

# Rural Municipality of Sifton

## Workplace Health and Safety Harassment Prevention Policy

### Intent

The RM of Sifton is committed to providing a safe and respectful work environment for all employees. The RM of Sifton will not tolerate harassment in the workplace. No one has the right to harass anyone else, at work or in any situation related to employment with this organization. This policy is a step toward ensuring that our workplace environment is respectful, safe, and free from harassment for everyone.

### Law

This policy references The Manitoba Workplace Safety and Health Act and Regulation 2016 Part 10 Harassment:

Harassment Prevention Policy

- 10.1(1) An employer must
  - (a) develop and implement a written policy to prevent harassment in the workplace; and
  - (b) ensure that workers comply with the harassment prevention policy.
- 10.1(2) The harassment prevention policy must be developed in consultation with
  - (a) the committee at the workplace;
  - (b) the representative at the workplace; or
  - (c) when there is no committee or representative, the workers at the workplace.

### Scope

Every RM of Sifton council member, employee, part time and contract staff, volunteer, board member and members of the public are entitled to a workplace that is free of harassment. This Harassment Prevention Policy applies to all workplace activities as well as social activities.

### Definition:

Harassment may be written, verbal, physical, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly.

A. There are two main types of harassment:

- 1. Inappropriate conduct in any form regarding a person's:
  - age, race
  - creed, religion
  - sex, sexual orientation
  - marital status, family status, economic status
  - political belief, association or activity
  - disability, size, weight, physical appearance
  - nationality, ancestry or place of origin
- 2. Inappropriate conduct that may involve:
  - repeated humiliation or intimidation that adversely affects a worker's psychological or physical well-being
  - a single instance so serious that it has a lasting, harmful effect on a worker

B. What is not Harassment?

- 1. Reasonable, actions by managers or supervisors to help manage, guide or direct workers or the workplace.
- 2. Appropriate employee performance reviews, counselling or discipline by a supervisor or manager.

## **Policy:**

### **A. Employee Rights and Responsibilities:**

1. Employees are entitled to work free of harassment at the RM of Sifton.
2. Employees have the responsibility to treat each other with respect.
3. Any employee who experiences harassment or sees another person harassed should report it to their supervisor, CAO or Reeve.
4. Employees are responsible to co-operate in the investigation of a harassment complaint. Anyone who investigates or gives evidence in a complaint investigation is asked to keep details confidential.
5. All employees have the right to file a complaint with the Manitoba Human Rights Commission.

### **B. Employer Responsibilities:**

1. The RM of Sifton must ensure, as far as reasonably practicable, that no employee is subject to harassment in the workplace.
2. The RM of Sifton will take corrective action respecting any person under their direction who subjects a worker to harassment.
3. The RM of Sifton will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is:
  - necessary to investigate the complaint or to take corrective action with respect to the complaint, or
  - required by law

### **C. The Harassment Prevention Policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.**

### **D. The RM of Sifton is responsible for keeping a safe work environment, free of harassment. If anyone in a supervisory position becomes aware of harassment, they must do everything in their power to stop it, whether or not a complaint is made. Supervisors who ignore harassment leave themselves and their employer open to legal consequences and may be subject to disciplinary action. Courts presume that employers and supervisors are responsible for being aware of harassment in their organization and may penalize them accordingly.**

## **Procedures Applying to Complaints of Harassment:**

### **A. In the event an employee considers himself/herself as being harassed:**

1. tell the harasser to stop (if the complainant is comfortable doing that). This may be done in person or in writing. Inform the harasser that his or her actions are not welcome.
2. If the complainant is unable to deal with the harasser they must speak to their supervisor, CAO, or the Reeve.

### **B. Informal ways of addressing the complaint:**

1. The supervisor, CAO or Reeve may speak confidentially to the alleged harasser.
2. The supervisor, CAO or Reeve may also arrange for mediation, in which a neutral third party helps the people involved reach an acceptable solution.

### **C. Formal ways of addressing the complaint:**

If the informal route does not succeed or is not appropriate, the RM of Sifton supports its employees in filing a formal written complaint for investigation.

1. The RM will determine in each situation, based on the severity of the harassment reported, and whether or not the alleged harassment is admitted to, the nature and extent of investigation required. In some cases a third party investigator may be engaged. This investigating party (herein referred to as “the investigator”) must weigh the evidence and determine if it is more likely than not that the allegation(s) are true.
2. The investigator will generally do the following:
  - interview the person who is alleged to have been harassed
  - interview the alleged harasser (in the presence of a representative of the alleged harasser if requested) to present the complaint and obtain a response
  - identify any witnesses and interview them on a confidential basis
  - weigh the evidence gathered to determine whether harassment occurred
  - recommend appropriate steps to terminate the harassment that was substantiated (including discipline, training, etc.)
  - present a written report of the investigation findings including further action to be taken to the person who is alleged to have been harassed, the harasser, and other management as appropriate.
3. The investigation will usually result in any of the following:
  - Evidence shows that harassment occurred.
    - An appropriate course of action is determined.
  - Evidence shows that harassment did not occur.
    - An appropriate course of action may be recommended, including workplace mediation or education.
  - Evidence shows the harassment did not occur and the allegation arises from malicious intent.
    - Discipline against the person alleged to have been harassed may be recommended. (Note: These cases are extremely rare.)
  - Evidence is insufficient to make a conclusion about harassment.
    - An appropriate course of action may be recommended including education and debriefing.
4. The CAO or other designate will inform the person who filed the complaint and the alleged harasser of the results of the investigation in a timely manner.

#### **D. Corrective Action for Harassers:**

1. Employees who harass are found to have harassed another person will be subject to corrective action as recommended by the CAO, Reeve or Council. The corrective action may include: written reprimand, suspension (with or without pay), demotion, or dismissal. Additionally, the harasser may also be required to attend workplace behaviour training.
2. If the investigation does not find evidence to support the complaint, no record will be kept in the file of the alleged harasser.
3. When the investigation finds harassment occurred, the incident and the corrective action will be recorded in the harasser’s personnel file.

#### **E. Confidentiality:**

1. The company and its managers will not identify a complainant, an alleged harasser or any circumstances about a complaint, to anyone, except:
  - when it is necessary in investigating the complaint
  - if it is part of disciplinary action
  - where required by law

#### **F. Appeals:**

If an employee is not satisfied with the RM’s investigation into a report of harassment or with the specific findings of an investigation, or at any time the employee can request a review by

contacting or assistance by contacting: Manitoba Human Rights Commission, 7th Floor - 175 Hargrave Street, Winnipeg MB R3C 3R8, Telephone: 204-945-3007; Toll free: 1-888-884-8681; TTY: 204-945-3442; Brandon: 1-800-201-2551 or 204-726-6261

**G. Retaliation:**

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation or been found guilty of harassment, will be considered to have committed harassment and will be subject to corrective actions.

**H. Education:**

The RM of Sifton commits to ensuring that all of Council and all employees learn about the Harassment Prevent Policy. This policy will be posted in a conspicuous location in the workplace.

**I. Monitoring:**

1. The RM of Sifton will monitor this policy and make adjustments whenever necessary.
2. All council members and employees will receive a copy of the Policy and must sign acknowledging that they have read and understand the policy.
3. If there are any concerns with this policy they must be brought forth to the WSH Committee or any committee member.

**J. Record of Complaint:**

No record of the complaint, investigation or decision will go in the employee's personnel file if the complaint was made in good faith. Any unfavourable work review or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.

## Acknowledgement & Agreement

I, \_\_\_\_\_, acknowledge that I have read and understand the Harassment Prevention Policy of the Rural Municipality of Sifton. I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules of this policy, I may face legal, punitive, or corrective action, up to and including termination of employment and/or criminal prosecution.

Name: \_\_\_\_\_

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

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

Witness: \_\_\_\_\_