



Medicine Hat College Policy RESPECTFUL WORK AND LEARNING ENVIRONMENT

Policy #:	HR-01
Policy Authority:	Human Resources Director and Human Rights Advisor
Executive Sponsor:	Vice President, Administration and Finance
Approved by:	President
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1. POLICY OBJECTIVE

Medicine Hat College (MHC) is committed to a healthy, respectful, Discrimination-free and Harassment-free environment for all Members of the Medicine Hat College Community. This Policy is intended to explain MHC's obligations under the *Alberta Human Rights Act*¹ (the "*Human Rights Act*") as amended from time to time.

A respectful work environment is one in which dignity, self-respect, and respect for others are held to be important and valued. The College recognizes that work and learning environment conflicts, Harassment and Disrespectful Behaviour can jeopardize an individual's dignity, self-esteem and well-being and possibly undermine work relationships, friendships and overall productivity. A truly respectful work and learning environment requires the cooperation and support of each and every Member of the Medicine Hat College Community. All Members of the Medicine Hat College Community have a responsibility to set a positive example and behave in a manner which will not offend, embarrass, or humiliate others, whether deliberate or unintentional.

This Policy applies to Discrimination and Harassment addressed by the *Human Rights Act* as well as Disrespectful Behaviour.

This Policy does not apply to the following:

- Students: Although students are expected to conduct themselves in a respectful manner as per this Policy, a separate Policy specific to student non-academic misconduct applies, specifically MHC's Policy: *Student Non-Academic Misconduct*.
- Acts of violence falling under *Canada's Criminal Code, RSC 1985, c. C-46* are covered by MHC's Policy: *Workplace Violence*. **Please note:** In cases where there are clear indications of violence, defined by the *Alberta Occupational Health and Safety Code* as "*the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury*", the police shall be called immediately.

¹ *Alberta Human Rights Act, RSA 2000, c A-25.5*

2. POLICY SCOPE

This Policy applies to the Medicine Hat College Community both on and off College premises while engaged in College-approved activities (work or study related travel).

This Policy also applies to contractors while engaged in activities related to the terms of their contract both on and off College premises.

This Policy includes, but is not limited to interactions that are face-to-face, by telephone, or Electronic Communications.

3. DEFINITIONS

- **Applicable Laws:** means all federal, provincial and municipal laws, statutes, regulations, bylaws, orders and instruments, and all terms and conditions of any grant of approval, permission, authority or license of any court or government or self-regulatory authority that apply to a party and its operations and business.
- **Bullying:** Bullying is usually seen as acts or verbal comments that could 'mentally' hurt or isolate a person in a work or learning environment. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, undermine, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.² The College considers all forms of hazing to be included in this definition.

Bullying behaviour does not include:

- (a) Expressing differences of opinion;
 - (b) Offering constructive feedback, guidance, or advice about work-related or learning-related behaviour;
 - (c) Reasonable action taken by a Member of the Medicine Hat College Community relating to the management and direction of workers or the place of employment (e.g., managing a worker's performance, taking reasonable disciplinary actions, and assigning work); or
 - (d) Reasonable action taken by employees engaged in classroom management and providing directions to students related to the educational environment.
- **Complainant:** Is a person who comes forward to the College with a complaint that they have experienced Disrespectful Behaviour, Harassment or Discrimination under this Policy.
 - **Cyber-bullying:** Also known as "Internet bullying" or "digital bullying", refers to Harassment that takes place using an electronic medium. Cyber-bullying can occur through electronic communications, including but not limited to e-mail, instant messaging, text messaging, chat rooms, online voting booths, or other electronic means.

² Canadian Centre for Occupational Health and Safety,
<http://www.ccohs.ca/oshanswers/psychosocial/bullying.html>

- **Discrimination:** Discrimination is defined as any unjust practice or behavior, whether intentional or not, based on and which negatively affects or could negatively affect a Member of the Medicine Hat College Community, as defined in this Policy. Discrimination often leads to Harassment, and/or unequal and unfair treatment.

The *Human Rights Act* prohibits Discrimination on the basis of several Protected Grounds. Complaints on these specific grounds may be referred directly to the Alberta Human Rights Commission at any time by the Complainant.

- **Disrespectful Behaviour**
Disrespectful Behaviour includes, but is not limited to the following:
 - (a) offensive or inappropriate remarks, gestures, material or behaviour;
 - (b) inappropriate jokes or cartoons including racial or ethnic slurs;
 - (c) grouping or isolating;
 - (d) yelling;
 - (e) Bullying;
 - (f) Cyber-bullying;
 - (g) belittling;
 - (h) reprimanding in the presence of others;
 - (i) aggressive or patronizing behaviour;
 - (j) embarrassing or humiliating behaviour;
 - (k) damaging gossip or rumours; and
 - (l) unwarranted physical contact.
- **Electronic Communications:** includes, but is not limited to, communication through devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, email, and websites.
- **Frivolous or Vexatious Complaint:** A complaint in which a Complainant makes allegations knowing them to be false or submits a complaint for a purely malicious or Vexatious purpose.
- **Harassment:** Harassment is defined as conduct or comment, based on the Protected Grounds, as set out in the *Human Rights Act*³, that a reasonable person would find unwelcome, or a reasonable person ought to know would be unwelcome, and has the effect of interfering with an individual's work or educational performance or creates an intimidating, hostile or offensive work or educational environment. Harassment need not be intentional, and may occur during one incident, or over a series of incidents.

In the context of the above definition, examples of Harassment include, but are not limited to:

- (a) Sexual Harassment
- (b) verbal or physical abuse;
- (c) Bullying, ridicule, threats, intimidation, or practical jokes that result in awkwardness or embarrassment;

³ Alberta Human Rights Act, RSA 2000, c A-25.5

- (d) offensive signs or images;
- (e) derogatory remarks, jokes, innuendo or taunts;
- (f) a pattern of Disrespectful Behaviour, while not directed at any one individual, is severe enough to prevent an environment conducive to working or learning; and
- (g) objectionable and unwanted behaviour with no legitimate educational or work related purpose, which:
 - (i) constitutes misuse of authority or abuse of an unequal institutional power relationship;
 - (ii) implies that submission to, or rejection of, such conduct is used explicitly or implicitly as a condition for employment, or education, or assessment decisions affecting the individual;
 - (iii) has the effect of interfering with an individual's or group's work performance or educational experience; or
 - (iv) constitutes a clear pattern of mistreatment that is known, or should reasonably have been known, to be severe enough to have the effect of creating an intimidating, humiliating, hostile, or offensive educational or work environment.

- **MHC or the College:** means Medicine Hat College
- **Member:** means a Member of the Medicine Hat College Community
- **Medicine Hat College Community:** A Member of the Medicine Hat College Community, (Member(s), under this Policy includes, but is not limited to the following:
 - (a) Employee: any person who is employed by MHC or who provides services to MHC under an employment contract.
 - (b) Student: any person enrolled in study at MHC.
 - (c) Volunteer: any person performing work for MHC in an unpaid capacity.
 - (d) Contractor: an individual or company (and its employees) who provides services to MHC under a service contract (i.e. a non-employee-employer relationship).
 - (e) Community Member: any person working in collaboration with MHC for a business or an academic purpose or external community member.
- **Parties:** means the Complainant(s) and Respondent(s) under this Policy.
- **Protected Ground:** race, religious belief, colour, gender, sexual orientation, physical disability, mental disability, marital status, family status, source of income, age, ancestry, place of origin, or as otherwise set out in the *Human Rights Act*.
- **Respondent:** Is a person who is alleged to have committed acts or engaged in verbal comments which may constitute Disrespectful Behaviour, Harassment or Discrimination against the Complainant.
- **Reprisals or Retaliation:** Adverse action taken against an individual for invoking this Policy or for participating or cooperating in an investigation under this Policy or for associating with someone who has invoked this Policy or participated in the Policy's procedures.

- **Sexual Harassment:** Sexual harassment is any unwelcome behaviour of a sexual nature, which has the effect of interfering with a person’s work or educational performance, or creates an intimidating, hostile or offensive work or educational environment such as unwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal or physical conduct or contact of a sexual nature. It may be a single incident or a series of incidents.

Examples of sexual harassment include, but are not limited to:

- unwanted sexual solicitation, especially that of a repeated, persistent, or abrasive nature;
- sexually-oriented or gender-based remarks and/or behaviour directed towards an individual or group that may be perceived by a reasonable person to create a negative psychological and emotional environment for work and/or study environment;
- remarks, jokes, or innuendos about sex where the speaker has been advised, or should otherwise be aware, that such comments are offensive or demeaning or where they are by their nature offensive or demeaning.
- leering or other offensive or sexually suggestive or obscene gestures;
- derogatory or degrading remarks used to describe or which are directed toward employees of one sex;
- the display or distribution (either mechanically or through the use of electronic media and e-mails) of sexually explicit or otherwise offensive material (Note that an exception to this is where the material is used for educational or academic purposes.);
- refusing to work with people because of their sex;
- advances, invitations, or propositions of a sexual nature or repeated invitation after previous requests have been refused;
- persistent unwanted contact or attention after the end of a consensual relationship;
- any explicit or implicit advances, invitations or propositions of a sexual nature which might, on reasonable grounds, be perceived as placing a condition on a person’s employment, work assignment, compensation or benefits or on any opportunity for training, promotion or career development;
- unwanted physical contact, including touching, patting, rubbing, or pinching.
- verbal abuse or threats of a sexual nature;
- indecent exposure, stalking or sexual assault; and
- any implied or expressed promise of reward or threat of consequence for complying or not complying with a sexually oriented request.

Sexual Harassment also includes:

- When submission to such conduct, as set out above, is made either explicitly or implicitly a term of, or condition of, an individual’s employment or education.
- When submission to, or rejection of, such conduct, as set out above, by an individual affects that individual’s employment or education or individual’s academic evaluation or performance review.

- **Supervisor:** Any person delegated supervisory responsibility over other Members of the Medicine Hat College Community. This includes, but is not limited to supervisor, manager, director, chair, coordinator, associate dean, dean, associate vice-president, vice-president and president.

4. PRINCIPLES

- MHC is committed to providing and maintaining a respectful work and learning environment.
- Members have a responsibility to contribute to a work and learning environment that is free from any form of Disrespectful Behaviour, Harassment or Discrimination.
- No person acting on behalf of MHC shall deny employment or academic admission, discriminate in the terms and conditions of employment or admissions, or refuse to continue to employ, educate or serve any person based on a Protected Ground of Discrimination.
- No person acting on behalf of MHC shall deny, or Discriminate against, any person or group of people with respect to accommodation services or facilities customarily available to the public.
- A practice based on any of the Protected Grounds, even where its effect is negative, will not constitute Discrimination if the practice is a bona fide occupational or educational requirement.
- Disrespectful Behaviour, Harassment or Retaliation, will not be tolerated and will be subject to disciplinary action, up to and including termination of employment for cause or termination of contract.
- All Members have the right to file a complaint as outlined in MHC procedure *Respectful Work and Learning Environment Complaint Resolution*. Complaints will be dealt with a fair, unbiased and timely manner.
- Complaint resolution will usually begin with an informal resolution process with a focus on mediation and education.
- Frivolous or Vexatious Complaints may lead to discipline up to and including termination of an employee or termination of contract.
- Members who believe they have been subject to a violation that constitutes a human rights violation retain the right to make application to the Alberta Human Rights Commission.
- Members who witness or are subject to Disrespectful Behaviour, Harassment or Discrimination have the right to bring their concerns forward and have them addressed by the appropriate level of authority without fear of Retaliation or Reprisal.
- MHC will make every effort to ensure that any complaint is treated confidentially except as necessary to investigate and to respond to any legal and/or administrative proceedings arising under this Policy. The College will ensure that the collection, use and disclosure of any personal information associated with the complaint shall

comply with the *Freedom of Information and Protection of Privacy Act* (Alberta) and other Applicable Laws.

- College management and Board of Governors of MHC reserve the right to implement employee discipline. Under no circumstances will reasonable discipline of an employee by his or her employer constitute Harassment.
- The President, on behalf of the College, shall designate a human rights advisor, or human rights advisors, who shall report to the President, or designate, on matters dealing with this Policy.
- A Human Rights Advisory Committee will exist. Its purpose is:
 - (a) to promote human rights within the Medicine Hat College Community; and
 - (b) to develop and implement initiatives that provide awareness, education and information about human rights to the Medicine Hat College Community.

5. RESPONSIBILITIES

- 5.1 Members of the Medicine Hat College Community will:
- (a) ensure they understand and comply with this Policy;
 - (b) set an example by respecting the dignity and human rights of all Members and members of the public;
 - (c) refrain from Disrespectful Behaviour, Discrimination or Harassment;
 - (d) address Disrespectful Behaviour, Harassment or Discrimination with the Member displaying the behaviour at the moment you witness it, or with a person in authority as soon as possible;
 - (e) not make complaints of Disrespectful Behaviour, Discrimination or Harassment that are Frivolous or Vexatious;
 - (f) not retaliate against anyone who has made a complaint, given evidence or assisted anyone else in making a complaint;
 - (g) make every effort to resolve issues, where possible in an informal manner;
 - (h) participate in applicable education and training programs; and
 - (i) cooperate, when requested, in the investigation and/or resolution of complaints under this Policy.
- 5.2 Supervisors will:
- (a) ensure they are aware of their own responsibilities;
 - (b) ensure the employees that report to them are aware of and complete training related to this Policy;
 - (c) promote a respectful work and learning environment by following this Policy;
 - (d) act immediately upon any observed or reported incident of Disrespectful Behaviour, Discrimination or Harassment;
 - (e) treat each situation as a serious matter;
 - (f) ensure Policy and procedures are followed to effectively deal with each complaint;
 - (g) not retaliate against anyone who has made a complaint, given evidence or assisted anyone else in making a complaint;

- (h) inform all Parties that there are to be no Reprisals against any Member making a complaint or participating in an investigation;
- (i) manage the situation towards a resolution between the Parties if possible, with a view to correcting behaviour and preserving long term relationships;
- (j) ensure Parties are made aware of their rights and options;
- (k) provide support to Members who are experiencing the effect of Disrespectful Behaviour, Discrimination or Harassment; and
- (l) consult with the Medicine Hat College Human Rights Advisor or Human Resources if the situation cannot be resolved between the Parties.

5.3 Human Rights Advisor will:

- (a) promote awareness of the Policy;
- (b) assist Supervisors in the consistent application of the Policy;
- (c) consult with and provide advice to senior management;
- (d) counsel Members on their rights and options;
- (e) receive complaints and ensure appropriate action is initiated;
- (f) develop and implement educational programs that addresses the prevention of Disrespectful Behaviour, Discrimination or Harassment;
- (g) provide advice to College management regarding human rights issues including: ensuring policies, procedures and processes support a respectful and inclusive work and learning environment;
- (h) conduct investigations;
- (i) provide mediation between the Complainant and Respondent, if required;
- (j) inform employees of Employee Assistance Programs (EAP) services;
- (k) work collaboratively with others involved; and
- (l) receive support from the members of the Human Rights Advisory Committee and provide reports and advice and guidance to the committee.

5.4 Human resources will

- (a) establish and track completion of mandatory training for current and new staff;
- (b) assist Supervisors in the consistent application of the Policy;
- (c) consult with and provide advice to management;
- (d) counsel Members on their rights and options;
- (e) receive complaints and ensure appropriate action is initiated;
- (f) conduct investigations;
- (g) inform employees of Employee Assistance Programs (EAP) services; and
- (h) work collaboratively with others involved.

5.5 Union and Association will:

- (a) help employees understand the Policy and the collective bargaining agreement;
- (b) help employees understand their rights as workers;
- (c) raise awareness of EAP (Employee Assistance Program) services; and
- (d) represent employees as required.

6. APPLICABLE LEGISLATION/REGULATIONS

- *Alberta Human Rights Act*
- *Alberta Occupational Health and Safety Act*
- *Freedom of Information and Protection of Privacy Act (Alberta)*

7. RELATED POLICIES

- *Code of Conduct*
- *Conflict of Interest*
- *Disclosure Protection*
- *Workplace Violence*

8. RELATED PROCEDURES

- PR-HR-01-01: *Respectful Work and Learning Environment Complaint Resolution*

9. RELATED INFORMATION (As required)

Alberta Human Rights Commission: www.albertahumanrights.ab.ca
Canada's Criminal Code

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President and CEO

March 12, 2015

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March 12, 2015

DOCUMENT HISTORY

March 2015 Policy approved