

SECTION: ADMINISTRATION

SUBJECT: HARASSMENT POLICY

Original Resolution No.: 00-05-27

Harassment in the Workplace

Policy

The County of Warner No. 5 believes that all employees of the organization are entitled to work in an environment that is supportive of the self-esteem and dignity of each individual. This policy applies to all County employees. Harassment is unacceptable by those persons who conduct business with the County, including service people, suppliers, delivery personnel, consultants and ratepayers. Every person, who feels they have been harassed, has the right to file a complaint through the Alberta Human Rights and Citizenship Commission. Harassment, in any form, is unacceptable behavior in the County of Warner.

NOTE: The Harassment in the Workplace Policy of the County is not intended to restrict normal and accepted forms of socializing between co-workers.

Guidelines

1. Harassment Definition:
 - a. Harassment is generally defined as any conduct in the workplace that creates an intimidating, threatening, coercive or hostile work environment that causes:
 - i. the impairment of an individual's work performance,
 - ii. an adverse employment relationship for the employee, or
 - iii. an individual's dignity or respect to be denied.
 - b. There are several forms of harassment, including:
 - i. threats, intimidation or verbal abuse,
 - ii. unwelcome remarks or jokes which may or may not be sexual in nature,
 - iii. the distribution or display of offensive literature or other materials,
 - iv. unnecessary and unwelcome physical contact,
 - v. any form of retaliation for filing a complaint under this Policy, or
 - vi. any form of retaliation for filing a complaint under the Alberta Human Rights, Citizenship & Multi Culturalism Act.
2. Procedures
 - a. Employees are encouraged to resolve a complaint directly with the other party. The complainant may bring the complaint to the County Administrator for an informal or formal investigation.
 - b. The County Council will investigate a complaint filed against the County Administrator. The County Council may also utilize the services of an independent investigator and/or mediator in such cases.
 - c. An individual who brings a complaint forward, and wishes later to withdraw the complaint, may do so; however, the County Administrator reserves the right to investigate the matter to ensure the harassment policy is being upheld in the workplace.
 - d. If the conduct is found to be harassment, whether or not it was intentional, it is still harassment and will be processed in a manner as follows:

- i. **Informal Action:**

If the complainant does not want to confront the other party directly, or has made an approach that did not resolve the matter, the complainant may bring the complaint to the County Administrator. If the complainant and the County Administrator agree that the conduct described does not constitute harassment, the County Administrator will take no further action. There will be no record retained on file. If harassment is confirmed, the complaint will be processed through the Direct Action or by the Formal Complaint Process outlined below:
- ii. **Direct Action:**

An employee who believes they have been subjected to harassment is encouraged to bring the matter to the attention of the other party. The employee should advise the other party verbally or in writing. The complainant should clearly identify the conduct that brought about the complaint and describe the effect the conduct had on the complainant. The complainant should also advise the other party to refrain from similar conduct in the future. (i.e. "I find your brushing up against me and touching me makes me feel uncomfortable and I want you to stop it immediately.") An apology from the other party, and no further incidents, will resolve the matter.
- iii. **Formal Complaint Process:**

The formal written complaint must contain the following information regarding the inappropriate conduct or harassment:

 - (1) a description of the conduct complained of,
 - (2) the time(s) and date(s) of the conduct,
 - (3) the identity of the person(s) responsible for the conduct,
 - (4) the effect of the conduct on the complainant, and
 - (5) the names of any witnesses to the conduct complained of.
- e. This formal written complaint will be given to the County Administrator. The County Administrator will advise the person named in the complaint of the allegations. That person will then have seven (7) working days to file a written response to the complaint. The response will be provided to the County Administrator, who in turn will provide a copy to the complainant.
- f. Once the exchange of information is completed, the County Administrator will conduct an investigation into the allegations in a timely manner. The County Administrator may utilize the services of a private investigator, mediator, or a committee to investigate the allegations. The person(s) investigating will determine whether or not harassment has taken place, and recommend an appropriate remedy and/or disciplinary actions to be taken.
- g. At the conclusion of the investigation, a written Report will be prepared with a copy to the complainant and the person named in the complaint. The County Administrator will determine the appropriate remedies and/or disciplinary actions and may include any of the following:
 - i. A written apology,\
 - ii. A written reprimand delivered to the harasser, and recorded in their personnel file,
 - iii. Referral to counseling,
 - iv. Transfer,

- v. Withholding of a promotion,
 - vi. Demotion,
 - vii. Suspension without pay, and
 - viii. Termination of employment.
- h. If the complaint is upheld, the complaint records will be maintained on file. The complainant and the person named in the complaint will be advised of the remedy, including any discipline imposed on the person found to be at fault.
 - i. If the complaint is dismissed, the records will not be retained in the employee's file and no further action will be taken.
 - j. An employee filing a complaint in good faith will not be subject to any adverse employment action. If it is found that the complaint is frivolous, vexatious or was not filed in good faith the complainant may be subject to disciplinary action.
 - k. A complaint against a non-employee will be investigated. The complaint and all relevant information, must be provided to the County Administrator as soon after the conduct complained of has occurred.

3. **Confidentiality:**

- a. The County of Warner No. 5 appreciates the difficulties in filing a complaint of harassment and recognizes the complainant's concern regarding confidentiality.
- b. In order to protect the interests of the complainant, the person named in a complaint and any witnesses involved during the investigation of a complaint, confidentiality will be maintained to the extent possible under such circumstances.
- c. Accordingly, all records concerning complaints, information gathered as the result of any investigation, will be kept confidential, except where disclosure is required due to the investigation, the imposition of discipline or other remedial action.
- d. All formal written complaints will be investigated thoroughly. Any employee found to be in violation of this policy may be subject to discipline, up to, and including, termination of employment.
- e. The remedy or discipline imposed under this policy is final and binding unless a written appeal is forward to County Council as outlined in the appeal procedure.

4. **Appeal Procedure**

- a. The County of Warner No. 5 assures each employee will receive fair and equal treatment, and consideration. Where, in the opinion of the employee, unfair treatment has been rendered under this policy, or some other problem arises, the following procedure applies.
- b. The employee has the following options to appeal the decision of the County Administrator:
 - i. The employee may discuss the matter with their Department Head within five (5) working days from the date of the remedy or discipline rendered by the

County Administrator. If the situation remains unresolved after discussion(s) between the Department Head, County Administrator and the employee, the employee may appeal the decision to the County Council within three (3) working days. The Reeve or a Committee of Council will review the file, and if they deem it necessary, conduct an investigation into the matter in a manner in which they deem appropriate, or

- ii. The employee may appeal the matter directly to the County Council within five (5) working days from the date of the remedy or discipline rendered by the County Administrator. The Reeve or a Committee of Council will review the file, and if they deem it necessary, conduct an investigation into the matter in a manner in which they deem appropriate.
- c. If the appeal involves the County Administrator, it will be brought to the attention of the entire County Council.
- d. The County Council may forward an appeal or complaint to an Independent Mediator for resolution.
- e. The County Council or the Independent Mediator is the final level in which the appeal or complaint may be reviewed. Either body may accept or dismiss the appeal or complaint, and vary the remedy and/or disciplinary actions accordingly, with their reasons stated in writing.