



Policy Name	<b>RESPECTFUL WORK AND LEARNING ENVIRONMENT</b>			<i>Revised</i>
Policy Number	HR-01	Category	Human Resources	
Policy Authorities	Director, Human Resources Manager, Policy and Compliance	Approval Date	January 8, 2025	
Executive Sponsor	Vice-President, Administration and Finance	Next Review	January 8, 2028	
Approved By	President and CEO	Frequency of Review	Every 3 years	

### 1. POLICY OBJECTIVE

This policy defines Medicine Hat College's (MHC's) obligations to provide a respectful work and learning environment, in conjunction with the obligations under the Alberta Human Rights Act and the Occupational Health and Safety (OHS) Act as amended from time to time.

### 2. SCOPE

This policy applies to all employees and students of MHC both on and off college premises while engaged in college related activities, including work or study related travel. It includes but is not limited to interactions that are face-to-face, by telephone, or electronic communications.

Students subjected to violations of this policy by MHC employees are covered by this policy. However, students in violation of this policy are subject to the provisions of SD-04 Student Non-Academic Misconduct.

Community members and visitors subjected to violations of this policy or who violate this policy will not be covered under HR-01 procedures but will be managed on a case by case basis.

### 3. DEFINITIONS

- **Applicable Laws:** 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:** usually involves repeated incidents or patterns of behaviour intended to intimidate, undermine, offend, degrade, or humiliate a particular person or group of people. It includes acts or verbal comments that could hurt or isolate a person in a work or learning environment. Bullying can involve negative physical contact as well. The college considers all forms of hazing to be included in this definition.

Bullying behaviour does not include:

- expressing differences of opinion,
- offering constructive feedback, guidance, or advice about work or learning-related behaviour,
- reasonable action taken by a supervisor relating to the management and direction of employees (e.g. managing an employee'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 learning environment.
- **College Community:** includes, but is not limited to:
  - (a) Community Member: any person working in collaboration with MHC for a business or academic purpose, or a visitor to campus.
  - (b) Contractor/Tenants: an individual, company, supplier, or service provider (and its employees) who provides services to MHC (with or without a service contract).
  - (c) Employee: any person who is employed by MHC or who provides services to MHC under an employment contract.
  - (d) Student: any person enrolled in study at MHC.
  - (e) Volunteer: any person performing work for MHC in an unpaid capacity.
- **Complainant:** 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:** harassment that takes place using an electronic medium. Cyber-bullying can occur through electronic communications, including but not limited to social media sites, e-mail, instant messaging, text messaging, chat rooms, online voting booths, or other electronic means.
- **Discrimination:** any unjust practice or behavior, based on the enumerated grounds, whether intentional or not, which negatively affects or could negatively affect a member of the college community, as defined in this policy. Discrimination often leads to harassment and/or unequal and unfair treatment.
- **Disrespectful Behaviour:** includes, but is not limited to:
  - (a) aggressive or patronizing behavior,
  - (b) belittling,
  - (c) bullying,
  - (d) cyber-bullying,
  - (e) damaging gossip or rumours,
  - (f) embarrassing or humiliating behavior,
  - (g) grouping or isolating,
  - (h) inappropriate jokes or cartoons,
  - (i) offensive or inappropriate remarks, gestures, material, or behavior,
  - (j) reprimanding in the presence of others,
  - (k) unwarranted physical contact, and
  - (l) yelling.
- **Electronic Communications:** includes but is not limited to, communication through devices and equipment such as cell phones, computers, tablets, as well as communication tools including social media sites, text messages, chat, email, and websites.
- **Harassment:** conduct that a reasonable person would find unwelcome, or 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 learning environment. Harassment need not be intentional, and may occur during one incident, or over a series of incidents. Harassment may also be based on protected grounds, as set out in the Alberta Human Rights Act.

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

- (a) a pattern of disrespectful behaviour, while not directed at any one individual, is severe enough to prevent an environment conducive to working or learning;
  - (b) bullying, ridicule, threats, intimidation, or practical jokes that result in awkwardness or embarrassment;
  - (c) hate speech including derogatory remarks, jokes, innuendo, or taunts;
  - (d) offensive signs or images;
  - (e) sexual harassment;
  - (f) verbal or physical abuse; 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, 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 work or learning environment.
- **Protected Ground:** race, religious beliefs, colour, gender, sexual orientation, physical disability, mental disability, marital status, family status, source of income, age, ancestry, place of origin, gender identity, gender expression, or as otherwise set out in the Alberta Human Rights Act.
  - **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.
  - **Respondent:** a person who is alleged to have committed an act(s) which may violate this policy.
  - **Sexual Harassment:** unwelcome behaviour of a sexual nature, which has the effect of interfering with a person's work or learning performance, or creates an intimidating, hostile, or offensive work or learning 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:

- (a) advances, invitations, or propositions of a sexual nature or repeated invitation after previous requests have been refused;
- (b) any implied or expressed promise of reward or threat of consequence for complying or not complying with a sexually oriented request;
- (c) derogatory or degrading remarks used to describe or which are directed toward employees of any gender;
- (d) 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);

- (e) 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;
- (f) indecent exposure, stalking or sexual assault;
- (g) leering or other offensive or sexually suggestive or obscene gestures;
- (h) persistent unwanted contact or attention after the end of a consensual relationship;
- (i) refusing to work with people because of their gender, gender identity, or gender expression;
- (j) 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;
- (k) 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 or learning environment;
- (l) unwanted physical contact including touching, patting, rubbing, or pinching;
- (m) unwanted sexual solicitation, especially that of a repeated, persistent, or abrasive nature; and
- (n) verbal abuse or threats of a sexual nature.

Sexual harassment also includes;

- (a) 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; and
- (b) 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:** an employee delegated supervisory responsibility.
- **Workplace Violence:** violence, whether at a work site or work related, is defined by the OHS Act as the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm and includes domestic or sexual violence.

#### 4. PRINCIPLES

- 4.1 MHC is committed to eliminating and/or controlling all forms of disrespectful behavior, discrimination, harassment, and workplace violence within the work and learning environment.
- 4.2 MHC is committed to providing a complaint, investigation, and resolution process that is fair, unbiased, timely, and respectful as outlined the accompanying procedures.

#### 5. DIRECTIVES

- 5.1 Members have a responsibility to contribute to a work and learning environment that is free from any form of disrespectful behaviour, discrimination, harassment, or workplace violence.
- 5.2 Disrespectful behaviour, discrimination, harassment, workplace violence, 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 as outlined in the applicable Respectful Work and Learning Environment (RWLE) resolution procedure.

- 5.3 Employees and students have the right to seek assistance to address their concerns as outlined in the applicable RWLE resolution procedure without fear of retaliation or reprisal.
- 5.4 Complaints submitted under the policy will be investigated as outlined in the relevant (student or employee) RWLE resolution procedure.
- 5.5 MHC will make every effort to ensure that all complaints are 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 complies with the Freedom of Information and Protection of Privacy Act (Alberta) and other applicable laws. All involved parties have an expectation to maintain confidentiality.
- 5.6 In accordance with this policy and OHS legislation, in some circumstances, if the college becomes aware of an alleged violation, the college may be obligated to investigate and take corrective actions as required. Risk will be managed through the Occupational Health and Safety Management System.
- 5.7 The following are considered legitimate workplace actions as long as they are carried out in good faith, in a professional manner, and in a non-arbitrary fashion:
  - (a) approval or denial of leave,
  - (b) assignment of work, and direction on how it is to be accomplished,
  - (c) direct supervision including discussions about behaviours and/or performance expectations,
  - (d) one-on-one discussion between supervisors and their employees, and
  - (e) request by supervisors for updates or status reports.
- 5.8 The college reserves the right to implement applicable employee discipline. Under no circumstances will reasonable discipline of an employee constitute harassment.
- 5.9 MHC recognizes this policy is not intended to prevent an employee from exercising rights pursuant to any other law, including the Alberta Human Rights Act, Alberta OHS Act, etc.
- 5.10 Employees and students retain the right to make a complaint directly to the Alberta Human Rights Commission if they believe they have been subject to a human rights violation.
- 5.11 No person acting on behalf of MHC will deny employment or academic admission, discriminate in the terms and conditions of employment or admissions, or refuse to continue to employ or educate any person based on a protected ground.
- 5.12 No person acting on behalf of MHC will deny, or discriminate against, any person or group of people with respect to accommodation services or facilities customarily available to the public.
- 5.13 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.
- 5.14 The college will maintain a designated human rights advisor.
- 5.15 A Human Rights Advisory and Working Committee will:
  - (a) develop and implement initiatives that provide awareness, education, and information about human rights to the college community,
  - (b) participate in stakeholder consultation during regularly scheduled reviews of the Respectful Work and Learning Environment policy and procedure, and

## 6. RESPONSIBILITIES

### 6.1 **Employees and students** are responsible for:

- (a) setting an example by respecting the dignity and human rights of all members,
- (b) addressing disrespectful behaviour, discrimination, harassment, or workplace violence with the member displaying the behaviour at the moment it is witnessed it, or with a person in authority as soon as possible,
- (c) where possible resolving issues through self-help,
- (d) participating in applicable education and training programs,
- (e) co-operating in resolution processes and/or investigations under this policy when requested, and
- (f) arranging union or association representation as desired.

### 6.2 **Supervisors** are responsible for:

- (a) ensuring they are aware of their responsibilities,
- (b) ensuring their employees are aware of and complete training related to this policy,
- (c) promoting a respectful work and learning environment by following this policy,
- (d) acting immediately upon any observed or reported incident of disrespectful behaviour, discrimination, harassment, or workplace violence and treating each situation as a serious matter,
- (e) managing situations towards a resolution between the parties, with a view to correcting behaviour and preserving long term relationships, and
- (f) ensuring policy and procedures are followed to effectively deal with each complaint.

### 6.3 **Human Rights Advisor** is responsible for:

- (a) promoting awareness of the policy,
- (b) consulting with and providing advice to supervisors regarding human rights,
- (c) advising employees and students with human rights concerns on their rights and options,
- (d) conducting formal human rights investigations, and
- (e) informing employees of Employee Assistance Programs (EAP) services.

### 6.4 **Human Resources** is responsible for:

- (a) consulting with and providing advice to supervisors,
- (b) developing and implementing educational programs that address the prevention of disrespectful behaviour, discrimination, harassment, or workplace violence,
- (c) establishing and tracking completion of mandatory training for current and new employees,
- (d) advising employees on their rights and options,
- (e) receiving formal complaints and ensuring appropriate action is initiated,
- (f) managing formal investigations, and
- (g) informing employees of EAP services.

### 6.5 **AUPE and Faculty Association** are available to support employees as requested.

### 6.6 **Students' Association** is available to support students as requested.

## 7. APPLICABLE LEGISLATION/REGULATIONS

Alberta Human Rights Act

Alberta Occupational Health and Safety Act

Freedom of Information and Protection of Privacy Act (Alberta)

**8. RELATED POLICIES**

- HS-01 Occupational Health and Safety
- SD-01 Sexual Violence
- SD-04 Student Non-Academic Misconduct

**9. RELATED PROCEDURES**

- PR-HR-01-01 RWLE Employee Resolution
- PR-HR-01-02 RWLE Student Resolution
- PR-SD-01-01 Sexual Violence Reporting and Responding
- PR-SD-04-01 Student Non-Academic Misconduct

**10. RELATED INFORMATION**

- Alberta Human Rights Commission
- Criminal Code of Canada

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Kevin Shufflebotham  
President and CEO

Date: January 8, 2025

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Wayne Resch  
Vice-President, Administration and Finance

Date: January 8, 2025

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