

Rural Municipality of Stanley No. 215	HARASSMENT PREVENTION POLICY	Policy # GG-100-44 Date Approved: May 7, 2019 Revised: May 12, 2020	Resolution: 155/18-19 172/19-20
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Statement of Commitment

Every worker is entitled to employment free of harassment. The **RM of Stanley No. 215** is committed to ensuring a productive work environment where the dignity and worth of every person is respected. Workplace harassment will not be tolerated and the **RM of Stanley No. 215** will take all reasonable steps to prevent harassment and stop it if it occurs.

Definition of Harassment

This harassment policy covers the following:

Harassment Based on Prohibited Grounds

This includes any inappropriate conduct, comment, display, action or gesture by a person that:

- is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; and
- constitutes a threat to the health or safety of the worker.

This type of harassment is prohibited in *The Saskatchewan Employment Act* (the Act) and *The Saskatchewan Human Rights Code*.

It also extends to sexual harassment, which is conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or welcome.

Sexual harassment may include:

- a direct or implied threat of reprisal for refusing to comply with a sexually-oriented request;
- unwelcome remarks, jokes, innuendos, propositions or taunting about a person’s body, attire, sex or sexual orientation;
- displaying pornographic or sexually explicit pictures or materials;
- unwelcome physical contact;
- unwelcome invitations or requests, direct or indirect, to engage in behavior of a sexual nature; or
- refusing to work with or have contact with workers because of their sex, gender or sexual orientation.

Personal Harassment

This includes any inappropriate conduct, comment, display, action or gesture by a person that:

- adversely affects a worker’s psychological or physical well-being; and
- the perpetrator knows or ought to reasonably know would cause the worker to be humiliated or intimidated.

Personal harassment must involve repeated conduct or a single, serious incident that causes a lasting harmful effect on the worker. All incidents of inappropriate conduct should be appropriately addressed

to ensure that the workplace remains respectful and free of harassment. Personal harassment may include:

- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- personal ridicule or malicious gossip;
- unjustifiable interference with another's work or work sabotage;
- refusing to work or co-operate with others; or
- interference with or vandalizing personal property.

What is Not Harassment

This harassment policy does not extend or apply to day-to-day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, implementation of appropriate dress codes and disciplinary action. These actions are not harassment, even if they sometimes involve unpleasant consequences. Managerial actions must be carried out in a manner that is reasonable and not abusive.

The policy also does not extend to harassment that arises out of circumstances unrelated to the worker's employment. For example, harassment is not covered if it occurs during a social gathering of co-workers that is not sponsored by the employer. However, harassment that occurs while attending a conference or training session at the request of the employer is covered.

Other situations that do not constitute harassment include:

- physical contact necessary for the performance of the work using accepted industry standards;
- conduct which all parties agree is inoffensive or welcome; or
- conflict or disagreements in the workplace, where the conflict or disagreement is not based on one of the prohibited grounds.

Harassment can exist even where there is no intention to harass or offend another. Every person must take care to ensure his or her conduct is not offensive to another.

Employer's Commitment

The **RM of Stanley No. 215** and its managers and supervisors will take all complaints of harassment seriously. We are committed to implementing this policy and to ensuring it is effective in preventing and stopping harassment, as well as creating a productive and respectful workplace.

This commitment includes:

Informing all persons in the workplace of their rights and obligations

- A copy of the harassment policy will be provided to all workers.
- A copy of the harassment policy will be posted on the company bulletin board.
- The company's policy statement on harassment will be posted in each work area in a location that is visible to all staff and the public.

Training all persons in implementing the harassment policy

- An information meeting will be held with all staff to answer questions about the new policy.
- Supervisors will review the policy with new workers as part of their orientation.
- People designated to receive, investigate or resolve complaints will be trained in their roles and responsibilities.
- All The RM of Stanley No. 215 managers, directors, officers, and supervisors will be asked to set a good example and help foster a respectful workplace.
- A list of people designated to receive complaints shall be posted on the company bulletin board.

Assigning responsibility for implementing this policy

- The **RM of Stanley No. 215** will designate **2** people who may receive harassment complaints and assist in facilitating their resolution.
- The **RM of Stanley No. 215** shall designate **2** people who will investigate harassment complaints.
- The **RM of Stanley No. 215** will designate all unit managers authorized to take corrective action in accordance with this policy.

Protecting workers trying to prevent or stop harassment

- Harassment complaints and investigations will be held in the strictest of confidence
- except where disclosure is necessary to investigate the complaint, take corrective action or required by law.
- Action will be taken to prevent reprisal against people who make a harassment complaint in good faith, which may mean informing complainants and alleged harassers of this commitment.

Promptly taking action necessary to stop and prevent harassment

- Appropriate action, sufficient to ensure the harassment stops and does not happen again, will be taken against people who are or were engaged in, or participated, in harassment.
- When necessary, customers, contractors or other visitors will be informed certain conduct will not be tolerated.

Ensuring the policy remains current

The effectiveness of the policy will be reviewed in consultation with the *Human Resource Committee* every two years.

Employee's Duty

In accordance with Part III of *The Saskatchewan Employment Act*, all workers, including managers and supervisors employed by the **RM of Stanley No. 215** shall refrain from causing or participating in the harassment of another worker, and co-operate with any person investigating harassment complaints.

Complaint Procedure

An employee who believes that he or she has been subjected to harassment is encouraged to first clearly and firmly make known to the alleged harasser that the harassment is objectionable and must stop.

Where this cannot be done, or is unsuccessful, the employee should report the alleged harassment to the employer, or to one of the persons designated by the employer to receive complaints of harassment, namely:

- **Administrator**
- **Reeve**

Once a person designated by the employer receives a complaint, that person shall immediately bring the complaint to the attention of the employer.

The employer will discuss options to resolve the complaint with the complainant. Where the conflict cannot be promptly resolved in a matter satisfactory to the complainant, the employer will notify the alleged harasser, provide the alleged harasser with information concerning the circumstances of the complaint and undertake a confidential investigation.

Following the conclusion of the investigation, the employer will inform the complainant and the alleged harasser of the results.

Where harassment has been substantiated, the employer will take appropriate corrective action.

Taking Action to Stop and Prevent Harassment

In taking action to stop harassment and prevent its reoccurrence, the **RM of Stanley No. 215** will be guided by the following:

Individual Awareness and Counselling

People may not be aware of the effects of their behavior. In many cases, speaking to the person in private about the inappropriate behavior will help resolve a situation.

In certain instances, it may be more effective for a supervisor to speak with the offending person or to arrange and facilitate a meeting between the complainant and alleged harasser.

Complainants should not be encouraged to confront the alleged harasser if they are reluctant, if the alleged harassment is of a serious nature or if the alleged harasser denies the alleged conduct.

Staff Awareness and Counselling

Standards of behavior change over the years. Some individuals or groups may not be aware behavior that was acceptable in the past, is not acceptable anymore. A staff awareness session may be helpful to correct problems based on lack of awareness. Relevant videos, lectures and facilitated group discussions may increase awareness of behaviors that are unacceptable and the reasons for the changes.

Interim Action

A unit manager may have grounds to believe a complainant will be exposed to continued harassment or reprisal while waiting for the investigation or resolution process to occur. The unit manager must take immediate action to protect the worker from continued harassment or reprisal. Any interim action should respect the alleged harasser's rights based on the Saskatchewan Employment Act.

Considering the above-mentioned rights, the unit manager's action may include:

- cautioning the alleged harasser about the types of behavior that will not be tolerated;

- moving the alleged harasser to another work unit;
- moving the complainant to another work unit at the complainant's request; and
- suspending the alleged harasser with pay while waiting for a final determination.

Mediation

Mediation offers both parties the opportunity to develop an understanding of the problem and resolve the complaint before or during the formal investigation process. The mediator facilitates separate discussions or joint meetings between the complainant and the alleged harasser.

Mediation may take place at any point in the resolution process as long as both parties agree to participate. Where the complainant and alleged harasser agree to participate in mediation, the **RM of Stanley No. 215** shall arrange for a mediator, who is trained and independent.

Disciplinary Action

An employee or elected official who has knowingly engaged or participated in the harassment of a worker will face discipline. The discipline will be subject to the employee's rights under the Section 3-8(d) of the Saskatchewan Employment Act ("*Every employer shall ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment with respect to any matter or circumstance arising out of the worker's employment*") or Section 93 of the Municipalities Act (*Code of Ethics*) and the Rural Municipality of Stanley No. 215's Code of Ethics Bylaw 1-2017.

Discipline may include reprimand, relocation, demotion, suspension or termination of employment.

The severity of discipline will depend on:

Seriousness of the Alleged Conduct

- whether the conduct is an offence under the criminal code;
- whether the conduct is an offence under the Act or The Saskatchewan Human Rights Code;
- the extent of the mental or physical injury caused to the complainant;
- whether the harasser persisted in behavior that was known to be offensive to the complainant; or
- whether the harasser abused a position of authority.

Risk of the Harasser Continuing with Similar Harassment of the Complainant or Others

- whether the harasser acknowledges that conduct was unacceptable and makes a commitment to refrain from future harassment;
- whether the harasser has apologized to the complainant or taken action to repair any harm; or
- whether the harasser has agreed to participate in awareness sessions, training or other recommended counselling or treatment.

Third-party Harassers

This policy covers harassment connected to any matter or circumstance arising out of the worker's employment. Customers, clients, patients, contractors or their workers and others invited to the workplace could harass an employee.

The **RM of Stanley No. 215** may have limited ability to investigate or control their conduct. However, the **RM of Stanley No. 215** shall take reasonably practicable action to stop or reduce the risk to its workers of being harassed by third parties.

This action may include:

- posting the harassment policy in a location visible to third parties; and
- requiring certain contractors and their workers to accept and meet the terms of the harassment policy; and
- removing workers who participate in harassment.

Where a client or customer has been asked to stop abusing or harassing a worker and does not, workers are authorized to:

- end telephone conversations;
- politely decline service; and
- ask the customer or client to leave the workplace.

Malicious Complaints

Where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate discipline.

Other Options for Complainants

Nothing in this policy prevents or discourages a worker from referring a harassment complaint to the Saskatchewan Occupational Health and Safety Division under *The Saskatchewan Employment Act* and regulations.

A worker may also file a complaint with the Saskatchewan Human Rights Commission under *The Saskatchewan Human Rights Code*.

A worker also retains the right to exercise any other legal avenues available.

RM of Stanley No. 215 Formal Harassment Complaint Form

Complainant Information:

Name: _____ Phone Number: _____

Work Unit: _____ Job Title _____

Supervisor's Name: _____ Phone Number: _____

Witness Information

List names of possible witnesses.

Name	Position	Contact Phone Number

Information about the individual(s) you feel has/have harassed you:

Name of person(s) against whom this complaint is made :

Date of incident (dd/mm/yyyy): _____

In your opinion is the harassment based on any of the following? Check the boxes that apply to your situation.

Sexual Orientation

Religion

Sex

Nationality

Disability

Age

Place of Origin

Family Status

Creed

Physical Weight/Height

Colour

Race

Marital Status

Ancestry

None of the Above

If not based on any of the above grounds, is the harassment based on either of the following:

a) Repeated incidents that have caused you to be humiliated or intimidated. Yes No
OR

b) A single serious incident that has had a lasting harmful effect on you. Yes No

In your own words, describe the conduct, comments or display you found objectionable. Give details of date and location of the incident(s) that is/are the basis of your complaint.

What type of resolution do you seek? (e.g., supervisor to direct or counsel person to correct conduct; facilitated meeting with alleged harasser; apology; workshops or training sessions; mediations; or other.)

Declaration

I hereby confirm the statement(s) contained in this complaint are true to the best of my knowledge. I understand a copy of this complaint will be provided to the alleged harasser for the purpose of investigating this complaint.

Signature: _____ Date (dd/mm/yyyy): _____

I acknowledge receipt of this complaint.

Supervisor's Signature: _____ Date (dd/mm/yyyy): _____