



# Safety Administrative Policy

## Harassment

**Prepared by:** Gordon Hood, Coordinator Health, Safety and Environment

**Approved by:** Jim Toye, City Manager

**Signature:**  **Policy No:** 6

**Effective:** Jan. 10, 2022 **Replaces:** August 17, 2018

### **Policy:**

The City of Prince Albert is committed to fostering a harassment-free environment where all stakeholders are treated with respect, dignity and where collaboration, positivity and creativity are unobstructed.

### **Purpose:**

Every person is entitled to an environment free of harassment. This Statement of Policy and Investigative Procedures is applicable to risks, threats and incidents of harassment that occur on City of Prince Albert premises and other work sites under the City's control.

Situations involving violence or the threat of violence will be handled using the procedures contained in the City of Prince Albert Violence Policy.

**Note:** This policy does not restrict or inhibit the right of individuals to access other remedies available through the collective bargaining agreements; provision of *The Saskatchewan Human Rights Code*; *Saskatchewan Employment Act*; Workers' Compensation; or from exercising any other legal rights pursuant to any other law.

### **Scope:**

This policy applies to the following people:

1. City of Prince Albert employees, including job applicants; excluding City of Prince Albert Police Service;
2. Contractors providing service for or to The City;
3. Suppliers delivering material to The City;
4. Volunteers;
5. Members of City Council; and,
6. Members of the public accessing City services or City operated facilities.

This Statement of Policy and Procedure applies to the following places:

1. City buildings, facilities, sites, offices or work environment;
2. Locations visited by employees while traveling on City related business;
3. City related business including conferences, meetings, vendor/supplier or customer sites; and,
4. Locations of work-based social gatherings.

**Responsibility:**

Maintaining a harassment-free environment is everyone's responsibility.

**All management staff has the following general responsibilities with respect to Harassment. They are responsible for:**

- Modelling corporate behavior standards in line with a respectful environment, the Code of Conduct and Corporate Values and Goals;
- Having thorough knowledge of the policy;
- Advising staff of their rights and responsibilities under the policy, including the right of a worker to request the assistance of either an occupational health officer or The Saskatchewan Human Rights Commission to resolve a complaint of harassment;
- Taking all reasonable steps to deal with alleged workplace discrimination and harassment that they are aware of or reasonably should have been aware of (even if a direct complaint has not been made), in a prompt, impartial and confidential manner; and,
- Ensuring no person suffers reprisal as a result of making a complaint, or for providing information in the context of a workplace investigation.

**Individuals established in Scope shall not participate in harassment. They are responsible for:**

- Refraining from discriminatory or harassing behaviour;
- Creating and supporting an environment free of harassment by complying with this policy and ensuring their behavior meets acceptable standards;
- Bringing any incident(s) of harassment or potential harassment observed to the attention of one of the following: the Coordinator – Health, Safety and Environment, a manager or Human Resources;
- Reporting incident(s) that involve a threat of harassment;
- Cooperating with candor and respect in all investigations;
- Creating and maintaining a respectful environment; and,
- Being aware of the procedure for managing harassment complaints.

**Corporate Services / Human Resources are responsible to:**

- Communicate and educate employees about the intent, guidelines and investigative procedures of this policy;
- Inform any individual who inquires, the procedures of this policy and the investigative process;
- Assist in investigating complaints;

- Provide assistance to departments and managers in the appropriate procedure for addressing a complaint of harassment or discrimination. These actions could include mediation or measures to prevent or stop behaviours that may lead to complaints of harassment;
- Provide support to any employee by providing information and referral as required;
- Ensure confidentiality of 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 purpose of investigating or taking corrective action in relation to the complaint, or where the disclosure is required by law; and,
- Providing guidelines for fair and appropriate disciplinary action that may result from an investigation.

**Union Representatives:**

- Ensure their conduct is not harassing;
- Cooperatively support this policy regarding the investigation of Complaints;
- Discuss with any individual(s) who approaches them, the procedures of this policy and the investigative process that can be undertaken;
- Ensure Union representative is impartial and is not in any way involved in the complaint or circumstances related to the complaint; and,
- Ensure the confidentiality of the complaint, and the parties involved.

**General:**

All complaints will be handled in a confidential manner with the understanding that respondents named in a complaint of harassment have the right to know the allegations being made against them.

No employee is to discuss the harassment complaint in such a manner that would compromise the confidentiality or integrity of the investigation or restorative actions resulting from that investigation. Breaches of confidentiality may result in disciplinary action up to and including termination.

The City will take appropriate action to ensure a respectful, harassment free environment. This could include barring a member of the public from facilities or discontinuing business with contractors or suppliers should inappropriate behaviour occur towards employees, elected officials, and persons acting on behalf of The City of Prince Albert.

## **Definitions:**

1. “**Harassment**” means any inappropriate conduct, comment, display, action or gesture by a person that either:
  - a. Is of a sexual nature and the person knows or ought reasonably to know is unwelcome, or
  - b. is made on the basis of race or perceived race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry, place of origin, receipt of public assistance, gender identity, or any other prohibited grounds as defined in the Saskatchewan Human Rights Code or,
  - c. adversely affects the worker’s psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated \*; and,
  - d. that constitutes a threat to the health or safety of the worker.

\*To constitute this type of harassment, either of the following must be established:

- i. repeated conduct, comments, displays, actions or gestures;
- ii. a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker.

In addition, day-to-day reasonable management or supervisory decisions or actions are not considered to be this type of harassment even if they sometimes involve unpleasant consequences.

2. “**Sexual harassment**” is any unsolicited conduct, comment, or physical contact of a sexual nature that is unwelcome by the recipient. It includes, but is not limited to:
  - any unwelcome sexual advances (verbal, written or physical); requests for sexual favours; sexual and sexist jokes; homophobic or sexist slurs;
  - unnecessary physical contact such as patting, touching, pinching or hitting;
  - patronizing or condescending behaviour;
  - displays of degrading, offensive or derogatory material such as graffiti, pictures or displays of a sexual nature;
  - Leering.
3. “**Personal Harassment**”, sometimes referred to as *bullying*, is characterised by any inappropriate conduct, comment, display, action or gesture by a person that adversely affects a worker’s psychological or physical well-being; the perpetrator knows, or should know, would cause the worker to be humiliated or intimidated; and constitutes a threat to the health and safety of a worker.

To constitute personal harassment, either of the following must be established:

- a. repeated conduct, comments, displays, actions or gestures;

- b. a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker.

Personal harassment may include, but are not limited to:

- Verbal or written abuse or threats;
- Insulting, derogatory or degrading comments, jokes or gestures;
- Personal ridicule or malicious gossip;
- Malicious or unjustifiable interference with another's work;
- Work sabotage;
- Refusing to work or cooperate with others; or
- Interference with or vandalism of personal property.

Day-to-day reasonable management or supervisory decisions or actions are not considered to be personal harassment even if they sometimes involve unpleasant consequences. These include but are not limited to:

- Work assignments;
- Job assessments and evaluations;
- Workplace inspections;
- Implementation of appropriate dress codes; and
- Disciplinary actions.

4. **“Malicious complaint”** is any complaint that is made in which the complainant does not have reason to believe that any harassment has occurred but rather the complaint is intended to damage the reputation or integrity of the respondent. Complaints filed in bad faith for the purpose of revenge or to cause harm or pain to another employee are also included in this definition.
5. **“Frivolous Complaints”** A complaint that lacks seriousness or merit.
6. **“Reasonable”** is an objective assessment of how a specific behaviour or pattern of behaviour might generally be received by a similar person in similar circumstances and environment. This is drawn from the perspective of the person alleging harassment.
7. **“Complainant”** is the person(s) who brings forward an allegation of harassment.
8. **“Respondent”** is the person(s) against whom an allegation of harassment has been made.

**References and Related Statements of Policy and Procedure:**

Saskatchewan Human Rights Code  
*The Saskatchewan Employment Act*  
*Occupational Health and Safety Regulations, 2020*  
City of Prince Albert Progressive Discipline Policy  
City of Prince Albert Violence Policy