

RURAL MUNICIPALITY OF BLAINE LAKE #434

BYLAW NO 03-2021

**A BYLAW FOR THE PURPOSE OF ESTABLISHING A WORKPLACE ANTI-HARASSMENT
POLICY AND PROCEDURES**

The Council of the Rural Municipality of Blaine Lake #434 in the Province of Saskatchewan enacts as follows:

1. The Rural Municipality of Blaine Lake #434 hereby adopts the Anti-Harassment Policy and Procedures, attached hereto; and forming a part of this Bylaw.
2. Bylaw #04/2018 is hereby repealed.

Reeve

[SEAL]

Administrator

Read a third time and adopted
this 18th day of March, 2021.

Administrator

RURAL MUNICIPALITY OF BLAINE LAKE #434
Anti-Harassment Policy and Procedures



Policy Statement

The Rural Municipality of Blaine Lake #434 is committed to fostering a harassment-free workplace where all employees are treated with respect and dignity.

Respectively, *the Saskatchewan Employment Act and the Canadian Human Rights Act* protects employees from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction. The *Municipalities Act* additionally provides the expected behaviours a municipality's council and its employees should exhibit, including the requirement of a Council Code of Ethics and an Employee Code of Conduct.

Harassment at The Rural Municipality of Blaine Lake #434 is not tolerated. Persons who are found to have harassed another individual may be subject to disciplinary action. This includes any employee who:

- interferes with the resolution of a harassment complaint;
- retaliates against an individual for filing a harassment complaint; or
- files an unfounded harassment complaint intended to cause harm.

The Rural Municipality of Blaine Lake #434's Anti-Harassment policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

Application

This policy applies to all current members of council and employees of The Rural Municipality of Blaine Lake #434, including full and part-time, casual, contract, permanent and temporary employees. This policy also applies to job applicants and ratepayers. Zero tolerance poster is included in the Appendix of this policy.

This policy applies to all behaviour that is in some way connected to work, including during off-site meetings, training and on business trips.

Definitions

"HARASSMENT" is defined as 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 a person's psychological or physical well-being, and that the person knows or ought reasonably to know would cause another to be humiliated or intimidated (To constitute harassment for these purposes either of the following must be established:
 - repeated conduct, comments, displays, actions or gestures;

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- a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker); and
- Constitutes a threat to the health or safety of the worker;

Examples of harassment:

- offending or humiliating someone physically or verbally;
- threatening or intimidating someone; or
- making unwelcome jokes or comments about someone's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Harassment does NOT include:

- any reasonable action that is taken by an employer, or a manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer's workers or the place of employment.

Sexual harassment is:

- offensive or humiliating behaviour that is related to a person's sex;
- behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment; or
- behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person's job or employment opportunities.

Responsibilities & Commitment

The Rural Municipality of Blaine Lake #434 is responsible for and commits to:

- providing all employees a harassment-free workplace.

Council is responsible for and commits to:

- ensuring that this policy is applied in a timely, consistent and confidential manner;
- determining whether or not allegations of harassment are substantiated; and
- determining what corrective action is appropriate where a harassment complaint has been substantiated.

The Administrator is responsible for and commits to:

- the administration of this policy;
- ensuring review of this policy annually, or as required; and
- making necessary adjustments to ensure that this policy meets the needs of the organization.

Supervisors are responsible for and commits to:

- fostering a harassment-free work environment and setting an example about appropriate workplace behaviour;
- communicating the process for investigating and resolving harassment complaints made by employees;
- dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made;

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- taking appropriate action during a harassment investigation, including separating the parties to the harassment complaint, when appropriate; and
- ensuring harassment situations are dealt with in a sensitive and confidential manner.

Employees are responsible for and commits to:

- treating others with respect in the workplace;
- reporting harassment to the Administrator;
- cooperating with a harassment investigation and respecting the confidentiality related to the investigation process.

Ratepayers are responsible for and commits to:

- treating RM employees with respect in the workplace, including the RM municipal office, RM public works shop, or if/when approaching an RM employee during working hours at any public location;
- cooperating with employees when a need for problem resolution has arisen.

Expectations

Employees can expect:

- to be treated with respect in the workplace;
- that reported harassment will be dealt with in a timely, confidential and effective manner;
- to have their rights to a fair process and to confidentiality respected during a harassment investigation; and
- to be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

Procedures for Addressing a Harassment Complaint

Filing a Complaint

An employee may file a harassment complaint by contacting the Administrator. The complaint may be verbal or in writing. If the complaint is made verbally, the Administrator will record the details provided by the employee. If the Administrator is the Complainant, he/she will contact the Reeve.

The employee should be prepared to provide details such as:

1. what happened;
2. when it happened;
3. where it happened;
4. how often, and
5. who else was present (if applicable).

Complaints should be made as soon as possible but no later than within 3 months of the last incident of perceived harassment, unless there are circumstances that prevented the employee from doing so.

The Administrator will tell the person that the harassment complaint has been made against, in writing, that a harassment complaint has been filed. The letter will also provide details of the allegations that have been made against him or her. Every effort will be

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made to resolve harassment complaints within **7 days**. Council will advise both parties of the reasons why, if this is not possible.

If either party to a harassment complaint believes that the complaint is not being handled in accordance with this policy, he or she should contact Council.

Note for Ratepayers & Residents:

To prevent employee harassment allegations toward a ratepayer/resident, *RM Service complaints* should be provided directly to the Administrator for processing appropriately, or directly to the Reeve if the complaint is pertaining to the Administrator; please see the Appendix in this policy for further information.

Mediation

Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation. Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the harassment complaint.

The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in investigating the complaint. Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

Investigation

If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience. In some cases, an external consultant may be engaged for this purpose.

The investigator will interview the person who made the complaint, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

The investigator will prepare a report that will include:

- a description of the allegations;
- the response of the person the complaint was made against;
- a summary of information learned from witnesses (if applicable); and
- a decision about whether, on a balance of probabilities, harassment did occur.

This report will be submitted to Council. Both parties to the complaint will be given a copy.

Substantiated Complaint

If a harassment complaint is substantiated, Council will decide what action is appropriate. Remedies for the employee who was harassed may include:

- an oral or written apology;
- compensation for lost wages;
- compensation for any lost employment benefits such as sick leave; and
- compensation for hurt feelings.

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Corrective action for the employee found to have engaged in harassment may include:

- a reprimand;
- a suspension;
- a transfer;
- a demotion; and/or
- dismissal.

Both parties to the complaint will be advised, in writing, of the decision.

Ratepayer/Resident harassment will be managed on a case-by-case basis; please see the Appendix in this Policy for more information.

Other Redress

Employees have the right to request the assistance of an Occupational Health Officer to resolve a complaint of harassment.

An employee who is not satisfied with the outcome of the harassment complaint process has the right to file a discrimination complaint with the Occupational Health and Safety Division within the Ministry of Labour Relations and Workplace Safety, or the Saskatchewan Human Rights Commission as per the *Saskatchewan Human Rights Code and Regulations*.

Privacy and Confidentiality

All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know:

- The Rural Municipality of Blaine Lake #434 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 for the purposes of investigating the complaint or taking corrective action with respect to the complaint; or
 - required by law;

The Rural Municipality of Blaine Lake #434 and all individuals involved in the harassment complaint process, will comply with all requirements of the Local Authority Freedom of Information and Protection of Privacy Act to protect personal information.

Review

The Rural Municipality of Blaine Lake #434 will review this policy and procedures on an annual basis, or more frequently if deemed necessary, and will make necessary adjustments to ensure that it meets the needs of all employees.

Enquiries

Enquiries about this policy and related procedures can be made the Administrator.

APPENDIX A

**Don't take it out
on our staff.**

We are here to help you!

**THE RM OF BLAINE
LAKE #434 HAS
ZERO TOLERANCE
FOR HARASSMENT
& ABUSE**

Thank you