



## **POLICY HARASSMENT AND NON-DISCRIMINATION**

### **OVERVIEW**

It is the policy of the RURAL MUNICIPALITY OF WHITEMOUTH (the "Municipality") to strive to provide a work environment that is supportive of productivity and the dignity and self-esteem of every employee. In this regard, it is the policy of the Municipality to strive to provide a workplace free from prohibited harassment and discrimination. The Municipality will not knowingly exercise, practice or condone any harassment of or by its employees or discrimination against its employees by reason of:

- a) ancestry, including colour or perceived race;
- b) nationality or national origin;
- c) ethnic background or origin;
- d) religion or creed, or religious belief, religious association or religious activity;
- e) age;
- f) sex, including pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
- g) gender determined characteristics or circumstances other than those included in clause (f);
- h) sexual orientation;
- i) marital or family status;
- j) source of income;
- k) political belief political association or political activity; or
- l) physical or mental disability or related characteristics or circumstances, including reliance on a dog guide or other animal assistance, a wheelchair, or any other remedial appliance or device.

It is the responsibility of all supervisors and managers to foster a working environment free of prohibited discrimination and harassment.

It is the responsibility of all employees, including supervisors and managers, to refrain from activities which may, on reasonable grounds, be perceived to be prohibited harassment or discrimination.

The Municipality considers harassment and discrimination to be serious misconduct which is subject to disciplinary action up to and including discharge. Retaliation, or threat of retaliation for lodging a complaint about harassment or discrimination, will be treated as serious misconduct in the same way.

There will be no reprisal or threat of reprisal by the Municipality against any employee who chooses to exercise his or her rights under this policy provided the complaint is not frivolous or vexatious. The Municipality does not condone reprisals or threats of reprisal against any employee who exercises his or her legitimate rights under this policy.

### **DEFINITIONS**

Discrimination -differential treatment of an individual on the basis of the characteristics referred to above except where such differential treatment is based on bona fide occupational requirements.

Harassment -any unwelcome and/or abusive comment or conduct directed to an individual on the basis of any of the characteristics referred to above.

Sexual harassment -any unwelcome conduct or comment of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victim of the harassment. Sexual harassment may be one event or a series of events. Both males and females can be either the victims or the perpetrators of sexual harassment. Sexual harassment may include, but is not limited to, the following:

- (a) unwelcome sexual advances or solicitations;
- (b) unnecessary physical contact;
- (c) suggestive remarks;
- (d) abusive, derogatory or threatening statements; leering at a person's body;
- (e) demanding sexual favours;

- (f) compromising invitations;
- (g) unwelcome remarks, jokes, innuendos, or taunting;  
displaying pornographic, suggestive, offensive or other derogatory pictures;  
  
physical assault;
- (h) a sexual solicitation or advance made by a person in a position to influence the recipient's employment or employment status; and
- (i) a reprisal or a threat of reprisal for reflecting a sexual advance.

## **PROCEDURE**

If an employee perceives that he or she is being harassed or discriminated against, he or she should, if at all possible, confront the offending individual (the "Respondent") and inform him or her that his or her conduct is unacceptable and unwelcome.

If the person being harassed or discriminated against (the "Complainant") is unable to approach the Respondent directly, or if the approach is unsuccessful, the Complainant should report the offensive conduct to his or her immediate supervisor.

If it is the immediate supervisor who is engaging in the offensive conduct, the Complainant should report to the supervisor of such immediate supervisor.

The Municipality encourages employees to report any instances of harassment or discrimination immediately. The Municipality will deal quickly and fairly with every instance of alleged or reported harassment and discrimination. All inquiries or complaints and information pertaining to a complaint will be treated in strict confidence. The name of the Complainant and Respondent, and the circumstances relating to the complaint will be disclosed only where it is necessary for the purposes of investigating the complaint or for taking disciplinary action.

The recipient of the complaint (the "Recipient") shall request that the complainant reduce the complaint to writing and shall inform the Complainant that it will be forwarded to the Chief Administrative Officer

forthwith. Thereafter, the Recipient shall, within one working day of receiving the written complaint, personally deliver it to the Chief Administrative Officer.

Employees who are being harassed or discriminated against are encouraged to document the incidents of harassment or discrimination and the witnesses to any such harassment or discrimination and to provide such information to the Recipient who shall pass it on to the Chief Administrative Officer, along with the written complaint.

The Chief Administrative Officer shall investigate the complaint, such investigation to include an interview with the Complainant, the Respondent, the Respondent's supervisor and any witnesses, plus a review of any relevant documentation. The Complainant and the Respondent may be accompanied to any such interview by a union representative (in the case of Union employees), or by another employee (in the case of non-union employees).

The investigation shall be completed within twenty (20) days of receipt of the written complaint at which time a report will be prepared and submitted to the appropriate manager. Upon completion of the investigation, the Complainant and Respondent shall be notified of the date upon which a final report is made and receive a summary of findings, but not the content of the report. If a complaint is substantiated and it is determined that disciplinary action is warranted, such action shall be taken in accordance with the normal practices regarding discipline.

In cases where frivolous or vexatious complaints are submitted, the Municipality may take disciplinary action against the complainant. A frivolous or vexatious complaint is one which has no merit and which is made for the purpose of embarrassing or harming the Respondent. A complaint may be unsubstantiated without necessarily being frivolous or vexatious.

By initiating or participating in a complaint, an employee does not surrender or waive any right to file a complaint with the Manitoba Human Rights Commission (the "M.H.R.C.") under The Human Rights Code. Similarly, initiating a complaint pursuant to this policy is not a prerequisite to filing a complaint with the M.H.R.C. If an employee chooses to lodge a complaint with the M.H.R.C., the Municipality requests that the employee inform the Chief Administrative Officer of his or her intention to do so.

If an employee files a complaint of harassment with the Manitoba Human

Rights Commission, information obtained during the investigation contemplated by this policy shall be disclosed in accordance with the provisions of The Human Rights Code.

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