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Sample Respectful Workplace Policy

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1. Creating positive working relationships

Statement of Purpose

[Name of firm] is committed to a positive workplace environment in which all employees are treated with respect and dignity. [Name of firm] aims to accomplish this goal by creating awareness about working relationships and providing skills training on healthy conflict resolution.

Each individual has the right to work in a professional atmosphere in which equal opportunities are promoted and personal and professional excellence is fostered. [Name of firm] is committed to proactively creating a workplace where individual differences are welcomed and valued.

The purpose of the policy is to foster positive working relationships and manage conflict in the workplace. Workplace conflict has the potential to escalate into discriminatory behaviours and harassment and affect workplace and individual well-being.

Discrimination and harassment are unlawful and will not be tolerated. The firm pledges its support to all firm members experiencing workplace conflict or workplace harassment and will treat the matter in a confidential manner.

2. Responsibility and Authority

Everyone in our workplace is responsible for creating and maintaining healthy working relationships. The ultimate responsibility and authority for applying this policy rests with [name].

3. Application

a. Who

This policy applies to all firm members, including secretarial, support, professional and administrative staff, articling and summer students, associates and partners.

The firm recognizes that its members may be subjected to inappropriate behaviours by clients, by others who conduct business with the firm, by opposing counsel, court personnel or judges. Under these circumstances the firm acknowledges its responsibility to do all in its power to support and assist the person affected.

The firm encourages reporting of all incidents of discrimination and harassment, regardless of who the offender may be.

b. Where

This policy applies where there is a sufficient relationship between the location and the functioning of the workplace. The workplace is not strictly confined to the law firm's offices; it also includes:

- i. Any location related to the firm's business (client's premises, restaurants, court, or any other place where business is being conducted), and
- ii. Any location and situation where the interactions may be reasonably viewed as having an impact on workplace environment and relationships (email, telephone, business travel, conferences, firm social events)

4. Creating a Respectful Workplace

a. [Name of firm]

[Name of firm] is demonstrating its commitment to create a positive workplace by:

- Making a strong publicized commitment to the maintenance of a positive work environment
- Providing workplace skills training in conflict resolution
- Providing ongoing education, skills training, and monitoring of the policy
- Having a policy that aims to prevent workplace conflict and effectively resolve conflicts that do arise
- Having a policy which describes unacceptable behaviour and defines workplace harassment
- Providing sufficient resources and training to those responsible for implementing the policy
- Implementing personnel policies that acknowledge and value the diverse personal and professional lives of our members such as: parental leave, alternate work schedules, compassionate leave,

b. Management Team (or “Partners”, if more appropriate)

[Name of firm]’s management team is expected to implement and uphold this policy by:

- Modeling healthy professional relationships between colleagues, including conflict resolution.
- Attending workplace skills training in conflict resolution and implementing those skills
- Providing guidance to firm members who ask for assistance with the policy
- Maintaining strict confidentiality when a firm member asks for assistance with the policy
- Challenging inappropriate comments and actions
- Supporting all parties involved in a complaint without judgment and ensuring there is no retaliation against anyone involved in a complaint.

c. All Firm Members

All members of [Name of firm] are expected to contribute to a positive workplace environment by:

- Understanding the spirit and intent of the policy.
- Striving towards trust, respect, and understanding between colleagues.
- Attending workplace skills training in conflict resolution and implementing those skills
- Attempting to deal with workplace issues quickly and as ‘close to the source’ as possible.
- Thinking about relationships with co-workers and the workplace environment. If you find areas that could be improved take actions to improve them.
- Maintaining confidentiality if a colleague asks for advice or divulges information to you regarding a workplace conflict.
- Refusing to participate in workplace harassment and challenging it when you experience or witness it.
- Checking your own actions: When we offend or hurt a co-worker it is generally accidental. Become aware of the impact of your conduct by listening to what your co-workers say and learning to read discomfort in someone’s body language. Ask yourself, “Is there anything in my behaviour that could offend or humiliate someone?” or , “Would I speak this way about this person if they were here?”
- If you offend a co-worker, apologize, think about why it happened, and do not repeat the behaviour.

5. Vision For Our Workplace

Each firm should develop their own vision tailored to their workplace.

We, the members of [Name of firm], are dedicated to creating a positive work environment. We are committed to and accountable for:

Examples:

- Live up to our commitments

- Share information on firm developments at the earliest opportunity
- Develop effective collaborative problem solving processes at all levels of the Organization
- Consult with the people affected before making decisions or taking actions on significant matters
- Seek solutions to meet interests to the fullest extent possible
- Work to resolve issues before raising them with third parties
- Avoid gossip and rumors
- Understand cultural diversity
- Be aware of motivations and feelings and express them in a professional manner
- Listen with an open mind
- Treat others with respect, regardless of position at the firm
- Observe personal boundaries of space, quiet and interruption

[Name of firm] is a place where:

Examples:

- People are productive
- People like coming to work and enjoy the work environment
- Clients report high marks for client service
- Problems and issues are discussed openly between employees and managers
- People are not afraid to express their opinions
- We are tough on issues, soft on people
- If someone makes a mistake they are coached to help them understand and improve
- People are not afraid of disagreements. They feel more productive when issues are resolved and processes improved
- Diversity is valued

6. Firm Commitment

[Name of firm] acknowledges that workplace conflicts cannot always be prevented.

[Name of firm] encourages firm members to resolve issues or conflicts as soon as possible in a fair and respectful manner without having to resort to the formal resolution process. Training in conflict resolution will be provided to firm members to equip them with the skills to resolve conflicts confidently and professionally. The firm will also provide several options that firm members can access to quickly, confidentially and with support, resolve general workplace conflicts or workplace harassment.

[Name of firm] will not tolerate workplace harassment and will take timely action whenever it has knowledge of behaviour that may constitute harassment under this policy.

7. Definitions

a. General workplace conflicts

General workplace conflict refers to conflict of a broad nature that affects a person's ability to work. It is not conflict that falls into the categories of workplace harassment. Conflict in the workplace occurs for a variety of reasons, which can include:

- Differences in working styles, communication styles etc.,
- Differences regarding personal space, work spaces, etc.,
- Gossiping and rumors

A persistent conflict can often lead to an unhealthy and unproductive work environment for the individuals involved, and often those around them. Often these conflicts can be avoided by early and open communication between the parties involved. In cases where informal efforts to resolve a conflict do not succeed parties may use the firm's conflict resolution processes.

b. Workplace harassment

The following discussion defines the types of conduct that are considered inappropriate in the workplace. If a firm member encounters or observes inappropriate conduct they may initiate one of the processes in the conflict resolution flowchart.

i. Workplace Harassment Definitions

Workplace harassment generally consists of comments or actions that a reasonable person would find objectionable or unwelcome and which serve no work-related purpose. It may occur during a single incident or over a series of incidents.

Some actions may not be considered harassment unless repeated. For example, a joke may not be considered harassment if it does not have a major impact on the recipient or person who overhears the joke. Additionally workplace harassment does not include actions taken in good faith while exercising managerial/supervisory roles and responsibilities (such as an appropriately conducted performance review).

In this policy the following types of conduct or comments, whether written, verbal, or visual (including electronic communication) are considered workplace harassment and are unacceptable:

- a. Discrimination
- b. Sexual Harassment
- c. Personal Harassment
- d. Retaliation

(a) Discrimination

Discrimination is any unwelcome practice, comment, or behaviour, whether intentional or not, based on any one or more of the following protected grounds in the Alberta Human Rights Act: age, ancestry, place of origin, colour, family status, marital status, mental disability, physical disability, source of income, race, religious belief, gender, or sexual orientation:

- when such conduct might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group;
- when submission to or rejection of such conduct is used as a basis for any employment decision including, but not limited to, matters or promotion, raise in salary, job security or benefits affecting the employee and evaluation; or
- when such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

Examples of Discrimination:

- derogatory or demeaning comments, jokes, slurs, posters, cartoons etc.
- innuendo, taunting or ostracizing an employee on the basis of the protected grounds
- an employment decision based on a protected ground that adversely affects an employee

Exception: Under the law an action is not considered discriminatory if it is reasonable and justifiable under the circumstances as a bona fide occupational requirement. For example, a person with unmanaged epilepsy may pose a serious risk to themselves and others if the job is operating machinery.

(b) Sexual Harassment

For the purposes of this policy "sexual harassment" is defined as one or a series of incidents involving unwanted and unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature:

- when such conduct might reasonably be expected to cause embarrassment, insecurity, discomfort, offence or humiliation to another person or group;
- when submission to such conduct is made either implicitly or explicitly a condition of employment;
- when submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security or benefits affecting the employee); or
- when such conduct has the purpose or the effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment most commonly occurs in the form of behaviour by men towards women; however, sexual harassment can also occur between men, between women, or as behaviour by women towards men.

Examples of Sexual Harassment:

- sexist jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive, or that are by their nature clearly embarrassing or offensive;
- leering, staring, gesturing of a sexual nature
- the display of pictures, cartoons, sayings of a sexual nature that present the subject stereotypically or in a degrading manner;
- sexually degrading words used to describe a person;
- drawing attention to a person's gender and having the effect of undermining the person's role in a professional and business environment;
- derogatory or degrading remarks directed towards members of one gender or one sexual orientation;
- sexually suggestive or obscene comments or gestures;
- unwelcome sexual flirtations, advances, or propositions, including repeated unwelcome invitations to socialize;
- unwelcome inquiries or comments about a person's sex life;
- persistent unwanted contact or attention after the end of a consensual relationship;
- requests for sexual favours;
- unwanted touching;
- verbal abuse or threats; and
- sexual assault.

(c) Personal Harassment

Personal harassment in the workplace is a breach of the implied term of the employment relationship that an employer will provide its employees with an environment that is civil, decent and respectful. Personal harassment is conduct:

- that a reasonable person would consider unwelcome
- results in the recipient feeling intimidated, humiliated or embarrassed
- negatively affects work performance, and
- creates a hostile work environment

Examples of Personal Harassment

- actions that are intimidating, threatening or coercive
- swearing, yelling, screaming
- patronizing and insulting remarks, ex: regarding an employee's intelligence
- berating an individual publicly
- deliberate conduct to humiliate, demean or degrade someone
- bullying behavior such as name calling, spreading of malicious rumors, causing social isolation
- continuous threats of unwarranted discipline or loss of job
- intimidating gestures such as slamming doors, throwing objects
- excessive and unreasonable monitoring of employment responsibilities

- cutting the employee out of the communication loop or withholding information they require to perform their job, ex: not sending or responding to memos, intentionally not advising the individual of meetings they should attend, not sending or answering necessary e-mail

(d) Retaliation

Retaliation is any action taken against an individual in retaliation for:

- having invoked this policy whether on behalf of oneself or another individual;
- having participated or cooperated in any investigation under this policy; or
- for having been associated with a person who has invoked this policy or participated in these procedures.

2. Resolving workplace conflicts and harassment

This part of the policy provides different options for members of our firm to resolve general workplace conflicts or workplace harassment. Firm members are encouraged to resolve conflicts in a professional manner using the skills developed in conflict resolution training along with support when needed in the forms of coaching, counseling and facilitation. These mechanisms when used early, informally and confidentially can often resolve the issues and prevent the situation from escalating. In situations where these informal methods have been unsuccessful, or a party feels that informal methods are inappropriate, the formal resolution process may be used.

1. Preliminary Considerations

a. Confidentiality

- The firm understands the difficulty of coming forward with a workplace conflict or workplace harassment issue and recognizes interest of all parties in protecting their privacy and reputations.
- To protect the interests of the parties confidentiality will be maintained throughout the process. Information relating to the conflict will only be disclosed to the extent necessary to carry out resolution procedures, or to meet the firm's obligation to provide a harassment free workplace.
- Parties involved in the conflict resolution processes will not discuss the complaint with firm members who are not directly involved in the process. Improper breaches of confidentiality may result in disciplinary action.

b. Advisors

- The firm will appoint at least two members of the firm to serve as advisors under this policy. In carrying out their duties under the policy, advisors will be directly responsible to _____ [the managing body of the firm].
- The firm will arrange for the advisors to receive appropriate initial and continuing training as well as other institutional support and assistance for carrying out their responsibilities under this policy.

2. Procedures for Conflict Resolution

a. What to do if you are experiencing a general workplace conflict

[Name of firm] encourages firm members to resolve general workplace conflicts by using the informal processes in the conflict resolution flowchart. Firm members are encouraged to resolve conflicts in a professional manner using the skills developed in conflict resolution training, receiving support when needed.

b. What to do if you are experiencing workplace harassment

If you feel that you are being harassed it is best to act right away. Remember that harassment is wrong and you should not feel guilty. Keep a record of the incident(s), dates, places, witnesses, how you responded, the impact on you and other relevant facts and circumstances.

You are encouraged to let the other person know that their actions offend you and attempt to resolve the problem by using the skills you have developed in conflict resolution training, receiving support when needed. If you cannot resolve the problem or do not want to speak directly with the person consider the other options under the conflict resolution flowchart that follows.

c. What to do if you are accused of workplace harassment

If the Complainant approaches you directly listen to their concerns. Remember that harassment may have occurred even if you did not intend it to. Be sensitive to the fact that we all have different backgrounds and life experiences. Try to resolve the problem using the skills you learned in conflict resolution training.

You may seek the advice/support of an Advisor at any time on a confidential basis.

If the Complainant initiates a formal investigation procedure you will be notified of the complaint in writing, be interviewed by an external investigator, and be given the opportunity to respond to the allegations against you. You also have the right to seek legal counsel, at your expense, to respond to the allegations against you in a formal investigation.

3. Conflict Resolution Flowchart

The following flowchart shows the processes available to firm members who encounter workplace conflict issues. Early, informal, and confidential resolution of disputes is encouraged using the skills developed in conflict resolution training, using support when needed (Options A, B, C). It is recognized in some circumstances that there is a necessity for a formal review. A complainant has the right to withdraw from any further action in connection with the complaint at any stage (even though the firm may continue to deal with the complaint).

OPTIONS

Informal Processes	Formal Process
A. Direct Management	D. Formal Complaint and Review By External Investigator
OR	↓
B. Coaching/Counseling and Assisted Intervention	Final Report
OR	↓
C. Mediation	Corrective/Remedial action as warranted
	↓
	Follow-up

Parties can loop back to other options at any time.

Parties can loop back to informal process options at any time.

Option A. Direct Management

- Complainant discusses their concern directly with the Respondent and attempts to resolve the problem. Both parties are encouraged to resolve conflicts in a professional manner using the skills developed in conflict resolution training provided by the firm.

Option B. Coaching/Counseling and Assisted Intervention

Coaching/Counseling

The following persons can provide a Complainant or Respondent with confidential support, coaching and assistance on how to directly resolve the problem. They are also trained to provide information on the other conflict resolution options of mediation or the formal complaint process.

- An Advisor,
- Our Employee Assistance Provider _____,
- The Law Society of Alberta Equity Ombudsperson tel. 1-888-229-4769

Assisted Intervention By Advisor

The Complainant may request the advisor to meet with the person whose conduct has caused the offence with a view to facilitating resolution.

Advisor's Obligations

- Parties should be aware that the firm has a legal obligation to provide its members with a harassment free workplace. If an advisor is aware of harassment it is their duty to take actions to prevent the harassment from continuing. This may require the following actions of an advisor:
 - Where the complainant does not wish the advisor to take any action, the advisor may nevertheless meet with a person whose conduct constitutes prima facie harassment if the advisor is satisfied that this can be done without disclosing, directly or indirectly, the identity of the complainant; or
 - advise the managing body of the complaint. (such as where the person whose conduct caused offence has given an assurance not to repeat previous workplace harassment)
- If the advisor has spoken to the person whose conduct caused offence the advisor will keep a confidential written record of that discussion.

Option C. Mediation

- Mediation may be an option to resolve complaints where:
 - (1) both the Complainant and the Respondent agree, in writing, to participate in mediation voluntarily; and
 - (2) the mediator determines that mediation is appropriate under the circumstances
- Mediation will be arranged by the Complainant or Respondent contacting _____(the member of the firm charged with managing and ensuring compliance with the policy – the “Firm Appointee”). (Firm Appointee)_____ will contact the other party and advise that a complaint has been brought against them under the Respectful Workplace Policy and the Complainant/Respondent seeks resolution of the matter through mediation.
- The mediator will be an external consultant selected by _____(Firm Appointee). Both the Complainant and the Respondent must agree, in writing, to the selection of the Mediator.
- The role of the Mediator is to help the Complainant and Respondent resolve their issues.
- The Mediator manages the process and does not make decisions for the parties.
- The Mediator will continuously assess the balance of power, and the emotional and physical safety of the parties.
- A support person may accompany mediation participants.
- If the complaint is resolved through mediation, the only written record will be the Mediated Agreement, which will be given to the Complainant and Respondent. The firm will keep records of the number of mediations that take place for statistical purposes only.
- If mediation does not take place, or takes place and fails, the Complainant or Respondent may refer the complaint to formal complaint process.

Option D. Formal Complaint and Review

(Advice from Michelle Murray needed to develop general workplace conflict procedure)

i. Complaint

- If a complainant or respondent feels that options 1, 2, or 3 are inappropriate for their complaint, or those options have been unsuccessful, they may seek a formal review.

- A request for a formal review must be made within one year of the last incident. The request should be made to _____(Firm Appointee). The limitation period may be extended under certain circumstances, i.e. the delay in reporting occurred in good faith, or as a result of informal attempts to resolve the issue.

ii. Investigation

- After receiving the request for a formal review (Firm Appointee)_____ will do the following within (7) seven working days:
 1. Confirm in writing to the requesting party that the request has been received and that an external investigator will contact them to arrange an interview;
 2. Notify the other party in writing that a request for a formal review has been filed, and that an external investigator will contact them to arrange an interview;
 3. Provide each party with a copy of this Policy and advise them of the availability of an Advisor and the right to legal counsel, at their own expense, to assist them with the process;
 4. Appoint an external investigator who has knowledge of employment and human rights law.
- (Firm Appointee)_____, without disclosing the identity of the parties, will advise (management body)_____, of [firm name] that an investigation is proceeding.
- Where mutually agreed upon by the Complainant and Respondent, the investigation may be suspended in an effort to mediate a resolution to the dispute.
- The investigator will:
 1. Conduct the investigation guided by the principles of natural justice;
 2. Explore all allegations by interviewing the Complainant, the Respondent, and any witnesses identified by either party, and those determined relevant by the investigator;
 3. Upon completion of the investigation the investigator will prepare a report (“the Report”) of their findings based on the balance of probabilities. The investigator will make a finding of No Harassment, Insufficient Evidence to Determine Harassment, or Harassment Found.
 4. If the investigator makes a finding of Harassment Found the investigator will include recommendations for corrective action in the Report, including follow up.

- The investigator may use the guidelines in Appendix A (What Constitutes Harassment), Appendix B (Investigation Procedure) and Appendix C (Corrective Action Considerations) to assist them in their investigation.
- The investigation will be completed within forty-five days. Extensions may be granted by (Firm Appointee) _____ where appropriate.
- The investigator will forward a copy of the Report to (Firm Appointee) _____, upon its completion.

iii. Corrective Action

1. Where the finding is No Harassment or Insufficient Evidence to Determine Harassment, (Firm Appointee) _____ will meet with the Complainant and Respondent separately to advise them of the finding. Correspondence confirming the finding will follow the meeting.
2. Where the finding is No Harassment or Insufficient Evidence to Determine Harassment, (Firm Appointee) _____ will follow up with the Complainant and Respondent as they determine appropriate to ensure a healthy work environment is maintained.
3. If the finding of the Report is Harassment Found, _____ (ex: Management Team) will review the Report and investigator's recommendations for corrective action and follow up. _____ (ex: Management Team) is responsible for determining what corrective action is appropriate.
 - a. The _____ (ex: Management Team) should consider the following points when determining the corrective action:
 - The degree of aggression (physical and psychological),
 - Whether the harassment was a single incident or repeated act,
 - The working relationship between the Complainant and Respondent,
 - The impact of the harassment on the Complainant,
 - The Respondent's acknowledgement of wrongdoing,
 - The Respondent's history of other inappropriate workplace behavior,
 - The need to prevent the repetition of proven harassment towards the Complainant or others.
 - Corrective action will be designed to stop any harassment by the Respondent and to the greatest extent possible return the Complainant to the position they were in prior to the harassment.
 - b. _____ (ex: Management Team) will prepare a corrective action plan in writing.

- c. The corrective action plan will include follow up of the plan at (2) two weeks, (1) one month, (3) three months, (6) six months and (1) one year to ensure the corrective action plan is being followed and a healthy work environment is maintained. If a different follow up schedule is deemed more appropriate it may be included in the plan.
- d. The Complainant and Respondent will be advised that a corrective action plan has been put into effect. They will only be provided with the details of the plan as it applies to them.
- e. Upon request, the _____ (Management Team) will provide the Complainant and Respondent with a summary of the findings of the investigation Report.

4. Related Procedures

a. Records

All records of complaints, including contents of meetings, interviews, notes of advisors, manner of investigation, results of investigations, resolutions or outcomes and other relevant material will be sealed and stored in the firm's confidential complaints file to which only {_____} will have access. The contents of the files will only be disclosed to the extent necessary to carry out these procedures, or to comply with any requirements under the firm's policy of insurance against claims of harassment, and as required by law.

Records of the number of complaints made and resolved formally or informally will be kept by {_____} and consist only of the nature of the complaint and which process was used to resolve it. Anonymity of the individuals involved will be assured as the data will be in aggregate form only, to be used solely for statistical purposes when monitoring the policy.

Personnel Files

Where a formal complaint and review finds that a complaint of workplace harassment is substantiated, there will be a notation in the complainant and respondent's personnel records referring to the confidential complaints file. These written records will be maintained for a period of (1) one to (5) years to be determined by the managing body of the firm, subject to review at the end of the term to determine whether new circumstances dictate that the file should be kept for a longer period of time.

b. False Allegations

If an investigation results in a finding that the complainant falsely accused another of objectionable conduct knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination. Such action is

considered a violation of the policy and the investigation results as well as the sanctions will be recorded in the firm's personnel records relating to the complainant.

A person who submits a complaint in good faith, even where the complaint cannot be proven, has not violated the policy.

5. Outside Harassment

A member of the firm who feels that they have been subjected to workplace harassment by a person who is not a member of the firm should seek the advice of an advisor. The advisor will take whatever action is necessary to ensure that the firm fulfils its responsibility to support and assist the person subjected to such harassment

6. Report by Colleague

Where a person believes that a colleague has experienced or is experiencing workplace harassment and reports this belief to an advisor, the advisor shall meet with the person who is said to have been subjected to workplace harassment. The advisor will offer support where necessary to resolve the conflict and may intervene where they consider it necessary to maintain a work environment free of harassment.

7. Other Remedies

An individual may proceed with any other remedies under the *Alberta Human Rights Act*, the procedures of the Law Society of Alberta or through the courts. Information about these alternative forms of recourse can be requested confidentially through an advisor.

Appendix A - Guide for determining what constitutes harassment

Some questions that can help assess whether the behaviour (act, comment or display) constitutes harassment:

- Is the behaviour unwelcome or offensive?
- Would a reasonable person view the conduct as unwelcome or offensive?
- Did it demean, belittle or cause personal humiliation or embarrassment?
- Is it a single incident?
- Is it a series of incidents over a period of time?

It is also important to consider the severity and impropriety of the act, the circumstances and context of each situation, and whether the behaviour is prohibited under the Alberta Human Rights Act. The prohibited grounds are age, ancestry, place of origin, colour, family status, marital status, mental disability, physical disability, source of income, race, religious belief, gender, and sexual orientation.

The following are some examples, but not an exhaustive list, to clarify what is meant by "harassment".

What generally constitutes harassment	What may constitute harassment	What does not generally constitute harassment
1. Serious or repeated rude, degrading, or offensive remarks, such as teasing about a person's physical characteristics or appearance, put-downs or insults.	1. Criticizing an employee in public.	1. Allocating work. 2. Following-up on work absences. 3. Requiring performance to job standards.
2. Displaying sexist, racist or other offensive pictures, posters, or sending e-mails related to one of the prohibited grounds under the Alberta Human Rights Act.		4. Taking warranted disciplinary measures. 5. A single or isolated incident such as an inappropriate remark or abrupt manner.
1. Repeatedly singling out an employee for meaningless or dirty jobs that are not part of their normal duties.	1. Exclusion from group activities or assignments.	1. Exclusion of individuals for a particular job based on specific occupational requirements necessary to accomplish the safe and efficient performance of

		the job.
1. Threats, intimidation or retaliation against an employee, including one who has expressed concerns about perceived unethical or illegal workplace behaviours.	1. Statements damaging to a person's reputation.	1. Measures taken against someone who is careless in his or her work, such as in the handling of secret documents.
1. Unwelcome social invitations, with sexual overtones or flirting, with a subordinate. 2. Unwelcome sexual advances.	1. Making sexually suggestive remarks. 2. Physical contact such as touching or pinching.	1. A social relationship welcomed by both individuals. 2. Friendly gestures among coworkers such as a pat on the back.

Sexual and physical assault are covered by the Criminal Code.

Appendix B - Investigation Guidelines

In pursuing the investigation the Investigator will try to take the wishes of the complainant under consideration, but should thoroughly investigate the matter as s/he sees fit, keeping the parties informed as to the status of the investigation. Steps to be taken include:

- confirm name and position of complainant;
- identify the person whose conduct caused offense;
- thoroughly ascertain all facts;
- determine frequency/type of alleged objectionable conduct and, if possible, the dates and locations where alleged conduct occurred;
- find out if there were witnesses who observed the alleged conduct;
- ask the individual how s/he responded to the objectionable conduct;
- determine whether the complainant consulted anyone else about the alleged conduct and take note of who else knows and their response to the disclosure;
- develop a thorough understanding of the professional relationship, degree of control and amount of interaction between the person whose conduct caused offense and complainant (Does the person control compensation, terms of employment or promotions? Do these individuals work in close proximity to one another and/or on the same projects?);
- determine whether the person whose conduct caused offense has carried out any threats or promises directed at the complainant or whether the terms of employment have been adversely affected;
- does the complainant know of or suspect that there are other individuals who have been subjected to the same objectionable conduct by the person whose conduct caused offense?;
- has the complainant informed other partners or supervisors of the situation? What response, if any, did complainant receive from these individuals?;
- ascertain the impact that the alleged conduct had and is having on the complainant physically and emotionally;
- ask complainant what action s/he would like the firm to take as a consequence of the objectionable conduct;
- ask complainant if they feel safe/comfortable in the workplace as it is and if they can perform their job;
- when first interviewing the person whose conduct caused offense, remind him/her of the firm's policy against retaliation for making a complaint of objectionable conduct;
- advise person whose conduct caused offense who the complainant is and the conduct complained of;
- confirm all information and obtain any additional facts and information;
- interview all witnesses;
- remind the complainant, person whose conduct caused offence and any witnesses that the process is confidential.

Appendix C - Corrective Action Plan

The components of a corrective action plan can vary greatly, the key being both to address the problem and ensure a safe and comfortable workplace in the future. The firm must be fair to all parties involved. Consulting the complainant regarding what actions they would like the firm to take can be of assistance. The range of options may include:

- advising the respondent of the impact of his/her conduct on the complainant;
- an understanding or promise not to conduct himself/herself that way any longer;
- an oral or written apology;
- an oral reprimand;
- a written reprimand delivered to the respondent and recorded in his/her personnel file;
- workplace training in conflict resolution, interpersonal skills, communication skills, anger management,
- referral to counselling;
- transfer or reassignment of either complainant or respondent;
- probation;
- withholding of promotion/partnership;
- demotion or removal from specific committees or responsibilities;
- suspension with or without pay;
- dismissal, termination of employment or expulsion from partnership;
- financial compensation to complainant for expenses incurred due to harassment;
- financial compensation to firm for expenses incurred for counselling and/or for compensation paid to complainant for mental anguish and stress;
- in-house harassment workshop with mandatory attendance by respondent;
- reinstate the complainant;
- compensation to complainant for lost wages or a severance package;
- provide complainant with a letter of reference, positive referral and assistance in securing another position where possible;
- ensure any necessary access to employment insurance not denied;
- compensation to complainant for psychological/emotional stress.