

# POLICY

<b>CATEGORY</b>	C. Human Resources
<b>POLICY NUMBER</b>	C25
<b>POLICY NAME</b>	<b>Workplace Anti-Violence and Harassment</b>
<b>CROSS REFERENCE</b>	A25 - Code of Conduct C15 - Occupational Health and Safety
<b>COLLEGE LEADERSHIP TEAM</b>	
June 24, 2019	
<b>ACADEMIC COUNCIL</b>	

## POLICY STATEMENT

Olds College is committed to building and preserving a safe, productive and healthy working environment for its employees based on mutual respect. In pursuit of this goal, Olds College does not condone nor tolerate acts of violence and/or harassment against or by any Olds College employee.

Violence and/or harassment is offensive, insulting, intimidating, and hurtful and includes unacceptable behaviour related to physical acts of violence or bullying. It creates an uncomfortable work environment and has no place in, or outside of, the workplace.

It is not the intention of Olds College's Anti-Violence and Harassment Policy to interfere, prevent or stop free speech with regard to everyday interactions.

## DEFINITIONS

Workplace Violence - The exercise of physical force by a person against an employee, in the workplace, that causes or could cause physical injury to the employee. A statement or behaviour that is reasonable for an employee to interpret as a threat to exercise physical force that could cause physical injury to the employee. Physical acts include (but are not limited to) hitting, shoving, pushing, kicking and, sexual assault. Threats include any behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property.

Personal Harassment - Any behaviour that demeans, humiliates or embarrasses a person, and that a reasonable person should have known would be unwelcome. It may include actions (e.g. touching, invasion of personal space), comments (e.g. jokes, name-calling), displays (e.g. posters, cartoons) or other forms of communication (e.g. online, non-verbal).

The Alberta Occupational Health & Safety Code defines workplace harassment as a single or repeated incident of objectionable or unwelcome conduct, comment, bullying or action intended to intimidate, offend, degrade or humiliate a particular person or group.

Discrimination on prohibited grounds - The Alberta Human Rights Act prohibits discrimination in employment related to race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income, and sexual orientation.

Disrespectful behaviour - involves objectionable behaviour that demeans, distresses, disturbs or embarrasses one or more employees. Disrespectful behaviour also includes conduct that is not appropriate to the work environment (e.g., yelling, swearing). Repeated disrespectful behaviour may be considered bullying.

Sexual harassment - Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Incidents of sexual harassment include, but are not limited to, situations when:

- Such conduct has the purpose or effect of interfering with an employee's work performance or a student's academic performance, or creating an intimidating, hostile, or offensive working or learning environment;
- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or of the teaching and learning process; or
- Submission to or rejection of such conduct is used in employment or academic decisions affecting that employee or student.

Examples of sexual harassment include but are not limited to unwelcome comments or conduct of a sexual nature such as leering, "dirty" jokes, gestures, pictures or pornographic materials, comments, suggestions, innuendos, requests or demands of a sexual nature. The behavior need not be intentional in order to be considered sexual harassment.

## **SPECIFIC GUIDELINES**

This policy specifically prohibits violence in the workplace, threats, discrimination, personal harassment, sexual harassment and disrespectful behaviour in order to minimize the risk of physical or psychological injury or harm to Olds College employees.

If Olds College becomes aware that an employee is at risk of domestic violence carrying over to the workplace, reasonable precautions will be implemented to protect the individual and coworkers.

Olds College will investigate any incidents of violence or harassment and take appropriate corrective action. The College will not disclose the circumstances related to an incident or the names of the complainant, the respondent and any witnesses, except

- (i) where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident of the results of the investigation and any corrective action to be taken to address the incident,
- (ii) where necessary to inform workers of a specific or general threat of violence or potential violence, or
- (iii) as required by law;

Olds College will disclose only the minimum amount of personal information necessary to inform workers of a specific or general threat of violence or potential violence.

This policy is not intended to discourage a worker from exercising their rights pursuant to any other law, including the Alberta Human Rights Act.

**APPLICATION OF THIS POLICY**

All Olds College employees are personally accountable and responsible to adhere to this policy. Employees should make every reasonable effort to identify, prevent and eliminate violence and/or harassment in the workplace, and to intervene, if safe to do so, and by advising a member of management if they observe a problem or if a problem is reported to them.

The Employer will not tolerate any form of retaliation against an Employee who, in good faith, makes a complaint of discrimination, harassment, sexual harassment or workplace violence. If an Employee acts in bad faith in making a complaint, disciplinary action may be taken against such Employee.

If it is determined by Olds College management that any employee has been involved in violence and/or harassment of another employee, disciplinary action will be taken, up to and including termination of employment.

**IMPLEMENTATION AND ADMINISTRATIVE RESPONSIBILITY**

<b>Person responsible:</b>	Director of Human Resources
<b>Review Period:</b>	Two years

# PROCEDURES

POLICY NUMBER AND NAME:	<b>C25 Workplace Anti-Violence and Harassment</b>
VICE PRESIDENT Sign Off Date:	June 24, 2019

## REPORTING OPTIONS

### Informal Procedure

If you believe you have been subjected to workplace violence, harassment or discrimination, you may:

- Start documenting details of incidents for future reference, or
- If safe to do so, confront the harasser personally, or in writing, clearly stating the unwelcome behaviour/action and requesting that it stop immediately; or
- Engage the assistance of a trusted employee to assist when confronting the harasser to resolve the concern; or
- Discuss the situation with their immediate supervisor or the harasser's supervisor or another trusted member of management.

Any employee who has been subjected to workplace violence, harassment or discrimination should, in all confidence and without fear of reprisal, personally report the circumstances to someone in a position of authority.

### Formal Procedure

If you believe you have been subjected to workplace violence, harassment or discrimination, you should make a formal complaint. The written report of the complaint should be delivered to the Human Resources Director (or their designate) and include the following information:

- The date and time (if known) of each incident you wish to report.
- The name of the person(s) involved in the incident(s).
- The name of any person or persons who witnessed the incident(s).
- A full description of what occurred.

Once a written report has been received, The Human Resources Director (or designate) will conduct a thorough investigation.

## INVESTIGATION

The investigation will likely include:

- Informing the respondent regarding the complaint.
- Interviewing the complainant and the respondent.
- Interviewing any other person(s) who may have been involved or have knowledge of the event(s) giving rise to the complaint.
- Olds College may engage outside assistance or legal counsel.
- Where it is determined that harassment likely has occurred, a written report of the conclusions and recommended outcomes will be completed.

- Olds College will take reasonable measures to prevent any unnecessary disclosure of the incident and the identities of the parties involved.

### **INTERIM MEASURES DURING INVESTIGATION**

The College may impose interim measures to support the Complainant, Reporter, and/or Respondent during an investigation. Examples may include a) determining that there is to be no contact between a Complainant and a Respondent, b) that the Respondent may be suspended from classes, the workplace or residence pending the outcome of an investigation.

### **SPECIAL CIRCUMSTANCES**

If the individual decides not to make a formal report, Olds College Management may decide that an investigation of the incident is required and will advise the person(s) who are subject to the investigation.

In cases where criminal proceedings are forthcoming, Olds College will assist law enforcement and other agencies as Olds College determines necessary.

Should an employee have a legal court order (e.g. restraining order, or "no-contact" order) against another individual, the employee is encouraged to notify his or her supervisor, and to supply a copy of that order to the Human Resources Department.

### **OUTCOMES**

After the conclusion of the investigation, Olds College will determine the appropriate outcome(s) which may include restorative measures, mediation, alternative workplace arrangements and/or disciplinary action.

The Complainant and the respondent will be advised of the results of the investigation, corrective action taken and any appeal procedures that may be available to them.

Olds College shall provide appropriate assistance to any employee who is victim of workplace violence, harassment or discrimination.

### **CONFIDENTIALITY**

Olds College will make all reasonable efforts to protect the privacy of the individuals involved and to ensure that reporters and respondents are treated fairly and respectfully. Olds College will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

All records of violence and/or harassment, complaints and subsequent investigations, are considered confidential.

