

# RM OF REYNOLDS POLICY

**Title: HARASSMENT IN THE WORKPLACE**

**Policy No. 25**

## **A. PURPOSE:**

The purpose of this policy shall be to ensure Rural Municipality of Reynolds personnel understand the procedures to be undertaken in the event of harassment by or of a Municipal employee and the consequences, which may result from such harassment.

## **B. STATEMENT OF GENERAL INTENT:**

**WHEREAS** the Council of the Rural Municipality of Reynolds believes that every member of the Rural Municipality of Reynolds is of equal human value and deserve to work under conditions of mutual respect,

**AND WHEREAS** Sections 19(b) of the Human Rights Code L.M. 1987-88, c. 45 of the Province of Manitoba define the employer's responsibilities in relation to a complaint of harassment by an individual;

**AND WHEREAS** Section 20 of The Human Rights Code L.M. 1987-88, c. 45 defines harassment;

**AND WHEREAS** the Council of the Rural Municipality of Reynolds has agreed to develop a policy defining their mutual position with respect to harassment in the workplace;

**AND WHEREAS** the Council of the Rural Municipality of Reynolds does recognize that within the development of a harassment policy there lays the potential for abuse;

**AND WHEREAS** the Council of the Rural Municipality of Reynolds acknowledges that the Municipality will not accept the harassment of a Municipal employee or the abuse of a Municipal Harassment Policy;

**NOW THEREFORE BE IT RESOLVED THAT** the following shall be the guidelines through which the Rural Municipality of Reynolds shall address a complaint of harassment in the workplace.

## **C. DEFINITIONS:**

**Conciliation:** Shall mean an attempt by the Chief Administrative Officer to address a complaint of harassment with the full participation of the complainant and the person who is subject of the complaint.

**Personnel / Human Resources Committee:** Yearly committee appointed by Council.

**Formal Resolution:** Shall mean a formal investigation of a complaint of harassment.

**Harassment:** Abusive and unwelcome conduct or comment undertaken or made on the basis of any characteristic referred to in Subsection 9(2) of The Human Rights Code L.M. 1987-88, c. 45 of the Province of Manitoba;

Any objectionable and unwelcome sexual solicitations or advances;

A solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought to know that is unwelcome;

A reprisal or threat or reprisal for rejecting a sexual solicitation or advance.

**Informal Resolution:** Shall mean an attempt by the complainant or the supervisory authority to address a complaint of harassment in an informal manner.

#### **D. POLICY GUIDELINES:**

Harassment between any employees of the RM of Reynolds is unacceptable.

All reported incidents of harassment shall be investigated immediately and may be resolved informally, through conciliation or through a formal investigation.

The reporting of harassment complaints will be to the Chief Administrative Officer.

Where the Chief Administrative Officer is involved in the harassment complaint, the Reeve and Council must be notified.

All complaints regarding harassment, all investigation and the results of such an investigation shall be kept strictly confidential.

Reported incidents of harassment, resolved by the Chief Administrative Officer through an informal resolution or conciliation shall be retained in the permanent personnel files of the complainant and of the individual complained against. Such a report shall only constitute a record of the complaint and shall not be considered a disciplinary measure.

Abuse of this policy, including the placement of unfounded charges, shall in itself be considered harassment and shall be subject to the immediate convening of a formal investigation.

A worker has the right to file a complaint with the Manitoba Human Rights Commission.

This policy is not intended to discourage or prevent complainant from exercising any other legal rights.

It is recognized within these procedures that harassment is subjective and that there may be uncertainty as to the dividing line between normal social behavior and actual harassment. Therefore, it is the responsibility of the complainant to both identify issues of harassment and identify same to the appropriate individual or authority.

For the purposes of these procedures and the registration of harassment complaints the appropriate procedure shall be as follows:

#### **A. THE EMPLOYEE**

- Shall record, in a personal log, as he or she feels necessary, any incidents of harassment as determined by the employee;
- Shall report, in writing, to the appropriate authority, any incidents of harassment as he or she feels necessary for their own health and well-being or the health and well-being of an other employee;
- Shall, where possible, attempt to resolve issues of harassment informally or through conciliation;
- Shall participate, as requested, in any investigation of an incident of harassment; and
- Shall maintain as confidential any complaint of harassment, any investigation of a harassment complaint and the results of any investigation of a harassment complaint.

#### **B. THE CHIEF ADMINISTRATIVE OFFICER**

Shall immediately address, as necessary, a complaint of harassment by:

- Obtaining a written report from the complainant; and
- Obtaining a written response from the individual who is the subject of the complaint;
- Shall attempt, where possible, to resolve a complaint through an informal process or through conciliation;
- Shall prepare a report on the incident and forward a copy of same to the complainant, the individual who is subject to the complaint and for inclusion on the personnel files of each individual;
- Shall advise the Employee / Employer Relations Committee of:
  - All complaints of harassment under investigation;
  - The need for a formal investigation of a harassment complaint;
  - The progress of the investigation; and
  - The results of any investigation and disciplinary measures arising from the investigation;
- Shall undertake such disciplinary action as authorized;
- Shall, on the third complaint against an individual or when the complaint is against the Chief Administrative Officer, forward the report to the Employee / Employer Relations Committee for information purposes;
- Shall participate, as requested, in any investigation of a harassment complaint;
- Shall maintain as confidential any complaint of harassment, any investigation of a harassment complaint and the results of any investigation of a harassment complaint;

- Shall undertake such disciplinary action as authorized; and
- Shall on a third complaint against an individual where disciplinary action has been the result of investigations or when the third complaint is against the Chief Administrative Officer request that the Reeve convene and chair a Dismissal Hearing and comply with Section 125(2) of the Municipal Act L.R.M., 1988, c.M225 of the Province of Manitoba.

All records as required by the Harassment in the Workplace Procedures shall be maintained in the permanent personnel files of the Rural Municipality of Reynolds.

All records of disciplinary action and investigation reports as prepared under the Harassment in the Workplace Procedures shall be maintained in the permanent personnel files of the Rural Municipality of Reynolds.

### **C. COMPLAINTS INVOLVING THE CHIEF ADMINISTRATIVE OFFICER**

Council as a whole shall address, as necessary, a complaint of harassment of the Chief Administrative Officer by an employee by:

- Obtaining a written report from the complainant;
- Obtaining a written response from the individual who is subject to the complaint;
- Shall attempt, where possible, to resolve a complaint through an informal process or through conciliation; and
- Shall prepare a report on the incident and forward a copy of the same to the complainant, the individual who is subject of the complaint and for inclusion on the personnel files of each individual.