

CITY OF SASKATOON ADMINISTRATIVE POLICY

NUMBER

A04-026

POLICY TITLE <i>Respectful and Harassment-Free Workplace Policy</i>	ADOPTED BY: <i>City Manager</i>	EFFECTIVE DATE <i>June 1, 2018</i>
		UPDATED TO
ORIGIN/AUTHORITY <i>General Manager, Corporate Performance</i>	CITY FILE NO. <i>CK. 4500-1</i>	PAGE NUMBER <i>1 of 21</i>

1. POLICY STATEMENT

- 1.1 The City of Saskatoon commits to creating and maintaining a respectful workplace that is free from harassment, discrimination and disruptive workplace conflicts. These inappropriate behaviours can jeopardize an individual's dignity and well-being and undermine relationships and workplace productivity.
- 1.2 Employees and the general public are to be treated with courtesy and respect. Employee behaviours and incidents that run contrary to such treatment will be investigated and may result in disciplinary action up to and including termination.
- 1.3 Members of the general public who engage in inappropriate behaviours towards employee(s) may incur consequences for their actions up to and including denial of access to facilities or services offered by the City of Saskatoon.
- 1.4 The City of Saskatoon, whenever appropriate, will attempt to resolve issues through informal resolution and restorative processes, with appropriate consideration for privacy and confidentiality.
- 1.5 Every employee is entitled to employment free of harassment and the City of Saskatoon further commits to making every reasonably practicable effort to ensure that no worker is subject to harassment.

2. PURPOSE

- 2.1 This Policy sets out guidelines for reporting, investigating and resolving complaints of inappropriate behaviour in an effort to provide a respectful work environment. The Policy includes key definitions and outlines the responsibilities of all employees.

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3. SCOPE AND APPLICATION

- 3.1 This Policy applies to all City of Saskatoon employees and volunteers working on behalf of the City.
- 3.2 The scope of this Policy extends beyond the City of Saskatoon's offices and properties to include:
- employee conduct while travelling on City business and at any location where City business is being conducted;
 - City-sponsored social gatherings and events; and
 - outside the workplace not on City business, when the initiation of the inappropriate behaviour has originated in the workplace, or has originated after regular working hours and has come back into the workplace, with a negative impact on the work environment.
- 3.3 This Policy is not intended to discourage or prevent a complainant from exercising any other legal rights pursuant to any other law, including the right to file a complaint with the Saskatchewan Human Rights Commission under *The Saskatchewan Human Rights Code*, and the right to request the assistance of an occupational health officer to resolve a complaint of harassment under *The Saskatchewan Employment Act*.

4. DEFINITIONS

- 4.1 Allegation - an unproven assertion or statement based on a person's perspective that this Policy has been violated.
- 4.2 Complainant - the person(s) who brings forward an allegation that they have been subjected to or have witnessed inappropriate behaviour as defined.
- 4.3 Complaint - a written or verbal report by a complainant alleging that they have experienced or witnessed inappropriate behaviour.
- 4.4 Employee - any individual engaged to provide paid or unpaid services for the City of Saskatoon, excluding independent contractors or other third parties.

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4.5 General Public - any individual or group of individuals, other than employees, participating in events or accessing the services offered by the City of Saskatoon or otherwise interacting with employee(s).

4.6 Inappropriate Behaviour includes:

- (a) Disrespectful Behaviour defined as rude, discourteous or impolite statements or actions.
- (b) Harassment, as defined in Section 3-1(1)(l), Section 3-1(4) and Section 3-1(5) of *The Saskatchewan Employment Act*:

3-1(1)(l) "any inappropriate conduct, comment, display, action or gesture by a person:

(i) that either:

(a) is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or

(b) subject to subsection (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 a worker to be humiliated or intimidated; and

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

3-1(4) "To constitute harassment for the purposes of paragraph (i)(b) above either of the following must be established:

(a) repeated conduct, comments, displays, action or gestures;

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(b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker.”

3-1(5) *“For the purposes of paragraph (1)(l)(i)(B), 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.”*

(c) Discrimination on Prohibited Grounds, as defined in Section 16(1) and 2(1)(m.01) of *The Saskatchewan Human Rights Code*:

- (i) religion;*
- (ii) creed;*
- (iii) marital status;*
- (iv) family status;*
- (v) sex;*
- (vi) sexual orientation;*
- (vii) disability;*
- (viii) age;*
- (ix) colour;*
- (x) ancestry;*
- (xi) nationality;*
- (xii) place of origin;*
- (xiii) race or perceived race;*
- (xiv) receipt of public assistance; and*
- (xv) gender identity*

(d) Disruptive Workplace Conflict, defined as a dispute or interaction(s) between two or more individuals that prevents or impedes normal work functions or activities and negatively impacts the ability to work cooperatively and productively in the workplace.

See **Appendix A - Further Information on Inappropriate Behaviours**, which may be updated as required.

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4.7 Respondent - the person(s) alleged to have engaged in inappropriate behaviour toward the complainant.

4.8 Witness - an individual who may be able to provide information about a complaint in relation to an alleged violation of this Policy.

4.9 Workplace - all locations where business or social activities of the City of Saskatoon are conducted.

5. GENERAL PRINCIPLES FOR RESOLUTION OF COMPLAINTS

5.1 This Policy outlines both formal and informal processes that are available to an employee who believes that they have suffered or witnessed an instance(s) of inappropriate behaviour by another employee (see **Appendix B - Complaint Resolution Processes**, which may be updated as required). These processes may be utilized in situations involving the general public with such modifications as necessary.

5.2 Complaints will be investigated in a timely manner.

5.3 At any stage of an investigation, both the complainant and the respondent have the right to consult with and be represented by their union or association representative.

5.4 Anyone who retaliates or threatens to retaliate in any way against a complainant or witness for taking part in an investigation of a complaint, or who retaliates against a respondent, will be subject to disciplinary action, up to and including termination.

5.5 Unless no other reasonable or practicable solution exists, the City of Saskatoon shall not uproot a complainant from their workplace during the investigation or change a complainant's working conditions.

5.6 The respondent shall receive fair treatment, including appropriate supports, and be informed throughout the process.

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- 5.7 If a complaint is found to be frivolous, or initiated for vexatious or malicious purposes, it may result in disciplinary action against the complainant, up to and including termination.
- 5.8 The City of Saskatoon has a statutory duty to maintain a harassment free workplace, and to investigate complaints accordingly. As such the City of Saskatoon may on behalf of the employee, or on behalf of the City of Saskatoon, conduct an investigation without the complainant's consent when:
- (a) a complaint or concern is raised that is so serious or of such a nature that the City is obliged to deal with it;
 - (b) the employee is apprehensive about what may happen if the employee makes the complaint (e.g. retaliation, intimidation etc.);
 - (c) it is in the best interest of the employee or the workplace to deal with it.

6. CONFIDENTIALITY

- 6.1 The City will not disclose the name of a complainant or an alleged respondent nor the circumstances related to the complaint to any person except where disclosure is necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint, or when required by law.
- 6.2 Confidentiality will be maintained throughout the investigation to the fullest extent possible in order to protect the interests of the complainant, the respondent and any others who may report incidents of inappropriate behaviour.
- 6.3 If employees are found to be in violation of this confidentiality clause, disciplinary action may be taken, up to and including termination.
- 6.4 Discipline that is placed on an employee's personnel file arising from a complaint under this Policy shall remain confidential.

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- 6.5 No record of a complaint will be held in an employee's personnel file, except in the case of respondents who have received disciplinary action as a result of a substantiated complaint, or in the case of complainants who have received disciplinary action as a result of a frivolous, vexatious, or malicious complaint.

7. RESPONSIBILITIES

7.1 General Manager of Corporate Performance

- (a) Administer and update this Policy and refer updates to the Administrative Leadership Team.

7.2 Director of Human Resources

- (a) Administer day-to-day application of the Policy and review and propose revisions to this Policy.
- (b) Track and report on investigations annually.
- (c) Provide advice on legislative changes.

7.3 Managers and Supervisors

- (a) Create a work environment free from inappropriate behaviour and take appropriate action if incidents occur in their work area, including incidents involving the general public.
- (b) Ensure that their own conduct sets a positive example by not engaging in inappropriate behaviour.
- (c) Treat complaints seriously, including ensuring a complaint is investigated and appropriate action is taken in a timely manner.
- (d) Communicate and reinforce the details and expectations of this Policy with current and new employees, including the processes involved in resolving issues.

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- (e) Take immediate steps, including ensuring a complaint is investigated and appropriate action is taken, to prevent or stop actions that may lead to complaints of inappropriate behaviour.

7.4 Employees

- (a) Ensure that their conduct sets a positive example by not engaging in inappropriate behaviour.
- (b) Report inappropriate behaviour they are experiencing, including incidents involving the general public.
- (c) Report inappropriate behaviour they witness that is contrary to this Policy.
- (d) Subject to Section 5b) in Appendix B (Complaint Resolution Processes), request that respondents stop the inappropriate behaviour.
- (e) Upon request of a supervisor, manager, Director or designate, complete the Complaint Intake Form (Appendix C) for incidents involving employees.
- (f) Participate in resolution processes whenever appropriate and in a manner that contributes to a respectful and productive workplace.

7.5 Union Representatives

- (a) Ensure that their conduct sets a positive example by not engaging in inappropriate behaviour.
- (b) Support this Policy through cooperating with the investigation of complaints.
- (c) Assist employees (complainants and respondents) whenever appropriate.
- (d) Co-operate with the process of investigation and stopping inappropriate behaviour.

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FURTHER REFERENCES

Policy on Violence
City of Saskatoon Employee Code of Conduct
Saskatchewan Employment Act and Regulations
Saskatchewan Human Rights Code

Appendix A - City of Saskatoon Administrative Policy A04-026 - Further Information on Inappropriate Behaviours
Appendix B - City of Saskatoon Administrative Policy A04-026 - Complaint Resolution Processes
Appendix C - City of Saskatoon Administrative Policy A04-026 - Complaint Intake Form

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APPENDIX A – CITY OF SASKATOON A04-026 – Respectful and Harassment-Free Workplace Policy

FURTHER INFORMATION ON INAPPROPRIATE BEHAVIOURS

Inappropriate behaviours may occur in person, in writing, electronically via e-mails, text messages, instant messages, or through the internet and social media (for example on Facebook, Twitter, Snapchat or Instagram).

Examples of inappropriate behaviours include, but are not limited to, the following:

Verbal/psychological abuse - denigrates, intimidates or threatens a person

- criticizing or belittling someone persistently or constantly
- condescending or patronizing behaviour or comments which undermine self-respect
- unwelcome banter, teasing, taunting, or jokes that are offensive
- slurs, insults or name-calling
- swearing at or yelling at someone

Sexual harassment - unwelcome sexual invitations, advances, or demands, whether indirect or explicit, to engage in behaviour of a sexual nature

- comments about clothing, body, or sexual activities, including implied sexual overtones
- staring, leering, or ogling at body parts, or other offensive gestures
- unwanted physical contact such as patting, pinching, touching, feeling, stroking, straddling
- viewing or displaying sexually explicit material, such as derogatory or offensive pictures, graffiti, or pornography
- suggestion of or demand for sexual favours in exchange for employment advantages or opportunities, promises of advancement, or any threat of withdrawal of any such advantages or opportunities
- stalking

Physical Abuse – intentional bodily contact resulting in injury or physical discomfort

- pushing, tripping, kicking, biting, choking, hitting or spitting.
- use of object to cause injury or physical discomfort

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Other inappropriate behaviours - that create a hostile or intimidating work environment, sometimes referred to as bullying include:

- hazing
- pranking
- refusing to work with or have contact with a person(s)
- excluding or isolating someone at work
- tampering with or vandalizing someone's personal belongings or work equipment
- spreading malicious or false rumours, gossip, or innuendo
- viewing or displaying explicitly discriminatory, racist or homophobic materials
- viewing or displaying denigrating adornments or rituals associated with religious beliefs
- blocking or interfering with applications for training, leave or promotion
- undermining, deliberately impeding, discrediting or sabotaging a person's work
- intruding on a person's privacy by pestering, spying or stalking
- intimidation
- coercion
- threats of violence

Note: Employees will be held accountable for inappropriate social media posts, phone calls, e-mails or visits to an employee's home, incidents at luncheons, and/or after work socials, that occur outside of City property or work hours, if the issue originated within the workplace or if the issue is negatively affecting the workplace.

What is **not** bullying or harassment?

- expressing differences of opinion
- consensual social interaction
- inadvertently saying or doing something that hurts someone else
- offering constructive feedback, guidance or advice about work-related behaviour, including performance reviews
- reasonable actions taken by a supervisor to manage and direct workers or the place of employment
- reasonable disciplinary actions in response to culpable conduct

Inappropriate behaviour is often rooted in misunderstandings or stereotypes about people who are different from ourselves. Dialogue and continuous learning usually resolve these issues.

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APPENDIX B – CITY OF SASKATOON A04-026 – Respectful and Harassment-Free Workplace Policy

COMPLAINT RESOLUTION PROCESSES

1. Employees have a responsibility to bring concerns to the attention of their supervisor, a manager, or a member of Human Resources when:
 - (a) an employee has suffered from an instance(s) of inappropriate behaviour by another employee;
 - (b) a member of the general public has suffered from an instance(s) of inappropriate behaviour by employees; or
 - (c) an employee has suffered from an instance(s) of inappropriate behaviour by a member of the general public.
2. It is recommended that complainants report the issue(s) as soon as possible so that the City of Saskatoon can promptly investigate and attempt resolution. The time limit for filing a complaint under this Policy is twelve (12) months from the alleged incident of inappropriate behaviour. Exceptions may be made in extenuating circumstances, with the approval of the Director of Human Resources.
3. The supervisor, manager or member of Human Resources will meet with the Complainant to review and document the inappropriate behaviour using the Complaint Intake Form (see Appendix C) and the complaint will be investigated.
4. Complainants and respondents will be informed of the findings of the investigation.
5. Selection of informal or formal resolution processes is on a case-by-case basis and will be evaluated based on the following criteria:
 - (a) the number of instances or examples of alleged inappropriate behaviour outlined in the complaint;
 - (b) the seriousness of the allegation;

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- (c) the number of individuals involved in the complaint;
- (d) the preferred resolution process of the complainant; and
- (e) Saskatchewan Human Rights Commission best practices, where appropriate.

6. Informal Resolution Processes:

Informal resolution processes will be the first choice in all possible instances. Any of the informal processes described in this Policy may be used at any time and are not required to be utilized in the order set out below:

- (a) In many situations, simply informing the respondent that their behaviour, gesture, action, comment or conduct is unwelcome will resolve the issue. Requesting that the respondent stop the behaviour may be difficult to do, but frequently is the most effective means of eliminating the problem. Employees are therefore encouraged to try to resolve the concern initially with the respondent directly by requesting that the comment, conduct or behaviour stop immediately.
- (b) If the complainant is uncomfortable speaking to the respondent directly or if the complainant speaks to the respondent directly but the inappropriate behaviour continues, the complainant is encouraged to discuss their concerns with any of the following persons:
 - their supervisor, manager, Director, General Manager, or a different manager where appropriate;
 - the Director of Human Resources or their designate.

This will include filling out a Complaint Intake Form (see Appendix C). Any of the persons described in b) above, may, with the permission of the complainant, discuss the complainant's concerns, on a confidential basis with any other person for purposes of advice on how best to proceed.

Exception: Such permission shall not be required when there are issues of safety inherent in the complaint or concern, or if the complaint or concern is so serious or of such a nature that the City is obliged by law to deal with it, or if it is in the best interest of the employee to deal with it.

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- (c) The complainant may ask the person referred to in 6 b) to accompany them when the complainant speaks directly to the respondent about the concerns. Alternatively, the complainant may ask the person to address the matter informally with the respondent on behalf of, but not in the presence of, the complainant. Verification from the complainant to have a representative speak on their behalf is required in writing (see Appendix C Complaint Intake Form, section 7).
- (d) At any time, the complainant and the respondent may be encouraged to engage in a process of working out the concerns of the complainant, by discussion among the complainant, the respondent, and a union or association representative (if the complainant or respondent wishes).
- (e) Informal processes could include counselling, education and training, conflict resolution, behavioural guidelines or agreements, or mediation for the parties involved or for the affected workgroup. The complainant and respondent shall be kept informed as to how the concern is being addressed.
- (f) During any of the informal resolution processes, both the complainant and the respondent have the right to consult with and be represented by their union or association representative.
- (g) An informal resolution process may be converted to a formal resolution process (or vice versa) if it is appropriate to do so in the circumstances, or steps may be condensed if appropriate in the circumstances.
- (h) If the informal resolution process has not satisfactorily resolved the issue for the complainant, and upon the recommendation of the Director of Human Resources, the complaint may go to a formal resolution process.

7. Formal Resolution Process:

- (a) Complaints deemed to require a formal resolution process shall be submitted in writing to the Director of Human Resources.

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- (b) An investigation shall be undertaken by such internal person or external person as may be appointed by the Director of Human Resources. The decision to use an external investigator will be based on:
 - (i) factors within the complaint, including but not limited to the seriousness of the allegations;
 - (ii) internal staffing capacity;
 - (iii) the presence of a real or perceived conflict of interest if the investigation is conducted internally.
- (c) When required for purposes of investigating the complaint, taking corrective action with respect to the complaint, or when required by law, the respondent will see the complainant's statement. The complainant will see the respondent's statement. Witness statements will not be shared with the complainant or respondent.
- (d) The investigator, upon completion of the investigation, shall provide a written report of findings with respect to the complaint to the Director of Human Resources. The findings of the report shall then be provided in writing to the complainant and the respondent. Witnesses are not entitled to investigation results or complaint details unless the disclosure is necessary for the purpose of investigating allegations.
- (e) The General Manager or City Manager in consultation with the Director of Human Resources, shall determine, in a timely manner, the actions to be taken as a result of the findings of the investigator.
- (f) Appropriate actions as a result of a formal investigation may include counselling, education and training, conflict resolution, behavioural guidelines or agreements, mediation, or progressive discipline for parties involved or for the affected workgroup. The goal of this stage of the process is to bring closure to the complaint process and to repair or restore the workplace to a respectful and productive work environment.
- (g) A formal resolution process may be converted to an informal resolution process (or vice versa) if it is appropriate to do so in the circumstances, or steps may be condensed if appropriate in the circumstances.

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APPENDIX C – CITY OF SASKATOON A04-026 – Respectful and Harassment-Free Workplace Policy

COMPLAINT INTAKE FORM

1. Your Contact Information:

Name: _____
(First Name) (Last Name)

Current Position: _____

Work Group: _____ Union: _____

Phone number: _____ Email: _____

2. Definitions:

Complainant: the person or persons who allege they have been subjected to inappropriate behaviour or has witnessed inappropriate behaviour

Respondent: a person or persons alleged to have engaged in inappropriate behaviour

3. Detailed Complaint Information

Does this complaint involve a member of the general public? Yes or No

Outline the details of the incident(s) or issue(s) that give rise to this complaint, including the name of the respondent(s) and names of possible witnesses. Attach a separate sheet if needed. (*Who? What? When? Where? Why?*)

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4. Prior Action

Have you taken other action (*i.e. speaking with the respondent; speaking with your supervisor or manager; speaking with your union; filing a grievance; pursuing legal action*)?

If you have taken prior action, what were the results of that action?

If you have taken prior action, please explain why you are bringing this complaint forward.

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5. **Please share your ideas about how to resolve this problem.** *(Note: The City of Saskatoon's expectation is that complainants and respondents attempt informal resolution methods whenever appropriate).*

6. **Additional Documentation** *(Please attach any document you feel supports your complaint, i.e. emails, social media, etc.)*

7. **Authorization**

I, _____, authorize _____
(name) (complainant's Supervisor / Manager / HRC/ Director of HR)

to speak with the Respondent(s) to this complaint on my behalf, in an attempt to resolve this issue informally.

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8. Declaration

I declare that the information in this Intake Form is true to the best of my knowledge and belief. I understand that this information may be disclosed to other parties subject to 6.1. I have read and reviewed the Policy and understand its contents.

Signature of Complainant: _____

Date Signed: _____
(DD/MM/YYYY)

Administrative Use Only

Date Received: _____ **Intake Signature:** _____
(DD/MM/YYYY) (Human Resources /Supervisor /Manager)

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Administrative Use Only

I. Complaint Focus - fill out initial intake stage: (please check the box that apply)

1. Does the complaint involve inappropriate behaviours that do not appear to be harassing, but are disrespectful?
 Yes or No
2. Does the complaint allege potential harassment (on its face)? Yes or No
3. Does the complaint allege discrimination based on any of the following prohibited grounds?

<input type="checkbox"/> Religion	<input type="checkbox"/> Family status	<input type="checkbox"/> Disability
<input type="checkbox"/> Creed	<input type="checkbox"/> Sex	<input type="checkbox"/> Age
<input type="checkbox"/> Marital status	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Colour
<input type="checkbox"/> Ancestry	<input type="checkbox"/> Nationality	<input type="checkbox"/> Place of origin
<input type="checkbox"/> Race or perceived race	<input type="checkbox"/> Receipt of public assistance	<input type="checkbox"/> Gender identity
4. Is the complaint based on a disruptive workplace conflict? Yes or No

II. Findings and resolutions: (to be completed at closure of investigation)

1. Key findings (briefly list):

2. Resolution processes (e.g. facilitated dialogue, mediation, counselling, team-building, other)

3. Corrective actions (e.g. training, coaching, performance improvement plans, discipline, other)

Date file closed: _____
(DD/MM/YYYY)

Signature of Human Resources: _____ **Division Director/GM:** _____

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Acknowledgement – City of Saskatoon Respectful and Harassment-Free Workplace Policy

I, _____

(Employee First & Last Name)
Please print first and last name legibly

(Position Title, Division, Department)

I hereby confirm I have received and reviewed the City of Saskatoon Respectful and Harassment Free Workplace Policy. I agree to follow the guidelines, processes and responsibilities as outlined within.

Further, I understand that failure to comply with the Respectful and Harassment-Free Workplace Policy and this acknowledgement may result in disciplinary action, up to and including dismissal.

Employee Signature

Supervisor/Manager Signature

Date Signed
(DD/MM/YYYY)

Date Signed
(DD/MM/YYYY)