



POLICY 2.12

COUNCIL GOVERNANCE

Respect in the Workplace

POLICY INTENT

To ensure a safe and positive working environment within AUSU by detailing an expectation of appropriate behavior. AUSU is committed to creating a climate of understanding and mutual respect where each person is treated equally and fairly.

POLICY PURPOSE

The purpose of this Respect in the Workplace Policy is to assist all AUSU individuals in identifying and preventing harassment, discrimination, and violence in the workplace and to provide procedures for handling and resolving complaints.

This policy is intended to promote workplace respect, prevent harassment, or violence of any type, and to ensure complaints of harassment or violence are dealt with promptly, objectively and in compliance with this policy, Occupational Health & Safety legislation, and provincial human rights legislation without the fear of retaliation.

Any act of harassment or violence committed by or against an AUSU individual is unacceptable conduct. AUSU will not tolerate harassment or violence in any interactions connected to work with AUSU, and where harassment or violence has occurred, disciplinary action, up to and including termination, may be taken against the individual.

Policy Application

- 2.12.01 This policy applies to all AUSU employees, councillors, volunteers, and consultants (“individual”) and relates to conduct that may arise during AUSU business, activities, and events. This includes, but is not limited to, digital correspondence, telephone and video conferences, or any other activities where an individual is acting as a representative of AUSU.
- 2.12.02 This policy also applies to conduct that may occur outside of AUSU’s business and events when such conduct adversely affects relationships within AUSU’s work and business environment or is detrimental to the image and reputation of AUSU.

Policy Definitions

- 2.12.03 **Complainant** – an individual who has brought forward or filed a complaint pursuant to the terms of this policy, alleging that workplace harassment or violence has occurred.

- 2.12.04 **Respondent** – an individual who is alleged to have committed an act of harassment or violence against a complainant.
- 2.12.05 **Investigator** – a qualified person named by AUSU to investigate formal and/or informal complaints of harassment or violence.
- 2.12.06 **Workplace Harassment** - the *OHS Act* defines harassment as 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 an employee, or adversely affects the employee’s health and safety, and includes:
- conduct, comments, bullying or actions because of race, religious beliefs, colour, physical disability, mental disability, medical condition, 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.

Harassment is a form of discrimination that is prohibited in Alberta under the *Alberta Human Rights Act* if it is based on one or more of the fifteen (15) protected grounds.

Harassment may include, but is not limited to:

- exclusion or isolation of individuals
- deliberate misgendering (i.e., referring to a person using terms or pronouns that do not align with the person's affirmed gender)
- frequent angry shouting/yelling or blow-ups;
- regular use of profanity and abusive or violent language;
- physical, verbal, or digital threats, intimidation, bullying;
- spreading gossip, rumours, cyberbullying;
- unsubstantiated criticism, unreasonable demands;
- insults, name calling, harmful jokes, public humiliation; and
- any communication that is demeaning, insulting, humiliating, or deliberately hurtful
- harassment also included ethnicity, faith, colourism, neurodiversity, size, immigration status, class, and political beliefs.

Harassment is NOT:

- Reasonable actions taken by an employer or supervisor while managing and directing employees. Reasonable actions considered to be part of a manager’s or supervisor’s work functions include:
 - changing work assignments, scheduling, assessing, and evaluating work performance,
 - inspecting workplaces,
 - making work related judgement calls as a supervisor,
 - implementing health and safety measures, and
 - taking disciplinary action such as dismissing, suspending, demoting, or reprimanding with just cause.

Done reasonably and fairly, these actions should not be considered workplace harassment. Differences of opinion or minor disagreements between co-workers are also not generally considered to be workplace harassment but can turn into harassment if no steps are taken

to resolve the conflict. Similarly, difficult conditions of employment such as professional practice limitations, organizational changes, or financial restrictions are not considered harassment. Work-related stress, on its own, does not constitute harassment. However, an accumulation of stress factors resulted from harassing behaviours such as those described earlier may result in a harassment situation.

Workplace disrespect is not always a clear concept – there are a spectrum of ways it can show up in interactions between people, from microaggressions, unintentional incivility to bullying and even violent aggression.

It is important to take an intersectional approach, and note that those with various intersecting identities may be more vulnerable to harassment, discrimination and sexual and gender-based violence, as their experiences are often compounded.

2.12.07 **Discrimination** is the prejudicial treatment of an individual or group based on race, ethnicity, religious beliefs, faith, colour (colourism), gender, gender identity, gender expression, sexual orientation, disability, medical condition, neurodiversity, age, size, ancestry, place of origin, immigration status, marital status, family status, source of income, class, or political beliefs of that person or class of persons. Discrimination can be intentional or non-intentional.

2.12.08 **Sexual and gender-based harassment** are forms of discrimination may take a variety of forms which are prohibited under the *Alberta Human Rights Act*. Sexual harassment is any unwelcome sexual behaviour that adversely affects, or threatens to affect, directly or indirectly, a person's job security, working conditions or prospects for promotion or earnings; or prevents a person from getting a job, living accommodations or any kind of public service. Gender-based harassment refers to behaviour that reinforces traditional heterosexual gender norms, and includes gender identity, gender expression, and sexual orientation.

Examples of Sexual Harassment:

Sexual harassment can be expressed in a variety of ways including verbal, written, physical, direct, or indirect, and include such things as pinching, patting, rubbing, or leering, "dirty" jokes, pictures or pornographic materials, comments, suggestions, innuendoes, requests or demands of a sexual nature. It may also not be overtly sexual in nature, and used to create personal humiliation and/or embarrassment.

2.12.09 **Workplace Bullying** is a repeated pattern of negative behaviour aimed at a specific person or group—the bully's target. Although it can include physical abuse or the threat of abuse, workplace bullying usually causes psychological rather than physical harm.

Because workplace bullying is often psychological, it can be hard to recognize. The most harmful forms of bullying are usually subtle rather than direct, and verbal rather than physical. Bullying based on a protected ground is discrimination under the *Alberta Human Rights Act*. Alleged incidents of bullying will be subject to the provisions of this policy.

Workplace bullying often involves one or more of the following:

- rudeness and hostility that disrespects the target
- threats and intimidation, including the abuse of power
- deliberate acts that interfere with the target's work

Examples of Bullying:

- spreading rumours and gossip
- making offensive jokes or comments, verbally or in writing
- using insults or put downs
- blaming, scolding, criticizing, and belittling
- excluding or isolating
- intimidating by standing too close or making inappropriate gestures
- making unreasonable demands, constantly changing guidelines, setting impossible deadlines, and interfering with work
- disciplining or threatening job loss without reason
- using offensive language or yelling and screaming
- pestering, spying, stalking, or tampering with personal belongings and equipment

Bullying is NOT:

- enforcing workplace policies and procedures
- evaluating or measuring performance
- providing constructive feedback
- denying training or leave requests with good reason
- discussing disciplinary action in private
- making a judgement call as a supervisor, that may go against an individual's opinion
- dismissing, suspending, demoting, or reprimanding with just cause

Source:

<https://alis.alberta.ca/succeed-at-work/manage-challenges/bullies-at-work-what-to-know-and-what-you-can-do/>

2.12.10 **Workplace Violence** - violence, whether at a work site or offsite but work related, is defined by the *OHS Act* as 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 or sexual violence.

Examples of violence include, but are not limited to:

- physical attack or aggression (e.g., hitting, shoving, pushing, or kicking an employee; throwing an object at an employee; kicking an object the employee is standing on, such as a ladder)
- threatening behaviour (e.g., shaking a fist in an employee's face, wielding a weapon at work, trying to hit an employee, trying to run down an employee using a vehicle or equipment, destroying property, or throwing objects)
- verbal or written threats (e.g., verbally threatening to attack an employee, leaving threatening notes or sending threatening emails to express an intent to inflict harm on an employee)
- domestic violence
- sexual violence

Domestic Violence is a pattern of behaviour used by one person to gain power and control over another with whom a person has or has had a personal relationship. Behaviours range from subtle, coercive forms to violent acts that result in physical harm or death. Examples may include physical violence, sexual abuse, financial control, emotional and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control. It includes intimate partner violence and family violence.

Domestic violence becomes a workplace hazard, and is no longer limited to a personal issue, when it occurs or spills over into the workplace. It may put the targeted employee at risk and may pose a threat to co-employees.

Domestic violence can occur between, but not limited to:

- current or former intimate partners
- people of all ages
- family members, including dependents
- people of all racial, economic, educational, and religious backgrounds
- people in heterosexual and same-sex relationships

Nature of the relationships could be:

- living together or separately
- married or unmarried
- in short- or long-term relationships

Sexual Violence as a workplace hazard refers to any sexual act, attempt to obtain a sexual act, or other act directed against an employee's sexuality using coercion, by any person regardless of their relationship to the victim, in a workplace or work-related setting.

Sexual violence exists on a continuum from obscene name-calling to rape and/or homicide and includes on-line forms of sexual violence (e.g., Internet threats and harassment) and sexual exploitation.

2.12.11 **Retaliation** is any action with a negative impact taken, threatened, or suggested against a person because that person:

- files a complaint pursuant to this policy
- associates with the person who filed a complaint pursuant to this policy
- participates in any way in an investigation of a complaint pursuant to this policy
- reports any failure to follow through with a decision flowing from an investigation pursuant to this policy

Examples of Retaliation:

- threat of or actual demotion
- negative changes in terms or conditions of employment
- denial of opportunities including training or project opportunities
- an intentionally negative and malicious performance evaluation
- the denial of standard employee benefits (e.g., use of leave, etc.)
- exclusion from workplace social activities or participation in a group setting
- a peer or co-worker being left out of team decisions or intentionally withheld important work information
- verbal abuse or unfair ridicule by a peer or co-worker

Regardless of the outcome of a complaint made in good faith, the individual lodging the complaint, as well as anyone providing information, will be protected from any form of retaliation by management. Retaliation is a breach of this policy and any individual engaged in retaliation may be subject to disciplinary action up to and including termination. Employees should report any incidents of retaliation immediately to the AUSU executive committee.

- 2.12.12 **Frivolous or Vexatious Complaints** are complaints where there is no foundation that would suggest a breach of this policy and where the complaint is filed with false information or for the purpose of bringing an adverse consequence to the respondent or another individual of AUSU. These complaints are a breach of this policy and any individual engaged in the filing of such a complaint may be subject to disciplinary action up to and including termination.

An investigation may determine that a complaint is not supported, is not presented in good faith or that there is no breach of this policy. Such a finding may or may not be determined to mean that the complaint was frivolous or vexatious.

Responsibilities

- 2.12.13 Councillors, staff, consultants and volunteers have a responsibility to proactively ensure that the working environment remains free from harassment and violence. They must not participate in harassing or violent behaviour and ensure that harassment and violence is not condoned, tolerated, or ignored.
- 2.12.14 Councillors, staff, consultants, and volunteers must strive to have a clear understanding of what constitutes harassment and violence and what their responsibilities are in relation to this policy. Councillors, staff, consultants, and volunteers are responsible for respecting the dignity and rights of each other.
- 2.12.15 Councillors, staff, consultants, and volunteers must report allegations of harassment or violence to AUSU management immediately following occurrence and complete a detailed Workplace Harassment & Violence Complaint Form (Appendix "A").
- 2.12.16 AUSU will:
- a) investigate reports of harassment or violence and take corrective actions to address the incidents,
 - b) ensure confidentiality for all involved parties,
 - c) ensure that individuals impacted by a situation receive supports,
 - d) provide all individuals with information and instruction on the contents of this policy, and
 - e) ensure all individuals are trained and understand AUSU's expectations for appropriate conduct at work.
- 2.12.17 Lack of awareness of the policy is not a defense for harassing or violent behaviour. Nothing in this policy precludes an individual's right to seek action under the *OH&S Act*, *Alberta Human Rights Act*, other jurisdictional harassment acts, or to contact law enforcement officials.

Confidentiality

- 2.12.18 AUSU pledges to respect the privacy of all concerned as much as possible. AUSU will not disclose the circumstances related to an incident of harassment or violence or the names of the parties involved except where necessary to investigate an incident, take corrective action, inform the parties involved in the incident of the results of the investigation and corrective action taken, or as required by law.

Review

- 2.12.19 To protect individuals from workplace harassment or violence, AUSU will review this policy and procedure every two (2) years or more often, as per the AUSU policy review schedule, or following a complaint or an investigation of harassment or violence.

RELATED REFERENCES, POLICIES, PROCEDURES AND FORMS

This Policy References:

Policy 2.04 Discipline

This Policy is Referenced by:

None

Forms:

Appendix A – Workplace Harassment & Violence Complaint Form

POLICY RESPONSIBILITY

Council

POLICY HISTORY

Original Approval Date:	July 4, 2011
Last Review Date:	September 15, 2022
Review by Date:	May 2024

RESPECT IN THE WORKPLACE PROCEDURE

This procedure outlines the methods or processes required to make the policy work on a day-to-day basis. The procedures establish a way of doing things that all AUSU individuals are to follow.

Confidential Employee Hotline

- 2.12.20 At AUSU, people are the foundation of our business, and we are committed to building and maintaining a respectful, safe, and inclusive workplace. While we strive to ensure a safe and healthy work environment and expect everyone associated with AUSU to act with the utmost integrity, we recognize the possibility that mistakes, and misconduct can occur.

We have developed and communicated policies; specifically, this Respect in the Workplace Policy, to provide guidance to AUSU employees and councillors when they witness and/or experience unsafe working conditions and inappropriate behavior. However, we recognize that there may be situations where an individual is unable to report the incident internally due to unsuitable or ineffective channels. In such instances it is important that individuals and councillors have an avenue to discuss and report the incident.

For this reason, AUSU has contracted Salopek & Associates as an independent third party to confidentially accept calls or emails from employees or councillors who want to discuss an issue or file a complaint regarding unsafe working conditions or inappropriate behavior utilizing the "Employee Hotline".

- 2.12.21 The Executive Director will maintain an Employee Hotline information sheet with important details and contact information that is accessible to all staff and councillors.

Early Resolution

- 2.12.22 Every reported instance of a violation of this policy may not result in a formal complaint procedure being implemented. AUSU may consider, permit, and facilitate an early resolution in a fair and respectful manner without having to use a formal complaint process. This decision will be based on several factors including, but not limited to meeting the reasonable objectives of AUSU, to protect the individual, to protect the workplace and the number and the seriousness of the allegation(s).

Every effort will be made to resolve the problem early with open communication and in a cooperative manner. The use of problem-resolution mechanisms such as coaching, mediation, alternative dispute resolution and facilitation can, in many instances, resolve the issue and prevent the situation from escalating to the point where filing a formal complaint is necessary.

Problem-resolution mechanisms may involve the services of an outsourced Human Resources consulting company, legal advisor or other professional providers.

Reporting an Incident

- 2.12.23 The individual will report a violation of this policy, preferably in writing by completing and submitting the Harassment & Violence Complaint Form (Appendix "A"), to AUSU executive committee immediately after the incident/alleged incident occurs.

In some cases, the individual may just want to briefly discuss a concern with AUSU executive committee and may choose not to file a formal complaint. If an employee chooses to opt out of the reporting procedure, AUSU executive committee is still required to document the complaint.

Formal Complaint

- 2.12.24 AUSU encourages individuals who feel they are being or may have been harassed to communicate with the alleged harasser that the behaviour is unwelcome and request that it stop immediately.
- 2.12.25 If the individual is uncomfortable with speaking to the alleged harasser directly, or has done so, but the perceived harassment or violence has not stopped, the individual may file a written complaint with the executive committee as per this policy.
- 2.12.26 Individuals who believe they have experienced conduct that is contrary to this policy or who have concerns about harassment or violence shall file their written complaint with the executive committee. Should the matter concern a member of the executive, a report will be made to the remaining members of the executive committee.

It is requested that the individual keeps a factual journal of events. Record the date, time, location, who was involved, what happened (in as much detail as possible, including how events happened – words, tone of voice, body language, etc.), names of witnesses and the outcome/impact on you. A record of the number and frequency of events can help establish a pattern of harassment or violent behaviour.

Response

- 2.12.27 Any reported allegations of harassment, discrimination, violence or retaliation against any individual who reports harassment, discrimination, violence, or participates in an investigation of such reports, under this policy shall be measured against this policy, and if an investigation is warranted, an investigation will be undertaken promptly, thoroughly, and impartially by the executive committee, which may involve the services of an outsourced Human Resources consulting company or legal advisor.
- 2.12.28 In the event of an allegation of harassment, which, due to the severity of the allegation, makes it impossible for the complainant and the respondent to continue working together, either party may be offered a temporary leave of absence pending completion of the investigation.
- 2.12.29 In the event that a member of the executive committee is a party to the reported allegation, then that individual will be excluded from the investigation outside of providing information to the investigation.

- 2.12.30 The executive committee will assign an investigator within seven (7) business days of receiving the written complaint that is appropriately trained to the case; the investigator will act as factfinder and is responsible for determining if there is a breach of policy.
- 2.12.31 The investigation shall include, but is not limited to, an initial assessment of the complaint, individual interviews with all parties involved, and shall include interviews with any individuals who may have been a witness to the matter.
- 2.12.32 To conduct a fair and thorough investigation, the respondent will be provided the complainant's name and information about the particulars of the complaint and offered an opportunity to respond.
- 2.12.33 Each interviewee has the right to be accompanied by a professional advisor or representative, if they wish.
- 2.12.34 When the investigation is complete, the investigator will submit a report to the executive committee that will set out the allegations, the parties' responses, findings of fact, and a decision (whether policy was breached).
- 2.12.35 Within seven (7) business days of receiving the investigation report, the executive committee may find either or both or neither the complainant or respondent in contravention of this policy. Determining culpability and discipline will be the responsibility of the executive committee.
- The executive committee, at its sole discretion, will submit a summary of the investigation findings to council, if required/requested.
- 2.12.36 Misconduct constituting harassment, discrimination, violence or retaliation against any individual who files a complaint or participates in an investigation of such reports, under this policy by a councillor shall be dealt with promptly and appropriately as described in AUSU Policy 2.04 Council Governance: Discipline Process.
- 2.12.37 Misconduct constituting harassment, discrimination, violence, or retaliation against any individual who files a complaint or participates in an investigation of such reports, under this policy, by a staff member or individual shall be dealt with promptly and appropriately by the executive director with due consideration of all applicable employment laws and the individual's employment or consulting agreement. In the case of any member of the executive committee, misconduct shall be dealt with by the remaining members of the executive committee.

Following the Investigation

- 2.12.38 The Executive Director and/or the Executive Committee will individually inform the complainant and the respondent, and any relevant managers/supervisors, of the outcome of the investigation (more specifically, harassment or violence has/has not occurred). Witnesses named or involved in the investigation will not be privy to the findings or any action that may be taken.

If the complaint is substantiated (specifically, harassment or violence has occurred), the Executive Director and/or the Executive Committee will address the following:

- Addressing appropriate discipline with the respondent;
- Reviewing the impact of the complaint with the parties involved and provide support as required;
- Work to restore confidence and trusting relationships if the participants are expected to work together; and
- Take steps to prevent future wrongful acts of harassment or violence.

If the complaint is unsubstantiated (specifically, harassment or violence has not occurred), the Executive Director and/or the Executive Committee will address the following:

- Provide the complainant and the respondent with an explanation of how this conclusion was reached;
- Reviewing the impact of the complaint with the parties involved and provide support, coaching, and any discipline as required;
- Work to restore confidence and trusting relationships if the participants are expected to work together; and
- Take steps to prevent future complaints of harassment or violence.

To protect confidentiality, a copy of the investigation report will not be disseminated but will be retained by the Executive Director and/or the President as a confidential internal file.

AUSU may implement a workplace restoration process to repair any damage that may have resulted as a result of the investigation.

AUSU will ensure that all individuals involved are given access to trauma informed and culturally informed care resources.

Appendix “A” – Workplace Harassment & Violence Complaint Form

Please fill out in as much detail as possible.

Complete one complaint form per respondent (i.e., who you are making the allegations against).

Complainant Information			
Full Name:		Position / Title:	
Work Location:		Manager / Supervisor:	

Details of the Incident(s)	
When the incident(s) happened (dates and times):	Where the incidents(s) happened (location[s]):
Respondent’s Name (who) - person alleged to have violated company policy and his/her position (title):	
Names of other people involved in the incident(s) and their positions/titles (if any):	
Witnesses (if any):	
What specifically did the person say or do? <i>Please describe what happened and which offence listed in this policy may have been violated for each incident listed. If more space is needed, please attach additional pages to this form.</i>	

<p>What specifically did <u>you</u> say or do?</p>
<p>Do you know of any other individuals who have been subjected to these behaviors by this person? If so, please list their names here.</p>
<p>Have you received any evidence (notes, e-mails, text messages, pictures, graffiti, phone calls/voice mail messages, etc.) from the person suspected of violating company policy? <i>(If yes, please attach documentation.)</i></p>
<p>Were you physically injured during this incident?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes If yes, describe the injury.</p>
<p>How has this matter affected you?</p>
<p>What would you like to see done to resolve this situation?</p>

I hereby certify that to the best of my knowledge the above-mentioned information is true, accurate and complete. I acknowledge that making false, frivolous or vexatious allegations is in violation of this policy and subject to disciplinary action.

Furthermore, I realize that an investigation will be initiated once this complaint has been filed.

Signature of the Complainant: _____

Date: _____