

Town of Eatonia Statement of Policy and Procedure			
Subject:	Harassment Policy	Policy No:	05
Date of Council Approval:	January 8, 2019	Resolution No.	13/1/19

Statement of Commitment

Every employee is entitled to employment free of harassment. The Town of Eatonia is committed to a harassment free workplace where everyone is treated with dignity and respect.

Definition of Harassment

Pursuant to Section 2(1)(1) of *The Occupational Health and Safety Act, 1993* and Section 3-1(1)(I) of *The Saskatchewan Employment Act*, harassment means any inappropriate conduct, comment, display, action or gesture by a person:

- that either:
 - 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
 - adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know cause a worker to be humiliated or intimidated; and
- that constitutes a threat to the health or safety of the worker.

The Saskatchewan Occupational Health and Safety Act, 1993 further clarifies that for behavior to create a negative psychological or physical state:

- repeated conduct, comments, displays, actions or gestures must be established; or
- a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker must be established.

Sexual Harassment

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 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 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 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:

- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- personal ridicule or malicious gossip;
- 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 evaluation, workplace inspections, implementation of appropriate dress codes and disciplinary action. These actions 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:

- physical contact necessary for the performance of the work using accepted industry standards;
- conduct which all parties agree is inoffensive or welcome;
- 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 Town of Eatonia and its council, 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.

Employee, Councillor or Committee Member's Duty

In accordance with Part III of *The Saskatchewan Employment Act*, all employees employed by the Town of Eatonia and includes elected officials and committee members of a committee established by the town council shall refrain from causing or participating in the harassment of another person, and co-operate with any person investigating harassment complaints.

A copy of the town's harassment policy can be found on the town's website, www.eatonia.ca, or at the town office.

Complaint Procedure

An employee who believes that he or she has been subjected to harassment is encouraged to first clearly and firmly make known to the alleged harasser that the harassment is objectionable and must stop.

Where this cannot be done, or is unsuccessful, the employee should report the alleged harassment to at least one council member or the administrator. The complaint should be in writing in a form consistent with the harassment complaint form attached to this policy.

Once the person receives the written complaint of harassment, that person shall immediately bring the complaint to the attention of the whole of council.

The council will discuss options to resolve the complaint with the complainant. Where the conflict cannot be promptly resolved in a manner satisfactory to the complainant, the council will notify the alleged harasser of the complaint, provide the alleged harasser with the information concerning the circumstances of the complaint and undertake a confidential investigation.

Following the conclusion of the investigation, the council will inform the complainant and the alleged harasser of the results of the investigation.

Where harassment has been substantiated, the council will take appropriate correction action to resolve the complaint.

Third-Party Harassers

This policy covers harassment connected to any matter or circumstance arising out of the worker's employment. Customers, contractors or their workers and others invited to the workplace could harass an employee.

The Town of Eatonia may have limited ability to investigate or control their conduct. However, the Town of Eatonia shall take reasonably practicable action to stop or reduce the risk to its workers of being harassed by third parties.

This action may include:

- posting the harassment policy in a location visible to third parties; and
- requiring certain contractors and their workers to accept and meet the terms of the harassment policy; and
- removing workers who participate in harassment.

Where a customer has been asked to stop abusing or harassing a worker and does not, workers are authorized to:

- end telephone conversations;
- politely decline service; and
- ask the customer or client to leave the workplace.

Malicious Complaints

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

Confidentiality

The Town of Eatonia will not disclose the identity of the complainant or alleged harasser, except where disclosure is necessary to investigate or take disciplinary action, or where such disclosure is required by law.

Other Options for Complainants

Nothing in this policy prevents or discourages an employee from referring a harassment complaint to Occupational Health and Safety Division or the Saskatchewan Human Rights Commission. An employee also retains the right to exercise any other legal avenues available.

**TOWN OF EATONIA
HARASSMENT COMPLAINT FORM**

Complainant Information

Name: _____ Phone Number _____

Witness Information

List names of possible witnesses:

NAME	POSITION	CONTACT PHONE NUMBER

Information about the individual(s) you feel has/have harassed you
Name of person(s) against whom this complaint is made:

Date of incident (dd/mm/yyyy): _____

In your opinion is the harassment based on any of the following? Check the boxes that apply to your situation.

- | | | |
|---|--|--|
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Religion | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Nationality | <input type="checkbox"/> Disability | <input type="checkbox"/> Age |
| <input type="checkbox"/> Place of Origin | <input type="checkbox"/> Family Status | <input type="checkbox"/> Creed |
| <input type="checkbox"/> Physical Weight/Height | <input type="checkbox"/> Colour | <input type="checkbox"/> Race |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Ancestry | <input type="checkbox"/> 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

OR

- 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: (e.g., supervisor to direct or counsel person to correct conduct; facilitated meeting with alleged harasser; apology; workshops or training sessions; mediations; or other.)

Declaration

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

Signature

Date (dd/mm/yyyy)

I acknowledge receipt of this complaint.

Council Member or Administrator Signature

Date (dd/mm/yyyy)