

RESORT VILLAGE OF KIVIMAA - MOONLIGHT BAY
Bylaw 7/21
ANTI - HARASSMENT POLICY

A. POLICY INTENT

Every employee is entitled to employment free of harassment. The Resort Village of Kivimaa — Moonlight Bay (the "Municipality") is committed to a harassment free workplace where everyone is treated with dignity and respect.

B. POLICY SCOPE

1. What is Harassment

1.1 Harassment means any inappropriate conduct, comment, display, action, or gesture by a person that constitutes a threat to the health or safety of a worker and is either:

- (a) Made on the basis of race, creed, religion, color, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry, or place of origin; or
- (b) Adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated (personal harassment).

1.2 Harassment usually involves repeated occurrence; however, a single serious incident may constitute personal harassment if it has a lasting harmful effect on the employee.

1.3 Harassment may include:

- (a) Verbal or written abuse or threats; (b) Insulting, derogatory or degrading comments, jokes, or gestures; (c) Personal ridicule or malicious gossip;
- (d) Unjustifiable interference with another's work or work sabotage;
- (e) Refusing to work or co-operate with others; and
- (f) Interference with or vandalizing personal property.

1.4 Harassment includes sexual harassment, which may include:

- (a) A direct or implied threat of reprisal for refusing to comply with a sexually oriented request;
- (b) Unwelcome remarks, jokes, innuendos, propositions or taunting about a person's body, attire, sex, or sexual orientation; (c) Displaying pornographic or sexually explicit pictures or materials;
- (d) Unwelcome physical contact;
- (e) Unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature; and

- (f) Refusing to work with or have contact with workers because of their sex, gender, or sexual orientation.

2. What is Not Harassment

- 2.1 This harassment policy does not extend or apply to day-to-day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, implementation of appropriate dress codes and disciplinary action. These actions are not harassment, even if they sometimes involve unpleasant consequences, however, managerial actions must be carried out in a manner that is reasonable and not abusive.
- 2.2 This policy also does not extend to harassment that arises out of matters or circumstances unrelated to employment. For example, harassment that occurs during a social gathering of coworkers that is not sponsored by the employer is not covered. However, harassment that occurs while attending a conference or training session at request of the employer is covered within this policy.
- 2.3 Other situations that do not constitute harassment include:
 - (a) Physical contact necessary for the performance of the work using accepted industry standards;
 - (b) Conduct which all parties agree is inoffensive or welcome; and
 - (c) Conflict or disagreements in the workplace, where the conflict or disagreement is not based on one of the prohibited grounds.
- 2.4 Harassment can exist even where there is no intention to harass or offend another. Every person must take care to ensure his or her conduct is not offensive to another.

3. Employer's Commitment

- 3.1 The Municipality and its Councillors, Council Committee members, volunteer boards and managerial staff will take all complaints of harassment seriously. The Municipality is committed to implementing this policy and to ensuring it is effective in preventing and stopping harassment, as well as creating a productive and respectful workplace.
- 3.2 This commitment includes the following:
 - (a) Informing all Persons in the Workplace of their Rights and Obligations
 - (i) A copy of the harassment policy will be provided to all employees; and
 - (ii) A copy of the harassment policy will be posted in the office in each work area in a location that is visible to all staff and the public.
 - (b) Training All Persons in Implementing the Harassment Policy

- (i) An information meeting will be held with all staff to explain and answer questions about the new policy;
 - (ii) The Chief Administrative Officer will review the policy with new employees upon commencement of employment; and
 - (iii) All Councillors, Council committee members, volunteer board members and employees will be asked to set a good example and help foster a respectful workplace.
- (c) Assigning Responsibility for Implementing this Policy
- (i) The Chief Administrative Officer shall be responsible for receiving harassment inquiries and complaints and assisting in facilitating their resolution;
 - (ii) Where a complaint relates to conduct of the Chief Administrative Officer, the Mayor shall act in their place and be responsible for receiving the inquiries or complaints and assisting in facilitating resolution; and
 - (iii) Where a complaint is made by the Chief Administrative Officer respecting the Mayor, the Deputy Mayor, or such other person as may be appointed by Council from time to time shall act in their place and be responsible for receiving the inquiries or complaints and assisting in facilitating their resolution.
 - (iv) The person designated to receive inquiries and complaints pursuant to the provisions above shall be referred to as the "Receiving Officer"
- (d) Protecting Workers Trying to Prevent or Stop Harassment
- (i) Harassment complaints and investigations will be held in the strictest of confidence except where the disclosure is necessary for the purposes of investigating the complaint, taking corrective action with respect to the complaint, or as required by law; and
 - (ii) Action will be taken to prevent reprisal against persons who make a harassment complaint in good faith, which may mean informing complainants and alleged harassers of this commitment.
- (e) Promptly Taking Action Necessary to Stop and Prevent Harassment
- (i) Appropriate action, sufficient to ensure the harassment stops and does not happen again, will be taken against persons who are or were engaged or participated in harassment; and
 - (ii) When necessary, ratepayers, contractors or other visitors to the workplace will be informed that certain conduct directed towards staff will not be tolerated or allowed to continue, and such persons may be excluded from Municipal property if considered appropriate to prevent further harassment.

(f) Ensuring the Policy Remains Current

The effectiveness of this policy will be reviewed by the Chief Administrative Officer every three years, and a report on the policy and any recommended changes shall be delivered to Council thereafter.

4. Employee's Duty

All employees and all Councillors and Council committee and all volunteer board members shall refrain from causing or participating in the harassment of each other and co-operate with any person investigating harassment complaints.

5. Complaint Procedure

This policy sets out three types of complaint procedures that may be used following instances of harassment.

5.1 No Alleged Harasser Named and Informal Resolution Sought

(a) Step 1

An individual reports an incident or concern to the Receiving Officer.

(b) Step 2

The Receiving Officer reviews the complaint procedure with the complainant and the complainant seeks an informal resolution.

(c) Step 3

The Receiving Officer reviews the matter and takes action appropriate and necessary to address the complaint. Such action may include:

- (i) The designation of a manager or member of Council to address the complaint;
- (ii) Having staff meetings to discuss and review the policy; and
- (iii) Providing workshops, videos, or written information on the prevention of harassment.
- (iv) The Receiving Officer informs the complainant of the action that will be taken to address the complaint or concern.

(d) Confidentiality

Under this procedure, the Municipality, or anyone acting on behalf of the Municipality, should not disclose the complainant's name or other identifying information to any person. However, in certain circumstances, the complainant may agree to release identifying information in order to implement the harassment policy, the resolution process, or the final resolution itself.

5.2 Alleged Harasser Named and Informal Resolution or Mediation Sought

(a) Step 1

- (i) An individual reports an incident or concern to Receiving Officer. The complaint should be recorded in writing in a form consistent with the harassment complaint form attached to this policy.
- (ii) Where an informal resolution is sought, the complainant should indicate the type of resolution and resolution process sought. Examples include an apology, supervisory counselling, a facilitated meeting with the alleged harasser, workshops or training sessions and mediation.

(b) Step 2

The Receiving Officer reviews the complaint procedures with the complainant and informs the Mayor (or where the Mayor is the Receiving Officer or is the subject of the complaint, the person designated by this policy to act in place of the Mayor as a Receiving Officer). The Receiving Officer will also meet privately with the alleged harasser to review the complaint and determine whether there is an agreement on a resolution or a resolution process.

(c) Step 3

Where there is agreement on the resolution or resolution process to be used, the Receiving Officer informs the Mayor or other member of Council of the agreement and facilitates the agreed upon resolution or resolution process.

(d) Step 4

The complainant is informed that a formal complaint procedure is possible if the complainant, the alleged harasser, and the person receiving the complaint do not agree on a resolution process, or if the resolution process does not resolve the matter to the complainant's satisfaction.

(e) Step 5

Where the complainant and alleged harasser agree to a resolution, the Receiving Officer follows up with the complainant to ensure the agreed upon resolution was effective in stopping and preventing further alleged harassment. Where the complainant indicates that the alleged harassment has not ended, the Receiving Officer counsels the complainant to pursue an alternate resolution process, including a formal investigation.

(f) Confidentiality

Within this procedure, the Municipality or anyone acting on behalf of the Municipality, should not disclose either the complainant's or alleged harasser's name or other identifying information to any person. In certain circumstances, the complainant and alleged harasser may agree to release identifying information in order to implement the harassment policy, the resolution process, or the final resolution itself.

5.3 Alleged Harasser Named — Investigation Required

(a) Step 1

An individual reports an incident or concern to Receiving Officer. The complaint should be in writing, dated and contain:

- (i) Name and job title of the complainant and contact information;
- (ii) Name and job title of the alleged harasser and available contact information;
- (iii) Description of the conduct, display or events considered objectionable, including dates and location of events;
- (iv) Names and available contact information of any possible witnesses;
- (v) Description of the basis of the alleged harassment, such as the prohibited grounds;
- (vi) Remedy sought;
- (vii) Other information or material the complainant considers relevant; and
- (viii) Signature of the complainant.

(b) Step 2

The Receiving Officer reviews the complaint procedures with the complainant and provides a written copy of the complaint to the Mayor (or where the Mayor is the Receiving Officer or is the subject of the complaint, the person designated by this policy to act in place of the Mayor as a Receiving Officer).

(c) Step 3

The Receiving Officer reviews the complaint with the Mayor (or where the Mayor is the Receiving Officer or is the subject of the complaint, the person designated by this policy to act in place of the Mayor as a Receiving Officer) to determine whether the conduct of the alleged harasser may fall within the harassment policy and whether there are appropriate resolution options other than investigation acceptable to the complainant and the alleged harasser.

(d) Step 4

Where an investigation is required, the Receiving Officer shall appoint an external investigator or investigation team.

(e) Step 5

(i) Investigators must act in accordance with the following guidelines:

- (A) The investigation commences and concludes as soon as reasonably possible;
- (B) Witnesses are interviewed separately, and written witness statements are prepared;
- (C) Witnesses are asked to review and sign their written statements;
- (D) Witnesses are advised to keep the investigation and the identity of the complainant and alleged harasser in confidence, unless they are required to disclose them by law;

- (E) The investigator shall consider requests by the complainant and alleged harasser to be accompanied by legal counsel or other support persons during the interview and investigation process; and
 - (ii) During the investigation process, both the complainant and the alleged harasser are entitled to be informed of all relevant allegations made against them that arise within the scope of the investigation and are allowed the opportunity to make full answer and defense. This does not mean that either party is entitled to see or receive copies of the complete statements. However, both are entitled to see or receive an adequate summary of the evidence to make a full answer and defense.
- (f) Step 6
 - (i) Once the investigation is complete, the investigator will prepare a written report setting out a summary of the evidence, a description of any conflict in the evidence, the conclusions on the facts and reasons for reaching those conclusions. The investigator may also be requested, in the discretion of the Receiving Officer, to recommend corrective action where harassment has been found to have occurred.
 - (ii) The investigator's report will be delivered to the Receiving Officer and any member of Council notified under this policy. The report shall be marked as confidential and delivered with the notation that it should be kept in confidence unless disclosure is required by law or is necessary to implement corrective action or other legal remedies.
- (g) Step 7

Following conclusion of the investigation, the Receiving officer and alleged harasser of the results of the investigation but shall have full and absolute discretion as to whether to disclose the written investigation report to the complainant and alleged harasser.
- (h) Step 8
 - (i) Where harassment has been substantiated, and the alleged harasser is another employee, the Chief Administrative Officer (or where the Chief Administrative Officer is the subject of the complaint, the Mayor) will take appropriate corrective action to resolve the complaint and will inform the complainant and harasser of the corrective action.
 - (ii) Where harassment has been substantiated, and the alleged harasser is a member of Council, the complaint shall be brought before Council in accordance with the Code of Ethics Bylaw.
 - (iii) After corrective action has been taken, the person taking such action shall follow up with the complainant to ensure that the corrective action was effective in stopping and preventing harassment. If the complainant indicates that harassment has not ended or suffers reprisal as a result of making the complaint, additional or alternative corrective action shall be taken to resolve the complaint. Further investigation may be necessary.
- (i) Confidentiality
 - (i) Within this procedure, the Municipality or anyone acting on behalf of the Municipality, should not disclose the name of the complainant or the alleged harasser, nor any

information that may identify the complainant or alleged harasser to any person, except as may be necessary to conduct the investigation, implement corrective action or pursue other legal remedies.

- (ii) All documents and statements obtained during the course of the investigation, including the names and copies of witness statements, should not be disclosed to any person unless required by law.

6. Taking Action to Stop and Prevent Harassment

In taking action to stop harassment and prevent its reoccurrence, the Municipality will be guided by the following considerations and options:

6.1 Individual Awareness and Counselling

- (a) Individuals may not be aware of the effects of their behavior. In many cases, speaking to the person in private about the inappropriate behavior will be enough to resolve a situation.
- (b) In certain instances, it may be more effective for a supervisor to speak with the offending person or to arrange and facilitate a meeting between the complainant and alleged harasser.
- (c) Complainants should not be encouraged to confront the alleged harasser if they are reluctant to do so, if the alleged harassment is of a very serious nature, or if the alleged harasser denies engaging in the alleged conduct.

6.2 Staff Awareness and Counselling

Standards of behavior change over the years. Some individuals or groups may not be aware that behavior, which was acceptable to their co-workers in the past, is not acceptable anymore. A staff awareness session may be helpful to correct problems based on lack of awareness.

6.3 Interim Action

- (a) The Receiving Officer may have grounds to believe that a complainant will be exposed to continued harassment or reprisal while waiting for the investigation or resolution process to occur. In this case, that person must take immediate action to protect the worker from continued harassment or reprisal. Any interim action should respect the alleged harasser's rights based on the employment contract or collective bargaining agreement in place.
- (b) Considering the above-mentioned rights, action may include:
 - (i) Cautioning the alleged harasser about the types of behavior that will not be tolerated;
 - (ii) Moving the alleged harasser to another work unit;
 - (iii) Moving the complainant to another work unit at the complainant's request; and
 - (iv) Suspending the alleged harasser with pay while waiting for a final determination.

6.4 Mediation

- (a) Mediation offers both parties the opportunity to develop an understanding of the problem and resolve the complaint before or during the formal investigation process. The mediator

facilitates separate discussions or joint meetings between the complainant and the alleged harasser, for the purpose of resolving the complaint.

- (b) Mediation may take place at any point in the resolution process as long as both parties agree to participate in mediation. Where the complainant and alleged harasser agree to participate in mediation, the Municipality shall arrange for a person, who is trained and independent, to act as a mediator.

6.5 Disciplinary Action

- (a) A person who has knowingly engaged or participated in the harassment of a worker will be disciplined. The discipline will be subject to the employee's rights under the employment contract in place.
- (b) The discipline imposed on an employee, who is found to have engaged or participated in harassment in the workplace, may include reprimand, relocation, demotion, suspension, or termination of employment.
- (c) The severity of the discipline will depend on the following:
 - (i) Whether the conduct is an offence under the Criminal Code;
 - (ii) Whether the conduct is an offence under any other legislation;
 - (iii) The extent of the mental or physical injury caused to the complainant by the conduct;
 - (iv) Whether the harasser persisted in behaviour that was known to be offensive to the complainant;
 - (v) Whether the harasser abused a position of authority;
 - (vi) Risk of harasser continuing with similar harassment of the complainant or others;
 - (vii) Whether the harasser acknowledges that conduct was unacceptable and makes a commitment to refrain from participating in future harassment;
 - (viii) Whether the harasser has apologized to the complainant or taken action to repair any harm caused by the conduct; and
 - (ix) Whether the harasser has agreed to participate in awareness sessions, training or other recommended counselling or treatment.
- (d) Where the harasser is a member of Council, the matter will be dealt with under the Code of Conduct bylaw.

6.6 Third-Party Harassers

- (a) This policy covers harassment connected to any matter or circumstance arising out of the worker's employment. Ratepayers, contractors or their workers and others attending at the workplace could engage or participate in the harassment of an employee.

- (b) The Municipality may have limited ability to investigate or control their conduct. However, the Municipality shall take reasonably practicable action to stop or reduce the risk to its workers of being harassed by third parties.
- (c) This action may include:
 - (i) Posting the harassment policy statement in location visible to third parties;
 - (ii) Requiring certain persons to accept and meet the terms of the harassment policy and removing those who participate in harassment from the workplace; and
 - (iii) Barring persons from attending at the workplace.

6.7 When any person has been asked to stop abusing or harassing a worker and does not, workers are authorized to end telephone conversations, politely decline service and to ask the other person or client to leave the workplace.

6.8 Malicious Complaints

It is uncommon for someone to make a false claim deliberately, but it can happen. Where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate discipline.

6.9 Retaliatory Action Prohibited

Anyone who retaliates or threatens to retaliate in any way against the complainant, or a witness, for making a complaint or taking part in an investigation of a complaint, will be subjected to disciplinary action up to and including dismissal.

7. Other Options for Complainants

7.1 Nothing in this policy prevents or discourages a worker from referring a harassment complaint to the Ministry of Labour Relations and Workplace Safety.

7.2 A worker may also file a complaint with the Saskatchewan Human Rights Commission under The Saskatchewan Human Rights Code.

7.3 A worker also retains the right to exercise any other legal avenues available.

8. Report to Council

8.1 When necessary, but at least annually, the Chief Administrative Officer shall report to Council whether any complaints of harassment have been reported and their type.

8.2 The Chief Administrative Officer will endeavor to respect the confidentiality requests of the complainant and respondent as permitted under this policy.

8.3 Nevertheless, in the following events the identities of the parties will be disclosed to Council when:

- (a) A complaint is made to the Saskatchewan Human Rights Commission and/or Ministry of Labour Relations and Workplace Safety;

- (b) A form of discipline is implemented which is considered severe, i.e., relocation, demotion, suspension, or termination of employment;
- (c) Identification is deemed required to prevent the alleged harasser from continuing with similar harassment with the complainant or others; and

The identification of the parties becomes known, whether inside or outside the Municipality.

RESORT VILLAGE OF KIVIMAA - MOONLIGHT BAY HARASSMENT COMPLAINT
FORM

Name of Complainant:_____Contact:_____

Name of Person(s) against whom this complaint is made:_____

Describe the incident(s) or event that is the basis of this complaint: (Indicate dates and location of events. Attach separate page for more space if necessary).

List names of possible witnesses:

Name	Position	Contact (phone)
_____	_____	_____
_____	_____	_____
_____	_____	_____

What type of resolution do you seek?

(e.g., Municipality to direct or counsel person to correct conduct; facilitated meeting with alleged harasser; apology; workshops or training sessions; mediations; or other)

I hereby confirm that the statements contained in this complaint are true to the best of my knowledge. I understand that a copy of this complaint will be provided to: _____(alleged harasser) for the purpose of investigating this complaint.

Date

Signature of Complainant

I acknowledge receipt of this complaint.


Date

Signature of Receiving Officer

This bylaw shall become effective on the date of approval of Council.




Mayor



Administrator

Read a third time and adopted this 27th day of August, 2021.



Administrator

