

Town of Birch Hills
Harassment Policy and Procedures
Policy no. 12-2022

Purpose: The Town of Birch Hills wishes to provide a healthy, harassment-free workplace, free from any intimidation, hostility or other behavior that may affect an employee's well-being as well as work performance. No harassment, whether verbal, physical, sexual or visual, will be tolerated in any form.

Definition of Harassment: Harassment can take many forms, such as: comments, jokes, signs, intimidation, physical contact, the formation of a group united against an individual, physical and/or verbal violence.

Harassment is not tolerated at the Town of Birch Hills. Harassment includes, but is not limited to, any inappropriate conduct, comments, display, action or gesture by a person:

Discriminatory Harassment: harassment made on the basis of race, religion, color, sex, gender identity, sexual orientation, marital status, family status, disability, physical traits, age, nationality.

Sexual Harassment: harassment made on the basis of offensive behavior relating to a person's sex; behavior that creates intimidation, hostility or humiliation that is sexual in nature; behavior that infers sexual conditions on an individual's job; refusing to work with individuals because of their sex, gender or sexual orientation.

Personal Harassment: harassment made on the basis of "bullying" which includes any comments, conduct, display, action or gesture that adversely affects a worker's well-being; causing harmful and lasting effects on the employee; verbal or written abuse or threats; insults, derogatory jokes, degrading comments; personal ridicule or malicious gossip.

Scope: This policy applies to all current members of Council and employees of the Municipality, including full and part-time, casual, contract, permanent and seasonal employees. This policy also applies to job applicants, ratepayers, members of the public, visitors and individuals conducting business with the Municipality, including but not limited to contractors, consultants, vendors or delivery persons, are expected to refrain from any form of harassment.

Investigation: The investigation shall begin within five (5) working days following receipt of the complaint. Council will meet individually with all the persons concerned with the harassment complaint, to document each person's statement of events. If the complaint is against the Mayor or another member of Council, they would have to recuse themselves due to the conflict of interest.

Responsibility: All employees of the Town of Birch Hills are responsible for keeping the work environment free from any act of harassment. An individual who makes unwanted advances, threatens, or harasses another employee is personally responsible for these actions and the consequences.

Council is responsible for ensuring that this policy is applied in a timely and confidential manner; determine if allegations are substantiated; determining corrective action.

Administrator is responsible for administration of this policy; ensuring review of this policy; adjusting this policy as required.

Supervisors (Council/Administrator/Foreman) are responsible for fostering a harassment-free workplace; communicating the process for harassment complaints; dealing with the situation immediately; taking appropriate action; ensuring situations are dealt with in a timely and confidential manner.

No measure, which could affect someone's employment, shall be taken against any person who has reported, in good faith, a presumed act of harassment.

Informal Process

An individual who believes that he or she has been the subject of conduct that is in violation of this policy is encouraged, where possible:

- a) To clearly and firmly make it known to the offending individual that the conduct is unwelcome and must stop; and
- b) To attempt to resolve the issue by direct discussion with the offending individual; and may report the matter to the Supervisor. If the Supervisor is the accused harasser, then the matter may be reported to the Administrator/Council. Depending on the nature and severity of the alleged conduct, and subject to the consent of the individual reporting the harassment, the Municipality may first try to resolve the issue informally.

Formal Process

Where the informal process is unsuccessful, or the individual does not feel comfortable addressing the issue directly, the individual should document the details of the alleged harassment (including name(s), date, time, place, particular details of alleged harassment and any witness(s)) and submit a written report to the Administrator and/or Council. The individual receiving the written report will notify the alleged harasser of the written report and provide the alleged harasser with information concerning the circumstances of the written report.

If there is sufficient basis in the written report or if the Municipality otherwise deems it necessary to do so, the Mayor and/or Council will carry out a formal investigation into the conduct contained in the written report in a prompt, fair and impartial manner. The investigation process may include interviews with the individual reporting the alleged harassment, the alleged harasser and to the extent determined by the investigator and anyone else with information relevant to the matter in question. All written reports, response statements, witness statements, interview notes and other documentation gathered as part of an investigation will be securely stores in a confidential investigation file.

The investigator will prepare a report that will include:

- A description of the allegation;
- The response of the person the complaint was made against;
- A summary of information learned from witnesses (if applicable);
- A decision about whether, on a balance of probabilities, harassment did occur; and
- This report will be submitted to the Municipality dependent on the situation. Both parties to the complaint will be given a copy.

The Municipality will decide on any action to be taken as a result of the findings of an investigation. The individual who reported the alleged harassment and the alleged harasser will be informed as to the outcome of the investigation.

Where harassment is substantiated, the Municipality will take appropriate corrective and/or disciplinary action, up to and including termination of employment. Where harassment is not substantiated, no action will be taken against an individual who made the allegation of harassment in good faith. Where, however, a complaint is fraudulent, malicious or otherwise made in bad faith, the individual who made the allegation of harassment may be subject to disciplinary or other actions.

If either party to a harassment complaint believes that the complaint is not being handled in accordance with this policy, he or she should contact Council.

Privacy and Confidentiality

The Municipality will not disclose the name of the individual who reported the harassment, the alleged harasser or the circumstances related to the report of alleged harassment to any individual except where disclosure is necessary for the purposes of investigation of the alleged harassment report or taking corrective action, or where such disclosure is required by law.

Adopted this 13th day of April, 2022.



Mayor



Chief Administrative Officer

I, _____, have read and understand the contents of the Town of Birch Hills Harassment Policy and Procedures and agree to adhere to the rules and expectations.

Employee signature

Date signed



*Certified true copy of
Policy 12-2022*

