

**TOWNSHIP OF RED ROCK
COUNCIL POLICY**

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	Res.:#:	03 04 2017

POLICY

ANTI-HARASSMENT POLICY

Our commitment

At the Township of Red Rock, we are committed to providing a safe and respectful work environment for all staff and customers. No one, whether a manager, an employee, a contractor, or a member of the public, has to put up with harassment at the Township of Red Rock, for any reason, at any time. No one has the right to harass anyone else, at work or in any situation related to employment. This policy is one step toward ensuring that our workplace is a comfortable place for all of us.

Harassment is against the law

The *Canadian Human Rights Act*, *Canada Labour Code* and the *Occupational Health and Safety Act* protect us from harassment and sexual harassment. The *Criminal Code* protects us from physical and sexual assault. You have a right to live and work without being harassed, and if you are harassed, you can do something about it.

Employees' responsibilities

All employees have the responsibility to treat each other with respect, and to speak up if they or someone else is being harassed. All employees have a responsibility to report harassment to the appropriate person. All employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

Supervisor's responsibilities

Each manager and supervisor is responsible for fostering a safe working environment, free of harassment. Managers must set an example for appropriate workplace behavior, and must deal with situations of harassment/sexual harassment immediately on becoming aware of them, whether or not there has been a complaint. Courts may impose penalties on the employer and the manager, even if neither of them was actually involved in or aware of the harassment but should have known about it. A manager that did nothing to prevent harassment or to mitigate its effects may find her or himself facing financial and legal consequences.

The Township of Red Rock's responsibilities

As an employer, the Township of Red Rock also has a responsibility to be aware of what is happening in the workplace. As Mayor of the Township of Red Rock, I promise to treat all incidents of harassment seriously. I undertake to act on all complaints and to ensure that they are resolved quickly, confidentially, and fairly. I will discipline anyone who has harassed a person or group of people or who retaliates in any way against anyone who has complained of harassment, given evidence in harassment investigations, or been found guilty of harassment. I will discipline supervisors who do not act properly to end harassment. At the Township of Red Rock, we will not put up with harassment.

Sincerely,

Mayor, Township of Red Rock

Appendix "A", defines "harassment" including "sexual harassment" and steps an employee can take if they feel they are being harassed. This policy and Appendix "A" is to be readily available to every employee of the Township of Red Rock and placed on each departments Health & Safety Bulletin Board along with the Workplace Domestic Violence Policy.

APPENDIX “A”

What is harassment?

Harassment is any behaviour that demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions, comments, or displays. It may be a single incident or continue over time.

Some examples of harassment/sexual harassment include:

- unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a sexual relationship);
- displays of sexually explicit, sexist, racist, or other offensive or derogatory material;
- written or verbal abuse or threats;
- practical jokes that embarrass or insult someone;
- leering (suggestive staring) or other offensive gestures;
- unwelcome physical contact, such as patting, touching, pinching, hitting;
- patronizing or condescending behaviour;
- humiliating an employee in front of co-workers;
- abuse of authority that undermines someone's performance or threatens her or his career;
- vandalism of personal property; and/or
- physical or sexual assault.

The *Canadian Human Rights Act* protects employees and customers from harassment that is related to their race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation.

Disrespectful behaviour, known as "personal" harassment, is also covered in this policy. While it also involves unwelcome behaviour that demeans or embarrasses an employee, the behaviour is not based on one of the protected grounds named above.

Harassment can take place between co-workers, between a supervisor and employee, between people of the opposite sex or of the same sex, between an employee and a client, or between an employee and a job applicant.

What isn't harassment?

Consensual banter or romantic relationships, where the people involved agree with what's happening, are not harassment. Appropriate performance reviews, counselling, or discipline by a supervisor or manager are not harassment.

Where harassment happens

Work-related harassment can take place in the workplace itself, or outside of the workplace in a situation that is in some way connected to work. For example, employees (and clients) must be protected from harassment during delivery trips, off-site meetings, business trips, and any other event or place related to employment or when the employee is present in the course of employment.

COMPLAINT PROCEDURES

Speak up

If you believe you are being harassed, speak up right away. If possible, tell the person that you are not comfortable with their behaviour, and want it to stop. Usually, that will be all you need to do. You can speak to them directly, or write them a letter (date it and keep a copy). In addition, tell someone you trust what is going on.

Keep notes

Record all unwelcome or harassing behaviour. Write down what has happened, when, where, how often, who else was present, and how you felt about it. Write down every instance of harassment.

Report it

If the harassing behaviour occurs again, or if you are unable to deal directly with the person harassing you, report it to the person designated to receive complaints. At the Township of Red Rock, the designated anti-harassment person is **the Deputy Clerk**. If that person is involved in the complaint, please see the Mayor of the Township of Red Rock, personally. If for some reason you are unable to report harassment to someone at the Township of Red Rock, you may be able to go to your

union, or the police (for a case of sexual or physical assault). You may also go directly to the Canadian Human Rights Commission.

Once a person reports harassment, the designated anti-harassment person will ask questions such as what happened, when, where, how often and who else was present and will keep notes of this conversation.

Informal procedures

You may want to proceed informally at first. This means you can ask the designated person to help you communicate with the other person, or to speak to them on your behalf, without going through actual mediation or a formal complaint. The informal approach may not always be possible or successful, but when it is, you may be able to resolve the situation quickly.

Mediation

It may be appropriate to attempt to resolve the complaint through mediation before going to a formal investigation. If a qualified person from outside the organization is available to act as a mediator, and the complainant and alleged harasser agree, that person will attempt to help the parties settle the complaint. If no one is available, the designated person may help settle the complaint, if the parties agree. The mediator should not be involved in investigating the complaint, and should not be asked to represent the company at any stage of any proceedings related to the complaint.

However, either party has the right to refuse mediation. You are the only one who can decide if mediation is appropriate for you. Do not agree to it if you feel pressured into it, or feel that you are at a disadvantage or vulnerable because of your age, sex, race, colour, religion, sexual orientation, economic position, or for any other reason. If someone suggests mediation but you are uncomfortable with it, you can say so, and it will not be part of the complaint process. If mediation does become part of the process, each person has the right to be accompanied and assisted during mediation sessions by someone they choose.

Investigation

If you want to go ahead with a formal complaint, it will be investigated, either by a specially trained person from within the organization or a consultant. This person will investigate the complaint thoroughly. He or she will interview the complainant, the alleged harasser, and any witnesses. All employees have a responsibility to co-operate in the investigation.

Both you and the alleged harasser have the right to be accompanied by someone with whom you feel comfortable during any interviews or meetings.

An investigation will involve:

- getting all pertinent information from the complainant;
- informing the alleged harasser of the details of the complaint, and getting her or his response
- interviewing any witnesses;
- deciding whether, on a balance of probabilities, the harassment did take place; and
- recommending appropriate remedies, penalties, or other action

Substantiated complaints

If the investigator decides the complaint is valid, he or she will report in writing to the Mayor, ideally within a week of completing the investigation. The investigator will recommend appropriate remedies and disciplinary action, and any other necessary action. The Mayor and Council will decide what action to take, and will inform both parties of the decision, in writing, ideally within a week of the report being submitted. The CAO has the authority to take action to protect an employee and report such to Council.

Remedies for the victim

Remedies for a person who has been harassed will include any of the following, depending on the nature and severity of the harassment:

- an oral or written apology from the harasser and XYZ Company;
- lost wages;
- a job or promotion that was denied;
- compensation for any lost employment benefits, such as sick leave;
- compensation for hurt feelings; and/or
- a commitment that he or she will not be transferred, or will have a transfer reversed, unless he or she chooses to move.

Corrective action for harassers

Corrective action for harassers will include any of the following, depending on the nature and severity of the harassment:

- a written reprimand;
- a fine;

- a suspension, with or without pay;
- a transfer, if it is not reasonable for the people involved to continue working together;
- a demotion;
- a dismissal;
- any other penalty allowed in any other Act.

Harassers may also be obliged to attend an anti-harassment training session.

Unsubstantiated complaints

If there is not enough evidence to support an allegation of harassment, the investigator will not recommend any penalties or remedies.

Complaints made in bad faith

In the rare event that the complaint was made in bad faith, that is deliberately and maliciously filed knowing it had absolutely no basis, the complainant will be subject to the same penalties as a harasser. The person unjustly accused of harassment will have her or his reputation restored, and will be given the benefit of any necessary remedies that would be given in a case of harassment.

Retaliation

Anyone who retaliates in any way against a person who has been involved in a harassment complaint will be subject to the same penalties as a harasser.

Confidentiality

The Township of Red Rock will not disclose any information about a complaint except as necessary to investigate the complaint or to take disciplinary action, or as required by law. It encourages employees and supervisors to respect confidentiality in the same way.

Time limits

Managers have a responsibility to make sure harassment ends as soon as they become aware of it. Complaints will be resolved as quickly as possible, ideally within one month of being made.

Complainants should be aware that there is a one-year time limit for filing a complaint with the Canadian Human Rights Commission.

Union grievances

Union grievance procedures may be available in certain cases of harassment. Please speak to your union representative for more information about filing a grievance.

Other options

An employee of the Township of Red Rock who is not satisfied with the result of a harassment complaint can consult the Canadian Human Rights Commission. Information on filing a complaint can be obtained by phoning the Commission's toll-free number 1-888-214-1090.

If the harassment involves physical or sexual assault, which are criminal offences, the police are the appropriate avenue.

6.4 POLICY CHANGES

If you have questions or comments about the policy or its application, please speak to the designated person or to the Mayor of the Township of Red Rock. We will make changes to the policy as necessary, and will review it regularly.

TOWNSHIP OF RED ROCK

**WORKPLACE VIOLENCE AND HARASSMENT INCIDENT REPORTING
FORM**

Identification

Name of Complainant: _____

Telephone: _____

E-Mail: _____

Please check all that apply to you:

- Victim Witness
 Supervisor Other (please Specify) _____

Date(s) of Alleged Incident(s): _____

Name(s) of Alleged Perpetrator(s): _____

Name(s) of Alleged Victim(s)*: _____

** If different from the complainant*

Description of Incident

Type of incident(s) (Check all that apply):

- Workplace Violence Workplace Harassment
 Domestic Violence Workplace Bullying
 Sexual Harassment Racial/Ethnic Harassment
 Other(please specify): _____

Location(s) of alleged incident(s): _____

Was medical attention required as a result of the alleged incident(s)?

- Yes No

If yes, please provide details, if known: _____

Were the police or other law enforcement authorities contacted?

Yes

No

Please provide a description of the incident(s) in question: _____

(attach a separate sheet, if necessary)

Please provide the names and contact information, if known, of any additional witnesses:

Additional Comments:

Signatures:

Signature of Complainant: _____

Date: _____

Received by: _____

Date: _____

Action taken: (for Township use only)
