

Alberta New Democratic Party
VOLUNTEER AGREEMENT

The Alberta New Democratic Party (ANDP) relies on the efforts of its volunteers to help promote social democracy in Alberta and to establish and maintain a social democratic government in Alberta. The ANDP expects all volunteers to meet the highest standard of professional and ethical conduct. The ANDP has a constitution and staff and volunteer policies that specify the organization's expectations regarding conduct, describe its authority and define its values and standards.

This volunteer agreement references and incorporates the *Constitution of the Alberta New Democratic Party* (the *Constitution*) the *Code of Conduct, Conflict of Interest and Confidentiality (Code of Conduct)*, the *Anti-Harassment Policy*, and the *Human Rights and Accommodation Policy*. Volunteers have access to these policies as well as the *Scope of Volunteer Duties* and *Guide for Constituency Association Leadership* at www.abndp.ca.

A volunteer entering into this agreement affirms that they will accept and abide by the *Constitution* and principles and practices of the Alberta New Democratic Party in accordance with Article 16.01 of the *Constitution*.

Two signed copies of this agreement are required; one to be kept by the ANDP and one to be given to the volunteer.

AGREEMENT:

The ANDP is committed to a high degree of integrity, objectivity, and professionalism in both its volunteers and employees. Further, the ANDP's intent is to ensure a climate of understanding, diversity, cooperation, collaboration, and mutual respect. As well, volunteers must not participate in, condone, or tolerate behaviour that constitutes breach of confidentiality, conflict of interest, discrimination, harassment, bullying, or sexual violence.

1. Volunteers are expected to act honestly and ethically while in the performance of their volunteer duties as set out in the *Scope of Volunteer Duties* and the *Guide for Constituency Association Leadership*, as applicable.

2. Volunteers are expected to take direction from the Constituency Association Executive, Provincial Executive, Senior Volunteers, as applicable, and ANDP staff, and adhere to ANDP policies and procedures.
3. Volunteers will always conduct themselves in a professional manner with ANDP staff, candidates, Members of the Legislative Assembly (MLA's), other volunteers, ANDP members and constituents. In this regard, the ANDP will not tolerate any violations of the *Code of Conduct*, *Anti-Harassment Policy* or *Human Rights and Accommodation Policy*. As a result, the ANDP will not tolerate violence, and/or any kind of discriminatory or abusive behaviour, including bullying, harassment, sexual and otherwise, from a volunteer toward any other individual. Prohibited behaviour may result in dismissal or other sanctions as set out in the above policies and the *Constitution*.
4. Volunteers will not speak on behalf of the ANDP except as set out in their duties specified for their position; or upon invitation or with authorization from the ANDP.
5. Volunteers will not use social media to harass or threaten ANDP employees or volunteers and will not use social media to provide false, defamatory, or misleading information in respect of the ANDP, its volunteers, employees, candidates, or ANDP Members of the Legislative Assembly (MLA's), and shall always strive to make public statements that are accurate.
6. Volunteers will not, during or at any time after the commencement of this Agreement with the ANDP, unless authorized by the ANDP, use, or disclose or assist others to use or disclose, any confidential information, data or material relating to the organization, affairs, or property of the ANDP or its members, directly or indirectly obtained during their association with the ANDP.
7. Volunteers will disclose to the President of their Constituency Association, the President of the Provincial Executive or the Chair of their party Caucus, as applicable, any interest that might be construed as being in real, potential, or apparent conflict with ANDP duties or with the organization and affairs of the ANDP.

8. Volunteers will obey all applicable municipal, provincial, and federal laws including the Alberta *Election Act* and *Election Finances and Contributions Disclosure Act*, as applicable, while acting on behalf of the ANDP.
9. It is understood that documents, tools, or any other work produced for the ANDP remains the property of the ANDP.

I, the undersigned, have read and understand all the information in this document, and I agree to conduct my activities in accordance with its contents.

Name of Volunteer

Name of Witness

Signature of Volunteer

Signature of Witness

Date:

Date:

Alberta New Democratic Party **Anti-Harassment Policy**

Statement of Principles

The core values of the Alberta New Democratic Party (ANDP) require that cooperation, understanding, and mutual respect be the basis of interaction amongst all candidates, employees, volunteers, and the general public.

The ANDP does not and will not tolerate or condone behaviour that undermines the dignity or self-esteem of an individual or a group, or which gives rise to an intimidating, hostile, or offensive environment.

The ANDP is committed to a harassment-free environment at all ANDP activities and functions.

The ANDP will act in a manner consistent with its obligations under the *Alberta Human Rights Act*.

The ANDP will assist all individuals to identify and prevent harassment by establishing procedures for reporting, investigating, and resolving incidents and complaints.

Application

1. This policy applies to all individuals volunteering on ANDP Constituency Associations, Provincial Executive, party Caucuses, during election campaigns and Senior Volunteers, as appointed by the Provincial Secretary, and current employees of the ANDP, including full and part-time, casual, contract, permanent, and temporary employees. This policy also applies to all individuals who have been nominated by ANDP Constituency Associations as candidates for election in an upcoming provincial election.
2. This policy applies to all aspects of employment for the ANDP and it also applies to the aspects of assigned volunteer duties, as set out in the *Scope of Duties for Volunteers* and *Guide for Constituency Association Leadership*, for those volunteers set out in Article 1.

3. This policy applies to conduct within ANDP premises, as well as any other location or context, including online, where an individual, as set out in Article 1, is carrying out, or participating in, an ANDP activity or event.
4. Any acts of harassment, or discrimination, as outlined in the *Human Rights and Accommodation Policy*, by any individuals, while carrying out assigned duties for the ANDP, is strictly prohibited. Complaints related to discrimination will be addressed under the *Human Rights and Accommodation Policy*.
5. This policy does not create an employment relationship between the ANDP and any individual carrying out volunteer service for the ANDP.
6. This policy is not intended to discourage any person from exercising their rights pursuant to any other laws including the common law, the *Alberta Human Rights Act*, the *Occupational Health and Safety Act* or the COPE Local 397 Collective Agreement (the Collective Agreement).
7. Any individual who is affected by the harassment committed by an individual outlined in Article 1 of this policy may make a complaint under this policy.

Definitions

8. Worker means any employee or volunteer outlined in Article 1 above.
9. Supervisor means, in the case of an employee, the employee's direct supervisor in the workplace. In the case of a volunteer, it means the President of a Constituency Association, the President of the Provincial Executive, a Chair of a party Caucus, the Provincial Secretary or a campaign manager as applicable. In the case of a candidate, it means the Provincial Secretary.
10. The Human Rights and Ethics Officer (HRO) is an employee of the ANDP who is trained and assigned to investigate requests and complaints, under this policy, *the Code of Conduct, Confidentiality and Conflict of Interest* (the *Code of Conduct*), and the *Human Rights and Accommodation Policy*, in a fair and unbiased way.

11. Workplace means any environment, including the telephone or online environment, where a worker or candidate is carrying out assigned duties for the ANDP.

12. Harassment occurs when an individual is subjected to unwelcome, or what ought to be reasonably known to be unwelcome, verbal or written comments or physical conduct because of their race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation. Examples of harassment that will not be tolerated by the ANDP are:

12.01 verbal, written or physical abuse, threats, derogatory remarks, jokes, innuendo, or taunts related to any individual's race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin marital status, source of income, family status sexual orientation,

and further examples are:

12.02 displays of pornographic, racist or offensive signs or images; offensive jokes based on race, gender or other grounds listed in Article 12 above that result in awkwardness or embarrassment.

13. Sexual harassment is unwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal, written or physical conduct of a sexual nature including requests for submission to conduct that is made explicitly or implicitly a term or condition of an individual's employment or submission to, or rejection of, such conduct by an individual that affects that individual's employment. Examples of sexual harassment can include:

- patting, pinching, rubbing or leering,
- insulting comments, gestures, and jokes of a sexual nature that cause discomfort or embarrassment,
- sexual pictures or pornographic materials,
- requests or demands of a sexual nature,
- inappropriate inquiries or comments about an individual's sex life or comments about one's own sex life.

Harassment Disclosure/Complaint Responsibilities

14. Conduct that meets the requirements of discrimination is dealt with under the *Human Rights and Accommodation Policy* and conduct that meets the requirements of misconduct is dealt with under the *Code of Conduct*. Where an individual believes that:

14.01 they have experienced harassment as set out in this policy,

14.02 the person committing the harassment is an individual covered under Article 1 of this policy, and

14.03 they experienced harassment while interacting with the ANDP as set out in Article 3, they may make a disclosure or complaint under this policy.

15. The ANDP is responsible for:

15.01 ensuring that all workers and candidates are advised of this policy,

15.02 dealing with complaints in a timely, confidential, and sensitive manner,

15.03 ensuring that all complaints are thoroughly investigated,

15.04 taking appropriate action when harassment is established to ensure that harassment is discouraged, and

15.05 ensuring this policy is effectively implemented.

16. The HRO is responsible for:

16.01 assisting an individual who makes a disclosure indicating they have experienced harassment by contacting any other individuals, involved in the potential harassment, and determining if the matter can be informally resolved,

16.02 informing an individual making a harassment disclosure what information they need to provide in order to make a formal complaint,

16.03 dealing with complaints in a timely, confidential, and sensitive manner,

16.04 investigating details of the complaint and considering any other information regarding any other individual named in the complaint (the Respondent),

16.05 informing the Provincial Secretary of the decision, the reasons for the decision where a finding of harassment is made and getting approval of the decision from the Provincial Secretary,

16.06 informing the individual making the complaint (the Complainant) and the Respondent of the decision as to whether harassment occurred and the reasons for the decision,

16.07 forwarding all relevant documentation, and any other relevant information, to the President of the Provincial Executive (the President) and an Investigator where applicable.

17. The individual who believes they have experienced harassment is responsible for:

17.01 making timely disclosure of the situation where they feel they have experienced harassment,

17.02 participating in an informal process with the individual(s), involved in the potential harassment, where they feel safe to do so,

17.03 when they wish to do so, making a formal complaint by providing applicable, sufficient details of:

17.03.1 the circumstances that brought about their disclosure,

17.03.2 any witnesses to the potential harassment, and

17.03.3 any other individuals who participated in the potential harassment.

- 17.04 providing any documentation in support of their formal complaint.
18. Complaints must be pursued, either informally or formally, within six months after the date of the alleged harassment.

Informal Resolution

19. Where a Complainant believes there has been a breach of this policy, they are encouraged to inform the individual committing the alleged harassment that the behaviour is unwelcome and ask them to stop.
20. If discussing the behaviour with the offending individual does not resolve the issue or if the Complainant is uncomfortable approaching the individual, the Complainant is encouraged to inform their supervisor or the HRO.
21. Once the supervisor is informed of the alleged harassment, as the case may be, the supervisor should inform the HRO. The HRO should then contact the Complainant and the individual alleged to have committed the harassment to develop a mediation plan to informally resolve the complaint.
22. If the alleged harassment involves the Complainant's supervisor, the Complainant is encouraged to inform the HRO to develop a mediation plan to informally resolve the situation.
23. When developing the mediation plan, the HRO shall appoint a third party to act as a Mediator.
24. If the Complainant or Respondent is an employee of the ANDP and the Collective Agreement is applicable, they may request that a union representative be involved in any mediation plan.
25. If the complaint is informally resolved, no further steps are necessary.

Procedure for Formal Harassment Complaints

26. If informal resolution is unsuccessful or an individual is not interested in pursuing informal resolution, an individual may initiate a formal complaint by notifying the HRO by email at hro@albertandp.ca.
27. Once a complaint is received, the HRO must document the complaint, including the Complainant's name, position (if applicable), date of the request, the Complainant's personal characteristics set out under Article 12, and any further details provided by the Complainant.
28. The HRO may request supporting documentation from the Complainant depending on the specific details of the complaint.
29. The HRO must notify any individual accused of harassment in the complaint (the Respondent) of the details of the complaint, obtain specific details of their response, and provide those details to the Complainant.
30. The HRO must consider all of the evidence supplied by the Complainant and the Respondent, the requirements for a finding of harassment set out in Articles 12 & 13, and determine whether, on the balance of probabilities, the Complainant has experienced harassment.
31. Once the HRO makes the decision, they must provide the details of the complaint and the reasons for their decision to the Provincial Secretary.
32. The Provincial Secretary must review all the evidence, the requirements for a finding of harassment set out in Articles 12 and 13, and either confirm or reverse the decision of the HRO based on the balance of probabilities.
33. Once a decision is made, the Provincial Secretary must clearly communicate the reasons for the decision to the Complainant and Respondent and notify them of their right to request a review of the decision. If the Complainant or Respondent is an employee of the ANDP and the Collective Agreement is applicable, the Provincial Secretary may also provide the reasons for the decision to the union representative upon the request of the Complainant or Respondent.
34. If a finding of harassment is made, the Provincial Secretary must:
 - 34.01 inform the President of the decision,

34.02 provide an apology to the Complainant, and

may

34.03 proceed with discipline of the respondent, as outlined in Article 35, and/or

34.04 make changes to ANDP procedures and policies as required.

35. If a finding of harassment is made:

35.01 in the case the respondent is an employee, the Provincial Secretary may:

35.01.1 require the Respondent to participate in relevant training,

35.01.2 require the Respondent to apologize to the Complainant,

35.01.3 proceed with discipline in accordance with Article 14 of the Collective Agreement, or

35.01.4 require any or all of the above,

35.02 in the case the Respondent is a volunteer, the Provincial Secretary may:

35.02.1 require the Respondent to participate in relevant training,

35.02.2 require the Respondent to apologize to the Complainant,

35.02.3 require some other action to address the matter,

35.02.4 warn the Respondent that the Table Officers of the Provincial Executive (Table Officers) may wish to pursue discipline in accordance with Article 16 of the *Constitution*, or

35.02.5 require any or all of the above.

35.03 in the case the Respondent is a candidate, the Provincial Secretary must refer the issue to the Candidate Approvals Committee of the Table Officers.

Independent Harassment Complaint Reviews

36. If a Complainant or Respondent is not satisfied with the harassment decision or believes that their request has not been handled in accordance with this policy, they may request an Independent Review by informing the Provincial Secretary and President of this request within 14 days of receiving details of the decision by emailing review@albertandp.ca.
37. After receiving notice of the request, the Provincial Secretary must provide to the President, all documents and other evidence considered by either the HRO or the Provincial Secretary, and the reasons for the decisions made.
38. If the Complainant or Respondent is an employee of the ANDP and the Collective Agreement is applicable, they may request that a union representative represent them for the review.
39. The President must inform the other party of the request for a review and ask for a written response within 14 days of receiving the written request.
40. The President must then appoint a third party investigator and inform the Complainant, Respondent and Provincial Secretary of the identity of the Investigator. If either the Complainant or the Respondent has any concerns regarding a conflict of interest or potential conflict of interest of the investigator, the President shall consider their concerns and appoint an alternate Investigator if a conflict of interest or potential conflict of interest is substantiated.
41. The Investigator must review all documents and other details provided by the Provincial Secretary, the Complainant, and the Respondent, and must provide the parties, and union representative, if applicable, with copies of any documents the parties have not already received.
42. The Investigator must then review all documents and other evidence received and determine whether there is sufficient information to decide. In

making their decision, the Investigator must consider the Complainant's evidence, the Respondent's evidence, the requirements for a decision of harassment as set out in Articles 12 and 13, and the reasons for the decision of the Provincial Secretary.

43. If the Investigator is satisfied that there is sufficient information to decide, the Investigator must decide on the Independent Review and provide written reasons to the Provincial Secretary, the Complainant, and the Respondent.
44. The Investigator may decide they wish to obtain further information from the Complainant and Respondent. If further information is requested by the Investigator, the Investigator may choose to receive the information by written, online, or in person submission. Once the Investigator has decided the outcome of the review, they must provide their reasons as set out in Article 43.
45. In making their decision, the Investigator must consider, on the balance of probabilities, the requirements of harassment as set out in Articles 12 and 13, the Complainant's personal characteristics set out in Article 12, the Complainant's evidence, the Respondent's evidence, and the reasons for the decision of the Provincial Secretary.
46. The decision of the Investigator is final.
47. If the Independent Investigator makes a finding that a Complainant has suffered harassment, the Provincial Secretary and/or the Table Officers, as applicable, may proceed as set out in Articles 34 and 35.

Retaliation or Bad Faith Complaints

48. Retaliation against any person involved in a disclosure or formal complaint (e.g. Complainant, witnesses and/or other person) of harassment is prohibited and is a breach of the *Code of Conduct*. The ANDP will investigate all complaints of retaliation in accordance with the procedures set out in the *Code of Conduct* and individuals who engage in retaliation will be subject to penalties set out in the *Code of Conduct*.
49. The ANDP recognizes the serious nature of disclosures or formal complaints made under this policy, and any allegations of harassment made that are shown to be malicious, fraudulent and/or vexatious are a breach of the *Code*

of Conduct. The ANDP will investigate all potential malicious, fraudulent and/or vexatious claims of harassment in accordance with the procedures set out in the *Code of Conduct*, and individuals who make bad faith complaints of harassment will be subject to penalties set out in the *Code of Conduct*. A disclosure or formal complaint made in good faith is not a violation of this policy or the *Code of Conduct* even if it is not proven in the complaint process.

Privacy and Confidentiality

50. All records associated with any disclosures or complaints will be maintained in a secure location, separate from a good faith Complainant employee's personnel file, from a Respondent employee's file where the complaint is dismissed, or other information retained about a good faith Complainant volunteer.
51. Privacy and confidentiality are essential for maintaining an environment where those who have experienced harassment feel safe in disclosing their experience and making a complaint. The privacy and confidentiality of good faith Complainants will be protected to the extent possible.
52. When an individual has made a harassment disclosure or complaint, exceptions to privacy may occur when:
 - 52.01 there is a likely risk of imminent and serious harm to an individual's self or others,
 - 52.02 there is a legal proceeding involving the ANDP, or
 - 52.03 reporting or action is required or authorized by law.
53. Other than disclosure set out in Article 54, parties involved in an investigation (including the Complainant, the Respondent, and witnesses) shall not disclose the names of any other party, or any circumstances related to the complaint, except as necessary to report an incident, to fully participate in an investigation, and/or to take necessary corrective action flowing from an investigation.

54. A Complainant and a Respondent may disclose to an elder, therapist, counsellor, or other medical practitioner details of the complaint as part of the healing process.

Enquiries

55. Enquiries about this policy and related procedures can be made to the HRO at hro@albertandp.ca .

Date:

Alberta New Democratic Party
Code of Conduct, Conflict of Interest and Confidentiality

Statement of Principle

The Alberta New Democratic Party (ANDP) relies on the efforts of its employees and volunteers to help promote social democracy in Alberta and to establish and maintain a social democratic government in the province. All of its programs and initiatives support this mission, and all who work for or on behalf of the ANDP understand and are loyal to this mission and purpose. As a result, the ANDP expects all employees and volunteers to meet the highest standard of professional and ethical conduct.

Application

1. This *Code of Conduct, Conflict of Interest and Confidentiality (Code of Conduct)* applies to all employees of the ANDP, as defined in Article 7 of the Collective Agreement between the ANDP and COPE Local 397 (the Collective Agreement) or those hired under contract, and individuals who are volunteering on or with ANDP Constituency Associations, Provincial Executive, party Caucuses, or election campaigns, and individuals who are appointed as Senior Volunteers by the Provincial Secretary (volunteers).

Purpose

2. This Code of Conduct defines the standards of behaviour expected of employees and volunteers to ensure that:
 - 2.1. the ANDP is effective, open, and accountable,
 - 2.2. employees and volunteers have productive and supportive relationships with each other and other persons who interact with the ANDP, and
 - 2.3. the ANDP promotes a working environment that values respect, fairness, integrity, diversity, and collaboration.
3. All employees and volunteers of the ANDP must act with honesty, integrity, and transparency in all their dealings with each other and as representatives of the ANDP.

4. All employees and volunteers should ensure they have read and comply with this *Code of Conduct*.
5. Nothing in this code overrides rights and obligations found in the Collective Agreement or any other rights or obligations found in law.

General Conduct

6. Volunteers must maintain the highest standards of behaviour in the performance of their duties by:
 - 6.1 fulfilling their role as outlined in the written *Scope of Duties for Volunteers* and/or the *Guide for Constituency Association Leadership*, as applicable,
 - 6.2 performing their volunteer role to the best of their ability in a safe, efficient, and competent way,
 - 6.3 following any instructions or directions reasonably given to them by ANDP employees, Table Officers of the Provincial Executive (Table Officers), or Senior Volunteers as applicable.
7. Both employees and volunteers must:
 - 7.01 act honestly, responsibly and with integrity,
 - 7.02 treat others with fairness, equality, dignity, and respect,
 - 7.03 always communicate respectfully and honestly, while allowing for differences of opinion,
 - 7.04 follow the ANDP's policies and procedures including the *Human Rights and Accommodation Policy*, and the *Anti-Harassment Policy*,
 - 7.05 raise concerns about possible breaches of this code or ANDP policies witnessed by the employee or volunteer in the course of their role,
 - 7.06 act in a way that is in line with the purpose and values of the ANDP and that enhances the work of the ANDP, and

7.07 observe safety procedures, including any obligations concerning the safety, health, and welfare of other people.

8. Employees and volunteers must obey all applicable municipal, provincial, and federal laws and regulations including the *Alberta Election Act* and *Election Finances and Contributions Disclosure Act*, as applicable, while carrying out their duties on behalf of the ANDP.

Conflict of Interest

9. A conflict of interest arises where it may be reasonable to believe that an employee or volunteer might be influenced in making decisions for the ANDP by some personal relationship, interest or duty not related to their duties to the party.
10. When carrying out their duties on behalf of the ANDP, every employee or volunteer must make decisions in the best interest of the ANDP free from the influence of other interests.
11. Every employee or volunteer must not use their position with the ANDP to obtain an advantage for themselves, friends, or relatives.
12. To avoid a conflict or an appearance of a conflict of interest, every employee or volunteer is obligated to disclose any known or potential conflicts of interest as soon as they arise. Employees must disclose the known or potential conflict to their direct supervisor. Volunteers must disclose the known or potential conflict to the Constituency Association President, Provincial Executive President, the party Caucus Chair, or campaign manager as applicable.
13. If the supervisor, President, or Chair, or manager, as applicable, determines that a conflict exists, the employee or volunteer must not participate in any decision-making that may be affected by the conflict.
14. If the employee or volunteer disagrees with a decision made under Article 13, the employee or volunteer may make a complaint as set out under Article 30 of this code.
15. Nothing in this code shall prevent an employee, volunteer, or their immediate family from entering business or employment relations with the ANDP provided that this code is observed.

Social Media, Public Statements and Confidentiality

16. Any employee or volunteer identifying themselves as an ANDP employee or volunteer on social media may affect the ANDP's reputation and must uphold the values of the ANDP.
17. All employees and volunteers must not use social media to harass, threaten or discriminate against other employees or volunteers in violation of this code, the *Human Rights and Accommodation Policy*, or the *Anti-Harassment Policy*.
18. In accordance with the privacy protections found under Article 59 and in the *Human Rights and Accommodation* and *Anti-Harassment Policies*, in the event an employee or volunteer makes a request or complaint under the *Human Rights and Accommodation Policy*, or a complaint under the *Anti-Harassment Policy*, the employee or volunteer must not use social media to disclose any facts pertaining to the request or complaint prior to a final decision being made on the request or complaint.
19. Employees and volunteers must not provide a false, defamatory, or misleading statement, declaration, document, record, or claim, including any claims or postings on social media, in respect of the ANDP, its volunteers, employees, candidates, or ANDP Members of the Legislative Assembly (MLA's), and shall always strive to make public statements that are accurate.
20. Respecting the privacy of donors, members, employees, volunteers, candidates, and MLA's is a basic value of the ANDP. Employees and volunteers must not improperly disclose, during or after their involvement with the ANDP ends, confidential information gained during their role with the ANDP.
21. Nothing in this code shall prevent any employee or volunteer from expressing their sincerely held political opinions.

Complaints

22. The Human Rights and Ethics Officer (HRO) is an employee of the ANDP who is trained and assigned to investigate requests and complaints, under this code, the *Human Rights and Accommodation Policy*, and the *Anti-Harassment Policy*, in a fair and unbiased way.

23. Complaints must be made within 90 days after the discovery of the alleged breach.

Informal Resolution

24. Where appropriate and an individual believes there has been a breach of this policy, they are encouraged to inform the individual committing the alleged breach that the behaviour is unwelcome and ask them to stop.

25. If discussing the behaviour with the offending individual does not resolve the issue or if they are uncomfortable approaching the individual, the individual affected by the breach is encouraged to inform the Human Rights and Ethics Officer (HRO).

26. Once informed, the HRO should contact the individual alleged to have committed the breach to develop a mediation plan to informally resolve the complaint.

27. When developing the mediation plan, the HRO shall appoint a Mediator to assist the parties to resolve the complaint.

28. If either party is an employee of the ANDP and the Collective Agreement is applicable, they may request that a union representative be involved in any mediation plan.

29. If the complaint is informally resolved, no further steps are necessary.

Formal Complaints Procedure

30. A complaint about an employee or volunteer breaching this code, Articles 76, 77 or 82 of the *Human Rights and Accommodation Policy*, or Articles 48, 49 or 53 of the *Anti-Harassment Policy* may be made by any employee, volunteer, candidate, or MLA (the Complainant). The complaint is made by emailing the details of the complaint to the HRO at hro@albertandp.ca.

31. The Provincial Secretary may also refer a complaint to the HRO in the event they become aware of a potential breach of this code or other ANDP policy. The referral will then be dealt with in the same way as other complaints, set out in Article 30, with the Provincial Secretary in the place of the Complainant.

32. Complaints must identify specific articles of the code or ANDP policy that are alleged to have been breached and provide details of the breach including names of the accused individual, witnesses, dates, and the forum in which alleged breach has occurred.
33. Upon receiving a complaint, the HRO must notify the volunteer or employee named in the complaint (the Respondent) of the details of the complaint and request a written response.
34. The HRO may request further supporting documentation from the Complainant and/or the Respondent.
35. After carefully considering all the circumstances, the applicable articles of this code or other ANDP policy, and the evidence of the Complainant and Respondent, the HRO must determine, on the balance of probabilities, whether the Respondent has breached this code or other applicable policy.
36. If the HRO determines there has not been a breach of this code or other policy, the HRO must clearly communicate the reasons for the decision to the Complainant and Respondent and the complaint will be dismissed.
37. If the HRO determines there has been a breach of this code or other ANDP policy named in the complaint, the HRO must provide the details of the complaint and the reasons for their decision to the Provincial Secretary or to the President of the Provincial Executive (the President) if the complaint has been referred to the HRO by the Provincial Secretary.
38. The Provincial Secretary or the President, as applicable, must review all the evidence, the article of this code or other ANDP policy alleged to have been breached, and either confirm or reverse the decision of the HRO based on the balance of probabilities.
39. Once a decision is made, the HRO must clearly communicate the reasons for the decision to the Complainant and Respondent and notify them of their right to request a review of the decision.
40. If a finding of a breach of this code or other policy is made, in the case the Respondent is an employee, the Provincial Secretary may proceed with discipline in accordance with Article 14 of the Collective Agreement. In the case the Respondent is a volunteer, the Provincial Secretary may:

40.1 warn the respondent that any further breaches will result in a change to or removal from their volunteer position,

40.2 immediately change or remove them from the volunteer position, depending on the seriousness of the breach,

40.3 refer the matter to the Table Officers to pursue discipline in accordance with Article 16 of the *Constitution*, or

40.4 pursue any or all of the above.

41. If a complaint is made under Article 30 against the Provincial Secretary or a Table Officer, another Table Officer must be appointed to investigate the complaint in the place of the HRO. The Table Officer who is the subject of the complaint (if applicable) must recuse themselves from the appointment decision, and the Table Officers must appoint another Table Officer to investigate the complaint in accordance with articles 32 to 36.

42. If a complaint is made under Article 30 against the Provincial Secretary or a Table Officer, other than the President, and the investigating Table Officer makes a finding that there has been a breach of this code or another ANDP policy, the President must review all the evidence, the article of this code or other ANDP policy alleged to have been breached, and either confirm or reverse the decision of the Table Officer based on the balance of probabilities. The President may appoint another Table Officer to jointly make the decision with them. With respect to the complaint, the decision of the President or President and other Table Officer is final.

43. If a complaint is made under Article 30 against the President and the investigating Table Officer makes a finding that there has been a breach of this code or another ANDP policy, the First Vice President must review all the evidence, the article of this code or other ANDP policy alleged to have been breached, and either confirm or reverse the decision of the Table Officer based on the balance of probabilities. The First Vice-President may appoint another Table Officer to jointly make the decision with them. With respect to the complaint, the decision of the First Vice-President or First Vice-President and other Table Officer is final.

44. If a finding of a breach of this code or other policy is made with respect to Articles 42 or 43, in the case the Respondent is the Provincial Secretary, the Table Officer may proceed with discipline in accordance with the Provincial Secretary's employment contract. In the case the Respondent is a Table Officer, the other Table Officers may:

44.1 warn the respondent that any further breaches will result in a pursuit of discipline in accordance with Article 16 of the *Constitution*, or

44.2 pursue discipline in accordance with Article 16 of the *Constitution*, depending on the seriousness of the breach.

Complaint Reviews

45. Other than complaints made under Articles 42 & 43, if either the Complainant or Respondent is not satisfied with the decision on the complaint or believes that the complaint has not been handled in accordance with this code, they may request a second opinion from a Complaint Review Panel by informing the Provincial Secretary of this request within 14 days of receiving details of the decision by emailing review@albertandp.ca.

46. If the complaint was referred by the Provincial Secretary, in accordance with Article 31, the Respondent may inform the President of their request for a second opinion from a Complaint Review Panel as set out in Article 45.

47. After receiving the request for a Complaint Review Panel, the Table Officers must strike a panel consisting of three Table Officers. If the President checked the decision on a complaint, as set out in Articles 37 and 38, the President must refrain from deciding on the composition of the Complaint Review Panel.

48. After receiving notice of the request, the Provincial Secretary must provide, to the Complaint Review Panel, all documents and other evidence considered by either of the HRO, the Provincial Secretary or the President, and the reasons for the decisions made.

49. If the Complainant or Respondent is an employee of the ANDP and the Collective Agreement is applicable, the employee may request that a union representative represent them for the review.

50. The Complaint Review Panel must inform the other party of the request for a review and ask for a written response within 14 days of receiving notice of the review. The panel must then review all documents and other details provided by the Provincial Secretary, the Complainant, and the Respondent, and provide the parties, and union representative, if applicable, with copies of any documents the parties have not already received.

51. In making their decision, the Complaint Review Panel must consider, on the balance of probabilities, the meaning of the article of the code or other policy alleged to have been breached, the Complainant's submissions, the Respondent's submissions, and the reasons for the decision of the HRO, the Provincial Secretary or President, or both as applicable.

52. If the Complaint Review Panel is satisfied that there is sufficient information to decide, the panel must decide on the Complaint Review request and provide written reasons to the Provincial Secretary, the Complainant, and the Respondent.

53. The Complaint Review Panel may decide they wish to obtain further information from the Provincial Secretary, the Complainant, or the Respondent. If further information is requested by the panel, the panel may choose to receive the information by written, online, or in person submission.

54. Once the Complaint Review Panel has decided, after receiving further information in accordance with Article 53, they must provide their reasons as set out in Article 52.

55. The decision of the Complaint Review Panel is final.

56. If a finding of a breach of this code or other policy is made, in the case the Respondent is an employee, the Provincial Secretary may pursue discipline as set out in Article 40. In the case the respondent is a volunteer, the Table Officers may:

56.1 warn the Respondent that any further breaches will result in a change to or removal from their volunteer position,

56.2 immediately change or remove them from the volunteer position, depending on the seriousness of the breach,

56.3 require some other action to address the matter,

56.4 pursue discipline in accordance with Article 16 of the *Constitution*, or

56.5 pursue any or all of the above.

Retaliation or Bad Faith Complaints

57. Retaliation against any person involved in a complaint under this code, in accordance with Article 76 of the *Human Rights and Accommodation Policy* or the Article 48 of the *Anti-Harassment Policy*, is prohibited and is a breach of this code. All complaints of retaliation will be dealt with as a complaint under Article 30 of this code and are subject to the discipline in accordance with Article 40.

58. The ANDP recognizes the serious nature of complaints made under this code, the *Human Rights and Accommodation Policy* or the *Anti-Harassment Policy*. Any complaints made under this code, as set out in Article 77 of the *Human Rights and Accommodation Policy* or as set out in Article 49 of the *Anti-Harassment Policy* that are shown to be malicious, fraudulent and/or vexatious are a breach of this code. All bad faith complaints will be dealt with as a complaint under Article 30 of this code and are subject to discipline in accordance with Article 40.

Privacy and Confidentiality

59. Privacy and confidentiality are essential to maintain an environment where individuals feel safe in disclosing a complaint under this code or other ANDP policies. The privacy and confidentiality of complainants will be protected to the extent possible.

60. When an individual has made or responded to a complaint, exceptions to privacy may occur when:

60.1 there is likely risk of imminent and serious harm to an individual's self or others,

60.2 there is a legal proceeding involving the ANDP, or

60.3 reporting or action is required or authorized by law.

Enquiries

61. Enquiries about this code and related procedures can be made to the HRO at hro@albertandp.ca .

Date:

Alberta New Democratic Party

Human Rights and Accommodation Policy

Statement of Principles

The Alberta New Democratic Party (ANDP) is committed to fostering an inclusive workplace where all employees and volunteers are treated with respect and dignity.

The ANDP will act in a manner consistent with its obligations under the *Alberta Human Rights Act*.

The ANDP will provide a workplace that ensures equal opportunity and treatment free from discrimination based on race, religious beliefs, colour, gender (including pregnancy or childbirth), gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, source of income, or sexual orientation.

The ANDP will meet its legal and ethical responsibility to provide workplace accommodation, to the point of undue hardship. The purpose of accommodation is to ensure that individuals who are otherwise able to work or volunteer are not discriminated against by being excluded from doing so when working conditions can be adjusted without causing undue hardship to the ANDP.

The ANDP is committed to civility and human dignity and welcomes a diversity of perspectives. It recognizes and rejects behaviours that are harmful to mutual respect.

Application

1. This policy applies to all individuals volunteering on ANDP Constituency Associations, Provincial Executive, party Caucuses, during election campaigns and Senior Volunteers, as appointed by the Provincial Secretary, and current employees and applicants for employment of the ANDP, including full and part-time, casual, contract, permanent, and temporary employees. This policy also applies to employees on approved leave including short and long-term disability leave.

2. This policy applies to all aspects of employment for the ANDP including, but not limited to, recruitment, selection, training, promotion, transfers, work arrangements, compensation and benefits, and termination of employment. The policy also applies to the aspects of assigned volunteer duties, as set out in the *Scope of Duties for Volunteers* and *Guide for Constituency Association Leadership*, for those volunteers set out in Article 1.
3. Any acts of discrimination or harassment, as outlined in the *Anti-Harassment Policy*, by any individuals, while carrying out assigned duties for the ANDP, is strictly prohibited. Complaints related to harassment are addressed under the *Anti-Harassment Policy*.
4. This policy does not create an employment relationship between the ANDP and any individual carrying out volunteer service for the ANDP.
5. No decision regarding accommodation under this policy shall interfere with an employee's Sick Leave and Leave of Absence rights under the Collective Agreement between the ANDP and COPE Local 397 (the Collective Agreement).
6. This policy is not intended to discourage any person from exercising their rights pursuant to any other laws including the *Alberta Human Rights Act*, the *Occupational Health and Safety Act* or the Collective Agreement .

Definitions

7. Worker means any employee or volunteer outlined in Article 1 above.
8. Supervisor means, in the case of an employee, the employee's direct supervisor in the workplace. In the case of a volunteer, it means the President of a Constituency Association, the President of the Provincial Executive, a Chair of a party Caucus, the Provincial Secretary, or a Campaign Manager as applicable.
9. The Human Rights and Ethics Officer (HRO) is an employee of the ANDP who is trained and assigned to investigate requests and complaints, under this policy, *the Code of Conduct*, *Confidentiality and Conflict of Interest* (the *Code of Conduct*), and the *Anti-Harassment Policy*, in a fair and unbiased way.

10. Workplace means any environment, including the telephone or online environment, where a worker is carrying out assigned duties for the ANDP.
11. Accommodation means taking reasonable steps to adjust rules, policies, practices, duties or situations, related to advertising, and interviewing for prospective employment, or carrying out the worker's employment or volunteer duties, that have a negative impact on the worker, and the applicant or worker has a characteristic, or a perceived characteristic protected under the *Alberta Human Rights Act*. Reasonable accommodation does not have to be instant or perfect accommodation.
12. Undue hardship occurs when accommodation adjustments to the workplace or duties would be prohibitively expensive, create undue risks to health or safety, are unduly disruptive to the Collective Agreement, cause substantial detrimental effect on other volunteers or ANDP employees, or seriously undermine the ability of the ANDP to conduct its main objectives.
13. Discrimination occurs when an individual, covered by this policy, who has a characteristic or perceived characteristic that is protected from discrimination under the *Alberta Human Rights Act* and outlined in the Policy Statement above, experiences a negative impact (due to a decision, rule, policy, practice, or behaviour made by the ANDP), based on their protected characteristic or perceived characteristic. It is not considered discrimination when the ANDP decides to create gender parity as required under Article 6.02 of the *Constitution of the Alberta New Democratic Party* (the *Constitution*).

Accommodation Responsibilities

14. Accommodation is a shared responsibility between workers and the ANDP and is assessed on the unique circumstances of each individual.
15. The ANDP is responsible for:
 - 15.01 eliminating barriers that prevent people from accessing, or being included in, the workplace,

15.02 minimizing the need for individual accommodation by regularly reviewing rules, policies, and practices to ensure that they are not discriminatory,

15.03 assessing employment/volunteer duties and rules to ensure they are bona fide requirements (BFR) of the job or volunteer service as:

15.03.1 the duties or rules were adopted for a rational purpose connected to the performance of the job or service,

15.03.2 the duties or rules were adopted in an honest and good faith belief that they were necessary to the fulfillment of the job or service, and

15.03.3 the duties or rules are reasonable and necessary for the fulfillment of the job or service,

15.04 ensuring that all workers and job applicants are advised of their right to be accommodated,

15.05 dealing with requests for accommodation in a timely, confidential, and sensitive manner,

15.06 providing individual accommodation to the point of undue hardship,

15.07 ensuring this policy is effectively implemented.

16. The HRO is responsible for:

16.01 identifying barriers that prevent people from accessing, or being included in, the workplace,

16.02 dealing with requests for accommodation in a timely, confidential, and sensitive manner,

16.03 initiating a discussion about accommodation when they have been informed by a supervisor that a worker may have a need for accommodation, but is unable, for any reason, to articulate that need,

16.04 informing workers, requiring accommodation, what information they need to provide to be accommodated,

16.05 generating accommodation options based on the information provided about the individual's accommodation needs, the bona fide requirements of the position, and the ANDP's objectives and responsibilities,

16.06 involving workers requiring accommodation in the search for accommodation,

16.07 informing the worker of the decision on their accommodation request and the reasons for the decision,

16.08 forwarding all relevant documentation, and any other relevant information, to an Investigator where applicable,

16.09 reviewing any accommodation measures provided to a worker on a reasonable basis to confirm they continue to be necessary and effective.

17. Workers are responsible for:

17.01 making their accommodation needs known (which does not require the disclosure of the specific cause of their needs but only the effects which create the need for accommodation),

17.02 making timely disclosure of their accommodation needs, preferably before adverse consequences are experienced,

17.03 helping to identify potential accommodation options,

17.04 providing documentation in support of their request for accommodation, including information about any restrictions or limitations,

17.05 participating in an Independent Medical Examination (IME), where necessary in accordance with Appendix "A",

17.06 participating in discussions about possible accommodation solutions, and

17.07 accepting an offer of accommodation that meets their needs, even if it is not their preferred accommodation option.

Procedure for Accommodation Requests

Job Applicants

18. When contacting individuals for an interview, the interviewer for the ANDP must advise job applicants of this policy and inform them that they can request accommodation to participate in the hiring process.
19. If requested, the HRO must evaluate the job applicant's request for accommodation by considering the applicable factors set out in Article 27 and may request more information from the applicant to facilitate the accommodation.
20. If a request for accommodation is denied, the reasons why must be clearly communicated to the job applicant.

Workers

21. Accommodation needs may be identified through supervisor and worker collaboration in response to concerns raised by the supervisor or the worker.
22. If the worker and supervisor can informally address the worker's accommodation needs, no further steps are necessary.
23. A supervisor may initiate an inquiry into a worker's need for accommodation or a worker may request accommodation by notifying the HRO by email at hro@albertandp.ca. A supervisor or worker should request accommodation as soon as a need is identified.
24. Once a request is received, the HRO must document the request, including the worker's name, position, date of the request, the personal characteristic that is protected from discrimination under this policy, any further details provided by the worker, and any accommodation options suggested by the supervisor or the worker.

25. The HRO may request supporting documentation from the worker to identify accommodation needs and options.
26. When dealing with an accommodation request based on disability, the HRO should refer to Appendix “A” for guidance on asking for medical information to support the accommodation request.
27. The HRO must consider accommodation options based on the worker’s personal characteristic that is protected from discrimination, the bona fide requirements of their job or volunteer duties, their functional limitations in performing these duties, the accommodation preferences of the worker and the ANDP, the obligations of the ANDP to employees under the Collective Agreement, and any undue hardship the ANDP may experience if an accommodation is provided.
28. The HRO may decide on an option that is less costly or easier to provide, when it meets the worker’s accommodation needs. In addition, if approved, accommodation will be provided after a reasonable period of time following the worker’s or supervisor’s request allowing for the HRO to make the decision on accommodation after all information, as set out in Articles 21 to 27, as applicable, has been assessed.
29. Once a decision is made, the HRO must clearly communicate the reasons for the decision to the worker and notify them of their right to request a review of the decision.
30. If the available accommodation options raise the likelihood of causing undue hardship for the ANDP, the HRO must refer the matter to the Provincial Secretary for a decision.
31. The Provincial Secretary must ensure that all accommodation options short of undue hardship have been considered prior to refusing accommodation.
32. If a request for accommodation is then approved, the Provincial Secretary will refer the matter back to the HRO to communicate the decision to the worker.
33. If a request for accommodation is denied, the Provincial Secretary must clearly communicate the reasons to the worker and inform them of their right to request a review of the decision.

Independent Reviews of Accommodation Decisions

34. If a worker is denied accommodation, is not satisfied with the accommodation offered, or believes that their request has not been handled in accordance with this policy, they may request an Independent Review by informing the Provincial Secretary and the President of the Provincial Executive (the President) of this request within 14 days of receiving details of the decision by emailing review@albertandp.ca.
35. After receiving notice of the request, the Provincial Secretary must provide, to the President, all documents and other evidence considered by either of the HRO or the Provincial Secretary, and the reasons for the decisions made.
36. If a worker is an employee of the ANDP and the Collective Agreement is applicable, the worker may request that a union representative be present with them for the review.
37. The President must inform any other parties, affected by the decision, of the request for a review and ask for a written response within 14 days of receiving notice of the written request.
38. The President must then appoint a third-party Investigator and inform the worker and Provincial Secretary of the identity of the Investigator. If the worker, or any other party, has any concerns regarding a conflict of interest or potential conflict of interest of the Investigator, the President shall consider their concerns and appoint an alternate investigator if a conflict of interest or potential conflict of interest is substantiated.
39. The Investigator must then review all documents and other details provided by the HRO, Provincial Secretary and the worker, and must provide the worker, and union representative, if applicable, with copies of any documents the worker has not already provided or received.
40. In making their decision, the Investigator must consider, on the balance of probabilities, the worker's personal characteristics protected from discrimination under this policy, their restrictions and limitations that can be proven by the facts provided, the bona fide requirements of the specific job or volunteer service performed by the worker, the worker's and the ANDP's

preference for accommodations, if applicable, and any undue hardship the ANDP may experience.

41. If the Investigator is satisfied that there is sufficient information to decide, they must decide on the accommodation request, after considering all factors set out in Article 40 above, and provide written reasons to the Provincial Secretary and the worker.
42. The Investigator may decide they wish to obtain further information from the Provincial Secretary or the worker. If further information is requested, they may choose to receive the information by written, online, or in person submission.
43. Once the Investigator has decided, after receiving further information in accordance with Article 42, they must provide their reasons as set out in Article 41.
44. The decision of the Investigator is final.

Discrimination Disclosure/Complaint Responsibilities

45. Other than the accommodation requests set out above, and conduct that meets the requirements of harassment and is dealt with under the *Anti-Harassment Policy*, where a worker or job applicant believes that:
 - 45.01 they have experienced a negative impact because of a decision, rule, policy, practice, or behaviour of an employee or a Table Officer of the Provincial Executive (Table Officer),
 - 45.02 they have a personal characteristic or perceived personal characteristic that is protected under this policy, and
 - 45.03 the characteristic was a factor in their negative experience, they may make a complaint under this policy.
46. The ANDP is responsible for:

46.01 ensuring that all workers or job applicants are advised of their right to make a complaint under this policy where they meet the circumstances set out under Article 45,

46.02 dealing with complaints in a timely, confidential, and sensitive manner,

46.03 ensuring that all complaints are thoroughly investigated,

46.04 taking appropriate action when discrimination is established to ensure that discrimination is discouraged, and

46.05 ensuring this policy is effectively implemented.

47. The HRO is responsible for:

47.01 assisting an individual who makes a disclosure indicating they have experienced discrimination by contacting any other individuals, involved in the potential discrimination, and determining if the matter can be informally resolved,

47.02 informing an individual making a discrimination disclosure what information they need to provide in order to make a formal complaint,

47.03 dealing with complaints in a timely, confidential, and sensitive manner,

47.04 investigating details of the complaint and considering any other information regarding any other individual named in the complaint (the Respondent),

47.05 informing the Provincial Secretary of the decision, the reasons for the decision where a finding of discrimination is made and getting approval of the decision from the Provincial Secretary,

47.06 informing the individual making the complaint (the Complainant) and the Respondent of the decision as to whether discrimination occurred and the reasons for the decision,

47.07 forwarding all relevant documentation, and any other relevant information, to the President and an Investigator, where applicable.

48. The worker or job applicant is responsible for:

48.01 making timely disclosure of the situation where they feel they have experienced discrimination,

48.02 participating in an informal process with the individual(s), involved in the potential discrimination, where they feel safe to do so,

48.03 when they wish to do so, making a formal complaint by providing applicable, sufficient details of:

48.03.1 their protected characteristic or perceived characteristic,

48.03.2 the circumstances that brought about their disclosure,

48.03.3 any witnesses to the potential discrimination, and

48.03.4 any other individuals who participated in the potential discrimination.

48.04 providing any documentation in support of their formal complaint.

49. Complaints must be pursued, either informally or formally, within six months after the date of the alleged discrimination.

Informal Resolution

50. Where a Complainant believes they have suffered discrimination by an employee or a Table Officer (the Respondent), they are encouraged to inform their supervisor. Once the supervisor is informed of the alleged discrimination, the supervisor should inform the HRO. The HRO should then contact the Complainant and the Respondent to develop a mediation plan to informally resolve the complaint.

51. If the alleged discrimination involves the Complainant's supervisor, the complainant is encouraged to inform the HRO to develop a mediation plan to informally resolve the complaint.
52. When developing the mediation plan, the HRO shall appoint a third-party to act as a Mediator.
53. If the Complainant or Respondent is an employee of the ANDP and the Collective Agreement is applicable, they may request that a union representative be involved in any mediation plan.
54. If the Complainant, the Respondent and the HRO can informally address the disclosure of discrimination, no further steps are necessary.

Procedure for Formal Discrimination Complaints

55. If informal resolution is unsuccessful or an individual is not interested in pursuing informal resolution, a worker or job applicant may initiate a formal complaint by notifying the HRO by email at hro@albertandp.ca.
56. Once a complaint is received, the HRO must document the complaint, including the Complainant's name, position, date of the request, the personal characteristic that is protected from discrimination under this policy, and any further details provided by the Complainant.
57. The HRO may request supporting documentation from the Complainant depending on the specific details of the complaint.
58. The HRO must notify the Respondent of the details of the complaint, obtain specific details of their response, and provide those details to the Complainant.
59. The HRO must consider all of the evidence supplied by the Complainant and the Respondent, the requirements for a finding of discrimination set out in Article 13, and determine whether, on the balance of probabilities, the Complainant has been discriminated against.
60. Once the HRO makes the decision, they must provide the details of the complaint and the reasons for their decision to the Provincial Secretary.

61. The Provincial Secretary must review all the evidence, the requirements for a finding of discrimination set out in Article 13, and either confirm or reverse the decision of the HRO based on the balance of probabilities.

62. Once a decision is made, the HRO or Provincial Secretary must clearly communicate the reasons for the decision to the Complainant and Respondent and notify them of their right to request a review of the decision.

63. If a finding of discrimination is made, the Provincial Secretary must:

63.01 inform the President of the decision,

63.02 provide an apology to the Complainant, and

may

63.03 proceed with discipline of the respondent, as outlined in Article 64, and/or

63.04 make changes to ANDP procedures and policies as required.

64. If a finding of discrimination is made:

64.01 in the case the Respondent is an employee, the Provincial Secretary may:

64.01.1 require the Respondent to participate in human rights training,

64.01.2 require the Respondent to apologize to the Complainant,

64.01.3 proceed with discipline in accordance with Article 14 of the Collective Agreement, or

64.01.4 require any or all of the above,

64.02 in the case the Respondent is a volunteer, the Provincial Secretary may:

64.02.1 require the Respondent to participate in human rights training,

- 64.02.2 require the Respondent to apologize to the Complainant,
- 64.02.3 require some other action to address the matter,
- 64.02.4 warn the Respondent that the Table Officers may wish to pursue discipline in accordance with Article 16 of the *Constitution*, or
- 64.02.5 require any or all of the above.

Independent Discrimination Complaint Reviews

65 If a Complainant or Respondent is not satisfied with the discrimination decision or believes that their request has not been handled in accordance with this policy, they may request an Independent Review by informing the Provincial Secretary and President of this request within 14 days of receiving details of the decision by emailing review@albertandp.ca.

66. After receiving notice of the request, the Provincial Secretary must provide to the President, all documents and other evidence considered by either the HRO or the Provincial Secretary, and the reasons for the decisions made.

67. If the Complainant or Respondent is an employee of the ANDP and the Collective Agreement is applicable, they may request that a union representative represent them for the review.

68. The President must inform the other party of the request for a review and ask for a written response within 14 days of receiving the written request.

69. The President must then appoint a third-party Investigator and inform the Complainant, Respondent and Provincial Secretary of the identity of the Investigator. If either the Complainant or the Respondent has any concerns regarding a conflict of interest or potential conflict of interest of the Investigator, the President shall consider their concerns and appoint an alternate Investigator if a conflict or potential conflict of interest is substantiated.

70. The Investigator must review all documents and other details provided by the Provincial Secretary, the Complainant, and the Respondent, and must provide

the parties, and union representative, if applicable, with copies of any documents the parties have not already received.

71. If the Investigator is satisfied that there is sufficient information to decide, they must decide on the discrimination complaint review after considering all factors set out in Article 73 below, and provide written reasons to the Provincial Secretary and the Complainant, and the Respondent

72. The Investigator may decide they wish to obtain further information from the Complainant and Respondent. If further information is requested by the Investigator, the Investigator may choose to receive the information by written, online, or in person submission. Once the Investigator has decided the outcome of the review, they must provide their reasons as set out in Article 71.

73. In making their decision, the Investigator must consider, on the balance of probabilities, the Complainant's personal characteristics protected from discrimination under this policy, the Complainant's evidence regarding the circumstances of their negative experience, the decision, rule, policy, practice of the ANDP, and/or the behaviour and role of an individual carrying out duties for ANDP, the Respondent's evidence, and the reasons for the decision of the Provincial Secretary.

74. The decision of the Investigator is final.

75. If the Investigator makes a finding that a Complainant has suffered discrimination, the Provincial Secretary and/or the Table Officers, as applicable, may proceed as set out in Articles 63 and 64.

Retaliation or Bad Faith Complaints

76. Retaliation against any person involved in a disclosure or formal complaint (e.g. Complainant, witnesses and/or other person) of discrimination is prohibited and is a breach of the *Code of Conduct*. The ANDP will investigate all complaints of retaliation in accordance with the procedures set out in the *Code of Conduct* and individuals who engage in retaliation will be subject to the *Code of Conduct*.

77. The ANDP recognizes the serious nature of disclosures or formal complaints made under this policy, and any allegations of discrimination made that are shown to be malicious, fraudulent and/or vexatious are a breach of the *Code of Conduct*. The ANDP will investigate all potential malicious, fraudulent and/or vexatious

claims of discrimination in accordance with the procedures set out in the *Code of Conduct*, and individuals who make bad faith complaints of discrimination will be subject to the *Code of Conduct*. A disclosure or formal complaint made in good faith is not a violation of this policy or the *Code of Conduct* even if it is not proven in the complaint process.

Privacy and Confidentiality

78. All records associated with any good faith disclosures or discrimination complaints will be maintained in a secure location, separate from a good faith Complainant employee's personnel file, from a Respondent employee's file where a discrimination complaint is dismissed or other information retained about a good faith Complainant volunteer.

79. Other than for the request or review process, all information regarding a job applicant's or worker's request for accommodation will only be shared with persons who reasonably need the information to assess and implement the accommodation.

80. Privacy and confidentiality are essential for maintaining an environment where those who have experienced discrimination feel safe in disclosing their experience and making a complaint. The privacy and confidentiality of Complainants will be protected to the extent possible.

81. When an individual has made an accommodation request or a discrimination disclosure or complaint, exceptions to privacy may occur when:

81.01 there is a likely risk of imminent and serious harm to an individual's self or others,

81.02 there is a legal proceeding involving the ANDP, or

81.03 reporting or action is required or authorized by law.

82. Other than disclosure set out in Article 83, parties involved in an investigation of discrimination (including the Complainant, the Respondent, and witnesses) shall not disclose the names of any other party, or any circumstances related to the complaint, except as necessary to report an incident, to fully participate in an investigation, and/or to take necessary corrective action flowing from an investigation.

83. A Complainant and a Respondent with respect to a discrimination complaint may disclose to an elder, therapist, counsellor, or other medical practitioner details of the complaint as part of the healing process.

Enquiries

84. Enquiries about this policy and related procedures can be made to the HRO at hro@albertandp.ca .

Date:

Appendix “A”

Requesting Medical Information

Gathering and Considering Relevant Medical Information

1. To appropriately accommodate a worker’s disability, the ANDP may require information from a medical professional about the worker’s accommodation needs.
2. The HRO must keep in mind that requesting medical information for the accommodation process requires the balancing of two competing rights: the ANDP’s right to manage the workplace and the worker’s right to privacy.
3. When asking for medical information to support an accommodation request, the HRO must use the least intrusive means possible in order to determine the worker’s functional limitations and what accommodation the worker needs.

Providing Relevant Information and Questions to the Medical Professional

4. The HRO should provide the medical professional with the following information, where applicable:
 - a. description of the worker’s job/volunteer position and function/responsibilities,
 - b. the worker’s working schedule,
 - c. whether the worker is in a safety-sensitive position,
 - d. any other relevant information that is particular to the workplace.
5. The HRO should ask the following questions:
 - a. Does the worker have a disability that requires accommodation?
 - b. What accommodations does the employee require?
 - i. what restrictions or limitations are there to the performance of their duties?
 - c. What is the worker’s prognosis?
 - d. If the employee is off work, are there specific recommendations for accommodation that will facilitate a safe and successful return to work?

- e. For an employee in a safety sensitive position, is the employee medically fit to safely perform their job?
 - i. Does the employee require medication where side effects may prevent them from working in their safety sensitive position?
6. Based on the information provided, the ANDP should be able to determine whether the worker:
 - a. is able to perform the essential duties of their position with appropriate accommodation,
 - b. needs to be moved to a different position due to their accommodation requirements,
 - c. needs to be removed from the volunteer position or off work, as the case may be, and if so, for how long.

Including the Employee in the Accommodation Process

7. The worker has a duty to cooperate in the accommodation process. This can include attending appointments as scheduled, providing complete and accurate information to the medical professional, and, unless sent directly to the ANDP, providing the HRO with the relevant medical information obtained.

Independent Medical Examinations

8. In certain situations, the ANDP can ask a worker to have their accommodation needs assessed by a medical professional who is not their family doctor or specialist. This is called an Independent Medical Evaluation (IME).
9. The situations where the HRO may ask a worker to undergo an IME are:
 - a. when medical information provided by the worker's medical professional is unclear or insufficient, and the HRO has identified the deficiency and asked the medical professional for clarification, but has not received an adequate response, the HRO may request an IME,
 - b. when there is a legislative requirement, or
 - c. when a worker requests the assistance of a specialist.

10. If a worker is asked to undergo an IME, the ANDP will:
 - a. allow the worker to choose a physician from a list of acceptable medical professionals, and
 - b. pay for the cost of the IME.