

**E N E R G Y
S A F E T Y
C A N A D A**

Respectful Workplace Management System

**How to Build and Use an
Effective Management
System for Respect
in the Workplace**

National Safety Association
for Canada's Energy Industry

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Preface

Purpose

This document addresses 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 worker health and safety and psychological safety in the workplace. Workplace policies and prevention plans will provide knowledge about safety from aggression, assault, and domestic violence that may spill over into the workplace. Therefore, the scope of this document 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: 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 the company, and they get along with their peers.

Three concepts 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 violating workplace norms with ambiguous intent to harm the target. Examples of incivility include rudeness, discourteousness and lack of regard for others¹.

Incivility may be so common in some settings that people do not notice it. Examples include ignoring or making derogatory remarks about someone, taking credit for the work of others¹, passing blame for your own mistakes, belittling the efforts of others, setting others up to fail, leaving unprofessional voicemail

messages, withholding information, shutting someone out of a network or team, avoiding someone and 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. They 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. As a result of the incivility, about 40 per cent reduced their commitment to the organization, 20 per cent intentionally reduced their work efforts, and 10 per cent reported deliberately cutting back the amount of time they spent at work².

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 picture.
- Be supportive of your organization in your communications.
- Be respectful in your communications and actions.

¹Andersson, 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.

²Christine 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 per cent of Canadians experience workplace bullying at least once per week³. Under Alberta's Occupational Health and Safety Act, bullying is classified as a form of harassment and need only occur once. Saskatchewan and BC follow similar definitions of workplace bullying, also referred to as psychological harassment, as defined by the Canadian Centre for Occupational Health and Safety:

*Behaviour intended to intimidate, offend, degrade or humiliate a particular person or group of people.*⁴

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
- Criticizing 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.
- **Productivity:** increased absenteeism, workplace errors, missed deadlines, decreased performance and 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 morale, toxic culture, and decreased organizational commitment.
- **Legal:** wrongful dismissal lawsuits, harassment and discrimination claims, and increased costs of arbitration and grievances.
- **Reputation:** A higher incidence of workplace bullying is associated with less effective customer relationships, lower creativity, and lower productivity, resulting in a negative reputation.

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 problems⁵. 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 on the organization. Bartlett and Bartlett (2011)⁶ conducted a literature review of the impact of workplace bullying on organizations. They found impacts in the following areas:

For a detailed report on the impacts of workplace bullying in the UK, see Giga, Hoel, and Lewis (2008)⁷.

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 in USD

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

³40% 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](http://www.cbc.ca/news/canada/windsor/40-of-canadians-bullied-at-work-expert-says-1.987450)

<https://www.saskatchewan.ca/business/safety-in-the-workplace/hazards-and-prevention/bullying-and-harassment-in-the-workplace#:~:text=Personal%20harassment%20is%20sometimes%20referred%20to%20as%20bullying, the%20worker%20to%20be%20humiliated%20>

[or%20intimidated%3B%20and](#)

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

⁵Field, 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.

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

⁷Giga, Hoel, & Lewis, (2008). The costs of workplace bullying https://www.researchgate.net/publication/260246863_The_Costs_of_Workplace_Bullying

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 example⁸.

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 (similar description are available in SK and BC books):

<https://albertahumanrights.ab.ca/issues-at-work/harassment-at-work/>

Examples of protected grounds harassment include⁹:

- 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

15 Protected Grounds in Alberta

- Race
- Colour
- Ancestry
- Place of origin
- Religious beliefs
- Gender
- Gender identity
- Gender expression
- Age
- Physical disability
- Mental disability
- Marital status
- Family status
- Source of income
- Sexual orientation

⁸www.ccdi.ca

⁹Government of Alberta. Sexual harassment. <https://albertahumanrights.ab.ca/what-are-human-rights/about-human-rights/harassment/>

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.

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

- Sexist jokes causing embarrassment or offence, 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 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) explored experiences of harassment, sexual harassment, violence, and sexual violence in the workplace. It found that 60 per cent of respondents had experienced some form of harassment, 30 per cent had experienced sexual harassment, 21 per cent had experienced violence and 3 per cent had experienced sexual violence¹⁰.

A useful tool to help determine if an incident constitutes harassment may be found: <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/harassment-violence/harassment-tool-employees.html>

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

1. 13 per cent of men and 12 per cent of women reported dissatisfaction with their job.
2. 25 per cent of men and 20 per cent of women reported planning on leaving their job in the next 12 months.
3. 23 per cent of men and 17 per cent of women reported low motivation to do their job.
4. 30 per cent of men and 26 per cent 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 illnesses¹².

¹⁰Employment 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>

¹¹Hanger, 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>

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

3.0 Giving Constructive Feedback

Sometimes, 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.”¹³

The following do not constitute harassment:¹⁴

- 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
- 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
- Work-related stress does not constitute harassment, but the accumulation of stress factors may increase the risk of harassment.

¹³Government of Alberta (2023). *Harassment and violence in the workplace*. Available from <https://open.alberta.ca/dataset/e04784c3-6779-41b5-97ae-183a092e5d93/resource/8ee3a24b-f4a1-4998-8427-18240efdbae1/download/jend-ohsorp-li045-harassment-and-violence-in-the-workplace-2023-02-15.pdf>

¹⁴Government 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/harassment-violence/harassment-tool-employees.html>

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

People experiencing domestic violence often feel isolated. They may feel ashamed or concerned 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 relations¹⁵.

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

5.0 The Legal Landscape

From 1947 to 1975, various provinces passed provincial legislation defining human rights. In 1977, Canada passed its own legislation defining human rights. Each province determines which rights are covered under their legislation based on the Canadian Human Rights Act.

Employers should:

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

5.1 Alberta Human Rights Act

In Alberta, the Alberta Human Rights (AHR) Act¹⁶ 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.
- Carry out the duties of their position.
- Comply with workplace rules, regulations, policies and legislation.
- 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.

Under the Act, harassment is considered a form of discrimination. The Act outlines that 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 now addressed within this Act.

Under the AHR Act, employees have obligations to:

¹⁶Government of Alberta. (2023). *Alberta Human Rights Act*. Available from <http://www.qp.alberta.ca/documents/Acts/A25P5.pdf>

5.2 Provincial Occupational Health And Safety Act

Each province has their own definition of harassment and may reside within the Occupational Health and Safety (OHS) Act or elsewhere. In Saskatchewan, harassment is defined within the Saskatchewan Employment Act ¹⁷ and in BC, in the Workers Compensation Act ¹⁸.

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.
- Constitutes a threat to the health and safety of a worker.

According to the revised OHS Act (2023), employers in Alberta 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 safety risk that must be addressed.

The OHS 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, 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 ¹⁹.

The Act includes two important changes that organizations should be aware of: Harassment now includes workplace bullying, and a single incident may constitute harassment/bullying. While bullying has typically been defined as repeated, intentional, and targeted behaviour, the Act presents a new challenge in managing respect in the workplace and dealing with allegations of one-time incidents of bullying.

With respect to psychological hazards of harassment and bullying, according to the AHR and the Alberta OHS Act, employers must:

- Ensure the Joint Occupational Health and Safety Committee or H&S Representative be included in the process of hazard identification and assessment.
- Eliminate or adequately control the hazards to prevent harm to workers by conducting 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 Alberta OHS Act also gives supervisors increased responsibilities. They must now ensure that employees do not commit or are exposed to harassment. Supervisors are also 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 (HR) 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 HR and clarification of investigation steps within the policy developed by their organization. Supervisor responsibilities are reviewed

in detail in ESC's Safety Bulletin, "[Supervisors are to be compliant with the new Alberta OHS Act](#)" Issue #08-2018".

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

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

¹⁹ Government of Alberta. (2023).

Occupational Health and Safety Act: Occupational health and safety code. <https://www.alberta.ca/occupational-health-and-safety-code#jumplinks-1>

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 developing 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, managers, and supervisors will understand the appropriate response to address the individuals involved, the sources of support, and the formal

complaint processes. Use Appendix D to determine if your existing program meet expectations.

Figure 1 is a diagram that represents the Management System Components of a formal complaint process.

Figure 1: Diagram representing Management System Components, Ferris (2018).



6.1 Senior Management Support

For the respect in the workplace program to succeed, it is critical to gain strong support and resources from top management. Clearly communicating the program's benefits and the risks of not having one can help secure support from managers and leaders. If internal resources are unable to deliver the message confidently, consider a third-party expert to consult and present the information.

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, present a plan to identify, mitigate, train, retrain, 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 help identify trends in psychological hazards and develop a program.

Members of such a committee could include OHS representation, HR, union (if applicable), and employee representation.

A contact person may be identified when HR or OHS have a conflict of interest. This individual

may be referred to as a confidential supporter, peer listener, contact advisor, or other suitable title. An employer may consider multiple contact persons depending on the company's size, the remoteness of work sites, and when two or more parties of an interaction would like multiple viewpoints for help. A contact person may also be external to the organization.

The role of the contact person is to provide less formal assistance. It may be helpful

to individuals whose manager may be the perpetrator of the bullying or harassment or for those uncomfortable with speaking to their manager. The contact person can assist 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 the policy and the options for resolution. Training for contact persons should be provided and updated every few years. Contact persons may include an external ombudsperson, whistleblower contact or third-party services.

6.3 Develop A Policy

A policy declares organizational commitment to a healthy workplace and sets expectations around worker relationships and the company's culture. Therefore, a policy should state the employer's intent and processes regarding bullying and harassment. See ESC's [Fit for Duty Guideline](#) for additional information.

There has been debate about zero-tolerance policies, which may violate employment law. A policy that states that 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 the law. The

policy should also state that any persons who believe they have been harassed have a right to report the incident and receive support and help from the employer.

There are legal requirements for minimum policy standards. 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 on 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.

Use Appendix C to determine how to develop and implement respectful workplace program.

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

See Appendix B: Taking Responsibility for a Respective Workplace Flowchart to determine the type of harassment being reported.

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
- Desired outcomes of the complainant.

When developing an incident reporting form, the following questions should be answered:

- 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, 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 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 any previous warnings issued and if so, what were they?
- Was there any apology/remorse for the behaviour?
- Is there a willingness to change?

Sample complaint forms are available from the following websites:

- <https://www.shrm.org/topics-tools/tools/forms/harassment-complaint-form> (SHRM membership required to get the form)

See Appendixes E, F & G for examples of forms to capture and report the incident.

- <file:///C:/Users/abbey.adeogun/Downloads/WFD-WRS-CBP-01-2011-v1-Workplace-Respect-with-supplementary-documentation-and-tools.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.⁸ 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 and how to intervene as a bystander. Harassment is defined as a hazard that 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 onboarded as a new hire, policies should be reviewed, and training should be 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

Employers may need additional resources to fulfill the obligations outlined in the procedures. Investigators are needed in cases where there is a lack of training, a conflict of interest, or allegations against senior management. If the parties require mediation, qualified mediators experienced in workplace harassment and bullying should be considered.

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

their emotions and reactions to the situation.

OHS law requires the organization to provide a complainant with support from a health and safety or HR professional after they experience 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 others' experiences.

6.9 Monitoring The Program And Assessing Hazards

The Respectful Workplace Program should be monitored in the long term. Examples could include staff attitude surveys, publicizing the number of complaints addressed, and reviewing the policy every three years or after a serious incident.

All hazard assessments begin at the work site level and should include the potential for 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.”²⁰ An internal health and safety committee, or committee of leaders (respect leads), can develop an additional risk assessment survey for employees. These surveys should be anonymous and confidential. Human Resources and HSE professionals can jointly develop them, and the overall results can be shared with employees. Action plans should be developed to address the issues identified.

It may be helpful to gather information such as:

- How many employees feel they have been

bullied or harassed in the previous year?

- A 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 it?
- 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 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

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

6.10 Investigating/Responding

Supervisors should be trained to conduct an initial investigation of harassment when witnessed or reported. HR personnel should receive training in basic investigation

procedures. In cases where there is a conflict of interest (e.g., the supervisor or HR is involved in the case of harassment, knows the person, or is 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 in processing their own emotional reactions.

Taking a team approach to the management of complaints is strongly recommended²¹. The team should include human resources, a trained health and safety committee representative, in-house legal staff, in-house or external investigators, and unions if present in the workforce.

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

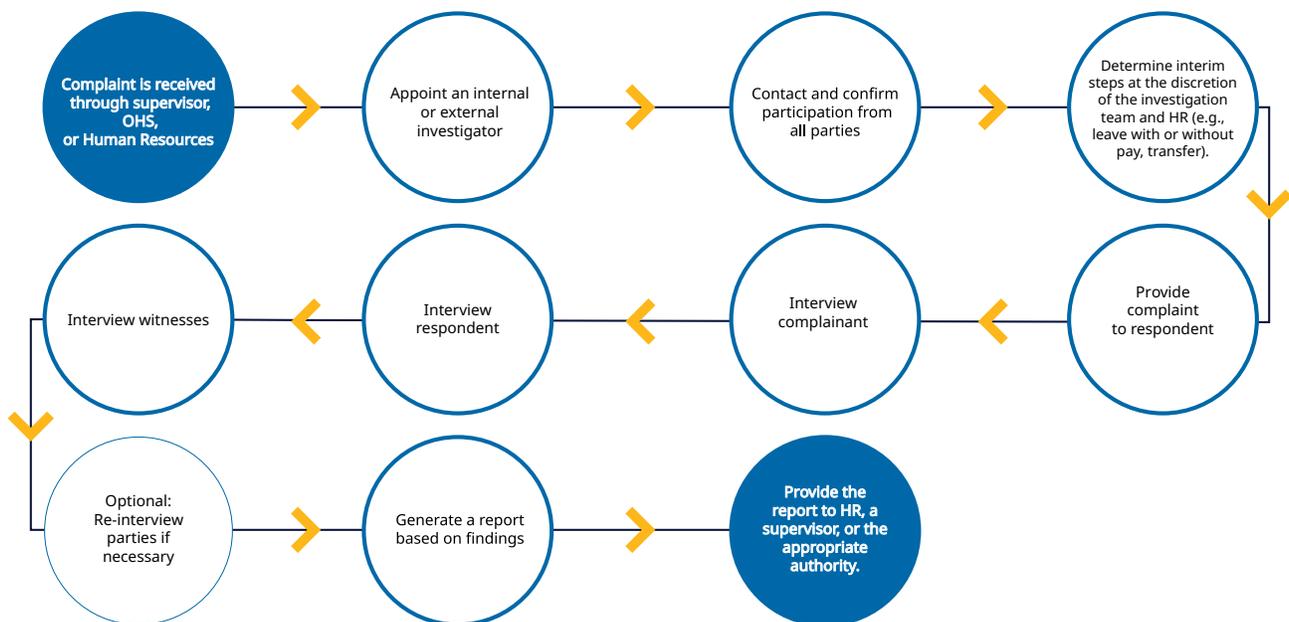
Workplace investigations should be concluded in a reasonable time frame. While this time

frame is not specified in the AHR or OHS Acts, legal opinion suggests that investigations should be concluded within 90 days unless extenuating circumstances, such as multiple witnesses or key witness unavailability due to holidays or sickness. Investigations should commence as soon as possible after reporting and a supervisor or HR professional should initiate processes immediately by conferring with their team and other experts, collecting details, etc.

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, involves multiple respondents (such as in a toxic culture), 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.

The following steps should be undertaken when investigating.

Figure 2: Workplace Investigation Process.



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>

²¹Hope, 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.

6.11 Addressing Injury And Repairing Damage

Harassment and bullying can cause injury and damage at all levels of an organization, including severe injuries at the individual level. Treating workplace bullying injuries or trauma requires special processes and qualified treatment personnel. If a company offers an Employee and Family Assistance Program, ensure trained counselling professionals or if another counsellor may be required.

Those who have perpetrated harassment and bullying require discipline and performance management.

They generally require coaching and treatment to develop insight, empathy and more effective interpersonal skills. Again, this is a specialized area of treatment and coaching.

A restorative facilitation process that focuses on developing empathy and cooperation or mediation that focuses on problem resolution may repair the interpersonal relationship between parties. Teams may need trust-building interventions, and organizations may require debriefing to learn from incidents.

7.0 Keeping the Program Alive

A thorough program evaluation helps identify gaps in management systems. When evaluating the program, consider the following:

- Is there a need for new resources or programs to complement existing ones?
- Has the harassment prevention program been implemented as planned, and did the program reach the intended audience? (i.e., Have 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 reporting.

See Appendix A for additional resources.

7.1 Program Evaluation

A thorough program evaluation helps identify gaps in management systems. When evaluating the program, consider the following:

- Is there a need for new resources or programs to complement existing ones?
- Has the harassment prevention program been implemented as planned, and did the program reach the intended audience? (i.e., Have 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)?

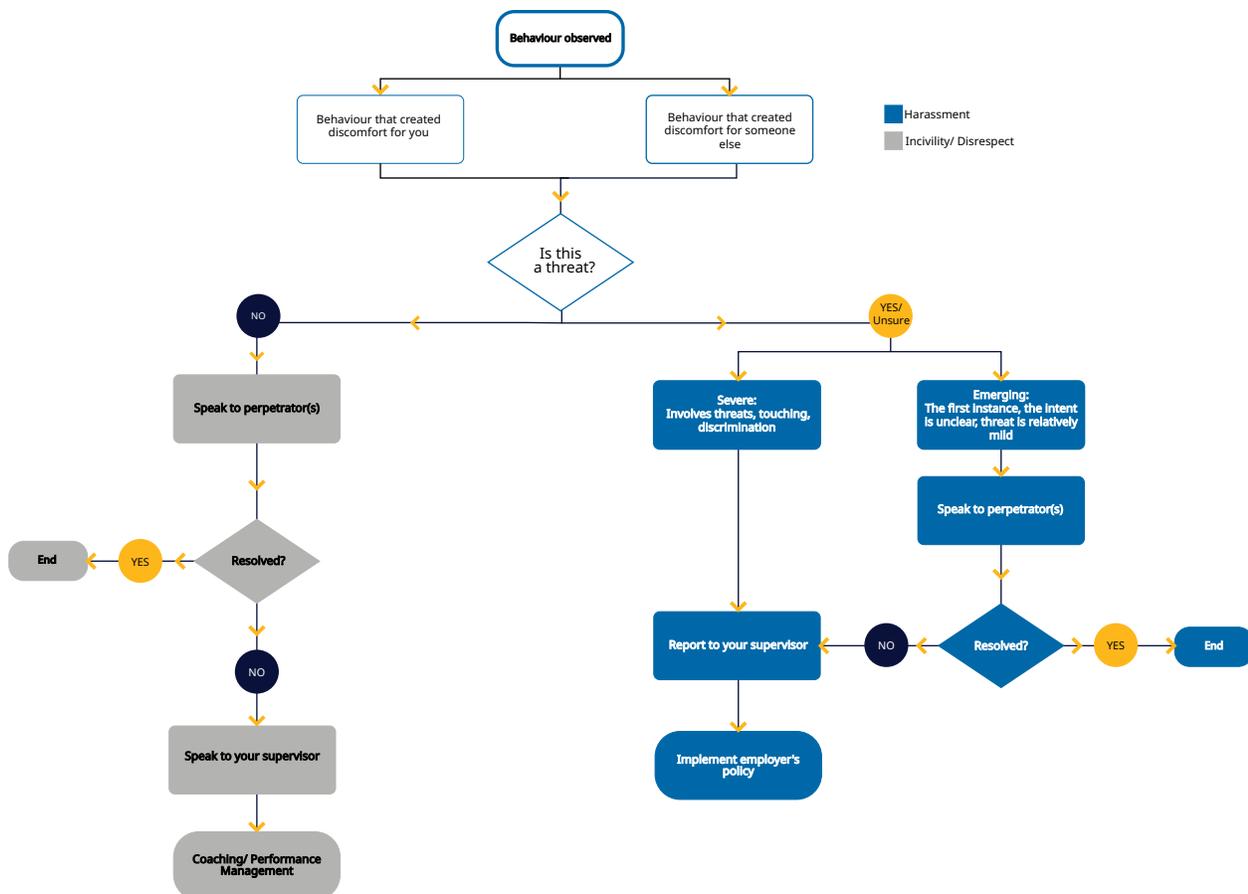
Note: When a program is first introduced, the rate of incidents may increase as employees feel safer reporting.

APPENDIX A: Additional Resources

Description	Resource
Definition of what “reasonable person” means	https://www.lawnow.org/the-reasonable-person/
Psychological health and safety in the workplace — prevention, promotion, and guidance to staged implementation	https://www.csagroup.org/store/
Bullying resources, Alberta	https://www.alberta.ca/bullying-prevention-resources
Alberta Human Rights Commission	https://albertahumanrights.ab.ca/
Occupational Health and Safety, Alberta	https://www.alberta.ca/occupational-health-safety
Occupational Health and Safety Alberta, resources for harassment and violence	https://www.alberta.ca/workplace-harassment-violence
Video on workplace bullying and harassment	https://www.youtube.com/watch?v=uhQOkfFWDw8
Video on the impact of bullying and harassment	https://www.youtube.com/watch?v=DSHcsNdGfgI
History of human rights law in Canada	https://historyofrights.ca/history/human-rights-law/
Alberta Human Rights Act	https://kings-printer.alberta.ca/documents/Acts/A25P5.pdf

Alberta Occupational Health and Safety Act and Code	https://www.alberta.ca/ohs-act-regulation-code
How to demonstrate respect in the workplace	https://www.liveabout.com/how-to-demonstrate-respect-in-the-workplace-1919376
How to deal with a bully at work	https://www.liveabout.com/how-to-deal-with-a-bully-at-work-1917901
How to hold a difficult conversation with an employee	https://www.liveabout.com/how-to-deal-with-a-bully-at-work-1917901

Appendix B: Respectful Workplace Decision Process – Flowchart



Appendix C: How to Develop & Implement Respectful Workplace Program Checklist²³

FOR THE INTERACTIVE VERSION, [CLICK HERE](#).

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

²³Excerpt from: 2011 Construction Owners Association of Alberta – Workplace Respect Handbook. All rights reserved. May 2011

Appendix D: Enforcing a Respectful Workplace Program Checklist

FOR THE INTERACTIVE VERSION, [CLICK HERE](#).

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
Are all employees aware of the policy?			
Is the policy consistently communicated to all employees?			
Do supervisors understand obligations with regard to reporting incidents?			
Do supervisors receive training on recognizing and handling incidents?			
Does your company have a process to deal with incidents of unprofessional conduct, harassment or violence?			
During orientation, are employees required to sign a respectful workplace agreement?			
Do you periodically conduct: <ul style="list-style-type: none"> • Meetings to identify issues? • Assessments of the pro 			

Appendix E: Example of Employee Incident Statement Form

FOR THE INERACTIVE VERSION, [CLICK HERE](#).

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):

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

Appendix F: Example of Employer Investigation Form

FOR THE INERACTIVE VERSION, [CLICK HERE](#).

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?
2. When the incident occurred, was a supervisor made aware of it?
3. Were there any witnesses? If so, who are they?
4. Did the complainant make the respondent aware that the behaviour was disrespectful?
5. In your opinion, would it be reasonable to assume that the respondent knew his/her behaviour was disrespectful? Explain.
6. Are there other employees aware of the behaviour?
7. Have there been any other complaints against the respondent?
8. Is the behaviour a safety issue? If so, comment on the severity.
9. What risks resulted due to the incident?
10. Who or what did the incident affect and how?
11. Do the individuals involved have past violations of respect? Record frequency or patterns.
12. If the answer to #11 was yes, were previous warnings issued and to whom?
13. When and how were the warnings issued? Was a supervisor present? If so, who?
14. If previous warnings were issued, was there disciplinary action and to whom?

15. What was the discipline? Was a supervisor involved in the discipline process? been treated respectfully throughout the investigation.
16. In cases of multiple incidents, was there progressive discipline (e.g. verbal, written, suspension)?
17. Has the respondent had an opportunity to correct his or her behaviour? If not, why?
18. Explain how the individuals involved have
19. In your opinion, has there been a violation of respect? Would you categorize the incident as unprofessional conduct,

Employer Representative (print)	Title:
Signature	Date

harassment (including bullying, cultural sensitivity and discrimination) or violence?

If yes, complete an Investigator's Incident and Corrective Action Report (see Appendix G).

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

FOR THE INERACTIVE VERSION, [CLICK HERE](#).

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:	

Unprofessional Conduct Harassment Workplace Bullying Violence Cultural Insensitivity Discrimination Verbal warning
(document) Written
warning Suspension
of days: Termination

Complainant's Name (print)

Signature

Date

Employer Representative (print)

Signature

Date



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