

RESPECTFUL WORKPLACE POLICY			
Effective Date	February 1, 2022	Policy Type	Administrative
Responsibility	Director, Human Resources	Cross-Reference	<ol style="list-style-type: none"> 1. Alberta Human Rights Act 2. Academic Staff Association Collective Agreement 3. Alberta Union of Provincial Employees Collective Agreement 4. Employees' Association Collective Agreement 5. Employee and Family Assistance Program 6. Occupational Health and Safety Legislation 7. Progressive Discipline Policy 8. Violence Prevention Policy 9. Workplace Accommodation Policy
Approver	Executive Council	Appendices	<ol style="list-style-type: none"> 1. Process
Review Schedule	Every 3 years		

1. Policy Statement

1.1 Northwestern Polytechnic believes in promoting respect, fairness, diversity and inclusivity in the workplace. To that end, NWP is committed to providing its employees with a work environment that is free from harassment, bullying and violence through the promotion and upholding of our NWP Values. NWP is committed to engaging in prevention and education activities to promote a respectful workplace for all employees. This policy provides guidance on what conduct constitutes harassment, bullying, violence and/or sexual violence and outlines the complaint, investigation and resolution.

2. Background

2.1 NWP believes that excellence in the workplace requires respect for diversity and inclusivity, and that all its employees should be treated with fairness and dignity in accordance with NWP Values. To that end, NWP is committed to providing a work environment that is free of discrimination, violence, bullying and/or harassment.

3. Policy Objectives

- 3.1 NWP does not tolerate harassment, bullying and/or violence in the workplace and is committed to providing a discrimination free work environment. The Alberta Human Rights Act prohibits discrimination based on the protected grounds of race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income and sexual orientation.
- 3.2 NWP is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of harassment, bullying and/or violence in the workplace. All employees are obligated to uphold this policy and to work together to prevent workplace harassment, bullying and/or violence.

- 3.3 NWP is committed to providing a complaint and resolution process that is procedurally fair, respectful and effective. Formal complaints deemed to be incidents of harassment will be investigated as outlined in the Respectful Workplace Procedure.
- 3.4 Circumstances related to the incident, as well as names of persons involved will be kept confidential, except where necessary to investigate the incident, to implement corrective actions, to inform staff of potential threat, to communicate the results of the investigation or as required by law (E.g. Freedom of Information and Protection of Privacy Act).
- 3.5 NWP recognizes this policy is not intended to prevent an employee from exercising rights pursuant to any other law, including the Human Rights Act and the Alberta Occupational Health and Safety Act.

4. Scope

- 4.1 This policy applies to all NWP employees.

5. Definitions

- 5.1 **"Bullying"** Is any persistent and deliberate conduct on the part of one or more employees that is objectively hostile, intimidating, or insulting in nature and that reasonably causes another individual to feel belittled, humiliated, intimidated, isolated or undermined. Bullying may involve verbal, non-verbal, overt or covert, written and/or electronic communication. The performance of managerial or supervisory duties including performance reviews, performance management, coaching, providing constructive feedback, attendance management, or the imposition of discipline, when done in accordance with NWP values, does not constitute bullying.
- 5.2 **"Complainant"** is an individual who makes a formal complaint under this Policy
- 5.3 **"Formal Complainant"** is a written allegation made under this Policy
- 5.4 **"Harassment"** means 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 or humiliation to a worker, or adversely affects the worker's health and safety and includes.
 - Conduct, comment bullying or action because 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, and
 - A sexual solicitation or advance,

But excludes any reasonable conduct of a manager or supervisor in respect to the management of employees.

- 5.5 **"Respondent"** is an employee who is alleged by a complainant to have bullied, harassed committed an act of violence, discriminated against or another individual.
- 5.6 **"Violence"** the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm and includes domestic violence.
- 5.7 **"Sexual Violence"** Any violence, physical or psychological, carried out without consent through a sexual means or by targeting sexuality. This includes, but is not limited to sexual assault, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images, video or other materials of a community member without their consent.

- 5.8 **“Sexual Harrassment”** Is a particular type of harassment that may take the form of favours or workplace advantages, or promises of favours or workplace advantages, in return for giving into sexual advances, or the threat of any adverse consequences for refusing such advances.

Sexual harassment also includes any non-consensual conduct that is sexual in nature which is unwelcome or should be known to be unwelcome. Sexual harassment may include, but is not limited to, unwanted touching, leering, gestures or comments that are sexual in nature or have a sexual connotation or undertone. The display or dissemination of sexually explicit images or material may also constitute sexual harassment. Depending on the severity of the alleged conduct, one incident of the conduct described above can be enough to constitute sexual harassment.

6. Guiding Principles

- 6.1 NWP is committed to providing a discrimination-free work environment. The Alberta Human Rights Act prohibits discrimination based on protected grounds, some of which are: race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income and sexual orientation. NWP will take all reasonable and necessary steps to prevent acts of discrimination in the workplace.
- 6.2 NWP does not tolerate harassment, bullying or acts of violence in the workplace and is committed to providing a work environment free from such conduct.
- 6.3 NWP will develop appropriate hazard assessment tools and deliver relevant, informative education and training with the goal to prevent incidents of harassment, bullying, and violence in the workplace.
- 6.4 NWP is committed to providing a complaint, investigation and resolution process that is procedurally fair, respectful, and effective in order to ensure that any allegations of harassment, bullying, and violence are fairly investigated and appropriately resolved.
- 6.5 NWP will support managers and supervisors in carrying out their responsibilities to train and communicate with the employees they supervise regarding discrimination, harassment, bullying and violence, as well as their role in informing employees about the alternative, informal and formal resolution processes available to them under this procedure.
- 6.6 Any incident of violence that has the potential of causing serious injury to a person, or where there is a concern for the potential for violence, shall be reported to the NWP Human Resources and addressed.
- 6.7 As in all risks to safety, employees who are aware of behavior, conduct or actions that may constitute harassment, bullying and/or violence have an obligation to report it to their supervisor.
- 6.8 Individuals who have experienced sexual violence are encouraged to come forward to report as soon as they are able to do so (refer to Sexual Misconduct Policy)
- 6.9 NWP will ensure that individuals who allege they have been subjected to harassment, bullying, or violence and report adverse symptoms will be referred to the Employee Assistance Program and/or a health professional of their choice.

Appendix 1: Processes to addresses Allegations and Complaints

1. Depending on the nature of the allegation, individuals may pursue the Alternative Dispute Resolution process prior to initiating a Formal Complaint.

1.1 Alternative Dispute Resolution (ADR) Process

- 1.1.1. Individuals with concerns or allegations of harassment or bullying should contact the Executive Director of Human Resources to explore and discuss alternative dispute resolution options with the goal being to resolve the conflict and/or concerning behaviors through facilitated discussion, collaboration and cooperation of all individuals involved. Some examples of ADR techniques are mediation, restorative justice and shuttle diplomacy. NWP supports and encourages employees to explore options for Alternative Dispute Resolution prior to proceeding with any formal, written complaint under this Policy.
- 1.1.2. In some cases, individuals may wish to pursue informal resolution options, which may include asking the individual who is engaging in the alleged behavior to stop, notifying a supervisor about the alleged conduct and requesting assistance in facilitating a resolution.
- 1.1.3. Where informal resolution or alternative dispute resolution is not appropriate, as determined by one or more of the individuals involved in the incident/concerns, or does not cause the alleged conduct to cease, individuals may make a formal complaint.

1.2 Formal Complaint Process

- 1.2.1. A formal complaint of harassment and/or bullying must be directed to the Executive Director of Human Resources. If the Executive Director of Human Resources is the subject of or otherwise involved with the conduct alleged in a complaint, then the complaint shall be directed to the President or their designate. If the President is the subject or otherwise involved with the conduct alleged in a complaint, then the complaint shall be directed to the Board Chair, who will consult with the Executive Director to select a third party to investigate.
- 1.2.2. Formal complaints must be reported immediately or as soon as reasonably practicable and in writing. Written complaints must provide detailed information about the alleged conduct, who is alleged to have engaged in it, witness(es) to the incident(s), supporting documentation and when and where it is alleged to have occurred.
- 1.2.3. All complaints made under this Policy must be made in good faith. If the investigator concludes that a complaint was made in bad faith, or is otherwise vexatious, the complainant may be subject to discipline.
 - 1.2.3.1. The complainant shall not be subject to any reprisal, discipline or adverse treatment for making a complaint in good faith under this Policy and any such treatment may be the subject of a further complaint under this Policy.
 - 1.2.3.2. Anyone who retaliates against an individual who makes a complaint under this Policy or against someone who participates in an investigation under this Policy will be subject to discipline.

1.3 Investigation of Formal Complaints

- 1.3.1. All formal complaints will be reviewed by Human Resources to determine whether ADR or an informal mechanism is available to the complainant and respondent, that if mutually agreed upon, could resolve the complaint or if, given the circumstances, the complaint is to be formally investigated.
- 1.3.2. Human Resources may engage an external investigator to conduct or assist with an investigation under this Policy.
- 1.3.3. Investigations conducted under this Policy will be conducted in a fair, respectful and timely manner by a neutral investigator who has no prior knowledge of or involvement with the conduct alleged in the complaint. Respondents shall be informed of the allegations against them and must be given the opportunity to respond to these allegations.
- 1.3.4. The purpose of the investigation is to gather information about the conduct alleged in **the** complaint and it is the role of the investigator to make factual findings regarding whether the alleged conduct occurred.
- 1.3.5. In the course of conducting an investigation, an investigator shall interview the complainant(s), the respondent(s) and any other employees or individuals whom the investigator believes to have direct knowledge of, or relevant information about, the conduct alleged in the complaint. The investigator may ask individuals who are interviewed to provide a written statement. While a complainant and/or respondent may suggest that the investigator interview a particular person, ultimately, it is the investigator, acting fairly and reasonably, who decides who will be interviewed for the purposes of completing the investigation.
- 1.3.6. Any employee who is asked to provide information to further an investigation under this Policy shall cooperate with the investigator ensuring they are honest, forthcoming and timely in their participation in the investigation process. An employee's failure to cooperate and/or participate in an honest and forthcoming manner may constitute just cause and potentially lead to discipline.
- 1.3.7. Any individual may be accompanied by a person of their choice during the investigation process.
- 1.3.8. A complainant or respondent who believes the investigation was not conducted fairly may ask the President, or their designate, to order a new investigation. The President or their designate, will review the complaint and the investigation report and may order a new investigation only if the President or their designate concludes that the investigation process was unfair or incomplete. The decision of the President or their designate is final.

1.4 Outcomes of Investigation

- 1.4.1. Once an investigation is complete, the investigator will prepare a written investigation report outlining the factual findings regarding the allegation(s) indicating whether the complaint is substantiated or unsubstantiated. The investigation report shall be provided to Human Resources.
- 1.4.2. If allegations of harassment, bullying or violence are found to have been unsubstantiated or the complaint was found to have been made in bad faith and/or was vexatious in nature, Human Resources, in conjunction with NWP leadership will review the investigation report and any other relevant information to determine whether disciplinary action against any employee is appropriate.

- 1.4.3. If allegations of harassment, bullying or violence are found to have been substantiated as a result of the investigation process, Human Resources, in may make recommendations regarding hazard assessment reviews, further education/training or any other corrective actions that may prevent future incidents of harassment, bullying and violence.
- 1.4.4. A summary of the investigation report, including the findings of whether the complaint was substantiated or unsubstantiated will be provided to the complainant, the respondent and, upon request by either of them, to their respective Associations/ Union(s).

1.5 Confidentiality

- 1.5.1. NWP will not disclose the circumstances related to an incident of harassment, bullying, and violence or the names of the parties involved, including the complainant, the person alleged to have committed the act and any witnesses. Exceptions are stated in Exceptions section.
- 1.5.2. All investigation reports and related documents pertaining to a formal complaint of harassment, bullying and/or violence will be redacted in compliance with the *Freedom of Information and Protection of Privacy Act*, where reasonable, to protect the confidentiality and identity of all those involved and in instances where a formal Access Request is made under the *Freedom of Information and Protection of Privacy* legislation.
- 1.5.3. No record of a complaint, made in good faith, will be placed on a complainant's Human Resources file.
- 1.5.4. NWP will take steps to ensure that all documentation relating to complaints and investigations are kept in a secure location and are securely stored and that access to these files will be restricted to those directly involved in the investigation of and resolution of a complaint.
- 1.5.5. In order to ensure a high level of confidentiality for those involved in incidents and investigations of harassment, bullying and violence in the workplace, employees in the Human Resources, Health and Safety Services departments and members of the JWSHSC are required to sign confidentiality agreements.

1.6 Exceptions to this Policy

- 1.6.1. Confidentiality Exceptions
NWP is required to disclose the information, where necessary, to investigate the incident, to take corrective action, to inform the parties involved in the incident of the results of the investigation and corrective action taken, or as required by law (e.g. any legal proceeding, as per the *Freedom of Information and Protection of Privacy Act*, etc.)
- 1.6.2. Exceptions to this Policy must be documented and approved by the Policy Lead and include:
 - 1.6.2.1. The nature of the exception;
 - 1.6.2.2. A reasonable explanation for why the procedure exception is required;
 - 1.6.2.3. Confirmation that the exception aligns with the principles of Natural Justice and Procedural Fairness; and
 - 1.6.2.4. Any risks created by the Procedure exception and how they will be managed