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# Harassment Prevention Policy

## Policy Statement

The Village of Marengo (the "Village ") is committed to the prevention of harassment in the workplace and promote a harassment-free workplace. Every employee is entitled to employment free of harassment. The maintenance of such an environment is a responsibility shared by each Council member, worker, supervisor, and the Village.

Harassment will not be tolerated in the workplace or any work-related setting, including work-related conferences, travel, and village-sponsored social events. The Village will make every reasonable effort to ensure that no individual is subjected to workplace harassment. The Village will investigate any incidents of harassment and take corrective action to address the incidents.

## Definitions

"Harassment" – refers to:

1. Discriminatory Harassment - Any inappropriate conduct, comment, display, action, or gesture by an individual that is made on the basis of race, creed, religion, colour, sex, gender identity, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin or any other ground prohibited by provincial human rights legislation, and constitutes a threat to the health and safety of a worker.
2. Sexual Harassment - A prohibited ground of discriminatory harassment which may include conduct, comment, gesture, or contact of a sexual nature that is offensive, unsolicited, or unwelcome. Sexual harassment is, or may include, but is not limited to, the following:
  - A direct or implied threat of reprisal for refusing to comply with a sexually oriented request;
  - Unwelcome remarks, jokes, innuendoes, propositions, or taunting about an employee's body, attire, sex, or sexual orientation;
  - Displaying pornographic or sexually explicit pictures or materials;
  - Unwelcome physical contact;

- Unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature; or
  - Refusing to work with or have contact with individuals because of their sex, gender, or sexual orientation.
3. Personal Harassment - An inappropriate conduct, comment, display, action, or gesture by an individual that adversely affects a worker's psychological or physical well-being and which the perpetrator knows or ought to reasonably know would cause the individual to be humiliated or intimidated. Personal harassment is sometimes referred to as "bullying".

Personal harassment may involve repeated conduct or a single, serious incident that causes a lasting harmful effect on the employee. Examples of personal harassment include, but are not limited to:

- Verbal or written abuse or threats;
- Insulting, derogatory, or degrading comments, jokes, or gestures;
- Personal ridicule or malicious gossip; or
- Refusing to work or to cooperate with or acknowledge others.

Harassment does not include any reasonable actions taken by the Village, a manager, or a supervisor relating to the performance, management, and direction of an individual's work or the workplace. This includes but is not limited to, day-to-day management or supervisory decisions, job assessment and evaluation, performance discussions, expectations for work productivity and quality, and disciplinary action.

Harassment can exist even where there is no intention to harass or offend another. Every individual must ensure that their conduct is not offensive to another.

"Other Prohibited Behavior" – The Village recognizes that certain conduct while being inappropriate and/or disruptive, may fall short of the definition of "harassment" within the meaning of this policy and/or applicable legislation. The Village, at its discretion, may nonetheless determine that disruptive or inappropriate conduct falling short of harassment still warrants some form of corrective and/or disciplinary action.

## **Scope**

This policy applies to all Council members, full-time, part-time, seasonal, temporary, hourly and salaried employees, independent contractors, agents, applicants and representatives of the Village when conducting business or performing duties or services on behalf of the Village (regardless of location).

While attending a Village workplace, members of the public, visitors, and individuals conducting business with the Village, including but not limited to contractors,

consultants, vendors, or delivery persons, are expected to refrain from any form of harassment.

If the alleged harasser is a Council member, please refer to the Village of Marengo Code of Ethics Bylaw along with the duties and the definitions contained in this policy for the procedure for dealing with matters.

## **Worker Rights**

Every worker has the right to a harassment-free work environment.

## **Village And Worker Responsibility**

No individual shall participate in or encourage the harassment of another individual. All individuals must cooperate with harassment complaint investigations and keep all information confidential in accordance with this policy.

## **Village Responsibility**

The Village, Council members, the Administrator, and any other managers or supervisors, will take all complaints of harassment seriously. The Village is committed to implementing a harassment-free environment and will make every reasonably practicable effort to ensure that no individual is subjected to harassment, whether from a Council member, supervisor, co-worker, or non-employee such as a member of the public.

## **Procedure**

### **Informal Process**

An individual who believes that they have been the subject of conduct that violates this policy is encouraged, where possible:

- a) to clearly and firmly make it known to the offending individual that the conduct is unwelcome and must stop; and
- b) to attempt to resolve the issue by direct discussion with the offending individual;

and may report the matter to the Administrator. If the Administrator is the accused harasser, the matter may be reported to the Council. Depending on the nature and severity of the alleged conduct and subject to the consent of the individual reporting the harassment, the Village may first try to resolve the issue informally.

### **Formal Process**

Where the informal process is unsuccessful, or the individual does not feel comfortable addressing the issue directly, the individual should document the details of the alleged harassment (including name(s), date, time, place, particular details of alleged harassment, and any witness(es)) and submit a written report to the Administrator. If the Administrator is the accused harasser, the written report may be submitted directly to the Council. The individual receiving the written report or designate will notify the alleged harasser of the written report and provide the alleged harasser with information concerning the circumstances of the written report.

If there is a sufficient basis in the written report or if the Village otherwise deems it necessary, the Administrator, or designate will conduct a formal investigation into the conduct contained in the written report in a prompt, fair, and impartial manner. The investigation process may include interviews with the individual reporting the alleged harassment, the alleged harasser, and, as and to the extent determined by the investigator, others with information relevant to the matters in question. All written reports, response statements, witness statements, interview notes, and other documentation gathered as part of an investigation will be securely stored in a confidential investigation file.

The Village will decide on any action to be taken as a result of the findings of an investigation. The individual who reported the alleged harassment and the alleged harasser will be informed as to the outcome of the investigation.

Where harassment is substantiated, the Village will take appropriate corrective action and/or disciplinary action, up to and including termination of employment. Where harassment is not substantiated, no action will be taken against an individual who made the allegation of harassment in good faith. Where a complaint is fraudulent, malicious, or otherwise made in bad faith, the individual who made the allegation of harassment may be subject to disciplinary or other action.

### **Council Member Process**

If the alleged harasser is a Council member, please refer to the Village of Marengo Code of Ethics Bylaw for the procedure to be followed and available sanctions.

### **Temporary or Interim Measures**

In the event of an allegation of harassment, the Village has full discretion to take whatever temporary interim measures that it deems appropriate to ensure the workplace remains a safe and productive environment and/or helps to facilitate an investigation into said harassment, including, but not limited to, removing an individual from the workplace.

## **Variation From the General Procedure**

The steps set out above and how an investigation is carried out are intended to be flexible to permit the Village to respond to the specific circumstances at issue in each case. The Village reserves the right to engage in a different procedure as it deems appropriate in any given circumstance. If an individual does not proceed with a formal report of harassment or decides to withdraw a written report later, the Village may still initiate a formal investigation of the conduct reported if the Village determines it is necessary to ensure the health and safety of individuals at the workplace or to comply with applicable laws.

## **Retaliation And Fraudulent / Malicious Reports**

The Village does not condone acts of retaliation against an individual who has reported harassment, either informally or formally, or participated in the investigation or resolution of a report of discrimination or harassment. However, a report of harassment that is fraudulent or malicious (as distinct from unfounded) may itself be regarded as major misconduct subject to corrective action and/or disciplinary action, up to and including termination of employment.

## **Confidentiality**

The Village will not disclose the name of the individual who reported the harassment, the alleged harasser, or the circumstances related to the report of alleged harassment to any individual except where disclosure is necessary for investigation of the alleged harassment report or taking corrective action, or where such disclosure is required by law.

All individuals involved with the investigation of an incident shall treat all information related to the matter as strictly confidential. Unwarranted or inappropriate breaches of confidentiality may be subject to disciplinary action, up to and including termination of employment.

## **Other Legal Rights**

Nothing in this policy is intended to prevent or discourage an individual from exercising:

- A. his or her statutory rights as set out in Part III of *The Saskatchewan Employment Act*, including, but not limited to, the right to request the assistance of an occupational health officer to resolve a complaint of harassment;
- B. his or her statutory rights as set out in *The Saskatchewan Human Rights Code* as it relates to discriminatory practices, including, but not limited to, the worker's right to file a complaint with the Saskatchewan Human Rights Commission; and
- C. any other legal rights pursuant to any other law.

## **Availability of the Policy**

The Village will make a copy of this policy readily available for workers' reference and post it in a conspicuous place in the workplace.

## **Revisions**

The Village shall ensure that this policy is reviewed and, where necessary, revised at least annually. A review will also be done whenever there is a change of circumstances that may affect the health or safety of workers.

Resolution No. 2023-170

September 26<sup>th</sup>, 2023



**Village of Marengo  
Harassment Prevention Policy  
Acknowledgment And Declaration Form - Employee**

I, \_\_\_\_\_, an employee of the Village of Marengo acknowledge that I have been provided with a copy of the Village of Marengo Harassment Prevention Policy (the "Policy") and have read and understood it and acknowledge that I will abide by the policy. I understand that if I violate the rules set forth by this policy, I may face disciplinary action up to and including termination of employment.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature



**Village of Marengo  
Harassment Prevention Policy  
Acknowledgment And Declaration Form – Council Member**

I, \_\_\_\_\_, a Council member of the Village of Marengo acknowledge that I have been provided with a copy of the Village of Marengo Harassment Prevention Policy (the "Policy") and have read and understood it and acknowledge that I will abide by the policy. I understand that if I violate the rules set forth by this policy, I may face disciplinary action or sanctions.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Council member Signature