People Services.
  - (d) Any and all incidents of, or informal or formal reports of Workplace Violence and Harassment will be investigated.
  - (e) Upon notification of an incident, the relevant Director/Manager/Supervisor, and where applicable the Director of People Services, in consultation with People Services staff, will review the details surrounding the situation and determine an appropriate resolution.
  - (f) A copy of the written investigation will be provided to an Occupational Health and Safety Officer, upon request.
  - (g) Workplace Violence reported under this Section 3.04 of the policy may also be the subject of a Complaint. If an incident of Workplace Violence is the subject of a Complaint, the process for reporting and investigating a Complaint will be followed, as set out in Section 3.07 below, in addition to the incident being reported in accordance with this Section.
- 3.06 Informal Procedure/ Direct Resolution of Disrespectful Workplace Behaviours – The City’s goal is to have employees directly communicate when they perceive a party is engaging in Disrespectful Workplace Behaviours in order to resolve any conflict. If circumstances make this difficult or there is an inability to resolve the issues between the parties, they can proceed to access a greater level of assistance in this process. The steps of the Informal Procedure are as follows:
- (a) Advise the alleged offender that their behaviour is unacceptable and unwelcome. This approach is best used at the time of the offense or as soon as possible afterwards. This can be done verbally, or in writing and may include expressing the negative effects of the Disrespectful Workplace Behaviour.
  - (b) This could lead to clarifying misunderstandings, apologizing, and establishing an agreed upon action plan to improve working relationships.
  - (c) If the Disrespectful Workplace Behaviour does not stop, or if the Complainant feels uncomfortable addressing the issue with the other party, the Complainant can speak with their supervisor or union representative. People Services, at the direction of the Director of People Services, will be available to provide guidance and/or direction as required.

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- (d) If the Complainant does not feel the matter can be resolved by speaking with their supervisor and union representative, they should proceed with the formal complaint process set out below.
- (e) The employee should keep a written record of the incident(s) of Disrespectful Workplace Behaviour as well as the action they have taken to stop the inappropriate behaviour. The notes should include as much information as possible, such as dates, times, places, nature of behaviour and names of possible witnesses.

### 3.07 Formal Resolution

#### (a) Filing a Complaint

- i. To make a Complaint, the Complainant should submit a signed, written Complaint outlining the allegations of Disrespectful Workplace Behaviour, using the Respectful Workplace Complaint Form, describing specific incidents, the dates, times, and any witnesses, to the Director of People Services, unless otherwise set out in Table 1 below.
  - Complaints must be filed within six months from the date of the most recent incident of Disrespectful Workplace Behaviour cited in the Complaint. Once a Complaint is received, it will be kept strictly confidential, to the extent reasonably possible, including not disclosing the circumstances related to the Complaint, the name(s) of the Complainant, the Respondent, and any witnesses, except:
    - where necessary to investigate the Complaint or to take corrective action, or to inform the parties involved in the Complaint of the results of the investigation and any corrective action to be taken to address the Complaint;
    - where necessary to inform employees of a specific or general threat of violence or potential violence; or
    - as required by law.

Where information must be disclosed in order to inform employees of a specific or general threat of violence, the City will only disclose the minimum amount of personal information necessary to inform employees of the threat.

- ii. Table 1 on the following page describes the investigation and appeal responsibilities:

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Table 1

	<b>Complainant/Respondent</b>	<b>Lead Investigator</b>	<b>Appeal &amp; Decision Body</b>
1.	City Manager (Complainant or Respondent)	External Investigator as appointed by City Council	City Council
2.	City Solicitor (Respondent)	External Investigator as appointed by City Manager, except where the City Manager is the Complainant (see Row1)	City Manager, except where the City Manager is the Complainant (see Row 1)
3.	City Solicitor (Complainant)	External Investigator as appointed by City Manager, except where the City Manager is the Respondent (see Row 1)	City Manager, except where the City Manager is the Respondent (see Row 1)
4.	Managing Director (Respondent)	External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)	External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)
5.	Managing Director (Complainant)	Determined based on the Respondent	City Manager, except where the City Manager, the Director of People Services, or another Managing Director is the Respondent (see Rows 1, 4, & 6)
6.	Director, People Services (Respondent)	External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)	External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)

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	<b>Complainant/Respondent</b>	<b>Lead Investigator</b>	<b>Appeal &amp; Decision Body</b>
7.	Director, People Services (Complainant)	External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Respondent (see Rows 1 & 2)	External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)
8.	People Services Staff (Respondent)	External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Complainant (see Rows 1 & 3)	City Manager, except where the City Manager is the Complainant (see Row 1)
9.	People Services Staff (Complainant)	External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Respondent (see Rows 1 & 2)	External Investigator as appointed by City Solicitor, except where the City Manager or the City Solicitor is the Respondent (see Rows 1 & 2)
10.	All Other Staff (Respondent)	Director of People Services or an External Investigator appointed by the Director of People Services, except where the Complainant is the City Manager, City Solicitor, Director of People Services, or a member of People Services Staff (see Rows 1,3, 7, & 9)	Managing Director of the Respondent's Division, except where the Complainant is the City Manager, City Solicitor, Director of People Services, a member of People Services staff, or a Managing Director (see Rows 1,3, 5, 7, & 9)
11.	All Other Staff (Complainant)	Determined based on the Respondent	Determined based on the Respondent



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(b) Investigation

- i. All Complaints will be investigated. The Complainant has the right to request the formal investigation be ceased if an acceptable resolution has been achieved between the Complainant and Respondent.

However, the City has the authority to pursue an investigation and resolution process with or without the Complainant's consent if there is sufficient cause for an investigation.

- ii. The Lead Investigator or their delegate will respond in writing to the Complainant advising that the Complaint has been received, and whether it falls within the scope of this policy.
- iii. Within 10 days, the Lead Investigator or their delegate will conduct a preliminary review of the facts and will determine the method of investigation or action required to resolve the issue. The formality and scope of the investigation will be determined by the specific circumstances of each Complaint.
- iv. If the Lead Investigator decides not to proceed further with an investigation, the Lead Investigator will inform the Complainant, in writing, of the decision as well as their right to appeal the decision.
- v. If the Complaint appears to have sufficient grounds to warrant further investigation, the Lead Investigator will:
  - inform the Complainant, in writing, and advise the steps to be taken to investigate and resolve the Complaint; and
  - inform the Respondent, in writing that a Complaint has been received, provide them with a summary of the particulars of the Complaint, and advise the steps to be taken to investigate and resolve the Complaint.

(c) Further Investigation

- i. Within 15 days, the Lead Investigator or their delegate will conduct interviews with the Complainant, Respondent, and witnesses of the alleged incident(s) of Disrespectful Workplace Behaviour(s). Upon request, participants will be given the opportunity to review and confirm the information they provide.
- ii. The Respondent shall be afforded reasonable opportunity to respond to the Complaint.
- iii. All Complaints and investigations into Complaints shall be treated in confidence to the extent possible.

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(d) Outcome of the Complaint

- i. If the results of the investigation support the allegations of the Complaint, any appropriate corrective actions shall be determined through the investigation and will be documented and implemented by People Services as soon as reasonably practicable.
- ii. If an allegation is substantiated the Respondent may be subject to disciplinary action in accordance with the Progressive Discipline Policy #8029.
- iii. People Services will inform the Complainant the Respondent of the results of the investigation and of any corrective action that has been taken or that will be taken.
- iv. The Director of People Services will ensure that the final decision as well as the process for appealing the decision is communicated to the appropriate parties in a timely manner.

(e) Appeals

- i. The Complainant or the Respondent may appeal the final decision and will notify the Director of People Services of their wish to appeal.
- ii. Appeals must be in writing and be received by the Director of People Services within 30 days of the Complainant's or Respondent's (as the case may be) receipt of the decision.
- iii. Appeals will be investigated as described in Table 1. Decisions resulting from the Appeal are the final decision of the City.
- iv. Appeals will be heard and a decision made within 20 days of the appeal filed.

(f) False, Vexatious and Malicious Complaints

- i. Complaints that are made in bad faith or are vexatious or malicious in nature may lead to the discipline of the Complainant. Complainants who in good faith file a Complaint based on mistaken facts or assumptions are not subject to discipline.

(g) Retaliation

- i. The City will not condone retaliation against any Complainant exercising their rights in good faith under the Respectful Workplace Policy or applicable legislation, including but not limited to the *Alberta Human Rights Act*. Retaliatory actions are grounds for discipline, up to and including termination.

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(h) Reporting of Results

- i. The findings of all Complaints and recommendations for preventing similar incidences will be summarized in a report to the Administrative Committee on an annual basis.

3.08 Alberta Human Rights Commission (“Commission”)

- (a) The Commission was established under the *Alberta Human Rights Act* to foster equality and reduce discrimination.
- (b) This independent Commission resolves and settles complaints of discrimination based on any of the Protected Grounds.
- (c) All individuals, whether employed by the City or not, have the right to make a complaint at any time to the Commission in accordance with the provisions of the *Alberta Human Rights Act*. (Note: there are time limitations for filing a complaint under the *Alberta Human Rights Act*).
- (d) The Respectful Workplace Policy is not intended to discourage a worker from exercising rights pursuant to any other law, including the *Alberta Human Rights Act*.

4. ADDITIONAL RESOURCES

*Alberta Human Rights Act*  
*Occupational Health and Safety Act*  
 Whistleblower Policy (8041)