

Procedure



Respectful Workplace

This Procedure falls under the Respectful Workplace Administrative Policy.

Approved By: City Manager

Date of Approval:

02/06/2020

01/25/2019

Program: Employee Experience and Safety

Next Scheduled Review:

02/06/2023

The City of Edmonton's staff are safe and supported to achieve their aspirations and deliver excellent services.

Purpose

The purpose of this Procedure is to outline how respectful workplace concerns between employees are addressed.

Application

For the purpose of this Procedure, an employee is defined as any person who reports to the City Manager or City Auditor and provides services to the City of Edmonton under a contract of employment, contract for the provision of personal services, or in the capacity of student, or volunteer. For the purposes of this document, these groups of people shall be referred to as 'employees'.

This Procedure applies at all facilities, workplaces, online/social media forums, places visited by employees travelling on City-related business including conferences, meetings, events, vendor/supplier/customer sites, and sites of work-related social gatherings.

Employee support resources

It is recognized that having respectful workplace concerns addressed and resolved can be stressful. Resources such as the Employee and Family Assistance Program, the City Chaplain and area peer-support programs are available for support, in addition to the resources available through an employee's Union or Association.

Procedure overview

The Respectful Workplace Administrative Policy (Policy) outlines the elements of a respectful workplace and sets the expectation that employee behavior must align with the Policy. Because behaviors between employees that are not aligned with the Policy can span from minor issues to egregious violations, the City has a variety of responses available. It is important that concerns are addressed and

Procedure



Respectful Workplace

that the response taken is proportional to the severity of the alleged behavior, the complexity of the situation, and any relevant history. The Employee Behaviour Zones document helps all employees better understand the span of behaviours and how to respond.

Recognizing and reinforcing positive behaviour is key to building and maintaining a healthy workplace culture. Equally important is ensuring behaviours that are of concern are brought forward and addressed in a timely and appropriate manner.

Employees are encouraged to address conflict early and directly with other employees in a respectful manner. When this fails or is not appropriate given the nature of the behavior, employees can bring respectful workplace concerns, including concerns of harassment, discrimination, and retaliation to a supervisor, Labour Relations, or the Safe Disclosure Office. Once aware of a concern that falls under the Policy, these individuals are obligated to respond appropriately. The City's three main approaches to addressing concerns that may not align with the elements of a respectful workplace are as follows:

- Alternative Remedies,
- Misconduct Investigations, and
- Standard Investigations.

How to raise a respectful workplace concern

Employees can bring respectful workplace concerns to:

1. A City of Edmonton employee who is party to or directly involved in the concerning behaviour,
2. A supervisor,
3. Labour Relations,
4. The Safe Disclosure Office,
5. The Deputy City Manager of Employee Services for concerns regarding Safe Disclosure Office staff, or
6. The Safe Disclosure Office for concerns regarding Labour Relations staff.

For each option, concerns are raised and addressed as outlined below:

1. Bringing a concern forward to a City of Edmonton employee who is party to or directly involved in the concerning behaviour

Procedure



Respectful Workplace

- 1.01 Employees who may experience or witness a yellow zone behaviour are encouraged to address it in a respectful manner directly with the other employee(s) involved. It is expected that both/all parties will work to understand the concern and find a resolution that prevents future incidents of the behaviour in question.

2. Bringing a concern forward to a supervisor
 - 2.01 When employees bring respectful workplace concerns to their supervisor, supervisors are obligated to respond appropriately, as outlined below:
 - a) If the supervisor determines that the concern is a yellow zone behavior and can be addressed through Alternative Remedies, the supervisor will action that approach. The supervisor will engage Labour Relations, and/or other support as required.
 - b) If the supervisor determines that the concern is an orange or red zone behaviour and/or requires an investigation, the supervisor will consult with Labour Relations on how to proceed.

 - 2.02 The decision on how to proceed with the concern is documented. This can happen in a variety of ways including (but not limited to):
 - a) an email or other correspondence,
 - b) written notes, or
 - c) as part of a more formal documentation process.

 - 2.03 The Reporter is informed that the concern(s) will be addressed.

3. Bringing a concern forward to Labour Relations
 - 3.01 Employees can bring respectful workplace concerns to the attention of Labour Relations. Once Labour Relations becomes aware of a respectful workplace concern, they are obligated to respond appropriately.

 - 3.02 Labour Relations will assess the concern and if, on a Prima Facie Assessment, it is not aligned with the elements of a respectful workplace as stated in the Policy, one of the following steps will be taken:
 - a) If the concern is assessed as being most effectively addressed through Alternative Remedies or a Misconduct Investigation (generally yellow or orange

Procedure



Respectful Workplace

zone behaviour), Labour Relations will action that approach. Labour Relations may involve Workplace Restoration Services and/or other supports, as deemed appropriate.

- b) If the concern is assessed as being egregious/red zone behaviour and it appears that the best approach may be a Standard Investigation, Labour Relations will forward the concern to the Safe Disclosure Office to assess and determine how the concern will be addressed.

3.03 The decision on how to proceed with the concern is documented. This can happen in a variety of ways including (but not limited to):

- a) an email or other correspondence,
- b) written notes, or
- c) as part of a more formal documentation process.

3.04 The Reporter is informed that the concern(s) will be addressed.

4. Bringing a concern forward to the Safe Disclosure Office

4.01 Any employee who does not feel safe raising a respectful workplace concern with the other employee(s) involved, their supervisor, or Labour Relations, can book an appointment with the Safe Disclosure Office.

4.02 The Safe Disclosure Office will meet with the employee to understand the concern and then, based on the information available, perform a Prima Facie Assessment. The Prima Facie Assessment will determine if the concern could most effectively be addressed through Alternative Remedies, a Misconduct Investigation, or a Standard Investigation.

4.03 Once the assessment is complete, the Safe Disclosure Office determines which of following steps will be taken:

- a) If the concerns are assessed as being most effectively addressed through Alternative Remedies or a Misconduct Investigation, the concerns will be forwarded to the most appropriate group to action, including Labour Relations or Workplace Restoration Services.
- b) On occasion, the group responsible for carrying out the direction of the Safe Disclosure Office may find a different approach is required. In this case, the following guidelines will apply:

Procedure



Respectful Workplace

- i) When Labour Relations deems that the case may be better served by a Standard Investigation, the concern will be sent back to the Safe Disclosure Office, with rationale, for the Safe Disclosure Office to reassess and determine how the case is to be addressed.
 - ii) Labour Relations may move an Alternative Remedy case into a Misconduct Investigation if deemed appropriate.
 - c) If the concerns are assessed as being most effectively addressed through an External Standard Investigation, the case will be forwarded to the Integration Office to initiate the External Standard Investigation process.
 - d) If the concerns are assessed as being most effectively addressed through an Internal Standard Investigation, the case will be forwarded to the Director of Labour Relations to action.
- 4.04 If it is determined that there are no actionable concerns, the file is closed with no further action from the Safe Disclosure Office. The employee who brought forward the concern(s) is informed of this decision, in writing when possible, by the Safe Disclosure Office.
- 4.05 In cases where the Safe Disclosure Office has a belief that there is a risk of harm, or the exploitation or harm of minors, the Safe Disclosure Office is required to inform Corporate Security. At this point, the Safe Disclosure Office can no longer commit to preserving the anonymity of the employee.
- 4.06 If the Safe Disclosure Office learns that there is a risk of harm to self, the Safe Disclosure Office will engage with a City Mental Health Consultant who will provide a risk assessment and intervention as appropriate. At this point, the Safe Disclosure Office can no longer commit to preserving the anonymity of the employee.
- 4.07 The Safe Disclosure Office documents the process and verbally informs the Reporter of the assessment outcome and next steps.
5. Bringing forward concerns to the Deputy City Manager of Employee Services for concerns regarding Safe Disclosure Office staff

Procedure



Respectful Workplace

- 5.01 Respectful workplace concerns regarding staff of the Safe Disclosure Office are to be submitted in writing to the Deputy City Manager of Employee Services.
- 6. Bringing forward concerns to The Safe Disclosure Office for concerns regarding Labour Relations staff
 - 6.01 Respectful workplace concerns regarding staff of Labour Relations are to be submitted to the Safe Disclosure Office directly.

Guidelines for respectful workplace concerns

The following list specifies guidelines for respectful workplace concerns.

- 7. Union and Association roles.
 - 8. Confidentiality guidelines.
 - 9. Anonymous respectful workplace concerns.
 - 10. Repeat allegations.
 - 11. Fraud and Misconduct Hotline.
 - 12. Respectful workplace concerns that are raised to Disability Management, Workplace Restoration Services, and/or other City supports.
- 7. Union and Association roles
Union members, as stated in their Collective Agreement, have a right to Union representation, should they wish, in any meeting or process that may result in disciplinary action.
 - 7.01 For Standard Harassment and Discrimination Investigations, the City ensures all Complainants, witnesses and Respondents are provided access to Union or Association support.
 - 7.02 For all other approaches covered under this Procedure, the City will be guided by the Working Relationship Agreement, the Collective Agreement, any area specific processes, and confidentiality requirements when determining the level of Union and or Association participation.
- 8. Confidentiality guidelines
Under Occupational Health and Safety legislation, the City of Edmonton has a responsibility to provide a safe workplace, free of harassment. The City, and all employees, also have an

Procedure



Respectful Workplace

obligation to maintain confidentiality and privacy as outlined in Occupational Health and Safety legislation and the *Freedom of Information and Personal Privacy Act*.

This Procedure outlines the approaches used to address respectful workplace concerns between employees. The City recognizes the importance of sharing relevant information and maintaining confidentiality for all parties involved and will balance those interests while meeting its responsibility to provide a workplace free from harassment.

- 8.01 While engaged in approaches outlined in this Procedure, the City will provide those involved with information that is relevant to their role in the process, while maintaining confidentiality.
- 8.02 Disciplinary action may be taken if a serious breach of confidentiality is substantiated.
- 8.03 Confidentiality requirements are discussed directly with the parties involved throughout the process used to address the concern.
- 8.04 The City of Edmonton, including the Safe Disclosure Office, will not disclose the circumstances related to an incident of harassment or the names of the Complainant, Reporter, Respondent, and any witnesses, except where necessary to investigate the incident, to take corrective action, inform the Respondent and Complainant of the findings of the investigation, or as required by law. "As required by law" may include circumstances where there are concerns of a risk of harm or the exploitation or harm of minors.

9. Anonymous respectful workplace concerns

Respectful workplace concerns that are brought forward must contain sufficient detail to allow for a proper assessment, determination, and response. When concerns come forward that do not have sufficient information, or are made anonymously such as via the Fraud and Misconduct Hotline, the City will assess the concern but may be limited in its ability to respond or investigate.

10. Repeat allegations

Allegations will be investigated and/or addressed once by the City. When allegations come forward that the City has previously addressed, no further investigative action will be taken and the Reporter will be advised of the concluded status of the concern.

Procedure



Respectful Workplace

11. The Fraud and Misconduct Hotline

The Fraud and Misconduct Hotline is not mandated to address concerns related to respect in the workplace.

11.01 When the Fraud and Misconduct Hotline receives a report related to a potential breach of the Policy, the report and ownership of the report is automatically transferred to the Safe Disclosure Office.

11.02 When those who report respectful workplace concerns to the Fraud and Misconduct Hotline provide their contact information, the Office of the Auditor will notify them that their concern(s) have been transferred to the Safe Disclosure Office.

11.03 When those who report their respectful workplace concerns to the Fraud and Misconduct Hotline do not provide their contact information, the Office of the Auditor will advise the anonymous Reporter, when possible, to contact the Safe Disclosure Office.

12. Respectful workplace concerns raised to Disability Management, Workplace Restoration Services, and/or other City supports

When employees bring forward concerns related to harassment or discrimination to Disability Management, Workplace Restoration Services and/or other City supports, the area receiving the concern(s) will engage Labour Relations to assess the concern and determine the best way for it to be addressed.

Investigation Procedural Review

13. Should the Complainant and/or Respondent named in a Standard Investigation have a concern that the investigation was not conducted to an acceptable standard, they can submit a written request for an Investigation Procedure Review to the Director of Respect in the Workplace.

13.01 The request must be submitted within ten (10) working days of the party receiving the Investigation Findings, and state what aspects of the investigative procedure are of concern and why.

13.02 The Director for Respect in the Workplace will review the concern(s) raised and the process that was taken, and determine if any additional steps may be required.

Procedure



Respectful Workplace

Definitions

Unless otherwise specified, words used in this Procedure have the same meaning as defined in the City Administration Bylaw, Bylaw 16620, and the Respectful Workplace Administrative Policy.

This Procedure references the City’s Employee Behaviour Zones document which helps all employees to better understand the span of behaviours that are covered by the Respectful Workplace Administrative Policy, and how to respond when they experience or witness these behaviors among employees.

“**Alternative Remedies**” is used to describe approaches, other than investigations, that are used to better understand and address respectful workplace concerns, often in the yellow behaviour zone. These approaches offer the parties in conflict an opportunity to work towards resolution and to create a path forward. They include, but are not limited to:

- Facilitated discussions;
- Mediation;
- Coaching,
- Training; and/or
- Restorative practices.

Alternative Remedies may also be used to support employees and workplaces, involved in an investigation or other related processes. Alternative Remedies can be carried out by a number of groups or individuals including, but not limited to:

- Supervisors;
- Labour Relations;
- Workplace Restoration Services;
- External Consultants; and/or
- Employees in the Respect in the Workplace section.

“**Complainant**” is a person named as a Complainant in an investigation.

“**Investigation Findings**” is a statement of whether there was a breach of a workplace expectation, Policy or Procedure.

“**Labour Relations**” is a section of the Employee Services Department that supports employees, supervisors, and Union/Association representatives to collaboratively resolve workplace issues. For the

Procedure



Respectful Workplace

purpose of this Procedure, Labour Relations performs a number of functions including, but not limited to:

- Assessing workplace concerns, Misconduct Investigations, Standard Investigations (Internal), Alternative Remedies, and supporting supervisors in the application of the Procedure, preventive actions, and corrective actions.

“Misconduct Investigation” is an investigative process generally conducted or supported by Labour Relations. Respectful workplace concerns referred for Misconduct Investigations are generally low to mid-level in severity; that is, they are deemed yellow or orange zone behaviours and are not egregious or complex enough in nature to warrant a Standard Investigation. This process may also be used to address incidents that require immediate action. Misconduct investigations can result in performance management or disciplinary action.

In a respectful workplace Misconduct Investigation:

- The Investigator will document the process.
- The Respondent will be informed of the behaviour or incident that is the subject of the investigation.
- The Respondent will receive the Investigation Findings in writing.

“Prima Facie Assessment” is when a review of a concern is conducted based on the information available at the time, and is completed under the assumption that the information put forward is correct.

“Reporter” is an employee who brings forward a respectful workplace concern.

“Respondent” is a person allegedly responsible for the behaviour or incident that is the subject of the investigation.

“Safe Disclosure Office” is a neutral and confidential space where employees can go to talk about respectful workplace concerns and receive information.

- The office is autonomous with respect to decisions on individual files, however they report administratively to the Department of Employee Services.
- The primary role of the office is to listen to employees and perform a prima facie assessment of the concern(s) brought forward, in order to make a determination on how best to address the concern(s) in relation to the Policy and Procedure.
- The office does not act as an advocate for any party, conduct investigations, or substantiate allegations.

Procedure



Respectful Workplace

“**Standard Investigation**” is a process used to investigate concerns that the Safe Disclosure Office has assessed and determined, on a Prima Facie basis, would best be addressed through a Standard Investigation. This process may be used to address cases that fall within the red zone, are complex in nature, and/or cases in which a significant conflict of interest exists for City staff to investigate them directly.

Standard Investigations:

- Can be conducted by City staff (Internal Standard Investigation) or by an external investigator (External Standard Investigation),
- Follow a standardized investigative process,
- Produce a standardized final report,
- Ensure Investigation Findings are shared with the Respondent and Complainant, and
- Are the only investigations eligible for the Investigation Procedural Review process outlined in this Procedure.

To be eligible for a Standard Investigation the incident(s) or concern(s) must have occurred within twelve months of the date they were brought forward for a Prima Facie Assessment. Where appropriate, the Safe Disclosure Office may review and accept concerns for a Standard Investigation after the 12 month time limit when there are extenuating circumstances that led to a delay in the concern being brought forward.

“**Supervisor**” is a person who has charge of a work site or authority over a worker/workers.

References

The following are the legislative and administrative references relevant to this Administrative Policy:

- [Code of Conduct A1100C](#)
- [Collective Agreements](#)
- [Discipline of City Employees A1102](#)
- *Alberta Occupational Health and Safety Act*
- *Freedom of Information and Protection of Privacy Act*
- [Employee Behaviour Zones](#)