

Administrative Procedure

Respectful Workplace

Number: A1127B

Approved by: Linda Cochrane, City Manager

Department: Employees Services / Respect in the Workplace Section

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Purpose

The purpose of this procedure is to outline how respectful workplace concerns between City of Edmonton employees are addressed.

Definitions

Unless otherwise specified, words used in this procedure have the same meaning as defined in the [City Administration Bylaw, Bylaw 16620](#) and [Respectful Workplace Administrative Directive A1127B](#). In addition:

- **“Complainant”** The individual who files a complaint. The Complainant must be the recipient of the alleged behaviour and fall into one of the qualified categories listed below:
 - Current City of Edmonton employees (not including the Edmonton Police Service or Edmonton Public Library)
 - Seasonal employees who qualify for recall and have a recall date
 - Volunteers working directly with a City department
 - Current employees on short-term disability, long-term disability, Workers’ Compensation Board leave or other approved leave
- **“External Investigation”** When allegations of harassment and discrimination are investigated by a consultant external to the City of Edmonton using the Standard Harassment and Discrimination Investigation Guide.
- **“Institutional Knowledge”** When a City of Edmonton leader, supervisor or other management staff member is aware of a workplace incident or concern, the matter is considered institutional knowledge and there is an obligation to respond appropriately.
- **“Integration Officer”** The Integration Officer is an employee who works in the Respectful Workplace Section of Employee Services. This Officer acts as an intermediary between the Safe Disclosure Office, City Administration and external investigators. The Integration Officer actions the direction and requests of the Safe Disclosure Office.
- **“Internal Investigation”** When allegations of harassment and discrimination are investigated by a City of Edmonton employee using the Standard Harassment and Discrimination Investigation Guide.

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- **“Prima Facie Assessment”** The *prima facie* assessment of allegations answers the question: If the allegations were to be true as presented, would they constitute harassment or discrimination.
- **“Respondent”** The individual named in a complaint who is alleged to have breached the Respectful Workplace Administrative Directive. A respondent must be an employee or an individual volunteering for a City of Edmonton Department.
- **“Safe Disclosure Office”** The Safe Disclosure Office (SDO) is a safe, neutral and confidential space where any City of Edmonton employee or volunteer can seek information or raise a concern when they believe the Respectful Workplace Administrative Directive has been breached. The Office operates independently of Administration and information shared with the office is not considered institutional knowledge. The Office’s primary relationship is with those who make disclosures; however, where an incident of harassment or violence is disclosed, it may be legally required to ensure that a confidential investigation is conducted.
- **“Safe Disclosure Office Lead”** The Safe Disclosure Office Lead manages the Safe Disclosure Office.
- **“Standard Harassment and Discrimination Investigation”** All allegations assessed to fall under the definitions of harassment or discrimination will be investigated using the Standard Harassment and Discrimination Investigation Guide.

Respect In The Workplace Overview: This Is How We Work

Respect in the workplace spans a range of behaviours, from positive interactions to serious misconduct. Recognizing and reinforcing positive behaviour is key to building a healthy workplace culture. Equally important is ensuring behaviours that are of concern are brought forward and addressed in a timely and appropriate manner.

The goal is to identify concerns early, intervene and address issues at the lowest appropriate level - ideally, right in the workplace and before they escalate. Every employee should feel empowered to bring forward concerns and supervisors are expected to respond appropriately.

When supervisors become aware of behaviours that are of concern in the workplace, they will review the situation through a respectful workplace lens and determine the best path forward.* When appropriate (as outlined in the [Behaviour Zones](#)), the supervisor will address the situation directly, supported by Labour Relations or other Employee Services resources as required.

It is recognized that disrespect in the workplace and the process of having it addressed and resolved can be stressful. With this in mind, everyone is reminded that resources such as the Employee and Family Assistance Program and the City Chaplain are available for support in addition to resources available through an employee’s Union or Association.

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**Once a supervisor, or any employee who functions as a leader, advisor or is responsible for maintaining a workplace, is aware of a concern, they are required to respond appropriately. How they respond can change depending on the nature of the issue or how it is brought forward. The Behaviour Zones provide some general guidelines for appropriate responses to workplace behaviours. See [Behaviour Zones](#).*

Harassment and Discrimination Complaint Process

Every employee at the City of Edmonton has the right to pursue a Harassment or Discrimination Complaint when they feel they may have experienced harassment and/or discrimination in the workplace. The Safe Disclosure Office provides an independent assessment of allegations put forward in a Harassment and Discrimination Complaint. The Office determines if the alleged behaviour(s) falls within the scope of a Harassment or Discrimination Complaint and makes decisions on how the complaint is best addressed. The following steps outline the Harassment and Discrimination Complaint Process.

1. Disclosure and Consultation

Complainants share their concerns regarding potentially harassing or discriminating behaviours with the Safe Disclosure Office. The Safe Disclosure Office Lead listens, provides information on the complaints process and any other options that may be available to address the concern. Conversations are confidential; however, a disclosure of an incident of harassment or violence may trigger a legally required investigation of the matter.

All employees will be informed of support options available and should they report experiencing adverse effects as a result of the reported behaviours, they will be advised to consult a health professional of the worker's choice for treatment/referral.

2. Complainant Decision on How to Proceed

After consultation with the Safe Disclosure Office, the Complainant may choose to submit a Harassment and Discrimination Complaint to be assessed by the Safe Disclosure Office. Alternatively, the Complainant may choose to have their concern either sent to the City's Integration Officer to be addressed through an alternative remedy, or to personally take no further action.

If the concern is already known to supervision or management, and was referred to the Safe Disclosure Office for assessment, or the concern is assessed by the Safe Disclosure Office as an incident of harassment or violence, it is legally required that the matter be addressed whether the complainant wishes to take further action or not.

If an employee chooses not to file a complaint and pursue alternative remedies such as mediation or facilitation, they may still choose to pursue a complaint at a later time (all complaints must be within one year of the incident taking place). It must be noted that problematic behaviours, when known by management, will be addressed accordingly. This could include an investigation when deemed necessary.

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3. Harassment and Discrimination Complaint Filed and Assessed

Once filed, the Safe Disclosure Office will determine if the complaint meets the criteria for assessment. To be accepted for assessment, all complaints must:

- be submitted by a Complainant as defined in this procedure (*see definitions above*);
- be submitted within one year of the incident(s) taking place;
- be related to the workplace;
- name a Respondent as defined in this procedure (*see definitions above*);
- list the nature of the complaint;
- be sufficient in detail enough to allow a proper assessment; and
- be signed by the Complainant, complete with payroll number (employees only) and work location.

If the complaint submission does not meet the above criteria, the Complainant will be notified and provided with the reason the complaint was not accepted for assessment. If accepted, the Safe Disclosure Office will perform an assessment, including a *prima facie* assessment, to determine if the complaint meets the criteria and definitions of Harassment and/or Discrimination. If accepted as a Harassment and Discrimination Complaint, the Complainant will be informed. The Safe Disclosure Office Lead will then perform a case review to arrive at decisions, under its authority, on how to proceed with the complaint.

4. Final Confirmation of Process

The Complainant is informed of the Safe Disclosure Office Lead's decision on how to move forward, and the rationale, and is provided an additional opportunity to confirm their desire to proceed given the Safe Disclosure Office's decision. The Complainant may decide to proceed with the complaint or withdraw* at this time. If the Complainant chooses to proceed, the complaint and direction on how to proceed is supplied to the Integration Officer to action.

**If the concern is already known to supervision or management, and was referred to the Safe Disclosure Office for assessment, or the concern is assessed by the Safe Disclosure Office as an incident of harassment or violence, it is legally required that the matter be addressed whether the Complainant wishes to take further action or not.*

5. Interim Measures

The Integration Officer will coordinate separation of employees when directed by the Safe Disclosure Office Lead. The method of separation will be secured prior to the start of any investigation. The appropriate supervisor will be informed to support coordination efforts. The Branch Manager, Director and Labour Relations are informed of Respectful Workplace Investigations that are underway in their areas. The Integration Officer will also secure an investigator and assign the case for investigation.

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6. Investigation

The investigation is conducted, internally or externally, and will follow the Standard Harassment and Discrimination Investigation Guide.

**Once sent for investigation, a complaint is deemed institutional knowledge and the City will respond to the concerns raised. The City may need to proceed with an investigation even when the Complainant no longer chooses to participate in the process. In this case, the City will pursue the matter without a Complainant and the Complainant will become a witness to the investigation. In this case, the Complainant will still be informed of the results of the investigation and advised to the extent possible, of actions taken, if any, to address the findings of the investigation and prevent recurrence of the incident. The Safe Disclosure Office will inform the Complainant of this. If the Complainant wishes to pursue remedies other than an investigation, the City will consider this request but may still proceed with an investigation. Alternative remedies can be explored during or at the end of an investigation process.*

7. Final Report

The Preliminary Report is filed to the Integration Officer, then is shared with the Branch Manager and Labour Relations, to assess whether the investigation appears to have been conducted according to the Standard Harassment and Discrimination Investigation Guide. When satisfied, the Final Report may be confidentially shared at the discretion of the Branch Manager with other managers who are directly involved in the post-investigation action plan. Confidentiality is important and the full report is shared on a need-to-know basis only as assessed by the Branch Manager in consultation with Labour Relations.

8. Findings meeting

The Respondent and Complainant are individually informed, by the Branch Manager, of the report findings and any actions moving forward.

9. Post-Investigation Action Plan

Following an investigation, a Post-Investigation Action Plan is developed. The purpose of this plan is to better understand the needs of involved parties following an investigation, along with Union or Association representatives, to ensure a fulsome and supportive workplace response. The action plan takes an interdisciplinary and root cause approach when necessary. This plan must outline corrective actions taken to prevent the recurrence of the incident as part of the City's actions to prevent harassment in the workplace.

10. Review of Investigation Procedure

Should the Complainant or Respondent feel the investigation was not conducted according to an appropriate investigative standard, they can submit a request for an Investigation Procedure Review to the Director of Respect in the Workplace.

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Harassment and Discrimination Concerns Raised in the Workplace

When a supervisor raises harassment and discrimination concerns to their Labour Relations Consultant (LRC), the LRC will work with the supervisor to assess and determine the best course of action. If a concern is assessed to fall under harassment or discrimination, Labour Relations will investigate the concern using the Standard Harassment and Discrimination Investigation Guide.

Complaints against the Safe Disclosure Office Lead

Any respectful workplace concerns regarding the Safe Disclosure Office Lead should be submitted in confidence to the Deputy City Manager of Employee Services.

Single Investigation Approach

Complaints of a similar nature will only be investigated once. If allegations have been addressed through a City of Edmonton investigation of any type, the same concerns will not be investigated again as part of the Harassment and Discrimination Complaint process. The Safe Disclosure Office Lead will assess all complaints and determine if the alleged behaviours were previously investigated and, if so, will use that as a determining factor when deciding how to proceed with a complaint.

Confidentiality

Confidentiality is particularly important in cases of harassment or discrimination and all those involved in the handling of such cases are expected to exercise appropriate confidentiality. The City of Edmonton, including the Safe Disclosure Office, will not disclose the circumstances related to an incident of harassment or the names of the complainant, the person alleged to have committed the harassment, and any witnesses, except where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident of the results of the investigation and any corrective action to be taken to address the incident, or as required by law.