



City of Yorkton

POLICY TITLE WORKPLACE ANTI-HARASSMENT & ANTI-VIOLENCE POLICY		ADOPTED BY OHS Steering Committee	POLICY NO. 30.50
APPROVAL City Manager	JURISDICTION All Staff, Elected Officials, and Contractors		PAGE # 1 of 6
SIGNATURE _____ City Manager		EFFECTIVE DATE December 2, 1994	
		REVISIONS / DATE OF NEXT REVIEW Reviewed December 2024 Date of Next Review: December 2025	

1. **PURPOSE**

The City of Yorkton is committed to building and preserving a safe, productive and healthy working environment for its employees based on mutual respect. In pursuit of this goal, the City of Yorkton does not condone and will not tolerate acts of harassment or violence against or by any employee of the City of Yorkton. The City of Yorkton will take every reasonable precaution and implement measures to prevent harassment and violence for the protection of all employees.

The City's Workplace Anti-Harassment & Anti-Violence Policy is not meant to stop free speech or to interfere with everyday interactions. However, what one person finds offensive, others may not. Generally, harassment is considered to have taken place if the person knows, or should know, that the behaviour is unwelcome.

This policy is in compliance with the Saskatchewan Occupational Health and Safety Regulations and the *Saskatchewan Human Rights Act*.

2. **DEFINITIONS**

Definitions sourced from *The Saskatchewan Employment Act* and the Government of Saskatchewan Harassment Prevention Guide.

2.1 As defined in the *Saskatchewan Employment Act*, Harassment means:

(i) any inappropriate conduct, comment, display, action or gesture by a person towards a worker:

(A) that either:

(I) is based on any prohibited ground as defined in *The Saskatchewan Human Rights Code, 2018* or on physical size or weight; or

(II) 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 the worker to be humiliated or intimidated; and

(B) that constitutes a threat to the health or safety of the worker; or

(ii) any conduct, comment, display, action or gesture by a person towards a worker that:

(A) is of a sexual nature; and

(B) the person knows or ought reasonably to know is unwelcome.

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- 2.2 **Personal Harassment** is sometimes referred to as "bullying". Personal harassment typically involves repeated occurrences. A single incident may also constitute harassment if it is serious or severe and is shown to have a lasting harmful effect on a worker.

Personal harassment may include but is not limited to:

- Verbal or written abuse or threats
- Insulting, derogatory or degrading comments, jokes or gestures
- Personal ridicule or malicious gossip
- Unjustifiable interference with another's work or work sabotage
- Refusing to work or co-operate with others
- Interference with or vandalizing personal property

- 2.3 **Sexual harassment** may include but is not limited to:

- A direct or implied threat of reprisal for refusing to comply with a sexually orientated request
- Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person'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 behavior of a sexual nature
- Refusing to work with or have contact with workers because of their sex, gender, gender identity, gender expression or sexual orientation

- 2.4 **Workplace Violence** means the attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that the worker is at risk of injury.

Workplace violence may include but is not limited to:

- Attempted or actual assaults; and
- Any threatening statement or behaviour which gives the employee reasonable cause to believe that he / she is at risk of injury.

- 2.5 **Complainant** refers to the person who has made a complaint about another individual who they believe committed an act of violence/harassment against them.

- 2.6 **Harasser** refers to the person whom another individual has accused of committing an act of harassment.

- 2.7 **Perpetrator** refers to the person whom another individual has accused of committing an act of violence.

- 2.8 **Workplace Investigator:** A formal investigation will be conducted by the Human Resources department if required.

3. **POLICY**

This policy applies to all individuals working for the organization including front line employees, temporary employees, contract service providers, contractors, all supervisory personnel, managers, officers or directors.

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The City of Yorkton prohibits any form of harassment/violence (physical or verbal threats), bullying or discrimination against job candidates and/or employees on any grounds, whether during the hiring process or during employment. The City of Yorkton will make every reasonably practicable effort to ensure that no employee is subjected to harassment. This commitment applies to such areas as training, performance, assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

If the City is aware that domestic violence is likely to expose an employee to a workplace physical injury every reasonable precaution will be implemented to protect the individual. Weapons are strictly prohibited from all City property unless authorization has been given; violators are subject to discipline and may be reported directly to the police. The City of Yorkton firmly believes that by working together with our employees, the risk of workplace violence can be minimized.

All complaints will be taken seriously and investigated appropriately. Employees who submit a report or complaint of harassment or bullying will not be subject to any form of reprisal or retaliation as a result of the complaint.

All employees are personally accountable and responsible for enforcing this Policy and must make every effort to prevent discrimination or harassing behaviour and to intervene immediately if they observe a problem or if a problem is reported to them.

It is also a violation of the City of Yorkton's Workplace Anti-Harassment & Anti-Violence Policy for anyone to knowingly make a false complaint of harassment or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action up to and including termination of employment (Refer to Corrective Counseling Policy #30.140).

The City of Yorkton will ensure that all employees are trained and educated on harassment and violence so that they are clear about the roles and responsibilities as well as this policy and its procedures. In addition, a copy of this policy will be made available to all employees on the W: drive.

Should an employee have a legal court order (e.g. restraining order or "no-contact" order) against another individual, the employee is encouraged to notify his/her Supervisor, and to supply a copy of that order to the Human Resources Department. This will likely be required in instances where the employee strongly feels that the aggressor may attempt to contact that employee at work, in direct violation of the court order. Such information will be kept confidential.

If any visitor to the City of Yorkton workplace is seen with a weapon (or is known to possess one), makes a verbal threat or assault against an employee or another individual, employee witnesses are required to immediately contact the police, their immediate supervisor, and the Human Resources Department. In cases where criminal proceedings are forthcoming, the City of Yorkton will assist police agencies, attorneys, insurance companies, and courts to the fullest extent.

Procedure for Reporting Harassment or Violence

In the event that an employee is either directly affected by, or witness to, any violence or harassment in the workplace, it is imperative for the safety of all employees of the City of Yorkton that the incident be reported without delay.

- Report any violence/harassment or potentially violent situations immediately to management or the Human Resources department either formally or informally.
- All reports are held by the Human Resources department.
- All reports will be investigated, and dealt with appropriately.

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- Any employee who threatens, harasses or abuses another employee, or any other individual at or from the workplace will be subject to disciplinary action, up to and including termination of employment, and the pursuit of legal action.
- Violent action, threats and assault are serious criminal offences, and will be dealt with appropriately.

Formal Procedure

If you believe you have been personally harassed or are a victim of violence, you may make a written complaint. The “Harassment & Violence Incident Report Form” must be filled out and delivered to Human Resources (see Appendix A).

Informal Procedure

If you believe you have been personally harassed or received violent treatment you may:

- Confront the harasser personally, pointing out the unwelcome behaviour and requesting that it stop; or
- Discuss the situation with the harasser's Supervisor, your Supervisor or any other Supervisor other than your own or the Human Resources Department.

Investigating Reports of Harassment or Violence

Once a written complaint has been received, the City of Yorkton will complete a thorough investigation. Silence can, and often is, interpreted as acceptance. The investigation will include:

- Informing the harasser/perpetrator of the complaint;
- Interviewing the complainant, any person involved in the incident and any identified witnesses; and
- Interviewing any other person who may have knowledge of the incidents related to the complaint or any other similar incidents.

Employee Rights

All employees of the City of Yorkton have the right to:

- Request the assistance of an Occupational Health Officer to resolve a complaint of harassment;
- File a complaint with the Saskatchewan Human Rights Commission, respecting discriminatory practices; and
- Exercise any other legal rights pursuant to any other law.

Dealing with an Injury resulting from Workplace Violence

Responsibility	Procedure
Injured Employee	All injuries must be reported immediately to their Immediate Supervisor.
Immediate Supervisor	All injuries shall receive immediate First Aid treatment and/or outside medical attention. Once First Aid treatment has been arranged, notify Human Resources.
Certified First Aider	Record incident in the First Aid Treatment Record Book located at the First Aid Station. Following assessment of the injury, if it is determined that emergency medical treatment is required, make arrangements for transportation of the injured employee.
Human Resources	Determine if incident requires reporting to local police. Contact police if required and initiate investigation.
Workplace Investigator	Provide assistance to the employee with filing their complaint.

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Unsubstantiated Complaints and Complaints made in Bad Faith

It is important to realize that unfounded / frivolous allegations of harassment or violence may cause both the accused person and the City significant damage. If it is determined by the City that any employee has knowingly made false statements regarding an allegation of personal harassment or violence, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

Disciplinary Measures

If it is determined by the City that any employee has been involved in harassment or violence involving another employee, immediate disciplinary action will be taken. Such disciplinary action may involve counseling, a formal warning and could result in immediate dismissal without further notice, as per Corrective Counseling Policy #30.140.

Confidentiality

Strict confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved. Any individual who becomes aware of an incident of harassment or violence should not disclose the details of the incident to any third party without prior consultation with the Complainant. Gossiping about an incident seriously undermines the privacy of all parties involved and will not be tolerated. Those with questions or concerns about an incident should speak to Human Resources.

Employees may be expected to co-operate in the investigation of complaints and efforts to resolve them. Employees should be mindful of the sensitivities of the parties involved and should keep any information related to complaints strictly confidential.

Appeal Process

Either party (the Complainant or the Harasser) may file an appeal with the Human Resources department within a week after receiving the decision. If HR believes there is sufficient reason to re-investigate or to change the penalty, compensation, or work assignment, a decision will be made within one week.

In the event the complainant is not satisfied with the response from the City of Yorkton in the handling of his/her complaint, he/she has the right to report the incident to the Ministry of Labour Relations and Workplace Safety (LRWS).

In the event the incident involved harassment because of race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, pardoned conviction, or sexual orientation, the complainant may file a complaint with the Canadian Human Rights Commission. Information on filing a complaint can be obtained by phoning the Commission's toll free number at 1-888-214-1090. The *Criminal Code* protects people from physical and sexual assault.

Review

This Policy will be reviewed annually to ensure information complies with changing legislation. Human Resources will provide a presentation to staff regarding this Policy and the City's Harassment & Violence Program upon request by the Department Head.

4. RESPONSIBILITY

The Director of Human Resources is responsible for the administration and any further amendment of this policy.

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Appendix A



Harassment & Violence Incident Report Form

This form is to be completed for all incidents of workplace harassment or violence.

1. Name of complainant: _____
2. Address: _____
3. Location of Incident: _____
4. Person(s) accused of harassing or perpetrating a violent incident, or making threats of violence:

5. Nature of the allegations:

6. Date(s), time(s) and place(s) where the incident(s) took place:

7. Did anyone witness the incident? YES ☐ NO ☐
If yes: A) Name(s) of witness (es): _____
B) Description of the respective role(s) played by witnesses in the incident:

8. What actions did you take in response to the incident?

9. If applicable, describe any incident that took place previously.

I am filing this complaint because I honestly believe that _____
has committed an act of harassment/violence (circle one).

I hereby certify that to the best of my knowledge the above-mentioned information is true, accurate and complete. Making false or frivolous allegations is in violation of the City of Yorkton's Workplace Anti-Harassment & Anti-Violence policy and is subject to disciplinary measures.

Furthermore, I realize that an investigation will be initiated once this report has been filed.

Signature of the complainant

Date