



RM of Loon Lake #561

Policy Type:	Human Resources
Policy Title:	Anti-Harassment and Respectful Workplace Policy and Procedure
Policy Number:	900-12

Authority:	
<i>Council Resolution #</i>	<i>314/20</i>

1. PURPOSE

To provide all persons with a working environment that is free of harassment.

The RM of Loon Lake, its employees and members of Council recognize their corporate and individual obligations to provide a working environment free of harassment.

The purpose of the policy is to establish that the RM of Loon Lake prohibits harassment by and of its employees, elected officials and individuals providing services to the RM. If such behavior has taken place, as confirmed by a proper confidential investigation, then disciplinary action will ensue. The RM of Loon Lake will do everything reasonably practicable to ensure that no person(s) is subjected to harassment.

This policy will be applied to **ALL** persons providing a service to the RM of Loon Lake and is to be administered by those persons who are functioning in a supervisory/leadership/management capacity.

2. DEFINITIONS

2.1 **"Harassment"** means any objectionable, inappropriate conduct, comment, display of action or gesture by a person that:

- a) is directed at a worker;
- b) is made on the basis of race, creed, religion, colour, sex, sexual orientation, gender identity, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; and
- c) adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and
- d) constitutes a threat to the health or safety of the worker.
- e) harassment does not include any reasonable action that is taken by an employer or a manager or supervisor employed or engaged by an employer relating to the management and direction of the employer's workers or the place of employment.

2.2 **"Person"** means any individual who is engaged in any occupation or service for the RM of Loon Lake as an employee under appointment, under contract or as an elected official.

2.3 **"Sexual Harassment"** means any unsolicited and unwelcomed sexually oriented behaviour. It may include but is not limited to the following:

- a) an interference with one's job performance;
- b) an implied or expressed threat of reprisal for refusal to comply with a sexually oriented request;
- c) a demand for sexual favours in return for continued employment or more favourable employment treatment;
- d) unwelcomed and offensive remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, sex, or sexual orientation;
- e) displaying of pornographic or sexually explicit materials;
- f) physical contact such as touching, patting or pinching, with an underlying sexual connotation;
- g) any actions that create an uncomfortable or hostile working environment;
- h) sexual assault.
- i) Any behavior that polices and reinforces traditional heterosexual gender norms.
- j) Discrimination and/or harassment based on gender expressions and/or identity.

2.4 **"Personal Harassment"** as defined in 4.2 to 4.4 includes any unsolicited, unwelcomed, disrespectful and offensive behavior.

2.5 **"Adverse Employment Consequences"** can mean but is not limited to:

- a) the creation of a hostile working environment;
- b) an interference with one's job performance;
- c) a denial of training, promotional or other benefits and opportunities associated with one's employment.
- d) a condition of a sexual nature being placed on one's employment or continued employment.

3. Responsibilities

3.1 **Council and Management/Supervisors shall:**

- a) endeavour to ensure that the workplace within their jurisdiction is free from harassment;
- b) immediately record in writing, and refer as appropriate, any occurrences or complaints outlining the circumstances of each situation in accordance with Appendix "A" Procedures for Harassment Complaints.
- c) ensure that all harassment complaints are investigated promptly and **CONFIDENTIALLY** where possible;
- c) ensure support is provided to any employee by providing information and referral as required;
- e) assist in investigating or referring complaints to an independent external person for investigation and determining appropriate measures;

- d) review, update and administer this policy.

3.3 Persons encountering harassment shall:

- a) make their objection clearly and firmly known to the offender and ask them to stop;
- b) prepare and maintain a written record of the dates, times, nature of the behaviour and witnesses and complete and sign the appropriate form as provided for in Appendix "A";
- c) report the incident, in writing on the form provided, to the Supervisor, Administrator or Reeve depending on the nature of the incident;
- d) keep the complaint strictly confidential, except as required to report the complaint and participate in the resolution of it.

4. POLICY

The RM of Loon Lake considers harassment to be a major offence which can result in disciplinary action up to and including discharge. As a condition of employment, all persons shall refrain from harassment.

- a) Each complaint shall be examined.
- b) Confidentiality shall be ensured for all parties involved in all queries, complaints and cases where possible.
- c) Malicious complaints may result in disciplinary action being taken against the complainant.
- d) Procedures to be followed are attached as Appendix "A" to this policy.

4.1 General

The RM of Loon Lake is committed to providing a work environment which respects individual rights, personal dignity and integrity; promotes equal opportunity and mutual respect and prohibits all forms of discriminatory practices. Behaviour is a choice and this policy provides the parameters within which all RM employees and members of Council are to base their work-related verbal and non-verbal behaviour decisions.

This policy is intended to support a respectful work environment by outlining what is **NOT** acceptable behaviour. The RM of Loon Lake will support training to educate Council members and employees at all levels on the subject of a respectful workplace and to stop any and ALL forms of harassment and discrimination. In turn, members of Council and employees have a responsibility to ensure their workplace behaviour supports this policy.

In Saskatchewan, *The Occupational Health and Safety Act, 1993* and *The Saskatchewan Human Rights Code* require that employers ensure that their employees are not exposed to harassment at work.

This policy is, in addition to, and not in substitution for, such rights as an individual may have under the applicable Human Rights and Occupational Health and Safety legislation or the procedures of the RM. The policy is not intended to constrain normal healthy social interaction between members of Council and employees or to affect the ordinary and proper evaluation of the performance of a person's duties. It is intended to foster a working environment in which members of Council and employees treat each other with mutual respect.

4.2 Workplace Discrimination and Harassment

The RM will not tolerate verbal, written (inclusive of e-mail or other forms of electronic social media) or physical conduct which constitutes workplace discrimination or harassment. Persons who harass others will be dealt with appropriately and may be terminated for cause.

4.3 Racial or Ethnic Harassment

Racial or ethnic harassment is defined as any conduct or comment which causes humiliation or embarrassment to an employee because of their racial or ethnic background, their colour, place of birth, citizenship, ancestry or religious affiliation.

Examples of conduct which may be construed as racial or ethnic harassment include:

- Unwelcome remarks, jokes or innuendos about a person's racial or ethnic origin, colour, place of birth, citizenship, ancestry, or religious affiliation.
- Displaying racist or derogatory pictures or other offensive material.
- Insulting gestures or practical jokes based on racial or ethnic grounds which create awkwardness or embarrassment.
- Refusing to speak to or work with someone or treating someone differently because of their ethnic or racial background.

4.4 Psychological Harassment (Bullying)

It is the intent of The RM of Loon Lake to provide employees and members of Council with a work environment free from personal/psychological harassment. All employees and members of Council have the responsibility to conduct themselves accordingly.

Definition of Psychological Harassment

Psychological harassment is "vexatious behaviour" that manifests itself in the form of conduct, verbal comments, actions or gestures characterized by the following four criteria:

- They are repetitive;
- They are hostile or unwanted;
- They affect a person's dignity or psychological integrity; and
- They result in a harmful work environment.

Definition of "Vexatious Behaviour"

"Vexatious behaviour" is humiliating or abusive behaviour that lowers a person's self-esteem or causes him/her anguish. It is also behaviour that exceeds what the person considers to be appropriate and reasonable in the performance of his/her work. A few common ways in which psychological harassment is expressed include:

- Making rude, degrading or offensive remarks.
- Making gestures that seek to intimidate.
- Discrediting the person; spreading rumors, ridiculing him/her, humiliating him/her, calling into question their convictions or their private life, shouting abuse or sexually harassing him/her.
- Belittling the person; forcing him/her to perform tasks that are belittling or below his/her skills, simulating professional misconduct.
- Preventing the person from expressing himself/herself; yelling at him/her, threatening him/her,

- constantly interrupting him/her, prohibiting him/her from speaking to others.
- Isolating the person; no longer talking to him/her at all, denying his/her presence, distancing him/her from others.
- Destabilizing the person; making fun of his/her convictions, his/her tastes and his/her political choices.

Management Rights and the Normal Conditions of Employment

Psychological harassment must not be confused with the normal exercise of the employer's management rights, in particular the right to assign tasks and the right to reprimand or impose disciplinary sanctions.

Insofar as the employer does not exercise these rights in an abusive or discriminatory manner, the actions do not constitute psychological harassment.

4.5 Sexual Harassment

It is the intent of the RM to provide our employees and members of Council with a work environment free from sexual harassment. All employees and members of Council have the responsibility to conduct themselves accordingly.

Like racial or ethnic harassment, sexual harassment is against the law. It is also against the policy of the RM, which is to encourage respect and courtesy for your co-workers. Also, such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile and/or offensive working environment.

Sexual harassment is any unwelcome behavior which is sexual in nature (unwanted sexual advances, unwanted requests for sexual favours and other unwanted verbal or physical conduct of a sexual nature). Sexual harassment may be verbal, physical or visual and includes, but is not limited to, behaviour that:

- Might reasonably be expected to cause embarrassment, insecurity, discomfort, offence, humiliation;
- Is used as a basis for any employment decision;
- Interferes with work performance or creates a hostile or uncomfortable work environment.

The behaviour may be men towards women, women towards men, between men or between women. Examples of what could be interpreted as sexual harassment include:

- Gender-related comments about an individual's physical attributes, mannerisms or characteristics.
- Drawing attention to a person's sex and having the effect of undermining the person's role in a work, professional and/or business environment.
- Unwelcome physical contact such as patting, touching, pinching, petting, etc.
- Suggestive or offensive remarks or actions.
- Sexually degrading words used to describe a person.
- Unwelcome propositions of physical intimacy.
- Gender-related verbal abuse, threats or taunting.
- Leering (a side glance expressive of malignity, amorousness or some unworthy feeling).
- Bragging about sexual prowess.
- Demands or ongoing invitations for dates or sexual favours.
- Offensive jokes, actions or comments of a sexual nature about or towards an employee.

- Display of sexually offensive pictures, jokes or cartoons.
- Unwelcome questions or discussions about sexual activities.
- Unwelcome language, gestures or actions related to gender.
- Sexual assault.
- Making comments or treating someone badly because they don't conform to sex-role stereotypes.

4.6 Violence in the Workplace

It is the policy of the RM that our employees and members of Council do not get involved in any actions that may deter a robbery, violent act or other illegal action while on company property or while conducting business for the RM.

If you encounter a situation, be passive. Do not try to stop the robbery, violent act or illegal action. When you and your co-workers are safe, notify the Police, Reeve and Administrator immediately.

All illegal actions must be reported immediately to the Reeve and Administrator.

Employees and members of Council must be respectful to each other and shall not display or participate in any violent acts, threats or intimidation. Any occurrences must be documented and immediately reported to the Administrator or Reeve and will be subject to disciplinary action up to and including termination and may be subject to criminal investigation.

5. Effective Date/Repeal

This policy will come into effect on January 1, 2021 unless otherwise specified and shall be implemented as outlined in this policy. This policy repeals and replaces all resolutions and any policies pertaining to Anti Harassment and Respectful Workplace that have been consolidated into this policy and replaces all past practices. This policy may only be amended or repealed by resolution of Council.

APPENDIX 'A'

PROCEDURES FOR HARASSMENT COMPLAINTS

Complaint Procedure - Employee Rights

Every employee has a right to freedom from discrimination and harassment in the workplace by the RM or agents (suppliers, contract workers, clients, etc.) of the RM or by another employee or member of Council on the grounds of race, ancestry, religion, colour, citizenship, creed, sex, sexual orientation, age, marital status, physical or mental disability, social condition, family status, ethnic or national origin, language, political beliefs, record of offences for which a pardon has been granted, or any other prohibited ground under provincial legislation.

The RM of Loon Lake respects the rights of each of our employees, members of Council and contractors and will comply with all legislation designed to protect employee rights and freedom.

All employees and members of Council are responsible for doing their part in ensuring a respectful environment for their fellow employees which is free from discrimination, sexual harassment, workplace harassment and psychological harassment and bullying. All employees and members of Council are responsible for behaving in a manner which is respectful to all people.

If any employee believes an incident of any form of harassment has occurred he/she should immediately make his/her disapproval and discomfort clearly and firmly known to the offending party and tell them to stop. This includes harassment by fellow employees, members of Council and non-employees (contractors/ratepayers).

An employee or member of Council who believes he/she has been harassed should promptly contact the Supervisor/Administrator or Reeve in confidence to request informal advice or to file a complaint. If the Supervisor/Administrator or Reeve is implicated in the harassment, the employee should contact a member of Council, who, in turn, will report the incident to the Administrator or Reeve or external resource. Complaints must be documented, filed in writing and signed on the form provided.

Employees must keep a written record of the situation including such information as:

- Details of the objectionable behaviour.
- Persons involved.
- Dates, places, witnesses (if any).
- What happened.
- The offending party's response.

Where an employee or member of Council believes a fellow employee or member of Council has experienced or is experiencing harassment, this should be reported to the Administrator or Reeve.

What to Do in Cases of Discrimination or Harassment

On many occasions, the victim of discrimination or harassment may be hesitant to seek help for fear of personal or economic reprisals. Harassment cannot and will not be ignored. Silence can, and often is, interpreted as acceptance and often leads to further harassment.

Firstly:

- **Ask the Offender to Stop:** As harassment may be unintentional, the best way to deal with it is to tell the person(s) that their behaviour is unwelcome or offensive and must stop. Asking to stop the behaviour often puts an end to harassment. If you are concerned about your response simply extend your arm, put your hand up and open and clearly and firmly gesture the person to stop.
- **Keep a Record:** Maintain a record of dates, times and behaviour of the offender. If any witnesses are present, this must be recorded immediately on the form provided in this policy.
- **When to communicate:** Open constructive communication is encouraged. Inform your co-workers that certain behaviour is unwelcome so they understand your issues or concerns. However, if a complaint has been filed, the complainant is responsible to keep the matter strictly confidential until the matter is resolved.
- **Seek Assistance** – Document and report harassment complaints to your Supervisor, Administrator or Reeve and ask for assistance if you need help - (counseling/mediation, etc.).

All complaints of workplace harassment, discrimination or violence will be handled in strict confidence and responded to by the Supervisor, Administrator or Reeve in a prompt, serious and appropriate manner. The RM has the legal responsibility under the applicable Occupational Health and Safety (OHS) and Human Rights legislation to take action on allegations of harassment and violence in the workplace.

All employees have a right to make a complaint or to enforce their rights under this policy without retaliation or threat of retaliation. Retaliation against a person who uses this policy or takes part in an investigation under this policy will be treated in the same manner as harassment.

Formal Complaints

An employee who has been harassed, or who knows of harassment of another employee must bring a formal, written complaint to the Administrator or Reeve who will investigate (or arrange for an investigation) the complaint and take appropriate action. Employees, contractors and members of Council should report any violent, threatening or intimidating behaviour or weapons possession to the Supervisor, Administrator or Reeve immediately.

The RM is committed to resolving harassment concerns internally or with the assistance of an external expert; however, this policy does not limit a person's rights to taking such other legal steps as they deem appropriate.

Employees can also contact an occupational health officer with the Occupational Health Safety Division (under *The Occupational Health and Safety Act, 1993*) or the Saskatchewan Human Rights Commission to file a complaint of discrimination or harassment and if circumstances warrant it, the police to file a charge.

All complaints will be handled immediately in a serious and confidential manner to protect the privacy of both the complainant and the reputation of any person who may be wrongly accused. Information provided by the complainant, the person against whom the complaint was made and any witnesses will be treated in a fully confidential manner within the limits of conducting a proper investigation and any disclosure required by the law. The RM of Loon Lake has adopted some basic steps to ensure that a thorough and consistent complaint investigation is performed.

General Guidelines

1. **Gather the facts** - employees, or their immediate supervisor, contractors or members of Council shall document and report any incident of alleged harassment to their immediate supervisor (Foreman, Administrator or Reeve) who will be responsible for carrying out or arranging for the complaint process, the investigation and any corrective action that may be required. The Reeve is responsible for the complaint process when the complaint concerns the Administrator all other complaints shall be overseen by the Administrator or designate unless the Administrator fails to effectively and efficiently handle the complaint in a timely manner. Investigations may be conducted internally or through the use of an external investigator. Both the complainant and the alleged offender (Respondent) will be required to provide written/signed statements and may be interviewed along with any individuals who were witnesses or who may be able to provide relevant information. The process shall be documented and may be audio recorded if deemed necessary to ensure accuracy and integrity.

Mediation may be used at any time or stage of the complaint process. A mediator (neutral third party) will bring the complainant and the respondent (alleged harasser) together to help them reach a mutually acceptable resolution. Both the complainant and the respondent must consent to take part in mediation. Should mediation not be successful, someone other than the mediator will continue on the complaint process/investigation of the complaint.

2. **Determine whether harassment occurred** - all of the facts and applicable information will be reviewed. If the investigation reveals evidence to support the complaint, remedies that may be applied will be considered and undertaken.
3. **Communicate findings to the parties involved** – the name of the complainant or alleged harasser and the circumstances of the complaint may not be disclosed except for the purposes of investigation, taking corrective action or as required by law. The respondent will be advised of the allegation and nature of the harassment complaint and provided an opportunity to respond.

Upon completion of the investigation, the complainant and the alleged offender will be notified in writing as to the course of action to be taken to resolve the complaint. Any cases involving a false and malicious allegation of harassment by a complainant shall be grounds for disciplinary action up to and including termination.

4. **Implement the remedy** - samples of possible remedies (if the complaint is substantive) include but are not limited to:
 - the offender giving an apology to the complainant;
 - separating the complainant and the offender so their work does not require interaction;
 - arranging for counseling, mediation and/or training;
 - suspending employment of the offender;
 - terminating employment of offender.

5. **Document all steps taken from initiation to resolution** - All documentation related to a specific situation or individual is to be maintained under confidential cover by the RM for safekeeping, regardless of the outcome.

If the investigation does not support the complaint, no disciplinary action will be taken against the complainant, unless it is found that the accusation was made in order to discredit another person. No documentation will be placed in the alleged harasser's (Respondents) file.

All confirmed incidents will be documented in the harasser's file. No documentation will be placed in the complainant's file where the complaint is filed in good faith, whether it is upheld or not.

Regardless of the outcome of a harassment complaint made in good faith, the employee, contractor or member of Council lodging the complaint, as well as anyone providing information, will be protected, to the best of the RM's ability, from reprisal by co-workers or supervisors/members of Council (e.g. demotion, denial of opportunities within The RM of Loon Lake, etc.)

Responsibilities of the Employer

It is the responsibility of the RM (Administration and Council) to:

- Be a role model for respectful behaviour and adhere to their Code of Conduct.
- Discourage harassment and ensure all employees and members of Council are provided with the information contained in this policy.
- Work to ensure the workplace is free from harassment by addressing any behaviour that potentially could be deemed to be harassment (by The RM of Loon Lake employees, member of Council and non-employees at the workplace) and by immediately investigating any complaints.
- Inform employees of the RM's policy and procedures when dealing with harassment.
- Treat each complaint in a serious and confidential fashion including not disclosing the name of the person complaining or of an alleged harasser or the circumstances of the complaint except through the investigation/response process, unless required by law.
- Maintain appropriate confidential records of each reported incident.
- Provide advice and support to persons subjected to harassment by a person who is *not* an employee of the RM of Loon Lake.
- Impose the appropriate disciplinary measures when a complaint of harassment is found to have been substantiated.

- Engage advisors and provide the necessary training resources for them to fulfill this responsibility.
- Post this policy for reference by RM employees and members of Council pursuant to Occupational Health & Safety Act and Regulations.

Due to their recognized positions of authority and thus their greater risk for personal liability, The RM's managers and members of Council are responsible for ensuring their behaviour is in compliance with this policy at all times and in all places when dealing with The RM of Loon Lake employees, contractors and ratepayers.

Failure on the part of any individual in which a written harassment complaint has been submitted to take prompt and appropriate action could result in serious consequences for them. It is the responsibility of any person supervising one or more employees to take appropriate action to report or deal with incidents of harassment whether brought to their attention or personally observed. Under no circumstances should a legitimate complaint be dismissed or downplayed nor should the complainant be told to deal with it.

Rights and Responsibilities of the Respondent

The person against whom a complaint has been filed is referred to as the respondent or alleged harasser and has the following rights and responsibilities:

- to be informed of the complaint and kept apprised of the status of the investigation;
- is obligated to co-operate fully with the investigation and will, during the investigation, receive fair treatment in an environment free from discrimination;
- the right to present his/her side of the story, and to bring forward witnesses, information or evidence to support his/her position/statement of facts regarding the complaint;
- may be required to take leave with or without pay depending on the circumstances of the harassment complaint, while an investigation is being conducted but must remain available for contact by the employer according to his/her regular shifts.

If the complaint is unsubstantiated, the respondent (alleged harasser) is entitled to a workplace situation similar to one which would have existed had the harassment complaint not occurred. The Respondent is entitled to be free from judgment, stigma, have an untainted record/career path and promotional opportunities and to be given the respect, status, responsibilities and trust as if the allegation was not made.

Appendix "A" Harassment Complaint Form

Please provide as much detail as possible, focusing on the facts of the incident, sign the form and submit it to your supervisor or appropriate person as outlined in the policy.

EMPLOYEE NAME: _____

DATE OF OCCURENCE: _____

TIME: _____

LOCATION:

DETAILS:

Action taken by you:

Did you ask the alleged harasser to stop: Circle Yes or No. If so when and how:

Response of alleged harasser:

Alleged Harassers Name:

Position:

1. WITNESS NAME: _____

Details:

TELEPHONE:

HOME:

WORK:

2. WITNESS NAME: _____

Details:

TELEPHONE:

HOME:

WORK:

3. WITNESS NAME: _____

Details:

TELEPHONE:

HOME:

WORK:

IF HELPFUL DIAGRAM THE INCIDENT:

DATE & TIME :

Location/Conditions:

NOTES:

I hereby attest and confirm that the following information is true and correct:

Signature of Complainant

Incident Reported to: _____

Reported on date: _____

Nature of Incident: _____

Follow up required: _____

Date investigation concluded: _____

Date complainant and respondent advised of outcome: _____

File closed on: _____

Police informed: YES _____ NO _____

OHS informed: YES _____ NO _____