

VILLAGE OF FUNDY ALBERT

Respectful Workplace Policy

The Village of Fundy Albert (the "Village") believes that all employees should be treated fairly, with dignity and respect and to be valued for their differences, which contribute to a healthy, inclusive, and diverse culture.

Our Village is committed to building and preserving a safe, productive, and healthy working environment for our employees based on mutual respect. This policy will communicate expectations about dignity and respect in the workplace and to state the Village's position in matters relating to compliance, exposure and treatment of harassment, discrimination, violence, or threats of violence in, or resulting from, the workplace; whether from other employees, the general public or others who conduct business with the Village.

The Village, in consultation with the Health and Safety Representative and the Mayor and Council, will develop and maintain this policy. The policy will be reviewed annually or as necessary due to legislative changes.

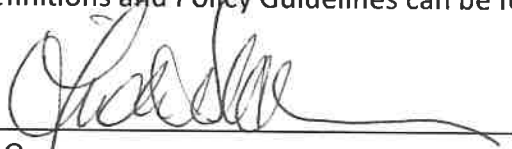
The Village has a fair and confidential investigation and resolution process. To ensure fairness for all involved, any and all complaints will be considered alleged until proven to be valid through a thorough and confidential investigation.

This policy and program are not intended to prevent or discourage a Team Member from referring a harassment complaint to the provincial Occupational Health and Safety authority, or the provincial Human Rights authority.

The Village will ensure that all parties are treated fairly and respectfully. All complaints will be processed in a timely and confidential manner. The information concerning any complaint will remain confidential. Nobody will be permitted to discuss or disclose information in any form from the complaint or the resulting investigation, except as necessary to conduct the investigation, render a decision, take corrective action or where required by law.


This program does not discourage or prevent any Team Member from exercising their legal rights and each Team Member retains the right to exercise any other legal avenues that are available, including contacting provincial regulatory agencies and or health and safety officers to request assistance.

Definitions and Policy Guidelines can be found in a companion document to this Policy.



CAO

February 6, 2024
Date



Mayor

February 6/2024
Date

VILLAGE OF FUNDY ALBERT

Respectful Workplace Policy Definitions & Guidelines

Definitions

Discrimination – means any occurrence where an individual is treated less favourably or unfairly because of race, ancestry, place of origin, colour, ethnic origin, citizenship, nationality, creed, sex, sexual orientation, age, record of offences, marital status, family status, disability, physical size or weight, medical condition, gender identity or expression, religious beliefs, or political convictions.

Harassment – means any inappropriate conduct, vexatious comment, display, action, or gesture by a person that is offensive, unsolicited, or unwelcome by a person that either:

1. Is based on race, creed, religion, colour, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin, gender, gender identity or expression, sexual orientation; or
2. Sexual harassment; or
3. Adversely affects the employees' psychological or physical well-being and that the person knows or ought reasonably to know would cause an employee to be humiliated or intimidated; and constitutes a threat to the health or safety of the employee.

Sexual Harassment – means:

1. Engaging in a course of vexatious comment or conduct in the workplace because of sex, sexual orientation, gender identity or gender expression, where the course or comment is known or ought reasonably to be known to be unwelcome.
2. Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement in the workplace and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
3. Harassment can either be repeated conduct, comments, displays, actions, contact of sexual nature or gestures, or it can be a single, serious occurrence of conduct, serious comment, display, action, contact of a sexual nature or gesture that has a lasting, harmful effect on the employee. Harassment can exist without intent to harass or offend.

Violence – means both acts of violence and threats of violence. Acts of violence means the attempted or actual exercise of physical force against a person which can cause or likely cause, physical or psychological injury or harm. Threats of violence means any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person or other persons.

Domestic Violence - means actual or attempted acts of violence or threats of violence by a person in a personal relationship with another person in the workplace. If the Village of Fundy Albert (the "Village") becomes aware of actual or potential domestic violence that would likely expose an employee to physical injury that may occur in the workplace, the Village shall take every precaution reasonable in the circumstances for the protection of the employee.

Reasonable actions - means proper actions by Leaders to help coach, guide or direct employees. Appropriate employee performance reviews, work assignments, counselling or discipline by a Leader is not considered harassment.

Reprisal - includes:

1. Any act of retaliation that occurs because a person has complained or provided information about an incident of workplace harassment or violence;
2. Intentionally pressuring a person to ignore or not to report an incident of workplace harassment or violence; and
3. Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace harassment or violence. This standard prohibits reprisal against any employees who have made good faith complaints or provided information regarding a complaint or incident of workplace harassment or violence. Leaders or employees who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment. Intentionally filing a formal or informal complaint that one knows to be false, or recklessly accusing someone of violence, harassment or discrimination is a serious matter. Any person engaging in such complaints will be subject to disciplinary action. Such discipline is not a reprisal or breach of this program.

Guidelines

The Village will not tolerate any form of harassment, discrimination and/or violence. It is important to remember that it is the perception by the receiver that determines whether it is acceptable or not.

Should the Village become aware or ought to reasonably be aware that any form of harassment, discrimination and/or violence is occurring, appropriate action will be taken immediately,

including a review of all current procedures and any additional steps that may be taken to prevent any future harassment, discrimination and/or violence.

This policy applies to all employees, independent contractors, temporary contracts, students, customers, vendors, suppliers and visitors.

All employees are personally accountable and responsible for following this policy. They must not engage in harassment, discrimination and or violence, and must report such behaviour immediately when they observe it in the workplace. Employees found to have been involved in perpetrating harassment, discrimination and or violence will be subject to disciplinary action, up to and including dismissal.

All Leaders are accountable and responsible for enforcing this policy. They must make every effort to prevent harassment, discrimination and/or violence, and to intervene immediately if they observe a problem, or if a problem is reported to them. Leaders are also responsible for initiating and assisting in the resolution process.

It is considered a violation of this policy to bring a fraudulent or malicious complaint against employees.

Complaints

The purpose of this process is to encourage the filing of valid complaints by ensuring the privacy of the complaining party, and also to protect the reputation of any person wrongfully charged with harassment.

Responding to a Complaint

If any Village Leader or employee receives a complaint of harassment or is otherwise informed of a harassing situation, they must inform the Chief Administrative Officer (CAO) or a member of Council without delay.

The complaint will be reviewed to determine if it falls within the scope of the policy. If it does, an investigator will be appointed to follow the process and the appropriate course of action will be determined.

1. If an investigation is required, a qualified Leader or third-party consultant will make every reasonable effort to initiate the process within five (5) working days and to include:
 - a. Ascertaining the circumstances of the incident(s);
 - b. Interviewing person alleging harassment (complainant);

- c. Interviewing person alleged to have harassed (respondent);
- d. Interviewing witnesses (if necessary);
- e. If the complaint is proven valid, formulating remedies and sanctions; and
- f. Informing the parties and initiate actions.

2. Course of action for valid complaints:

- a. Discrimination or harassment can be considered a violation of the conditions under which a person is employed with the Village.
- b. Employees, Leaders and others who violate this policy may be subject to various disciplinary actions, up to and including dismissal.
- c. Any Leader who receives a complaint of harassment and fails to take corrective action pursuant to this policy may also be subject to disciplinary action, up to and including dismissal.
- d. Disciplinary action may result for anyone who lodges a frivolous or vexatious complaint.
- e. Retaliation against anyone who files a complaint or anyone who participates in an investigation will be considered reprisal and subject to disciplinary action.
- f. Resolution and disposition will depend on the nature of the incident and its effect on the complainant. Precedents will be considered.
- g. Both complainant and respondent (or alleged harasser) shall be informed, in writing, of the results upon conclusion of the investigation.

3. Course of action for invalid complaints:

- a. Upon determining that a complaint is not valid, both the complainant and alleged harasser will be advised, in writing, of the finding.
- b. In the case where it has been determined that the complaint was unfounded or fraudulent, further investigation may be required to determine if action will be taken against the complainant.

Appeal Process

Both the complainant and the respondent have the right to appeal the determination of

the investigation within ten (10) working days. Course of action for appeal:

1. A written request for an appeal may be submitted to the investigator, or designate, if it is alleged that a serious procedural breach has occurred. Examples of a breach may include the following:
 - a. Investigator fails to consider critical evidence.
 - b. Investigator bias/compromise/conflict of interest etc.
 - c. Investigator fails to provide complainant /respondent with opportunity to address Topics.
 - d. Refusal to reopen the investigation after learning of new important information/findings that could have meaningful impact on the investigation.
2. The appeal will be directed to the Mayor.
3. To complete the appeal process, the full investigation report will be provided to the Mayor along with other information relevant to the request for appeal. The Mayor may question any parties, witnesses or the investigator where appropriate.
4. The intention will be to conclude the appeal determination within fifteen (15) working days.
5. All information will remain confidential, where possible. Decisions will be delivered to both the complainant and the respondent, in writing.

The Village will ensure that all parties are treated fairly and respectfully. All appeals will be processed in a timely and confidential manner, without reprisal or the threat of reprisal.

The information concerning any appeal will remain confidential. Nobody will be permitted to discuss or disclose information in any form from the appeal, except as necessary to conduct the appeal, render a decision, take corrective action or where required by law.

Violence Process

Risk Assessments

The objective of the risk assessment will be to identify risks related to workplace violence in order to determine what controls will need to be implemented to take all reasonable precautions to minimize or eliminate the risks and shall be the accountability of the CAO.

The risk assessments shall be reviewed annually or anytime there is a reported incident, workplace relocation or major changes to the work environment to ensure continued protection of employees from workplace violence.

Emergency Procedures

1. On becoming aware of a situation in which emergency action may be needed, contact the CAO or a member of Council.
2. Call 911 for external assistance, if required.

In the event an injury or medical emergency has resulted from violence to any employee or person, the following actions should be taken:

1. Ensure to the best of your ability that the person is safe from further violence.
2. If at all possible, do not leave the injured party alone. Get immediate emergency care. Any circumstance of violence in the workplace that presents an immediate danger of physical injury to a person will be reported immediately to the Police via 911.
3. Remove the employee to a safe place and continue to keep them in the safe place until the police arrive. Where appropriate, it may be necessary to close the location and prevent entry or exit of all persons until the police arrive.
4. Leaders will assist and support the person until the police respond or other assistance is provided.

Reporting an Incident

All incidents, threats or any incident of violence in the workplace that presents an immediate danger of physical injury must be reported immediately to a Leader or a member of Council. The Leader must document the incident thoroughly and contact the CAO and Mayor. The Leader will assess any risks associated with the incident, take immediate action if necessary to reduce the risk and complete an investigation.

Copies of the reports shall be given to the Mayor and Council for review and recommendations.

Disclosure of Information

The Village has a duty under the applicable occupational health and safety legislation to disclose information about a risk of violence in the workplace to its employees. The duty includes the disclosure of personal information about a person with a history of violent behaviour to those employees who:

1. Can be expected to encounter the person with the history of violent behaviour in the course of their work; and
2. Are likely to be exposed to physical injury due to the risk of workplace violence.

The Village will only disclose the personal information that is reasonably necessary to protect those employees that would fall under both (1) and (2) from physical injury, taking into account other relevant legislation pertaining to privacy.

Domestic Violence Procedures

If warning signs of domestic violence are noticed, or if an employee discloses abuse, Leaders should:

1. Talk to the victim privately about what you or others have seen. Express concern for the employee's safety.
2. Provide information on help that is available (community counselling) and offer referrals to appropriate agencies (e.g. shelters).
3. Offer to assist with calling the police. When violence has occurred in the workplace or if you are concerned for the immediate safety of an employee, call the police.
4. Help the victim develop a safety plan that takes into consideration safety at the workplace.
5. Implement security measures and explore alternative work arrangements to increase safety.
6. Consider permitting temporary leave (may be legislative leaves available in your province) that would allow the employee to deal with legal issues, find housing and childcare, or cope with any other issues.

All information relating to an employee's involvement in a situation relating to domestic violence, to the extent possible, should be kept confidential unless where deemed necessary for the employee's safety.

The Village will take all reasonable measures to foster a safe working environment for all employees.

Revised (Date) _____ Document # _____

