

RURAL MUNICIPALITY of WISE CREEK NO. 77

HARRASSMENT POLICY 4-18

Statement of Commitment

Every worker is entitled to employment free of harassment. The RM of Wise Creek No.77 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 Wise Creek No.77 will take all reasonable steps to prevent harassment and stop it if it occurs.

1. 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:

- a) 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
- b) 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) a direct or implied threat of reprisal for refusing to comply with a sexually-oriented request;
- b) unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, attire, sex or sexual orientation;
- c) displaying pornographic or sexually explicit pictures or materials;
- d) unwelcome physical contact;
- e) unwelcome invitations or requests, direct or indirect, to engage in behavior of a sexual nature; or
- f) 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:

- a) adversely affects a worker's psychological or physical well-being; and
- b) 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:

- a) physical contact necessary for the performance of the work using accepted industry standards;
- b) conduct which all parties agree is inoffensive or welcome; or

- c) 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.

2. Employer's Commitment

The RM of Wise Creek No.77 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:

a) Informing all persons in the workplace of their rights and obligations

- A copy of the harassment policy will be provided to all workers. .
- 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.

b) Training all persons in implementing the harassment 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.
- The Reeve, all Councillor's and supervisors will be asked to set a good example and help foster a respectful workplace.

c) 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.

d) 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.

e) Ensuring the policy remains current

The effectiveness of the policy will be reviewed in consultation with the Occupational Health Committee every two years.

3. Employee's Duty

In accordance with Part III of *The Saskatchewan Employment Act*, all workers, including supervisors employed by the RM of Wise Creek No.77 shall refrain from causing or participating in the harassment of another worker, and co-operate with any person investigating harassment complaints.

4. Complaint Procedure

All complaints will be taken seriously. The rights of all concerned will be respected. Workers are encouraged to use these steps to address incidents of alleged harassment internally.

- a) A worker 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.
- b) An individual reports an incident or concern. The complaint should be in writing in a form consistent with the harassment complaint form attached to this policy the worker should submit the form to the Reeve, In the event that the complaint is against the Reeve, the worker should report the alleged harassment to the Deputy Reeve who will take the action indicated below for the Reeve.
- c) Once a report is received, the Reeve shall immediately notify the alleged harasser of the complaint; provide the alleged harasser with information concerning the circumstances of the complaint; and undertake a confidential investigation.
- d) Following the conclusion of the investigation, the Reeve will inform the complainant and the alleged harasser of the results of the investigation.

5. Taking Action to Stop and Prevent Harassment

In taking action to stop harassment and prevent its reoccurrence, the RM of Wise Creek No.77 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 employment contract or collective bargaining agreement.

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 Wise Creek No.77 shall arrange for a mediator, who is trained and independent.

Disciplinary Action

An employee who has knowingly engaged or participated in the harassment of a co-worker will be disciplined. The discipline will be subject to the employee's rights under the employment contract or collective bargaining agreement.

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

6. 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 Wise Creek No.77 may have limited ability to investigate or control their conduct. However, The RM of Wise Creek

No.77 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.

7. Malicious Complaints

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

8. 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.

Employee Complaint Form

Your Name: _____ Date: _____

Title: _____ Phone Number: _____

Status: Employee Customer

Other (Specify) _____

Department: _____

Address: _____

Complaint Information

Date of Incident: _____

Time of Incident: _____

Location of Incident: _____

Please describe the incident in detail:

If there are others who have witnessed the incident, please provide their names and phone numbers below:

Is this the first time you have raised this concern about this person?

Yes No

Do you have any suggestions for resolving the complaint? If so, please explain.

Do you have any additional information or complaints? If so, please explain.

Signature: _____

Print Name: _____