

APPROVAL DATE:	2013-04-25	CROSS-REFERENCE:	
RESPONSIBILITY:	Administration		
APPROVER:	Council	APPENDICES:	
REVISION DATE (s):	2022-02-07	REVIEW DATE:	2025

POLICY STATEMENT

To ensure and promote a safe workplace in which all people are respected and free from discrimination and/or harassment.

BACKGROUND

The Village of Marwayne has never tolerated nor will ever tolerate any form of harassment and/or discrimination against any individual, employee, client, contractor, etc. as the case may be. Persons found to be engaging in discrimination and/or harassment will be subject to the appropriate consequences, up to and including, termination.

OBJECTIVE

To establish the process by which persons may report instances of discrimination and/or harassment without fear of termination.

DEFINITIONS

CAO is the Chief Administrative Officer for the Village of Marwayne in the Province of Alberta.

Employee is a full-time permanent Employee, part-time Employee, contracted Employee and/or Councillor of the Village of Marwayne in the Province of Alberta.

Employer is the Village of Marwayne in the Province of Alberta.

Harassment is any conduct in the workplace that creates an intimidating, threatening, coercive, uncomfortable or hostile work environment. Harassment includes sexual harassment, as further defined below.

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Village is the Village of Marwayne in the Province of Alberta.

Violence is threatened, attempted or actual conduct of a person that causes, or is likely to cause, physical injury.

GUIDING PRINCIPLES

This policy applies to all Village of Marwayne Employees and is subject to the terms set forth below:

- All Employees must adhere to and follow the rules and regulations set forth in the *Alberta Human Rights Act*, as amended from time to time.
- At no time will the Village discriminate against any Employee, refuse to employ, or refuse to continue to employ, any Employee because of their race, religious beliefs, colour, gender, sexual orientation, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, or family status.
- Any person who has been the subject of Violence and/or Harassment has the right to access assistance in communicating their objections and in pursuing their complaint more formally. It is recognized that the issue of access to recourse is particularly critical where the alleged offender is in a position of authority over the complainant or where there are other communication barriers.

- Individuals are aware of, and understand, that acts of Violence and/or Harassment (including sexual harassment) are considered a serious offense for which necessary sanctions will be imposed.
 - Those subjected to acts of Violence, Harassment and/or Sexual Harassment are encouraged to access any assistance they may require in order to make or pursue a complaint.
 - Individuals are advised of available recourse if they have been subjected to, or become aware of, situations involving Violence, Harassment, and/or Sexual Harassment.
 - Action will be taken in response to complaints, and where complaints are substantiated, appropriate corrective and disciplinary action will be taken, up to and including termination.
 - Victims of Violence, Harassment, and/or Sexual harassment will be supported and have the right to assistance in the pursuit of their complaint.
 - An Employee who has been subjected to violence, harassment and/or Sexual Harassment should advise his or her immediate supervisor. If this is uncomfortable or inappropriate given the circumstances, then the Employee should advise the CAO. In the case of the CAO, the Employee is to notify a member of Council.

- **Informal Reporting Procedure**
 - If an Employee believes that they have been harassed or have faced discrimination they may:
 - Confront the individual personally, or in writing, clearly stating the unwelcome behaviour/action and requesting that it stop immediately; or
 - Discuss the situation with the individual's supervisor, your supervisor or any other supervisor.
 - Any employee who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the occurrence to his/her supervisor or a manager.

- **Formal Reporting Procedure**
 - If you believe you have been harassed or discriminated against and the informal reporting procedure, in your opinion, was not sufficient,

you may make a written complaint to the CAO. In the case of the CAO, the complaint may be made to a member of Council. The written complaint must be delivered to the CAO, or in the case of the CAO – a member of Council, and include the following information:

- The date and time of each incident you wish to report;
 - The name of the person(s) involved in the incident(s);
 - The name of any person or persons who witnessed the incident(s); and
 - A full description of what occurred.
- Once a written complaint has been received, the Village of Marwayne will complete a thorough investigation. Harassment, Sexual Harassment and Discrimination will not be ignored as silence can, and often is, interpreted as acceptance. Employees will not be demoted, dismissed, disciplined or denied a promotion, advancement or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.
 - The investigation will include:
 - Informing the accused of the complaint;
 - Interviewing the complainant, any person(s) involved in the incident and any identified witnesses;
 - Interviewing any other person(s) who may have knowledge of the incident(s) or complaint;
 - Collection of statements from all parties involved will be taken and a decision will be made;
 - If necessary, Village of Marwayne may employ outside assistance or request the use of our legal counsel; and
 - Where it is determined that Harassment or Discrimination has occurred, a written report of the remedial action will be given to the employee(s) concerned.
 - A copy of the complaint, detailing the complainant's allegations, shall be provided to the respondent(s) and contain the following information:
 - That the respondent is invited to reply in writing to the complainant's allegations;

- That the reply will be made known to the complainant before the case proceeds; and
 - That the Village of Marwayne will take all measures to prevent any unnecessary disclosure of the incident and the identities of the parties.
 - If the complainant decides not to lay a formal complaint, the CAO may decide that a formal complaint is required, which will be based on the investigation of the incident, and will file such document(s) with the person(s) against whom the complaint is laid.
 - If it is determined that Harassment or Discrimination has occurred, appropriate disciplinary measures will be taken immediately, up to and including, termination.
 - Employees have the right to pursue their concerns through alternate forums, including the exercise of their rights through any law or course of action allowable in the Province of Alberta.
- **Confidentiality**
 - All records of direct and indirect discrimination and harassment, reports filed, and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.
 - The Village of Marwayne 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. The Village of Marwayne will protect personal privacy so long as doing so remains consistent with the enforcement of this policy and all applicable laws, acts and legislation in the Province of Alberta.
 - **Disciplinary Measures**
 - If it is determined by the Village that any Employee has been involved in the Harassment or Discrimination of another Employee, immediate disciplinary action will be taken, up to and including immediate dismissal in accordance with the *Employment Standards Code* in the Province of Alberta.

ROLES & RESPONSIBILITIES

ROLE/TASK	TITLE (s) OF PERSON RESPONSIBLE
HANDLING INQUIRIES & COMMUNICATING POLICY	Chief Administrative Officer
MONITORING REVIEWS AND REVISIONS	Administrative Assistant

EXEMPTIONS

The Village's position against Discrimination does not apply with respect to a refusal, limitation, specification or preference relative to an individual's employment, or potential employment, based on a *bona fide* occupational requirement.

A person who knowingly or intentionally makes a false or malicious accusation against any other person may be subject to sanctions. In the case of an Employee, such sanctions may include but are not limited to disciplinary action, up to and including termination in accordance with the *Employment Standards Code*.