

# RM of WEST INTERLAKE

## Workplace Harassment Prevention Policy

**Subject: Workplace Harassment Prevention Policy**

**Policy No. 3-2020**

**Effective Date: September 29, 2020**

**Resolution No.: 2020-444**

**Replaces Policy: N/A**

**Resolution Date: September 29, 2020**

**Review Date: December 2022**

## Intent

The Rural Municipality of West Interlake is committed to building and preserving a safe, productive and healthy working environment for its employees based on mutual respect. In accordance with *Manitoba's Workplace Safety and Health Regulation with respect to violence and harassment in the workplace*, the Rural Municipality of West Interlake does not condone or tolerate acts of harassment against or by any employee. The Rural Municipality of West Interlake believes that every employee is entitled to work free of harassment.

## Definitions

In accordance with workplace rights set out under the [Human Rights Code](#), every employee has a right to freedom from harassment in the workplace by the employee, agent of the employer, by another employee or by members of the public because of:

- race, creed, religion, colour
- sex, sexual orientation, gender-determined characteristics, gender identity
- marital status, family status, source of income
- political belief, political association, political activity
- disability, physical size or weight
- age, nationality, ancestry or place of origin

### Harassment

Inappropriate conduct by a person on the basis of one of these protected grounds is considered harassment under the Manitoba legislations.

Under the legislation the other types of harassment are those behaviours or actions which have an adverse effect on a worker's physiological or physical wellbeing. This may be a repeated offence or a single occurrence which has a lasting effect. This type of behaviour is sometimes known as bullying and is considered unacceptable by the RM of West Interlake.

Harassment is still considered a workplace matter even if it takes place out of the physical work environment and/or during "off" hours.

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### Reasonable Conduct

Reasonable actions by managers designed to help manage or guide workers such as reviews, counselling and processes outlined in our discipline procedures are not considered to be harassment.

## Guidelines

The RM of West Interlake's Workplace Harassment Prevention Policy is not intended to discourage or prevent any complainants from exercising any other legal rights under any other law.

Further, the intent of the Workplace Harassment Prevention Policy is not to stop free speech or to interfere with everyday interactions; however, what one person finds offensive, another may not.

Harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember that it is the perception of the receiver of the potentially offensive message that determines whether something is acceptable or not (be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome).

## Application of this Policy

The RM of West Interlake will ensure as much as is possible that no employees are subjected to harassment during their course of work with the RM of West Interlake. We will not tolerate any form of harassment or discrimination against any individual, including job candidates, employees, managers, or clients, on any grounds. This commitment applies to such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

Every RM of West Interlake employee shall be held personally accountable and responsible for enforcing this policy and must make every effort to prevent discrimination and/or harassing behaviour. As such, employees must report every incident of harassment immediately -- whether it was observed, happened to them personally, or if the problem was reported to them.

## Reporting Procedures

### Informal Procedure

If you believe you have been harassed you may:

- Confront the harasser personally, or in writing, clearly stating the unwelcome behaviour/action and requesting that it stop immediately; or

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- Discuss the situation with the harasser's supervisor, your supervisor or any other supervisor.

Any employee who feels discriminated against or harassed can and should, in all confidence and without fear of reprisal, personally report the occurrence to his/her supervisor or a manager.

#### Formal Procedure

If you believe you have been harassed you may make a written complaint to the management team. The written complaint must be delivered to Courtney Roehl, Chief Administrative Officer and include the following information:

- The date and time of each incident you wish to report.
- The name of the person(s) involved in the incident(s).
- The name of any person or persons who witnessed the incident(s).
- A full description of what occurred.

Once a written complaint has been received, the RM of West Interlake will complete a thorough investigation. Harassment should not be ignored as silence can, and often is, interpreted as acceptance. Employees will not be demoted, dismissed, disciplined or denied a promotion, advancement or employment opportunities because they rejected sexual advances or because they lodged a complaint when they honestly believed they were being harassed or discriminated against.

The investigation will include:

- Informing the accused of the complaint.
- Interviewing the complainant, any person(s) involved in the incident and any identified witnesses.
- Interviewing any other person(s) who may have knowledge of the incident(s) complaint.
- Statements from all parties involved will be taken and a decision will be made.
- If necessary, the RM of West Interlake may employ outside assistance or request the use of our legal counsel.
- Where it is determined that harassment has occurred, a written report of the remedial action will be given to the employees concerned.

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A copy of the complaint, detailing the complainant's allegations, shall be provided to the respondent(s) and contain the following information:

- The respondent is invited to reply in writing to the complainant's allegations.
- The reply will be made known to the complainant before the case proceeds.
- The RM of West Interlake will take all measures to prevent any unnecessary disclosure of the incident and the identities of the parties.

If the complainant decides not to lay a formal complaint, Senior Management may decide that a formal complaint is required, which will be based on the investigation of the incident, and will file such document(s) with the person(s) against whom the complaint is laid.

If it is determined that personal harassment has occurred, appropriate disciplinary measures will be taken immediately.

In addition to the steps taken by the RM of West Interlake, employees reserve the right to file a complaint with the Manitoba Human Rights Commission. This complaint is required to be made within six (6) months of the date of the last incident.

## Disciplinary Measures

If it is determined by the municipality that any employee has been involved in the harassment or discrimination of another employee, immediate disciplinary action will be taken, up to and including immediate dismissal without further notice

## Fraudulent/Malicious Complaints

It is important to realize that unfounded/frivolous allegations of personal harassment may cause both the accused person and the municipality significant damage.

Making a false complaint or providing false information about a complaint is strictly prohibited and a violation of this Policy. If it is determined by the municipality that any employee has knowingly made a false complaint regarding an allegation of harassment or discrimination, immediate disciplinary action will be taken up to and including termination.

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## Confidentiality and Legal Compliance

All records of harassment, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law. The RM of West Interlake will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully.

This policy has not been created to discourage employees from exercising all other legal rights afforded to them under any other law.

In cases where criminal proceedings are forthcoming, the RM of West Interlake will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Any disciplinary action will be determined by the municipality and will be proportional to the seriousness of the behaviour/action concerned. The RM of West Interlake will also provide appropriate assistance to any employee who is a victim of discrimination or harassment.

## Employee Rights

As stated in the Manitoba Workplace Safety and Health Regulation in regards to workplace harassment, every employee has the following rights:

- The right to work free of harassment, and;
- The right to file a complaint with the Manitoba Human Rights Commission.

As legislated, any complaint filed must be made within six months of the date of the last incident of harassment.

## Roles in Maintaining a Positive Work Environment

The RM of West Interlake and all employees have the following responsibilities in the workplace. We shall continuously endeavour to eliminate and prevent harassment and discrimination in the workplace and trust that all of our employees will assist in this elimination and prevention.

### Employer's Role

- The RM of West Interlake must ensure as much as practical, that no employees are subjected to harassment in the workplace.

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- The RM of West Interlake will ensure to take corrective action regarding any employee who harasses another employee.
- The RM of West Interlake will not disclose the name of any complainant or alleged harasser, or the circumstances of the complaint to anyone except where disclosure is:
  - Necessary to investigate the complaint or take corrective action, or;
  - Required by law.

#### Employee's Role

If you are a co-worker who has witnessed discrimination/harassment in the workplace:

- Inform the harassed person that you have witnessed what you believe to be discrimination/harassment and that you find it unacceptable. Support is often welcome. If that person does not feel that they have been discriminated against or harassed, then the incident shall be considered closed.
- Inform the harasser(s) that you have witnessed the act(s) and find it unacceptable.
- Encourage the discriminated or harassed person to report the incident to his/her Manager.

#### Management's Role

- Management is legally responsible for creating and maintaining a discrimination and harassment-free workplace.
- Managers must be sensitive to the climate in the workplace and address potential problems before they become serious.
- If a manager becomes aware of harassment in the workplace and opts to ignore it, the Manager and the RM of West Interlake risk being named co-respondent in a complaint and may be held liable in legal proceedings.

When an employee has asked his/her manager to deal with a discrimination or harassment incident, the manager will:

- Support the employee without prejudices or bias.

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- Work with the employee and document the offensive action(s).
- Have the employee sign a complaint.
- Contact his/her superior and/or senior management and provide details of the incident on behalf of the employee.

**Acknowledgement and Agreement**

I, (Employee Name), acknowledge that I have read and understand the Workplace Harassment Policy of the Rural Municipality of West Interlake. Further, I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules/procedures outlined in this policy, I may face disciplinary action, up to and including termination of employment.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_