

# THE RURAL MUNICIPALITY OF PINEY

## “Harassment Prevention Policy”

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**Subject:** Harassment Prevention

**Effective Date:** November 13, 2012

**Replaces Policy:** New

**Resolution No.:** 399                      **Resolution Date:** November 13, 2012

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### 1. **PURPOSE:**

Part 10 of the Manitoba Workplace Safety and Health Regulation (M.R. 217/2006) requires the Rural Municipality of Piney 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 Piney to “... take reasonable steps to terminate harassment ...”

#### Municipality Commitment

The Rural Municipality of Piney is committed to providing a safe and respectful work environment for all staff and customers. No employee of the Rural Municipality of Piney, 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.

#### What Constitutes Harassment

“Harassment” means any objectionable conduct, comment or display by a person that

- (a) is directed at a worker in a workplace;
- (b) is made on the basis of race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, political belief, political association or political activity, marital status, family status, source of income, disability, physical size or weight, age, nationality, ancestry or place of origin;
- (c) creates a risk to the health of the worker; or
- (d) 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).

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 Piney’s workplaces, or at any Rural Municipality of Piney sanctioned events.

“Sexual Harassment” includes offensive or humiliating behaviour based on a person’s sex; behaviour of a sexual nature that creates an intimidating, hostile or poisoned work environment; or behaviour that could reasonably be thought to put sexual conditions on a person’s job or job opportunities.

### What Does Not Constitute Harassment

Consensual banter or romantic relationships, where the people involved consent to what is happening, does not constitute harassment. Appropriate performance reviews, counselling, or discipline by a supervisor or manager, does not constitute harassment.

### Employee’s Rights and Responsibilities

- Employees are entitled to work free of harassment; and
- Employees have the right to file a complaint with the Manitoba Human Rights Commission.

### Employer’s Responsibilities

- The employer must ensure, so far as is reasonably practicable, that no employee is subjected to harassment in the workplace;
- The employer will take corrective action respecting any person under the employer’s direction who subjects an employee to harassment;
- The Rural Municipality of Piney, 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 or take corrective action with respect to the complaint, or
  - (b) 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. This step can be done in person or in writing. An employee who is being harassed may speak directly to his/her supervisor, or to the Chief Administrative Officer, to act on the employee’s behalf if this employee is not comfortable dealing directly with the person who is doing the harassing.
- 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 Piney.

### How A Harassment Complaint Will Be Investigated

- The Chief Administrative Officer will arrange for an independent party (either from within the organization or from outside) that is trained to investigate such matters to complete the investigation of

the complaint. The Rural Municipality of Piney is committed to ensuring that all harassment complaints are investigated thoroughly and promptly.

- Once the investigation is complete, the investigator will prepare a written report of the findings for the Chief Administrative Officer. Based on the findings, the Chief Administrative Officer 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 will, in writing, advise both parties to the complaint of the results of the investigation and the final disposition of the complaint.

#### Disposition In The Event 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	

#### 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 Piney found contravening any of the provisions of this policy will be subject to disciplinary action, up to and including dismissal.