

## R.M OF TECUMSEH NO. 65

### BYLAW NO. 5-2018

#### A BYLAW TO REGULATE HARRASSMENT IN THE WORKPLACE

The Council of The Rural Municipality of Tecumseh No. 65, in the Province of Saskatchewan, enacts as follows:

##### **HARRASSMENT POLICY**

Every worker is entitled to employment free of harassment. The RM of Tecumseh No. 65 is committed to ensuring a productive work environment where the dignity and worth of every person is respected. No worker, supervisor or Council member shall cause or participate in the harassment of another worker. Workplace harassment will not be tolerated and The RM of Tecumseh No. 65 will take all reasonable steps to prevent harassment and stop it if it occurs.

##### **DEFINITION OF HARRASSMENT**

This harassment policy covers the following:

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 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:**

- A direct or implied threat of reprisal for refusing to comply with a sexually-oriented request;
- Unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body,
- 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; or
- 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 may include:

- Verbal or written abuse or threats;
- Insulting, derogatory or degrading comments, jokes or gestures;
- Unjustifiable interference with another's work or work sabotage;
- Refusing to work or co-operate with others; or
- 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 evaluations, workplace inspections, implementation or appropriate dress codes and disciplinary action. These actions are not harassment, even if they sometimes involve unpleasant consequences. Managerial action 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:

- Physical contact necessary for the performance of the work using accepted industry standards;
- Conduct which all parties agree is inoffensive or welcome; or
- 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 RM of Tecumseh No. 65 and its managers and supervisors 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.

This commitment includes:

Informing all persons in the workplace of their rights and obligations

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

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

- An information meeting will be held with all staff to answer questions about the new policy.
- Supervisors will review the policy with new workers as part of their orientation.
- People designated to receive, investigate or resolve complaints will be trained in their roles and responsibilities.
- All RM of Tecumseh No. 65 managers, directors, officers, and supervisors will be asked to set a good example and help foster a respectful workplace.
- A list of people designated to receive complaints shall be posted on the company bulletin board.

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

- 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.
- 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.

### **Promptly taking action necessary to stop and prevent harassment**

- Appropriate action, sufficient to ensure the harassment stops and does not happen again, will be taken against people who are or were engaged in, or participated in harassment.
- When necessary, customers, contractors or other visitors will be informed certain that conduct will not be tolerated.

## **EMPLOYEE/COUNCIL DUTY**

In accordance with Part III of *The Saskatchewan Employment Act*, all workers, including managers and supervisors employed by The RM of Tecumseh No. 65 shall refrain from causing or participating in the harassment of another worker and co-operate with any person investigating harassment complaints.

### **Complaint Procedure**

All complaints will be taken seriously. The rights of all concerned will be respected. Workers are encouraged to use these steps to address incidents of alleged harassment internally:

1. A worker who believes that he or she has been subject to harassment is encouraged to first clearly and firmly make known to the alleged harasser that the harassment is objectionable and must stop.
2. Where this cannot be done, or unsuccessful, the individual should make a written report of the alleged harassment by completing Appendix A. In the event that the complaint is against the administrator, the individual should make a written report of the alleged harassment to the Reeve.

The written complaint should contain:

- Name, job title and contact information of the complainant;
  - The name of the alleged harasser;
  - Description of the conduct considered objectionable, including dates and locations of events;
  - The names and contact information of any possible witnesses;
  - Description of the basis of the alleged harassment, such as the prohibited grounds;
  - The remedy sought;
  - Any other information or material the complainant considered relevant; and
  - The signature of the complainant and the date.
3. The person Reeve/Administrator receiving the complaint reviews the procedures and with the complainant and provides a written copy to the employees supervisor. Where it is alleged that the supervisor is involved in the harassment, the complaint is referred to another manager. 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.
  4. The person receiving the complaint, the supervisor and Council, review the complaint and determine where conduct falls within the harassment policy. The group will decide the appropriate resolution options, other than an investigation. The group will conduct an investigation if one is required.
  5. Investigators must act in accordance with the following guidelines:
    - The investigation commences and concludes as soon as reasonably possible.
    - Witnesses are interviewed separately and written witness statements are prepared.
    - Witnesses are asked to review and sign their written statements.
    - Witnesses are advised to keep the investigation and the identity of the complainant and alleged harasser in confidence, unless required to by law to disclose them.
    - The complainant and alleged harasser are entitled to legal counsel at their expense.
    - 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.

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 Supervisor, the complainant and the alleged harasser.

7. The Council/ Supervisor/ Administrator will then:
- Take appropriate corrective action
  - Inform the complainant and harasser of the corrective action
  - Inform the complainant of the rights to file a complaint with the Saskatchewan Occupational health and safety division or the Saskatchewan Human Rights Commission.
8. After corrective action has been taken, the Reeve/Administrator or Supervisor will follow up with the complainant to ensure that corrective action was effective. If the complainant indicated harassment has not ended or suffers reprisal, additional or alternative corrective action should be taken.

### Malicious Complaints

Where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate discipline.

### Other Options for Complainants

Nothing in this policy prevents or discourages an individual that works for the RM of Tecumseh No. 65 from referring a harassment complaint to the Saskatchewan Occupational Health and Safety Division under *The Saskatchewan Employment Act* and regulations.

A worker/individual may also file a complaint with the Saskatchewan Human Rights Commission under the Saskatchewan Human rights code.

A worker/individual also retains the right to exercise any other legal avenues available.



  
REEVE

  
ADMINISTRATOR

Certified a true copy of Bylaw No. 5-2018  
adopted by resolution of Council on the  
11<sup>th</sup> day of July, 2018.

  
REEVE

  
ADMINISTRATOR.



**Appendix A**  
**Formal Harassment Complaint Form**

**Complainant Information:**

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Supervisors Name: \_\_\_\_\_

Date of Incident (mm/dd/yyyy): \_\_\_\_\_

**Witness Information:**

List of Names of possible witnesses.

Name	Position	Contact Number

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

Information about the individual(s) you feel has/have harassed you:

In your opinion is the harassment based on any of the following? Circle the categories that you feel apply to your situation.

- |                    |               |                        |
|--------------------|---------------|------------------------|
| Sexual orientation | Religion      | Sex                    |
| Place of Origin    | Nationality   | Disability             |
| Age                | Family Status | Creed                  |
| Colour             | Race          | Physical Weight/Height |
| Marital Status     | Ancestry      | None of the Above      |

If not based on any of the above grounds, is the harassment based on either of the following:

- a) Repeated incidents that have caused you to be humiliated or intimidated. YES NO
- b) A single serious incident that has had a lasting harmful effect on you. YES NO

In your own words, describe the conduct, comments or display you found objectionable. Give details of date and location of the incident (s) that is/are the basis of your complaint.

What type of resolution do you seek? (EG: supervisor to direct or counsel person to correct conduct; facilitated meeting with alleged harasser; apology; workshops or training sessions; mediation; or other)

**Declaration:**

I hereby confirm the statement(s) contained in this complaint are true to the best of my knowledge. I understand and a copy of this complaint will be provided to the alleged harasser and council for the purpose of investigating this complaint.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

I acknowledge receipt of this complaint.

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_