

CITY OF SASKATOON COUNCIL POLICY

NUMBER

C01-025

POLICY TITLE <i>City of Saskatoon Anti-Harassment Policy and Investigative Procedures for Members of City Council and Senior Administration</i>	ADOPTED BY: <i>City Council</i>	EFFECTIVE DATE <i>December 18, 2006</i>
ORIGIN/AUTHORITY <i>Clause 1, Report No. 17-2006 of the Executive Committee</i>	CITY FILE NO. <i>CK. 255-1</i>	PAGE NUMBER <i>1 of 7</i>

1. PURPOSE AND OBJECTIVE

The purpose and objective of this Policy is to ensure a respectful working environment free of harassment, including sexual, sexual orientation, racial, religious, verbal or physical harassment.

2. DEFINITIONS

2.1 City Council – means the Mayor and Councillors.

2.2 Executive Committee – means a committee consisting of all members of City Council, in camera.

2.3 Senior Administration – means the City Manager, the City Solicitor and the City Clerk.

2.4 Sexual and Sexual Orientation Harassment- behaviour related to sexuality or sexual orientation that may be verbal or physical and is offensive, unsolicited and unwelcome. It is not limited to, but includes:

- unwelcome banter, teasing or jokes;
- innuendoes or taunting about a person's clothing, body or sexual activities;
- displaying of pornographic or sexually explicit material;
- sexually related leering or other gestures, or unwelcome physical contact or invasion of personal space;
- condescending or patronizing behaviour, threats, promises, innuendos or reprisals whether direct or indirect, relating to a person's sex or sexual orientation; and
- refusing to work with or have contact with others because of their gender or sexual orientation.

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2.5 Racial and Religious Harassment – behaviour which disrespects or causes humiliation to people because of their race, colour, national or ethnic origin, or the adornments and rituals association with religious beliefs. It is not limited to, but includes:

- slurs, gestures, innuendos or taunts about a person’s racial or religious background;
- unwelcome banter, teasing or jokes relating to a person’s race or religion;
- displaying racist, derogatory or offensive pictures, materials or graffiti; and
- refusing to work with or have contact with others because of their racial or religious background.

2.6 Verbal Harassment – behaviour which is aimed at denigrating, intimidating or threatening a person, whether directly or indirectly. It may or may not overlap with other forms of harassment. It does not include spirited, but respectful expressions of opinion or debate not aimed at the individual, or his or her personal attributes, background or beliefs.

3. RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF MEMBERS

3.1 This Policy has as its goal the creation and maintenance of a respectful working environment, and the eradication of harassment.

3.2 Every employee of The City of Saskatoon, Civic Boards, Commissions, Authorities or Committees has the right to a respectful working environment free from harassment. Harassment is a form of discrimination, which violates people’s human rights and dignity. Everyone in the working environment has a responsibility to ensure that all persons are treated with respect, and to ensure that harassment does not occur. Harassment of employees or the general public will not be condoned or tolerated.

3.3 This Policy is meant to augment all Provincial legislation relating to harassment free workplaces for employees, City of Saskatoon Workplace Harassment Policy A04-016 and The City of Saskatoon Respectful Workplace Policy A04-022, which policies The City of Saskatoon has adopted in relation to its employees.

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- 3.4 Members of City Council and Senior Administration are the leaders and role models for The City of Saskatoon, Civic Boards, Commissions, Authorities or Committees and should lead by example and conduct in building and maintaining a working environment that is respectful and harassment free.
- 3.5 Members of City Council and Senior Administration should be vigilant in working to prevent disrespectful behaviour and harassment before it starts, by being polite, courteous and respectful and should practice good conflict resolution methods in dealings with employees, other members of City Council, Senior Administration and the public.
- 3.6 Members of City Council and Senior Administration, both individually and as a group, should attempt to deal with concerns as they arise so that such concerns are resolved without the necessity of complaints having to be made.
- 3.7 Members of City Council and Senior Administration who believe employees have been harassed have a responsibility to bring these concerns to the attention of the Executive Committee. Members of City Council and Senior Administration who are in breach of this Policy may be subject to sanctions as set out in this Policy, or *The Cities Act*.
- 3.8 People who threaten to retaliate against a complainant or a witness for taking part in an investigation will be subject to sanctions.
- 3.9 Complainants will not be uprooted from their workplace or have their working conditions changed as a result of remedial action against a harasser.
- 3.10 Malicious complaints may result in sanctions being taken against the complainant.

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4. CONFIDENTIALITY

- 4.1 To protect the interests of the complainant, the alleged harasser and any others who may report incidents of harassment, confidentiality will be maintained throughout the investigatory procedure to the extent possible.
- 4.2 All records will be kept confidential except where disclosure is required by the sanction, or other remedial process, or as required by law.
- 4.3 Confidentiality must be distinguished from anonymity. It is fundamental that individuals accused of a breach of this Policy, and subject to possible sanctions, be informed of the allegations; this information will include the identity of the complainant. The complainant who wishes his/her complaint dealt with must, therefore, be prepared to be identified.

5. INVESTIGATIVE PROCESS

5.1 General Principles

- (a) All complaints shall be treated seriously and shall be investigated appropriately according to the circumstances through the process set out in this Policy. However, this is not meant to prevent the Executive Committee from refusing to investigate or discontinuing the investigation of a complaint that is malicious, vexatious or trivial;
- (b) People accused of harassment must be informed of the complaint against them. They shall receive fair treatment, including appropriate supports, and be kept informed throughout the process, including being given access to any written complaints;
- (c) At any stage in the investigation process, both the complainant and the alleged harasser have the right to consult with and be represented by anyone of their choice; and

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- (d) Investigation appropriate to the circumstances will depend upon the nature and severity of the circumstances, and may include:
- (i) Informal resolution – which may include face-to-face discussions, facilitated or mediated discussions, verbal or written statements and may be concluded with or without formal reports; and/or
 - (ii) Formal investigation:
 - will be used if informal resolution does not work, or is inappropriate for the circumstances for any reason; and
 - a formal investigation will result in a report being made to and a determination made by the Executive Committee as to the complaint.

5.2 Receipt and Investigation of Complaints

- (a) Complaints Against City Council Members
- (i) Any complaint against a member of City Council by an employee of The City of Saskatoon, including the Senior Administration, or by a member or an employee of a Civic Board, Commission, Authority or Committee shall immediately be forwarded to the Executive Committee, excluding such member;
 - (ii) The complaint shall be investigated by the Executive Committee as per this Policy, using the services of an independent investigator experienced in investigating this type of complaint;
 - (iii) The Executive Committee is authorized to utilize or retain such internal or external agencies, or solicit such internal or external legal advice as required;

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- (iv) Immediately upon conclusion of the investigation or receipt of any investigative report, as the case may be, the Executive Committee shall meet to consider the matter, including any report or legal advice received;
 - (v) The member of City Council whose conduct is the subject of the complaint is entitled to make submissions to the Executive Committee regarding the subject matter of the complaint; and
 - (vi) If the Executive Committee concludes that the allegations are well-founded, the Executive Committee shall determine if sanctions are warranted. Without limiting the generality of the following, sanctions may include removal of the member from any Civic Boards, Commissions, Authorities or Committees, restriction of access to civic services or City Hall (except as absolutely required in the execution of his or her electoral duties), removal of any privileges, remuneration or salary, or any sanctions or actions as may be permitted or authorized by *The Cities Act*.
- (b) Complaints Against Members of the Senior Administration
- (i) Any complaint against a Member of the Senior Administration shall be forwarded to the Executive Committee;
 - (ii) The complaint shall be investigated by the Executive Committee as per this Policy;
 - (iii) The Executive Committee is authorized to utilize or retain such internal or external legal advice as required;
 - (iv) Immediately upon conclusion of the investigation or receipt of any investigative report, as the case may be, the Executive Committee shall meet to consider the matter, including any report or legal advice received;

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- (v) The person whose conduct is the subject of the complaint is entitled to make submissions to the Executive Committee regarding the subject matter of the complaint; and
- (vi) If the Executive Committee concludes that the allegations are well-founded, the Executive Committee shall determine if sanctions are warranted. Sanctions may include discipline up to and including dismissal of the person.

5.3 Cooperation with Investigation

Every member of City Council or the Senior Administration must cooperate fully with an investigation under this Policy, whether or not he or she is the subject of the complaint.