

<b>Workplace Harassment Policy</b>	<b>Policy No. 6.7.0</b>
<b><u>Date of Policy:</u></b> April 28, 2014	<b><u>Revision:</u></b>
<b><u>Motion Number:</u></b>	

**Statement of Commitment**

Every worker is entitled to employment that is free of harassment. The Town of Nipawin 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 Town of Nipawin will take all reasonable steps to prevent harassment and stop it if it occurs.

The Town of Nipawin is committed to the teamwork approach and the best possible working conditions for its employees. To achieve these goals an open and frank atmosphere is encouraged in which any problem, complaint, suggestion, or question receives a timely response from Supervisors and Management.

**Goals**

1. Provide guidelines for behaviour and responsibilities.
2. Provide a means for informal and formal investigation of complaints of violations of individual rights.
3. Establish consistent procedures for prompt, fair and equitable handling of complaints or violation.
4. Ensure a working environment free of violence, harassment or discrimination.
5. Ensure that any allegation must be dealt with seriously, speedily and confidentially.
6. Ensure that any mediation must be entered into voluntarily by the parties.
7. Ensure that the principles of natural justice must govern any investigation.

**Terms & Abbreviations**

<b>Allegation</b>	a statement or assertion that has not been proven
<b>Alleged</b>	suspected but not proven
<b>Best Practice</b>	wisest action to take based on current knowledge
<b>Complainant</b>	a person making a complaint of harassment
<b>In Good Faith</b>	refers to a claim of harassment with good intentions
<b>In Bad Faith</b>	refers to a claim of harassment when the complainant knows that the allegations are not true

**OHS Act** *The Occupational Health and Safety Act, 1993*

**OHS Regulations:** *The Occupational Health and Safety Regulations, 1996*

**OHS Act and Regulations** *The Occupational Health and Safety Act, 1993 and The Occupational Health and Safety Regulations, 1996*

**Policy:**

**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 OHS 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 unwelcome.

**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 may involve repeated conduct or be 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
- Interference with or vandalizing personal property
- A direct or implied threat of reprisal for refusing to comply with a sexually orientated request
- Unwelcome remarks, jokes, innuendoes, 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

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- Refusing to work with or have contact with workers because of their sex, gender or sexual orientation

### **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. Note that 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 matters or circumstances unrelated to the worker's employment. For example, harassment that occurs during a social gathering of co-workers that is not sponsored by the employer is not covered. However, harassment that occurs while attending a conference or training session at the request of the employer is covered within this policy.

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
- 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.

### **Rights & Responsibilities**

#### **Employer's Commitment**

As an employer, the Town of Nipawin has a responsibility to be aware of what is happening in the workplace. The Town promises to treat all incidents of harassment seriously and act on all complaints to ensure that they are resolved quickly, confidentially, and fairly. We will discipline anyone who has harassed a person or group of people or who retaliates in any way against anyone who has complained of harassment, given evidence in harassment investigations, or been found guilty of harassment. The Town of Nipawin will not tolerate any form of workplace harassment, violence or discrimination.

#### **Department Managers/Supervisors/Foreman**

Each manager and supervisor is responsible for fostering a safe working environment, free of harassment. Managers must set an example for appropriate workplace behaviour, and must deal with situations of harassment immediately upon becoming aware of them, whether or not there has been a complaint. Managers will:

- Treat all employees, customers, contractors with respect
- Take immediate steps, including reporting or participating in the investigation of harassment

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and taking appropriate disciplinary action, to prevent or stop actions that may lead to complaints of violence and harassment

- Lead by example
- Ensure that their conduct, as well as that of employees who report to them, is not harassing or violent.
- Communicate and reinforce this Policy and procedures on violence and harassment to current and new employees

## **Employees**

All employees have the responsibility to treat each other with respect, and to speak up if they or someone else is being harassed. All employees have a responsibility to report harassment to their Supervisor or, if more appropriately, a different Manager or the Department Head; their bargaining unit or associate representative, or Occupational Health Committee Member. All employees must treat all employers, customers, contractors with respect and take immediate steps, including reporting or participating in the investigation of harassment if required. All employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

Employees have:

- The right to a harassment-free workplace
- The responsibility to treat other employees with respect
- The responsibility to speak up when harassment occurs
- The responsibility to report harassment to the appropriate person
- The right to confidentiality

## **Guidelines**

The Town of Nipawin's Workplace Harassment Policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

There is Provincial legislation which addresses harassment in the workplace under *The Occupational Health & Safety Act, 1993*, Sections 2(1)(l), 2(p)(v), 3, and 4, *The Occupational Health and Safety Regulation, 1996*, Sections 36 and 37 and *The Canadian Labour Code*, Section III, Division XV.1. The Town of Nipawin supports the legislation that governs this Policy which specifically addresses the elimination of sexual, racial, religious, sexual orientation and personal harassment.

## **Confidentiality**

In the context of the harassment, violence and discrimination policy, "confidential" means that only those persons who have a direct involvement in the process for the purposes of investigation, taking disciplinary or corrective action or as required by law, will have access to the information collected.

The complainant's information will not be disclosed except where it is necessary to investigate the complaint, to take disciplinary action, or as required by law. Individuals with access to information will exhibit a high degree of professionalism to prevent information from becoming public. Failure to maintain confidentiality is subject to disciplinary action, up to and including dismissal.

The complainant will not be penalized if any remedial action is taken against the accused and no record of the complaint will be held in the employee's personnel file.

### **Anonymity**

Confidentiality must be distinguished from anonymity. It is fundamental that an individual accused of an offence, and subject to sanctions, be informed of the allegations against him/her; however, the identity of the complainant is not required to be disclosed.

The complainant who wishes his/her complaint dealt with must, therefore, be prepared to be identified, as this ensures accountability on all parties involved and will ensure that the Town of Nipawin does not receive complaints that are unsubstantiated or made in bad faith.

The identity of the complainant is also required to proceed with any formal procedure, as the following information is required:

- Getting all pertinent information from the complainant (location, duration, number of occurrences)
- Informing the accused of the details of the complaint, and getting his/her response
- Interviewing any witnesses, if applicable
- Deciding whether the harassment is valid and did take place
- Recommending appropriate action plan, remedies, penalties or other actions

People who will have access to some or all of the information include the Complainant, the Accused, Witnesses, Representatives of the Complainant and Accused, the Chief Administrative Officer and the Manager/Supervisor.

## **Procedures**

### **Complaint Procedures**

If the employee is comfortable with doing so, ask the alleged offender to stop. If you are not comfortable confronting the alleged offender, contact your Supervisor, your Manager, or your Union Representative (if applicable),

Keep a written record of dates, times, places, the nature of the behavior and the names of people who may have witnessed the incidents - indicate what action you took to stop the harassment, violence or discrimination.

Any employee who believes they have been harassed or subjected to discrimination should:

- Review the policy
- Document the incident(s) of harassment
- Make their concerns know to the Respondent(s) or other appropriate person(s) such as the administrator, a supervisor or a member of the personnel committee
- Participate and co-operate in the process in a constructive manner to resolve the situation

At any time during the process of handling a complaint where behavior of a criminal nature has occurred, or is thought to have occurred, the employee subjected to this behavior must be informed that he/she has the opportunity to advance the complaint to the police for investigation. In cases where the employee has been afforded the opportunity to advance a criminal complaint but chooses not to do so, that choice should be respected except where there is an overriding concern.

Once a complaint is received, it will be kept strictly confidential. An investigation will be undertaken immediately and all necessary steps taken to resolve the problem.

Allegations of harassment will be taken seriously and, if substantiated, addressed through corrective measures which may include disciplinary action.

Retaliation is strictly prohibited against anyone who has reported harassment or discrimination or participated in the complaint process. Any signs of retaliation should be reported immediately to a supervisor, administrator or personal committee member. Retaliation may result in disciplinary action, up to and including dismissal.

### **Unsubstantiated Complaints/Complaints Made in Bad Faith**

If there is not enough evidence to support an allegation of harassment, there will be no recommended penalties or remedies.

In the event that a complaint is determined to be made in bad faith, that it was deliberately and maliciously filed knowing it had absolutely no basis, the Complainant will be subject to the same penalties as the Accused, where the Department Manager, Supervisor, or Chief Administrative Officer may take a suitable course of disciplinary or corrective action.

The person unjustly accused of harassment will have his/her reputation restored, and will be given the benefit of any necessary remedies that would be given in a case of harassment.

### **Retaliation**

Anyone who retaliates in any way against a person who has been involved in a harassment complaint will be subject to the same penalties as the accused.

**Occupational Health & Safety**

Regina  
400-1870 Albert Street  
REGINA SK  
S4P 4W1  
Phone: 306-787-4496  
Toll Free: 1-800-567-7233  
Fax: 306-787-2208

Saskatoon  
851-122 Third Avenue North  
SASKATOON SK  
S7K 2H6  
Phone: 306-933-5052  
Toll Free: 1-800-667-5023  
Fax: 306-933-7339

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**Harassment Complaint Form**

Name of Complainant: \_\_\_\_\_ Contact: \_\_\_\_\_

Complainant's Work Unit: \_\_\_\_\_

Complainant's Supervisor: \_\_\_\_\_ Contact: \_\_\_\_\_

Name of Person(s) against whom this complaint is made: \_\_\_\_\_

Describe the incident(s) or event that is the basis of this complaint: (Indicate dates and location of events)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List names of possible witnesses:

Name Position Contact (phone)

_____	_____	_____
_____	_____	_____
_____	_____	_____

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)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Complainant

I acknowledge receipt of this complaint:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Manager