



Policy 2019.05.05-01  
Last Revised: April 17, 2020 – Motion 2020-231

## HARASSMENT & WORKPLACE VIOLENCE POLICY

### 1. POLICY

- 1.1. The Hamlet of Enterprise (the "Hamlet") recognizes the right of all persons employed by the Hamlet to work in an environment free from unwanted personal harassment, sexual harassment or workplace violence. The Hamlet commits to making every reasonable effort to ensure that Employees are not subject to harassment and workplace violence.
- 1.2. The Hamlet is committed to providing a safe and respectful workplace for all employees and recognizes that workplace harassment and violence undermine the values of mutual respect, dignity, tolerance and goodwill and that all employees deserve to be treated fairly, and with dignity. In order to attain these objectives, the Hamlet has developed a policy intended to prevent harassment and violence in the workplace and to deal quickly and effectively with an incident, should it occur.
- 1.3. This Policy is not intended to discourage or prevents an Employee from exercising other legal rights.

### 2. SCOPE

- 2.1. This Policy applies in any location which Employees are engaged in work-related activities. This includes, but is not limited to, restaurants, hotels and meeting facilities that are being used for Hamlet's business purposes or special events, such as holiday and retirement parties or events, or Hamlet facilities or vehicles. It applies at all times during which the Employees are acting in the course of their employment, or as representatives of the Hamlet, including business trips, meetings outside the Hamlet's premises and training courses.

### 3. DEFINITIONS

- 3.1. **"Personal Harassment"** means any improper behaviour by a person employed by the Hamlet that is directed at and offensive to another person employed by the Hamlet, which the first person knew or ought to reasonably have known that would be unwelcome. Personal harassment comprises objectionable conduct, comment, act or display that demeans, belittles or causes personal humiliation or embarrassment to the recipient. Personal harassment also includes one or a series of incidents involving unwelcome comments or conduct (including displays, actions or gestures) concerning a person's race, colour, ancestry, ethnic origin, citizenship, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, gender expression, marital status, family status, pregnancy, lawful source of income, and a conviction for which a pardon has been granted:
  - when such conduct might reasonably be expected to cause insecurity, discomfort, offense or humiliation to another person or group;
  - when submission to such conduct is made either implicitly or explicitly a condition of employment or is used as a basis for any employment decision; or

- when such conduct has the purpose or effect of interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

Types of behaviour which constitute personal harassment include, but are not limited to:

- violent or threatening physical or verbal abuse outburst or abuse;
- sarcastic or derogatory comments, displays, gestures or actions which undermine, demean, belittle or humiliate an individual or group or their ability or intelligence;
- yelling, screaming, swearing or similar behaviour aimed at intimidating, frightening, threatening, coercing or offending those at whom it is directed.

Personal harassment excludes "the usual pressures and tensions reasonably expected by the worker's occupation and duties; for example, interpersonal relations and conflicts which do not constitute workplace harassment, mitigated health and safety concerns, union issues, routine labour relations actions taken by the employer including workload and deadlines, work evaluation, performance management (discipline), transfers, changes in job duties, lay-offs, demotions, terminations, and reorganizations, to which all workers may be subject from time to time" (*WSCC Policy Manual, Policy 3.09, p. 3*).

3.2. "**Sexual harassment**" means any conduct, comment, gesture or contact of a sexual nature:

- that might reasonably be expected to cause offense or humiliation; or
- that might reasonably be perceived as placing a condition of a sexual nature on employment or on an opportunity for training or promotion.

Sexual harassment can be expressed in many ways, from the subtle to the overt:

- Suggestive remarks or compromising invitations, including comments, suggestions, innuendos or requests;
- Verbal abuse, dirty jokes or display of suggestive pictures or pornographic materials;
- Leering or whistling;
- Patting, rubbing, pinching, touching or any other unwelcome physical contact;
- Outright requests or demands of a sexual nature or for sexual favours or an actual physical assault.

Sexual harassment can result from actions between coworkers, or from actions between an Employee and a third party present in the workplace.

3.3. "**Workplace violence**" means any incident in which an Employee is abused, threatened or assaulted during the course of their employment, and includes but is not limited to all forms of harassment, bullying, intimidation and intrusive behaviour of a physical or emotional nature.

Examples of workplace violence include, but are not limited to:

- Threatening behaviour, such as shaking fists, destroying property or throwing objects;
- Verbal or written threats that express an intent to inflict harm;
- Physical attacks; or
- Any other act, such as verbal abuse, that would cause fear in a reasonable person in the circumstances.

Workplace violence can result from actions between coworkers, or from actions between an Employee and a third party present in the workplace.

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## 4. GUIDELINES

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### 4.1. Retaliation

- 4.1.1. The Hamlet will not tolerate retaliation, taunts or threats against anyone who complains about harassment or workplace violence or takes part in an investigation.
- 4.1.2. Any employee who taunts, retaliates against or threatens anyone in relation to an harassment or workplace violence complaint will be subject to discipline up to and including termination of employment.

### 4.2. Complaints

- 4.2.1. If an Hamlet employee is being harassed or is subject to workplace violence, the Employee must:
  - Tell the person harassing them that their behavior is unwelcome and ask them to stop. An Employee may choose to approach that person's direct supervisor instead, if applicable;
  - Record the incidents (dates, times, locations, possible witnesses, what happened including their response and that of the alleged perpetrator);
  - If, after they have asked the person harassing them to stop the behaviour, the harassment continues, the Employee must report the problem to the Senior Administrative Officer. If the Senior Administrative Officer is the perpetrator, then the Employee must report the problem to the Hamlet Council.

### 4.3. Complaint Procedure

#### 4.3.1. Complaints against Hamlet Employees

##### a. Submitting a Complaint

Employees must submit a complaint in writing to the Senior Administrative Officer, including details of the incident(s), such as dates, times, location, witnesses, the alleged perpetrator's actions and the Employee's response to the actions within fifteen (15) working days of the incident(s). If the Senior Administrative Officer is the alleged perpetrator, the complaint must be submitted to the Hamlet Council.

##### b. Investigation

After a complaint is received, the Hamlet will conduct an investigation with a view of resolving the problem. The alleged perpetrator will be notified of the substance of the complaint and the complainant, the alleged perpetrator and other relevant witnesses will be interviewed.

All information obtained in the course of the investigation will be kept confidential. The Hamlet will not disclose the name of the complainant or the alleged perpetrator or the circumstances of the complaint to any person, unless disclosure is necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint, or required by law.

##### c. Results of the Investigation

After the investigation is completed, a full report will be made to the Senior Administrative Officer or the Hamlet Council, if the Senior Administrative Officer is the object of the complaint. The Senior

Administrative Officer or the Hamlet Council will then determine if the complaint is substantiated or unsubstantiated.

When the complaint is substantiated, the Senior Administrative Officer or the Hamlet Council will determine the appropriate response, including any discipline. The Hamlet commits to take corrective action against any Employee who subjects another Employee to harassment or workplace violence, up to and including termination.

The complainant and the alleged perpetrator will be provided, in writing, with a summary of the investigation report, the results of the investigation and the discipline imposed, if any.

d. Record of the Complaint

If any Employee makes a complaint in good faith and without malice, there will be no form of discipline taken, regardless of the outcome of the investigation. In the case of a complaint made in good faith, no record of the complaint will be kept in the complainant's personnel file, regardless of the outcome. However, malicious complaint from any Employee will result in disciplinary action, up to and including termination of employment.

If the complaint is found to be unsubstantiated, no record of the complaint will be kept in the alleged perpetrator's personnel file.

4.3.2. Complaints against a Third Party

- a. If an Employee is harassed or subjected to violence from an individual not employed by the Hamlet, the Employee must report the incident to the Senior Administrative Officer immediately, or as soon as practicable.
- b. Any individual(s) who makes substantial threats, exhibits threatening behaviour, or engages in violent acts or harassing behaviour in any Hamlet premise shall be removed from the premises as quickly as safety permits, and shall remain off Hamlet premises until an assessment and/or an investigation of the situation has taken place by the Senior Administrative Officer, in consultation with legal authorities.
- c. After the investigation is completed, the Senior Administrative Officer shall provide the complainant with a summary of the investigation results, and inform the complainant of the steps taken to prevent further incidents. The Hamlet commits to take corrective action against any individual who subjects an Employee to harassment or workplace violence.

4.4. Responsibility

- 4.4.1. All Hamlet employees are responsible to report to management, as soon as possible, any suspicious behaviour, threats, or acts of violence or harassment that they have witnessed, been confronted with, or are aware of where other employees are involved.

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**ATTACHMENTS**

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**REFERENCES**

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