



# Preventing and Addressing Harassment

Policy Number AD001

Policy Section: Administration

## Policy Statement

The core values of the ANDP require that cooperation, understanding and mutual respect be the basis of interaction amongst officers, members, employees, campaign staff, caucus staff, volunteers, and the general public. The ANDP does not and will not tolerate or condone behaviours that undermine the dignity or self-esteem of an individual or group, or which give rise to an intimidating, hostile or offensive environment. The ANDP is committed to a harassment free environment at all ANDP activities and functions.

## Purpose

This policy is intended to promote and enhance the well-being of all ANDP members, volunteers, and persons attending events and to foster the values of integrity and trust that are essential to a sound organization. The purpose of this policy is to assist all ANDP members to identify and prevent harassment by establishing procedures for reporting, investigating and resolving incidents and complaints. The goal of the policy is to deal with harassment complaints expeditiously in a fair and reasonable manner and to resolve complaints in a timely fashion.

## Application and Scope

This policy applies to all members, volunteers, and persons attending events of the ANDP including officers, managerial staff and all other employees, caucus staff, campaign staff union releases and volunteers. It applies to all activities and functions of the ANDP, including but not limited to ANDP conferences, training sessions, seminars, social functions, and work assignments that the ANDP directs, organizes, conducts or sponsors.

## Harassment

Harassment occurs when someone is subjected to verbal or physical conduct that is known or ought to reasonably be known as unwelcome. Harassment makes someone else feel uncomfortable or at risk and can occur on a single occasion or on a repeated basis. Under this policy, unwanted physical contact, attention, jokes, demands, insults or inappropriate use of an employment relationship, are harassment when they occur within the context of any of the areas protected under the Alberta Human Rights Act.

Harassment is a form of discrimination that is prohibited under the Alberta Human Rights Act if it is based on one or more of the following grounds: race, religious beliefs, colour, gender, physical or mental disability, age, ancestry, place of origin, marital status, source of income, family station or sexual orientation. The Alberta NDP also recognizes gender identity as an area of protection.

Harassment may include but is not limited to:

- Discriminatory, racist or offensive remarks, jokes, taunts, gestures, emails or offensive pictures that cause embarrassment or discomfort;
- Demands for sexual favours or sexual assault;
- Inappropriate or unwanted physical conduct such as touching, patting or pinching;
- Insulting comments, gestures and jokes of a sexual nature that cause discomfort or embarrassment;
- Inappropriate inquiries or comments about an individual's sex life;
- Threats, intimidation or retaliation against an individual who has initiated a harassment complaint or acted as witness or support person in the harassment process;
- Inappropriate or unwanted, online or social media: comments, likes, shares, or posts.

## **Guidelines and Principles**

This policy strives to respect the rights of all who may be involved in a complaint or a complaint process. The guidelines, requirements and procedures set out in this policy are intended to ensure that individuals feel as comfortable as possible in coming forward with a complaint, without fear of reprisal or retaliation.

### **1. Timelines**

A complaint that is reported more than 90 days after the date of the incident on which the complaint is based, will not usually be pursued, except where it is established that the delay does not result in prejudice against any of the individuals involved, or to the investigation process. We reserve the right to act on any complaint brought after 90 days.

All complaints will be followed up on in a reasonable and appropriate timeline.

### **2. Confidentiality**

A governing principle in respect of any matter that is brought forward pursuant to this policy is confidentiality. Every effort will be made to maintain confidentiality. Without compromising the investigation information may be disclosed, during the complaint process, where necessary:

- (i) to protect the safety or security of any person involved in a complaint;
- (ii) to conduct a proper and fair investigation;

A complainant may disclose to a close friend, family member, a therapist, counselor, other medical practitioner or law enforcement official, details of the complaint as part of the healing process. It is understood that such individual will maintain the confidence of the complainant.

Parties involved in an investigation shall not disclose the names of any other party, or any circumstances related to the complaint, except as necessary to report an incident, investigate a complaint, or take action flowing from an investigation, or to meet legal requirements including the Freedom of Information and Protection of Privacy Act.

### **3. Procedures**

- (i) Complaints should be submitted to the ANDP President or a member of the Table Officers:
  - a. For the purposes of carrying out this policy, ANDP Table Officers shall have authority and responsibility to appoint, from time to time, such designated representatives as it deems necessary.
  - b. In the event that the ANDP President or member of the Table Officers is implicated or is involved in a complaint, they will recuse themselves from any discussion involving the complaint.
- (ii) In circumstances where the ANDP becomes aware that a member, volunteers, or a person attending an events, may have committed or been subjected to, or has been affected by harassing behaviour by another member, volunteers, and persons attending events, the ANDP shall of its own motion take prompt action including a review of the matter, an investigation if necessary, and appropriate remedial action to halt the harassment. The course of action taken by the ANDP will depend upon the particular facts and circumstances involved. In any event, such action will be commenced within 15 days of receipt of the complaint.
- (iii) Either with or without the support and assistance of a party member, a party member, volunteers, and persons attending events, who believes that there has been a breach of this policy at an ANDP activity or function is encouraged to communicate to the person committing the conduct in question, that the conduct in question is unwelcome.
- (iv) If this does not resolve the issue, a complaint may be brought to the attention of the ANDP member in charge of the activity or function. The ANDP member in charge of the activity or function shall forthwith explore the possibility of informal resolution.

- (v) If an informal resolution is not arrived at, the ANDP member responsible for the function or activity shall report the incident and their actions to the President; who will report the incident to the Table Officers as soon as possible. To the best of our ability the Table Officers will as soon as possible assign a designated representative(s) to act as fact finder, who are knowledgeable of the nature of the issue involved in the complaint. The designated representative(s) assigned shall not have a direct relationship to either of the parties to the complaint nor have been involved in the circumstances giving rise to the complaint.
- (vi) The designated representative(s) will separately interview the complainant, the respondent and witnesses, if there are any, and may make recommendations for resolution of the complaint to the parties.
- (vii) If the matter cannot be resolved through this process, the complainant will be asked to put the complaint in writing. The respondent will be provided with the complaint and will be asked to provide a written response. Both parties will be encouraged to consider remitting the complaint to a mutually agreed upon mediator. The complainant shall not be required to go through the informal resolution steps and may submit a formal complaint in writing to the ANDP President or a Table Officer.
- (viii) If the parties choose to not avail themselves of mediation, or if mediation is unsuccessful, the complaint, the response to the complaint and any recommendations for resolution made by the designated representative shall be submitted to the ANDP Table Officers.
- (ix) The merits of the complaint will be evaluated and determined by the ANDP Table Officers. A written decision shall be delivered to the parties in a timely manner. When assessing a complaint, it is important to address the intent of an action, but more important to address the impact of the action. It is also important to note the privilege and power of those involved.
- (x) In the event of a finding of “not in contravention”, no action is taken. In the event of a finding of “contravention”, corrective action shall be taken. In the event of a finding of a frivolous or vexatious complaint, the complaint shall be dismissed.
- (xi) If it is determined the alleged harasser’s conduct falls within the definition of harassment as set out in this policy, appropriate action will be taken, which may include but is not limited to an apology, reprimand, suspension, disqualification from holding office or expulsion from membership.
- (xii) Further, in the event that the alleged harasser is an employee of the ANDP, where appropriate, the Table Officers may hear the matter for consideration of imposition of discipline in accordance with the terms and conditions of the employee’s employment contract or collective agreement as the case may be.

(xiii) Frivolous complaints are those where there is no foundation in fact for bringing a complaint. If a complaint is found to be frivolous it may constitute a form of harassment which may be pursued as a complaint under this policy.

(xiv) When the harassment is committed by a person in a position of authority or power relative to the victim, it is recognized that the effect on the complainant is exacerbated. If such is found to be the case, the resolution should reflect that proportionately. In the event that an employment relationship exists, there shall be no reprisal or retribution for bring forward a complaint.