

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: