



## **HARASSMENT & RESPECTFUL WORKPLACE POLICY**

### **Human Resources Policy #001**

#### **POLICY STATEMENT**

The Municipality of Boissevain-Morton is committed to providing a safe and respectful work environment for all of its staff, Councillors, ratepayers, customers, volunteers, and members of the public that is free from harassment (including sexual harassment) and has the responsibility to refrain from participating in behaviour which is, or could be perceived to be, harassment. The Municipality will not tolerate harassment based on any characteristic protected by The Human Rights Code (Manitoba). The Municipality of Boissevain-Morton expects and promotes respectful interactions which show regard for the rights, dignity, health and safety of all.

#### **DEFINITIONS**

Harassment can take many forms and may be, but is not limited to, words, signs, jokes, pranks, intimidation, physical contact, or violence. Harassment is not necessarily sexual in nature.

**Harassment** includes:

- A course of abusive remarks or behaviours based on a protected characteristic such as race, national or ethnic origin, age, religion, political belief, physical or mental disability, gender, sexual orientation, family status, or social status;
- A series of objectionable solicitations or advances;
- A sexual solicitation or advance made by a person who is in a position to provide or deny employment benefits if the person making the advance knows, or ought to know, that their employment benefits if the person making the advance knows, or ought to know, that their remarks or behaviours are unwelcome;
- A reprisal retaliation, or threat of reprisal, for rejecting a sexual solicitation or advance;
- Any behaviour that degrades, demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions (i.e. touching, pushing), comments (i.e. jokes, name-calling), or displays (i.e. posters, cartoons).

**Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:**

- Actions to correct performance deficiencies
- Imposing discipline for workplace infractions
- Requesting medical documents in support of an absence from work

- Normal workplace conflict that may occur between individuals or differences of opinion between coworkers
- Friendly teasing or bantering that is mutually acceptable and not offensive to others

This policy sets out a process for dealing with legitimate disputes between staff, councillors, ratepayers, customers, volunteers, and members of the public, may, in and of themselves, constitute harassment or disrespectful behaviour.

**Disrespectful behaviour** includes;

- Bullying, verbal abuse, yelling, name calling, threats or intimidation intended to demean;
- Isolating, ignoring, excluding or freezing someone out of activities or information in the workplace;
- Spreading false rumour or attempting to discredit another employee by demeaning them and their qualifications

### **Respectful Behaviour**

It is not possible to itemize every example of appropriate respectful behaviour. However, the following are examples of behaviours that support and create a respectful workplace free of harassment;

- Being polite, courteous and respectful of others;
- Treating others equitably and fairly;
- Avoiding the use of profanity or other language which offends or demeans others;
- Listening to what others have to say;
- Being open-minded to the opinions and ideas of others, and accepting of the rights of others to hold opinions and express ideas different from your own;
- Seeking input and the active participation of appropriate people in planning, decision making, and implementing initiatives;
- Taking relevant facts into account when making decisions, and ensuring that decisions are fair and are seen to have been made fairly
- Recognizing and valuing the diversity amongst the staff, councillors, ratepayers, customers, volunteers, and members of the public

Characteristics protected by *The Human Rights Code*:

- It is a contravention of *The Human Rights Code* to harass any other employee or customer/client based on that person's race, colour, ancestry, nationality or place of origin, ethnic background, religion, age, sex, gender identity, sexual orientation, marital and family status, source of income, political belief, physical or mental disability, social disadvantage or criminal record.
- Harassment unrelated to a protected characteristic is sometimes referred to as "bullying," or "personal harassment." This type of disrespectful behaviour is not expressly covered by this Policy but may contravene the *Workplaces Safety and Health Act* or other legislation and is prohibited by the Municipality.

## SCOPE

This policy affects all current, potential, term and contract employees and employees as well as volunteers and customers. Any person who believes that someone else in the workplace is being harassed or subjected to disrespectful behaviour should immediately report the harassment to the Chief Administrative Officer (CAO), or where the CAO is the complainant or the perpetrator of the harassment, to the Head of Council (or the appointed designate).

## PROCEDURES AND GUIDELINES

### Employee Obligations

Based on the severity of the harassing or disrespectful behaviour, the employee's personal comfort and safety, and the dynamics of their work environment, employees may choose to do one or more of the following:

- **Tell the harasser to stop.** Inform the harasser that his or her actions are not welcome.
- **Advise** their immediate supervisor and/or, the CAO;
- **File a formal complaint**, in writing with the CAO;
- **Discuss** the issue with a trusted colleague or friend;
- **Contact the police** in cases where there is a genuine fear of safety or if an assault has taken place

All employees have the responsibility to treat each other with respect, and to speak up if they or someone they know is being harassed. All employees have a responsibility to report harassment to the appropriate contact noted.

### Employer Obligations

The Municipality of Boissevain-Morton takes harassment and disrespectful behaviour in the workplace very seriously and will take appropriate action to investigate, discipline or otherwise sanction individuals as required. In cases where harassment might have taken place, the Municipality is obligated by law to take prompt and appropriate action, whether or not the victim wishes to do so. In support of this policy, the Municipality of Boissevain-Morton will:

- **Educate and circulate** with all employees, Councillors, ratepayers, customers, volunteers, and members of the public with respect to its content;
- **Review, investigate, and address** reports of harassment and disrespectful behaviours promptly;
- **Model** respectful behaviour at all times;
- **Involve** the CAO, Council, or contracted third-party professionals as necessary to investigate and respond to reports of harassment or disrespectful behaviour;
- **Determine** if harassment is based on a characteristic protected under *The Human Rights Code*;
- **Assess** the severity of the situation and safeguard against further harassment;
- **Ensure** that there are no reprisals against employees for making complaints or participating in investigations;

- **Refer** employees to counselling or the police as necessary;
- **Apply** this policy consistently

The Municipality of Boissevain-Morton Council acknowledges that harassment covers a broad continuum of behaviours including but not limited to comments, jokes, and e-mails. A range of responses and resolutions are available but must be fair and reasonably appropriate to the harassment with the focus on being preventative and terminating the potential of future harassment.

It should be noted that an employee is not always obligated to specifically report the harassment for the Municipality's duty to take reasonable steps to terminate the harassment to be triggered. The Municipality's supervisory employees who knew, or ought reasonably to have known, of the harassment but fail to take appropriate action will be disciplined.

### **REPORTING HARASSMENT**

Employees who believe they are being harassed, or believe that someone else in the workplace is being harassed, should immediately report the harassment to their immediate supervisor or the CAO. In cases where the CAO is the complainant or the perpetrator of the harassment, report to the Head of Council (or the appointed designate).

### **INVESTIGATING HARASSMENT**

The Municipality of Boissevain-Morton will investigate each report of alleged harassment. The Municipality will determine, based on the severity of the harassment reported, and whether or not the alleged harassment is admitted to, will determine the nature and extent of the investigation required. An investigation will be conducted that is appropriate in the circumstances. In some cases, this may involve a meeting solely with the complainant reporting the harassment, while in other cases the parties involved may meet one-on-one with the CAO. In other cases, a full formal investigation may be required. If deemed necessary a third-party investigator may be engaged in the investigation. In all cases, the investigator must weigh the evidence and determine if it is more likely than not that the allegation(s) are true.

The investigator will generally do the following:

- Interview the person who is alleged to have been harassed;
- Interview the alleged harasser(s) (in the presence of a representative of the alleged harasser(s) 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.); and
- Report findings of the investigation including further action to be taken to the person who is alleged to have been harassed, the harasser(s), and other management as appropriate.

The investigation will usually result in any of the following:

- i) Evidence shows that harassment occurred. In this case an appropriate course of action is determined which may include discipline, training, mediation, and/or in the case of a Councillor being found to have breached this policy, Council may censure the Councillor in accordance with s.84.1(3) of The Municipal Act or such other measure as deemed appropriate under future legislation.
- ii) Evidence shows that harassment did not occur – In this case an appropriate course of action may be recommended, including workplace mediation or education.
- iii) Evidence shows the harassment did not occur and the allegation arises from malicious intent. In this case, discipline against the person alleged to have been harassed may be recommended. (Note: These cases are extremely rare.)
- iv) Evidence is insufficient to make a conclusion about harassment. In this case, an appropriate course of action may be recommended including education and debriefing.

Outcomes and resolutions may include are not be limited to:

- Education to an individual and/or group
- Mediation
- Review and modification of workplace policies, procedures and practices
- Discipline including, but not limited to, a reprimand, suspension, demotion, transfer, or termination of employment

### **Additional Remedies**

When an investigation concludes that a ratepayer, customer, volunteer, or member of the public has breached this policy, the CAO and/or Council may;

- Issue a written warning to the ratepayer, customer, volunteers, or member of the public that their behaviour will not be tolerated
- Determine that the ratepayer, customer, volunteer, or member of the public be issued a No Trespass Order under *The Petty Trespass Act*, banning them from attending any municipal building; and or;
- Make application for a Peace Bond under The Criminal Code to prevent contact between the parties

### **Confidentiality**

The Municipality will keep the details of any report of harassment confidential to the extent possible; however, confidentiality does not always mean anonymity. Any person reporting harassment should be aware that Municipality remains obligated to inform the alleged harasser(s) of the report, interview witnesses if necessary, and to discipline employees where necessary.

If an employee files a complaint of harassment with the Manitoba Human Rights Commission, information obtained during the investigation contemplated by this policy shall be disclosed in accordance with the provisions of The Human Rights Code.

## Appeals

If an employee is not satisfied with the Municipality'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 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

## RELATED DOCUMENTS AND REFERENCES

Manitoba Human Rights Code

Government of Manitoba – Respectful Workplace Policy

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