

Policy to prevent psychological or sexual harassment at work and to handle complaints

WHEREAS everyone has the right to a work environment that protects their health, safety and dignity;

WHEREAS *Act respecting labour standards (c. N-1.1)* requires all employers to adopt and make available a harassment prevention policy, including a component on sexual behavior;

WHEREAS the Town of Barkmere is committed to adopting proactive and preventative behaviors related to any situation that involves harassment, incivility or violence at work, as well as to making the whole organization accountable in this sense ;

WHEREAS the Town of Barkmere intends to put in place measures to prevent any situation of harassment, incivility or violence in the workplace;

WHEREAS the Town of Barkmere does not tolerate or admit any form of harassment, incivility or violence in the workplace;

WHEREAS it is up to each member of the municipal organization to promote the maintenance of a workplace free from harassment, incivility or violence at work;

THEREFORE, the City of Barkmere hereby adopts this harassment prevention policy.

1. **Objectives of the Policy**

This policy is intended to:

- ✓ Develop a respectful organizational culture ;
- ✓ Take reasonable steps to prevent and stop all forms of harassment, psychological or sexual, incivility or violence at work ;
- ✓ Clarify the roles and responsibilities of all members of the organization in relation to this policy;
- ✓ Manage and effectively stop harassment, incivility or violence at work ;
- ✓ Encourage employees of the Town of Barkmere to report any situation of harassment, incivility or violence at work;
- ✓ Provide appropriate support, where possible, to victims of harassment, incivility or workplace violence.

2. Scope

This policy governs relations between co-workers, between superiors, between senior employees and subordinates, between employees and citizens, between employees and elected officials, between employees and suppliers of the Town of as well as those between employees and any other third party. This policy applies to conduct that may occur at work and at work-related social events.

3. Definitions

Employee :

Person who performs work under the direction or control of the employer. For the purposes of this policy, a volunteer is considered an employee.

Employer:

Town of Barkmere.

Right of management:

The right of an employer to direct its employees and organization to ensure the smooth running and good governance of the Town of Barkmere. For example, to monitor job performance, absenteeism, allocation of tasks or the application of a disciplinary or administrative process.

Psychological harassment must not be confused with the exercise of the authority of the employer to the extent that the employer does not exercise it in a discriminatory or abusive manner.

Psychological harassment:

Psychological harassment is vexatious conduct that manifests itself in words, acts, behaviors or repeated actions that are hostile or unwanted, and that are likely to undermine the dignity or physical or psychological integrity of the person or which is likely to cause for a person unfavorable working conditions that make the workplace harmful.

However, a single serious act that causes a continuing harmful effect can also be considered harassment.

This definition includes harassment related to a ground of discrimination contained in the Charter of rights and freedoms, administrative harassment (abuse of authority) and sexual harassment (hereinafter collectively "harassment").

Sexual harassment:

For the sake of precision, sexual harassment is characterized by words, acts, behaviors or gestures of a sexual nature or of a sexual connotation. It can manifest itself in particular by:

- ✓ Advances, requests for favours, invitations or inappropriate requests of a sexual nature;
- ✓ Sexual comments, remarks about the person's body or appearance, jokes that denigrate the sexual identity or sexual orientation of the person ;
- ✓ Unwanted physical contact, such as touching, pinching, tugging, voluntary grazing;
- ✓ Threats, retaliation or other injustice associated with sexual favours.

Incivility:

Conduct that violates the obligation of mutual respect inherent in any workplace relationship.

Mis en cause:

The person who allegedly carried out the harassing behavior, or violence or incivility which the subject of a report or complaint. He or she can be an employee, including a manager and general management, an elected official, a supplier, a citizen or a third party.

Complainant:

The person believing himself or herself to be the victim of harassment, incivility or violence at work. He or she may be an employee, including a manager and senior management.

Immediate superior:

Senior employee representing the first level of authority over an employee and who has direct control over the execution of the work of the latter.

Violence at work:

Any aggression that harms the physical or moral integrity of a person.

4. Roles and responsibilities

All persons covered by this policy must use conduct that is free from harassment, incivility or violence at work. They must also contribute to the establishment of a healthy work environment, in particular by notifying the employer of any situation of harassment, incivility or violence at work.

4.1 Town Council

- a) Takes reasonable measures to prevent, or where such conduct is brought to its attention, to put an end to, harassment, incivility or violence at work;
- b) Supports senior management and immediate superiors in the application of this policy;

- c) Receives any complaint that relates to the Director general, in which case the sections of this policy apply with the necessary modifications.

4.2 The Director general :

- a) Is responsible for the application of this policy;
- b) Treats with diligence any report or complaint and investigates or refers to an external expert.
- c) Ensures the dissemination of this policy and educates employees;
- d) Processes diligently any report or complaint by taking reasonable measures to maintain a healthy work environment;
- e) Facilitates the resolution of any conflict and collaborates with the various stakeholders;

4.3 The employee

- a) Reads this policy;
- b) Collaborates on settlement mechanisms when required.

4.4 The complainant

- a) Indicates any situation of harassment, incivility or violence at work with the potential mis en cause in order to ask him or her to stop such behavior;
- b) Reports the situation to an immediate supervisor if harassment, incivility or violence at work continues;
- c) Collaborates on settlement mechanisms.

4.5 The mis en cause

- a) Collaborates on settlement mechanisms.

5. Internal procedures for handling reports and complaints

- a) Any report or complaint will be treated with diligence, fairness, discretion and impartiality;

- b) Whenever possible, the complainant must prompt the mis en cause to immediately stop his or her unwanted or harassing behavior;
- c) The mechanisms of this policy do not prevent a person from exercising the rights conferred by the law in the delays so provided.

5.1 Informal settlement mechanism

- a) The informal settlement mechanism aims to avoid undue disruption of the work environment and to involve the complainant and mis en cause in finding informal conflict resolution solutions. Parties may use this mechanism at any time during the processing of a report or complaint;
- b) The complainant reports the conflict to his immediate superior (or the Director general where his immediate superior is involved) and he or she is informed of the options available to him or her to resolve the conflict;
- c) The person who receives a report or complaint must :
 - ✓ Verify the willingness of the parties to initiate an informal settlement mechanism;
- d) If the parties wish to participate in the informal settlement mechanism, the person who processes the report or the complaint must :
 - ✓ Get the facts of each party;
 - ✓ Stimulate discussion and suggest possible solutions to resolve the conflict;
 - ✓ Identify with the parties the solutions chosen to resolve the conflict;
- e) If the mechanism fails, the person who received or processed the report or complaint informs the complainant of the possibility of continuing with the formal settlement mechanism. He or she informs the Director general of the failure of the informal mechanism. The latter may decide to investigate and determine other the applicable measures, where appropriate.

5.2 Formal Harassment Resolution Mechanism

- a) The formal settlement mechanism does not apply to reports or complaints relating to incivility or workplace violence, unless they can also be deemed to be harassment;

- b) The complainant may submit a formal complaint to the Director general no later than two (2) years after the last occurrence of a conduct of harassment. In the case where the complaint concerns the Director general, the complainant shall forward it directly to the mayor or elected representative designated by resolution;
- c) A complaint form identifying information essential to the processing of a complaint is attached. The complainant or the person making the report submits in writing all the allegations supporting his or her complaint based on facts, specifying, if possible, the dates and indicating the names of the witnesses of the events.

5.3 Investigation

- a) The Director general, upon receipt of a complaint :
 - ✓ Verifies in a preliminary manner the initial attempts which have been made to resolve the conflict;
 - ✓ Decides whether to investigate or to entrust it to a third party or external expert (hereinafter collectively referred to as the "designated person ");
 - ✓ Establishes temporary measures, when required;
- b) The Director general or the designated person then checks whether the complaint is admissible and makes his or her decision known in writing to the complainant;
- c) In the event that the complaint is deemed admissible, the Director general or the designated person considers all of the facts and circumstances related to the allegations provided by the complainant;
- d) The Director general or the designated person first verbally advises the mis en cause of the investigation. A written notice of meeting is then sent to him or her at least forty-eight (48) hours before the meeting to obtain his or her version of events. The notice of meeting indicates the main elements of the complaint;
- e) The investigation involves the meeting of the parties to the complaint and the various relevant witnesses. At these meetings, the complainant and the mis en cause can choose to be accompanied by a person of their choice who is not involved of the complaint. Any person involved in the meeting, including the accompanying person, must sign a confidentiality agreement. An accompanying person cannot be a witness.

5.4 Findings of the investigation

- a) The Director general or the designated person produces a written report which concludes whether or not there was harassment. To follow up on the investigation, he or she may in particular :
- ✓ Meet individually with the complainant and the mis en cause to inform them if the complaint is substantiated or not;
 - ✓ Meet the Council or senior management to inform them whether the complaint is justified or not and of his or her recommendations, if any;
 - ✓ Intervene in the complainant's workplace to stop the harassment;
 - ✓ Impose sanctions;
 - ✓ Agree on reasonable accommodation when the complaint is against an elected official, a citizen, a volunteer or a supplier;
 - ✓ Refer the complainant or mis en cause to an employee assistance service or other professional resource;
- b) The complainant may withdraw his or her complaint at any time in writing. In the event that the complaint is withdrawn by the complainant, the Director general or the Council reserves the right to continue the investigation if he or it deems that the situation warrants it;
- c) Certain measures can also be implemented to ensure a healthy workplace, even if no allegation of harassment is justified.

6. **Formal complaint resolution mechanism or reports of incivility or violence at work**

- a) The complainant may lodge a formal complaint with Director general no later than thirty (30) days after the last manifestation of conduct of incivility or violence at work. In the case where the complaint concerns the Director general, the complainant passes it directly to the mayor or elected representative designated by resolution;
- b) A complaint form identifying information essential to the processing of a complaint is attached. The complainant or the person making the report writes in writing all the allegations supporting his or her complaint based on facts, specifying, if possible, the dates and indicating the names of the witnesses of the events.
- c) If the informal settlement mechanism is unsuccessful and if it includes allegations of incivility or violence, the Director general or the Council or the designated person may decide to investigate in accordance with

generally applicable rules and determine the applicable measures, where appropriate;

- d) This mechanism also applies when a supplier, a citizen, a third party, or a volunteer is the subject of a complaint of incivility or violence. In such cases, the Director general or the designated person determines the applicable reasonable accommodations, if any;
- e) In the event that an elected official or senior management is the subject of the complaint, it is the responsibility of the Council to determine the appropriate process for dealing with the dispute.

7. Sanctions

- a) An employee, including a manager or the Director general, who does not comply with the content of this policy may be subject to administrative or disciplinary measures depending on the severity of the actions, up to and including dismissal;
- b) The elected official, the citizen, the volunteer, the supplier or the third party who does not respect the content of this policy may be subject to administrative or judicial measures depending on the seriousness of the actions taken.

8. Confidentiality

The employer is bound to respect the confidentiality of personal information in the application of this policy. All inquiries and complaints are dealt with with discretion and confidentiality is required of everyone involved. Consequently, the employer recognizes that this information will remain confidential to the extent that the employer must adequately fulfill the obligations above-described. Any settlement mechanism or investigation report is confidential.

9. Good Faith

- a) The good faith of the parties is essential to the settlement of any situation. The search for the best possible solution, with the collaboration of each of the parties, is favoured in order to reach a fair and equitable settlement for all;
- b) Anyone to whom this policy applies who refuses to participate in the investigation provided for in the formal settlement mechanism is subject to sanction;

- c) A complainant who has filed a complaint deemed to be malicious, frivolous or in bad faith is liable to sanction.

10. Reprisals

A person cannot be the subject of retaliation for using the mechanisms provided for in this policy or for participating in the investigative mechanism. Any person found to be retaliating is liable to sanction.

11. Review and awareness

A copy of this policy is given to each new employee. A copy signed by the employees, including the Director general.

Adopted on March 16th 2019.