



LAC LA BICHE COUNTY PROCEDURE

TITLE: Anti-Discrimination Standard Operating Procedure PROCEDURE NO: CS-03-015-04

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

1.0 Definitions

For purposes of this SOP, the following definitions apply.

Discrimination - the denial of equal treatment in employment, in the provision of goods, services and facilities to the public and in the administration of contracts based on the prohibited grounds as defined by human rights legislation.

Systemic Discrimination - the use or application of a neutral requirement that has a negative impact on a group protected under human rights legislation. Systemic discrimination occurs when policies and practices exclude, limit or restrict members of designated groups from employment or opportunities within employment. (e.g., opportunities to apply for other jobs, participate in training, attend conferences, obtain promotions, and receive special assignments).

Harassment - any behaviour or practice that is deemed inappropriate by its adverse effects on an individual's employment, job performance and/or personal dignity. The five types of harassment are:

- Discriminatory,
- Personal,
- Bullying,
- Poisoned Work Environment, and
- Abuse of Authority.

Designated Groups - for the purposes of its overall equity and diversity initiatives, Lac La Biche County has identified: women, Aboriginal persons, persons with disabilities, and members of visible minority groups and gay, lesbian, bi-sexual and transgendered (GLTB) individuals. The selection of these four groups does not preclude the possibility of addressing systemic discrimination for other identifiable groups.

Aboriginal Persons - are North American Indians or members of a First Nation, Métis or Inuit. Members of a First Nation include status, treaty or registered Indians. North American Indians include non-status and non-registered Indians.

Persons with Disabilities - are persons who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who:

- consider themselves disadvantaged in employment by reason of that impairment, or who;

- believe that an employer or potential employer likely would consider them disadvantaged in employment by reason of that impairment.

These would include persons whose functional limitations owing to their impairment have been accommodated in their current job or workplace. For the purpose of all corporate policies, persons with disabilities shall meet all of the following criteria:

- the condition is permanent, ongoing or of some persistence;
- the condition is not commonplace or widely shared, and;
- the condition is a substantial or material limit on the individual in carrying out some of life's important functions.

Visible Minorities - are persons other than Aboriginal persons who are non-Caucasian in race or non-white in colour.

Bona Fide Occupational Requirements - are those requirements that:

- the employer has adopted for a purpose or goal that is rationally connected to the functions of the position;
- the employer has adopted in good faith in the belief that they are necessary to fulfill the purpose or goal, and;
- are reasonably necessary to accomplish the purpose or goal in the sense that the employer cannot accommodate persons with the characteristics of a particular group without incurring undue hardship.

Accommodation - the facilitation and integration of individuals into the workplace by recognizing and accommodating special needs through the identification and removal, if necessary, of non-essential job elements, workplace adjustments, technical devices, flexible scheduling, adaptive devices for equipment, etc. unless undue hardship by the Lac La Biche County would be incurred in such accommodation.

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.

Complainant – A person who is or has been subjected to the alleged discrimination.

Respondent – Someone who is alleged to have exhibited conduct that is the subject of a complaint.

2.0 General Guidelines

Lac La Biche County is committed to the ideals of Canadian Multiculturalism and celebrates the diversity of our employees. As an ethnically and culturally diverse workplace, we encourage our employees to practice their cultural beliefs and practices in a work environment free from discrimination, harassment or prejudice. At Lac La Biche County, we intend to foster a culture of inclusion; free of all forms of discrimination and violence, where people are treated with respect and committed to deepening appreciation of diversity and transforming all forms of exclusion.

Lac La Biche County demonstrates its commitment to equity and diversity by providing a supportive work environment and corporate culture that welcomes members of designated groups.

This procedure prohibits discrimination in the workplace in the provision of goods, services, and facilities to the public, and the administration of contracts as defined by human rights legislation.

The Alberta Human Rights Act prohibits discrimination on the basis of race, religious belief, colour, gender, physical disability, mental disability, marital status, ancestry, age, place of origin, family status, source of income and sexual orientation.

Lac La Biche County does not condone any form of discrimination. It endorses and embraces the Alberta Human Rights Act, which prohibits discriminatory practices.

3.0 General Provisions

Lac La Biche County is wholly committed to the principles of workplace diversity. Lac La Biche County has and will continue to develop and implement workplace diversity principles and strategies across all of its structures, policies, procedures, and decision making processes.

Lac La Biche County rejects and entirely disapproves of all biased distinctions based on the grounds of:

- Race
- Ancestry
- Place of origin
- Colour
- Ethnic origin
- Citizenship
- Creed
- Sex
- Sexual orientation
- Age
- Record of offences
- Marital status
- Same-sex partnership status
- Family status
- Gender history
- Religious beliefs
- Political convictions
- Source of Income
- Mental disability
- Physical disability or medical condition (that does not affect work performance)
- Pregnancy

Efforts to eliminate all forms of discrimination – whether they are direct or indirect – are fully endorsed by Lac La Biche County. Any harassment or intimidation against the profiles listed above is prohibited in all aspects of Lac La Biche County.

Men and women are considered by Lac La Biche County to be equally eligible for employment. Decisions will be based on job qualifications only. No religious, racial or political test shall be imposed upon any person as a condition of employment.

The main objective of the Lac La Biche County Anti-Discrimination Policy and SOP is to ensure that its practices are free from direct and indirect discrimination. This SOP covers all aspects of employment, including candidate selection, appointment, promotion, compensation, benefits, training, layoffs, transfers, and any other terms and conditions of employment.

4.0 Confidentiality

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

Lac La Biche County will do everything it can to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent 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 SOP and adherence to the law.

5.0 Assurance against Retaliation

This SOP encourages employees to freely express – in a responsible and orderly fashion – their thoughts, opinions, and feelings regarding direct/indirect discrimination 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 direct/indirect discrimination report, is also strictly prohibited. Acts of retaliation include (but are not limited to) interference, coercion, threats, and restraint.

This direct/indirect anti-discrimination SOP will not be used to bring fraudulent or malicious complaints against employees. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary action being taken against the individual lodging the fraudulent or malicious complaint.

6.0 Disciplinary Actions

Upon concluding that an instance of direct/indirect discrimination has indeed occurred, the Respondent will be subject to disciplinary action which may result in suspension of duties, or outright termination of employment. Disciplinary actions imposed by the Appropriate Authority will be determined on the basis of the facts of each case.

7.0 Complaints and Report Procedures

Individuals who believe they have been victimized by an act or acts of direct or indirect discrimination should report the incident(s) immediately to the Appropriate Authority. Any delays in reporting acts of direct/indirect discrimination can make the case against the Respondent more difficult to establish, and may even result in retaliatory acts by the Respondent.

7.1 Report Obligations – Employees

Employees who believe they are victims of direct/indirect discrimination in their working environment are advised to first respond to the alleged harasser directly, by objecting and by

requesting that the unwelcome behaviour stop immediately. If this approach is unsuccessful or unreasonable, Lac La Biche County must be made aware of all acts of direct/indirect discrimination or retaliation in order to take the appropriate action. Thus, individuals who believe they have been subject to or have witnessed acts of direct/indirect discrimination or retaliation should report to the Appropriate Authority, or to their supervisor/manager. Delays in reporting may be unavoidable in some circumstances (to be determined on a case-by-case basis).

7.2 Report Obligations – Supervisors

Supervisors are directed to take all appropriate steps to prevent and stop direct/indirect discrimination in their areas of responsibility. Any supervisor who is subjected to, witnesses, or is given written or oral complaints of direct/indirect discrimination 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).

Supervisory personnel who are contacted by an individual seeking to file a complaint about direct/indirect discrimination in their unit shall assist the complainant in contacting the Appropriate Authority.

8.0 Investigation

Lac La Biche County seeks to resolve direct/indirect discrimination claims as expediently 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 direct/indirect discrimination complaints. The Appropriate Authority is also responsible for:

- Determining the veracity of allegations of direct/indirect discrimination or retaliation.
- Determining whether or not a reported act is indeed direct/indirect discrimination.
- 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 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 Policy has been violated. The report shall be presented for review to law enforcement officials or legal counsel, as necessary.

9.0 Report Handling Procedures

The Appropriate Authority shall advise the Complainant and the Respondent of the resolution of any investigation conducted under this Policy. 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 six (6) years or for as long as any administrative or legal action arising out of the complaint is pending.

10.0 Procedures for Handling Complaints of Direct/Indirect Discrimination

Once the Complainant lodges a complaint with their supervisor or the Appropriate Authority, a discussion will take place that shall be kept confidential, to the extent allowed by the law. If desired by the Complainant, no written record will be kept of this initial discussion. During this discussion, the recipient of the complaint will explain all options available to the Complainant. If the Complainant wished to proceed further with his or her complaint, the Complainant must then provide a written statement regarding the alleged direct/indirect discrimination.

10.1 Informal Procedures

- If desired, the Complainant may attempt to resolve the matter directly with the Respondent. The Complainant must report the resolution, or lack thereof, to the Appropriate Authority.
- The Appropriate Authority may notify the Respondent of the complaint, keeping all such communication confidential. The Appropriate Authority may then implement whatever steps necessary to create an informal resolution that is acceptable to both the Complainant and Respondent.
- If an informal resolution of the complaint is achieved, no record of the complaint will be entered in the Respondent's personnel records. However, the Appropriate Authority will record the occurrence of the complaint and the informal resolution achieved. Again, this record will remain confidential.

10.2 Formal Procedures

- In the case of formal complaints, the Respondent shall have six (6) working days to respond, in writing, to the allegation. The Respondent's statement, written on County letterhead, must answer – with specific responses – to each complaint, either admitting, denying, or explaining the allegations against them. The Respondent must sign his or her statement, which will then be attached to the original complaint.
- If a formal hearing is warranted, the Appropriate Authority will conduct a hearing within (10) ten working days after receiving the request.

11.0 Timelines

Complainants are always encouraged to file a complaint immediately after an alleged incident of direct/indirect discrimination. Nevertheless, Lac La Biche County is aware that such a timely response may not always be possible, due to feelings of humiliation or fear on the Complainant's part. Individuals who believe that they have experienced direct/indirect discrimination should lodge a complaint within thirty (30) days following an alleged incident. Under extreme circumstances, this timeline may be extended to sixty (60) days at the request of the Complainant; however, it is the responsibility of the Complainant to show good reasons for this extension.

12.0 Records

Records of all formal and informal resolutions, hearings, and reviews will be kept by the Human Resources department, except where otherwise stated in this SOP. The records will be available to managerial members only in the following circumstances:

- a) When determining an appropriate disciplinary action for subsequent direct/indirect discrimination complaints;
- b) When a Respondent is a candidate for a promotion to a supervisory position;
- c) When a complaint against retaliatory action is made;
- d) When a decision or resolution is reviewed.

Any records concerning employees will be maintained in accordance with all applicable laws and regulations. Both the Complainant and the Respondent are eligible to obtain copies of hearings or of their own statements made throughout the course of the direct/indirect discrimination remediation process.

“Original Signed”
Chief Administrative Officer

November 8, 2013
Date