



LAC LA BICHE COUNTY PROCEDURE

TITLE: Anti-Harassment Standard Operating Procedure

PROCEDURE NO: CS-03-015-03

SPECIAL NOTES/CROSS REFERENCE: POLICY CS-03-015 AMENDMENT DATE:

1.0 Definitions

Harassment: Any behaviour that demeans, humiliates, threatens or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions (e.g. touching, pushing), comments (e.g. jokes, name-calling), or displays (e.g. posters, cartoons). The conduct may occur on a one-time basis or in a continuing series of incidents, by word or act, including a communication, gesture, display, behaviour or touch.

Harassment can also occur when an individual is in a vulnerable position because he or she is in the minority - the only woman, member of a visible minority, aboriginal person or person with a disability - and is, for example, ostracized by colleagues.

Disrespectful Behaviour: Involves unwelcome behaviour that demeans or embarrasses an employee.

Sexual Harassment: Includes offensive or humiliating behaviour that is related to a person's sex, as well as behaviour of a sexual nature that creates an intimidating, unwelcome, hostile, or offensive work environment, or that could reasonably be thought to put sexual conditions on a person's job or employment opportunities. Sexual harassment includes, but is not limited to: crude language and "dirty jokes"; gender-based insults; sexual innuendo and suggestive remarks with sexual overtones; nudity or sexual exposure; propositioning or unwelcome invitations - either direct or indirect; taunting or threatening; non-verbal gesturing or leering; touching, unwanted physical contact or derogatory images; comments about an individual's looks, dress, appearance or sexual habits; persistent and unwelcome flirting; and the requirement to wear sexist, revealing or suggestive clothing. Sexual harassment is frequently more about power than about sex. It occurs in situations where there is unequal power between the parties involved, and is an attempt by one person to assert power over the other.

Abuse of Authority: Occurs when a person uses authority unreasonably to interfere with an employee or the Employee's job. It includes humiliation, intimidation, threats, and coercion. It does not include normal managerial activities such as counseling, performance appraisals and discipline, as long as these are not done in a discriminatory manner.

Appropriate Authority: Any delegated employee who has the authority to make final decisions regarding employees, discrimination claims, and resulting actions. At Lac La Biche County, the Appropriate Authority is defined in the "Authorities for Personnel Management Actions" table.

2.0 General Guidelines

Every employee has a right to:

1. Freedom from harassment in the workplace by the Employer or agent of the County or by another employee;
2. Freedom from harassment in the workplace because of sex by his or her employer or agent of the Employer or by another employee;
3. Claim and enforce his or her rights under this SOP to report and participate in investigations under this SOP and to refuse to infringe a right of another person under this SOP, without reprisal or threat of reprisal for so doing.

It is not the intention of Lac La Biche County's Anti-Harassment Policy or SOP to interfere, prevent or stop free speech with everyday interactions.

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

3.0 Procedures

3.1 Responsibilities

We trust that all of our employees will help us eliminate harassment from our workplace, and as such, employees of Lac La Biche County are required to comply with the following responsibilities:

Co-worker

If a co-worker has witnessed harassment in the workplace:

- Inform the harassed person that you have witnessed what you believe to be harassment and that you find it unacceptable. Support is often welcome. If that person does not feel that they have been harassed, then normally the incident should be considered closed.
- Inform the harasser(s) that you have witnessed the act(s) and find it unacceptable.
- Encourage the harassed person to report the incident to their supervisor.

Management

Management has the responsibility for creating and maintaining a harassment-free workplace.

Managers must be sensitive to the climate in the workplace and address potential problems before those problems become serious.

Any supervisor or manager who is subjected to, witnesses, or is given written or oral complaints of harassment acts or retaliation shall immediately report them to the Appropriate Authority. Delays in reporting may be unavoidable in some circumstances (to be determined on a case-by-case basis).

When an Employee has asked their manager to deal with a harassment incident, the manager shall:

- Support the Employee without prejudice;
- Work with the Employee and document the offensive action(s) and have the Employee sign a complaint.

3.2 Investigation

Lac La Biche County seeks to resolve harassment claims as expeditiously as possible. Investigations shall be conducted and the appropriate actions taken no longer than six (6) working days following the filing of a complaint.

The Appropriate Authority is responsible for determining and administering the methods and means for addressing harassment complaints. The Appropriate Authority is also responsible for:

- Determining the veracity of allegations of harassment or retaliation.
- Determining whether or not a reported act is indeed harassment.
- Resolving the dispute, with the agreement of both parties, where necessary.
- Administering punitive or corrective actions if allegations are true.
- Administering punitive actions if allegations were knowingly falsely made.

Wherever and whenever investigations are conducted, this SOP asserts that Complainants and Respondents have certain rights. These rights include, but are not limited to:

- Receiving written notice of the allegations (where permitted by law).
- Presenting relevant information to the Appropriate Authority.
- Receiving a copy of the report at the conclusion of the investigation (where permitted by law).

At the conclusion of an investigation, the Investigator shall prepare a written report which shall include a statement of factual findings and a determination of whether this SOP and associated policy has been violated. The report shall be presented for review to law enforcement officials or legal counsel, as necessary.

3.3 Report Handling Procedures

The Appropriate Authority shall advise the Complainant and the Respondent of the resolution of any investigation conducted. A copy of the investigative findings shall be provided in writing the Complainant and the Respondent.

In all cases, Lac La Biche County's Human Resources department shall retain the findings report for a minimum of three (3) years or for as long as any administrative or legal action arising out of the complaint is pending.

3.4 Disciplinary Measures

If it is determined by the County that any employee has been involved in the harassment of another employee, immediate disciplinary action will be taken, up to and including termination of employment.

4.0 Fraudulent or Malicious Complaints

Unfounded, frivolous or fraudulent allegations of personal harassment cause both the accused person and the County significant damage.

If it is determined by the County that any employee has knowingly made false statements regarding an allegation of personal harassment, immediate disciplinary action will be taken and may include immediate dismissal without further notice.

5.0 Special Circumstances

All records of harassment, and subsequent investigations, are considered confidential and are strictly prohibited from being disclosed to anyone except to the extent required by law.

In cases where criminal proceedings are forthcoming, Lac La Biche County will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

6.0 Confidentiality

Lac La Biche County will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. Lac La Biche County will protect this privacy so long as doing so remains consistent with the enforcement of this policy and SOP and adherence to the law.

Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action.

All records of harassment reports and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.

7.0 Assurance against Retaliation

This SOP encourages employees to freely express – in a responsible and orderly fashion – their thoughts, opinions, and feelings regarding harassment complaints. Retaliation by the Respondent or anyone acting on behalf of the Respondent, against the Complainant is strictly prohibited and will result in appropriate disciplinary action. Retaliation by the Respondent, or anyone acting on behalf of the Respondent, against any witness providing information about a harassment report, is also strictly prohibited. Acts of retaliation include (but are not limited to) interference, coercion, threats, and restraint.

“Original Signed”
Chief Administrative Officer

November 8, 2013
Date