

Resort Municipality Harassment Policy

Purpose

The purpose of this policy is to prevent and investigate harassment in the workplace.

The Policy applies to the employer and all employees of the Resort Municipality.

Definition of Harassment

Harassment is any single or repeated occurrence of inappropriate conduct, comment, display, action or gesture or incidents of bullying that the person knows or ought to know could have a harmful effect on the employee's psychological or physical health and safety.

Harassment includes conduct that is based on any personal characteristics such as, but not limited to, race, creed, religion, colour, sex, sexual orientation, gender identity, pregnancy, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin.

Harassment also includes any inappropriate sexual conduct that is known or ought to be known to the person responsible for the conduct to be unwelcome, such as, but not limited to sexual solicitation or advances, sexually suggestive remarks, jokes or gestures, circulating or sharing inappropriate images or unwanted physical contact.

Reasonable action taken by an employer or supervisor related to the management and direction of employees, such as performance reviews, work evaluation, and disciplinary measures taken for any valid reasons, is not harassment.

Rights and Responsibilities

The Resort Municipality recognizes that everyone has the right to work free of harassment.

Everyone at Resort Municipality – including the employer, supervisors, and employees are responsible to:

- Maintain a respectful and harassment free workplace.
- Report all incidents of workplace harassment and keep a record of the details of the incident to assist with the investigation.
- Cooperate in the investigation of a workplace harassment complaint as required.
- Understand and follow with the workplace harassment policy.

In addition to the rights and responsibilities of all employees, employers and supervisors have additional responsibilities.

As the employer, The Resort Municipality, is responsible to:

- Take all reasonable measures to ensure that no employee is subjected to harassment in the workplace.

- In consultation with the Joint Occupational Health and Safety Committee or Safety Representative, develop and implement a written harassment policy.
- Ensure the policy is readily available to all employees.
- Train supervisors on how to recognize and address workplace harassment.
- Have a process for reporting and investigating workplace harassment.
- Ensure the source of harassment is identified and the harassment is stopped.
- Take corrective action against any employee who subjects another to workplace harassment.
- Take all reasonable steps to remedy the effects of harassment and prevent or minimize future incidents.

All Resort Municipality supervisors are responsible to:

- Ensure all employees are trained on municipal policies.
- Treat all reports of workplace harassment seriously and respond promptly.
- Address any behaviors that may lead to a workplace harassment complaint.

Any employee who believes that they have been subjected to harassment in the workplace, or who believes any situation affecting them in the workplace is unjust or inequitable, or is a hindrance to effective operation, is encouraged to use the procedure set out herein to resolve such problems and can do so without fear of recrimination. If the employee wants the municipality to participate in the resolution of a problem, the process set out in this part must be followed. No employee will be subjected to reprimand, reprisal or discrimination for reporting a harassment complaint.

This policy is not intended to discourage, prevent, or preclude a complainant from exercising their legal rights under any other law or filing a complaint under PEI Human Rights Act.

Informal Complaint Process

Whenever reasonable under the circumstances, an employee to who the preceding section applies should attempt an informal resolution in a fair and respectful manner, without having to resort to the formal complaint process. When appropriate, informal mediation may minimize the extent of the problem and its effects on all those involved; it may prevent the situation from escalating to the point where filing a complaint is necessary. Informal mediation should be attempted as soon as possible, preferably within 24 hours of the event or the employee becoming aware of the problem.

Attempts at an informal mediation should generally be made as follows:

- (1). In the case of harassment, the employee who feels offended should make it known to the other person, if they are comfortable doing so.

- (2). If (a) above does not result in the resolution of the problem, or (b) the employee offended does not wish to speak directly with the other person, the employee affected should meet with their supervisor, the CAO or the Mayor if not involved in the problem. The supervisor, CAO or Mayor should make every effort to resolve the problem ensuring the parties understand the existence and nature of the problem and making sure the policies of the municipality are understood and applied.
- 3). In all attempts at an informal mediation, no records will be made unless a breach of applicable laws or municipal policies is found that results in a corrective action or other legal consequences.

Formal Complaint Process

Where informal resolution is inappropriate or does not resolve the problem, an employee shall have recourse to the formal complaint process.

A letter can be sent to the supervisor, CAO or HR Committee to initiate the formal process.

First Step:

The employee shall submit the complaint, in writing, to their immediate supervisor, preferably within fourteen working days of the event or one day after an attempt at informal resolution is concluded. Although it is expected this time frame will normally be respected, it is understood that the circumstances leading to a complaint can vary widely, and there may be reasons why the enforcement of a strict deadline would be unfair. An employee who submits a complaint outside the time frame must explain the delay. When deciding whether to process a delayed complaint, the supervisor shall consider the reasons for the delay and the effect the delay would have on the investigation and the ability of the other person to respond. The employee submitting the complaint may choose to have a fellow employee appear with him or her. The supervisor shall respond within fourteen working days, verbally and in writing.

Second Step:

If the first step does not result in an acceptable solution, the employee may submit the complaint in writing to the CAO within fourteen working days of the supervisor's response. The CAO will conduct an investigation into the matter, meet the parties involved, make a final decision and advise the employee, in writing, within fourteen working days of the receipt of the complaint.

In the case of a complaint from the CAO, the CAO will submit the complaint in writing to the HR Committee. The following provisions apply to the complaint process:

- (1) If a problem arises which an employee feels cannot be presented to their supervisor because the supervisor is involved in the problem, that step in the complaint procedure may be bypassed.
- (2) If the employee believes the CAO is part of the problem, the complaint may be submitted, but the CAO shall select an unbiased third-party to conduct an assessment to ensure objectivity. The unbiased third party will then make a final decision and advise the employee, in writing, within fourteen working days, as well as provide a written report for the HR Committee and Council.
- (3) All replies, recommendations and decisions should, where applicable, include an implementation schedule. If it is determined that workplace harassment occurred, the harasser will be subject to corrective action.
- (4) Subsequent to the implementation of any response or decision, no record of the processing of any complaint shall be retained in an employee's personnel file except for any legal or corrective action taken and the reasons, therefore. Notwithstanding the foregoing, the CAO may retain such records of complaints and related matters as he or she sees fit for the purposes of ensuring consistency or in case the subject matter of the complaint is raised again or pursued further.

In the case of a staff complaint, the CAO is, other than the courts or other legal process, the final arbiter in the complaint process. It is therefore the responsibility of the CAO to ensure the treatment of all employees throughout the process is without bias and is fair.

In the case of a CAO complaint, the Council is the final arbiter in the complaint process. It is therefore the responsibility of the HR Committee to ensure the treatment of the CAO throughout the process is without bias and fair.

Confidentiality

All complaints must be kept confidential. Information about the people involved and the circumstances of the complaint can only be disclosed to the extent required to report the harassment, conduct the investigation, take corrective action, or when permitted by law.

Policy Review

This policy will be reviewed in consultation with the designated Committee every 3 years or as required to ensure it is up to date.



Mayor, Lee Brammer