AGENDA
BIRCH HILLS COUNTY
SPECIAL COUNCIL MEETING
TO BE HELD IN THE
WANHAM BIRCH HILLS COUNTY OFFICE
August 10, 2021

CALL THE MEETING TO ORDER

1. ADOPTION OF THE AGENDA

2. BUSSINESS ARISING OUT OF MINUTES

a) Violence Prevention Policy (Page 3)

b) Harassment Prevention Policy (Page 13)

3. NEW BUSSINESS

a) Matter Related to Interim CAO employment contract (Page 27)

NEXT REGULAR COUNCIL MEETING DATE – August 24 , 2021

August 5, 2021

WRITTEN NOTICE OF A SPECIAL MEETING OF COUNCIL CALLED UNDER AUTHORITY OF SECTION 194 OF THE MUNICIPAL GOVERNMENT ACT

TO: Reeve Gerald Manzulenko
Deputy Reeve Terry Carbone
Councillor Albert Poetker
Councillor Deanne Wendland
Councillor Paul Reum
Councillor Mel Duvall
Councillor Denise Joudrey

Reeve Manzulenko has requested that a special meeting of council be held in the council chambers of Birch Hills County on Tuesday, August 10, 2021 commencing at 9:00 a.m. for the purpose of discussing and acting upon the following item(s) of business:

1. **Adoption of Agenda**

2. **Business Arising Out of The Minutes (Unfinished Business)**

   a. Violence Prevention Policy

   b. Harassment Prevention Policy

3. **New Business**

   a. Matter related to Interim CAO employment contract;

Council is reminded that as per Section 194(5) of the Municipal Government Act, "No matter other than that stated in the notice calling the special council meeting may be transacted at the meeting unless the whole council is present at the meeting and the council agrees to deal with the matter in question."

[redacted]

Gerald Manzulenko
Reeve,
Birch Hills County

Request for Decision (RFD)

Meeting:	Special Council Meeting	**Reviewed/ Approved for Submission**	
Meeting Date:	August 10, 2021	**CAO:** RB	
Originated By:	Amanda Ouellet	**Director:**	
Item Title:	Violence Prevention Policy	**Presenter:**	Safety Coordinator Amanda Ouellet

DESCRIPTION:

Council is being presented with the Violence Prevention Policy for approval.

BACKGROUND:

Birch Hills County has had an Order of Compliance from Occupational Health and Safety to update the previous Violence Prevention Policy to meet current OH&S legislated requirements.

DISCUSSION / BENEFITS / DISADVANTAGES:

Compliance date for policies to be sent in to OH&S is August 12, 2021

COST / SOURCE OF FUNDING: N/A

ATTACHMENTS

1. Violence Prevention Policy

OPTIONS

Council may choose to:

1. Approve the Violence Prevention Policy and have final signed copie sent to OH&S to complete the OH&S Compliance Order.

RECOMMENDED ACTION:

It is Administration's recommendation:

Approve the Violence Prevention Policy and have final signed copies sent to OH&S to complete the OH&S Compliance Order

Department: Safety	**Policy No.**	Page **1 of 9**
Policy Title: Violence Prevention Policy	**Date:** August 10, 2021	Resolution No.

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

1. DEFINITIONS

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

1.1 **Complainant** means the person who makes a complaint or brings a harassment, disrespectful behavior or discrimination issue to the attention of the Employer.

1.2 **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.

1.3 **Birch Hills** means Birch Hills County.

1.4 **Respondent** means the person whose behavior is being complained about.

1.5 **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.

1.6 **Threat** means any act, gesture or statement that gives an employee, or another person, reasonable cause to believe that there is risk of injury to themselves or another person or damage to property.

1.7 **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. Workplace violence can include:

a. Physical attack or aggression (e.g. hitting, shoving, pushing or kicking a worker, throwing an object at a worker, kicking an object the worker is standing on, such as a ladder);
b. Threatening behavior (e.g. shaking a fist in a worker's face, wielding a weapon at work, trying to hit a worker, trying to run down a worker using a vehicle or equipment such as a forklift, destroying property or throwing objects);

DRAFT

c. Verbal or written threats (e.g verbally threatening to attack a worker, leaving threatening notes or sending threatening emails to express an intent to inflict harm on a worker);
d. Damage to property;
e. Domestic violence;
f. Sexual violence.

1.8 **Workplace** means place where an employee is, or may be, conducting work on behalf of Birch Hills, including work-related social gatherings.

2 BACKGROUND

2.1 Birch Hills is committed to making the workplace as safe as is reasonably practicable for employees and users of Birch Hills services. The commitment is supported by Birch Hills Respectful Workplace Policy and is reflected in Birch Hills values.

2.2 Birch Hills believes in the prevention of violence and promotes a violence-free workplace in which all people respect one another and work together to achieve common goals. Any act of violence committed by or against any worker or member of the public is unacceptable conduct and will not be tolerated.

2.3 Principles:

2.3.1 We are committed to:
a. Investigating reported incidents of violence in a objective and timely manner;
b. Taking necessary corrective action;
c. Not disclose the names of the complainant, the alleged respondent, or any witnesses, except where necessary to investigate the incident and take corrective action, or to inform involved parties of investigation results and actions taken, if necessary to inform workers of a threat of violence or potential violence, or as required by law; and
d. Disclose the minimum amount of personal information required to inform workers of a threat of violence or potential violence.

2.3.2 This violence prevention policy is not intended to discourage a worker from exercising their rights pursuant to any other law (e.g., contacting police, human rights complaint, etc.)

2.4 No worker or any other individual affiliated with Birch Hills shall subject any other person to violence.

2.5 The Alberta Occupational Health and Safety (OHS) Act prohibits acts of violence in the workplace.

2.5.1 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.

2.5.2 A violence prevention plan must include a violence prevention policy and violence prevention procedures in accordance with the requirements set out in Section 390.1 and 390.2 of the OHS Act.

2.5.3 As per Section 390.7(4) of the OHS Act, Birch Hills must review this policy, at minimum, every three (3) years.

3 APPLICABILITY

3.1 This policy applies to all Birch Hills employees and Members of Council.

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 contact sites;

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 Harassment and discrimination or other behaviors addressed in the Respectful Workplace Policy; and

3.3.2 Violence occurring between employees offsite during non-worktime will be evaluated to determine whether any other Birch Hills policies apply (e.g. Respectful Workplace Policy).

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 and violence;

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 and violence.

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 at any time reasonable suspicion is made that there is imminent danger of physical harm, from any one, immediately calling 911**;
e. Reporting incidents of workplace harassment and violence as soon as possible; and

f. Being a part of the solution by engaging in steps to resolve the matter.

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's values;

4.3.3 Ensuring employees are aware of, and complaint 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 PREVENTION AND ASSESSMENT OF RISK

5.1 The ultimate objective is to prevent violence from occurring at Birch Hills workplaces.

5.2 Birch Hills as an employer has a role in prevention by:

5.2.1 Identifying and assessing risks at Birch Hills workplaces, including workplace violence;

5.2.2 Working collaboratively across departments to assist in implementing appropriate mitigation measures to address risks;

5.2.3 Specifically, in instances where Birch Hills becomes reasonably aware that domestic violence may spill over in the workplace and that it would likely expose an individual to physical injury, Birch Hills will take every reasonable precaution to ensure the protection of the individual.

5.3 Employees have a role in prevention by:

5.3.1 Learning to identify warning signs of workplace violence;

5.3.2 Refraining from workplace violence;

5.3.3 Reporting, in accordance with this policy, any violent incidents or warning signs they observe at work.

6 REPORTING PROCEDURE

6.1 Each employee has a responsibility to ensure that his or her work environment is safe and secure. Employees must report any violent acts occurring or that may occur in the workplace, including threats and warning signs of violent behavior. Employees must immediately inform their supervisor if they:

6.1.1 Have been threatened;

6.1.2 Have been subjected to a violent act at work or during the course of their work;

6.1.3 Have witnessed a threat or violent act against or by an employee; or

6.1.4 Have reason to believe that they, another employee, a member of the public or Birch Hills property may become a target of violence.

6.2 Employees who do not feel comfortable reporting the situation to their supervisor can report directly to any member of the leadership team or Human Resources. **If a situation presents an imminent threat to an employee's safety, an employee must call 9-1-1 and ask for assistance from the Police.**

6.3 Employees should document the complaint and keep a record detailing the incident. Write down factual dates, times, witnesses, location, what was said, etc.

6.4 These incidents will be reported by the employee or supervisor to Human Recourses to ensure an effective investigation takes place and an appropriate response is developed.

6.5 Human Resources must be advised when any legal action, criminal or civil, is related to an incident (e.g. restraining order).

6.6 Where an incident occurs and the health, safety and welfare of persons or property is at risk, the Police need to be contacted immediately to intervene. Once the Police have been contacted, Human Resources needs to be advised.

7 INVESTIGATING AND RESPONDING TO WORKPLACE VIOLENCE

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 Formal complaints of harassment will be handled, where possible, expediently and discreetly. Formal complaints will be investigated thoroughly by trained investigators. Human Resources and/or an independent third part specialist will conduct an investigation of violence. Human Resources will ensure document control for all complaints of violence within the scope of this policy.

7.3 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.

7.3.1 Birch Hills will advise an employee who, as a victim of workplace violence, may be experiencing adverse symptoms as a result of the violent act that they should consider consulting with a health professional. Services are also available from Birch Hills Employee & Family Assistance Program (EFAP) provider, free of charge.

7.4 In a timely manner, the investigator(s) will interview the respondent. If necessary, the investigator(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.

7.5 If underlying causes in an incident are identified during an investigation, recommendations may be provided for immediate preventative action.

7.6 Following the conclusion of the investigation, the investigator(s) will inform the Human Resources Manager, if necessary, and the applicable leader of the findings and determine appropriate next steps(s). The complainant and respondent will also be informed following conclusion of the investigation, if necessary, the Chief Administration Office (CAO) will be informed/consulted.

7.7 Details pertaining to the actual investigation will remain confidential with Human Resources accessible only by a designated member 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.

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 Employees failing to adhere to the items contained in this policy will be subject to appropriate disciplinary action. What is appropriate action will depend in the circumstances of the incident and may range from, but not be limited to, warnings and suspensions, up to and including dismissal, Incidents may also be referred to the Police for investigation.

10.2 Contractors, suppliers, volunteers, and members of the public are expected to adhere to this policy. If violence occurs, Birch Hills will take appropriate action to ensure a safe workplace. This could include discontinuing business with individuals or organizations, issuing Trespass Notices or referring the matter to the Police.

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

Department: Safety	**Policy No.**	Page **9 of 9**
Policy Title: Violence Prevention Policy	**Date:** June 14, 2021	Resolution No.

Original to be signed ***Original to be signed***
Rick Bastow Gerald Manzulenko
Chief Administrative Officer Reeve

Adopted by Council : Date:
Updated: previous Violence policy from the Safety Manual

Request for Decision (RFD)

Meeting:	Special Council Meeting	**Reviewed/ Approved for Submission**	
Meeting Date:	August 10, 2021	**CAO:** RB	
Originated By:	Amanda Ouellet	**Director:**	
Item Title:	Harassment Prevention Policy	**Presenter:**	Safety Coordinator Amanda Ouellet

DESCRIPTION:

Council is being presented with the Harassment Prevention Policy for approval.

BACKGROUND:

Birch Hills County has had an Order of Compliance from Occupational Health and Safety to update the previous Harassment Prevention Policy to meet current OH&S legislated requirements.

DISCUSSION / BENEFITS / DISADVANTAGES:

Compliance date for policies to be sent in to OH&S is August 12, 2021

COST / SOURCE OF FUNDING: N/A

ATTACHMENTS

1. Harassment Prevention Policy

OPTIONS

Council may choose to:

1. Approve the Harassment Prevention Policy and have final signed copies sent to OH&S to complete the OH&S Compliance Order.

RECOMMENDED ACTION:

It is Administration's recommendation:

Approve the Harassment Prevention Policy and have final signed copies sent to OH&S to complete the OH&S Compliance Order

Department: Safety	Policy No. 08-10-21	Page 1 of 12
Policy Title: Respectful Workplace	**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.

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.

Department: Safety	**Policy No.**	Page **3 of 12**
Policy Title: Respectful Workplace	**Date:** August 10, 2021	Resolution No.

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.

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.

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.

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;
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.

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).

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

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

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.

Department: Safety	Policy No.	Page 12 of 12
Policy Title: Respectful Workplace	**Date:** August 10, 2021	Resolution No.

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

Department: Safety	**Policy No.**	Page **13 of 12**
Policy Title: Respectful Workplace	**Date:** August 10, 2021	Resolution No.

Original to be signed
Rick Bastow
Chief Administrative
Adopted by Council :
Updated: The previous Violence Policy

Orignial to be Signed
Gerald Manzulenko
Officer Reeve

Date:

Request for Decision (RFD)

Meeting:	Special Council Meeting	**Reviewed/ Approved for Submission**
Meeting Date:	August 10, 2021	**CAO:** RB
Originated By:	Bailey Smith	**Director:**
Item Title:	CAO Interim Appointment	**Presenter:** CAO Bastow

DESCRIPTION:

Council is being presented with information related to the interim Chief Administrative Officer (CAO) job competition.

BACKGROUND:

Council accepted CAO Bastow's resignation on July 6, 2021.

> ***SC21-004 Moved by Reeve Manzulenko*** *that Council accept the resignation of CAO Bastow, with his last day in office scheduled for August 30, 2021 with remainder of his time allocated to using remaining vacation time.*

DISCUSSION / BENEFITS / DISADVANTAGES:

Section 205 of the Municipal Government Act, 2000, Chapter M-26 states the following:

> (1) Every council must establish by bylaw a position of chief administrative officer.
> (2) Every council must appoint one or more persons to carry out the powers, duties and functions of the position of chief administrative officer.

COST / SOURCE OF FUNDING:

During the July 6, 2021 Special Council meeting, funding was authorized to advertise the interim CAO position.

> **SC21-005 Moved by Councillor Reum** that Council direct administration to advertise for the hiring of an interim CAO for Birch Hills County, with a submission deadline of July 26, 2021. Council authorizes Administration to spend up to $1500.00 to promote the opportunity, with funds to be provided by reserves.

ATTACHMENTS

Nil

OPTIONS

Council may choose to:

1. That council authorizes travel expenses be paid for candidates with the purpose of attending in-person interviews for the Interim Chief Administration Officer job opportunity. Total expenses not to exceed $1000, with funds sourced from reserves.

    And

    That council authorizes utilizing legal services to draft an interim CAO employment contract, with cost not to exceed $500, and with funds to be sourced from reserves.

    And

    That Council finalize the hire for the new Interim Chief Administrative Officer for Birch Hills County effective August ____, 2021 and authorizes Reeve Manzulenko to sign the contract as negotiated on behalf of Birch Hills County.

2. that Council determine another course of action.

RECOMMENDED ACTION:

It is Administration's recommendation:

"that council determine the appropriate course of action."