

## 1.4 Harassment Prevention Policy

### **Purpose**

To ensure that all employees are working in a safe, harassment free work environment.

### **Policy & Commitment to Safety**

Every worker is entitled to employment free of harassment. We are committed to a harassment-free workplace where everyone is treated with dignity and respect.

### **Definition**

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:

- i. Is made on the basis of race, creed, religion, color, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place or origin; and
- ii. Constitutes a threat to 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 unwelcome.

Sexual harassment may include:

- i. A direct or implied threat of reprisal for refusing to comply with a sexually-oriented request;
- ii. Unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, attire, sex or sexual orientation;
- iii. Displaying pornographic or sexually explicit pictures or materials;
- iv. Unwelcome physical contact;
- v. Welcome invitations or requests, direct or indirect, to engage in behavior of a sexual nature; or
- vi. 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:

- I. Adversely affects a worker's psychological or physical well-being; and
- II. 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:

- I. Verbal or written abuse or threats;
- II. Insulting, derogatory or degrading comments, jokes or gestures;
- III. Personal ridicule or malicious gossip;
- IV. Unjustifiable interference with another's work or sabotage;
- V. Refusing to work or co-operate with others; or
- VI. 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 assessments and evaluation. Workplace inspections, implementation of appropriate dress codes and disciplinary action 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:

- I. Physical contact necessary for the performance of the work using industry standards;
- II. Conduct which all parties agree is inoffensive or welcome; or
- III. 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 administrators, foremen and supervisors will take all complaints of harassment seriously. We are committed to implementing this policy and ensuring it is effective in preventing and stopping harassment, as well as creating a productive and respectful work place.

This commitment includes:

Informing all persons in the workplace of their rights and obligations

- I. A copy of the harassment policy will be provided to all workers.
- II. A copy of the harassment policy will be posted on the company bulletin board.
- III. The company's policy statement on harassment will be posted in each work area in a location that is visible to all staff and public.

**Training all persons in implementing the harassment policy**

- I. An information meeting will be held with all staff to answer questions about the new policy.
- II. New employees will review the policy as part of their orientation.
- III. People designated to receive, investigate, or resolve complaints will be trained in their roles and responsibilities.
- IV. Administrators, foreman and supervisors will be asked to set a good example and help foster a respectful workplace.
- V. A list of people designated to receive complaints shall be posted on the company bulletin board.

**Assigning responsibility for implementing this policy**

- I. The Administrator will provide information during the orientation process to explain the harassment policy
- II. The administrator will direct complaints to the OHC committee or representative in facilitating their resolution.
- III. The Administrator shall designate the OHC committee or representative who will investigate harassment complaints.
- IV. The Administrator will designate an authorized supervisor to take corrective action in accordance with this policy.

#### **Protecting workers trying to prevent or stop harassment**

- I. 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.
- II. 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.

#### **Ensuring the policy remains current**

- I. The effectiveness of the policy will be reviewed by Administration in consultation with the Representative or the Occupational Health Committee every 3 years.

#### **Employee's Duty:**

In accordance with Part III of *The Saskatchewan Employment Act*, all workers, including managers, administrators and supervisors shall refrain from causing or participating in the harassment of another worker, and co-operate with any person investigating harassment complaints.

#### **Complaint Procedure:**

This policy sets out three types of complaint procedures that may be used following instances of harassment.

- I. **No Alleged Harasser Named and Informal Resolution Sought**
  - Step 1: An individual reports an incident or concern.
  - Step 2: The person receiving the complaint reviews the procedures with the complainant and informs the foreman.
  - Step 3: The foreman takes action to address the complaint.

Such action may include:

- i. Having staff meetings to discuss and review the policy; or
- ii. Providing workshops or resource materials on the prevention of harassment such as videos, brochures and guides.

The administrator informs the complainant of the action that will be taken to address the concern.

**Confidentiality:** Anyone acting on behalf of the Town & RM, should not disclose the complainant's name or other identifying information to any person. However, in certain circumstances, the complainant may agree to release identifying information to implement the harassment policy or the resolution itself.

- II. **Alleged Harasser Named – Informal Resolution or Mediation Sought**

**Step 1:** 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.

Where an informal resolution is sought, the complainant should indicate the type of resolution sought such as an apology, supervisory counselling, a facilitated meeting with the alleged harasser, workshops or training sessions and mediation.

**Step 2:** The person receiving the complaint reviews the procedures with the complainant and informs the foreman. Where it is alleged the foreman is involved in the harassment, the person receiving the complaint refer the matter to another manager. The person receiving the complaint will also meet privately with the alleged harasser to review the complaint and determine whether there is agreement on a resolution or resolution process.

**Step 3:** Where there is agreement on the resolution or resolution process, the person receiving the complaint informs the foreman of the agreement and facilitates the agreed upon resolution or process.

**Step 4:** The complainant is informed a formal complaint procedure is possible if the complainant, the alleged harasser or the foreman do not agree or if the process does not resolve the matter to the complainant's satisfaction.

**Step 5:** Where the complainant and alleged harasser agree to a resolution, the foreman follows up with the complainant to ensure the resolution was effective in stopping and preventing further harassment. Where the complainant indicates the harassment has not ended, the foreman counsels the complainant to pursue an alternate resolution process, including a formal investigation.

**Confidentiality:** Anyone acting on behalf of the company, should not disclose the complainant's or alleged harasser's name or other identifying information. In certain circumstances, the complainant and alleged harasser may agree to release identifying information to implement the harassment policy, the resolution process, or the resolution itself.

### III. Alleged Harasser Named – Investigation Required

**Step 1:** An individual reports an incident or concern. The complaint should be in writing and contain:

- i. The name, job title and contact information of the complainant;
- ii. The name of the alleged harasser;
- iii. Description of the conduct considered objectionable, including dates and locations of events;
- iv. The names and contact information of any possible witnesses;
- v. Description of the basis of the alleged harassment, such as the prohibited grounds;
- vi. The remedy sought;
- vii. Any other information or material the complainant considered relevant; and
- viii. The signature of the complainant and the date.

**Step 2:** The person receiving the complaint reviews the procedures with the complainant and provides a written copy to the foreman. Where it is alleged that the foreman is involved in the

harassment, the complaint is referred to the administrator. The person receiving the complaint also provides a copy of the written complaint to the alleged harasser and reviews the procedures with the alleged harasser.

**Step 3:** The person receiving the complaint, the foreman and other relevant parties such as human resource managers, review the complaint and determine whether conduct falls within the harassment policy. The group will decide whether there are appropriate resolution options, other than an investigation, acceptable to the complainant and the alleged harasser. The group will conduct the investigation if one is required. An outside third party may also be brought in for this process.

**Step 4:** When an investigation is required, the foreman appoints an investigator or investigation team.

Investigators will be previously trained in conducting an investigation in accordance with this policy and will have no apparent bias or interest in the outcome. Alternatively, the investigator will be the OHC co-chair or Workplace representative.

Where the complainant and the alleged harasser object to the appointment of an investigator, on the basis of bias or conflict of interest, the foreman will appoint another investigator.

**Step 5:** Investigators must act in accordance with the following guidelines;

- I. The investigation commences and concludes as soon as reasonably possible.
- II. Witnesses are interviewed separately and written witness statements are prepared.
- III. Witnesses are asked to review and sign their witness statements.
- IV. Witnesses are advised to keep the investigation and identity of the complainant and alleged harasser in confidence, unless required by law to disclose them.
- V. The complainant and the alleged harasser are entitled to legal counsel.
- VI. During the investigation, both the complainant and the alleged harasser are entitled to be informed of all the allegations and allowed to respond.

This does not mean either party is entitled to see or receive copies of the complete statements. However, both are entitled to see or receive an adequate summary of the evidence to make a full response.

**Step 6:** Once the investigation is complete, investigators will prepare a written report setting out a summary of the evidence, a description of any conflict in the evidence, conclusions and reasons for reaching those conclusions, as well as the recommended corrective action if harassment has occurred.

The report will be delivered to the foreman, the complainant and the alleged harasser. The report is marked confidential and delivered with the notation that it should be kept in confidence unless disclosure is required by law to implement corrective action.

**Step 7:** The foreman will then:

- i. Take appropriate corrective action.
- ii. Inform the complainant and harasser of the corrective action.
- iii. Inform the complainant of the rights to file a complaint with the Saskatchewan Occupational Health and Safety Division or The Saskatchewan Human Rights Commission.

Note: Where the corrective action is different from the action recommended in the report, the foreman should provide reasons for not taking the investigator's recommended action.

**Step 8:** After corrective action has been taken, the foreman follows up with the complainant to ensure that the corrective action was effective. If the complainant indicates harassment has not ended, or suffers reprisal, the foreman should take additional or alternative corrective action. Further investigation may be necessary.

**Confidentiality:** Anyone acting on behalf of the workplace, should not disclose the name of the complainant or the alleged harasser, nor any information that may identify them. The disclosure of information may be necessary to conduct the investigation, implement corrective actions or pursue other remedies. All documents and statements obtained during the course of the investigation, including the names and copies of witness statements, should not be disclosed to any person unless required by law.

### Taking Action to Stop and Prevent Harassment

In taking action to stop harassment and prevent its reoccurrence, we will be guided by the following statements;

- I. **Individual awareness and counselling:** Speaking to the person in private about the inappropriate behavior will help resolve the situation. The complainant should not be encouraged to confront the harasser if they are reluctant or if serious it is often most effective to have a supervisor mediate or facilitate conversation between the parties.
- II. **Staff Awareness:**  
A staff awareness session will be held annually to ensure that all staff are aware of what is considered acceptable behavior and to ensure that they are aware of any changes to the policy. This shall be done in one of the monthly safety meetings and information disseminated to all staff.
- III. **Mediation:**  
Mediation shall be offered in the event of an issue that arises. This offers both parties the opportunity to resolve the concerns before formal investigation.

### Third Party Harassers

This policy covers harassment connected to any matter or circumstance arising out of the worker's employment. Customers, clients and contractors cannot subject any employees or representatives to harassment.

Although The Town of Eaton and the RM of Chesterfield may have limited ability to investigate or control conduct, we will take reasonable steps to avoid, prevent or change conduct as to safeguard our employees.

These actions may include but are not limited to the following;

- I. Posting the harassment policy in a location that is visible to third parties;
- II. Requiring contractors and their workers to accept and meet the terms of the harassment policy;
- III. Removing workers who participate in harassment;
- IV. Including the harassment policy and review in the orientation of all workers, contractors, lease operators and lease operator drivers.

When a client or customer has been asked to stop harassing a worker and does not then the workers has the responsibility to end conversations with them and immediately report to the foreman or the Administrator or supervisor. Harassment forms are available at the office and at the shop.

***NOTHING IN THE ABOVE STATED POLICY PREVENTS A WORKER FROM REFERRING A HARRASMENT COMPLAINT TO THE SASKATCHEWAN OCCUPATIONAL HEALTH AND SAFETY DIVISION OR THE SASKATCHEWAN HUMAN RIGHTS COMMISSION***