


Human Resources		Content Updated: 02, 23 ,2023
Employee Conduct		Supersedes Policy: 300-51
Harassment and Discrimination		
Policy No: 300-52		Effective Date: April 14, 2023
Pages: 4		Approval: April 13, 2023

POLICY STATEMENT

- 1) Every employee, customer and client at the Resort Village has a right to a workplace that is free from harassment (including sexual harassment) and the responsibility to refrain from participating in behaviour which is, or could be perceived to be, harassment. The Resort Village will not tolerate harassment based on any characteristic protected by The Human Rights Code (Saskatchewan).

SCOPE

- 2) This Policy applies to all current, potential, term and contract employees and employees as well as volunteers and customers.
- 3) This Policy applies to all activities connected with the Resort Village's workplace including work sites, washrooms, cafeterias, training sessions, business travel, conferences, work-related social gatherings, customer or client homes or work sites.

DEFINITIONS

- 4) For the purposes of this policy:
 - a) DISCRIMINATION is an unfair action taken against an individual: and
 - b) HARASSMENT is a form of discrimination, under The Saskatchewan Human Rights Code and The Saskatchewan Employment Act and is illegal.

- 5) As defined within The Saskatchewan Employment Act,
 - (1) **"harassment"** means:
 - (i) any inappropriate conduct, comment, display, action or gesture by a person towards a worker:
 - (A) that either:
 - (I) is based on any prohibited ground as defined in *The Saskatchewan Human Rights Code, 2018* or on physical size or weight; or
 - (II) subject to subsections (4) and (5), adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause the worker to be humiliated or intimidated; and
 - (B) that constitutes a threat to the health or safety of the worker; or
 - (ii) any conduct, comment, display, action or gesture by a person towards a worker that:
 - (A) is of a sexual nature; and
 - (B) the person knows or ought reasonably to know is unwelcome;

- 6) A copy of the Harassment Complaint Form is attached as Appendix "A".

ROLES AND RESPONSIBILITIES

- 7) Harassment is a concern for everyone and maintaining a harassment free workplace is everyone's responsibility.
- 8) The employer and management staff have a responsibility and a legal obligation to ensure employees are not exposed to harassment in the workplace and for the implementation and adherence of this policy. This includes taking appropriate preventive or corrective action and stopping any harassment of which they are aware. Management staff should ensure that all employees' rights are protected and should support employees in the conflict resolution process.
- 9) Employees have a responsibility to create and support a workplace that is free of harassment by complying with this policy and by ensuring their behavior meets acceptable standards. Employees must refrain from discriminatory or harassing behavior.
- 10) If an employee feels that they have been the victim of harassment or bullying, a Harassment Complaint Form should be made to their immediate supervisor. In the event that the complaint is regarding the immediate supervisor, then the employee would submit their grievance to the immediate supervisors supervisor, who would they would then follow the steps outlined in the Grievance Policy.
- 11) All complaints made in which an individual is named or can be identified will be communicated to that individual. All information relating to verbal and written complaints and formal investigations will be kept strictly confidential. The investigation is limited to only those individuals who must be contacted to fulfill the employer's legal duty to investigate, provide a safe workplace and resolve the situation. Those involved in the investigation are prohibited from discussing the harassment complaint outside the official restorative or investigative process.
- 12) Confidentiality means, in its simplest form, that no one talks about the harassment complaint outside the official restorative or investigative process. It is not to be discussed informally or gossiped about by anyone. Lack of confidentiality can cause further pain or harm to the people involved and makes restoration to a respectful environment more difficult. If you are involved in an investigation and someone asks you about it, you must inform that individual that you cannot discuss it.

PROCEDURES & GUIDELINES

- 13) Dispute Resolution Options
- a) Steps taken to resolve conflict and disputes that involve harassing behavior:
- i) Individual Problem Solving
- (1) If you believe you have been subjected to harassment, first you are encouraged to clearly and firmly make known to the alleged harasser that the behavior is objectionable and must stop.
- (2) If conflict resulting from the harassing behavior can be resolved by those directly involved, it reduces the disruption in the workplace and contributes to better relationships in the future. Some people are not aware that their behavior constitutes harassment. Often, simply telling them about the offensive nature of their behavior is enough to end it. Employees are encouraged to be proactive and tell the offender to stop. If assistance in planning the approach to the other employee, employee shall contact their manager, supervisor or the Chief Administrative Officer.
- ii) Facilitated Problem Solving
- (1) If an employee is subjected to harassment and is unable to confront the other person or the confrontation does not improve the situation, the problem should be discussed with

the immediate supervisor who will assist in assessing options, developing an action plan for resolution and implementing the plan.

iii) Mediation

- (1) If the conflict cannot be resolved by the individuals or the CAO, es, mediation or a similar third-party intervention may be requested upon the mutual agreement of those involved in the conflict and upon approval of the CAO and in the case of the CAO, approval by Council.

iv) Formal Investigation

- (1) When it is not possible to resolve a conflict through individual or facilitated problem solving or mediation, or depending on the nature of the complaint, a formal investigation may be initiated if approved by the CAO and in the case of the CAO, Council. The formal complaint process is an explicit procedure that will involve an external investigator(s). A formal complaint should never be undertaken frivolously. It requires careful consideration and should usually be a last resort. This process may take longer, involve more people (witnesses) and requires the complaint to be in writing.
 - (a) Complaints respecting events that are more than 6 months old will not be investigated unless there are special circumstances. Such circumstances could include:
 - (i) Matters relevant to events or harassment issues that are currently present or likely to be present in the workplace;
 - (ii) Where the alleged harasser is currently in the employ of the employer and the complaint is of such serious nature that if true, would warrant discipline, therapy or training;
 - (iii) Where the complaint is relevant to a current claim for compensation.
 - (b) If a formal complaint and investigation take place, Council, in consultation with the CAO unless the formal complaint or investigation is about the CAO, will make the final decision, based on the investigator's report, as to whether or not harassment has occurred and will determine the appropriate action to be taken.

v) Occupational Health Officer Assistance

- (1) Employees have the right to request the assistance of an occupational health officer to resolve a complaint of harassment.

IMPORTANT NOTE: No investigation will take place without a signed formal complaint.

14) Complaint Process

- a) Within five working days of the receipt of a formal complaint, the recipient will ensure that the Manager and the Chief Administrative Officer receives a copy of the complaint. All those who receive copies of the complaint must observe strict confidentiality requirements. A copy of the complaint and this policy will be given to the respondent by department management within five working days. In the event of multiple respondents only details of the complaint pertaining to an individual respondent will be given to that respondent. The respondent(s) will be informed of their right to representation.
- b) Bad Faith Complaints
 - i) Complaints should be undertaken with great care because they may result in pain and damage to the respondent's reputation. Complaints made frivolously or in bad faith and without factual basis may constitute defamation and may be actionable by the respondent. Such complaints may result in disciplinary action, up to and including dismissal.
- c) Complaint Withdrawal
 - i) A complainant may withdraw a complaint at any time, with the exception of the following:
 - (1) There exists a real or perceived threat to the health or safety of other employees;
 - (2) There is evidence that the complainant may have been threatened or may fear retaliation;

- (3) Failure to close the situation might endanger an employee;
- (4) The complaint alleges serious abuse of power;
- (5) Failure to follow through on a complaint would seriously damage the reputation of the Resort Village.

d) Retaliation

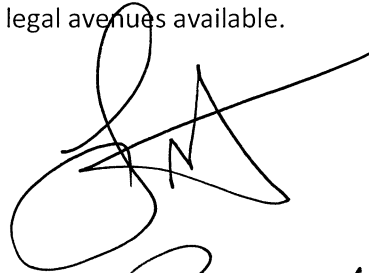
- i) Retaliation is strictly prohibited against anyone that has reported harassment or participated in an investigation. Any signs of retaliation should be reported immediately to a supervisor or the CAO. Retaliation will result in disciplinary action, up to and including dismissal.

15) Complaint Option

- a) Nothing in this policy prevents or discourages an employee from referring a harassment complaint to Occupational Health and Safety at the Ministry of Labour Relations and Workplace Safety or the Saskatchewan Human Rights Commission.
- b) An employee also retains the right to exercise any other legal avenues available.

Date Approved: April 13, 2023

Mayor:



Resolution Number: 146/2023

Administrator:



Appendix A Workplace Harassment & Discrimination Reporting Form
RESORT VILLAGE OF CANDLE LAKE
WORKPLACE HARASSMENT & DISCRIMINATION REPORTING FORM
PRIVATE AND CONFIDENTIAL

Instructions:

If you would like to submit a formal report of harassment, discrimination or other objectionable behaviour, please complete the form below. Once completed, please place in a sealed envelope, marked "Private and Confidential" and send to the attention of the Chief Administrative Officer. If the complaint is specific to the Chief Administrative Officer send attention Mayor of the Resort Village of Candle Lake.

The information contained in this form is confidential and every reasonable step will be taken to maintain confidentiality in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. This form and any attachments will be copied to the respondent(s) named within, in accordance with the Section 14 (a).

Enter Name of Complainant Below:	Enter Name of Respondent Below:
<input type="text"/>	<input type="text"/>

Enter Name of Position Below:	Enter Name of Position Below:
<input type="text"/>	<input type="text"/>

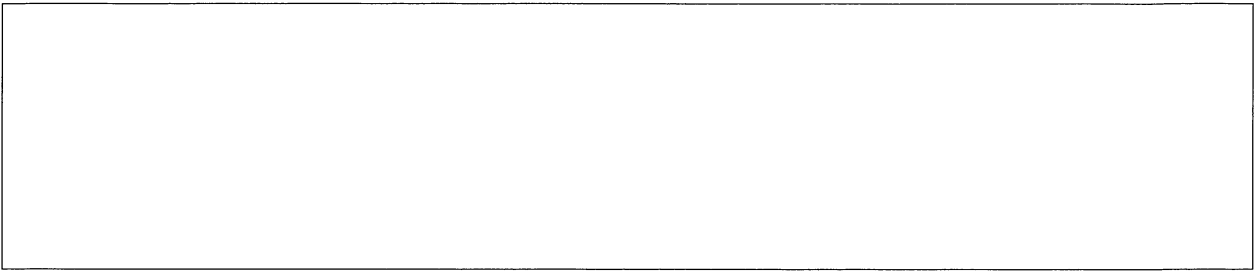
Enter Name of Department / Worksite Below:	Enter Name of Department / Worksite Below, if Different:
<input type="text"/>	<input type="text"/>

Enter Date: _____

Description of Alleged Harassment, Discrimination or Objectionable Conduct:

<input type="text"/>

Assistance Required: _____



Assistance Offered:

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Has Respondent been informed of unwelcome behaviour? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date:
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Has the complaint been reported previously? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date:
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To whom, and what actions were taken?

Complainant Signature: _____ Date: _____