

TOWN OF DUNDURN POLICY MANUAL

<i>Section</i> HR-250-99	<i>Classification</i> Human Resources
<i>Subject</i> Harassment Policy & Procedures	<i>Pages</i> 2
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250-99 HARASSMENT POLICY & PROCEDURES

Definition (Section 2(1)(l) of the Occupational Health and Safety Act, 1993):

“**Harassment**” means any inappropriate conduct, comment, display, action or gesture by a person:

- a) That either:
 - i. Is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or
 - ii. Subject to OH&S subsections (3) and (4), adversely affects the worker’s psychological or physical well-being, and
 - iii. That the person who is alleged to have committed the actions, knows or ought reasonably to know, would cause a worker to be humiliated or intimidated; and
- b) That the alleged harassment constitutes a threat to the health or safety of the worker;

Employee’s Rights

Every employee is entitled to a working environment that is free of harassment.

Employer’s Obligation

The Town of Dundurn Council is obligated to ensure that all employees are able to work in a harassment-free workplace and respectfully review and investigate all Harassment Complaints which it receives.

Employee / Worker obligation

No worker shall cause or participate in the harassment of another worker and where this is observed to report the incident to the person(s) assigned to receive such Reports.

Procedure for dealing with harassment concerns

- a) All complaints will be taken seriously.
- b) An Employee(s) who believe that they have been subjected to harassment are encouraged to use the following steps:
 - o The employee is encouraged to first clearly and firmly make known to the alleged harasser that the harassment is objectionable and must stop.
 - o Where this cannot be done, or is unsuccessful, the employee should report the alleged harassment to the two (2) Persons, who were each assigned by the Dundurn Council and the Employees, to receive such Complaints.
 - o These Assigned Persons / Investigators and the Council are obligated to hold all such information in confidence, except as required by Law.
 - o The two assigned Investigators shall keep written records of all persons whom they consult or speak with during this investigation.

- o The process used to investigate the allegations will occur as follows:
 - 1) Interview the person who initially reported the alleged harassment; (see the Incident Report which will need to be completed in full)
 - 2) Interview the person who was the subject (victim) of the harassment;
 - 3) Interview each person who was present at the time of the harassment and what if anything did they observe about the harassment, the victim, the alleged harasser;
 - 4) Interview the person(s) who is alleged to have committed harassment as to what occurred, date, time etc.
 - 5) Meetings between the investigators should occur after each interview to ensure that all the topics are addressed. The victim and the harasser's recommendations for a remedy should be part of the record.

- c) Where the harassment is of a minor or a single event with no apparent mental health impacts, the matter may be remedied through a mutually agreed process and interview.

- d) Where the harassment was of an ongoing interference with a serious impact on the welfare and mental health of the victim, the consequences for the victim may increase as well.
 - o The Victim may require time off work to access mental health services and counselling services
 - o New Work Assignment

- e) The person alleged to have committed such harassment behaviour may be subject to workplace performance evaluations, additional supervision and restrictions, up to and including dismissal from their employment.

- f) Additional interventions may also include referrals to the RCMP or local Law Enforcement personnel.

Resolution and corrective action

Where harassment has been substantiated, the Dundurn Council will authorize appropriate corrective action to resolve the complaint.

Where harassment has not been substantiated, no action will be taken against a worker who made a complaint in good faith.

Confidentiality

The Dundurn Council/Employee Designates will not disclose the identity of the worker or the circumstances of the complaint, except where disclosure is necessary for investigating or taking disciplinary action in relation to the complaint, or where such disclosure is required by law.

External complaints

Nothing in this policy prevents or discourages a worker from referring a harassment complaint to the Occupational Health and Safety Division under The Occupational Health and safety Act, 1993; particularly sections 3 and 4; and The Occupational Health and Safety Regulation, 1996; particularly section 36. A worker may also file a complaint with the Saskatchewan Human Rights Commission under The Saskatchewan Human Rights Code, particularly sections 16, 17, 18 and 27. A worker retains the right to exercise any other legal avenues available. For more information, contact the Department of Labour, Occupational Health and Safety Division, at (306) 787-4496.