

## TOWN OF THREE RIVERS

### **Preventing And Resolving Harassment Policy**

Policy Number: TRHR-12

Date of Approval: June 10, 2019

Amended: August 10, 2020

Approved By: Town Council

Date of Review: May 19, 2022

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#### **WHAT IS IT?**

*Harassment is a form of misconduct / improper behavior by an employee that is directed at and is offensive to another employee, and which that person knew or ought reasonably to have known would be unwelcome and cause offence or harm. It comprises objectionable conduct, comment, or display that demeans, belittles or causes personal humiliation or embarrassment, and any act(s) of intimidation or threat(s), which detrimentally affects individual well-being or the work environment.*

*Harassment can come from a colleague, a supervisor or a subordinate, and in some circumstances may include actions that occur away from the workplace.*

*There are two types of Harassment:*

- 1) Discriminatory – *treating people differently on the basis of: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for which a pardon has been granted. Discriminatory harassment also includes sexual harassment, i.e. any unwelcome conduct, comment, gesture or contact of a sexual nature that detrimentally affects the work environment or causes adverse effects to the working relationship.*
- 2) Personal – *any harassment other than discriminatory harassment.*

*The proper exercise of managerial responsibility does not constitute harassment (e.g. evaluating performance, counselling, or administering discipline when done in a respectful & appropriate manner).*

#### **HARASSED? HERE'S WHAT TO DO**

Every reasonable effort should be made to resolve a harassment situation before filing a written complaint. Here are some guidelines to help you:

- make your disapproval or unease known to the other party within a reasonable time;
- if the above is not possible or is unsuccessful, obtain advice on an appropriate course of action from: Management or the Chief Administrative Officer;

- record dates, times, any witnesses and the nature of the incidents, where possible;
- if necessary, file a complaint within **one year** of the last incident (you may use Appendix A as a guideline);
- co-operate fully with those responsible for reviewing the complaint.

## **IF A COMPLAINT IS LODGED AGAINST YOU - HERE'S WHAT TO DO**

Review the policy and guidelines, and if you need additional information contact management or the Chief Administrative Officer. If there is an investigation, be prepared to cooperate fully with those responsible for reviewing the complaint to ensure that your account of events is taken into consideration.

## **SOME ADDITIONAL POINTS**

All parties are strongly encouraged to consider early or alternate dispute resolution to try to resolve the issue. It is in the best interest of all parties to seek a speedy and fair resolution to normalize the working environment.

A redress process is available to address issues that have not been resolved. Management or the Chief Administrative Officer can explain the process to you.

The Employee Assistance Program and its practitioners are available to assist employees in dealing with the personal impact of these situations.

## **MANAGEMENT RESPONSIBILITIES**

Management must make every reasonable effort to resolve conflicts or harassment situations at their level, which may include the use of alternate dispute resolution. Management who become aware of harassment in the workplace must address it, whether or not there has been a complaint.

## **REMEMBER**

Harassment is unacceptable behavior. It is demeaning, offensive and embarrassing. It will not be tolerated. It can and will be stopped. Finally, it is an offence subject to disciplinary measures up to and including termination of employment.

It is your responsibility to contribute to a harassment-free work environment. Should you have a harassment complaint, it will be taken seriously and handled in a confidential manner.

## **REPORTING A WORKPLACE HARASSMENT COMPLAINT TO OCCUPATIONAL HEALTH AND SAFETY**

In all cases where there is suspected or known workplace harassment the worker reporting the complaint shall report to the employer. If the employer fails to comply with its duties under the OHS Act, an Occupational Health and Safety (OHS) Officer may investigate to determine compliance.

## **ROLE OF AN OHS OFFICER**

An Officer's role in responding to a workplace harassment complaint is outlined in the OHS Act. ([www.princeedwardisland.ca/en/legislation/occupational-health-and-safety-act](http://www.princeedwardisland.ca/en/legislation/occupational-health-and-safety-act))

Where an Officer has cause to believe an employer has failed to comply with its duties under the OHS Act and Regulations, an Officer may request to see a copy of the employer's workplace harassment policy during an inspection of a worksite. An Officer may issue an order in circumstances when:

- there is no workplace harassment policy in place, or the policy does not meet the requirements of the regulations;
- the employer is not following the workplace harassment policy;
- the employer has failed to determine the required corrective action or to take the necessary steps to implement the corrective action; or

When required, an Officer may issue an order for an impartial person to conduct an investigation. The individual conducting the investigation shall have knowledge, experience, and qualifications acceptable to the Officer to conduct the investigation. When the investigation is complete, the impartial person must identify if workplace harassment has occurred and may make recommendations regarding corrective action(s). It is the employer's responsibility to determine the appropriate corrective action(s). Should the employer fail to implement any corrective action that is recommended, an Officer may order the employer to take the necessary steps to eliminate and prevent future harassment.

It is not the responsibility of the officer to complete a workplace harassment investigation. An Officer's role is to ensure an employer has adequate policies, procedures, and training in place to address workplace harassment.

## **WORKER SUBMITS A COMPLAINT TO OHS**

When a worker has followed the employer's procedures and they believe the employer has failed to meet their obligations under the Workplace Harassment Regulations, then they may wish to submit a complaint to OHS.

Once received, the Officer will ask the worker if they have reported the incident to the employer and inquire about how the employer responded to the complaint. The Officer may contact the employer to ensure there are adequate policies and procedures in place and that they have been followed in relations to dealing with the particular complaint. An Officer's role will only extend to their responsibilities as outlined in the OHS Act and Workplace Harassment Regulations.

Appendix A, TRHR-12

Complaint Form

COMPLAINANT INFORMATION		
Complainant Name	Job Title	Date Form Submitted
Complainant Phone #	Supervisor Name	Supervisor Phone #

INFORMATION ABOUT THE ALLEGED HARASSMENT		
Date of Incident	Name of Alleged Harasser	Job Title of Alleged Harasser
Is the harassment a repeat occurrence? If yes, please provide date of incidents.		
Has the complainant advised the alleged harasser that they do not like the behaviour and wants it to stop?  If no, please explain why.  If yes, what was the response?		

**Protection of Privacy** - The personal information requested on this form is collected under the authority of Section 11(1)(b) of the Bylaw to Regulate Access to Information and Protection of Personal Information, Three Rivers Bylaw 2020-02, and will be protected under Section 16 of that Bylaw. It will be used for the sole purpose of administering this harassment complaint.

Direct any questions about this collection to Access to Information and Protection of Privacy Coordinator, 172 Fraser Street, PO Box 546, Montague, PE COA IR0 Phone: (902) 838-2528.

**Were there any witness(es) to the alleged harassment?**

**If yes, please complete the table below.**

**In your own words, describe the conduct, comments or display you found unacceptable.**

**Give details of date and location of the incident(s) that is/are the basis of your complaint.**

**Declaration**

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

**Signature: \_\_\_\_\_ Date \_\_\_\_\_**

**I acknowledge receipt of this complaint.**

**Supervisor's Signature: \_\_\_\_\_ Date \_\_\_\_\_**

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