



EMPLOYMENT POLICY MANUAL

Subject: Workplace Harassment Policy	Approval Date: August 21, 2017	By-Law No. 57-2017
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3.31 WORKPLACE HARASSMENT POLICY

1. POLICY STATEMENT

The Municipality of Red Lake is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace.

Harassment in the workplace is unacceptable from anyone. This policy applies to all employees of the Municipality and all those who may be visiting Municipal premises or interacting with Municipal employees; this includes but is not limited to Contractors, Vendors, Suppliers, or Members of the Public.

Everyone is expected to uphold this policy and to work together to prevent workplace harassment.

This policy will outline the procedures involved in addressing a concern of workplace harassment.

Employees are encouraged to report incidents of harassment to their Supervisor or Worker Representative or the Human Resources Manager. The above noted individuals will conduct an investigation of the incident utilizing the process laid out below.

This Policy shall:

1. Provide the Municipal Policy Statement regarding Workplace Harassment.
2. Provide definitions of Harassment and Sexual Harassment.
3. Detail the methods and procedures for reporting incidents of workplace harassment to the Employer.
4. Detail the investigation procedure for reports or complaints of workplace harassment.
5. Detail the standards of confidentiality that must be maintained by both the employer and the employees.
6. Detail the record keeping that follows an investigation.
7. Provide the standards for maintenance of this Policy.



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2. DEFINITIONS

“Supervisor” means a person who has charge of a workplace or authority over an employee.

“Worker Representative” means a health and safety representative of the employees who does not exercise managerial functions and is selected by the employees of the workplace. The names and contact information of the department’s Worker Representative will be posted in a conspicuous place for employees to see.

“Workplace Harassment” means:

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.

“Workplace Sexual Harassment” means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.



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3. PROCEDURE FOR REPORTING INCIDENTS OF WORKPLACE HARASSMENT AND WORKPLACE SEXUAL HARASSMENT

Workers can report incidents or complaints of workplace harassment verbally or in writing. When submitting a written complaint, please use Accident / Incident Form found in the Health and Safety Policy. When reporting verbally, the reporting contact, along with the worker complaining of harassment will fill out the form. Employees may choose to have a representative of the union present when they are reporting an incident of workplace harassment.

For the Procedure on reporting Workplace Sexual Harassment, refer to Policy 3.29 Sexual Harassment.

Report Workplace Harassment verbally or in writing to the following individuals:

- a) Your Supervisor. If this is not possible then report it to:
- b) Your Worker Representative. If this is not possible then report it to:
- c) The Human Resources Manager. If this is not possible then report it to:
- d) The Chief Administrative Officer.

After reporting the incident of harassment, you will be required to fill out the Accident/Incident Form found in the Health and Safety Policy.

The report of the incident should include the following information:

- a) Name(s) of the worker who has allegedly experienced workplace harassment and contact information.
- b) Name of the alleged harasser(s), position and contact information (if known).
- c) Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known).
- d) Details of what happened including date(s), frequency and location(s) of the alleged incident(s).



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- e) Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint.
- f) List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

If the act of workplace harassment is reported to you as a Supervisor, Worker Representative, Human Resources Manager, or Chief Administrative Officer, you will ensure that the other reporting personnel are also informed of the incident and that the employee fills out the Accident/Incident Form. Strict confidentiality outside of this reporting group must be maintained. Individuals in the reporting group will not be informed immediately of the complaint if they are the accused aggressor. They will be informed through the investigation process.

The Municipality will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. The investigators will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by The Municipality and will be proportional to the seriousness of the behaviour concerned.

4. INVESTIGATION PROCEDURE

Any report of workplace harassment will trigger an investigation of the reported harassment within 10 days of the report being received. An investigation committee will be formed. The committee will be composed of:

- d) The Human Resources Manager (Committee Chair)
- e) Worker Representative
- f) The Supervisor

If any of the above individuals are the subject or involved in the complaint the CAO of the Municipality will appoint a replacement. If the CAO is the subject or involved in the complaint then Clerk and Council will appoint a replacement. An independent third party may be required to conduct the investigation.



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Once an incident is reported a investigation will begin as soon as possible. The investigation will be concluded within 30 days of the investigation being started and the results, including any corrective action, will be reported to the complainant and the alleged aggressor in writing.

The Investigation will follow the attached checklist (Appendix A).

5. CONFIDENTIALITY

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not to discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

6. RECORD KEEPING

The Municipality will keep records of the investigation including:

- a) a copy of the complaint or details about the incident;
- b) a record of the investigation including notes;
- c) a copy of the investigation report (if any);



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- d) a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
- e) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be filed under: HS Incidents, H04-AC
Records will be kept for 10 years.



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7. POLICY MAINTENANCE AND IMPLEMENTATION

The Municipality, as the employer, will ensure this policy and the supporting program are implemented and maintained. All employees and supervisors will receive appropriate information and instruction on the contents of the policy and program.

Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by employees and that employees have the information they need to protect themselves.

Every employee must work in compliance with this policy and the supporting program. All employees are encouraged to raise any concerns about workplace harassment.

Management pledges to investigate and deal with all incidents and complaints of workplace harassment in a fair and timely manner, respecting the privacy of all concerned as much as possible.

The policy will be posted in a conspicuous location in all Municipal Worksites.

This Policy will be reviewed at least annually by Council, Chief Administrative Officer, and at least one Worker Representative.

Signatures

Mayor: 

Date: Aug 22, 17

CAO: 

Date: Aug. 22, 2017

Worker Representative: 

Date: Aug 23, 2017

APPENDIX A – WORKPLACE HARASSMENT INVESTIGATION CHECKLIST

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Obtain a Description of the Incident / Claim:

- Use active listening. Ensure the employee provides full disclosure of the event/ incident(s), and engage them in conversation. Avoid comments that deflect the seriousness of the charge.
- Acknowledge the difficulty associated with coming forward, and thank them for their candor.
- Maintain a professional attitude.
- Gather all pertinent facts and avoid making any judgment.
- Contact your attorney if you think the matter could possibly lead to a claim.
- Obtain a written statement from the claimant.
- Ask who, what, when, where, why and how.
- Determine the threat of retaliation, either real or perceived.
- Ask the employee how they would like to see the problem resolved.

Conduct an Investigation Into the Incident / Claim:

- Investigate immediately. Delaying or extending an investigation can cause witness testimony to become increasingly unreliable.
- Tread carefully: The manner in which the investigation is conducted may constitute grounds for a hostile environment claim.
- Diligent documentation of each step is required.
- Treat all claims seriously.
- Maintain confidentiality. Emphasize to those involved that your discussions are not to be shared with any unconcerned parties. Warn of possible disciplinary action associated with the spread of rumors, slander or hearsay if necessary.
- Limit the number of persons who have access to the information. Communicate strictly on a "need to know" basis.
- The purpose of the investigation is to gather facts, not disseminate allegations. Avoid any leading questions that might compromise the investigation and focus more on generalities.
- In the event that more than one allegation has been made, handle each one separately.
- To avoid defamation liability, never broadcast the facts of a given situation or the results as an example to others or as a training tool.

Interviewing the Complainant:

- Obtain specific details. Determine complainant wants and needs.
- Determine the existence of a pattern of previous episodes or similar behavior toward another employee, or if it was an isolated incident.
- Identify any contextual information wherein the conduct occurred. Where? What time?

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- Determine the long and short-term effects of the conduct on the complainant. These may include economic, non-economic and/or psychological.
- Determine the relationship of time between the occurrence of the incident, its effect on the complainant, and the time when the complainant filed the report.
- Prepare a detailed time-line of events.
- Analyze the possibility that certain events may have triggered the complaint, i.e., promotion, pay or transfer denial.
- Determine whether or not there are any possible motives on the part of the complainant for filing the complaint.
- Explain the seriousness of a harassment or discrimination charge, and that you will conduct a thorough investigation before reaching any conclusion.
- Assure the complainant that he or she will not be retaliated against for making the complaint.
- Avoid making any statements about the accused employee's character, job performance, or family life.

Interview the Accused:

- Obtain a written and oral statement from the accused.
- Identify any existing relationship between the accused and the complainant.
- If the accused individual was a supervisor, indicate their job title, obtain a copy of their job description, and determine their specific duties at the time of the alleged harassment or discrimination.
- Determine whether the accused directed, or had responsibility for the work of other employees or the complainant, had authority to recommend employment decisions affecting others or was responsible for the maintenance or administration of the records of others.
- The accused individual will likely deny the charges. Carefully observe the reaction, noting any elements of surprise, anger, or disbelief. Describe the details of the allegation and note the areas of disagreement between the testimonies supplied by both parties. If the accused denies the allegations, determine with the background, rationale, and motivation that could possibly have triggered the complaint.

Interviewing Witnesses:

- Obtain statements from any witnesses that either support or deny any of the allegations made.
- Assure all witnesses that their cooperation is important, that their testimony is confidential and that they will not be retaliated against for testifying.

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Resolve the Complaint:

- Apologize for the incident occurring (if appropriate).
- If the complainant requires a transfer, obtain their consent and ensure that the transfer position is similar to their prior position, without any new negative aspects, e.g. less desirable location or hours of work. This will help to ensure that the complainant is not being illegally punished for reporting discrimination or harassment.
- The severity, frequency and pervasiveness of the conduct should be taken into consideration when imposing corrective action or discipline on the accused. There are several disciplinary options available, including:
 - oral and written warning
 - reprimand
 - suspension
 - probation
 - transfer
 - demotion
 - Termination of employment
- When imposing discipline on the accused, any forms of discipline short of discharge should be accompanied by a warning that any reoccurrence of misconduct may result in immediate discharge. If no discipline is imposed, document the rationale.
- Re-communicate your policy on harassment and discrimination, and provide counseling and training on harassment and discrimination, if appropriate.
- Carefully and fully document the investigation, the discipline imposed, and any remedial or preventative steps taken.
- Conduct follow-up interviews with the parties to inform them of the actions taken.
- Review and update your harassment and discrimination policies, if appropriate.