

Community Respectful Workplace and Harassment Prevention Policy

Community of _____

Policy approved on: _____, 20__, by Resolution # _____.

Amended: _____, 20__, by Resolution # _____.

1. PURPOSE:

The Manitoba Workplace Safety and Health regulation, Part 10 requires that an employer must develop and implement a written policy to prevent harassment in the workplace and ensure that workers comply with the harassment prevention policy. In addition, section 19 of the Manitoba Human Rights Code requires an employer to take reasonable steps to terminate harassment.

Community Commitment

Every employee is entitled to work in an environment that is respectful and free of all forms of harassment, including sexual harassment and bullying.

The Community of _____ is committed to providing a safe and respectful work environment for all staff and customers. No employee of the Community of _____, a contractor, government official or a member of the public, has to put up with harassment for any reason, or at any time.

No one has the right to harass anyone at work or in any employment situation. This policy is one way to ensure our workplace is a comfortable place for all employees, suppliers, customers and government officials.

A respectful workplace requires cooperation and support from each employee in the organization. Employees who experience or witness behaviour in violation of this policy are encouraged to address it using the process outlined in this policy.

A copy of this policy must be posted on the workplace safety and health bulletin board in each workplace.

HARASSMENT IS NOT TOLERATED IN THE WORKPLACE. COUNCIL IS COMMITTED TO AND SUPPORTS A HARASSMENT-FREE WORKPLACE.

Application

This policy applies to all community elected officials and employees with interactions with community employees, community elected officials, contractors, members of the public and government officials.

This policy applies to the workplace itself, as well as activities connected with the workplace including travel, conferences, online activity and work related social gatherings. It is recognized that employee interactions can occur outside of the workplace and/or outside of working hours. This policy applies to inappropriate off-duty conduct that:

- reflects negatively on the community or the employee's workplace
- affects the employee's ability to perform their work duties effectively
- makes other employees reluctant to work with them
- restricts the work unit's ability to meet operational requirements

Definitions:

Although discrimination, disrespectful behavior, disruptive workplace conflict and harassment can be defined, in practice they overlap. The following definitions, although not all inclusive, have been designed to accommodate the different types of concerns that may arise:

- a. **Discrimination** means differential treatment of one employee in relation to the treatment afforded to or the policies applied to that person's coworkers, unless there is some demonstrable rationale for different treatment of the two employees. It also includes any conduct which is specifically prohibited under the Human Rights Code of Manitoba resulting from differential treatment of any person due to:
 - ancestry, including colour and perceived race; nationality or national origin; ethnic background or origin; religion or creed, or religious belief, religious association or religious activity; age; sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy; gender identity; sexual orientation; marital or family status; source of income; political belief, political association or political activity; physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device; social disadvantage
- b. **Disrespectful behavior** is behavior that is unwelcome and inappropriate in the workplace. It may happen once or continue over time. It can include:
 - rude comments and swearing as well as spreading unfounded or misinformed rumors that damage people's reputations (ex. gossip, interruptions)
 - actions that invade privacy or personal property or unwelcome gestures
 - display or distribution of printed or electronic material that offends
- c. **Disruptive workplace conflict** is defined as an ongoing dispute or communications breakdown of two or more individuals that impacts their ability to work productively and cooperatively in the workplace.
- d. **Harassment** is an action being taken by an individual that is offensive to another person and/or an offensive action that continues after it has been requested this action cease. It may be a single incident, so serious it has a lasting, harmful effect on a person or continue over time or creates a risk to the health of a worker. Examples can include, but is not limited to:
 - offensive or inappropriate remarks, gestures, material or behaviour
 - grouping or isolation
 - yelling
 - belittling or name calling
 - reprimanding in the presence of others
 - aggressive or patronizing behaviour
 - unwarranted physical contact

- covert behaviour (ex. inappropriately withholding information, undermining, underhandedness)
- advances made from someone in authority
- reprisal/threat made if action/offer was being rejected
- unwelcome/objectionable comment on the basis of items prohibited under the Human Rights Code of Manitoba referenced in the definition of discrimination
- degrades, demeans, humiliates, intimidates or embarrasses a person, and that a reasonable person should have known would be unwelcome and that adversely affects a person's psychological or physical well-being. It includes actions (ex. touching, pushing), comments (ex. jokes, name calling) or displays (ex. posters, cartoons).
- sexual harassment, including abusive remarks or behaviors based on sex, gender or sexual orientation; objectionable and unwelcome sexual solicitations or advances; a reprisal, retaliation or threat of retaliation for rejecting a sexual solicitation or advance; a reprisal or threat of reprisal for filing a sexual harassment complaint

Harassment may be written, verbal, physical, online or electronic, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly. Harassment can take place in the workplace or outside of it in a situation connected to work, such as during delivery trips, off-site meetings or business trips.

Harassment will not be tolerated in any of the Community of _____'s workplaces, or at any Community of _____ sanctioned events.

What Does Not Constitute Harassment

- Consensual banter or romantic relationships, where the people involved consent to what is happening, does not constitute harassment.
- Reasonable actions by managers or supervisors to help manage, guide or direct workers or the workplace are not harassment.
- Appropriate performance reviews, work assignments, evaluations, counselling or discipline by a supervisor, does not constitute harassment.

Employee's Rights and Responsibilities

- The right to a harassment-free workplace.
- The responsibility to treat other employees with respect.
- The responsibility to speak up when harassment occurs.
- The responsibility to report harassment to the appropriate person as soon as possible.
- The right to file a complaint with the Manitoba Human Rights Commission.
- The responsibility to cooperate in the investigation of a harassment complaint. Anyone who investigates or gives evidence in a complaint investigation is asked to keep details confidential until the investigation is complete.
- Refrain from bad faith complaints of harassment. Complaints proven to have been made for frivolous or vindictive reasons may be subject to disciplinary action.
- The responsibility to demonstrate respect in the workplace at all times.
- The responsibility to behave in a manner that will not reasonably offend, intimidate, embarrass or humiliate others, whether deliberate or unintentional.

- The responsibility to refrain from participating in all types of inappropriate behaviour that could reasonably be perceived to be disrespectful behaviour, sexual harassment, harassment and/or bullying.
- Participate in respectful workplace and harassment prevention training.
- Cooperate in the resolution process, as required.

Employer's Responsibilities

- Treat all employees, clients, suppliers, contractors and government officials with respect.
- Ensure, so far as is reasonably practicable, that no employee is subjected to harassment in the workplace.
- Provide leadership related to respectful workplaces, including modelling and inspiring exemplary behaviour (ex. lead by example and set the appropriate tone).
- Promote and take responsibility for fostering a workplace culture of respect, including setting a positive example of respectful behaviour.
- Ensure employees are aware of the policy and expected behaviours in the workplace, and participate in respectful workplace and harassment prevention training.
- Intervene promptly once aware of sexual harassment, harassment/bullying and/or workplace violence.
- Ensure complaints are handled fairly, confidentially, effectively and in a timely manner, and appropriate action is taken respecting employees.
- Ensure complaints and all actions taken to resolve the issue are documented.
- Ensure there is no reprisal/retaliation against anyone who has come forward and made a complaint in good faith.
- Ensure workplace restoration measures are put in place following the resolution of a situation involving inappropriate behaviour.
- Report or investigate all complaints.
- Maintain confidentiality of all disclosures received under this policy.
- Refuse to tolerate harassment – put a stop to it immediately.

2. PROCEDURES:

How To Make A Harassment Complaint

- If an employee feels she/he is being harassed, the first step that must be taken is to inform the person who is doing the harassing to stop, if you feel comfortable in doing so. This step can be done in person or in writing. If you feel unable to deal with him/her directly, you can speak directly to his/her supervisor or to the community administrative officer (CAO), to act on the employee's behalf.
- If the above step is not successful, or is inappropriate when considering the specific circumstances of the complaint, the employee who is being harassed may file a formal complaint, in writing using the form attached to this policy in Appendix A: Disclosure of Inappropriate Conduct Form, with the CAO of the Community of _____.
- In the case where an elected official(s) is the alleged harasser, all reports must be made to the CAO.
- In the case where the CAO is the alleged harasser, all reports must be made to the council.
- Employees who are being harassed are encouraged to document actions and note any witnesses to such actions. This information is provided along with the written complaint.

Anonymous Disclosures

The person receiving an anonymous disclosure will assess and address the situation to the best of their ability, based on the information received. There can be limitations to investigating and resolving anonymous disclosures, which include:

- follow-up that is often required to verify facts may not be conducted with the complainant and this can impact the ability to investigate
- insufficient evidence and/or corroborating support (ex. witnesses) may impact the ability to investigate
- anonymity of the complainant cannot be guaranteed, as details uncovered during an investigation could lead to speculation or knowledge of the identity of the disclosing individual
- the complainant may not be made aware of the outcome

How A Harassment Complaint Will Be Investigated

To be used in conjunction with Appendix B: Conducting An Investigation/Addressing the Disclosure Form as attached to this policy:

- The CAO or council designate will complete the investigation of the complaint. The investigator will interview the complainant, the alleged harasser and any witnesses.
- The Community of _____ is committed to ensuring all harassment complaints are investigated thoroughly, promptly and confidentially.
- Once the investigation is complete, the investigator will prepare a written report of the findings for the CAO or council. Based on the findings, the CAO or council will determine the appropriate disposition of the complaint, which may include:
 - dismissal of the complaint
 - disciplinary action to be taken against either party to the complaint
 - other remedies as appropriate

Confidentiality and Anonymity

Employers and/or anyone else who receives a complaint or is involved in an investigation will not disclose the name of a complainant, alleged harrasser or the circumstances related to the complaint to any person, except where the disclosure is necessary to investigate the complaint, take corrective action with respect to the complaint or is required by law. However, confidentiality does not mean anonymity. Confidentiality is subject to the following limitations:

- a supervisor is responsible for addressing every reported issue
- the person alleged to have acted inappropriately (the respondent) is informed of the allegations in sufficient detail to respond fully
- it may be necessary to interview witnesses
- if the situation results in discipline, the disciplined employee has the right to grieve, and any resulting process may involve witnesses, including the complainant

These limitations on confidentiality should not discourage employees from reporting a concern. Appendix C: General Guide to Receiving a Respectful Workplace Complaint to this policy provides further guidance.

Timelines

Reported issues will be resolved as soon as reasonably possible and without undue delay. When concerns are raised with a supervisor, complainants will be advised of next steps either verbally or in writing within five to seven business days. This update is typically provided by the employee's supervisor (or council designate if the concern is with the supervisor).

Formal complaints may take longer to investigate. Generally, investigations are concluded within 30 business days of receiving a complaint. Every effort will be made to complete an investigation within that time; however, there may be extenuating circumstances. If there are delays, the complainant and respondent will be advised of the cause of the delay. During an investigation, regular timeline updates, every 10 business days, will be provided to the complainant and respondent to ensure communication is maintained throughout the investigation process.

How The Investigation Results Will Be Communicated To The Affected Parties

The CAO or council will, in writing, advise all parties involved to the complaint of the results of the investigation and the final disposition of the complaint.

Disposition In The Event a Complaint Is Upheld

Employees who are found to have engaged in harassment, will be subject to one or more of the following forms of discipline, depending on the severity of the harassment:

- written reprimand
- suspension (with or without pay)
- transfer
- demotion
- dismissal

In addition, the harasser will also be required to attend respectful workplace behaviour training. The incident and the corrective action will be recorded in the harasser's personnel file.

Disposition In The Event a Complaint Is Overturned

If the investigation does not find evidence to support the complaint, no record will be kept in the file of the alleged harasser.

Reprisal/Retaliation

Reprisal is not permitted against an employee exercising their rights in good faith under this policy. Any act of reprisal will be cause for disciplinary action up to and including termination of employment. Reprisal can include, but is not limited to, an actual or threatened harmful act, penalizing someone for making a complaint (ex. purposely giving stricter deadlines or an unmanageable workload after a complaint is made), withholding a benefit for making a complaint (ex. future negative implications to career such as loss of job opportunities) or attempting to isolate or exclude an employee from work activities.

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 correction actions described previously.

False Allegations

If it is determined a false complaint was deliberately made for frivolous or vindictive reasons, the employee who made the false allegation may be subject to disciplinary action up to and including termination of employment. This does not apply to complaints made in good faith that are unproven or unsubstantiated.

3. GENERAL PROVISIONS

This policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law. Employees may also elect to report specific types of complaints through the following avenues:

- The Manitoba Human Rights Commission receives complaints relating to discrimination on the basis of protected characteristics under The Manitoba Human Rights Code. Visit <http://www.manitobahumanrights.ca/v1/complaints/index.html> or call 204-945-3007 in Winnipeg or 204-726-6261 in Brandon or toll free 1-888-884-8681.
- SAFE Work Manitoba promotes workplace safety and health for employees and employers across Manitoba. To report a workplace health and safety concern, including harassment, complaints can be submitted through [Labour and Regulatory Services – Workplace, Safety and Health](http://safemanitoba.com). Visit <http://safemanitoba.com> or call 204-957-7233 in Winnipeg or 1-855-957-7233 and press 1 to reach workplace safety and health staff.
- You Are Not Alone: This website provides a range of information and resources related to sexual violence, including sexual assault, stalking and sexual harassment. Visit: <https://www.gov.mb.ca/youarenotalone/index.html>.
- Manitoba Indigenous and Northern Relations, workplace safety and health consultants are available to assist communities with workplace safety and health concerns call 204-679-0222 in Thompson or 204-622-2145 in Dauphin.

Any employee of the Community of _____ found contravening any of the provisions of this policy will be subject to disciplinary action, up to and including dismissal.

The Community of _____ is committed to making sure all of its employees and elected officials learn about harassment and the communities respectful workplace and harassment prevention policy. This policy will be posted in all community buildings including the council office. Each employee and elected official will be given a copy upon commencement with the community and whenever an amendment to the policy is made. The Community of _____ will review this policy on a bi-annual basis.

Behaviour can be deemed inappropriate even if an employee or elected official did not intend it to be. A detailed tool has been developed for employees, elected officials and supervisors that provides specific examples of the varying types of behaviour in [Appendix D: Overview of the Resolution Process for Addressing Inappropriate Behavior](#).

4. ATTACHMENTS

- Appendix A: Disclosure of Inappropriate Conduct Form
- Appendix B: Conducting An Investigation/Addressing the Disclosure Form
- Appendix C: General Guide to Receiving a Respectful Workplace Complaint
- Appendix D: Overview of the Resolution Process for Addressing Inappropriate Behaviour

Appendix A: Disclosure of Inappropriate Conduct Form

Complainant Information (<u>Required Section</u>)		
<i>Leave blank for anonymous disclosures (see information in policy on anonymous disclosures).</i>		
Name:	Position Title:	Community:
Phone Number:	Email Address:	
Complaint Details Verified by Complainant (if documented on their behalf): <input type="checkbox"/>	Date of Complaint:	
Who committed the alleged violation? (<u>Required Section</u>)		
Include the names and position titles of the person(s) who committed the alleged violation:		
Witness Information		
Include the names, position titles and contact information, if applicable/available, for anyone who may have observed or have information regarding the alleged violation:		
Disclosure Details		
<i>Describe the details of the alleged violation, providing as much detail as possible regarding the facts of the situation.</i>		
Details of the alleged violation (ex. what was observed, who was involved, what was said or happened) (<u>Required Sub-section</u>):		
When and where did this situation happen (ex. dates, times and locations)?		
What was happening before the situation occurred?		

Disclosure Details

Describe the details of the alleged violation, providing as much detail as possible regarding the facts of the situation.

Did anyone respond or react to the situation (who responded, what did they say or do)?

Did the incident have an effect on anyone involved (physically, mentally, professionally)?

Identify any evidence, if applicable, such as documentation, emails and photos (please attach copies of any evidence):

Has the alleged violation already been disclosed to anyone, and if so who and when? Include the status or outcome of the disclosure and attach copies of any written responses, if applicable:

Person Receiving Reported Concern (if applicable)

Note: If report is received verbally, the complainant is to verify the information documented above before submitting the report.

Name:	Position Title:	Community:
Relationship to Complainant(s):		Date Disclosure Received:

I make this report in good faith and declare it to be factual based on my recollection of the events.

signed (by complainant)

date

received by

date

This information is being collected under the authority of The Freedom of Information and Protection Act (FIPPA), as it is necessary to assess and resolve alleged violations of community policies and procedures. Your personal information is protected by the protection of privacy provisions of FIPPA and will not be used or disclosed for other purposes unless permitted by FIPPA.

Appendix B: Conducting An Investigation/Addressing the Disclosure Form

1. The complainant's allegation(s) must be explored in detail. All relevant facts, dates, locations, conversations, gestures and names of potential witnesses are to be documented in the addressing the disclosure form.
2. The investigator will:
 - a) assess the complainant's work environment to ensure a safe, non-hostile work environment can be maintained while the investigation occurs
 - b) take appropriate action to ensure the environment remains safe, free of hostility
3. Separately, both the complainant and the alleged harasser are to be informed of the following information:
 - a) a formal written statement will be taken from the complainant at the initial interview
 - b) they have a right to have a representative present at all meetings
 - c) it may be necessary to change the hours of work or duties, responsibilities of either party, both while the investigation is being conducted as well as when the investigation is completed
 - d) any changes to the hours of work or duties and responsibilities will be made in consultation with the complainant and in a way that minimizes any negative impact on the complainant's employment
 - e) should the allegations be substantiated, appropriate disciplinary action may be taken against the respondent
 - f) should the complainant have made allegations of a frivolous, mischievous or vexatious nature, the complainant may be subject to disciplinary action
4. All the complainant's witness(es) are interviewed and a formal written statement is taken at the initial interview. Each witness is advised that all matters pertaining to the complaint and investigation must remain confidential.
5. The alleged harasser has the right to know the substance of the complaints and be given an opportunity to respond. All relevant facts, dates, locations, gestures and names of potential witnesses are documented and explored in detail.
6. All the witness(es) for the alleged harasser are interviewed and formal written statements are taken at the initial interview. Each witness is advised that all matters pertaining to the complaint and investigation must remain confidential.
7. The investigator needs to establish whether or not previous conflicts occurred between the parties and the nature of those conflicts.
8. Witnesses may need to be re-interviewed if facts are unclear or questions are unanswered. The investigator must ensure all questions have been answered and prior to concluding the investigation, ensure there are no loose ends.

Addressing the Disclosure Form

The following information must be completed by the person(s) involved in addressing the complaint. However, the information may be captured through other means and can be referenced on the form (ex. please refer to investigation notes, emails, letters, etc.). The form and related documentation must be retained in a confidential file.

Next Steps
Steps taken to address the concern (ex. formal investigation, followed steps outlined in related policy):
Has this or a similar situation occurred before, and if so, what happened and when, how was it addressed?
Outcome
Description of action(s) taken, to who, and when (ex. training/education, corrective action):
Dates of follow-up meetings or communications to anyone else involved in the situation (ex. witnesses to confirm the matter has been closed/addressed):
Other actions or steps that will be taken (ex. monitoring, follow-up meetings, education/training):

Appendix C: General Guide to Receiving a Respectful Workplace Complaint

This information is intended to be used as a general guide and its application will depend on the circumstances of each complaint.

Opening

- Thank the employee for coming forward and acknowledge that discussing these types of issues can be a difficult thing to do.
- Explain what is discussed will be taken very seriously.

Find out how you can assist today

- Advise the employee you can provide them with general information about the policy and investigation process if they are contemplating filing a complaint and ask if they have a complaint they would like to bring forward.
- If the employee wants to tell you what happened to them at work, but does not want to bring forward a complaint or involve council, you must advise them that depending on what information they disclose, you may be obligated to investigate it further.
- If this is the case, advise the employee they can also seek support by discussing their concerns with SAFE Manitoba, Workers Compensation Board, Critical Incident Stress Management or Manitoba Indigenous and Northern Relations. Offer the complainant the contact information for SAFE Manitoba and let them know it is a voluntary, confidential counselling service offered free of charge.

Receiving a complaint

If the employee would like to bring forward a complaint, ensure the following is communicated:

- **Confidentiality:** advise the employee that information shared is kept in the strictest of confidence, but confidentiality does not always mean anonymity. Information may need to be disclosed if necessary as part of investigating the complaint, to take corrective action or if required by law.
- **Verify whether the concern has been previously reported:** if the employee has reported the complaint previously, but does not know the status, you may offer to follow-up on their behalf. If the complaint was investigated previously, but the employee has concerns about the process and wishes to have it reviewed further, advise them the matter will be referred to council for follow-up.
- **Collect the details of the complaint:** the disclosure of inappropriate conduct form may be used to document the details of the employee's concerns, either by them or by the person to whom the complaint is reported. Note: All allegations involving sexual harassment must be documented on the disclosure form and reported to the RCMP and council by the person receiving the complaint.

At a minimum, the following general details must be collected: employee's name, position, contact information, name and position of the respondent(s), general nature of the concern(s), action they would like to see taken.

Next steps

Advise the complainant what to expect

- Ask more specific questions in order to better understand the circumstances of the complaint and determine what actions need to be taken. It is understood it can be difficult for the complainant to share this information, but they need to be advised it will assist in ensuring their concerns are addressed.
- Advise the employee if they do not hear back from you within five to seven business days, they may contact you directly (provide your contact information) and you will follow-up.

Closing

- Once again acknowledge that it can be very difficult coming forward with a complaint and thank them for reaching out. Assure them their concerns are taken very seriously and will be handled with the strictest of confidence.

Appendix D: Overview of the Resolution Process for Addressing Inappropriate Behaviour

Introduction

This tool provides supplemental information to the community respectful workplace and harassment prevention policy and may be used where inappropriate behaviour is exhibited by an employee, elected official, supervisor, contractor, client (ex. member of the public) and/or supplier. Three general steps to resolve inappropriate behaviour are inherent in the policy. The purpose of this tool is to provide additional information related to the three steps, including: examples of inappropriate behaviour; a more detailed description of informal and formal resolution options; further information about workplace restoration.

Step 1: Assessing the Options Available

The first chart provides examples demonstrating spectrums of behaviours, where on one end of the spectrum employees engage in positive and respectful behaviour and on the other end of the spectrum employees engage in harassment/bullying, sexual harassment or workplace violence. The examples listed are not intended to be an exhaustive list.

Spectrums of Behaviors				
Respectful Behaviour Examples	Disrespectful Behaviour Examples (less severe than harassment)	Harassment/Bullying Examples (often targeted and repeated)	Sexual Harassment Examples (harassment based on sex, gender or sexual orientation)	Workplace Violence Examples
<ul style="list-style-type: none"> - listens and allows others to speak - is civil and polite - is supportive/cooperative - is inclusive - constructively/professionally expresses differences of opinion - respects professional boundaries <p>Supervisors: The following are examples of appropriate supervisor functions, as long as they are carried out in good faith and in a respectful and professional manner:</p> <ul style="list-style-type: none"> - direct supervision, including discussions about performance expectations and constructive feedback about work performance - assignment of work and direction on how it is to be accomplished - requests by supervisors for updates or status reports - one-on-one discussions between supervisors and their staff - approval or denial of time off - taking reasonable disciplinary actions, where needed 	<ul style="list-style-type: none"> - interrupts - is rude - causes some concerns with language - makes unprofessional jokes/is sarcastic - gossips - exhibits other subtle disrespectful behaviours (minor digs/jabs) <p>Note: Minor concerns such as forgetting to clean a microwave, employing a naturally louder voice/tone are not initially addressed through this policy. An employee can still be spoken to about these concerns. If minor concerns continue after an employee is spoken to, it may then be viewed as disrespect.</p>	<ul style="list-style-type: none"> - displays ongoing and targeted hostility or put-downs towards another individual - makes derogatory remarks/jokes or displays offensive pictures/posters or sends emails/texts that put down a protected characteristic outlined in the Manitoba Human Rights Code (ex. religion, race, disability) - uses intimidation (yells/gets within someone's personal space) or retaliation - repeatedly humiliates an employee or spreads rumours to ruin their reputation - abuses authority impacting an employee's performance or job (ex. purposely and repeatedly withholding resources necessary to succeed, sabotaging, repeatedly singling out an employee and assigning demeaning jobs that are not part of their regular job duties) - exhibits disrespectful behaviours that have not improved or have become worse after being spoken to 	<ul style="list-style-type: none"> - makes abusive, derogatory remarks/jokes that put down one's gender, gender identity or gender expression, sex or sexual orientation (ex. homophobic/transphobic remarks) - gossips about an employee's sexual activities or spreads sexual rumours - sends inappropriate electronic communications (ex. sexually explicit emails) or other materials sexual in nature (ex. posters, calendars) - makes unwelcome sexual advances that may or may not be accompanied by promises or threats, explicit or implicit - persistently asks someone out even after being turned down - makes inappropriate physical contact (ex. touching, patting, pinching, caressing, kissing, fondling) - some forms of sexual harassment fall within the definition of sexual assault in the Criminal Code of Canada - makes other inappropriate contact (ex. leering, invading personal space) - demands sexual favours in return for a promise of a reward (ex. promotion) - abuses authority (ex. soliciting a sexual or romantic relationship from subordinate, making social invitations with sexual overtones to a subordinate) 	<ul style="list-style-type: none"> - threatens or exhibits physical violence - threatens or engages in sexual assault - stalks - shares explicit images without consent - makes verbal threats (ex. threats to life) <p>The above examples may also be criminal offenses.</p>

The second chart notes whether informal or formal resolution is typically recommended to resolve the concern.

Recommended Resolution Methods				
Resolution for Respectful Behaviour	Resolution for Disrespectful Behaviour	Resolution for Harassment/Bullying	Resolution for Sexual Harassment	Resolution for Workplace Violence
No resolution is required.	<p>Informal resolution is typically recommended. This can be a quicker, more effective method of resolving disrespect and/or issues of interpersonal conflict.</p> <p>Options include:</p> <ul style="list-style-type: none"> - communicating with the other person directly - resolving with the support of the supervisor or council - resolving through a group meeting (anonymous) - resolving through mediation (third party) <p>Note: If disrespectful behaviour continues after informal resolution is used, then formal resolution may be required.</p>	<p>Formal resolution is typically recommended.</p> <p>Complaints can be reported immediately to a supervisor.</p> <p>Informal resolution can be considered in less severe cases.</p>	<p>Formal resolution is recommended.</p> <p>Complaints can be reported immediately to a supervisor.</p> <p>Note: An informal approach is not appropriate in certain situations (ex. where safety is a concern or where power dynamics create a barrier to addressing the situation). Informal resolution can be considered based on the complainant's preference after being advised of the different options.</p> <p>Supervisors <u>must</u> notify council of all complaints of sexual harassment.</p>	<p>If an employee finds themselves a victim of behaviour that is criminal in nature, they are encouraged to immediately report the issue to the appropriate law enforcement body.</p> <p>Formal resolution is also required if the inappropriate behaviour occurred at work. Council must be contacted immediately.</p> <p>Complaints can be reported immediately to a supervisor.</p>

Step 2: Addressing Inappropriate Behaviour (Using Formal or Informal Resolution)

This section outlines how an employee can address inappropriate behaviour using either informal or formal resolution. If an employee is not comfortable addressing the situation informally, or for more severe forms of inappropriate behaviour (see reference chart above), then formal resolution is to be considered. Please note the following important points:

- **If you observe inappropriate behaviour**

Employees or elected officials who witness inappropriate behaviour may also use informal or formal resolution options.

- **Documentation**

Employees (including witnesses and supervisors made aware of concerns) are encouraged to document concerns and any action taken (ex. dates, details of the incident/discussion, witnesses if applicable). Documentation may be helpful in the event concerns continue and formal resolution is required. A supervisor receiving a complaint of sexual harassment must document the complaint and report it immediately to council.

- **Requesting that no action be taken**

A situation cannot be improved if an employee raises concerns with their supervisor, but then asks that nothing be done to address it. If a supervisor is informed of sexual harassment, harassment, bullying or workplace violence, they are required to address it. Failure to do so is a violation of the community respectful workplace and harassment prevention policy.

Informal Resolution

A number of informal resolution options exist to address behaviour. The informal approach can be a quicker and more effective method at resolving disrespectful behaviour and/or minor issues of interpersonal conflict. This approach focuses on collaboration and problem-solving rather than focusing on who is right and who is wrong. This approach can also empower individuals to focus on working together to find solutions that support a respectful working relationship moving forward.

These options include:

- **Communicating with the other person directly**

An employee experiencing inappropriate behaviour (complainant) may approach the person who made them feel uncomfortable (respondent), either in-person or in writing, to advise that the behaviour is unwelcome. The complainant may explain how their behaviour affected them and request the behaviour stop. The respondent may not realize the impact of their behaviour and the feedback gives them the opportunity to change their actions.

- **Resolving with the support of the supervisor**

If an employee (complainant) does not feel comfortable speaking to the respondent, an employee can discuss their concerns with their supervisor (verbally or in writing) to get the supervisor's advice or support. If the concern involves the supervisor or the employee does not feel comfortable approaching the supervisor, they may contact council. The complainant and supervisor can discuss informal options such as:

- The supervisor meeting with the respondent to advise them of the concern(s), hear their perspective and clarify expectations moving forward.
- The supervisor meeting with all parties involved to discuss the issue together (ex. facilitated discussion with the complainant, respondent and supervisor).
- In this situation, it is best for the respondent to be aware of the nature of the discussion in advance, so they are not caught off guard. This will aide in the discussion and support a more positive outcome.

- **Resolving through a group meeting (anonymous)**

In this option, the employee can approach the supervisor and make them aware of the concern of disrespect. The supervisor can then discuss expectations of behaviour more generally at a staff meeting or in a written document to staff outlining expected behaviour. This option would support anonymity, as the staff and respondent may not know a specific concern has been raised; rather, the conversation would serve as a reminder to all employees of expectations of a respectful workplace.

- **Resolving through mediation (third party)**

This option uses the assistance of a trained neutral third party to attempt to resolve the concerns and to build agreement on future interactions. The focus is on restoring the relationship and not on finding fault of either party.

Formal Resolution

This form of resolution is typically used:

- for more serious cases of inappropriate behaviour (sexual harassment, harassment/bullying, workplace violence)
- when informal resolution is unsuccessful (ex. inappropriate behavior continues)

How to address inappropriate behaviour through formal resolution

1. Make a formal complaint

Employees experiencing inappropriate behaviour or witnesses who have observed inappropriate behaviour can make a formal complaint at any time, regardless of when an incident may have occurred. Complainants are encouraged to report incidents as soon as possible after they occur as this assists with the ability to investigate and/or address the issue. A complaint can be made verbally or in writing to an appropriate supervisor.

2. Complaint is received

The individual receiving the formal complaint will have an initial conversation with the complainant to discuss their concerns and identify any additional safety measures or supports that may be needed (ex. moving the complainant or respondent to a new work area while an investigation is underway). If a complaint has been received verbally, the supervisor will document the complaint and have the complainant review and sign the complaint to ensure the information has been accurately captured.

3. Complainant is updated

The complainant will be provided an update by the supervisor, generally within five to seven business days of the complaint being received. If it is determined formal resolution will not be taken, then informal resolution options will be discussed and explored with the complainant in more detail.

4. Formal investigation begins (if applicable)

If a formal investigation is needed, separate meetings will be scheduled with the complainant, respondent and witnesses (if applicable) to gather information. The investigation will normally be led by the supervisor. The complainant, respondent and/or witnesses may bring in a support person to an investigation meeting.

5. A decision is made about disciplinary action

The individual(s) leading the investigation will make a recommendation as to whether the allegations are founded or unfounded and whether disciplinary action is warranted. Disciplinary action is action that may be taken at the conclusion of formal resolution when an employee has been found to engage in activities contrary to policy. Each situation is individually assessed to determine the appropriate level of discipline based on a number of factors (ex. severity of the incident). Employers are responsible for determining the appropriate level of discipline. Notification of the appropriate authorities (ex. RCMP) may also occur.

Disciplinary action may include:

- written reprimand
- suspension without pay
- disciplinary demotion
- immediate termination of employment for cause and without notice

6. Results of the investigation are communicated

Following the conclusion of an investigation, the complainant and the respondent will be advised of the results of the investigation in writing (ex. whether the allegation was substantiated). To the extent possible, complainants and witnesses may be advised whether action was taken, however, details may be withheld in accordance with privacy requirements. The specific details of any discipline administered will not be provided to the complainant or any witness interviewed in the investigation, only confirmation appropriate action has been taken.

Step 3: Ensuring Workplace Restoration

At the conclusion of formal resolution, the supervisor is responsible for ensuring there are workplace restoration measures in place to support a respectful workplace moving forward. This may include ensuring workplace restoration for the:

- complainant
- respondent
- other parties impacted (ex. witnesses, other members of the team)

A minimum of two steps are required to ensure workplace restoration:

1. post-incident supports are offered
2. post-incident monitoring occurs

Supervisors may discuss workplace restoration with council or in instances of a third party investigation the lead investigator for general advice and guidance.

1. Post-Incident Supports

At the conclusion of formal resolution, the supervisor of the complainant (or council if the complaint was against the supervisor) is responsible for meeting with the complainant to explore additional workplace restoration supports they may require. The supervisor of the respondent is also responsible for having a similar conversation with their employee. These discussions are required regardless of whether the allegations are founded or unfounded as the goal is to ensure employees have the appropriate resources to move forward constructively.

The informal resolution options listed above can also be used to assist with workplace restoration after an allegation has been resolved. Not all resources noted above are appropriate in all situations. Suitable options will vary based on the comfort level of the complainant and the circumstances of the situation.

2. Post-Incident Monitoring

The supervisor(s) of the complainant and respondent is also responsible for post-incident monitoring to ensure there are no further issues of inappropriate behaviour and to ensure there is a harassment-free workplace. Monitoring involves follow-up with the complainant to see if there has been a recurrence of any inappropriate behaviour, acts of reprisals and follow-up with the respondent where appropriate to see if they have any questions moving forward. Supervisors are to document monitoring efforts made as well as the results of such monitoring.

Employees are also encouraged to immediately report to their supervisor, if concerns continue or if they believe they are being retaliated against by any individual.