**Respectful Workplace Policy**

**Values Summary Statement**

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the brokerage) is committed to providing a civil and collegial workplace built on respect, dignity, and safety. The brokerage has adopted this policy to ensure that everyone can work in an environment free from all forms of harassment, discrimination, and violence, and where all individuals are treated fairly, feel engaged, and feel safe from disrespectful behaviour.

The brokerage does not condone nor tolerate workplace harassment, discrimination, or violence, and will be proactive in preventing and/or addressing such behaviour according to this policy. The brokerage will educate real estate professionals and unlicensed brokerage staff on workplace harassment, discrimination, and violence and the impact these behaviours can have on the career dignity, and well-being, of real estate professionals and unlicensed brokerage staff.

The brokerage recognizes its real estate professionals and unlicensed brokerage staff may be subjected to workplace harassment by co-workers, fellow real estate professionals, and the public or others who conduct business with the brokerage. Under these situations, the brokerage acknowledges its responsibility to do all in its power to support and assist the individuals subjected to such harassment and will expect those found violating this policy to undertake all recommended processes to improve their interactions with others.

The brokerage is committed to preventing, eliminating, or controlling all workplace hazards in the form of harassment through:

* Collaborating with a joint work site health and safety committee (where applicable)
* Educating real estate professionals, broker delegates, and unlicensed brokerage staff to recognize and prevent workplace harassment
* Providing written and electronic forms of this policy document
* Proactively monitoring the work environment through hazard assessments at reasonably practicable intervals at maximum of three years; when work processes or alterations change significantly, and when changes are made to the legislation
* Taking measures to eliminate or control identified issues of workplace harassment
* Investigating reported incidents
* Responding to and taking appropriate action on reported incidents
* Providing support for workers who are affected by an incident of harassment

This policy builds on the brokerage’s Employee Code of Conduct; standards set by the *Alberta Human Rights* Act(AHR Act); the *Occupational Health and Safety Act* of Alberta (OHS Act), and the *Occupational Health and Safety Code* (OHS Code). This policy is not intended to discourage real estate professionals and unlicensed brokerage staff from exercising their rights under any other laws, including the AHR Act.

**Purpose**

The purpose of this policy is to prevent all forms of workplace harassment, whether at the work site, at offsite work-related functions, or on social media platforms. The brokerage commits to:

* Maintaining a workplace of mutual respect free from harassment
* Describing the types of behaviour that may be considered objectionable, abusive, or offensive, and those which are reasonable
* Providing real estate professionals and unlicensed brokerage staff the information and resources they need to manage their own behaviour and address disrespectful behaviour of others
* Establishing a process for receiving complaints of workplace harassment and to provide a procedure by which the brokerage will deal with these complaints

This policy is not intended to limit social interaction between people in the brokerage or to affect the ordinary and proper evaluation of a person's duties or performance. The policy is intended to foster a workplace in which real estate professionals and unlicensed brokerage staff treat each other with mutual respect.

**Scope**

This policy applies to all individuals working for the brokerage, including real estate professionals and unlicensed brokerage staff, broker delegates, contract staff, temporary staff, and summer students (hereafter referred to as real estate professionals and unlicensed brokerage staff) in the workplace.

**Definitions**

Harassment/workplace harassment under this policy includes:

**Bullying/psychological harassment**

Bullying, also called psychological harassment, is a serious single incident or repeated, persistent, patterned, and enduring acts of psychological aggression aimed at a specific person or group, not linked to human rights law ‘protected grounds.’ Bullying is identified as an occupational hazard that must be addressed by an employer under the OHS Act.

Workplace bullying can be defined as an offensive, intimidating, malicious, insulting, or humiliating behaviour, and/or abuse of power or authority which attempts to undermine an individual or group of real estate professionals and unlicensed brokerage staff, and which may cause a person to experience distress.

Examples of bullying behaviour include:

* Severe verbal abuse, put downs
* Abusive or intimidating written communication, including signs, notes, electronic and social media (see the brokerage social media policy)
* Intimidating or aggressive behaviour
* Isolating and shunning an individual
* Spreading rumours and gossiping
* Excluding individuals from meetings and activities
* Withholding important information
* Giving impossible deadlines or an intolerable workload
* Making disparaging comments and remarks
* Constantly changing objectives and goals
* Taking credit for other’s work and achievements
* Threatening job loss not based on performance
* Denying requests for assistance, not being provided needed resources
* Delaying action on important matters
* Mean jokes and pranks
* Excessively harsh criticism
* Having harsher expectations for one person than for others
* Being subjected to unwanted or offensive stories
* Criticism for personal life

**Discrimination**

Discrimination is an action or decision that results in the unfair or negative treatment of a person or group because of their race, age, religion, sex, etcetera. All real estate professionals and unlicensed brokerage staff must treat their peers, clients, customers, and members of the general public fairly and with respect. In their duties, real estate professionals and unlicensed brokerage staff must not treat anyone differently or unfairly on the basis of protected grounds. At no time will the brokerage discriminate against, refuse to employ, or refuse to continue to register or employ, any individual on the basis of protected grounds.

Protected grounds covered by the AHR Act include:

* Race
* Colour
* Ancestry
* Place of origin
* Religious beliefs
* Gender (including pregnancy and sexual harassment)
* Physical disability
* Mental disability
* Age
* Marital status
* Family status
* Source of income
* Sexual orientation
* Gender identity
* Gender expression

Discriminatory practices may include:

* + Denying an individual goods, services, facilities, or accommodation
  + Refusing to register/employ or to continue to register/employ an individual, or treat them unfairly in the workplace
  + Following practices that deprive individuals of trade or employment opportunities
  + Paying men and women differently when they are doing work of the same value
  + Communicating hate messages on the telephone or through the internet
  + Harassing someone
  + Retaliating against an individual who has filed a complaint

**Protected Grounds Harassment**

Harassment is a form of discrimination described as a single incident or pattern of offensive behaviours that creates an unproductive or poisoned environment, directed from one individual against another individual or group on prohibited grounds under the AHR Act.

Examples of harassment include:

* + Verbal or written comments and posts including social media, actions, gestures, or other behaviours which are unwelcome and humiliating, offensive, hurtful, or belittling
  + Verbal or physical abuse
  + Derogatory remarks, jokes, innuendo, or taunts
  + Displays of pornographic, racist, or offensive signs, images, or jokes
  + Unwelcome invitations or requests, whether indirect or explicit

**Sexual Harassment**

Workplace harassment includes sexual harassment. Sexual harassment is a form of discrimination based on the protected ground of gender, sexual orientation, gender identity, and gender expression.

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

Examples of behaviours which 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 offensive material of a sexual nature
  + Using sexually degrading words to describe an individual
  + Drawing attention to a individual's sex or sexual orientation, and having the effect of undermining the individual’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
  + Persistent unwanted contact or attention after the end of a consensual relationship
  + Requesting sexual favours
  + Unwanted touching
  + Verbal abuse or threats
  + Physical or sexual assault (sexual assault is considered violence under the OHS Code)

**Retaliation**

Retaliation is a form of harassment and in this policy is defined as any action taken against an individual because another individual:

* Initiated this policy, whether on behalf of oneself or another individual
* Participated or cooperated in any investigation under this policy
* Is associated with a person who has initiated this policy or participated in these procedures

**Workplace**

Under this policy, workplace is defined as:

* At the office
* During trades in real estate
* During a meeting (office, real estate board, or trade association)
* At office-related social functions
* In the course of work assignments outside the office
* During a hearing or appeal
* At work-related conferences or training sessions
* During work-related travel
* Over the telephone or by email
* Elsewhere if the individual harassed is there as a result of work-related responsibilities or a work-related relationship, including on social media

**Broker Delegate**

An individual to whom real estate professionals and unlicensed brokerage staff report and who is responsible for their work performance, regardless of their title.

**Bystander**

An individual who is present at an incident of workplace harassment but does not take part in it; a witness.

**Complainant**

An individual who makes a complaint of workplace harassment under this policy.

**Respondent**

An individual responsible for the alleged conduct that has caused offense.

**What is not considered disrespectful behaviour?**

Reasonable actions that encompass management’s legitimate right to run the brokerage and to direct trades in real estate or the workplace are considered legitimate as long as the actions are carried out in good faith and in a professional, non-arbitrary manner.

The following are NOT considered disrespectful behaviours:

* Direct supervision, including performance expectation discussions
* Assignment of work, including changes to work assignments and direction on how it is to be accomplished
* Requests by broker delegates for updates or status reports
* One-on-one discussions between managers, broker delegates, and their staff
* Approval or denial of time off
* Inspections of the workplace
* Disciplinary actions such as dismissing, suspending, demoting, or reprimanding with just cause

Differences of opinion or disagreements between co-workers are also not generally considered harassment. Difficult conditions of employment such as professional practice limitations, organizational changes, or financial restrictions are not considered harassment. Work-related stress is not generally considered harassment unless an accumulation of stress factors resulted from harassment.

**Responsibility**

At the brokerage, we individually and collectively commit to:

* Familiarizing ourselves with this policy
* Ensuring our actions and words contribute to a respectful workplace environment
* Being accountable for the results of our actions, regardless of our intent
* Understanding that the brokerage will not tolerate disrespectful behaviours
* Addressing issues of disrespectful behaviour with the individual or people involved
* Taking action when witnessing disrespectful behaviour as a bystander

The brokers, broker delegates, or managers, within their area of responsibility, are responsible for:

* Ensuring they regularly review, understand, and comply with this policy
* Maintaining records as required by this policy
* Dealing with all incidents of harassment they witness or are made aware of and the duty to foster a safe workplace
* Discouraging and preventing workplace harassment whether or not complaints have been brought to their attention
* Investigating every verbal or written complaint of workplace harassment brought to their attention
* Imposing disciplinary measures (in consultation with human resources, where applicable), when a complaint of workplace harassment is found to have been substantiated, regardless of the status or seniority of the offender
* Doing all in their power to support and assist any real estate professional or unlicensed brokerage staff who complains of workplace harassment by an individual who is not a brokerage real estate professional or unlicensed brokerage staff (e.g. member of the public, real estate professional from a different brokerage)
* Providing advice and support to individuals who are subjected to workplace harassment
* Formally acknowledging to an individual who has been subjected to workplace harassment that the harassment has taken place and that corrective action will be taken
* Making real estate professionals and unlicensed brokerage staff aware of the problem of workplace harassment and the existence of the procedures available under this policy

Real estate professionals and unlicensed brokerage staff are responsible for:

* Carrying out the duties of their position
* Complying with workplace rules, regulations, policies, and legislation
* Informing the broker, broker delegate, manager, or human resources of all harassing behaviour they witness
* Informing human resources if a broker, broker delegate, or manager has failed to address a reported or witnessed harassment
* Treating clients, co-workers, and the public with respect and dignity
* Ensuring they do not participate in disrespectful behaviour, as outlined in this policy
* Informing their broker, broker delegate, manager (and human resources, where applicable) of their needs for accommodation based on the protected grounds under the AHR Act

**Training for Real Estate Professionals and Unlicensed Brokerage Staff**

The brokerage will provide training to its real estate professionals and unlicensed brokerage staff, which will include a review and explanation of this policy and its procedures, as well as a description of the brokerage’s expectations for real estate professionals and unlicensed brokerage staff relative to their behaviour in the workplace. This training will include the following:

* How to recognize workplace harassment
* Policy, procedures, and workplace arrangements that effectively eliminate or control harassment
* Appropriate response to incidents of harassment
* Procedures for reporting, investigating, and documenting incidents of workplace harassment pursuant to this policy and these procedures

**Confidentiality**

The brokerage understands the difficulty of coming forward with a complaint of workplace harassment and recognizes a complainant's interest in keeping the matter confidential. To protect the interests of the complainant, the person complained against, and others who may report incidents of workplace harassment, the brokerage will maintain confidentiality throughout the process. The brokerage will not disclose the circumstances related to an incident of harassment or names of the parties involved (including the complainant, the person alleged to have committed the harassment, and any witness) except where necessary:

* To investigate the incident or to take corrective action
* To inform the parties involved in the incident of the results of the investigation and corrective action taken
* To comply with requirements under the brokerage’s insurance policy against claims of harassment
* As required by law

The broker, broker delegates, or managers must keep all records of informal complaints in their confidential files. The brokerage (or human resources) will keep records of all formal complaints in their confidential complaints files. Records should include contents of meetings, interviews, notes, manner of investigation, results of investigations, resolutions or outcomes, and other relevant material. These records must be retained for a period of at least two years. Records of discipline will be kept in the real estate professional’s and the unlicensed brokerage staff’s personnel file.

**Reporting Procedure**

Employees should raise concerns about disrespectful behaviour as soon as reasonably possible to ensure the behaviour is addressed. This includes real estate professionals and unlicensed brokerage staff who witness disrespectful behaviour as bystanders. Early reporting ensures the parties affected receive appropriate support.

Where a person believes that a colleague has experienced or is experiencing workplace harassment, they should report it to the broker, broker delegate, or manager. The broker, broker delegate, or manager will meet with the individual who is said to have been subjected to workplace harassment and the brokerage will proceed according to the procedures in this policy.

**Informal Resolution Process**

**Initial Action by Complainant**

A real estate professional or an unlicensed brokerage staff member (the “complainant") who considers they have been subjected to workplace harassment should to speak to the individual responsible for the conduct (the “respondent”), if possible, and attempt to resolve the matter. Although these are difficult conversations to have, real estate professionals and unlicensed brokerage staff are expected in most situations to do their best to work things out before escalating to a higher level. Open and honest dialogue can go a long way in reaching an informal resolution.

If the complainant is not comfortable approaching the respondent, or where such an approach is attempted and does not produce a satisfactory result, the complainant should seek their broker, broker delegate, or manager’s advice. In situations where the broker, broker delegate, or manager is responsible for the conduct, the real estate professional or unlicensed brokerage staff member is encouraged to seek advice from another broker, broker delegate, or manager.

It is advised that complainants keep a record of the behaviour or incident (date, times, locations, possible witnesses, what happened, their response). Complainants do not have to have a record of events in order to make a complaint, but a record can strengthen a case and help you remember details over time.

**Meeting with the Broker, Broker Delegate, or Manager**

When a complainant reports an incident of harassment to their broker, broker delegate, or manager they will:

* Encourage the complainant to work with them to develop a plan on how to address the situation (they may speak to human resources to assist with coaching or mediation, where applicable)
* Offer assistance to the complaint in mediation of an informal resolution
* Offer the availability of counselling through the brokerage’s real estate professionals and unlicensed brokerage staff and family assistance program and other support services the brokerage provides
* Advise the real estate professionals and unlicensed brokerage staff to consult a health professional for treatment of an injury or adverse symptoms
* Advise the complainant of their right to make a formal complaint when the alleged harasser is a brokerage real estate professional or unlicensed brokerage staff, if the matter cannot be resolved through the informal process
* Inform the complainant of their right to withdraw from any further action in connection with the complaint at any stage (even though the brokerage may continue to deal with the complaint)
* Discuss other avenues of recourse available, such as a complaint under the AHR Act, the OHS Act, and where appropriate, under the Criminal Code, as well as any time limits which may apply to such other avenues of recourse

No matter what decision is made concerning further action, the broker, broker delegate, or manager will keep a confidential written record of the initial complaint, if resolution was discussed, and the end result of the resolution plan.

**Complainant and the Broker, Broker Delegate, or Manager Agree That the Conduct is Not Workplace Harassment**

If the complainant and their broker, broker delegate, or manager agree that the conduct in question is not workplace harassment as defined in this policy, no further steps will be taken or required. However, a broker, broker delegate, or manager may discuss more appropriate behaviour with either party or discuss and aid with an appropriate conflict management process.

**Complainant Does Not Wish to Make a Formal Written Complaint**

Where a complainant brings to the broker, broker delegate, or manager’s attention facts that person believes, on first impression, constitute evidence of workplace harassment, but the complainant does not wish to make a written complaint, the following steps may be taken:

* The broker, broker delegate, or manager may meet with the person whose conduct has caused the offense with a view to taking corrective action, providing education, or suggesting options for resolution through mediation or facilitation, if deemed appropriate
* Where the complainant does not wish a broker, broker delegate, or manager to take any further action, the broker, broker delegate, or manager will refer the matter to human resources for further consideration
* A broker, broker delegate, manager, or human resources staff who has spoken to the individual whose conduct caused offense in accordance with this section, will keep a confidential written record of that discussion, which is separate from the real estate professional’s and unlicensed brokerage staff’s files.

**Formal Resolution Process**

If the matter is not resolved under the informal resolution process, the real estate professional and unlicensed brokerage staff may consider filing a formal complaint by completing the Formal Resolution Request Form (in development) and submitting it to human resources.

**Formal Complaint**

When the broker, broker delegate, or manager receives a completed Formal Resolution Request Form, they will:

* Review the form for completeness
* Ensure the complainant has explored the options under the informal resolution reporting process, where appropriate
* Advise the complaint of counselling through the brokerage’s Employee and Family Assistance Program (where applicable) and other support services the brokerage provides
* Advise the complainant to consult a health professional for treatment of an injury or adverse symptoms
* Determine whether the allegations, if true, constitute harassment and if so, refer the matter to investigation
* Recommend the informal resolution process
* Notify the person against whom the complaint was made of the allegations and the complainant’s name

**Opportunity for Assisted Resolution Meeting**

Where the complainant makes a formal complaint, human resources may, if the complainant consents, seek a meeting with the person against whom the complaint is made with a view to obtaining an apology or such other resolution as will satisfy the complainant. This may be a meeting facilitated by a broker, broker delegate, manager, or human resources staff (where applicable), or some external resource who can provide a safe environment to seek early resolution.

Where the complaint is resolved at the meeting referred to above, human resources will be advised of any recommendations concerning resolution of the complaint. The recommendations, the formal written complaint, and the resolution will be recorded in the brokerage's confidential complaint files.

Where the complaint is not resolved at the meeting referred to above, human resources will be advised, provided with the written complaint and a note that a resolution was attempted but not achieved.

Human resources should be involved when:

* The broker, broker delegate, or manager initiates a formal complaint; this complaint should be made to human resources for consideration of next steps
* Assistance would be appreciated in planning a strategy to deal with a complaint
* There has been a conversation with the respondent but there has been no change of behaviour
* There is an allegation of conduct that could be a safety risk

The broker should be involved when:

* The broker delegate or manager is the person alleged to be engaging in harassing behaviour
* A member of human resources is the person alleged to be engaging in harassing behaviour (where applicable)
* At the discretion of human resources (where applicable)

**Investigation and Disposition of Complaint**

The broker (or human resources, were applicable) oversees the investigation process. They will appoint a person or persons to investigate every Formal Resolution Request Form and report on that investigation. The investigator may be a broker, broker delegate, manager, or an external investigator. Where a resolution to the complainant is achieved and a recommendation by a broker, broker delegate, manager, or human resources (where applicable) is accepted, the scope of the investigation may be limited to a review of the written complaint and the recommendation of the person who received it. The broker delegates of the parties involved will be notified of the investigation so that any concerns including health and safety concerns and workplace disruption can be mitigated.

The brokerage will ensure that investigators have been trained in investigation process and the principles of natural justice to ensure the investigation is carried out in a fair, timely, and respectful manner.

**Investigation Procedure**

In conducting the investigation, the investigator should thoroughly explore the matter as they see fit, and then inform the complainant on the status of the investigation. Some of the information to be collected and considered in the investigation may include:

* Confirmation of the name and position of complainant
* Identification of the individual whose conduct caused offense
* Thoroughly ascertaining all facts to the allegation of harassment or violence
* Determining the frequency and type of the alleged objectionable conduct and, if possible, the dates and locations where the alleged conduct occurred
* Determining the impact (physical and emotional) of the alleged conduct on the complainant and witnesses
* Identifying witnesses who observed the alleged conduct
* Asking the individual how they responded to the objectionable conduct
* Determining whether the complainant consulted anyone else about the alleged conduct and take note of who else knows and their response to the disclosure
* Developing a thorough understanding of the professional relationship, degree of control, and amount of interaction between the person whose conduct caused offense and the complainant (Does the person control compensation, terms of employment, or promotions? Do these individuals work in close proximity to one another or on the same projects?)
* Determining whether the person whose conduct caused offense has carried out any threats or promises directed at the complainant or whether the terms of employment have been adversely affected
* Determining if the complainant knows of or suspects that there are other individuals who have been subjected to the same objectionable conduct by the person whose conduct caused offense?
* Determining if the complainant informed the broker or other broker delegates of the situation? (What response, if any, did the complainant receive from these individuals?)
* Asking the complainant what action they would like the brokerage to take as a consequence of the objectionable conduct
* Asking the complainant if they feel safe/comfortable in the workplace as it is and if they can perform their job
* Reminding the individual whose conduct caused offence of the brokerage's policy against retaliation for making a complaint of objectionable conduct
* Advising the person whose conduct caused offense who the complainant is, the conduct complained of, and allow for a full hearing of their response to the allegations
* Confirming all information and obtaining any additional facts and information
* Interviewing all witnesses identified by the complainant, the respondent, or other witnesses
* Reminding the complainant, respondent, and any witnesses not to discuss the complaint with anyone in the brokerage as it is under investigation

Throughout the investigation, to the greatest extent possible, reasonable efforts will be made to respect the confidential nature of the complaint. However, absolute confidentiality cannot be guaranteed owing to the need for an investigation and the need to inform the alleged offender, an occupational health and safety officer or others, including local authorities.

**Decision by Investigator**

The investigator will determine whether the complaint has been substantiated and will provide a written report including the findings and recommendations to human resources. When a complaint has been substantiated, human resources will determine the appropriate discipline or corrective action, advise the individual whose conduct caused offense, and ensure that the recourse is implemented or carried out.

The options for recourse include but are not limited to:

* Apology
* Training
* Referral to an Employee and Family Assistance Program or other resource for counseling
* Reassignment
* Limiting access to certain areas or individuals within the organization
* Discipline
* Discharge
* Advising local authorities of a potential criminal offence

In determining the appropriate recourse, the following will be considered:

* Nature of the misconduct
* Disciplinary history of the real estate professional or unlicensed brokerage staff
* Length of service of the real estate professional or unlicensed brokerage staff
* Impact or potential impact of the misconduct on the complainant, the work site, and the brokerage

**Informing the Complainant**

The complainant will be informed of the outcome of the investigation. If the complainant is not satisfied with the outcome of the investigation or the disciplinary action, the complainant may:

* Refer the matter to the brokerage’s joint occupational health and safety committee
* Contact the office of the OHS
* File a complaint under the AHR Act

**False Accusations**

If an investigation results in a finding that the complainant falsely accused another of objectionable conduct knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination, and the investigation results as well as the sanctions will be recorded in the complainant’s staff file. Any discipline which may be imposed on individuals participating in the complaint process for making false allegations is not considered retaliation.

**Harassment by Outsiders**

All real estate professionals and unlicensed brokerage staff who consider that they has been subjected to workplace harassment by a person who is not a real estate professional or unlicensed brokerage staff should seek the advice of a broker, broker delegate, manager, or human resources staff. That person will take whatever action is necessary to ensure that the brokerage fulfills its responsibility to promote a respectful workplace and to support and assist the person subjected to such harassment.

**Time Frame for Reporting Complaints**

The brokerage encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems, and because of the emotional toll such misconduct may have on the individual, no limited time frame will be instituted for reporting objectionable conduct complaints. Late reporting of complaints will not in and of itself preclude the brokerage from taking remedial action.

**Review Period**

This policy and prevention plan will be reviewed in conjunction with the joint health and safety committee every three years, after a reported incident of harassment, or when the health and safety committee recommends a review.