

Workplace of Respect

Guideline

The Workers' Compensation Board is committed to providing a healthy, harassment-free work environment supportive of the dignity, self-esteem and productivity of every employee.

Harassment occurs when someone is subjected to unwelcome verbal or physical behaviour. Harassment is a form of discrimination prohibited by law and will not be tolerated within the WCB.

Any act of harassment or inappropriate behaviour committed by an employee against another employee or against a client, or a member of the general public while engaged in company business will be considered employee misconduct. Retaliation against a complainant or witness(es) in a complaint is an offense and will be considered misconduct. The WCB will also take steps to respond to issues of harassment of employees by outside parties in connection with business.

Harassment does not have to only occur on company premises. It can occur anywhere there are work-related implications or consequences. This includes off-site work-related settings such as conferences, meetings or training sessions. It includes behaviour at client, vendor or other business contact premises. It also includes business-related social events or at home i.e. contracting to press for dates, making threats or promises.

It is the Workers' Compensation Board's policy to impose discipline relative to the seriousness of the offense, up to and including dismissal.

Purpose

The purpose of the Workers' Compensation Board's Harassment guideline is to ensure:

Employees are aware of the seriousness with which the WCB views harassment and the disciplinary action, which may be imposed in the event of such behaviour.

Employees are advised of the recourse they may take should they believe they are being subjected to harassment or if they are aware of situations involving harassment.

Management is aware of their responsibilities should they be informed of or be aware of incidents of harassment within the WCB.

Definitions:

Personal Harassment: Any discriminatory behaviour at or related to the work place which is directed at or is offensive to another individual and is based on personal characteristics. Harassment as defined by the ***Alberta Human Rights, Citizenship and Multiculturalism Act*** means being subjected to unwelcome verbal or physical conduct that is related to the following prohibited grounds of discrimination:

- Age
- Ancestry/Place of Origin
- Colour
- Family/Marital Status
- Gender
- Mental Disability
- Physical Disability
- Race
- Religious beliefs
- Sexual Orientation
- Source of Income

Sexual Harassment: Any offensive conduct, comment, gesture, or contact of a sexual nature likely to cause offense or humiliation to any employee, employment candidate or member of the general public, or which might reasonably be perceived as placing a condition of a sexual nature on employment or opportunity for promotion, or access to the goods, services or facilities of the WCB.

Psychological Harassment: The WCB defines psychological harassment as a course of conduct or pattern of degrading, disrespectful, rude and unwelcome conduct that psychologically hurts or isolates a person in the workplace.

Harassment may be verbal, physical, deliberate, unsolicited and unwelcome. It may be one incident or a series of incidents. While the following is not an exhaustive list, harassment may include any of these matters if a reasonable person ought to have known the behaviour would be unwelcome or offensive:

- Verbal abuse or threats
- Derogatory remarks, jokes, innuendoes or taunting
- Insults, put-downs or malicious lies
- Relentless criticism or belittling
- Yelling, screaming, raging
- Displaying of pornographic, racist or other offensive pictures, screensavers, etc
- Sending inappropriate messages via voice mail, electronic mail or written correspondence
- Practical jokes which cause awkwardness or embarrassment
- Unwelcome invitations, requests or other activities, whether indirect or explicit
- Intimidation, leering or other objectionable gestures

- Condescension that undermines self-respect
- Unnecessary physical contact such as touching, patting, pinching, punching
- Physical assault

Legitimate, constructive and fair feedback on an employee's performance or behaviour is not considered harassment or bullying. An assertive management style is acceptable provided staff are treated with respect and dignity.

Responsibilities

Management of the Workers' Compensation Board is responsible for:

- Providing a work environment free from harassment
- Responding to complaints or to situations with potential for complaints
- Investigating the complaint and following the Harassment Complaint Procedure
- Maintaining the confidentiality of the individuals concerned, except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation to the alleged complaint if discipline is being imposed
- Ensuring the known harassment ceases and that appropriate resolution is in place
- Management will be held responsible and subject to disciplinary measures up to and including termination if they do not stop incidents of harassment

Harassment Complaint Procedure

Employees

Any employee who believes they have been subjected to harassment should:

- Make their objections known to the harasser if they are comfortable in doing so.
- Keep a written record of the date, time, location, nature of the behaviour and names of any witnesses.
- If the harassment continues, or if the employee is not comfortable approaching the harasser, the employee should speak to their immediate supervisor. If the supervisor is the alleged harasser, or the employee is not satisfied with the supervisor's response, the complaint should be advanced to the next level of management or the Human Resources Department. Employees will not have their careers affected in any way as a consequence of their complaints. In fact, they will be assisting the Workers' Compensation Board to provide a healthy work environment.
- Employees needing assistance or wanting to clarify issues before reporting a situation may contact the Human Resources Department for confidential consultation and advice.

Management

Management will respond quickly to complaints and follow these steps:

- Interview the complainant and alleged harasser within 48 hours from the receipt of the complaint. Involve the Human Resources Department immediately if the offense is serious.
- Interview all witness(es) or persons who may have knowledge of the circumstances.
- Document the situation accurately and completely.
- Outline the complaint either verbally or in writing to the Human Resources Department.
- Ensure all information is kept confidential and forwarded to the Human Resources Department.
- Do not disclose any relevant information regarding the complaint to anyone outside of those involved.

Human Resources

The Human Resources Department will:

- Advise both the complainant and the alleged harasser that an investigation has begun. Appropriate interim action may be recommended.
- Investigate the complaint and confirm the facts.
- Present the results of the investigation and a suggested resolution to management and the affected parties.
- Involve the Director of Human Resources for final resolution if required.
- Ensure the confidentiality of information.
- Document a substantiated complaint accordingly, along with the appropriate disciplinary action.
- Ensure no documentation is placed on employees' files if the complaint is unsubstantiated.

Appeal Process

Employees may follow the Workers' Compensation Board's internal appeal process if they are not satisfied with the outcome.

If the complaint is not resolved to the employee's satisfaction, they may advance it to the Alberta Human Rights and Citizenship Commission within one year of the date of the incident.