



Medicine Hat College Policy

RESPECTFUL WORK AND LEARNING ENVIRONMENT

Policy #:	HR-01
Policy Authorities:	Director, Human Resources Human Rights Advisor
Executive Sponsor:	Vice-President, Administration and Finance
Approved by:	President and CEO
Effective Date:	March 18, 2020
Next Mandatory Review Date:	March 18, 2023
Frequency of Review:	Every 3 years

1. POLICY OBJECTIVE

Medicine Hat College (MHC) is committed to a healthy, respectful, discrimination and harassment free environment for all members of the Medicine Hat College Community. This policy defines MHC's obligations to provide a respectful work and learning environment in conjunction with the obligations under the Alberta Human Rights Act¹ (the "Human Rights Act") and the Occupational Health and Safety Act ("OHS Act") as amended from time to time.

2. POLICY SCOPE

This policy applies to all employees and students of MHC both on and off college premises while engaged in college-approved 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 MHC's Student Non-Academic Misconduct policy.

Community members and visitors subjected to violations of this policy or who violate this policy will not be covered under the procedures within this policy, 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.

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

- **Bullying:** 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. 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 or learning-related behaviour;
 - (c) 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.
- **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:** 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.
 - **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 Medicine Hat 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 the following
 - (a) offensive or inappropriate remarks, gestures, material, or behavior,
 - (b) inappropriate jokes or cartoons,
 - (c) grouping or isolating,
 - (d) yelling,
 - (e) bullying,
 - (f) cyber-bullying,
 - (g) belittling,
 - (h) reprimanding in the presence of others,
 - (i) aggressive or patronizing behavior,
 - (j) embarrassing or humiliating behavior,
 - (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, 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:** 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 the protected grounds, as set out in the Human Rights Act².

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;
- (d) offensive signs or images;
- (e) hate speech including 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, 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.

- **MHC or the College:** Medicine Hat College.
- **Member:** a member of the Medicine Hat College Community.
- **Medicine Hat College Community:** members under this policy include
 - (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 (with or without a service contract i.e. a non-employee-employer relationship).

² Alberta Human Rights Act, RSA 2000, c A-25.5

(e) Community Member: any person working in collaboration with MHC for a business or an academic purpose, or a visitor to campus.

- **Parties:** the complainant(s) and respondent(s) under this policy.
- **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 Human Rights Act.
- **Respondent:** a person who is alleged to have committed an act(s) which may violate this policy.
- **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:** 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) unwanted sexual solicitation, especially that of a repeated, persistent, or abrasive nature;
- (b) 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;
- (c) 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;
- (d) leering or other offensive or sexually suggestive or obscene gestures;
- (e) derogatory or degrading remarks used to describe or which are directed toward employees of one gender;
- (f) 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.);
- (g) refusing to work with people because of their gender;
- (h) advances, invitations, or propositions of a sexual nature or repeated invitation after previous requests have been refused;
- (i) persistent unwanted contact or attention after the end of a consensual relationship;
- (j) 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;
- (k) unwanted physical contact including touching, patting, rubbing, or pinching;
- (l) verbal abuse or threats of a sexual nature;
- (m) indecent exposure, stalking or sexual assault; and

- (n) 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:** an employee delegated supervisory responsibility. This includes, but is not limited to supervisor, manager, director, chair, associate dean, dean, vice-president and president.
 - **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 providing and maintaining a respectful and safe work and learning environment and recognizes that harassment and violence is a hazard which will be eliminated or controlled.
- 4.2 Members have a responsibility to contribute to a work and learning environment that is free from any form of disrespectful behaviour, harassment, violence, or discrimination.
- 4.3 Disrespectful behaviour, harassment, 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.

5. DIRECTIVES

- 5.1 A complaint must be made no later than one year from the date of the incident, barring exceptional circumstances. Complaints should be filed as close to the incident date as possible. Please note: The Alberta Human Rights Commission will receive complaints made within one year from the date of the alleged contravention of the Human Rights Act.
- 5.2 In accordance with this policy and the Occupational Health and Safety 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.

The employer will disclose only the minimum amount of personal information required that is necessary to inform workers of a specific or general threat of violence or potential violence.

- 5.3 The college assesses and controls risk through the Occupational Health and Safety Management System.

- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 The following are not considered disrespectful behaviours but rather 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:
- Direct supervision including discussions about behaviours and/or performance expectations;
 - Assignment of work, and direction on how it is to be accomplished;
 - Request by supervisors for updates or status reports;
 - One-on-one discussion between managers, supervisors and their staff; and
 - Approval or denial of time off.

The above noted actions are encompassed by management's legitimate right to manage the institution and direct the workforce.

- 5.8 Employees and students 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.
- 5.9 Complaint resolution will usually begin with an informal resolution process with a focus on mediation and education.
- 5.10 Frivolous or vexatious complaints may lead to discipline up to and including termination of an employee or termination of contract.
- 5.11 Employees and students who believe they have been subject to a violation that constitutes a human rights violation retain the right to make a complaint directly to the Alberta Human Rights Commission.
- 5.12 Employees and students are free to exercise their rights pursuant to any other law or legislation.
- 5.13 Employees and students 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.

- 5.14 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. All involved parties have an expectation to maintain confidentiality.
- 5.15 College management and the Board of Governors of MHC reserve the right to implement applicable employee discipline. Under no circumstances will reasonable discipline of an employee by his or her employer constitute harassment.
- 5.16 The President, on behalf of the college, shall designate a human rights advisor(s), who shall report to the President, or designate, on matters dealing with this policy.
- 5.17 A Human Rights Advisory and Working Committee will exist. Its purpose is to
- (a) promote human rights within the college; and
 - (b) develop and implement initiatives that provide awareness, education and information about human rights to the college.

6. RESPONSIBILITIES

6.1 Employees and students will:

- (a) set an example by respecting the dignity and human rights of all members;
- (b) 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;
- (c) make every effort to resolve issues, where possible in an informal manner;
- (d) participate in applicable education and training programs; and
- (e) co-operate in the investigation and/or resolution of complaints under this policy when requested.

6.2 Supervisors will:

- (a) ensure they are aware of their responsibilities;
- (b) ensure 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, violence, discrimination, or harassment;
- (e) treat each situation as a serious matter;
- (f) manage situations towards a resolution between the parties, with a view to correcting behaviour and preserving long term relationships;
- (g) conduct and document informal investigations as required;
- (h) ensure policy and procedures are followed to effectively deal with each complaint;
- (i) not retaliate against anyone who has made a complaint, given evidence or assisted anyone else in making a complaint;
- (j) inform all parties that there are to be no reprisals against any member making a complaint or participating in an investigation;
- (k) ensure parties are made aware of their rights and options;
- (l) provide support to employees and students who are experiencing the effect of disrespectful behaviour, discrimination or harassment; and

- (m) consult with the MHC Human Rights Advisor or Human Resources if the situation cannot be resolved between the parties.

6.3 Human Rights Advisor will:

- (a) promote awareness of the policy;
- (b) develop and implement educational programs that addresses the prevention of disrespectful behaviour, discrimination or harassment;
- (c) consult with and provide advice to college management regarding human rights;
- (d) advise employees and students on their rights and options;
- (e) receive formal complaints and ensure appropriate action is initiated;
- (f) conduct formal investigations;
- (g) inform employees of Employee Assistance Programs (EAP) services.

6.4 Human Resources will

- (a) consult with and provide advice to management;
- (b) develop and implement educational programs that addresses the prevention of disrespectful behaviour, discrimination or harassment;
- (c) establish and track completion of mandatory training for current and new staff;
- (d) advise employees and students on their rights and options;
- (e) receive formal complaints and ensure appropriate action is initiated;
- (f) conduct formal investigations;
- (g) inform employees of Employee Assistance Programs (EAP) services;

6.5 Union and Associations are available to support employees and 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

HR-03: Public Interest Disclosure (Whistleblower Protection)
HR-05: Workplace Relationships
HR-10: Code of Conduct
HS-01: Occupational Health and Safety
SD-01: Sexual Violence
SD-04: Student Non-Academic Misconduct

9. RELATED PROCEDURES

PR-HR-01-01: Respectful Work and Learning Environment Complaint Resolution
PR-HR-01-02: RWLE Student Informal Complaint Resolution
PR-HR-03-01: Disclosure of Wrongdoings
PR-HR-05-01: Workplace Relationships
PR-SD-01-01: Sexual Violence – Reporting and Responding
PR-SD-04-01: Student Non-Academic Misconduct

10. RELATED INFORMATION

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

ORIGINAL COPY SIGNED

Kevin Shufflebotham
President and CEO

Date: March 18, 2020

ORIGINAL COPY SIGNED

Wayne Resch
Vice-President, Administration and
Finance

Date: March 18, 2020

DOCUMENT HISTORY

March 2015	Policy approved
March 2020	Revised policy approved