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Respectful Workplace Policy

Purpose:

The intent of this policy is to outline expectations for a respectful workplace where employees are treated fairly, diversity is acknowledged and valued, resources and training to resolve disputes are provided and conflict is addressed early. This policy applies to sworn and civilian employees, contractors, and volunteers.

Statement of Principle:

It is the shared responsibility of all employees and supervisors to conduct themselves in accordance with the standards and principles established by this policy, even in the absence of a respectful workplace complaint. This policy is developed in accordance with the broader legislative and labour requirements that recognizes employee rights under the collective bargaining agreements and is aligned with requirements set out in relevant legislation such as the *Alberta Humans Rights Act*, *Occupational Health and Safety Act*, and the *Criminal Code of Canada*.

Definitions:

Definitions listed in this section apply to this document only with no implied or intended organization-wide or EPS Policy and Procedure Manual wide use.

Bullying – Hostile or demeaning behaviour where the behaviour is intended to cause harm, fear, or distress to one or more other individuals within the workplace, including psychological harm or harm to an employee's reputation.

Bystander – Employees, contractors, and volunteers who observe an incident of workplace harassment, bullying or discrimination. It is encouraged for a bystander to either take appropriate action to stop the behavior or report it to a supervisor.

Complainant – “Complainant” refers to an employee, contractor or volunteer who raises a concern or submits a complaint under the **Respectful Workplace Policy**.

Cyberbullying – The use of technology to support harassing behaviours toward an individual or group.

Discrimination – Is an action, practice, system, or policy that has an adverse impact on an individual or group, for reasons related to a protected ground as set out in the *Alberta Human Rights Act*. Discrimination may be intentional or unintentional.



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Discrimination may be present even if it is only one of many factors affecting a decision or action.

Harassment can be a form of discrimination when it relates to actions taken based upon the protected grounds set out in the *Alberta Human Rights Act*:

- race
- religious belief
- color
- age
- sexual orientation
- gender
- gender identity
- gender expression
- source of income
- marital status
- family status
- physical disability
- mental disability
- place of origin
- ancestry

Frivolous – Describes a complaint or concern that has no serious purpose or value, and is readily recognizable as being trivial, insignificant and devoid of merit or legal basis. Making a frivolous complaint against another employee is a serious offence, which could be deemed a violation of this policy and may be subject to further investigation.

Good Faith – Describes the nature of complaints that are made honestly and with positive intention. All complaints made under this policy must be made in good faith. Submitting a complaint in good faith, even when the complaint cannot be substantiated, is not a violation of this policy.



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Informal Resolution – Approaches, other than formal investigations, that are used to better understand and address respectful workplace concerns. These approaches offer the parties in conflict an opportunity to work together towards resolution. They include, but are not limited to:

1. **Respectful Workplace Policy** Notifications.
2. Alternative Dispute Resolution, including:
 - a. supervisor-led resolutions,
 - b. facilitated discussions,
 - c. conflict coaching,
 - d. mediation, or
 - e. circle processes including Healing Circles.
3. Training and/or,
4. Restorative practices.

Respectful Workplace Intake Committee (RWIC) – The RWIC is comprised of representatives from Chief's Committee, Equity, Inclusion & Human Rights Branch, Professional Standards Branch, and Human Resources and Labour Relations Branch.

Retaliation – Is any action that does or would adversely impact an individual that is taken in response to that individual raising a respectful workplace concern or participating in any process under the **Respectful Workplace Policy**. Retaliation may include but is not limited to dismissal, demotion, unwarranted transfer, denial of opportunities or exclusion from activities within the organization, or harassment of an individual because of their having raised a concern or having participated in any process associated with the **Respectful Workplace Policy**.

Sexual Harassment – Is a form of discrimination based on the protected ground of gender, including transgender, which is prohibited under the *Alberta Human Rights Act*. Sexual harassment is any objectionable or unwelcome conduct of a sexual nature that is likely to cause offence, humiliation, degradation, or embarrassment to an individual, create a toxic or hostile work environment; or would reasonably be understood to place a condition of a sexual nature on the employment relationship or working conditions.

Vexatious – Describes a complaint or concern that is submitted without reasonable or probable cause; is not submitted in good faith and has the intention to cause harm. Making a vexatious complaint against another employee is a serious offence, which could be deemed a violation of this policy and may be subject to further investigation.



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Whistleblower Policy – An EPS policy developed to highlight the whistleblower program as an external channel available for EPS employees when reporting wrongdoing. The program ensures every effort will be made to keep information provided by complainants confidential, subject only to requirements under relevant legislation and collective bargaining agreements.

Work – Any work that is assigned by the employer, carried out during regular working hours, including overtime and any other time where an employee is expected to be performing their employment duties. In addition, and for purposes of this policy, work also means activities or events that take place outside of regular business hours but have a connection to the workplace. This includes interactions and communications that occur online, through text or email, or via social media forums inclusive but not limited to the utilization of EPS equipment and assets.

Workplace – A work site as defined in the *Occupational Health and Safety Act*; a location where an employee is, or is likely to be, engaged in their duties, and includes any vehicle or mobile equipment used by an employee for the purpose of their job.

Workplace Harassment – Is defined on a spectrum of a single or repeated incident of inappropriate conduct, comment, bullying or action that a reasonable person would find unwelcome, cannot be objectively justified as reasonable conduct, and

1. would be considered demeaning, offensive, degrading, threatening or abusive by a reasonable person,
2. has been demonstrated to contribute to a toxic or offensive work environment, or
3. has adversely or negatively impacted the individual.

Attitudes and actions that were once considered acceptable in the workplace may no longer be appropriate.

Workplace Violence – The use or attempt to use physical force in a workplace, that causes or could cause physical injury. This includes physical attacks or aggression, as well as verbal or written statements or behaviour that would reasonably be interpreted as a threat to use physical force in a workplace, that could cause physical injury.

Policy Statement:

A. General Considerations:

1. The EPS is committed to providing a respectful, inclusive, and positive work environment that is free from harassment, bullying or discrimination. This



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commitment is aligned with requirements set out in the *Alberta Occupational Health and Safety Act*, the *Alberta Human Rights Act*, and the *Criminal Code of Canada*. This policy is not intended to discourage employees from exercising their rights pursuant to applicable legislation, including the *Alberta Human Rights Act*.

2. This policy applies to all EPS employees, contractors, and volunteers. Allegations of workplace harassment, bullying, discrimination, and inappropriate conduct will be reviewed, and appropriate action taken in accordance with this policy and its associated processes.
3. Conduct that does not comply with this policy can contribute to a disrespectful, offensive or toxic workplace, and will not be tolerated by the EPS. As such, employees, contractors, and volunteers must not engage in harassment, bullying or discrimination.
4. Supervisors, employees, contractors, and volunteers are encouraged to address conflict and concerns that would not amount to harassment, early and directly with the person involved in a respectful manner. When this fails or is not appropriate given the nature of the concern, employees can bring workplace concerns to a supervisor, or contact the Respectful Workplace Section.
5. Respectful disagreements and differences of opinion are not considered workplace harassment.
6. This policy applies to conduct and behaviour at all EPS facilities, workplaces, online/social media forums, communication on electronic devices, places visited by employees travelling on EPS-related business including conferences, meetings, projects, events, and sites of work-related social gatherings.
7. Complaints of harassment, bullying and discrimination will be addressed by the EPS and investigated where required according to the processes described in this policy, the **Respectful Workplace Procedure**, and relevant appendices.
8. Failure to comply with this policy, including any accompanying procedures, processes or appendices may lead to appropriate corrective action, which may include discipline.
9. Reasonable and legitimate workplace practices, as well as appropriate and respectful management oversight are not considered workplace harassment. This policy does not restrict management's authority to manage employees' performance or conduct within the workplace. Management retains the right to respectfully provide constructive feedback and exercise legitimate supervisory responsibilities, in accordance with the expectations and responsibilities set out in this policy.



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10. Submitting a complaint or allegations that are intentionally misleading or are frivolous or vexatious, could be deemed a violation of this policy and may be subject to further investigation, which may result in discipline. If, at any time before or during an investigation into a complaint, it appears that the complaint is frivolous, vexatious, or made in bad faith, the complaint may be dismissed.
11. This is not intended to deter employees from filing a complaint under this policy, however employees should be aware that complaints submitted under this policy are serious and will be dealt with accordingly. Employees should consider this when filing a complaint.

B. Employee Responsibilities:

All EPS employees are expected to contribute to upholding a respectful, safe, and inclusive workplace by committing to the following:

1. Ensuring your words, actions and behaviours contribute to a respectful workplace.
2. Not participating in, encouraging, and/or supporting any harassing, bullying, discriminatory or disrespectful behaviour.
3. If experiencing behavior that violates this policy you are expected to report that behavior within 12 months, or forthwith, from the date of occurrence by submitting a complaint to the Respectful Workplace Section.
4. Accepting responsibility for your own actions, reactions, behaviours, and the impact those may have on others.
5. Participating in good faith in any processes, resolution options, and training associated with this policy.
6. Adhering to expectations of confidentiality associated with this policy.
7. Ensuring you do not participate in retaliatory behaviour against someone who has raised a respectful workplace concern, made a complaint or participated in a process or resolution options associated with this policy.

C. Supervisor or Managerial Responsibilities:

Employees in managerial or supervisory roles have additional responsibilities to create and maintain respectful workplaces, including:

1. Being a role model by ensuring your actions and words contribute to a respectful workplace and are consistent with the intent of this policy.



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2. Ensuring harassment is not allowed, condoned, or ignored. Note that supervisors may be considered a party to harassment if they fail to take corrective actions.
3. Being aware of what is happening in your area of responsibility, and taking appropriate action in a prompt, impartial, and confidential manner when respectful workplace issues come to your attention, regardless of whether a respectful workplace complaint has been filed.
4. To consult with the Respectful Workplace Section as soon as possible, or when practical, for assistance or guidance.
5. Taking preventative action to avert the escalation or reoccurrence of respectful workplace concerns within your responsibility areas.
6. Being open and showing good faith towards participation in resolution options associated with this policy.
7. Making every effort to ensure employee awareness and compliance with this policy.
8. Supporting the implementation of training and awareness activities related to this policy.
9. Making every effort to ensure that no retaliation occurs as a result of participating in a complaint process associated with this policy.
10. Understanding that inappropriate behaviour may impact more than those directly involved, including witnesses, and providing appropriate support to all parties.

D. Confidentiality on the Part of the Employer:

1. Inquiries, complaints, investigations, and informal resolutions associated with this policy are confidential. However, confidentiality including protecting the identity of parties and witnesses to a respectful workplace concern, must be balanced against the requirements of procedural fairness and any disclosure requirements imposed by law.
2. EPS will disclose information regarding the persons involved in processes under this policy and any related discussions or exchanges of information only when reasonable to do so, including:
 - a. disclosure necessary for the purposes of executing this policy,



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- b. disclosure pursuant to requirements under an employee's collective bargaining agreement,
- c. disclosure pursuant to legislation such as the *Access to Information Act (ATIA)*, or the *Alberta Human Rights Act*,
- d. for the purposes of effecting the *Police Act*, including but not limited to for the purpose of engaging the complaints and discipline processes, or
- e. disclosure compelled by rules governing court or by law in any other administrative proceeding.

E. Confidentiality on the Part of Complainants and Respondents:

- 1. All involved parties must maintain confidentiality, subject to disclosure necessary under other EPS policy, as required by law, or as required to participate in other administrative proceedings.
- 2. All involved parties are subject to disciplinary action if they divulge information with the intent of prejudicing any process under the policy or if the nature of the disclosure falls within the definition of harassment, bullying or discrimination.
- 3. Confidentiality cannot be maintained when a complainant or respondent chooses to, outside of this policy initiate legal action or make comments to third parties, such as to other colleagues, through electronic communications (including through social networking sites), or to the media.

F. Discretion of the EPS and Equity, Inclusion & Human Rights Branch:

- 1. Notwithstanding any other policy or provision, the EPS retains the authority to initiate or continue an investigation or informal resolution that has been declined or withdrawn by the complainant when the EPS considers that the welfare of its employees, contractors, and volunteers requires it to do so.
- 2. If any complained about behaviour might constitute criminal conduct, the matter will be referred to the Chief of Police.
- 3. If any complained about behaviour of a sworn employee might constitute misconduct in the *Police Service Regulation*, the Chief of Police shall be advised of the behaviour and where appropriate, investigation of the complaint will be carried out in compliance with the *Police Service Regulation*.
- 4. The EPS has the discretion to hold processes under this policy in abeyance pending the outcome of any Respectful Workplace Section, criminal or *Police Act* investigation, or any other legal or administrative procedure.



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G. Making a Complaint:

General Guidelines:

1. Persons who believe they have been subjected to, or witnesses, workplace harassment, discrimination, or other workplace conflict, may make a complaint as per the instructions outlined within the **Respectful Workplace Procedure** document.
2. Following the submission of a complaint, the complaint intake and triage process will begin by the Respectful Workplace Manager. The Respectful Workplace Manager will conduct a preliminary investigation of the submitted complaint, and consult with the Inspector i/c Equity, Inclusion & Human Rights Branch.
3. All evidence and information gathered will be considered, to determine whether the complaint falls within the scope of RW policy. Once it is confirmed to fall within RW policy, the appropriate resolution option, formal or informal, will be decided upon and implemented, according to the **Respectful Workplace Procedure** document.
4. If, during an investigation, evidence has been obtained to support the addition of other incidents of harassment, then those will be added to the complaint.
5. Specific information on the process for filing a complaint can be found in the **Respectful Workplace Procedure** and associated appendices, which are linked under Related Information below.