

SEXUAL HARASSMENT POLICY AND PROCEDURES

32.

OBJECTIVE:

The Municipality of Barrington recognize the right of an employee to work in an environment free of sexual harassment and are committed to achieving this objective.

PRINCIPLES:

- It is the policy of the Municipality of Barrington that sexual harassment will not be tolerated. Individuals who engage in such behaviour shall be subject to disciplinary action up to and including termination.
- Sexual harassment is prohibited whether it occurs at the work place or elsewhere in the course of employment responsibilities or working relationships (for example: at work related social functions, at work related conferences or training events, or during work related travel).
- It is a management responsibility to take reasonable measures to ensure that the work environment is free from sexual harassment, however achieving this goal depends upon the cooperation and mutual respect of all employees.
- A range of informal and formal response options are provided in order to respond sensitively to the needs of complainants.
- All sexual harassment complaints and responses shall be treated as confidential matters subject to the requirements of this policy and procedures.
- A copy of this policy shall be provided to all employees in order that they fully understand the meaning of sexual harassment, the complainant and investigative procedures and the commitment of the employer to enforce this policy.

CAPITALIZED DEFINITION:

Sexual harassment means:

- objectionable, coercive or vexatious comment or attention of a sexual nature to a person or persons, that is known or ought reasonably to be known to be unwelcome.
- actions or communications with a sexual connotation or component which are directed at no person in particular, but which create an intimidating, demeaning or offensive work environment.

Sexual harassment shall include, but not be limited to:

1. any comment, communication, innuendo or conduct that emphasizes sexuality or sexual orientation in what may be perceived as a humiliating, intimidating, aggravating, demeaning or offensive manner.
2. unwanted sexual request or advance, inappropriate touching, or sexual assault.
3. any implied or expressed reprisal or threat or reprisal, or denial of opportunity for refusal to comply with a sexually oriented request.
4. any implied or expressed reward for complying with a sexually-oriented advance or request.
5. displaying pornographic, offensive, or derogatory pictures or text.
6. any repeated or unwarranted verbal or physical sexual advances, sexually explicit derogatory statements, or sexually discriminatory remarks which are offensive and objectionable to the recipient, or which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.
7. telephone calls with sexual overtones.
8. persistent, unwanted social invitations.
9. persistent leering at a person's body.
10. reprisal or threat of reprisal against an individual for any action taken by the individual pursuant to this policy and procedures.

RECORD KEEPING:

Employees who experience sexual harassment should keep accurate records of incidents comprising the alleged harassment including dates, times, reference to actions taken by the complainant, responses of the alleged harasser, responses of managers, witnesses and any other relevant information. This documentation can be a vital component of any further action which may be required. However, it is not a requirement in order to proceed with a formal complaint.

1. Communicating concerns directly to the alleged harasser.

If circumstances permit, communicating directly with the person concerned can be an effective way to end the harassment. The employee who is being harassed should inform the person clearly and directly that their behaviour is unwelcome and must stop. If done verbally, it may be useful to have a witness present and to make note of the conversation afterward. If done in writing, a copy of the letter should be kept by the complainant.

2. Communicating concerns to supervisors.

All supervisors have an obligation to take reasonable measures to provide a work environment that is free from sexual harassment and to take corrective action should harassment occur. If the complainant feels comfortable doing so, it may be helpful to discuss concerns relating to sexual harassment with their immediate supervisor or with another person in a position of authority and to request their assistance in resolving the situation. As in the case of the first option, the complainant may find it helpful to be accompanied by another person and to keep a record of the discussion, and if the concerns are communicated in writing, to keep a copy of the correspondence.

B. FORMAL COMPLAINT OPTIONS

If informal processes are not effective in resolving the situation to the satisfaction of the complainant or if the complainant prefers to file a formal complaint immediately, the following procedure shall apply.

Complaint Procedure

An Investigative Committee composed of the Municipal Clerk or Deputy Clerk and the Warden or Deputy Warden and a Supervisor from a department other than the one connected to the complainant and such other members as may be added at the discretion of the Municipal Clerk or Deputy Clerk, is responsible for the investigation of complaints filed under this procedure. This Committee shall always consist of not fewer than two (2) members and one (1) of whom shall be a female.

The procedure is as follows:

1. Formal complaints must be filed directly with the Municipal Clerk in writing and signed by the complainant.
2. A copy of the complaint shall be provided to the other member(s) of the Investigative Committee.
3. Upon receipt of the complaint, the Chairperson of the Committee will inform the Supervisor of the department of the complainant and the alleged harasser that the complaint has been filed and that an investigation will take place.

The procedure is as follows:

1. Formal complaints must be filed directly with the Municipal Clerk in writing and signed by the complainant.
2. A copy of the complaint shall be provided to the other member(s) of the Investigative Committee.
3. Upon receipt of the complaint, the Chairperson of the Committee will inform the Supervisor of the department of the complainant and the alleged harasser that the complaint has been filed and that an investigation will take place.
4. The Investigators inform the alleged harasser that a complaint has been filed and provide him/her with a copy of the complaint.
5. The investigators interview the complainant, the alleged harasser and any witnesses and review all documentation. Both the complainant and the alleged harasser will be advised that they have the right to be accompanied during the interview by a co-worker or another support person.
6. The Investigative Committee must complete its investigation and file a report and recommendations within twenty (20) working days of receiving the complaint.
7. The Municipal Clerk or Deputy Clerk shall determine on the basis of the Investigators' Report what action, including appropriate disciplinary action if any, is to be taken. The Municipal Clerk will give written notice to both parties, of any action required as a result of the Investigators' Report and the rationale for that action. Should the Investigators' Report indicate further disciplinary action is required, the Municipal Clerk shall inform the Finance and Administration Committee at the earliest possible convenience.

In accordance with Article 22 of the Personnel Policy, the Municipal Clerk shall have the absolute discretion to temporarily suspend any employee on the basis of the Investigators' Report for alleged sexual harassment, while steps "C" and/or "D" of the Personnel Policy are being conducted.

8. If at any time after filing a complaint, the complainant wishes to abandon the complaint and investigation process, he/she must communicate this in writing to the Chairperson of the Investigative Committee who shall decide whether the investigation is to be continued.

C. EXTERNAL OPTIONS FOR COMPLAINANTS

The following external complaint options are also available to employees:

1. Complaint to the Nova Scotia Human Rights Commission
2. Complaint under the Criminal Code (unwanted physical contact may constitute sexual assault, with proceedings under the Criminal Code).