



**Rural Municipality of Corman Park No. 344 Policy**

**Policy # HR-011**

**Policy Title: Respectful Workplace Policy**

**Policy Objective:**

To preserve a safe, productive, healthy and respectful working environment.

**Authority:** (Bylaw#, Resolution date/#)

Resolution #32, February 12, 2018

**Policy:**

The Rural Municipality of Corman Park No. 344 (the R.M.) is committed to make every practicable effort to ensure employees are provided with a safe, healthy and respectful workplace free from destructive behaviors such as employee conflict, harassment, discrimination and workplace violence.

With this purpose in mind, this policy supports the shift of our workplace culture from one of conflict avoidance to one of conflict resolution.

This policy applies to R.M. office employees, Administrator, Supervisors and Unionized employees.

**Definition** (as defined in *The Saskatchewan Employment Act*, S. 3-1(1)(l):

**“harassment”** means any inappropriate conduct, comment, display, action or gesture by a person:

- i) that either:
  - A. is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or
  - B. 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 a worker to be humiliated or intimidated; and
- ii) that constitutes a threat to the health or safety of the worker.

**Conditions:**

The R.M.'s greatest resource is the people who work there. It is essential to our municipality that personnel are provided with, and contribute towards, a respectful workplace where the values of



respect, trust, fairness, integrity, consideration, acceptance and dignity guide all interactions with one another.

Any form of inappropriate behaviour including, but not limited to, employee conflict, harassment, discrimination and workplace violence will not be tolerated. Personnel who violate the standards concerning respectful workplace conduct or who intentionally misuse the processes described in this policy may be subject to corrective action up to and including termination.

In keeping with the laws of natural justice, a respondent is considered innocent of all allegations until such time as a determination to the contrary is made.

In the event that details emerge concerning unrelated findings not associated with a complaint, the RM reserves the right to take steps to deal with the issue(s).

#### **Policy Requirements:**

1. Recognize the Respectful Workplace Policy (2018) as an updated version of the Respectful Workplace Policy (2012).
2. Adopt and implement the Respectful Workplace Policy with all employees.
3. Monitor the policy to ensure it meets legal and legislative requirements. The Administrator and Supervisors are responsible for:
  - a) ensuring their conduct, as well as that of their personnel, is consistent with the standards that support this policy.
  - b) taking all steps necessary to ensure workplaces within their jurisdictions is free from employee conflict, harassment, discrimination and violence.
4. **The International Union of Operating Engineers Employees** are required to:
  - a) act in a manner consistent with the standards that support this policy.
  - b) protect the privacy of all individuals by ensuring privileged information provided by the R.M. remains confidential.
5. **R.M. personnel**, in the performance of their duties, are responsible for:
  - a) acting in a manner consistent with the standards that support this policy.
  - b) ensuring their workplace is free from employee conflict, harassment, discrimination and violence.
  - c) taking personal responsibility to resolve workplace conflicts at the earliest opportunity.
  - d) seeking out support and assistance from their Administrator, Supervisor, Manager or other related expert(s) to effectively resolve workplace conflicts.
  - e) co-operating with and participating in any related investigation process.
6. **Union Representatives (Shop Stewards)** in the performance of their duties are responsible for:
  - a) acting in a manner consistent with the standards that support this policy.



- b) limiting discussions pertaining to the complaint to only those who need know.

### **Complainant**

- 7. The **Complainant** is responsible for:
  - a) co-operating with the investigative process.
  - b) keeping a documented record of the details relating to the complaint such as, date, time and nature of the incident(s) and identity of potential witnesses.
  - c) limiting discussion pertaining to the complaint, including investigative and resolution processes, and the outcome, to only those who need to know.
  
- 8. **Rights of the Complainant:**
  - a) to be treated with dignity and respect.
  - b) file a legitimate complaint without fear of embarrassment or reprisal.
  - c) have complaints taken seriously and dealt with promptly.
  - d) may be required to attempt to resolve the matter using the first stage process.
  - e) fair and impartial treatment and process.
  - f) inquire into and be informed of the status of the investigation process.
  - g) be accompanied by a person of their choice during interviews related to their complaint provided, they are not directly involved in the incident.
  - h) to know the respondent(s) will receive a copy of the original complaint form.
  - i) be advised as to where copies of documentation will be securely maintained.
  - j) be informed of the corrective measures, including discipline, implemented as a result of a substantiated complaint.
  - k) to seek assistance if unsure about the process.
  - l) to exercise any and all other legal rights.
  - m) nothing in this policy prevents or discourages a worker from referring a harassment complaint to the Occupational Health and Safety Division under *The Saskatchewan Employment Act*. A worker may also file a complaint with the Saskatchewan Human Rights Commission under *The Saskatchewan Human Rights Code*. A worker retains the right to exercise any other legal avenues available.

### **Respondent**

- 9. The **Respondent** is responsible for:
  - a) co-operating with the investigative process.
  - b) keeping a documented record of the details relating to the complaint such as, date, time and nature of incident(s) and identity of potential witnesses.
  
- 10. **Rights of the Respondent:**
  - a) be treated with dignity and respect.
  - b) have complaints dealt with promptly.
  - c) fair and impartial treatment and process.
  - d) be reassured that retaliation will not be tolerated.

- e) to be informed in a timely manner that a complaint has been filed.
- f) know the details of the complaint to be in a position to respond.
- g) may be given an opportunity to attempt to resolve the matter using the first stage process.
- h) inquire into and be informed of the status of the investigation process.
- i) to be provided with a copy of the original complaint and have an opportunity to respond both, orally and in writing, to either the Administrator, Supervisor or the investigator.
- j) be accompanied by a person of their choice during interviews related to their complaint provided they are not directly involved in the incident.
- k) may seek counseling.
- l) to exercise any and all other legal rights.
- m) to seek assistance if unsure about the process.
- n) to be informed of the corrective action (including discipline implemented) if a false accusation or malicious complaint was made.

### **Witnesses**

11. **Witnesses** are responsible for:

- a) co-operating with the investigative process.
- b) keeping a documented record to the details relating to the complaint such as, dates, time, and nature of the incident(s) and identity of other potential witnesses.

12. **Rights of a Witness:**

- a) be treated with dignity and respect.
- b) provide information without fear of reprisal.
- c) fair and impartial treatment and process.
- d) seek assistance if unsure about the process.

### **Procedure for dealing with harassment concerns**

All complaints will be taken seriously. The rights of all concerned will be respected. Workers are encouraged to use these steps to address incidents of alleged harassment internally.

A worker who believes that he or she has been subjected to harassment is encouraged to first clearly and firmly make known to the alleged harasser that the harassment is objectionable and must stop.

Where this cannot be done, or is unsuccessful, the worker should report the alleged harassment to the Administrator or their Supervisor.

In the event that the complaint is against a member of the designated Committee, that member shall be excluded from the Committee for the duration of the complaint.



Once a report is received, the designated Committee shall immediately notify the alleged harasser of the complaint; provide the alleged harasser with information concerning the circumstances of the complaint; and undertake a confidential investigation.

Following the conclusion of the investigation, the designated Committee will inform the complainant and the alleged harasser of the results of the investigation.

### **Confidentiality**

The R.M. will maintain the confidentiality of personnel who are involved in the Respectful Workplace process. Complaints will be handled in strict confidence to the greatest extent possible without compromising the safety of the R.M. personnel or hampering investigations or the resolution of reported incidents.

The R.M. will not disclose the identities of complainant(s), respondent(s) or witness(es) or the circumstances of the reported incidents, unless necessary for the purpose of investigation of corrective action where required by law, for the protection of individuals, or where otherwise required.

To the best of their ability, all persons involved with the investigation of an incident shall treat all information related to the matter as **strictly confidential**, except in the case of threat to life or property which may require disclosure.

They shall not discuss the incident with anyone not necessary to the process of resolution, counseling, investigation or disposition.

Information concerning a respectful workplace complaint or issue will be handled by the Administrator and Supervisor and, if necessary, passed by a proper motion in council as required by municipal statute.

### **The Administrator and Supervisor will ensure that:**

- a) All personnel involved in handling a complaint adhere to the Personal Information Privacy Policy.
- b) Information is provided on a need to know basis only.
- c) Copies of the complaint form are provided only to the respondent(s) (the person named in the complaint) or those persons directly involved in either handling or resolving the complaint (i.e. Administrator, Supervisor, etc.)
- d) The investigation report, or copies thereof, will be shared only with people who are part of the process.

### **Document Control**

1. **Investigation Report** - investigation reports will not be distributed to anyone without the express permission of the Administrator or Supervisor. In the event that a copy is provided



(paper or electronic) to anyone other than the complainant and respondent, express permission must be granted by the above.

2. **Summary Report** – those required to corrective action stemming from the investigation report shall receive the information required to achieve such. In such instances, the summary report will be copied to the complainant(s) and respondent(s).
3. **Disclosure** – The full report shall be provided to:
  - The complainant(s)
  - The respondent(s)
4. **The full report may also be provided to:**
  - The complainants representative in the local union, if authorized by complainant(s);
  - The respondents representative in the local union, if authorized by the respondent(s);
  - The complainants legal council, if authorized by the complainant(s);
  - The respondents legal council, if authorized by the respondent(s);
  - Legal council for the local union;
  - Legal council for the RM;
  - Other parties as required by law

**INQUIRIES:** Contact Administrator.