

MUNICIPALITY OF LOUISE
POLICY & PROCEDURES MANUAL

<i>Reference</i> Administration	<i>Classification</i> Policy
<i>Subject</i> Respectful Workplace and Harassment Prevention	<i>Pages</i> 1
<i>Authority</i> Council	<i>Effective Date</i> 22 February 2023
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PURPOSE

The purpose of this policy is to ensure compliance with the Manitoba Workplace Safety and Health regulations (MR 217/2006) for the Municipality of Louise 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 Municipality of Louise to ‘take reasonable steps to terminate harassment’.

POLICY STATEMENT

The Municipality of Louise is committed to provide a safe and respectful work environment for all staff and customers. No employee of the Municipality of Louise, a contractor or 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 an 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 behaviour, 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. For example the treatment afforded to one 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, 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
- b) Disrespectful behaviour – is behaviour 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 rumours that damage a person’s reputation
 - Actions that invade privacy or personal property or unwelcome gestures
 - Display or distribution of printed or electronic material that offends.
- c) Disruptive workplace conflict – 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 – 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 relating to pregnancy, gender identify, 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 (ie touching, pushing), comments (ie jokes, name calling) or displays (ie 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 Municipality of Louise’s workplaces or at any Municipality of Louise sanctioned event.

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 in 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
- To 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 Municipality of Louise, 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 the disclosure is
 - o Necessary to investigate the complaint
 - o A part of taking corrective action with respect to the complaint, or
 - o Required by law.

PROCESS

How to make a harassment complaint.

- If an employee feels she/he is being harassed the first step to be taken is to inform the person who is doing the harassing to stop, if you feel comfortable in doing that. This 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 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, to the CAO of the Municipality of Louise.
- In the case where an alleged 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 witness 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 CAO or Reeve will arrange for an independent party (either from within the organization or from outside) to complete an investigation of the complaint. The investigator will interview the complainant, the alleged harasser and any witnesses.
- The Municipality of Louise is committed to ensuring that all harassment complaints are investigated thoroughly, promptly and confidentially.
- Once an investigation is complete, the investigator will prepare a written report of the findings for the CAO or Reeve. Based on the findings the CAO 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 CAO 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
 - Written reprimand
 - Demotion
 - Suspension (with or without pay)
 - Dismissal
 - Transfer.
 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 the 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 corrective 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 Municipality of Louise found contravening any of the provisions of this policy will be subject to disciplinary action, up to and including dismissal.

The Municipality of Louise is committed to making sure all of its employees and elected officials learn about harassment and this Respectful Workplace and Harassment Prevention Policy. This policy will be posted in all the municipal buildings including the municipal office, Louise Integrated Waste Management office and on the municipal 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 Municipality of Louise will review this policy on a bi-annual basis.