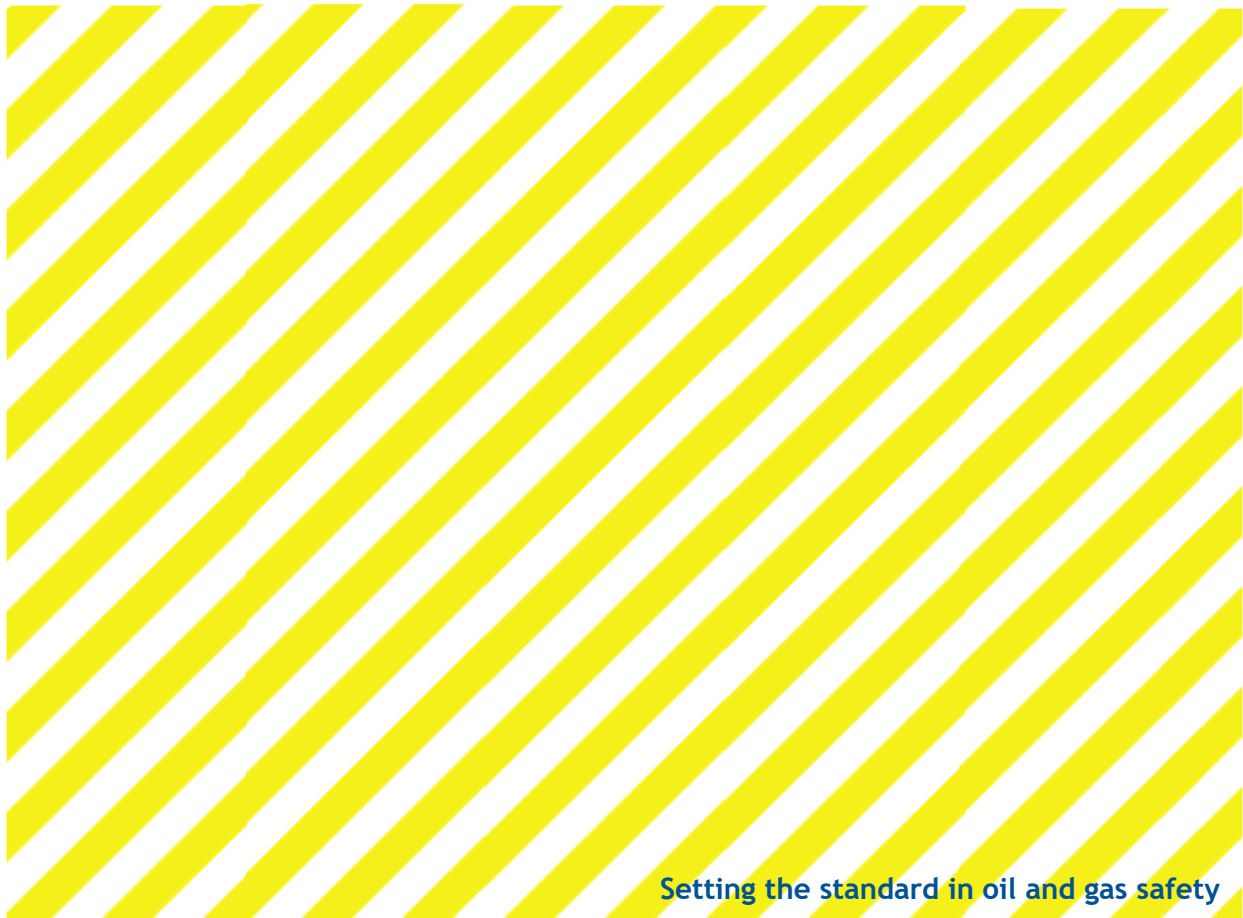




# **CREATING AN EFFECTIVE MANAGEMENT SYSTEM FOR RESPECT IN THE WORKPLACE**

## **A Program Development Guide**

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## **PREFACE**

### **PURPOSE AND SCOPE**

The purpose of this document is to address the development of systems that promote respect in the workplace and meet the requirements of the legislated areas of protected grounds harassment and workplace bullying. A respectful workplace management system is part of a wider system of overall health and safety of workers and ensuring psychological safety in the workplace. Workplace policies and prevention plans will provide knowledge around safety from aggression, assault, and domestic violence that may spill over to the workplace. The scope of this document, therefore, is to discuss strategies and responsibilities for creating respect in the workplace.

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## 1.0 Defining “Respectful Workplace”

Respect can be defined as consideration for yourself and others. This includes respect for a person’s privacy, physical space and belongings; and respect for different viewpoints, philosophies, physical abilities, beliefs and personalities. Respectful behaviour is characterized by treating others with dignity and professionalism. Respect is demonstrated through:

- Courtesy, politeness and kindness
- Encouraging different opinions and ideas
- Avoiding insults, name-calling and putting people down
- Avoiding demeaning or belittling others
- Creating an inclusive workplace
- Promoting a workplace in which all individuals are treated fairly
- Avoiding discriminatory behaviour
- Treating people with respect regardless of individual differences such as race, religion, culture, gender or other characteristics.

Everyone has the right to work in a professional atmosphere that promotes equal opportunity and prohibits discriminatory practices. In a respectful workplace, communication is clear and direct, employees feel supported by their supervisors, managers and supported by the company, and they get along with their peers.

There are three concepts that reflect disrespect in the workplace: incivility, bullying, and protected grounds harassment. Each has the effect of creating a negative or toxic workplace and each has implications for employee turnover, sick leave, reduced performance, reduced commitment and legal action.

## 2.0 Types of Disrespect in the Workplace

### 2.1 Incivility

Workplace incivility can be defined as low-intensity disrespectful behaviour in violation of workplace norms with ambiguous intent to harm the target. Examples of incivility include rudeness, discourteousness, and lack of regard for others<sup>1</sup>.

#### CREATE CIVILITY

- Consider how your words and actions will impact others before you speak or act.
- Be intentional in your communications.
- Act in a manner that creates an inclusive work environment.
- Appreciate the value of diverse opinions and approaches to situations.
- Understand that conflicts will occur in the workplace and take responsibility for your actions, regardless of the situation.
- Guard against acting impulsively based on negative assumptions about another's intent.
- Avoid getting caught up in gossip, complaining and negativity.
- View the day's difficult situations from a broader perspective by considering them relative to the overall scheme.
- Be supportive of your organization in your communications.
- Be respectful in your communications and actions.

In some settings, incivility may be so common that people do not notice it. Examples include: ignoring or making derogatory remarks about someone, taking credit for the work of others, passing blame for your own mistakes, belittling the efforts of others, setting others up to fail, leaving unprofessional voice mail messages, withholding information, shutting someone out of a network or team, avoiding someone, throwing temper tantrums. Such behaviours, if targeted and repeated, can become workplace bullying. It is important to address incivility before it tips over to bullying.

Pearson and Porath (2004) studied the impact of incivility on organizations and reported that targets waste work time worrying about the incident or planning how to cope with it or how to stop future incidents with the perpetrator. Further, as a result of the incivility, about 40 percent reduced their commitment to the organization; 20 percent reduced their work effort intentionally, and 10 percent reported deliberately cutting back the amount of time they spent at work<sup>2</sup>.

<sup>1</sup>Andersson, L.M., & Pearson, C.M. (1999). Tit for tat? The spiraling effect of incivility in the workplace. *Academy of Management Review*, 24, p. 452-471.

<sup>2</sup>Christine M. Pearson, Christine L. Porath (2004). On Incivility, Its Impact and Directions for Future Research. Robert D. Pritchard, Ricky W. Griffin and Anne O'Leary-Kelly. [The Dark Side of Organizational Behavior](#). John Wiley & Sons. p. 412.

## 2.2 Workplace Bullying

Research estimates that 40 percent of Canadians experience workplace bullying at least once per week<sup>3</sup>. Under the Occupational Health and Safety Act in Alberta, bullying is included as a form of harassment and need only occur once. A good general definition of workplace bullying, also referred to as psychological harassment, is provided by the Canadian Centre for Occupational Health and Safety:

*Behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people.*<sup>4</sup>

Some examples of workplace bullying include:

- Spreading malicious rumours, gossip, or innuendo
- Excluding or isolating someone socially
- Intimidating a person
- Undermining or deliberately impeding a person's work
- Physically abusing or threatening abuse
- Removing areas of responsibilities without cause
- Unrealistic workload volume
- Establishing impossible deadlines that set up the individual to fail
- Withholding necessary information or purposefully giving the wrong information
- Making jokes that are obviously offensive by spoken word or email
- Intruding on a person's privacy by pestering, spying or stalking
- Assigning unreasonable duties or workloads that are unfavourable to one person (in a way that creates unnecessary pressure)
- Underwork - creating a feeling of uselessness
- Yelling or using profanity
- Criticising a person persistently
- Belittling a person's opinions
- Unwarranted or undeserved punishment
- Blocking applications for training, leave or promotion
- Tampering with a someone's personal belongings or work equipment.

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<sup>3</sup> 40% of Canadians Bullied At Work, Expert Says. (2011, December 6). CBC News Windsor. Retrieved from <http://www.cbc.ca/news/canada/windsor/40-of-canadians-bullied-at-work-expert-says-1.987450>

<sup>4</sup> Bullying in the workplace. <https://www.ccohs.ca/oshanswers/psychosocial/bullying.html>

The following is an example of how to calculate total costs\* of a bully in your organization:

- Bully's direct manager counseling bully: 80 hours, \$8,000
- Victim's direct manager counselling victim: 150 hours, \$15,000
- Witnesses counselling victim: 100 hours, \$6,000
- HR talking with managers, bully and target: 10 hours, \$1,500
- HR talking with executives about the problem: 5 hours, \$1,500
- HR recruiting and training replacement of victim employee: \$40,000
- Team and department members training new employee: 160 hours, \$10,000
- Actual costs (advertising, temp agency): \$1,000
- Estimated total cost of bully: \$83,000

\*costs are USD Source:

<http://noworkplacebullies.blogspot.com/2009/07/cost-of-workplace-bullying.html>

Cyberbullying is a particular form of bullying that should be specifically addressed in social media and respectful workplace policies. It is harassment using electronic means to spread rumours, post personal information, make threats and sexual remarks, spread hate and stalk electronically. This type of bullying can be anonymous, boundaryless and can have a permanence that general bullying may not have: leaving an electronic trail that cannot be erased. It can have the same severe consequences as general bullying and harassment.

Being the target of workplace bullying is associated with a wide range of psychological, social and physical symptoms including depression, anxiety, trauma, suicidal thinking and acts, body aches, cancers and numerous other health problems<sup>5</sup>. A detailed listing can be found at <https://www.ufv.ca/hrcro/consequences-of-harassment/>.

The implications of workplace bullying include a wide range of negative effects to the organization. Bartlett and Bartlett (2011)<sup>6</sup> conducted a literature review of the impact of workplace bullying on organizations. They found impacts in the following areas:

<sup>5</sup> Field, E., & Ferris, P. (in press). Diagnosis and treatment: Repairing injuries caused by workplace bullying. In P. D'Cruz & E. Noronha (Eds.), *Workplace bullying: Dignity and inclusion at work*. Singapore: Springer Nature Publishing.

<sup>6</sup> Bartlett, J., & Bartlett, M. (2011). Workplace bullying: An integrative literature review. *Advances in Developing Human Resources*, 13, (1), p. 69-84.



- **Productivity:** increased absenteeism, workplace errors and missed deadlines: and decreased performance, loss of creative potential.
- **Costs:** increased health-related issues, increase in health plan costs and worker compensation claims and turnover (necessitating the need for recruitment, marketing, interviewing and training).
- **Culture:** poor peer relationships and ineffective teamwork, lowered moral, toxic culture, decrease in organizational commitment.
- **Legal:** wrongful dismissal lawsuits, harassment and discrimination claims, as well as increased costs of arbitration and grievances.
- **Reputation:** higher incidence of workplace bullying are associated with less effective customer relationships, lower creativity and productivity which, together, can result in a negative reputation.

For a detailed report of costing in the UK, see Giga, Hoel, and Lewis (2008)<sup>7</sup>.

## 2.3 Protected Grounds Harassment

The specific individual identity characteristics covered in different provincial codes are called “protected grounds”, “prohibited grounds” or “applicable characteristics” depending upon the provincial or territorial legislation. Similarly, some protections are not explicitly listed under “prohibited grounds” but are mentioned elsewhere in the Act or Code through principles of interpretation, for example.<sup>8</sup>

Harassment is a form of discrimination. Harassment is a single incidence or pattern of offensive behaviours that create an unproductive and/or poisoned environment, is directed from one person against another person or group on prohibited grounds.

For a description of each of Alberta’s protected grounds, see the AHR Commission information sheets at:

[https://www.albertahumanrights.ab.ca/publications/bulletins\\_sheets\\_booklets/bulletins/Pages/sheets.aspx](https://www.albertahumanrights.ab.ca/publications/bulletins_sheets_booklets/bulletins/Pages/sheets.aspx).

In Alberta there are 15 Prohibited Grounds

1. Race
2. Colour
3. Ancestry
4. Place of origin
5. Religious beliefs
6. Gender
7. Gender identity
8. Gender expression
9. Age
10. Physical disability
11. Mental disability
12. Marital status
13. Family status
14. Source of income
15. Sexual orientation

<sup>7</sup> Giga, Hoel, & Lewis, (2008). The costs of workplace bullying <http://www.workplacebullying.org/costs/>

<sup>8</sup> [www.ccdi.ca](http://www.ccdi.ca)

Examples of protected grounds harassment include<sup>9</sup>:

- Verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts about appearance or beliefs
- The display of pornographic, racist or offensive images
- Practical jokes that result in awkwardness or embarrassment
- Unwelcome invitations or requests, either indirect or explicit
- Intimidation, leering or other objectionable gestures
- Condescension or paternalism that undermines self-confidence
- Unwanted physical contact such as touching, patting, pinching, punching and outright physical assault

## 2.4 Sexual Harassment

Workplace harassment includes sexual harassment, a form of discrimination based on the protected ground of gender, including transgender.

Sexual harassment is any unwelcome sexual behaviour that adversely affects, or threatens to affect, directly or indirectly, a person's job security, working conditions or prospects for promotion or earnings; or prevents a person from getting a job.

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<sup>9</sup> Government of Alberta (2019). *Sexual harassment*.  
[https://www.albertahumanrights.ab.ca/publications/bulletins\\_sheets\\_booklets/sheets/hr\\_and\\_employment/Pages/harassment.aspx](https://www.albertahumanrights.ab.ca/publications/bulletins_sheets_booklets/sheets/hr_and_employment/Pages/harassment.aspx)

Examples of behaviour that constitute sexual harassment include, but are not limited to:

- Sexist jokes causing embarrassment or offense, told or carried out after the joker has been advised that they are embarrassing or offensive, or that are, by their nature, clearly embarrassing or offensive.
- Leering or whistling.
- Displaying of offensive material of a sexual nature.
- Using sexually degrading words to describe a person.
- Drawing attention to a person's sex or sexual orientation and having the effect of undermining the person's role in a professional and business environment.
- Using derogatory or degrading remarks directed towards members of one sex, one sexual orientation, gender identity or gender expression.
- Sexually suggestive or obscene comments or gestures, unwelcome sexual flirtations, advances or propositions.
- Unwelcome inquiries or comments about a person's sex life.
- Unwanted contact or attention after the end of a consensual relationship.
- Requesting sexual favours.
- Unwanted touching.
- Verbal abuse or threats.
- Physical/sexual assault.

A recent study by Employment and Social Development Canada (2017) which explored experiences of harassment, sexual harassment, violence, and sexual violence in the workplace. It found that 60 percent of respondents had experienced some form of harassment, 30 percent had experienced sexual harassment, 21 percent had experienced violence and 3 percent had experienced sexual violence<sup>10</sup>.

A useful tool to assist in deciding whether an incident constitutes harassment may be found: <https://www.canada.ca/en/treasury-board-secretariat/services/healthy-workplace/prevention-resolution-harassment/harassment-tool-employees.html>

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<sup>10</sup> Employment and Social Development Canada (2017). Harassment and sexual violence in the workplace - Public consultation: What we heard. Available from <https://www.canada.ca/en/employment-social-development/services/health-safety/reports/workplace-harassment-sexual-violence.html#h2.2>

Hanger and Moyser (2018) studied workplace harassment in Canada and reported the following impact:<sup>11</sup>

- 13 percent of men and 12 percent of women reported dissatisfaction with their job
- 25 percent of men and 20 percent of women reported planning on leaving their job in the next 12 months
- 23 percent of men and 17 percent of women reported low motivation to do their job
- 30 percent of men and 26 percent of women reported a weak sense of belonging to their organization

Experiencing harassment can impact the health and well-being of individuals through loss of sleep; physical complaints such as stomach aches; distress; loss of confidence; and other physical and mental illnesses.<sup>12</sup>

### 3.0 Giving Constructive Feedback

There are times when employers may need to provide constructive feedback and address performance. When done abusively, this can constitute harassment. However, “reasonable actions taken by an employer or supervisor while managing and directing workers are not considered harassment.”<sup>13</sup>

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<sup>11</sup> Hanger, H., & Moyser, M. (2018). *Harassment in Canadian workplaces*. Available from <https://www150.statcan.gc.ca/n1/pub/75-006-x/2018001/article/54982-eng.htm>

<sup>12</sup> University of Fraser Valley. *Consequence of harassment for the individual*. Available from <https://www.ufv.ca/hrcro/consequences-of-harassment/>

<sup>13</sup> Government of Alberta (2018). *Harassment and violence in the workplace*. Available from <https://open.alberta.ca/dataset/e04784c3-6779-41b5-97ae-183a092e5d93/resource/871d63c7-0525-4378-a876-39266ac96880/download/ohs-workplace-violence-harassment.pdf>

The following do not constitute harassment:<sup>14</sup>

- Carrying out managerial duties in a respectful and professional manner
- Allocating work
- Following up on work absences
- Requiring performance to job standards
- Taking corrective or disciplinary measures when justified
- Excluding individuals for a particular job based on specific occupational requirements necessary to accomplish the safe and efficient performance of the job
- A social relationship welcomed by both individuals
- Friendly gestures among co-workers, such as a pat on the back
- Work related stress does not constitute harassment, but the accumulation of stress factors may increase the risk of harassment.
- Constructive criticism about the work mistake and not the person
- Counselling an employee on his performance appraisal when done in a non-discriminatory or harassing manner.

## 4.0 Impact of Domestic Violence in the Workplace

Domestic violence becomes workplace violence or harassment when it occurs or “spills over” into the workplace. Often, employers do not see domestic violence as a workplace hazard, but it negatively affects the victim, co-workers and the organization. Employers and workers often believe domestic violence is a personal issue, and that workplace parties can do nothing about it. This makes it even harder for a victim to ask for help.

The Canadian Centre for Occupational Health and Safety (CCOHS) states that domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom they have or have had an intimate relationship. It can include many forms of physically or psychologically violent behaviours. There are additional dimensions to violence in a domestic relationship that are unique, such as:

- Using property, pets or children to threaten and intimidate
- Economic abuse such as withholding or stealing money, stopping a partner from reporting to work, or from getting or keeping a job
- Sexual, spiritual or emotional abuse.

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<sup>14</sup> Government of Canada. (2015). *Is it harassment? A tool guide for employees*. Available from <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/health-wellness-public-servants/mental-health-workplace/resources-managers-mental-health-workplace.html>

People experiencing domestic violence often feel isolated. They may feel ashamed or have concerns that their situation will compromise their employment, so they may be afraid to say anything. Similarly, those who suspect an employee may be a victim of domestic violence may be afraid to approach this subject or intervene for many reasons. This further isolation increases the risk to those who experience domestic violence.

Domestic violence could impact the workplace in the following ways:

- Reduced productivity and motivation
- Decreased worker morale
- Potential harm to employees, co-workers and/or clients
- Increased replacement, recruitment and training costs if victims are dismissed for poor performance or absenteeism
- Strained co-worker relations.<sup>15</sup>

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<sup>15</sup> <https://www.workplacestrategiesformentalhealth.com/psychological-health-and-safety/addressing-domestic-violence>

## 5.0 The Legal Landscape

Canada passed legislation defining human rights in 1977 with various provinces passing provincial legislation from 1947 to 1975. Each province determines which rights are covered under their legislation based on the Canadian Act.

Employers should:

- Have a harassment policy
- Have a complaint mechanism in place (who, where to report, coordination)
- Provide corporate awareness of what constitutes harassment/discrimination
- Take a complaint seriously
- Act promptly on complaints and investigate
- Provide complainant with healthy work environment
- Communicate to the complainant its actions in response to complaint.

### 5.1 Alberta Human Rights Act

In Alberta, the AHR Act<sup>16</sup> is based on the principles of:

- Recognition of the inherent dignity and the equal and inalienable rights of all persons
- The equality of persons under grounds protected by the AHR
- Multiculturalism
- Awareness and appreciation of diverse racial and cultural composition of society.

Under the Act, harassment is considered a form of discrimination. The Act outlines; harassment occurs when someone is subjected to unwelcome verbal or physical conduct, unwanted physical contact, attention, demands, jokes or insults are harassment when they occur in any of the areas protected under the AHR Act.

The onus is on the person experiencing the harassment to inform the harasser that the behaviour is unwelcome. Workplace bullying is not addressed within this Act.

Under the AHR Act, employees have obligations for:

- Carry out the duties of their position
- Comply with workplace rules, regulations, policies and legislation

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<sup>16</sup>Government of Alberta. (2018). *Alberta Human Rights Act*. Available from <http://www.gp.alberta.ca/documents/Acts/A25P5.pdf>

- Inform the supervisor or manager of any discriminatory behaviour
- Treat clients, coworkers and the public with respect and dignity
- Ensure that they do not participate in discriminatory conduct based on a protected ground
- Inform the employer of their needs for accommodation based on the protected grounds under the AHR Act.

## 5.2 Provincial Occupational Health and Safety Act

Provincially each province has their own definition and may reside within the occupational health and safety act or elsewhere. In Saskatchewan, harassment is defined within the Saskatchewan Employment Act<sup>17</sup> and in British Columbia, in the Workers Compensation Act<sup>18</sup>.

In Saskatchewan personal harassment is sometimes referred to as bullying. It includes any inappropriate conduct, comment, display, action or gesture by a person that:

- adversely affects a worker's psychological or physical well-being;
- the perpetrator knows, or should know, would cause the worker to be humiliated or intimidated; and
- constitutes a threat to the health and safety of a worker.

In British Columbia the worker is deemed to be bullied and harassed when someone takes an action that he or she knew or reasonably ought to have known would cause that worker to be humiliated or intimidated.

In Alberta, according to the revised Occupational Health and Safety (OHS) Act, employers have a duty to take all reasonable steps to protect workers from being injured in the workplace-both physically and psychologically. Harassment is specifically addressed and includes workplace bullying.

Under all jurisdictions, workplace harassment (including bullying) is viewed like any other hazard identified: a risk to safety that must be addressed.

The Occupational Health and Safety Act in Alberta defines harassment as:

*...any single or repeated incident(s) of objectionable or unwelcome conduct, comment, bullying or action that causes offence or humiliation to a worker, or adversely affects the worker's health and safety, and includes:*

*i. Conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status,*

<sup>17</sup> <https://publications.saskatchewan.ca/api/v1/products/70351/formats/78194/download>

<sup>18</sup> <https://www.worksafefbc.com/en/resources/health-safety/information-sheets/occupational-health-and-safety-hazard?lang=en>



*source of income, family status, gender, gender identity, gender expression, sexual orientation, and*

*ii. Sexual solicitations or advances but excludes any reasonable conduct or an employer or supervisor in respect of their management of the workers or a work site.<sup>19</sup>*

Within this definition, there are two factors that organizations should be aware of. First, harassment now includes workplace bullying, which was not included previously. Second, the Act specifies that a single incident may constitute harassment/bullying. Bullying has typically been defined as repeated, intentional and targeted behaviour, so this updated definition brings a new challenge in managing respect in the workplace and dealing with allegations of one-time incidents of bullying.

Under the AHR and AB OHS Act, employers must, with regards to psychological hazards of harassment and bullying:

- The Joint Occupational Health and Safety Committee or H&S Representative must be included in the process of hazard identification and assessment
- Employers should eliminate or adequately control the hazards to prevent harm to workers. They should conduct hazard assessments and maintain awareness of situations that could put workers at risk of harassment or violence at the workplace
- Provide worker training for recognition and handling of psychological hazards
- Inform all levels of workers of the requirement of reporting and investigative procedures.

The AB OHS Act also brings increased responsibilities to supervisors who must now ensure that employees do not commit or get exposed to harassment. Further, supervisors are responsible for investigating employee reports of workplace harassment. The investigation does not need to be formal and may be delegated to others, such as Human Resources and investigators. Regardless of who conducts the investigation, a supervisor must address incidents promptly.

Finally, organizations should assess those in a supervisory capacity to ensure they are competent and equipped to meet their legal obligations. Having charge over an employee is sufficient enough to be deemed a supervisor. The practical implication of this is that supervisors need training in identifying, managing and investigating allegations of harassment. They also need support from Human Resources and clarification of investigation steps within the policy developed by their organization. Supervisor responsibilities are reviewed in detail in Energy Safety Canada's Safety Bulletin, "Supervisors: Are you prepared?" Issue #08-2018.

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<sup>19</sup> Government of Alberta. (2018). *Occupational Health and Safety Act: Occupational health and safety code*. <https://www.alberta.ca/ohs-act-regulation-code.aspx>

## 5.3 Collective Agreements

Unions must have a process for resolving differences (e.g. arbitration). Collective agreements may have specific clauses for dealing with harassment and bullying that an employer must consider. Best practices include union representation on committees and in the development of policies, procedures, forms and monitoring systems. Unions are also accountable for a respectful workplace.

## 6.0 Developing a Management System

To create a safe and respectful workplace, efforts should be consciously and deliberately planned, and continuously monitored, and organizations should be prepared to respond quickly when incidents occur. Most organizations have some components of a respectful workplace process. For example, most companies have a non-harassment policy, as this has been law for a significant period of time. However, policy alone is not enough.

In a robust program, employees and their managers and supervisors will understand the appropriate response to address individuals involved, sources of support, and more formal processes of complaint. Figure 1 shows a flow chart developed by Ferris (2018), that reflects such processes.

Figure 1 Management System Components



### 6.1 Senior Management Support

Respect in the workplace requires support and resources from top management if the program is to be successful. Making senior management aware of benefits of implementing a program and the risks of not having one, is the key to obtaining their support. If an internal

person cannot confidently supply this, a third-party expert should provide a presentation. Being proactive can save injury, legal, reputational, sickness and disability costs, and management's time. In addition to presenting the risks and liabilities of bullying and harassment, it is important to present a plan to identify, mitigate, train, re-train, monitor and repair any damages incurred by workplace bullying and harassment.

## 6.2 Develop an Internal Team

Preventing and addressing harassment and bullying in the workplace requires a team approach. A "respect in the workplace steering committee" can be helpful for identifying trends in psychological hazards and in developing a program.

Members of such a committee could include: Occupational Health and Safety (OHS) representation, Human Resources (HR), union (if applicable), and employee representation. Another consideration is to identify a contact person. This individual may be referred to as a confidential supporter, peer listener, contact advisor or other suitable title. This is a common approach where HR or OHS have conflicts of interest in certain cases. An employer may consider a few contact people dependent upon the size of the company, the remoteness of work sites, and in cases when two or more parties of an interaction would like multiple view points for help. A contact person may also be external to the organization.

The role of contact person is to provide less formal assistance, especially for people whose manager may be the perpetrator of the bullying or harassment, or for those who deem their manager as not approachable. The contact person can provide assistance with perspective on the issues and take action (or not) at the most appropriate level. The contact person is critical in implementing the policy and should, therefore, understand policy and know the options for resolution. Training for contact people should be provided and updated every few years. Other considerations for contact people could include an external ombudsperson, whistleblower contact or third-party services.

## 6.3 Develop a Policy

A policy provides a declaration of organizational commitment to a healthy workplace and sets expectations around relationships between workers and the company's culture. A policy should, therefore, state the employer's intent and the processes regarding to bullying and harassment.

There has been debate about zero-tolerance policies, as they may violate employment law. A policy that states harassing behaviours will not be tolerated and will be dealt with by the organization is more appropriate. This should include that where a complaint is substantiated, the offending employee may be severely disciplined up to and including dismissal. An alleged perpetrator could be provided appropriate performance management processes that fit with law. The policy should also state that any persons who believe they have been subjected to harassment have a right to report the incident and receive support and help from the employer.

There are legal requirements for minimum policy standard. They both require that a policy provide statements of commitment to preventing and managing harassment (AHR Act) and harassment and bullying (OHS Act). Both require details for: how to report, procedures to be followed, possible outcomes and who will oversee the outcome of any investigation. Best practice suggests that policies provide greater detail rather than less.

## 6.4 Develop Prevention, Reporting and Investigation Procedures and Processes

A well-developed policy and prevention process document should address the following:

- Who is authorized to hold and modify the policy (e.g. Human Resources, Occupational Health? Or jointly owned?)
- Where the policy is stored (e.g. paper, online, posting in the workplace) and review of the policy (time frame and procedures)
- Statement of commitment to a respectful workplace
- Purpose of the policy
- Scope of the policy (e.g. who is covered by the policy: employees, supervisors, customers, suppliers, consultants/contractors)
- Right to report and ask for help
- Outline of a prevention plan (e.g. education, monitoring, training, mitigation)
- Working with the Joint Occupational Health and Safety Committee, when applicable
- Definitions of key terms (e.g. harassment and sexual harassment, discrimination, bullying)
- What is NOT considered harassing behaviour
- Reporting procedures: how to make a complaint, address the issue directly and how to obtain advice
- How to make a formal complaint and that there is no recrimination for reporting
- Confidentiality and record keeping
- Resolution options, both formal and informal
- Investigation procedures
- False accusations
- Support to parties of the complaint.

## 6.5 Develop an Incident Reporting Form

An incident reporting form should collect the following information from the worker:

- Complainant details (e.g. name, position, date)
- Description of the incident
- Witnesses to the incident
- Actions taken by the complainant
- Impact of experiences and whether the complainant accessed medical or counselling services
- What outcomes the complainant would like to see.

Developing a form for the employer assists with determining whether an incident was harassment and options for managing the complaint and should answer:

- What, if any, section of your policy or law has been violated (e.g. harassment, bullying, discrimination, violence)?
- Have you communicated the policy to all employees, including contractors and service providers?
- Do local authorities (RCMP or police) need to be involved (e.g. physical or sexual assault)?
- Was the supervisor a witness or made of aware of it afterwards?
- Did the complainant address the respondent at the time the incident occurred?
- How was the complainant impacted?
- Were others impacted?
- Does the behaviour represent a safety concern?
- Is there a history of incidents between the parties?
- Were there any previous warnings issued and, if so, what were they?
- Was there any apology/remorse for behaviour?
- Is there a willingness to change?

Sample complaint forms are available from the following websites:

- [https://www.shrm.org/resourcesandtools/tools-and-samples/hr-forms/pages/1cms\\_019885.aspx](https://www.shrm.org/resourcesandtools/tools-and-samples/hr-forms/pages/1cms_019885.aspx)
- <https://www.coaa.ab.ca/COAA-Library/WFD-WRS-RPT-01-2011-v1%20Workplace%20Respect.pdf>

## 6.6 Train Workers on Respect in the Workplace

Studies show that although policies may be well-written, they are ineffective if poorly implemented.<sup>8</sup> Employees at all levels of the organization require training on the policy and procedures, concepts and management of harassment in the workplace.

All employees should be trained to respond to workplace harassment, including as a bystander. Emphasis must be placed on the fact that harassment is now defined as a hazard, and hazards must be reported and responded to immediately. All levels require an understanding of the concepts, what is and is not harassing behaviour, the responsibilities of all parties, how to address witnesses who experienced harassment directly, resources, procedures and processes for reporting and investigating.

When an employee is oriented or onboarded the policy should be reviewed and training provided as soon as possible.

At the supervisor level, special attention should be placed on identifying and correcting behaviour, supporting the parties, and conducting an initial investigation if a complaint is made.

Training at the senior level must focus on legal responsibilities and showing commitment to workers in the organization.

Basic employee training should include:

- Laws and policies that employees and employers are accountable for
- Rights and responsibilities of all employees, supervisors, managers and the company
- Emergency procedures for serious incidents and what is considered serious
- How to confront someone about behaviour
- How to intervene as a witness/bystander
- How to receive support and advice
- How to document and report incidents
- How an investigation will be conducted
- Outcomes of investigations
- Process for escalating complaints
- Support available.

Other training initiatives that support a respectful culture include: building resilience, change management, stress management and conflict resolution.

## 6.7 Develop Employer-Specific Resources and Support

Additional resources may be required for employers to fulfil the obligations outlined in the procedures. In cases where there is a lack of training, conflict of interest, or allegations against senior management, investigators are needed. Qualified mediators experienced in cases of workplace harassment and bullying should be considered if the parties require mediation.

It is helpful to have a resource (either on staff or contracted) who coaches company leadership and whomever is managing allegations or investigations of harassment. The role assists in supporting the parties and other staff to manage their emotions and reactions to the situation.

OHS law requires the organization to provide a complainant with a health and safety or human resource professional of their choice for support as a result of experiencing harassment. Employee and family assistance programs usually provide general counselling. Ensure your providers have counsellors trained in dealing with workplace bullying and harassment.

## 6.8 Create a Dialogue

Make a respectful workplace the topic of discussion in meetings, onboarding, and safety discussions. Start meetings with a “Respect Moment” that reviews experiences and solutions to incivility, harassment and bullying. The approach should be based on discussion, the development of mutual respect and meaningful learning where employees learn by hearing other’s experiences.

## 6.9 Monitoring the Program and Assessing Hazards

The respectful workplace program should be monitored long-term. Examples could be through: staff attitude surveys, publicising the number of complaints dealt with, and reviewing the policy every three years or following a serious incident.

All hazard assessments begin at the work site level. These assessments should include potential of harassment, bullying and violence. An employee survey assessing incidents or potential incidents of harassment and bullying will capture additional important information that should be included in action plans. Such surveys can be standard measures, or custom-designed such as “Guarding Minds”.<sup>20</sup> An internal health and safety committee, or a specifically designed committee of leaders (respect leads), can develop an additional risk assessment survey for employees. Such surveys should be anonymous and confidential. They can be jointly developed between Human Resources and HSE professionals and the overall results can be shared with employees. Action plans should be developed to address issues identified.

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<sup>20</sup> <https://www.guardingmindsatwork.ca/resources>

It may be helpful to gather information, such as:

- How many employees feel they have been bullied or harassed in the previous year?
- Description of the incident - what happened and where it occurred.
- Who was the perpetrator (e.g. peer, supervisor, manager, customer, contractor)?
- Whether the incident was reported. If not, why did they not report?
- What was the impact: did they miss work, receive counselling, see their doctor, psychological, physical, family and social network?

Other sources of confidential information that can assist in monitoring and reviewing of policies include:

- Results of staff performance reviews or appraisals
- Anonymous feedback from whistleblower processes
- External ombudsperson feedback
- Exit interviews
- Employee assistance program statistics
- Sickness and absence data.

## 6.10 Investigating/Responding

Supervisors should be trained in conducting an initial investigation of harassment when witnessed or reported. Human Resources personnel should receive training in basic investigation procedures. In cases where there is a conflict of interest (e.g. the supervisor or HR are involved in the case of harassment or know the person or are alleged to have engaged in the harassing behaviour themselves), it is strongly recommended that a third-party investigator be used. Support services may be required to assist those managing complaints and investigations to process their own emotional reactions.



Taking a team approach to the management of complaints is strongly recommended.<sup>21</sup> The team should include Human Resources, trained health and safety committee representative, in-house legal staff, in-house or external investigators and, if present in the workforce, unions. Other resources may be called upon including:

- Executive management or Board of Directors
- IT department or cyber specialist
- Forensic accounting
- Corporate security
- Law enforcement
- Insurance company.

Workplace investigations should be concluded in a reasonable time frame. While this time frame is not specified in the AHR or OHS Acts, legal opinion suggests that investigations should be concluded within 90 days unless there are extenuating circumstances such as multiple witnesses or key witness unavailability due to holidays or sickness. This means that investigations should commence as soon as possible after reporting. Indeed, a supervisor or Human Resources professional should initiate processes such as conferring with their team and other experts, collecting details, etc. immediately.

Procedural justice is very important. This means following your process in a timely and respectful manner. An external investigator is recommended when the complaint is complex, involving multiple respondents (such as in a toxic culture), when the complaint is made against an executive or senior staff member, when bias is perceived, when litigation seems likely, or when special expertise is needed as in the case of sexual harassment/assault.

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<sup>21</sup> Hope, M. (2019). *Investigating Workplace Conflict, Bullying & Harassment Incidents*. Presented March 7, 2019 on behalf of the Calgary Consortium for Civility, Respect, and Dignity at Work. Calgary, AB.

The following steps should be undertaken when investigating<sup>22</sup>:

- Complaint is received through supervisor, OHS or Human Resources.
- Appoint an investigator: internal or external.
- Contact and confirm participation from all parties.
- Determine interim steps (e.g. leave with/without pay, transfer).
- Provide complaint to respondent.
- Interview complainant.
- Interview respondent.
- Interview witnesses.
- Re-interview parties if necessary.
- Make findings and issue report.

For a discussion on the details of the investigative process, and an employer's liability for poor investigations, visit

<https://www.hrpa.ca/HRPACapters/westtoronto/community/Documents/Workplace-Investigations.pdf>

## 6.11 Addressing Injury and Repairing Damage

Injury and damage from harassment and bullying can occur at all levels of an organization. At the individual level, the injury can be severe. The treatment of workplace bullying injury/trauma requires special processes and qualified treatment personnel. It is therefore important to understand whether the corporation's employee and family assistance program (should they have one) has trained counselling professionals or whether another counsellor may be required.

Those who have perpetrated harassment and bullying require discipline and performance management, and generally require coaching and treatment to develop insight, empathy and more effective interpersonal skills. Again, this is a specialized area of treatment and coaching.

The interpersonal relationship between parties may be repaired by a restorative facilitation process that focuses on developing empathy and cooperation or through mediation that focuses on problem resolution. Teams may need trust-building interventions, and organizations may require debriefing to learn from incidents.

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<sup>22</sup> CPHR Alberta (2019). How to conduct an investigation on workplace harassment. Available from <http://www.cphrab.ca/how-conduct-investigation-workplace-harassment>

## 7.0 Keeping the Program Alive

Respect in the workplace is a concept that must be maintained and addressed regularly. It requires ongoing attention, discussion and updating. Training should be conducted yearly, and new employees should receive training in the onboarding process. Safety moments, bulletins, posters, intranet resources and senior management discussion with teams and individuals all assist in keeping the program alive. All employees are responsible for these initiatives and particularly supervisors, health and safety and human resource professionals.

### 7.1 Program Evaluation

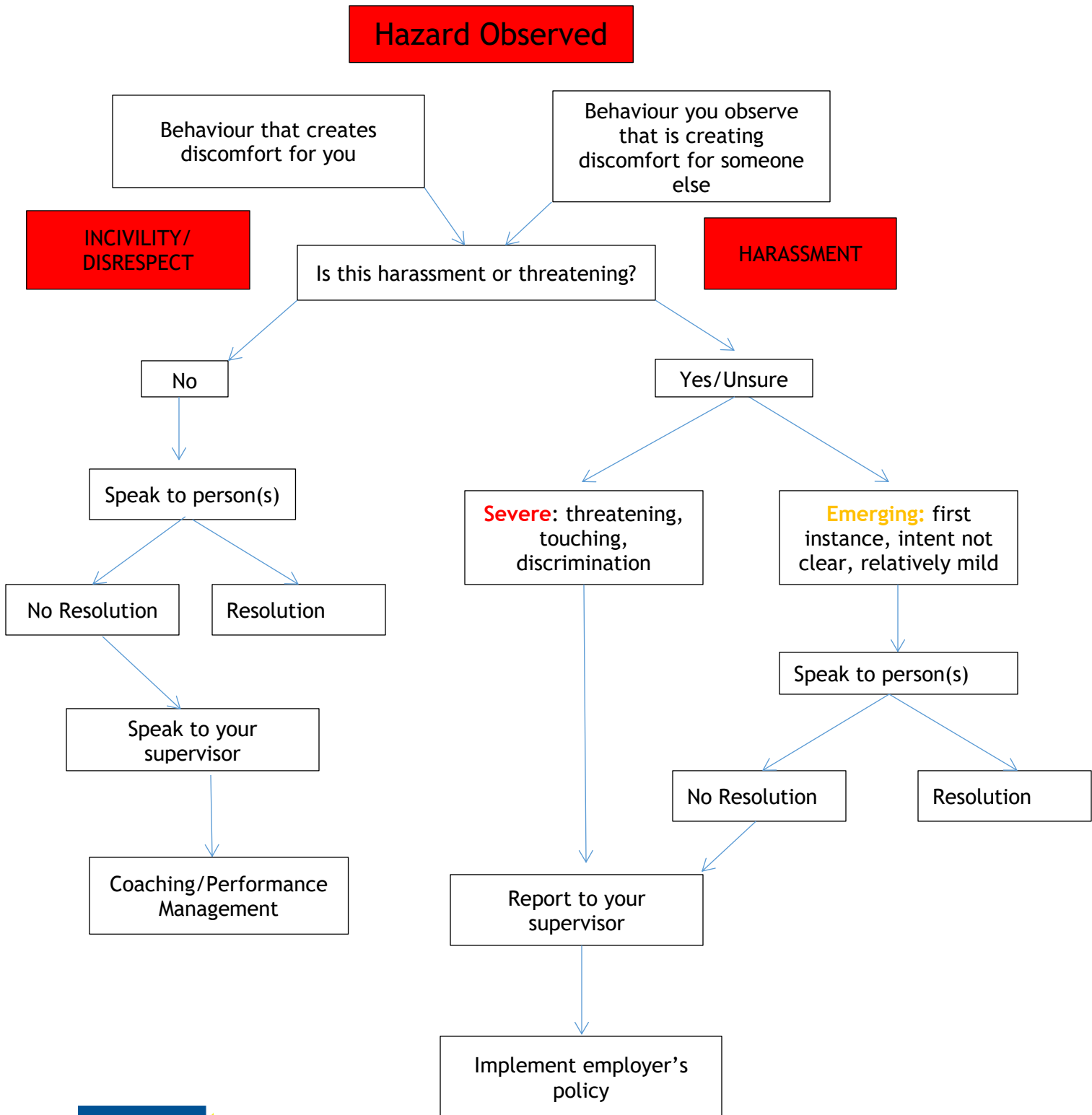
A thorough program evaluation helps identify gaps in management systems. There are several items that should be considered when evaluating your program:

- Is there a need for new resources or programs to compliment existing ones?
- Has the harassment prevention program been implemented as planned and did the program reach the intended audience (i.e. did all employees, supervisors and management receive training and information)?
- Has the program achieved its objectives (e.g. communication, training, following processes)?
- Has there been an impact (e.g. have incidents reduced over time)? NOTE: When a program is first introduced, the rate of incidents may increase as employees feel safer to report.

## Appendix A: Additional Resources

Resource	Description
<a href="https://www.lawnow.org/the-reasonable-person/">https://www.lawnow.org/the-reasonable-person/</a>	Definition of what “reasonable person” means
<a href="https://www.csagroup.org/documents/code-s-and-standards/publications/CAN_CSA-Z1003-13_BNQ_9700-803_2013_EN.pdf">https://www.csagroup.org/documents/code-s-and-standards/publications/CAN_CSA-Z1003-13_BNQ_9700-803_2013_EN.pdf</a>	Psychological health and safety in the workplace – prevention, promotion, and guidance to staged implementation
<a href="http://abrc.ca/">http://abrc.ca/</a>	Bullying resources, Alberta
<a href="https://www.albertahumanrights.ab.ca/Pages/default.aspx">https://www.albertahumanrights.ab.ca/Pages/default.aspx</a>	Alberta Human Rights Commission
<a href="https://work.alberta.ca/occupational-health-safety/ohs-laws.html">https://work.alberta.ca/occupational-health-safety/ohs-laws.html</a>	Occupational Health and Safety, Alberta
<a href="https://www.alberta.ca/workplace-harassment-violence.aspx">https://www.alberta.ca/workplace-harassment-violence.aspx</a>	Occupational Health and Safety Alberta, resources for harassment and violence
<a href="https://www.youtube.com/watch?v=uhQOQfFWDw8">https://www.youtube.com/watch?v=uhQOQfFWDw8</a>	Video on workplace bullying and harassment
<a href="https://www.youtube.com/watch?v=DSHcsNdGfgl">https://www.youtube.com/watch?v=DSHcsNdGfgl</a>	Video on the impact of bullying and harassment
<a href="https://historyofrights.ca/history/human-rights-law/">https://historyofrights.ca/history/human-rights-law/</a>	History of human rights law in Canada
<a href="http://www.qp.alberta.ca/documents/Acts/A25P5.pdf">http://www.qp.alberta.ca/documents/Acts/A25P5.pdf</a>	Alberta Human Rights Act
<a href="https://www.alberta.ca/ohs-act-regulation-code.aspx">https://www.alberta.ca/ohs-act-regulation-code.aspx</a>	Alberta Occupational Health and Safety Act and Code
<a href="https://www.thebalancecareers.com/how-to-demonstrate-respect-in-the-workplace-1919376">https://www.thebalancecareers.com/how-to-demonstrate-respect-in-the-workplace-1919376</a>	How to demonstrate respect in the workplace
<a href="https://www.thebalancecareers.com/how-to-deal-with-a-bully-at-work-1917901">https://www.thebalancecareers.com/how-to-deal-with-a-bully-at-work-1917901</a>	How to deal with a bully at work
<a href="https://www.thebalance.com/holding-difficult-conversation-employees-1918468">https://www.thebalance.com/holding-difficult-conversation-employees-1918468</a>	How to have a difficult conversation
<a href="https://www.youtube.com/watch?v=XjQxRrlbP2w">https://www.youtube.com/watch?v=XjQxRrlbP2w</a>	Video on how to deal with a bully at work
<a href="https://www.youtube.com/watch?v=kA724DnLrts">https://www.youtube.com/watch?v=kA724DnLrts</a>	Video - “The too tough boss”

# Appendix B: Taking Responsibility for a Respectful Workplace - Flowchart



## Appendix C: Checklist: How to Develop & Implement Respectful Workplace Program<sup>23</sup>

This checklist can be used as a tool to develop and implement a Policy and Program for a Respectful Workplace.

	Question	Done
1	Confirm the employer has an established policy. The policy needs to communicate expectations and provide mechanisms to receive, investigate and resolve complaints.	<input type="checkbox"/>
2	If no policy exists, obtain senior management approval and develop a policy.	<input type="checkbox"/>
3	Complete a workplace hazard and risk assessment for all your work sites.	<input type="checkbox"/>
4	Assess training needs within your organization.	<input type="checkbox"/>
5	Develop a training strategy that includes materials, delivery mechanisms and audience.	<input type="checkbox"/>
6	Implement the plan.	<input type="checkbox"/>
7	Monitor the program by conducting periodic: <ul style="list-style-type: none"> <li>• Meetings to identify issues</li> <li>• Program assessments</li> </ul>	<input type="checkbox"/>
8	Conduct a policy review to determine the need for any updates or opportunities of continuous improvement. Ensure they are communicated effectively.	<input type="checkbox"/>

<sup>23</sup> Excerpt from: 2011 Construction Owners Association of Alberta - Workplace Respect Handbook. All rights reserved. May 2011

## Appendix D: Checklist: Is Respectful Workplace Program Enforceable

Does your existing program meet expectations? If you answer “no” or “don’t know” to any of the questions below, take this opportunity to review and improve.

	Question	Yes	No	Don't know
1	Are all employees aware of the policy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Is the policy consistently communicated to all employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Do supervisors understand obligations with regard to reporting incidents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Do supervisors receive training on recognizing and handling incidents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Does your company have a process to deal with incidents of unprofessional conduct, harassment or violence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	During orientation, are employees required to sign a respectful workplace agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Do the senior leaders model behaviours that support a respectful workplace?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Do you periodically conduct: <ul style="list-style-type: none"> <li>• Meetings to identify issues?</li> <li>• Assessments of the program?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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## Appendix E: Example Employee Incident Statement Form

*This form is an example only. Completing this form alone will not necessarily put you in compliance with legislation. It is important and necessary to customize the form to meet unique circumstances*

Date:	Project/Location:
Complainant's Name:	Title:
Name of Supervisor:	Supervisors Title:
Respondent's Name:	Respondent's Title:
Date and Time of Incident:	

Description of Incident (be detailed, use multiple pages if required)

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Complainant's Name (print)	Signature	Date
Employer Representative (print)	Signature	Date





## Appendix F: Example of Employer Investigation Form

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*This form is an example only. Completing this form alone will not necessarily put you in compliance with legislation. It is important and necessary to customize the form to meet unique circumstances.*

Date:	Project/Location:
Complainant's Name:	Title:
Name of Supervisor:	Supervisors' Title:
Respondent's Name:	Respondent's Title:
Previous violation statements received (#):	Date and Time of Incident:

Ensure all parties complete incident statement form regarding the complaint. Carefully review all statements.

1. Is there a corporate policy and, if so, how was the policy communicated?

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2. When the incident occurred, was a supervisor made aware of it?

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3. Were there any witnesses? If so, who are they?

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4. Did the complainant make the respondent aware that the behaviour was disrespectful?

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5. In your opinion, would it be reasonable to assume that the respondent knew his/her behaviour was disrespectful? Explain.

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6. Are there other employees aware of the behaviour?

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7. Have there been any other complaints against the respondent?

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8. Is the behaviour a safety issue? If so, comment on the severity.

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9. What risks resulted due to the incident?

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10. Who or what did the incident affect and how?

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11. Do the individuals involved have past violations of respect? Record frequency or patterns.

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12. If the answer to #11 was yes, were previous warnings issued and to whom?

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13. When and how were the warnings issued? Was a supervisor present? If so, who?

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14. If previous warnings were issued, was there disciplinary action and to whom?

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15. What was the discipline? Was a supervisor involved in the discipline process?

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16. In cases of multiple incidents, was there progressive discipline (eg. verbal, written, suspension)?

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17. Has the respondent had an opportunity to correct his or her behaviour? If not, why?

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18. Explain how the individuals involved have been treated respectfully throughout the investigation.

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19. In your opinion, has there been a violation of respect? Would you categorize the incident as unprofessional conduct, harassment (including bullying, cultural sensitivity and discrimination) or violence? If yes, complete an Investigator’s Incident and Corrective Action Report (see **Appendix G**).

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Employer Representative (print)	Title:
Signature	Date



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## Appendix G: Example of Investigator's Incident and Corrective Action Report

*This form is an example only. Completing this form alone will not necessarily put you in compliance with legislation. It is important and necessary to customize the form to meet unique circumstances*

Date:	Project/Location:
Complainant's Name:	Title:
Name of Supervisor:	Supervisor's Title:
Respondent's Name:	Respondent's Title:
Date and Time of Incident:	

### Type

<input type="checkbox"/> Unprofessional Conduct	<input type="checkbox"/> Harassment <input type="checkbox"/> Bullying <input type="checkbox"/> Cultural Insensitivity <input type="checkbox"/> Discrimination	<input type="checkbox"/> Workplace Violence
---	--	---

Description of Incident (brief review of facts)

---

Detail of corrective actions or discipline taken

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<input type="checkbox"/> Verbal warning (document)	<input type="checkbox"/> Written warning	<input type="checkbox"/> Suspension # of days:	<input type="checkbox"/> Termination
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Complainant's Name (print)	Signature	Date
Employer Representative (print)	Signature	Date

**CALGARY**

T 403 516 8000 5055 11 Street NE  
F 403 516 8166 Calgary, AB T2E 8N4

**NISKU**

T 780 955 7770 1803 11 Street  
F 780 955 2454 Nisku, AB T9E 1A8

**FORT MCMURRAY**

T 780 791 4944 Box 13 - 8115 Franklin Avenue  
F 780 715 3945 Fort McMurray, AB T9H 2H7

**BRITISH COLUMBIA**

T 250 784 0100 2060 - 9600 93 Avenue  
F 250 785 6013 Fort St. John, BC V1J 5Z2

**SASKATCHEWAN**

T 306 842 9822 208 - 117 3 Street  
F 306 337 9610 Weyburn, SK S4H 0W3

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