

Administrative Directive

Respectful Workplace

Number: A1127B

Approved by: Linda Cochrane, City Manager

Department: Employees Services / Respect in the Workplace Branch

Date of Approval: January 14, 2019

Next Scheduled Review: *September 2021 (latest)*

Statement of Directive:

The City of Edmonton recognizes that our workforce includes people from different backgrounds and identities, and with different needs and perspectives. We are committed to working in collaboration with our employees, unions, and associations, to create and maintain a work environment that is fully inclusive and respectful. We strive to meet and exceed compliance with human rights and occupational health and safety legislation. It is the shared responsibility of all employees to contribute to and create a respectful work environment.

A respectful workplace is one that is free of harassment and discrimination, and where all employees are treated fairly, diversity is acknowledged and valued, communication is open and civil, expectations around behaviour are clearly communicated, resources and training to resolve disputes are provided, conflict is addressed early, and there is a culture of inclusion, empowerment and cooperation.

Purpose:

This directive outlines elements for a respectful workplace, clarifies responsibilities, and informs employees of their right to work in a respectful work environment, free of harassment and discrimination.

Application:

This directive applies to any person who reports to the City Manager or City Auditor and provides services to the City of Edmonton under a contract of employment (permanent, temporary, and/or seasonal), contract for the provision of personal services, or in the capacity of agent, student, or volunteer. For the purposes of this document, these groups of people shall be referred to as 'employees'.

This directive applies at all facilities, workplaces; online/social media conduct, places visited by employees travelling on City-related business including conferences, meetings, events, vendor/supplier/customer sites and sites of work-related social gatherings.

Violations of this directive, including vexatious complaints, will not be tolerated. Failure to comply with the provisions of this directive including its accompanying procedures may lead to appropriate corrective action, which may include discipline up to and including termination of employment.

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Accountability:

The City of Edmonton:

The City of Edmonton is committed to providing respectful workplaces free of discrimination and harassment, and meeting its obligations under the *Alberta Occupational Health & Safety Act* and the *Alberta Human Rights Act*.

The City of Edmonton is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of harassment. The City of Edmonton will investigate any incidents of harassment and take corrective action to address the incidents.

City Manager:

The City Manager or designate may conduct reviews, audits, or checks at any time without notice to ensure compliance with this directive, including its accompanying procedures.

All City Employees:

Every employee of the City has the right to be treated in a fair, reasonable, and respectful manner, and to work in an environment free of harassment and discrimination.

Every employee also has a shared responsibility to create and maintain a respectful workplace free of harassment and discrimination. This includes, but is not limited to:

- Ensuring your actions and words contribute to a respectful workplace and are consistent with the intent of this directive and the accompanying procedures.
- Not participating in, encouraging, or supporting any bullying, harassing, discriminatory or disrespectful behaviour.
- Accepting responsibility for your own actions, reactions, behaviours, and the impact those may have on others.
- Reporting your concerns to your supervisor and/or any other person or group identified in the related procedures.
- Adhering to expectations of confidentiality as outlined in any procedures relating to this directive.
- Contributing to an environment in which employees can report concerns about discrimination and harassment without fear of retaliation.
- Ensuring you do not participate in retaliatory behaviour against someone who has made a complaint or participated in an investigation.
- Participating in good faith in any procedures and training associated with this directive.

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Employees in Managerial or Supervisory Roles:

These employees have additional responsibilities to create and maintain respectful workplaces that are free of discrimination or harassment. These include, but are not limited to:

- Being a role model by ensuring your actions and words contribute to a respectful workplace and are consistent with the intent of this directive and the accompanying procedures.
- 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.
- Participating in resolution activities related to this directive.
- Taking reasonable steps to prevent, limit, and address an employee's exposure to harassment from external sources (e.g. citizens, City Council members).
- Making every effort to ensure employee awareness of and compliance with this directive.
- Ensuring that this directive is distributed or posted in a manner and location that is easily accessible by employees.
- Supporting the implementation of training and awareness activities related to this directive.
- Supporting the resolution of discrimination and harassment complaints, which may include seeking advice or referring the employee to supports as appropriate.
- Taking reasonable steps to address requests made under the duty to accommodate.
- Making every effort to ensure that no retaliation occurs as a result of making complaints or for providing information.
- Understanding that inappropriate behaviour may impact more than those directly involved, including witnesses, and providing support to all parties.

Definitions:

Unless otherwise specified, words used in this directive and its accompanying procedures have the same meaning as defined in the [City Administration Bylaw, Bylaw 16620](#).

In addition:

- **“discrimination”** is any behaviour or threat of behaviour, or any practice, system, or policy that has an adverse impact on terms and conditions of employment or opportunity for promotion for an individual or group. Impact on terms and conditions can include: termination, layoff, suspension, demotion or transfer of a worker, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty.

The impact must be related to personal characteristics (real or perceived) called ‘protected grounds’. Protected grounds refer to historically disadvantaged groups or personal characteristics.

The protected grounds are:

- race
- religion
- national or ethnic origin

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- colour
- age
- sex
- sexual orientation
- gender
- gender identity or expression
- source of income
- marital status
- family status
- genetic characteristics
- disability (physical or mental)
- conviction for an offence for which a pardon has been granted or a record suspended

Harassment based on these characteristics is considered discrimination, including sexual harassment.

Sexual harassment refers to any comment, conduct, gesture, or contact of a sexual nature that is unwelcome and that is likely to cause offence, embarrassment or humiliation to an individual; or a comment, conduct, gesture or contact of a sexual nature that might, on reasonable grounds, be perceived as placing a condition on employment, working conditions or opportunity for training or promotion;

- **“duty to accommodate”** is the shared responsibility of the City, unions, and employees to reduce and/or eliminate barriers that employees experience in fulfilling the requirements of their positions. These barriers must be related to the personal characteristics outlined in the protected grounds. Roles, expectations, and parameters for duty to accommodate are outlined in human rights legislation. Failure to reasonably accommodate an employee would constitute discrimination;
- **“good faith”** describes the nature of complaints that are made honestly and with positive intention. Submitting a complaint in good faith, even when the complaint cannot be substantiated, is not a violation of this directive;
- **“harassment”** (also described as bullying) is conduct including comments, actions and/or gestures that a reasonable person would find unwelcome, cannot be objectively justified by a reasonable code of conduct, often creates a hostile or intimidating work environment and:
 - a) is one-time or repeated; and
 - b) is not trivial; and
 - c) is demeaning, offensive, intimidating, threatening, abusive, and/or is an action by a person that the person knows or should reasonably know will or would cause humiliation to another individual, or adversely or negatively impacts that individual.

Reasonable and legitimate workplace practices are not typically considered harassment.

Harassment can include conduct, comment, bullying or action because of a characteristic outlined in the protected grounds and sexual solicitation or advances. When a person is harassed based on

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the characteristics outlined in the protected grounds, it is considered discrimination. The intent of a policy, practice, behaviour, or action is not relevant when determining harassment or discrimination. It is the impact of the behaviour on a reasonable person that is relevant.

A reasonable person is characterized as a person in society who exercises average care, skill, and judgment in conduct in the same or similar circumstances;

- **“retaliation”** means any action or threat of action by a person that does or would adversely affect an employee with respect to any terms or conditions of employment or opportunity for promotion, including an oral or written reprimand, suspension, termination, layoff, loss of advancement opportunities, demotion, change in duties, discontinuation or elimination of a job, reduction in pay, change in reporting structure, change in work location, change in hours of work, harassment, threats, coercion, intimidation or the imposition of any discipline or other penalty directed at an employee who in good faith makes a report, or participates in an investigation, proceeding, or hearing with respect to a suspected fraud, violation of any City Policy, directive, procedure, or any other rule or expectation respecting the conduct of employees.
- **“workplace”** means 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 purposes of their job.

Guiding Principles:

In carrying out their duties under the procedures accompanying this directive, or when acting in situations not explicitly addressed by an existing procedure, employees will be guided by the following principles:

- The Cultural Commitments of being Safe, Helpful, Accountable, Integrated, and Excellent
- Procedural fairness and the principles of [natural justice](#), including the right to be heard and bias-free processes

The City’s Respectful Workplace Directive and any associated harassment prevention procedures are not intended to discourage an employee from exercising rights pursuant to any other law, including the *Alberta Human Rights Act*.

References:

The following are the legislative and administrative references relevant to this administrative directive:

- [Acceptable use of Communication Technology directive A1429D](#)
- [Administrative Procedure - Respectful Workplace A1127B](#)
- [Alberta Human Rights Act](#)
- [City Administration Bylaw \(CAB\) 16620](#)
- [Code of Conduct A1100C](#)
- [Collective Agreements](#)
- [Discipline of City Employees A1102](#)
- [Diversity and Inclusion Framework and Implementation Plan](#)

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- [Duty to Accommodate directive A1126](#)
- [Fraud & Whistleblower Protection A1464](#)
- [Hiring directive A1104A](#)
- [Occupational Health and Safety Act](#)
- [Occupational Health and Safety \(OH&S\) directive A1117C](#)
- [Working Relationship Agreement](#)
- [Workplace Violence Prevention Standard in the OHS Program and Standards Manual](#)

History:

- Respectful Workplace directive A1127 - *September 4, 2008*