

<b>POLICY TYPE:</b>	100 General Government
<b>POLICY TITLE:</b>	Harassment Policy

<b>AUTHORITY:</b>	Resolution # 9/2011
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## STATEMENT OF COMMITMENT

Every worker is entitled to employment free of harassment. The Rural Municipality of Clayton No. 333 ("the RM") is committed to a harassment free workplace where everyone is treated with dignity and respect.

## 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 Occupational Health and Safety Act, 1993*, S.S. 1993, c. o-1.1 ("the OHS Act") and *The Saskatchewan Human Rights Code*, S.S. 1979, c. S-24.1. It also extends to sexual harassment, which is conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome.

Sexual harassment may include:

- 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;
- 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;
- 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. 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.

#### **EMPLOYER'S COMMITMENT**

The Rural municipality of Clayton No. 333, and its council, 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.

## **EMPLOYEE'S DUTY**

In accordance with section 4 of the OHS Act, all workers, including council employed by the RM 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 at least one council member or the administrator. Once a designated person receives a complaint of harassment that person shall immediately bring the complaint to the attention of the whole of council.

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 of the complaint, provide the alleged harasser with the information concerning the circumstances of the complaint and undertake a confidential investigation.

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

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

## **Confidentiality**

The Rural Municipality of Clayton No. 333 will not disclose the identity of the complainant or alleged harasser or the circumstances of the complaint, except where disclosure is necessary for the purposes of investigating or taking disciplinary action in relation to the complaint, or where such disclosure is required by law.

## **Other options for Complainants**

Nothing in this policy prevents or discourages an employee from referring a harassment complaint to OHS or The Saskatchewan Human Rights Commission. An employee also retains the right to exercise any other legal avenues available.