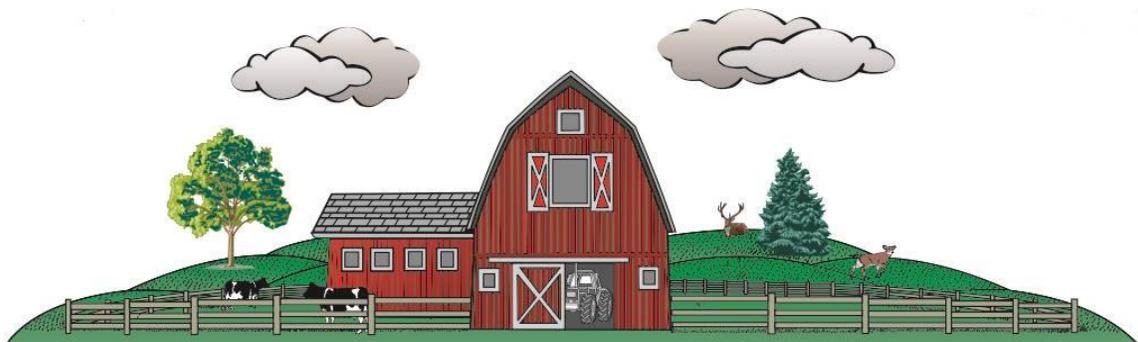


Rural Municipality of Stuartburn

Respectful Workplace & Harassment Prevention Policy

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RURAL MUNICIPALITY OF STUARTBURN

1. PURPOSE:

Part 10 of the Manitoba Workplace Safety and Health Regulation (M.R. 217/2006) requires the Rural Municipality of Stuartburn to develop and implement a written policy to prevent harassment in the workplace. In addition, Section 19 of the Manitoba Human Rights Code (#H175) requires the Rural Municipality of Stuartburn to "... take reasonable steps to terminate harassment ..."

Municipality Commitment

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

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 *vis a vis* the treatment afforded to or the policies applied to that person's co-workers, 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
 - 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 that this action cease. It may be a single incident or continue over time. This could include:
 - advances made from someone in authority
 - reprisal/threat made if action/offer was being rejected
 - unwelcome/objectionable comment on the basis of 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.

- degrades, demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions (e.g. touching, pushing), comments (e.g. jokes, name calling) or displays (e.g. posters, cartoons).
- Creates a risk to the health of the worker.

Harassment may be written, verbal, physical, a gesture or display, or any combination of these.

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 Rural Municipality of Stuartburn's workplaces, or at any Rural Municipality of Stuartburn 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, counselling, or discipline by a supervisor or manager, 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
- Employees are responsible to co-operate 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 that are proven to have been made for frivolous or vindictive reasons may be subject to disciplinary action.

Employer's Responsibilities

- Treat all employees, clients, suppliers and contractors with respect
- The employer must ensure, so far as is reasonably practicable, that no employee is subjected to harassment in the workplace;
- Report or investigate all complaints
- Refuse to tolerate harassment – put a stop to it immediately
- The Rural Municipality of Stuartburn, and those persons involved in any aspect of a complaint that has been made under the provisions of this policy, 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:
 - (a) Necessary to investigate the complaint
 - (b) A part of taking corrective action with respect to the complaint, or
 - (c) Required by law.

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 doing that.. 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 Chief Administrative Officer, 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, with the Chief Administrative Officer of the Rural Municipality of Stuartburn.
- 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 Reeve**
- Employees who are being harassed are encouraged to document actions and note any witnesses to such actions. This information should be provided along with the written complaint.

How A Harassment Complaint Will Be Investigated

To be used in Conjunction with Appendix A:

- The Chief Administrative Officer or Reeve will arrange for an independent party (either from within the organization or from outside) to complete the investigation of the complaint. The investigator will interview the complainant, the alleged harasser and any witnesses.
- The Rural Municipality of Stuartburn is committed to ensuring that 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 Chief Administrative Officer or Reeve. Based on the findings, the Chief Administrative Officer or Reeve 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, or
 - Other remedies as appropriate.

How The Investigation Results Will Be Communicated To The Affected Parties

- The Chief Administrative Officer or Reeve 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:

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| Written reprimand | Suspension (with or without pay) | Transfer |
| Demotion | Dismissal | |

In addition, the harasser will also be required to attend 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.

Retaliation

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.

General Provisions Of This Policy

This policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

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

The Rural Municipality of Stuartburn is committed to making sure all of its employees and elected officials learn about harassment and the company's ***Respectful Workplace and Harassment Prevention Policy***. This policy will be posted in the all RM buildings including the municipal office and landfill attendant's office and on the municipality's website. Each employee and elected official will be given a copy upon commencement with the municipality and whenever an amendment to the policy is made. The Rural Municipality of Stuartburn will review this policy on a biannual basis.

APPENDIX "A"

CONDUCTING AN INVESTIGATION

1. The complainant's allegation(s) must be explored in detail. All relevant facts, dates, locations, conversations, gestures and names of potential witnesses should be documented.
2. The investigator should:
 - a) assess the complainant's work environment to ensure a safe, non-hostile work environment can be maintained while the investigation occurs, and
 - b) take appropriate action to ensure the environment remains safe, free of hostility.
3. Separately, both the complainant and the alleged harasser should be told 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) that 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) that 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) that should the allegations be substantiated, appropriate disciplinary action may be taken against the respondent.
 - f) that 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) should be interviewed and a formal written statement should be taken at the initial interview. Each witness should be 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 should be documented and explored in detail.
6. All the witness(es) for the alleged harasser should be interviewed and formal written statements should be taken at the initial interview. Each witness should be advised that all matters pertaining to the complaint and investigation must remain confidential.
7. The Investigator should establish whether or not previous conflicts occurred between the parties, and the nature of those conflicts.
8. Witnesses should be re-interviewed if facts are unclear or questions are unanswered. The Investigator should ensure all questions have been answered and, prior to concluding the investigation, ensure there are no loose ends.