



Procedure

Procedure Name	<i>Respectful Workplace</i>		
Procedure #	HR 6.1	Parent Policy	HR 6.0 Respectful Workplace
Policy Owner	Associate Vice President, Human Resources	Effective Date	December 20, 2024
Procedure Owner	Director, Employee and Labour Relations	Next Review Date	December 2029
Approved by	Director, Employee and Labour Relations	Approval Date	December 20, 2024

1.0 Purpose/ Background

NAIT believes in promoting respect, diversity and inclusivity in the workplace. To that end, NAIT is committed to creating and maintaining a work environment that is free of bullying, discrimination, harassment/sexual harassment, and violence/sexual violence through the promotion and upholding of our NAIT Values. NAIT is committed to engaging in prevention and education activities to promote a respectful workplace for all employees. This procedure provides guidance on what conduct constitutes bullying, discrimination, harassment/sexual harassment, and violence/sexual violence and outlines the complaint, investigation, and resolution process.

2.0 Definitions

Term	Definition
Bullying	<p>Any persistent and/or deliberate conduct on the part of one or more employees that is objectively hostile, intimidating, or insulting in nature and that reasonably causes another individual to feel belittled, humiliated, intimidated, isolated or undermined.</p> <p>Bullying may involve verbal, non-verbal, overt or covert, written and/or electronic communication.</p> <p>The performance of managerial or supervisory duties including performance reviews, performance management, coaching, providing constructive feedback, attendance management, or the imposition of discipline, when done in accordance with NAIT values, does not constitute bullying.</p>
Complainant	A person who makes a formal complaint under the Respectful Workplace Policy and Procedure.
Discrimination	An action or a decision that treats a person or a group poorly for reasons related to the protected grounds listed on the Alberta Human Rights webpage.

Formal Complaint	A written statement, submitted by a complainant, outlining violations of, and initiating a complaint under, the Respectful Workplace Policy and Procedure.
Harassment	<p>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 may include:</p> <p>(i) Conduct, comment bullying or action based on 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, and/or</p> <p>(ii) A sexual solicitation or advance</p> <p>The performance of managerial or supervisory duties including performance reviews, performance management, coaching, providing constructive feedback, attendance management, or the imposition of discipline, when done in accordance with NAIT values, does not constitute harassment.</p>
Process Accommodations	<p>Accommodations available to individuals during a Respectful Workplace complaint, including but not limited to:</p> <ul style="list-style-type: none"> • Access to assistive technology • Incorporation of cultural components (e.g. allowing the individual to use a talking piece or religious artifact, etc.) • Use of multiple means of communication including verbal, written, images, etc.
REES (Respect, Educate, Empower, Survivors)	A secure online platform for reporting bullying, discrimination, harassment/sexual harassment, violence/sexual violence.
Respect	Demonstrating behaviours of honesty, integrity, acceptance and trust. This is one of NAIT's values.
Respondent	An employee who is alleged by a complainant to have violated the Respectful Workplace Policy and Procedure.
Serious Injury	Harm to an individual generally requiring medical treatment, hospitalization, or emergency response.
Sexual Harassment	One or more unwanted or demeaning remarks, behaviours, or communications of a sexual nature and/or based on sex, gender identity, gender expression, or sexual orientation, where the individual responsible for the remarks, behaviours, or communications knows or ought reasonably to know that these are unwanted or demeaning. This can include but is not limited to requests or demands of a sexual nature, stalking, indecent exposure, voyeurism, touching of non-sexual body parts, creating, acquiring, or distributing sexual images or videos.
Sexual Violence	Under Alberta's Occupational Health and Safety legislation sexual violence is considered a workplace hazard and includes any sexual act, attempt to obtain a sexual act, or other act directed against a worker's sexuality using coercion, by any person regardless of their relationship, in a workplace or work-related setting. Sexual violence exists on a continuum and includes on-line forms of sexual violence (e.g. internet threats and harassment) and sexual exploitation.

Violence	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 violence.
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3.0 Principles

- 3.1 NAIT will deliver education and training with the goal to prevent incidents of bullying, discrimination, harassment/sexual harassment, and violence/sexual violence in the workplace.
- 3.2 NAIT is committed to providing a complaint, investigation and resolution process that is procedurally fair and respectful in order to ensure that allegations of bullying, discrimination, harassment/sexual harassment, and violence/sexual violence are appropriately investigated and resolved.
- 3.3 NAIT will support leaders in carrying out their responsibilities to train and communicate with the employees they supervise regarding bullying, discrimination, harassment/sexual harassment, and violence/sexual violence and the resolution processes available to them under this procedure.
- 3.4 Any incident of violence that has the potential of causing serious injury to a person, or where there is a concern for the potential for violence, shall be reported to the NAIT Threat Assessment Team and handled in accordance with that Policy and Procedure.
- 3.5 As in all risks to safety, employees who are aware of behavior, conduct or actions that may constitute bullying, discrimination, harassment/sexual harassment, and violence/sexual violence have an obligation to report it to their leader or HR Consultant.
- 3.6 An investigation under the Respectful Workplace procedure that does not find a violation of the definitions contained in this procedure may still result in a finding of behaviour that is not in line with expectations and may require corrective action.
- 3.7 Workplace investigations that are not initiated under this procedure may still result in a determination of bullying, discrimination, harassment/sexual harassment, and violence/sexual violence, or any other violation of the definitions contained in this procedure.
- 3.8 NAIT will ensure that employees who disclose they have been subjected to bullying, discrimination, harassment/sexual harassment, and violence/sexual violence will be referred to the Employee Assistance Program and/or a health professional of their choosing.
- 3.9 If, at any step in the process, an employee requires process accommodations, they are encouraged to reach out to their HR Consultant for guidance.

4.0 Informal Resolution

- 4.1** An employee who believes they are experiencing bullying, discrimination, harassment/sexual harassment, and violence/sexual violence, or who believes that the Respectful Workplace Policy is being violated, is encouraged to communicate this to the person involved and ask that they stop the conduct immediately.
- 4.2** If the request to stop does not resolve the situation and the conduct continues, or if the employee is not comfortable in raising their concern with the person involved, they should seek advice from their HR Consultant or their leader as soon as possible. The HR Consultant or leader will inform the employee of this procedure and the options available to them to address and resolve the conflict and/or conduct.

5.0 Alternative Dispute Resolution (ADR)

- 5.1** Employees who have experienced bullying, discrimination, harassment/sexual harassment, and violence/sexual violence may contact a member of the HR Consulting team to explore options, including Alternative Dispute Resolution ('ADR'). While not required, NAIT supports and encourages employees to explore options for ADR prior to proceeding with any formal, written complaint under this procedure.
- 5.2** The goal of ADR is to resolve the conflict and/or conduct through facilitated discussion, collaboration and cooperation of all employees involved.
- 5.3** Where ADR is not appropriate, based on the nature of the complaint or as determined by one or more of the employees involved in the incident/concerns, or does not cause the disclosed conduct to cease, the employee may make a formal complaint.

6.0 Formal Complaint Process

- 6.1** A formal complaint of bullying, discrimination, harassment/sexual harassment, and violence/sexual violence must be filed using the [REES Online Incident Reporting](#) platform.

If an employee wishing to file a complaint feels that filing the complaint through the REES platform creates a real or perceived barrier to submitting their complaint, the employee may talk to their HR Consultant to determine an alternate path for submitting a complaint.

- 6.2** All formal complaints must be reported through the REES platform as soon as reasonably practicable and must provide detailed information about the alleged conduct, who is alleged to have engaged in it, witness(es) to the incident(s), supporting documentation and when and where it is alleged to have occurred. Extenuating circumstances regarding the timing of reporting a complaint may be considered, however, it should be noted that the ability to collect information on a case or to effectively address a concern is diminished when significant time has passed.

- 6.3** When a complaint involves multiple complainants, each complainant must submit their complaint individually. The concerns or allegations of each complainant will be addressed separately during the investigation process. Where the complaints identify a common theme of behavior, a finding on the overarching behavior or conduct may be considered.
- 6.4** All complaints made under the Policy must be made in good faith. If the investigator concludes that a complaint was made in bad faith, or is otherwise vexatious, the complainant may be subject to discipline.
- 6.5** A complainant shall not be subject to any reprisal, discipline or adverse treatment for making a complaint in good faith under the Policy. Anyone who retaliates against an employee who makes a complaint under the Policy or against someone who participates in an investigation under the Policy will be subject to discipline.

7.0 Investigation of Formal Complaints

- 7.1** For all formal complaints, Human Resources will speak with the complainant to confirm whether an informal mechanism or ADR is an option available to resolve the complaint before the complaint is to be formally investigated.
- 7.2** Where it is determined that a formal investigation is appropriate, Human Resources will determine, based on the details of the complaint, whether the complaint will be investigated under the Respectful Workplace Procedure or whether it will follow a customary investigative process.
- 7.3** Human Resources will provide notification of the complaint to the co-chairs of the Joint Work Site Health and Safety Committee (JWSHSC) as soon as reasonably practicable. Prior to the finalization of the investigation summary, the co-chairs or designates of the JWSHSC, will be given the opportunity to review and provide feedback, in accordance with 9.0. The co-chairs or their designates must not have a current working relationship with the complainant or respondent, have no prior knowledge of the allegations, and have not been involved in the incident(s) to ensure there is no potential conflict of interest or bias in their review of the investigation of the complaint.
- 7.4** Investigations conducted under this procedure will be conducted in a timely manner by an investigator who has no prior knowledge of or involvement with the conduct disclosed in the complaint.
- 7.5** Investigations may be conducted internally, or Human Resources may engage an external investigator to conduct or assist with an investigation under this procedure.
- 7.6** The purpose of the investigation is to gather information about the conduct alleged in the complaint and it is the role of the investigator to make factual findings regarding whether the alleged conduct occurred. Respondents shall be informed of the allegation(s) against them and must be given the opportunity to respond to these allegation(s).

- 7.7** In the course of conducting an investigation, an investigator shall interview the complainant(s), respondent(s) and any other employees or individuals whom the investigator believes to have direct knowledge of, or relevant information about, the conduct disclosed in the complaint.
- 7.8** While a complainant and/or respondent may suggest that the investigator interview a particular person, ultimately it is the investigator, acting fairly and reasonably, who decides who will be interviewed for the purposes of completing the investigation.
- 7.9** The investigator may ask individuals who are interviewed to provide a written statement or supporting documentation. Any employee who is asked to provide information to further an investigation under this procedure shall cooperate with the investigator ensuring they are honest, forthcoming and timely in their participation in the process. An employee's failure to cooperate and/or participate in an honest and forthcoming manner may constitute just cause and potentially lead to discipline.
- 7.10** An employee may be accompanied by a person of their choice during the investigation process for the purpose of providing support to the employee, the support person will not be permitted to participate in the investigation process.
- 7.11** A complainant or respondent who believes the investigation was not conducted in accordance with this procedure may submit a request for a new investigation in writing to the President or their designate. The request must detail the concerns regarding the investigation process. The President, or their designate, will review the request and may order a new investigation only if the President, or designate, concludes that the investigation was incomplete or was procedurally unfair. The decision of the President or their designate is final.

8.0 Outcome of Investigations

- 8.1** Once an investigation is complete, the investigator will prepare a written investigation report outlining the factual findings regarding the allegation(s) and whether the complaint is substantiated or unsubstantiated. The investigation report shall be provided to Human Resources, with a redacted summary report that will be reviewed by the JWHSC, in accordance with section 7.3.
- 8.2** Human Resources will share the investigation report with the appropriate level(s) of department leadership in order to determine next steps. Where an employee subsequently reports to different leaders, when deemed relevant, those leaders may receive a summary report for the purpose of supporting the employee. Information will be shared in accordance with 9.0.
- 8.3** If allegations of bullying, discrimination, harassment/sexual harassment, and violence/sexual violence are found to have been substantiated as a result of the investigation process, Human Resources will meet with the appropriate leader to determine next steps which may include, but is not limited to, further education/training, discipline or any other corrective actions that may prevent future incidents from occurring.

- 8.4** If allegations of bullying, discrimination, harassment/sexual harassment, and violence/sexual violence are found to have been made in bad faith and/or was vexatious in nature, Human Resources, in conjunction with NAIT leadership, will review the investigation report and any other relevant information to determine whether disciplinary action against any employee is appropriate.
- 8.5** A summary of the investigation report, including the findings of whether the complaint was substantiated or unsubstantiated, will be provided to the complainant, the respondent and, where applicable and upon request by either of them, to their respective union.

9.0 Confidentiality

- 9.1** Subject to the disclosure described in Sections 7.0 and 8.0, NAIT will not disclose the circumstances related to an incident of bullying, discrimination, harassment/sexual harassment, and violence/sexual violence or the names of the parties involved, including the complainant, the respondent, and any witnesses except where necessary to investigate the incident, to implement corrective actions, to inform staff of potential threat, or as required by law.
- 9.2** All investigation reports and related documents pertaining to a formal complaint under the Respectful Workplace Policy and Procedure will be redacted in compliance with the Freedom of Information and Protection of Privacy Act (FOIP) where reasonable in instances where a formal Access Request is made under the FOIP legislation.
- 9.3** No record of a complaint, made in good faith, will be placed on a complainant's Human Resources file.
- 9.4** NAIT will take steps to ensure that all documentation relating to complaints and investigations are kept in a secure location and are securely stored, and that access to these files will be restricted to those directly involved in the investigation of and resolution of a complaint.
- 9.5** In order to ensure a high level of confidentiality for those involved in incidents and investigations of bullying, discrimination, harassment/sexual harassment, and violence/sexual violence in the workplace, Human Resources employees and the co-chairs of the JWHSC are required to sign confidentiality agreements.

10.0 Exceptions to the Procedure

- 10.1** Exceptions to this procedure must be documented and formally approved by the Procedure Owner.

Procedure exceptions must include:

- The nature of the exception
- A reasonable explanation for why the procedure exception is required
- Confirmation that the exception aligns with the general principles

- Any risks created by the procedure exception and how they will be managed.

11.0 Related Documentation

Alberta Human Rights Act
 Alberta Occupational Health and Safety Act
 Freedom of Information and Protection of Privacy Act
 NAIT Values
 GE 2.0 - Code of Ethics and Conduct Policy
 HR 6.0 - Respectful Workplace Policy
 HS 1.0 - Health and Safety Policy
 HS 1.1 - Health and Safety Participation Procedure
 HS 3.0 – Gender Based and Sexual Violence Prevention and Response Policy
 HS 3.2 - Gender Based and Sexual Violence Complaints Procedure

Document History

<i>Date</i>	<i>Action/ Change</i>
July 8, 2020	Updated definition of violence
April 25, 2023	Review/Update of document
December 20, 2024	Update to include REES platform (Added a definition and amended Sections 6.1 and 6.2); updated website/link to Alberta Human Rights Protected Grounds in Definition - Discrimination