

M.D. of Opportunity No 17
PERSONNEL POLICY

TITLE: STAFF CONDUCT/SEXUAL HARASSMENT

EFFECTIVE DATE: SEPTMBER 27, 2000

POLICY NUMBER: P.5

Purpose of Policy:

This policy is intended to provide all employees with a working environment as free as possible from any form of discrimination. Discrimination is defined in Section 7 of the Individual Rights Protection Act to include discrimination by race, religious beliefs, sex, ethnic background, physical characteristics, marital status, age, ancestry, or place of origin.

More specifically, sexual harassment will not be tolerated in the Municipal District of Opportunity No. 17.

The Alberta Human Rights Commission has interpreted Section 7 of the Individual Rights Protection Act regarding sexual harassment as follows:

“Unwanted sexual advances, unwanted requests for sexual favors and other unwanted verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, tenancy or the receipt of a service.
2. Submission to or rejection of such conduct by an individual demonstrably effects that individual's employment, tenancy or receipt of a service”.

In addition, the Human Rights Commission takes a position that:

“An employer or person in a position of authority, after becoming aware of an occurrence of sexual harassment and who fails to take appropriate actions, may be held liable”.

It is, therefore, prohibited behavior for an employee to engage in unwelcome sexual advances, requests for sexual favors, verbal, or physical conduct of a sexual nature, or any verbal conduct that might be construed as a racial, sexual, ethnic or religious slur.

Such behavior regardless of whether committed by a Supervisor or co-worker will be considered employee misconduct and will be subject to disciplinary action including verbal or written warning, suspension or dismissal depending upon the severity of the behavior.

A. EMPLOYEE PROCEDURES

Any employee who believes he or she has been the subject of discrimination or harassment should:

1. Immediately make the perpetrator aware that his or her verbal or physical advances or vexatious comments are unwelcome.
2. Report the matter to his or her own supervisor.

They shall report the following:

- a) The name of the perpetrator
- b) What the perpetrator did
- c) What the perpetrator said
- d) When the incident happened
- e) Where the incident happened
- f) Name of any witness(s)
- g) Whether similar treatment has occurred before
- h) Whether, to the complainant's knowledge, this has happened to others in the workplace
- i) What the complainant wishes the supervisor or personnel officer to do about the matter

WHERE THE PARTY ACCUSED OF HARASSMENT IS THE EMPLOYEE'S SUPERVISOR, THE EMPLOYEE SHALL REPORT THE INCIDENT TO THE MUNICIPAL MANAGER.

3. Nothing in these procedures affects an employee's right to file a complaint with the Alberta Human Rights Commission at any time within six months from the date of the last incident.
4. Any further harassment during the investigation shall be reported immediately.
5. Employees, although they have the right, are discouraged from publicizing their complaint while it is under investigation.

B. EMPLOYER – SUPERVISORS, FOREMEN, AND DEPARTMENT HEADS – PROCEDURES

1. When a complainant approaches you, either determine to discuss the problem immediately or make arrangements to meet at the first possible opportunity. Reserve at least one half hour to review the complaint and policy.
2. Be professional in manner – do not take sides. Listen with empathy. Do not let the sexual aspects of sexual harassment frighten, confuse, or anger you. Most victims do not report harassment until the situation has reached a crisis point and therefore, may be emotional.
3. Make sure that all discussions are private.

4. You should advise the employee that you would be asking personal questions in order to get the facts. Explain to the employee that it is in everyone's best interest if you document what is said during the discussion in case he or she decides to file a complaint later.

RECORD THE ANSWERS IN WRITING TO AT LEAST THE FOLLOWING QUESTIONS, HAVE IT SIGNED AND GIVE A COPY TO THE COMPLAINANT.

1. Who is the alleged perpetrator?
 2. What did he/she do?
 3. What did he/she say?
 4. When did this happen?
 5. Where did this happen?
 6. Were there any witnesses?
 7. Has this happened before?
 8. Has this happened to others?
 9. What would you like me to do about it?
5. Do not tell the complainant what you think he/she should do. Ask him/her what he/she wants you to do about it. The person may ask for advice on how to handle the incident him/herself, or more likely, he/she may file a written complaint, which you investigate.
 6. You should follow up your investigation within one week and then at periodical intervals to ensure the problem has been resolved.
 7. Follow up the complaint with a note to the employee indicating that you are looking into the situation but refrain from being explicit or specific as to the nature of the meeting to maintain confidentiality. Keep the involved parties informed as to when and if any action is taken. Action must not only be taken but must be seen to be taken.
 8. If the complainant has requested you handle the situation, schedule an interview with the alleged perpetrator to hear the other side of the story. This meeting should also be handled discretely. The alleged perpetrator deserves the same privacy and respect as the complainant while the facts are being checked out.
 9. If you feel the incident was one of misunderstanding, or the perpetrator is genuinely sorry, ask him/her if you may relay this on their account to the complainant. If both parties involved agree that the incident was mere misunderstanding, then arrange to drop the case but retain all the documentation in the personnel file of the complainant.
 10. If the perpetrator agrees to change behavior, document fully what changes in behavior will take place. Get their commitment in writing to an altered attitude, or any and all behavior changes that they have agreed to.
 11. All actions must be documented. All documentation shall be lodged in the appropriate personnel files in the municipal office.
 12. Where you do not feel you can resolve the problem, you shall make a complete report and present it to the municipal manager.

13. The municipal manager shall fully investigate the complaint following the above procedures and after consultation with all involved, attempt to resolve the issue.
14. Any parties to the complaint shall have the right to appeal a decision of either the supervisor or the administration to the Board Employee Relations Committee.
15. Nothing in these procedures affects an employee's right to file a complaint with the Alberta Human Rights Commission at any time within six months from the date of the last incident.

APPROVED: SEPTEMBER 27, 2000
AMENDED:
AMENDED

*"The personal information submitted pursuant to this form
will be utilized for this purpose only and is subject to compliance with the
Freedom of Information and Protection of Privacy Act."*