

BYLAW 01-2020

VILLAGE OF EDENWOLD
**HARASSMENT PREVENTION
POLICY
BYLAW**

This Bylaw may be cited as the 'Harassment Prevention Policy' Bylaw.

Council for the Village of Edenwold in the Province of Saskatchewan enacts as follows:

1. POLICY STATEMENT

The Village of Edenwold (the "Village") is committed to the prevention of harassment in the workplace and promote a harassment-free workplace. Every employee is entitled to employment free of harassment. The maintenance of such an environment is a responsibility shared by each Council member, worker, supervisor and the Village.

Harassment will not be tolerated in the workplace or any work-related setting, including work-related conferences, travel and municipality-sponsored social events. The Village will make every reasonable, practicable effort to ensure that no individual is subjected to workplace harassment. The Village will investigate any incidents of harassment and take corrective action to address the incidents.

2. SCOPE

This policy applies to all Council members, full-time, part-time, seasonal, temporary, hourly and salaried employees, independent contractors, agents, applicants and representatives of the Village when conducting business or performing duties or services on behalf of the Village (regardless of location).

While attending a Village workplace, members of the public, visitors and individuals conducting business with the Village, including but not limited to contractors, consultants, vendors or delivery persons, are expected to refrain from any form of harassment.

If the alleged harasser is a Council member, please refer to the Village of Edenwold Code of Ethics Bylaw along with the duties and the definitions contained in this policy for the procedure for dealing with matters.

3. DEFINITIONS

A. Harassment – refers to:

1. Discriminatory Harassment - Any inappropriate conduct, comment, display, action or gesture by an individual that is made on the basis of race, creed, religion, color, sex, gender identity, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin or any other ground prohibited by provincial human rights legislation, and constitutes a threat to the health and safety of a worker.
2. Sexual Harassment - A prohibited ground of discriminatory harassment which may include conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome. Sexual Harassment is, or may include, but is not limited to, the following:
 - A direct or implied threat of reprisal for refusing to comply with a sexually oriented request;
 - Unwelcome remarks, jokes, innuendoes, propositions or taunting about an employee'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; or

- Refusing to work with or have contact with individuals because of their sex, gender or sexual orientation.
3. Personal Harassment - An inappropriate conduct, comment, display, action or gesture by an individual that adversely affects a worker's psychological or physical well-being, and which the perpetrator knows or ought to reasonably know would cause the individual to be humiliated or intimidated. Personal harassment is sometimes referred to as "bullying".

Personal harassment may involve repeated conduct or single, serious incident that causes a lasting harmful effect on the employee. Examples of personal harassment include, but are not limited to:

- Verbal or written abuse or threats;
- Insulting, derogatory or degrading comments, jokes or gestures;
- Personal ridicule or malicious gossip; or
- Refusing to work or to cooperate with or acknowledge others.

Harassment does not include any reasonable actions taken by the Village, a manager or a supervisor relating to the performance, management and direction of an individual's work or the workplace. This includes, but is not limited to, day-to-day management or supervisory decisions, job assessment and evaluation, performance discussions, expectation for work productivity and quality, and disciplinary action.

Harassment can exist even where there is no intention to harass or offend another. Every individual must take care to ensure his or her conduct is not offensive to another.

- B. **Other Prohibited Behavior** – The Village recognizes that certain conduct, while being inappropriate and/or disruptive, may fall short of the definition of "harassment" within the meaning of this policy and/or applicable legislation. The Village, in its discretion, may nonetheless determine that disruptive or inappropriate conduct falling short of harassment still warrants some form of corrective and/or disciplinary action.

4. WORKER RIGHTS

Every worker has the right to a harassment free work environment.

5. MUNICIPALITY AND WORKER RESPONSIBILITY

No individual shall participate in or encourage the harassment of another individual. All individuals must co-operate with harassment complaint investigations and keep all information confidential in accordance with this policy.

6. MUNICIPALITY RESPONSIBILITY

The Village, Council members, the Administrator/Chief Administrative Officer, managers and supervisors will take all complaints of harassment seriously. The Village is committed to implementing a harassment free environment and will make every reasonable practicable effort to ensure that no individual is subjected to harassment, whether it is from a Council member, supervisor, co-worker or non-employee such as a member of the public.

7. PROCEDURE

A. Informal Process

An individual who believes that he or she has been the subject of conduct that is in violation of this policy is encouraged, where possible:

- a) to clearly and firmly make it known to the offending individual that the conduct is unwelcome and must stop; and
- b) to attempt to resolve the issue by direct discussion with the offending individual;

and may report the matter to the Administrator. If the Administrator is the accused harasser, then the matter may be reported to the Mayor. Depending on the nature and severity of the alleged conduct, and subject to the consent of the individual reporting the harassment, the Village may first try to resolve the issue informally.

B. Formal Process

Where the informal process is unsuccessful, or the individual does not feel comfortable addressing the issue directly, the individual should document the details of the alleged harassment (including name(s), date, time, place, particular details of alleged harassment and any witness(es)) and submit a written report to the Administrator. If the Administrator is the accused harasser, then the written report may be submitted to the Mayor. The individual receiving the written report or designate will notify the alleged harasser of the written report and provide the alleged harasser with information concerning the circumstances of the written report.

If there is a sufficient basis in the written report or if the Village otherwise deems it necessary to do so, the Administrator or designate will carry out a formal investigation into the conduct contained in the written report in a prompt, fair and impartial manner. The investigation process may include interviews with the individual reporting the alleged harassment, the alleged harasser and, as and to the extent determined by the investigator, others with information relevant to the matters in question. All written reports, response statements, witness statements, interview notes and other documentation gathered as part of an investigation will be securely stored in a confidential investigation file.

The Municipality will decide on any action to be taken as a result of the findings of an investigation. The individual who reported the alleged harassment and the alleged harasser will be informed as to the outcome of the investigation.

Where harassment is substantiated, the Municipality will take appropriate corrective action and/or disciplinary action, up to and including termination of employment. Where harassment is not substantiated, no action will be taken against an individual who made the allegation of harassment in good faith. Where, however, a complaint is fraudulent, malicious or otherwise made in bad faith, the individual who made the allegation of harassment may be subject to disciplinary or other action.

C. Council Member Process

If the alleged harasser is a Council member, please refer to the Village of Edenwold Code of Ethics Bylaw for the procedure to be followed and available sanctions.

8. TEMPORARY OR INTERIM MEASURES

In the event of an allegation of harassment, the Municipality has full discretion to take whatever temporary interim measures that it deems appropriate to ensure the workplace remains a safe and productive environment and/or helps to facilitate an investigation into said harassment including, but not limited to, removing an individual from the workplace.

9. VARIATION FROM THE GENERAL PROCEDURE

The steps set out above and the manner in which an investigation is carried out is intended to be flexible in order to permit the Village to respond to the specific circumstances at issue in each case. The Municipality reserves the right to engage in a different procedure as it deems appropriate in any given

circumstance. In the event that an individual does not proceed with a formal report of harassment or decides to later withdraw a written report, the Municipality may still initiate a formal investigation of the conduct reported if the Municipality determines it is necessary to ensure the health and safety of individuals at the workplace or to comply with applicable laws.

10. RETALIATION AND FRAUDULENT / MALICIOUS REPORTS

The Village does not condone acts of retaliation against an individual who has reported harassment, either informally or formally, or participated in any manner in the investigation or resolution of a report of discrimination or harassment. However, a report of harassment that is fraudulent or malicious (as distinct from unfounded) may itself be regarded as major misconduct subject to corrective action and/or disciplinary action, up to and including termination of employment.

11. CONFIDENTIALITY

The Village will not disclose the name of the individual who reported the harassment, the alleged harasser or the circumstances related to the report of alleged harassment to any individual except where disclosure is necessary for the purposes of investigation of the alleged harassment report or taking corrective action, or where such disclosure is required by law.

All individuals involved with the investigation of an incident shall treat all information related to the matter as strictly confidential. Unwarranted or inappropriate breaches of confidentiality may be subject to disciplinary action, up to and including termination of employment.

12. OTHER LEGAL RIGHTS

Nothing in this policy is intended to prevent or discourage an individual from exercising:

- A. his or her statutory rights as set out in Part III of *The Saskatchewan Employment Act*, including, but not limited to, the right to request the assistance of an occupational health officer to resolve a complaint of harassment;
- B. his or her statutory rights as set out in *The Saskatchewan Human Rights Code* as it relates to discriminatory practices, including, but not limited to, the worker's right to file a complaint with the Saskatchewan Human Rights Commission; and
- C. any other legal rights pursuant to any other law.

13. AVAILABILITY OF THE POLICY

The Village will make a copy of this policy readily available for workers' reference and post in a conspicuous place in the workplace.

14. REVISIONS

The Village shall ensure that this policy is reviewed and, where necessary, revised at least annually. A review will also be done whenever there is a change of circumstances that may affect the health or safety of workers.

15. This Bylaw shall come into effect on the day of its final passing.

SEAL




MAYOR


ADMINISTRATOR

Read a third time and
Adopted this 13th day of January, 2020.