



EMPLOYMENT POLICY MANUAL

Subject: Sexual Harassment	Approval Date: June 17, 2013	By-Law No. 1785-13
--------------------------------------	--	------------------------------

3.29 SEXUAL HARASSMENT

1. POLICY STATEMENT

It is the policy of the Municipality of Red Lake that every employee is entitled to be free from sexual harassment, and the Municipality will make every reasonable effort to ensure that no employee is subjected to such harassment. It is also the policy of the Municipality to take such action as deemed appropriate against individuals found to have engaged in conduct constituting sexual harassment.

THIS POLICY DOES NOT AFFECT ANY EMPLOYEE'S RIGHT TO PURSUE A COMPLAINT UNDER THE REGULATIONS OF THE ONTARIO HUMAN RIGHTS TRIBUNAL OF ONTARIO.

2. SEXUAL HARASSMENT

2.1 The Ontario Human Rights Code on sexual harassment has been adopted by the Corporation of the Municipality of Red Lake.

2.2 Section 7(2) states:

"Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee."

2.3 Section 7(3) states:

"Every person has a right to be free from,

(a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows, or ought reasonably to know, that it is unwelcome; or

(b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advancement where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person."

2.5 Harassment has been defined in Section 10 of the Human Rights Code to mean "engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome".



EMPLOYMENT POLICY MANUAL

Subject: Sexual Harassment	Approval Date: June 17, 2013	By-Law No. 1785-13
--------------------------------------	--	------------------------------

3. PROVISIONS

All employees of the Municipality of Red Lake will conduct themselves in a manner that shall not promote any sexual oriented practices that undermine an employee's health, job/workplace relationship or employment status. Such practices shall include, but not be limited to:

- (1) unsolicited and/or unnecessary physical contact such as touching, patting, or pinching, with an underlying sexual connotation,
- (2) suggestive remarks, gestures or verbal abuse,
- (3) leering at a person (suggestive persistent staring),
- (4) sexual demands or invitation,
- (5) all forms of physical abuse.
- (6) an implied or expressed threat of reprisal for refusal to comply with a sexually oriented request;
- (7) a demand for sexual favours in return for (continued) employment or more favourable employment treatment;
- (8) unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation;
- (9) displaying of pornographic or sexist pictures or materials;
- (10) sexual assault; for the most part, victims of sexual harassment are female. However, conduct directed by female employees towards males and between persons of the same sex can also be held to constitute sexual harassment.

Other Forms of Personal Harassment based on racism, ethnic origin or religion may include, but is not limited to the following:

- a) unwelcome remarks, jokes innuendoes or taunting about a person's racial or ethnic background, colour, place of birth, citizenship, ancestry or religion;
- b) displaying of racist or bigoted ethnic pictures or materials

4. INFORMAL PROCEDURE

- 4.1 A Harassment Committee with 4 individuals to initially assist an employee has been formed. The role of those individuals is to meet with, and listen to the complainant, in confidence, and to recommend a course of action.
- 4.2 The complainant may wish to have a fellow worker, of their choice, attend with them at the informal meeting.
- 4.3 The Informal Process will not judge the validity of the complaint.
- 4.4 The Committee will have no disciplinary powers, and its mandate is to assist the



EMPLOYMENT POLICY MANUAL

Subject: Sexual Harassment	Approval Date: June 17, 2013	By-Law No. 1785-13
--------------------------------------	--	------------------------------

complainant by providing a resource for those employees who may have difficulty dealing with harassment independently.

- 4.5 The employee is not obligated to utilize the Informal Procedure, and may proceed directly with the Formal Procedure.
- 4.6 If the Informal Procedure process does not resolve the problem, the complainant must be prepared to utilize the Formal Procedure process.
- 4.7 The Committee will consist of the following:
 - (1) Chief Administrative Officer
 - (2) Clerk
 - (3) Human Resources Manager
 - (4) U.S.W.A. Representative

5. FORMAL PROCEDURE

- 5.1 The complainant has the option of proceeding with the Formal Procedure or the Informal Procedure.
- 5.2 The complainant must provide documentation regarding the offending behaviour to a Formal Resolution Committee in order to initiate the Formal Procedure by keeping a detailed written record of the events, including the alleged offender's name, the place, date, time and any witness (if any), as well as the details of the offensive behaviour.
- 5.3 The Formal Resolution Committee will be composed of three individuals from the Municipal workforce, one chosen by the complainant, one chosen by the alleged offender, and the Human Resources Manager.
- 5.4 If the Human Resources Manager is the subject of the complaint, the Mayor of the Municipality of Red Lake, in consultation with the Council, will appoint someone from senior management to be a member of the Resolution Committee.
- 5.5 The Formal Resolution Committee's mandate is to investigate the alleged harassment by:
 - (a) conducting personal interviews with the concerned parties, including witnesses;
 - (b) reviewing written submissions from the concerned parties;
 - (c) providing a decision to the concerned parties within thirty (30) days regarding the validity of the complainant, as well as recommending corrective



EMPLOYMENT POLICY MANUAL

Subject: Sexual Harassment	Approval Date: June 17, 2013	By-Law No. 1785-13
--------------------------------------	--	------------------------------

action. Corrective action could be defined as, but is not limited to, the following:

- (i) verbal or written reprimand;
- (ii) suspension;
- (iii) seeking professional assistance;
- (iv) termination; or
- (v) any combination of (i) through (iii)

6. RESPONSIBILITIES

6.1 All Employees

- To conduct themselves in a manner which could not be interpreted as engaging in provocative, annoying, offensive and unwelcome conduct of a sexual nature.

6.2 Complainant

- To attempt to control the situation by advising the offender to cease such unwelcome behaviour;
- To request assistance and/or mediation of one or more of the designated Harassment Committee members;
- Keep a detailed written record of the event(s).

6.3 Offender

- To immediately cease any conduct which could be interpreted as offensive;
- To seek professional assistance when required.

7. HARASSMENT COMMITTEE

- Meet with, and listen to, any employee complaining of sexual harassment in a confidential atmosphere;
- Not to judge the validity of the complainant;
- Offer recommendations to the complainant.

8. FORMAL RESOLUTION COMMITTEE

- Investigate the alleged harassment;
- Advise the parties of the validity of the complaint;
- Recommend corrective action.