

<b>Policy Title:</b>	<b>Applies to:</b>	<b>Reference #</b>
Harassment Policy	All Employees	110-HR-15
<b>Approved by:</b>	<b>Dates:</b>	<b>Total # of Pages</b>
Executive Leadership Team	<b>Effective:</b>	01-Jun-06
	<b>Last Review:</b>	01-Apr-15
	<b>Next Review:</b>	01-Apr-18
<b>Authority:</b>		
People and Organizational Culture, <i>Saskatchewan Employment Act, the Occupational Health and Safety Regulations 1996</i>		

**1.0 Purpose**

To foster a working environment free of harassment, and to provide a mechanism to effectively resolve complaints relating to harassment.

**2.0 Scope**

All City of Regina employees, individuals employed through service contracts or volunteers working on behalf of the City of Regina.

This policy extends beyond the City of Regina’s offices and properties to include:

- Any location where City business is being conducted
- City sponsored social gatherings and events
- While travelling on City business, attending conferences, seminars or meetings
- Outside the workplace not on City business when it can be proven that the harassment had originated in the workplace or comes back into the workplace.

Where this policy refers to the City of Regina *Corrective Discipline Policy*, the same disciplinary principles will apply to individuals in out of scope positions as far as permitted by law.

Note: This policy does not restrict or inhibit the right of employees to access other remedies available through the collective bargaining agreements, *The Saskatchewan Human Rights Code, The Saskatchewan Employment Act,*

Workers' Compensation Board, Saskatchewan Labour, or from seeking independent legal advice.

### 3.0 Definitions

**Discrimination:** Discrimination includes, but is not limited to, unequal treatment based on one or more of the prohibited grounds under *The Saskatchewan Human Rights Code*. Discrimination can be intentional or unintentional, direct or indirect.

Discrimination in employment is prohibited in the *Saskatchewan Human Rights Code* on the basis of race, creed, religion, color, sex, sexual orientation, family status, marital status, disability, age, nationality, ancestry, place of origin, or receipt of public assistance.

**Harassment:** Personal Harassment is a form of discrimination. Harassment is any objectionable conduct, comment or display by a person that is directed at another person and is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry, place of origin; or constitutes a threat to the health or safety of the worker.

Harassment is objectionable conduct or comment, directed towards a specific person or persons, which has no legitimate work purpose. Harassment may have the effect of creating an intimidating, hostile or offensive work environment, impacting on the individual's ability to work and function. Harassment may adversely affect the worker's psychological or physical wellbeing.

This includes any objectionable or offensive behaviour that is known or reasonably ought to be known to be unwelcome based upon one or more of the prohibited grounds in the *Saskatchewan Human Rights Code* (SHRC) or the *Saskatchewan Employment Act*.

Harassment can include, but is not limited to:

- unwelcome remarks, jokes, innuendoes or taunts causing embarrassment or offence
- displaying objectionable materials, graffiti or pictures
- insulting gestures, jokes, disparaging written materials
- unwelcome sexual advances, propositions or inquiries and/or comments about a person's sex life
- unwanted contact or attention (one time only or persistent)
- inappropriate touching
- shunning and ostracizing
- bullying, threats, coercion, isolation

- actual or threatened physical assault
- verbal assault
- malicious gestures or actions
- vandalism of personal property
- stalking

To constitute proof of harassment for the purpose of this policy, harassment is to be considered to have occurred if any of the following conditions exist or have existed;

- repeated conduct, comments, displays, actions or gestures must be established; or
- a single occurrence of conduct, or a single serious comment, display or gesture that has a lasting, harmful affect on the worker must be established.

For the purpose of establishing if an act of harassment has occurred, harassment does not include any reasonable action that is taken by an employer, or a manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer's workers or the place of employment.

**Sexual Harassment** is a form of discrimination that is against the law. It is unwarranted sexual conduct that interferes with rights guaranteed by The *Saskatchewan Human Rights Code*. Sexual harassment is not allowed in the workplace.

Sexual harassment may be verbal, physical or visual. It may be one instance or a series of instances. It is always unsolicited and unwelcome behaviour, and can take many forms, including but not limited to;

- sexual remarks
- "jokes" with sexual overtones
- a sexual advance or invitation
- displaying offensive pictures or photographs
- threats
- leering
- physical contact like touching, patting, pinching or brushing against
- sexual and physical contact

The *Saskatchewan Human Rights Commission* provisions against sexual harassment do not rule out office romances, flirtation, or good-natured interaction that is accepted by both parties. Sexual harassment refers only to unwelcome behaviour which the harasser knew, or should have known, would be unwanted.

**Complainant:** The person(s) who brings forward an allegation of harassment.

**Respondent:** The person(s) against whom an allegation of harassment has been made.

**Confidentiality:** All complaints will be handled in a confidential manner with the understanding that Respondents named in a complaint of harassment have the right to know the allegations being made against them.

In the case of attempts to resolve allegations of harassment via an *Informal Process*, only the parties involved in the informal process need to know of the complaint, and the outcome(s) of the informal process (Complainant, Respondent, Supervisor/Manager/Director/ People and Organizational Culture [P&OC] Representative, Stakeholders as appropriate).

In the case of a *Formal Investigation*, the investigation will be limited to only those individuals who must be contacted to fulfill the Employer's legal duty to investigate, provide a safe workplace and resolve the situation. Those involved in the investigation are prohibited from discussing the harassment complaint outside the official restorative or investigative process.

*No Employee* is to discuss the harassment complaint in any form outside of the restorative or investigation process. Informal discussions or gossip will not be tolerated. Breaches of confidentiality may result in disciplinary action up to and including termination.

Notwithstanding the above clause, information relating to the investigation may be subject to production and disclosure for legal purposes.

#### **4.0 Policy**

The City of Regina is committed to providing a safe, positive work environment that is free of harassment and where all employees are treated with dignity and respect.

Employment with the City of Regina requires that all individuals maintain a work environment which is free of harassment. No employee shall cause or participate in the harassment of another worker.

Harassment in the workplace will not be tolerated. Allegations of harassment will be taken seriously and, if substantiated, will result in disciplinary action up to and including termination.

The employer once aware of a situation that could constitute harassment will exercise due-diligence to ensure that such condition is removed from the workplace.

Abuse of one's authority or position to intimidate, coerce or harass is forbidden.

#### **5.0 Roles & Responsibilities**

### ***People and Organizational Culture: Workplace Health and Safety Branch***

- ensure their conduct is not harassing
- administer, review and revise this policy in consultation with key stakeholders
- communicate and educate Employees about the intent, content and procedures of this policy
- discuss with any individuals who approach them, the procedures of this policy and the *Informal* and *Formal* processes that can be undertaken
- in consultation with the Department effected, determine the appropriate actions to be taken to address a complaint of harassment. The actions could be, but not limited to mediation or an investigation to prevent or stop actions that may lead to complaints of harassment
- ensure the confidentiality of the complaint, and the parties involved. The identity of the complainant will not be disclosed or the circumstances of the complaint, except where the disclosure is necessary for the purpose of investigating or taking disciplinary action in relation to the complaint, or where the disclosure is required by law.

### ***Directors, Managers and Supervisors***

- ensure their conduct is not harassing
- take all reasonable steps to ensure that the workplace(s) within their jurisdiction are free from harassment
- ensure their conduct, as well as that of Employees who report to them, is not harassing
- discuss with any individuals who approach them, the procedures of this policy and ensure they are made aware of the *Informal* and *Formal* processes that can be undertaken
- ensure that all formal complaints brought to their attention are promptly referred to a Manager, Director, or P&OC Consultant when requested by the complainant
- communicate and reinforce the Policy and Procedures on harassment to all employees
- in consultation with the P&OC Department, determine appropriate actions needed to address the complaint of harassment including but not limited to investigation, mediation or disciplinary action.
- ensure the confidentiality of the complaint, and the parties involved

### ***Employees***

- ensure their conduct is not harassing
- make their objection regarding harassing behaviour clearly known to the person and ask them to stop or tell a person in authority
- report harassment to one of the following: Supervisor, Manager, Director, P&OC, Union Representative, or any Occupational Health & Safety Committee member
- ensure the confidentiality of the complaint, and the parties involved

### **Union Representatives**

- ensure their conduct is not harassing
- support this policy through co-operation regarding the investigation of complaints
- discuss with any individuals who approach them, the procedures of this policy and the *Informal* and *Formal* processes that can be undertaken
- ensure the confidentiality of the complaint, and the parties involved

### **Occupational Health and Safety Committee Member**

- ensure their conduct is not harassing
- ensure that all complaints brought to their attention are referred to a Manager, Union representative, or if a formal complaint is made, to the Manager of Workplace Health and Safety
- be familiar with this policy and its processes
- discuss with any individuals who approach them, the procedures of the policy and the *Informal* and *Formal* processes that can be undertaken
- ensure the confidentiality of the complaint, and the parties involved

## **6.0 Related Forms**

Allegation of Disrespectful Behaviour / Harassment

## **7.0 Reference Material**

Respectful Workplace Policy  
Violence in the Workplace Policy  
Corrective Discipline Policy  
Occupational Health and Safety Regulations 1996  
Saskatchewan Human Rights Code  
Saskatchewan Employment Act

## **8.0 Revision History**

<b>Date</b>	<b>Description of Change</b>	<b>(Re)Approval Required (y/n)</b>
01-Jun-2006	Initial Release.	No
01-Oct-2011	Review	No
01-Apr-2015	Review	No

## Appendix A – Dispute Resolution Process

### ***Informal Processes***

There are several ways to resolve situations that involve harassment. The ideal resolution takes place quickly and is handled solely by the individuals directly involved.

#### ***Individual Problem Solving:***

An employee who believes that they may have been subjected to harassment is encouraged to clearly and firmly make known to the alleged harasser/respondent that the behaviour is objectionable and must stop.

If conflict resulting from the harassing behaviour can be resolved by those directly involved, it reduces the disruption in the workplace and contributes to better relationships in the future. At times employees may not be aware that their behaviour constitutes harassment. Often, simply telling a person about the offensive nature of their behaviour is enough to end it. If assistance is required, contact your Supervisor, Manager or Union Representative.

#### ***Facilitate Problem-Solving***

If an employee is subjected to alleged harassment and is unable to confront the other person or the confrontation does not improve the situation, the Manager, Supervisor, P&OC Consultant, Union Representative or a member of the Occupational Health and Safety Committee can provide assistance. These individuals will assist in assessing options, developing an action plan for resolution and implementing the plan. A facilitator may be required to assist the Complainant and the Respondent to develop an acceptable resolution and ensure appropriate follow-up to the resolution.

#### ***Mediation***

If the conflict cannot be resolved by the individuals and their local resources, mediation or a similar third party intervention can be requested upon the mutual agreement of those involved in the conflict.

The Manager of Workplace Health and Safety upon request will make the necessary arrangements for the facilitation of the mediation process.

Only a trained and experienced Mediator should conduct the mediation process. A Mediator can often assist two or more parties to reach a resolution to their differences or can also help to resolve conflicts among groups.

The Mediator may initiate separate meetings between them and each of the involved parties to arrive at an understanding of the individuals' issues and interests. This may be followed by joint sessions. Some variations of this problem solving process, which can help restore the workplace to a respectful level, include the use of a facilitator to help the Manager, Union Representative and Employees work through the dispute and prevent recurrence. The parties

will work together to apply the process which is most appropriate to each situation.

### ***Formal Process***

When it is not possible to resolve a conflict through individual or facilitated problem solving or mediation and depending on the nature of the complaint, a formal process may be initiated.

### ***Formal Complaint Process***

The filing of a formal complaint requires careful consideration and the process should not be taken frivolously. This process may take longer, involve more people (witnesses) and requires the complaint to be in writing. The *Allegation of Disrespectful Workplace / Harassment* is available from a P&OC Representative.

Formal harassment complaints can be made to the Supervisor, Manager, Manager of Workplace Health and Safety, a Union Representative or, an Occupational Health & Safety Committee Member.

Complaints that are more than 12 months old will not be investigated.

**No Formal Investigation** into harassment will take place without a completed and signed *Allegation of Disrespectful Workplace / Harassment* form.

The formal complaint shall fully and completely disclose the nature of the complaint(s) and details of the complaint(s) and must contain the following information:

- Date
- Name of Complainant
- Employee Position
- Workplace: location, Department and Branch
- Home and Work phone numbers of Complainant
- Name of Respondent: alleged disrespectful or harasser's name
- Work Relationship (co-worker, supervisor, management)
- Description of the Allegation: describe the behaviour that is objectionable.
- Answer all questions on the form that are relevant to the situation
- Complainant's Signature: by signing a formal complaint, the Complainant is agreeing to have this information given to:
  - P&OC Representative
  - Manager of Workplace Health and Safety
  - Union Representative, with consent
- Upon review of the documentation submitted by the Complainant, The Manager of Workplace Health and Safety in consultation with the Director of the affected area will make the determination if an investigation is to proceed.
- Once it has been determined by the Manager of Workplace Health and Safety that a formal investigation is required. The Respondent will be made aware of the nature of the allegation and the name of the Complainant by their Director or their designate.



- A formal investigation will not commence until the Respondent(s) have been notified.
- If it has been determined by the Manager of Workplace Health and Safety that the complaint is not a violation of the *Harassment Policy* the Complainant, Union and Manager will be notified in writing and the complaint may be dealt with under the appropriate City policy.

### ***Investigation Criteria***

The Manager of Workplace Health and Safety in conjunction with the Director of the Department involved determines if the complaint warrants investigation.

If it is determined that a formal investigation is required an internal or external investigator(s) may be retained to conduct the investigation.

Criteria used to determine whether or not an investigation should proceed include, but are not limited to:

- nature of complaint
- attempts made at resolution
- other avenues to resolve the problem are unsuitable or unsuccessful
- whether line management has been afforded the opportunity to address the issues directly
- the complaint is timely (within 1 year)
- the complaint identifies behaviour which contravenes this policy
- it is not possible to determine whether or not the complaint is founded without further investigation

### ***Separation of Complainant and Respondent***

The Director of the Department or designate, with advice from the P&OC, Manager of Workplace Health and Safety or designate will determine if the Complainant and Respondent(s) need to be separated pending the completion of the investigation.

### ***Appointment of Investigator***

An internal or external investigator(s) will be appointed by the Manager of Workplace Health and Safety in consultation with the Director of the affected department. If an external investigator(s) is retained the cost of the investigation is the responsibility of the department(s) whose employee is found to be in violation of this policy.

### ***Authority of Investigator***

The Investigator(s) is authorized by this policy to collect evidence relevant to the investigation. The evidence will be returned to its rightful owner (e.g. Complainant, Respondent, Witnesses, etc) upon completion of the investigation.

The Investigator(s) is authorized to make recommendations at any time during the investigation if they believe it will lead to a satisfactory resolution.

An investigator appointed to conduct an investigation shall have the authority to make a determination on whether a disputed or contradicted fact shall be established or substantiated, and shall do so whenever possible.

### ***Investigator Process***

The Investigator(s) will confirm that the Respondent has been informed of the nature of the complaint, and name of the Complainant. In the event of multiple Respondents, only the details of the complaint pertaining to an individual Respondent will be provided to that Respondent. The Investigator will ensure that either the Complainant or Respondent(s) are allowed the right to Union representation, if they are represented by a Union.

Each Investigator will begin the investigation by asking the Complainant and Respondent if there are alternate methods for resolution.

The Investigator will conduct an investigation, ensuring that the following is completed:

- explanation of the process and expected outcomes
- interview of the Complainant
- interview of the Respondent(s)
- Interview of any relevant Witness. Witnesses must be informed that information and evidence that they provide, will be used to determine the facts of the investigation.
- collect relevant documents or other physical evidence

At any time during the investigation, the Complainant and Respondent(s) can, by mutual agreement, agree to suspend the investigation in favour of an alternate form of resolution. If that process is not successful, the investigation will resume and be completed to fulfill the Employers' responsibility to ensure the workplace is free from Harassment.

### **Formal Harassment Investigation Process**

*Allegation of Disrespectful Behaviour/*

*Harassment* form is completed and forwarded to the MWHS

When an employee believes they have been subjected to harassment and elect to pursue the formal investigation process a completed *Allegation of Disrespectful Behaviour / Harassment* form is to be forwarded to the Manager of the Workplace Health and Safety Branch.

The Employee may choose to provide the original copy to a Union or Association Representative, their Supervisor or Manager, or an employee of the P&OC Department. The representative receiving the *Allegation of Disrespectful Behaviour / Harassment* form would be responsible to provide the original copy to the Manager of

Workplace Health and Safety. At this time no copies of the original *Allegation of Disrespectful Behaviour / Harassment* form shall be made except for the employee filing the claim for their own personal record.

MWHS reviews Harassment Complaint

The Manager of Workplace Health and Safety in consultation with the Director of the affected area will review the form to ensure that there are reasonable grounds to investigate a violation of the City of Regina, *Harassment Policy* or the prohibited grounds as defined by the Human Rights Commission.

MWHS defines the Scope of the Investigation

If the complaint is clearly not a violation of the *Harassment Policy*, the details of the complaint will be discussed with the Director or designate of the affected area by the Manager of Workplace Health and Safety. The Client Services and Labour Relations Branch of P&OC will be advised of the situation and will provide support to the Director or designate of the area as required. The Client Services and Labour Relations Branch will ensure that the Manager addresses the complaint through the *Respectful Workplace Policy*.

If the claim as stated on the *Allegation of Disrespectful Behaviour / Harassment* form has the potential to have violated the City of Regina, *Harassment Policy*, a formal investigation will be approved by the Manager of Workplace Health and Safety in consultation with the Director or designate of the effected area.

Investigation is Planned/Scheduled

The Manager of Workplace Health and Safety in consultation with the Investigator and a Workplace Health and Safety Consultant will plan and schedule the investigation so all parties understand the scope of the investigation this will include but shall not be limited to;.

- The objective of the investigation
- Initial list of employees to be interviewed
- Resources required complete the investigation e.g. interview scheduling, meeting rooms, administrative support etc.
- The investigation plan is documented and distributed to stakeholders
- Timelines for the investigation are agreed upon and monitored

Respondent Notified by their Director

Once all documentation has been reviewed and it has been determined to proceed with the investigation. The Respondent will be made aware of the nature of the allegation and the name of the Complainant by the Director of the effected area or their designate. At this time the Respondent will be provided with the details of the alleged harassment complaint.

Stakeholder(s) Notified of Investigation

The Manager and Director of both the Respondent and Complainant will be advised of the start of a formal investigation by the Manager of Workplace Health and Safety or their designate. At this time the representing Union President or their designate will be advised of the investigation.

Investigation

An Investigator assigned, or hired by the Manager of Workplace Health and Safety will separately interview all parties including the Complainant, the Respondent, and any Witnesses deemed necessary by the Investigator. The scope and timelines for the investigation will be complied with by the investigator. Approval to expand the scope, or extend the investigation timeline must be given by the Manager of the Workplace Health and Safety Branch or their designate prior to starting the additional interviews.

- All employees are expected to cooperate fully with the Investigator during the investigation process.
- All employees are to maintain confidentiality during the investigative process.
- At the conclusion of the interviews the Investigator will prepare a written preliminary report which will include the *Event, Findings and an assessment of each allegation on whether or not harassment had occurred.*
- A copy of this report will be provided to the Complainant and the Respondent for their review, approval or dispute.

Preliminary Report Issued to the Complainant / Respondent for Review

Both the Complainant and the Respondent will be allowed to review the *Preliminary Report* prior to it being released in a final draft. If the report is being disputed an opportunity to appeal specific assessment(s) will be granted if the appeal is submitted in writing to the Investigator within seven days of receiving the report. Failure to provide written correspondence to the Investigator within this time frame will be deemed as agreement to the *Preliminary Report* on whether harassment had occurred or not.

### **Preliminary Report is Accepted**

Final Report delivered to Manager  
Workplace Health and Safety

Once the facts in the investigation have been determined, or the Investigator is satisfied they can conclude the investigation, the Investigator will draft and present a final report to the Manager of Workplace Health and Safety.

The final report will be objective, factual and contain only the following:

### **Description of Events**

- Will include a brief background description of the Complainant and Respondent, time frame of the investigation, and the number of Witnesses.

### **Findings**

- Will include a summary of the allegations and incidents surrounding the allegations.
- Will include the Complainants, Respondents or Witnesses version of the events.

### **Conclusion**

- Each allegation will be addressed separately.
- Will include a statement of the Investigator's assessment as to whether the allegation was substantiated
- Rational for each assessment will be presented
- The conclusion for each allegation will be indicated by one of the three following statements:
  - 1) Under the *Harassment Policy*, harassment was unsubstantiated.
  - 2) Under the *Harassment Policy*, evidence was inconclusive.
  - 3) Under the *Harassment Policy*, the actions constitute harassment

### **Recommendation(s)**

- The recommendations will be made in an effort to educate, correct or prevent future occurrences of harassment.
- The recommendation(s) may be presented from the perspective of the Investigator's expertise.
- The recommendation(s) may be drafted in consultation with the P&OC Department.

The final report will not contain Witness names or their statements. The report will contain a detailed account of the facts provided. Notwithstanding the above clause, information relating to the investigation may be subject to production and disclosure for legal purposes.

Final Report approved for release by  
Director P&OC

Once the Manager of Workplace Health and Safety is satisfied that the report does meet all the requirements within the scope of the investigation, and the report is formatted for presentation, the final report will be forwarded to the Executive Director of P&OC for approval before distribution to internal stakeholders.

Final Report reviewed by Internal Stakeholders

The Manager of Workplace Health and Safety or designate will;

Invite the Manager(s) and Director(s) who were advised of the investigation to attend a meeting with the Investigator and the Manager of Workplace Health and Safety or their designate to discuss the outcome of the investigation.

Advise the Client Services and Labour Relations Branch of the outcome of the investigation.

Advise the Complainant's and Respondent's representing Union or Association of the outcome of the investigation

Ensure that the Investigator, HR representative and that Management from the effected area(s) inform the Complainant and Respondent separately of the outcome of the investigation. At this time the measures to be taken to mitigate a similar occurrence in the future or discipline will be discussed as part of the investigation conclusion.

External Parties e.g. Prov OH&S / HRC Investigation Report may be released to

After the Investigation Report has been reviewed by all internal stakeholders, copies of the report may be released to external stakeholders. This could include the Provincial OH&S Branch or the Human Rights Commission. Release of the investigation report to an external stakeholder must be approved by the Executive Director of P&OC.

### **Preliminary Report is Disputed**

Preliminary Report is Disputed

In the event that the Complainant or Respondent disputes any part of the Preliminary Report, they may request that the *Preliminary Report* be reviewed. Any request for review must be filed within seven days of receipt of the *Preliminary Report*, and contain full particulars of the dispute including:

- What part of the investigation are disputed; and

- Any evidence to support the dispute

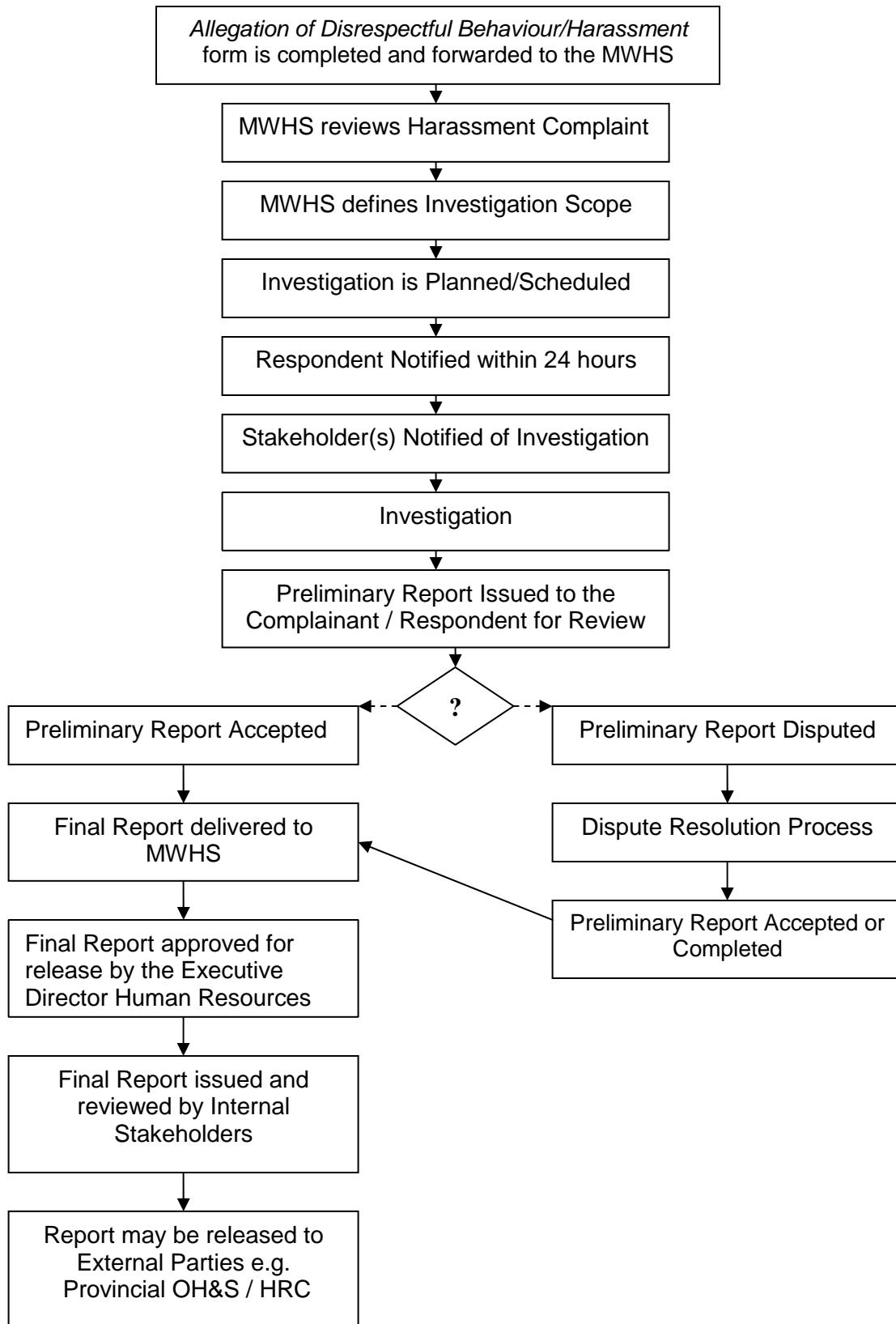
Dispute Resolution Process
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The Manager of Workplace Health and Safety and the Executive Director of P&OC in consultation with the Director of the affected area shall have the full authority to determine whether a review must be conducted. If a review is conducted, they shall have the full authority to determine the nature and extent of such review

Final Report delivered to Manager Workplace Health and Safety
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Once the Investigator is satisfied that the review process if any has been completed and the results discussed with the employees(s) who had requested the review, the Investigator will deliver a final report to the Manager of Workplace Health and Safety, the Executive Director of P&OC and the Director of the affected area.

After delivery of the final report, the Manager of Workplace Health and Safety, the Executive Director of P&OC and the Director of the affected area shall meet to discuss and determine the appropriate actions required to conclude the investigation and follow the same process as if the *Preliminary Report is Accepted*.





### ***Discipline***

If it is determined that harassment has occurred, the offending party may be subject to disciplinary action under the P&OC, *Discipline Policy*.

### ***Investigation Documentation***

All records will be kept confidential except where disclosure is required for the purpose of investigating the complaint or taking corrective action with respect to the complaint; or where required by law. No record of a complaint will be placed in an Employee's Personnel File except where an individual has received disciplinary action as a result of a substantiated complaint and/or where it has been determined that a complaint was deliberately or maliciously invented.

### ***Matters Involving Criminal Behaviour***

Where, in the opinion of the Investigator, behaviour of a criminal nature has occurred, the Investigator shall document the behaviour, provide advice to the Complainant with respect to advancing the complaint to the Regina Police Service and immediately inform the Manager of Workplace Health and Safety of the matter.

If a Supervisor or Manager is made aware of a harassing circumstance, which may involve criminal behaviour, the Supervisor or Manager shall contact the Manager of Workplace Health and Safety who will assist in seeking advice from the Legal Department and when applicable the Regina Police Service.

At any time during the process of handling a complaint where the behaviour of the alleged harasser may be considered to be criminal in nature, and particularly if the matter is investigated and substantiated, the Complainant must be advised that they have the opportunity to advance a criminal complaint to the Regina Police Service for investigation. In such circumstances where the Employee chooses to advance a criminal complaint, the Employer will offer support to do so.

### ***Employer's Duty to Advance a Criminal Complaint***

In cases where the Employee has been afforded the opportunity to advance a criminal complaint but chooses not to do so the matter should be addressed by the employer. A Managers who believe a particular matter should be raised with the police, despite the Complainant's wishes, must first raise the matter with the Manager of Workplace Health and Safety who will seek advice from the Legal Department prior to contacting the Regina Police Service.

### ***False Accusation***

The City of Regina recognizes that false accusations of harassment have serious effects on innocent individuals. If an investigation reveals a complaint was filed as a false complaint, the complaint will be deemed to be harassment and dealt with accordingly under this policy. A false accusation is different than the inability to substantiate harassment by the Complainant. If, for whatever reason, the complaint cannot be substantiated and was not maliciously invented, the Complainant is not subject to reprisal. Complaints made frivolously or in bad faith and without factual basis may constitute defamation and may be actionable by

the Respondent. Such complaints may result in disciplinary action, up to and including dismissal.

### ***Employer's Right to Manage***

This policy does not limit or constrain the Employer's right to manage the workplace. Work assignments, operational reviews, performance reviews, coaching, work evaluations, and disciplinary measures taken by a Manager or Supervisor, in good faith for valid reasons, do not constitute harassment in the workplace. These supervisory and management actions must remain respectful of the individual. The policy will not be used to impede the supervisory relationship, nor is it intended to inhibit normal social interaction in the workplace.

### ***Retaliation***

Retaliation is strictly prohibited against anyone that has reported harassment or participated in an investigation. Any signs of retaliation should be reported immediately to their Manager, Director of the Department, Manager of Workplace Health and Safety or their Union Representative. Retaliation will result in disciplinary action, up to and including dismissal.

### ***Representation***

In-Scope employees have a right to Union Representation throughout the harassment investigation process.

For Out-of-Scope employees, where a formal complaint is filed and the Respondent(s) seek private legal counsel and ultimately there is no finding of harassment, the Department Head may authorize reimbursement of reasonable legal fees.

### ***Counselling***

Employees are encouraged to contact the City of Regina, Employee Family Assistance Program (EFAP) service provider.

### ***What to Do If You Are Accused of Harassment***

The Harassment Policy is based upon the principles of fairness and due process. You must be notified in the event that a complaint is made against you. At this point, you should review the policy and develop an action plan for restorative resolution of the complaint. You may wish to work with your Supervisor, Manager, or Union Representative to determine how to begin the resolution process.

Once you become aware that a complaint has been made against you, you are encouraged to become involved in order to resolve the conflict constructively. This will require the willingness to listen and be open to the other people's perspective.

The restorative process focuses on conflict resolution rather than blame or punishment. If this approach is unacceptable to either party or inappropriate due to the seriousness of the allegations, an investigation may take place.

### ***What to Do If You Observe Harassment in the Workplace***

If you observe an individual experiencing harassment in the workplace, you may wish to offer support. If your offer is accepted, use this policy to help the person assess their options. You may wish to contact a Supervisor, Manager, a P&OC Representative or a Union Representative for advice regarding appropriate action.

If you observe any incidents that involve a threat to cause bodily harm, assault, sexual assault or any other risk to the individual, you are obligated to report it immediately to your Manager. If the threat or assault is in progress and in your opinion is going to result in physical harm to an employee then it is advised to call the Regina Police Service to assist in stopping the assault.

### ***Harassment by Clients and Members of the Public***

The Employer's obligation to provide a harassment free workplace extends to include circumstances where employees may be subject to harassment by persons external to the corporation e.g. clients, contracted workers or members of the public.

The following process applies to the circumstance of harassment to a City of Regina employee by a client, contracted worker or a member of the public:

- Employees are encouraged to report all incident(s) of harassment to their Manager.
- Once reported, the Employee and their Manager will complete a *Allegation of Disrespectful Behaviour / Harassment* form to ensure the event is documented. The completed form will be used during the investigation to provide the facts of the occurrence. The purpose of the investigation is to formulate recommendations for the Management Team to consider implementing in an effort to eliminate or mitigate the potential for the harassment to reoccur.
- Once the *Allegation of Disrespectful Behaviour / Harassment* form has been completed the Manager is to contact their Director to inform them of the occurrence. The Manager of Workplace Health and Safety must also be advised at this time of the occurrence.
- The Manager, Employee and the Occupational Health and Safety Committee Co-Chairs will investigate the occurrence and take the necessary action(s) as reasonably practicable under the circumstances to ensure that the harassment does not reoccur. The Workplace Health and Safety Consultant assigned to the Branch would be available as a resource.
- Once the investigation has been completed the Director is to read the *Allegation of Disrespectful Behaviour / Harassment* form and the Investigation Report and provide their comments. The Management Team is to consider implementing the recommendations from the report.
- The Director, in consultation with the Manager and the Occupational Health and Safety Committee Co-chairs shall consider what, if any,

policies and procedures are appropriate at the workplace to minimize or control the possibility of harassment in the workplace.

- The original *Allegation of Disrespectful Behaviour / Harassment* form and a copy of the Investigation Report are to be forwarded to the Manager of Workplace Health and Safety for file.

**Allegation of Disrespectful Behaviour / Harassment Appendix "B"**

DATE			
NAME OF COMPLAINANT			
EMPLOYEE POSITION			
DEPARTMENT		BRANCH	
WORK PHONE		HOME PHONE	
NAME OF RESPONDENT			
DEPARTMENT		BRANCH	
WORK RELATIONSHIP TO COMPLAINANT ( Co-worker, Supervisor, etc)			
DESCRIPTION OF THE ALLIGATION			

WHO WAS INVOLVED?

WHERE DID THE INCIDENT TAKE PLACE?

WHEN DID THE INCIDENT OCCUR?

DESCRIBE THE INCIDENT - WHAT WAS SAID AND DONE BY THE RESPONDENT?

WHEN DID THE INCIDENT OCCUR?

HOW DID YOU REACT TO WHAT WAS SAID OR DONE BY THE RESPONDENT?

WHAT WERE THE CIRCUMSTANCES PRIOR/SURROUNDING THE INCIDENT?

WHO WITNESSED THE INCIDENT?

WERE YOUR OBJECTIONS TO THE INCIDENT MADE KNOWN TO THE RESPONDENT? TO A UNION/ASSOCIATION OFFICIAL OR A MANAGER?

Signatures

Date

COMPLAINANT		
HUMAN RESOURCE REPRESENTATIVE		
MANAGER, WORKPLACE HEALTH and SAFETY		