

Workplace Anti-Harassment and Violence Policy

Approval Date: June 21, 2018

The AASUA

The Association of Academic Staff University of Alberta (AASUA) is an academic staff association whose role is to act as the exclusive bargaining agent for its members in negotiations and in upholding the terms and conditions of employment. The work of the AASUA comprises both governance and labour relations, and these activities involve members elected to an AASUA Council and/or Executive Committee, members appointed to other AASUA committees, members who provide services (paid or without pay) to the AASUA, and the employees of the AASUA.

Our Commitment

The AASUA is committed to building and preserving a safe, productive, and healthy working environment within the scope of AASUA operations, with the intent that no-one suffers harassment or violence for any reason, at any time, whether they are an employee, Officer, Director, Councillor or member.

The AASUA is committed to the prevention of workplace harassment through education, and through the implementation of processes to deal with allegations seriously, speedily and confidentially. All reports of workplace harassment will be investigated in an objective manner without retribution to the employee or member who reports an incident in good faith.

Responsibilities and Rights

The Canadian Human Rights Act and the Canada Labour Code require that employers prevent workplace harassment and violence. Under the Alberta Occupational Health and Safety Act 2018, employers are responsible for:

- Ensuring the health, safety and welfare of workers.
- Ensuring workers are aware of their rights and duties under the law and are aware of any health and safety issues.
- Providing competent supervisors, training workers, and preventing harassment and violence.
- Ensuring public safety at or in the vicinity of work sites.
- Working with the joint work site health and safety committee or health and safety representative.

To meet these responsibilities, the AASUA will ensure that all employees, Officers, Directors, and Councillors are educated on harassment and violence, and that they understand their rights and responsibilities as well as this policy and its related procedures.

All those working, whether paid or unpaid, for the AASUA have the right to a violence and harassment-free workplace and the right to confidentiality. Equally, they have the responsibility to refrain from causing or

participating in workplace harassment or violence themselves, to speak up when harassment or violence occurs, and to report harassment and violence to the appropriate person.

What is Harassment?

The OHS Act defines harassment as any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety, and includes: conduct, comments, bullying or actions because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation; or a sexual solicitation or advance.

Harassment is improper conduct by an individual that is directed at and offensive to another individual in the workplace, including at any event or any location related to work. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat, in-person, by phone, via email or other social media, or in writing.

Harassing behaviour can include:

- name calling, harassing phone calls, spreading rumours;
- referring to a person using terms or pronouns that do not align with the person's affirmed gender;
- fist shaking, yelling;
- exclusion or isolation of individuals;
- standing too close or making inappropriate gestures/comments;
- making unreasonable demands, setting impossible deadlines, interfering with work;
- intentionally withholding information or giving the wrong information;
- taking away work or responsibility without cause; and
- displaying or circulating offensive pictures or materials in print or electronic form.

Harassment does not include any reasonable conduct of an employer or supervisor related to the normal management of workers or a work site. For example, the day-to-day management of operations, performance at work or absenteeism, the assignment of tasks, reference checks, and the application of progressive discipline, up to and including termination, are not harassment, as long as these are done in a non-discriminatory manner.

In and of themselves, the following also do not constitute harassment: disagreements or differences of opinion; work-related stress; difficult conditions of employment; organizational changes; or having an abrupt manner. However, it is acknowledged that where steps are not taken to resolve conflict, it may turn into harassment. Similarly, accumulated work-related stress-factors and ongoing difficult conditions of employment may result in harassment situations.

What is 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.

Workplace violence can include:

- physical attack or aggression (e.g. hitting, shoving, pushing or kicking a worker; throwing an object at a worker; kicking an object the worker is standing on, such as a ladder);
- threatening behaviour (e.g. shaking a fist in a worker's face, wielding a weapon at work, trying to hit a worker, trying to run down a worker using a vehicle or equipment such as a forklift, destroying property or throwing objects);
- verbal or written threats (e.g. verbally threatening to attack a worker, leaving threatening notes or sending threatening emails to express an intent to inflict harm on a worker);
- domestic violence; and
- sexual violence.

Policy Statement

Any employee, Officer, Director, Councillor or other member working for the AASUA who believes they have been harassed or subjected to violence can, and should, in all confidence and without fear of reprisal, personally report the event(s), following either the informal or formal procedures detailed below.

Complainants are encouraged to choose informal approaches first, where possible.

All records of harassment and/or violence, and any investigations, are confidential. AASUA will do everything it can to protect the privacy of individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. The privacy of individuals is paramount, to the extent that it can be protected while meeting the requirements of these procedures and adherence to the law.

Disciplinary action shall be proportionate to the seriousness of the situation.

All investigations shall follow the principles of due process and natural justice.

This policy is not intended to discourage workers from exercising rights pursuant to any other law, including Alberta Human Rights Act.

In addition to making a complaint, the complainant may access organizational support and assistance through the Executive Director; report the incident to University of Alberta Protective Services (if the respondent is an AASUA member); seek counselling through the Employee and Family Assistance Program (“EFAP”); report the incident and receive assistance from a respective union or professional body; or report the incident to the police.

This policy is not intended to interfere with or prevent free speech within the law, or to prescribe and impose notions of ‘civility’ in everyday interactions. The work of the AASUA governance structures, including but not limited to Council, the Executive Committee, and Constituency assemblies, involve discussion and debate of issues that may be contentious. At these venues, debate and discussion are governed by Robert’s Rules of Order.

Procedures

Informal Procedures

If you believe you have been harassed or subjected to workplace violence, you may:

- Confront the harasser personally, or in writing, clearly stating the unwelcome behavior/action and requesting that it stop immediately; or
- Discuss the situation with the Executive Director and/or the President of the AASUA.

Formal Procedures

1. Making a Complaint

1.1 All complaints made by any person must be submitted at any time, in writing, to the Executive Director. The written complaint will include a full description of the harassment or violence event(s), including dates and times, locations, and names of any witnesses.

1.2 The Executive Director may initiate a complaint of workplace harassment or violence in the absence of a formal complaint from an employee.

1.3 In the event that the Executive Director is the respondent or the complainant, the complaint shall be directed to the AASUA President, who will assume all responsibilities outlined in this procedure.

1.4 In the event that an AASUA Officer, Director, or Councillor is the respondent, then the complaint shall be directed to the Personnel Committee. All responsibilities described in this procedure will be assumed by the Personnel Committee. If the respondent is a member of the Personnel Committee, then they shall be recused from the committee and another Director shall take their place on the committee. The Personnel Committee is the “health and safety committee” for purposes of the OH&S Act.

2. Documenting and Following-Up a Complaint

2.1 A copy of the written complaint shall be provided to the respondent within two working days of its receipt and the respondent shall be invited to reply, in writing, within two weeks.

2.2 The reply shall be provided to the complainant before the case proceeds and the complainant invited to respond, in writing.

2.3 A preliminary review of the complaint and response(s) will be made to determine:

2.3.1 If a mutually agreeable resolution between the complainant and respondent is possible, having regard to all applicable factors; or

2.3.2 If reasonable grounds exist to continue with a formal investigation.

2.4 If the Executive Director fails to follow-up on a complaint, the complainant shall report that failure and the incident to the AASUA President who shall assume all responsibilities as described in

this policy. If the AASUA President fails to follow-up on a complaint, the complainant shall report that failure and the incident to the Chair of the Personnel Committee.

3. Investigating a Complaint

3.1 If a formal investigation is decided, the complaint recipient (either the Executive Director, the President, or the Chair of the Personnel Committee, as applicable (1.3, 1.4), shall conduct the investigation or appoint an external investigator.

3.2 The complaint recipient or external investigator shall identify and implement actions to follow-up on the complaint. These shall include interviewing and/or receiving written statements from witnesses.

3.3 The complaint recipient or external investigator shall identify further actions and/or consequences, including disciplinary action, which must be proportionate to the seriousness of the situation, as is the intent of this policy.

3.3.1 Employees found to have committed workplace harassment or violence may be subject to disciplinary action, up to and including termination of employment.

3.3.2 AASUA members found to have committed workplace harassment or violence may be subject to a denial of representation by the AASUA as per Appendix 3.1, C1.1 of the AASUA Policies and Procedures.

3.3.3 AASUA Council or Executive members found to have committed an incident of workplace harassment or violence may be subject to disciplinary actions under the appropriate AASUA policy or bylaw, and/or professional body.

3.4 The complaint recipient shall ensure at the conclusion of an investigation that:

3.4.1 The respondent is notified of the investigation's conclusions and of further actions, if any;

3.4.2 The complainant is notified, where appropriate, of the investigation's conclusions and general outcome.

3.5 The reported incident may be forwarded, as required or permitted by applicable law, to external agencies including, but not limited to, the appropriate law enforcement agency or professional body.

Fraudulent or Malicious Complaints

Reports of workplace harassment and violence shall be made in good faith and be based on reasonable grounds. Frivolous or vexatious allegations of harassment or violence cause both the accused person and the AASUA significant damage and such complaints will be dismissed.

If it is determined that any employee or member has knowingly made false statements regarding an allegation, immediate disciplinary action will be taken, up to and including termination of employment.