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Policy Title: Harassment Prevention	Date: August 10, 2021	Resolution No.

Purpose: The Purpose of this policy is to adopt a proactive approach to the prevention and management of inappropriate workplace behavior, outline expectations of employees and the employer in reporting and responding to harassment incidents if they occur, and ensure inappropriate workplace behavior, which includes harassment, disrespectful behavior and discrimination, will not be tolerated.

1 DEFINITIONS

For the purposes of this policy, the following terms are defined:

- 1.1 **Bullying** means the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others. The behavior is often repeated and/or habitual.
- 1.2 **Complainant** means the person who makes a complaint or brings a harassment, disrespectful behavior or discrimination issue to the attention of the Employer.
- 1.3 **Cyberbullying** means the use of information and communication technologies including, but not limited to, e-mail, cell phones, instant messaging, social media and websites to support deliberate, repeated and hostile behavior by an individual or group that is intended to harm others.
- 1.4 **Discrimination** means any conduct, comment or action because of the age, ancestry, colour, gender, gender expression, gender identity, family status, marital status, mental disability, physical disability, place of origin, race, religious beliefs, sexual orientation, and/or source of income. Harassment, when connected to a protected ground, is considered discrimination.
- 1.5 **Disrespectful Behavior** means objectionable or unwelcome conduct which may or may not have intent to cause harm and has a negative effect on the workplace employee.
- 1.6 **Employee** means Birch Hills employees, contractors providing service for or to Birch Hills, and volunteers, and includes Members of Council, for the purposes of this policy.
- 1.7 **Birch Hills** means Birch Hills County.



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- 1.8 **Harassment** means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, 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 affect the employee’s health and safety. It excludes any reasonable conduct of an employer or supervisor related to the normal management of employees or a work site.
- 1.9 **Protected Ground** includes race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, ancestry, age, place of origin, marital status, source of income, family status and sexual orientation.
- 1.10 **Respondent** means the person whose behavior is being complained about;
- 1.11 **Retaliation** means to hurt or attempt to hurt somebody in return, to deliberately harm or attempt to harm somebody in response or revenge for an action he or she has done.
- 1.12 **Sexual Harassment** means any sexual behavior, which is unwelcome, personally offensive, debilitates morale, and therefore interferes with work effectiveness. It includes offensive sexual flirtations, unwelcome advances, propositions, sexual solicitation or advance, and graphic or degrading verbal comments of a sexual nature about an individual or their appearance. The display of sexually suggestive and/or inappropriate written or graphic material or objects including photos, videos or the use of degrading verbal comments creates an offensive atmosphere and is a form of sexual harassment.
- 1.13 **Workplace Harassment** means behavior intended to intimidate, offend, degrade or humiliate a particular person or group. It is a serious issue and creates an unhealthy workplace resulting in psychological harm to employees.
- 1.14 **Workplace Violence** whether at a work site or work related, means 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.
- 1.15 **Workplace** means place where an employee is, or may be, conducting work on behalf of Birch Hills, including work-related social gatherings.
- 1.16 **Human Resources** means the Chief Administrative Officer, Director, Manager or appointed team lead, the Birch Hills County employee reports to. In the event the



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concern is related to the employee’s designated Supervisor, the employee will bring the matter to the attention of the Chief Administrative Officer. Or, in the event the matter concerns the Chief Administrative Officer, the concern will be brought to the attention of the County’s Chief Elected Official (Reeve).

2 GENERAL

- 2.1 All Birch Hills employees are entitled to a respectful working environment free of harassment.

- 2.2 Alberta Occupational Health and Safety (OHS) Act prohibits acts of harassment in the workplace.
 - 2.2.1 Birch Hills must develop and implement a harassment prevention plan and a violence prevention plan as per Section 390.4(1) of the OHS Act.
 - 2.2.2 A harassment prevention plan must include a harassment prevention policy and harassment prevention procedures in accordance with the requirements set out in Section 390.5 of the OHS Act.
 - 2.2.3 AS per Section 390.7(4) of the OHS Act, Birch Hills must review this policy, at a minimum, every three (3) years.

- 2.3 The Alberta Human Rights Act prohibits discrimination in employment based on protected grounds. Employers are expected to create an inclusive workplace that respects the dignity of every individual by ensuring there is no discrimination in the workplace, removing barriers that are based on protected grounds, considering requests for accommodation for needs based on a protected ground.

- 2.4 Principles:
 - 2.4.1 To maintain a common understanding of the expectations and behaviors considered appropriate and inappropriate in Birch Hills workplaces and in the delivery of or access to Birch Hills services.
 - 2.4.2 To prevent and manage inappropriate behavior in Birch Hills workplaces.
 - 2.4.3 Recognizing that conflict, disagreement or inappropriate workplace behavior may occur; Birch Hills expects these issues to be resolved in a manner that contributes to the workplace in a positive way.
 - 2.4.4 To assess and respond in a timely manner to allegations of inappropriate workplace behavior as necessary.



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3 APPLICATION

- 3.1 This policy applies to all Birch Hills employees.

- 3.2 For the purposes of this policy, the workplace includes:
 - 3.2.1 Work related conferences, training sessions, and travel;
 - 3.2.2 Birch Hills related functions;
 - 3.2.3 Birch Hills property, including phone, e-mail, social media, and other electronic means; and
 - 3.2.4 Virtual environment, including phone, e-mail, social media, and other electronic means; and
 - 3.2.5 Working and non-working as long as there is a relationship to Birch Hills activities.

- 3.3 This policy has the following exceptions:
 - 3.3.1 Inappropriate workplace behavior does not include any reasonable conduct of an employer, leader or supervisor related to the normal management of employees or workplaces. Such reasonable conduct may include:
 - a. Allocating work according to specific job-related requirements.
 - b. Following-up on work absences;
 - c. Requiring performance to job standards;
 - d. Enforcing workplace policies and procedures;
 - e. Evaluating or measuring performance;
 - f. Denying training or leave requests with good reason;
 - g. Discussing disciplinary action in private;
 - h. Dismissing, suspending, demoting or reprimanding with just cause; and/or
 - i. Providing constructive feedback.

 - 3.3.2 Differences of opinion or minor disagreements communicated in a respectful manner are not generally considered to be harassment; and
 - 3.3.3 A single minor incident or objectionable or unwelcome conduct may not be considered an act of harassment.



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4 ROLES AND RESPONSIBILITIES

4.1 Birch Hills responsibilities include:

- 4.1.1 Ensuring that Birch Hills employees and members of the public (including customers) are not subject to or do not participate in harassment or violence in the workplace;
- 4.1.2 Developing policy and procedures respecting potential workplace harassment and violence, and understanding health and safety responsibilities;
- 4.1.3 Informing and educating employees to recognize workplace harassment and violence, and understand the avenues to report harassment;
- 4.1.4 Conducting hazard assessments;
- 4.1.5 Developing and implementing appropriate responses to workplace harassment and violence; and
- 4.1.6 Developing procedures for reporting, investigating and documenting incidents of workplace harassment.

4.2 Employee responsibilities include:

- 4.2.1 Creating and maintaining a respectful workplace by:
 - a. Being familiar with and following this policy;
 - b. Ensuring behavior is respectful and appropriate at all times;
 - c. Accepting responsibility for actions, reactions, and behaviors and impact on others;
 - d. Making concerns known promptly if something is troubling. If confident and safe, immediately inform the respondent to stop the behavior, or inform supervisor, another leader or Human Resources Manager;
 - e. Reporting incidents of workplace harassment and violence as soon as possible if informal options to resolve the conflict are unsuccessful; and
 - f. Being a part of the solution by engaging in steps to resolve the matter.



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4.3 Senior Leadership responsibilities include:

- 4.3.1 Being familiar with and following this policy;
- 4.3.2 Being a role model as reflected in Birch Hills values;
- 4.3.3 Ensuring employees are aware of, and compliant with, this policy;
- 4.3.4 Taking appropriate action in a prompt, impartial and confidential manner when Respectful Workplace Policy allegations come to your attention;
- 4.3.5 Supporting all parties involved in resolving allegations under the Respectful Workplace Policy with the appropriate option for resolution;
- 4.3.6 Ensuring no person suffers reprisal or retaliation as a result of making a complaint in good faith or for providing information in good faith; and
- 4.3.7 Consulting with Human Resources as necessary.

5 APPROPRIATE WORKPLACE BEHAVIOURS

- 5.1 In general, behaviors that are encouraged are those which support and create a healthy, respectful workplace and its related business objectives.
- 5.2 Examples of appropriate workplace behaviors include, but are not limited to:
 - 5.2.1 Being polite, courteous and respectful of others;
 - 5.2.2 Using common greetings, farewells or inquiries about others' well-being;
 - 5.2.3 When reviewing others' ideas, suggestions or work, identifying what is positive or good about the proposal as well as where it can be improved;
 - 5.2.4 Treating others equitably and fairly;
 - 5.2.5 Being open-minded to others' ideas, comments or suggestions;
 - 5.2.6 Seeking input and the active involvement of appropriate people in planning, decision-making and implementing initiatives;
 - 5.2.7 Ensuring that decision-making takes into account relative factors and is fair;
 - 5.2.8 Recognizing and valuing the diversity among workgroup members, customers and citizens;
 - 5.2.9 Sincerely apologizing to people when something you said or did may have offended them;
 - 5.2.10 Allowing one person to speak at a time;
 - 5.2.11 Expressing appreciation and praising good work;
 - 5.2.12 Giving timely recognition of people's efforts and accomplishments;
 - 5.2.13 Listening openly to other points of view, even when you disagree;



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- 5.2.14 Sharing knowledge and information;
- 5.2.15 Being inclusive; and
- 5.2.16 Mentoring or coaching and taking time to develop others.

6 INAPPROPRIATE WORKPLACE BEHAVIOURS

- 6.1 Inappropriate workplace behavior is a single or repeated action that is objectionable or unwelcome and negatively affects an individual or the workplace. Inappropriate workplace behavior may create a poisoned workplace. Understanding different types of inappropriate workplace behavior is key to evaluating and adjusting our own actions, and responding and acting appropriately.
- 6.2 There are three (3) types of inappropriate workplace behavior addressed in this policy. They are:
 - 6.2.1 Harassment;
 - 6.2.2 Disrespectful behavior; and
 - 6.2.3 Discrimination.
- 6.3 Harassment is:
 - 6.3.1 Any single incident or repeated incidents of objectionable or unwelcome conduct, comment, 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 affect the worker’s health and safety;
 - 6.3.2 Repeated conduct, comments, bullying, actions or gestures which when taken in isolation seem minor but when repeated are considered harassment;
 - 6.3.3 A single incident of sufficient seriousness to have a significant impact on an individual, group or the workplace;
 - 6.3.4 Hostile or unwanted;
 - 6.3.5 Conduct affecting the employee’s dignity, psychological well-being, or physical integrity;
 - 6.3.6 Conduct resulting in a harmful or poisoned work environment; and/or
 - 6.3.7 Vexatious conduct, comments, bullying, actions, or gestures which are intended to humiliate, intimidate, offend or degrade a particular person or group.



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- 6.4 Examples of workplace harassment include, but are not limited to:
 - 6.4.1 Written or verbal comments, actions, gestures, taunting, or other behaviors or jokes which are humiliating, offensive, hurtful or belittling;
 - 6.4.2 Bullying or intimidation;
 - 6.4.3 Abuse of authority that undermines a person’s performance or threatens a person’s career;
 - 6.4.4 Deliberately excluding an employee from relevant work activities or decision making;
 - 6.4.5 Attempting to discredit an employee by spreading false information about them;
 - 6.4.6 Tampering with a person’s personal belongings or work equipment;
 - 6.4.7 Blocking applications for training, leave or promotion for no valid reason;
 - 6.4.8 Eye rolling, finger wagging or other physical gestures that are used to make fun of, express frustration with, or isolate another employee; and/or
 - 6.4.9 Practical jokes that result in awkwardness or embarrassment;

- 6.5 Disrespectful behavior is:
 - 6.5.1 Objectionable or unwelcome conduct which may or may not have intent to cause harm and has a negative effect of the workplace or employee;
 - 6.5.2 Any uncivil behavior; and/or
 - 6.5.3 Any inappropriate workplace behavior that does not meet the definition of harassment.

- 6.6 Examples of disrespectful behavior include, but not limited to:
 - 6.6.1 Demeaning or belittling comments or conversation;
 - 6.6.2 Interruptions;
 - 6.6.3 Refusing to listen to another person’s point of view;
 - 6.6.4 Excessive use of profanity;
 - 6.6.5 Taking credit for someone else’s work or a team’s work;
 - 6.6.6 Decision-making which is influenced by factors which have no work-related purpose; and/or
 - 6.6.7 Yelling, angry outbursts, or shouting (except where intended to alert another to danger).



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- 6.7 Determining if harassment or disrespectful behavior has occurred is based on an objective assessment of the specific facts of each case, and not on the subjective belief of an individual.
- 6.8 Discrimination is:
 - 6.8.1 Any conduct, comment or action because of the age, ancestry, colour, gender, gender expression, gender identity, family status, marital status, mental disability, physical disability, place of origin, race, religious beliefs, sexual orientation, and/or source of income. Harassment, when connected to any protected ground covered by the Alberta Human Rights Commission is considered discrimination;
 - 6.8.2 Practices, policies, or systems which have a direct or negative impact based on a protected ground; and/or
 - 6.8.3 Behaviors, comments or actions to or about an individual or group, which are unwelcome, based on a protected group and result in a negative or poisoned workplace.
- 6.9 Examples of discrimination include, but are not limited to:
 - 6.9.1 Any previously described workplace behavior that is based on a protected ground listed above;
 - 6.9.2 Examples of sexual harassment as defined above include:
 - a. Unwelcome advances, requests, comments, physical contact such as unnecessary touching, pinching, patting, jostling or gestures that are sexually suggestive;
 - b. Leering that is sexual in nature;
 - c. Implied or expressed threats of reprisal for refusal to comply with a sexual request; and/or
 - d. Implied or expressed promise of reward for agreeing to comply with a sexual request.
 - 6.9.3 Unwelcome remarks, jokes, taunts, suggestions or speculations about a person’s physical attributes or appearance;
 - 6.9.4 Displays of pornographic, racist, or offensive materials in the forms of pictures, e-mail, social media, text messages, graffiti, cartoons or sayings in the workplace, regardless of whether the exchange of the materials is consensual; and/or



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6.9.5 Unwelcome inquiries or comments about a person’s personal life such as inquiries relating to a person’s sexual orientation, family status, marital status, disability, age or any other protected ground listed above.

6.10 Discrimination practices, policies, or systems include:

- 6.10.1 Denial of equitable treatment in hiring or in the terms, conditions, or benefits of employment;
- 6.10.2 Policies or procedures which have a negative effect or impact on an individual or group;
- 6.10.3 Denial of access to Birch Hills services or the processes by which people use Birch Hills related services, programs, and/or facilities; and/or
- 6.10.4 Failure to accommodate an employee(s) protected under the Alberta Human Rights Act.

7 COMPLAINT PROCEDURE

7.1 Barring exceptional circumstances, a report of complaint is to be made as promptly as possible to ensure a timely investigation and resolution can be achieved.

7.2 Employees who believe that they have been subjected to harassment should, if possible, choose one or both of the following methods to resolve the complaint:

- 7.2.1 Option #1
 - a. Inform the person that you find the behavior unwelcome and that you want them to stop. This can be done verbally or in writing;
 - b. Document the complaint and keep a record detailing the incident. Write down factual dates, times, witnesses, location, what was said, etc.;
 - c. If direct communication with the respondent is not possible or you are uncomfortable in bringing the matter directly to his/her attention or the communication has been unsuccessful in ending the objectionable behavior, then you should contact:
 - i. Human Resources/Safety Coordinator
 - ii. A person in a leadership position that you trust



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7.2.2 Option #2

- a. If the Option #1 method for resolving a possible harassment situation does not succeed or is not appropriate, the employee may file a formal written complaint with Human Resources;
- b. Formal complaints of harassment will be handled, where possible, expediently and discreetly. Formal complaints will be investigated by an Investigation Team. The Investigation Team will consist of the Human Resources Manager/Safety Coordinator and the Director or Manager of the Respondent or, where determined appropriate, by a trained third-party investigator(s). The Investigation Team will conduct an investigation of harassment. Human Resources will ensure document control for all complaints of harassment within the scope of this policy;
- c. The investigator(s) will meet with the complainant, seek specific information on the complaint, and ensure the complainant fully understands the investigation process. The complainant will be advised that the complainant can withdraw from any further action in connection with the complaint, at any stage, although Birch Hills may continue to investigate the complaint;
- d. In a timely manner, the investigator(s) will interview the respondent. If necessary, the investigators(s) will interview any witnesses named by the complainant and respondent. All employees of Birch Hills have a responsibility to co-operate in the investigation;
- e. Following the conclusion of the investigation, the investigator(s) will inform the applicable leader, and if necessary, the Human Resources Manager/Safety Coordinator, of the findings and determine appropriate next step(s). The complainant and respondent will also be informed following conclusion of the investigation. If necessary, the Chief Administration Officer (CAO) will be informed/consulted;
- f. Details pertaining to the actual investigation will remain confidential with Human Resources accessible only by designated members involved with the investigation. Disclosure of the circumstances of the complaint and/or persons involved will only occur if required for the investigation, corrective action or by law.



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8 FALSE OR FRIVOLOUS COMPLAINTS

8.1 Complaints that are found to be false, frivolous or made in bad faith will not be tolerated and will be subject to the appropriate disciplinary action or denial of Birch Hills service.

9 RETALIATION

9.1 Everyone has the right to report, in good faith, incidents of inappropriate workplace behavior without fear of retaliation.

9.2 Retaliation by any person against anyone involved in informal or formal complaint processes will not be tolerated and will be subject to discipline, up to and including dismissal or denial of Birch Hills services.

9.3 This policy does not discourage or prevent any person from exercising their rights under any law, including the Alberta Human Rights Act.

10 CONSEQUENCES OF NON-COMPLIANCE

10.1 Any employee who violates this Policy will be subject to appropriate administrative and disciplinary action. The action taken will depend on the circumstances of the incident and may range from, but not limited to, discipline, up to and including dismissal.

By signing below, I acknowledge that I have read and understood this policy, and accept all responsibilities outlined within.

Print Name	Signature	Date

Original to be signed

Rick Bastow
Chief Administrative

Original to be signed

Gerald Manzulenko
Officer Reeve

Adopted by Council :
Updated: The previous policy passed on _____

Date: