

MUNICIPALITY OF THE COUNTY OF VICTORIA
SEXUAL HARASSMENT POLICY

1. PURPOSE

The Municipality of the County of Victoria values its employees and is therefore committed to providing a work environment in which all individuals are treated with dignity and respect. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices.

Sexual harassment is prohibited in Nova Scotia by Section 5(2) of the *Human Rights Act* and is illegal. Sexual harassment is offensive, degrading and threatening. The Municipality has adopted this policy to make clear that sexual harassment will not be tolerated. This policy applies to all employees and members of Council.

If an employee is subjected to harassment by individuals conducting business with the municipality, the Municipality of the County of Victoria acknowledges its responsibility to do all in its power to support and assist the person subject to such harassment.

2. OBJECTIVE

2.1 **Objectives** of this policy are to:

- (a) maintain a working environment that is free from sexual harassment;
- (b) alert all employees of the Municipality to the fact that sexual harassment in the workplace is an offense under the law;
- (c) establish a mechanism for receiving complaints of sexual harassment and to provide a procedure by which the Municipality of the County of Victoria will deal with these complaints.
- (d) provide education about sexual harassment and the policy.

3. DEFINITIONS

Sexual harassment - is defined in the *Nova Scotia Human Rights Act* and means:

- (a) any sexual conduct or a curse or comment that is known or ought reasonably to be known as unwelcome.
- (b) a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on or deny a benefit to the individual to whom the solicitation or advance knows or ought to reasonably know that it is unwelcome, or
- (c) a reprisal or threat of reprisal against an individual for rejecting a solicitation or advance.

While the following list is not comprehensive, sexual harassment may include:

- (a) unwelcome remarks, jokes, or innuendoes about a person's body, gender or attire;

- (b) displaying of pornographic or other offensive or derogatory pictures or written materials;
- (c) unwelcome invitations or requests, whether indirect or explicit, and intimidation;
- (d) unnecessary physical contact such as touching, patting or pinching;
- (e) A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.
- (f) leering or other obscene or offensive gestures;
- (g) stalking;
- (h) sexual assault.

Complainant – the individual who files the harassment complaint.

Respondent – the individual who is named as the alleged harasser in the complaint.

Bad Faith – complaints that are fabricated with the intent of damaging the integrity of an individual or individuals.

4. **CONFIDENTIALITY**

All sexual harassment inquiries and complaints will be handled in a confidential manner. Where an investigation is required, the investigation will be handled with as much discretion as is consistent with obtaining the information needed to make a decision on the complaint.

5. **PROTECTION AGAINST RETALIATION**

Retaliation against a complainant will not be tolerated. No member of management or staff will intimidate, discharge, suspend, or impose any other penalty on, or otherwise discriminate against an individual who has made a complaint or given evidence or assisted in any way in the investigation and resolution of the complaint of sexual harassment.

6. **BAD FAITH**

The Municipality is committed to taking any sexual harassment complaint seriously. Employees who make complaints that are fabricated with the intent of damaging the integrity of an individual or individuals will be subject to disciplinary action up to an including dismissal.

7. **DISCIPLINE**

7.1 Disciplinary action for substantial complaints will range from a verbal or written reprimand to a suspension or dismissal. A verbal or written warning may include a recommendation for counseling. **Union Employees** will follow the collective agreement for any disciplinary action.

- 7.2 A member of management who is in receipt of a harassment complaint or is aware of sexual harassment and fails to take appropriate action will be subject to disciplinary action.

8. RESPONSIBILITIES

8.1 Council will:

- (a) ensure that the Municipality of the County of Victoria has in place a Sexual Harassment Policy.
- (b) review, amend, and adopt changes to the Sexual Harassment Policy.

8.2 The Chief Administrative Officer (or designate) will:

- (a) review the Sexual Harassment Policy periodically to ensure its effectiveness.
- (b) review recommended changes to the Sexual Harassment Policy with senior management.
- (c) ensure that sexual harassment is not condoned within the Municipality.

8.3 Managers will:

- (a) report incidents of sexual harassment so they are investigated in a prompt and objective manner by person (s) viewed to be impartial to the complainant and the respondent.
- (b) ensure staff members have an opportunity to obtain confidential advice regarding sexual harassment.
- (c) ensure staff members are educated regarding the issues relating to sexual harassment and the Municipality of the County of Victoria's Sexual Harassment Policy and procedures.

8.4 Supervisors will:

- (a) ensure employees have access to the sexual harassment policies and procedures and are provided with the opportunity to attend internal training programs;
- (b) ensure the work environment within the department discourages sexual harassment and supports individuals' dignity and respect;
- (c) ensure formal complaints about sexual harassment made to them are referred immediately;
- (d) maintain confidentiality regarding sexual harassment complaints and investigations.

8.5 Employees will:

- (a) become familiar with the Municipality's policy on sexual harassment;
- (b) keep accurate records of any incidents of sexual harassment, including time, place, description of the incident and names and witnesses. This includes where they are subject of sexual harassment, as well as incidents they have witnessed.

9. PROCEDURE

Informal Resolution Options:

9.1 Communicating concerns directly to the alleged harasser.
Any employee who feels that he/she is being harassed is encouraged to make it known to the harasser that his/her behaviour is unwanted. The employee should inform the harasser, clearly and directly, that their behaviour isn't welcome and must stop. This may be done verbally, or in writing. If in writing, a copy of the letter should be kept by the complainant.

Or

9.2 Communicating concerns to supervisors or designate of their choice.
If the complainant feels comfortable, he/she may discuss concerns relating to sexual harassment with their immediate supervisor, or a designate of their choice and request their assistance in resolving the situation. Again, the complainant should inform the alleged harasser clearly and directly that their behaviour isn't welcome and must stop. The complainant should keep a record of the discussion and if the concerns are communicated in writing, keep a copy of the correspondence.

10. Formal Complaint:

10.1 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 complainant may register their complaint of sexual harassment, in writing, with either;

- a. the Chief Administrative Officer (or designate);
- b. manager/supervisor within their own department;
- c. other manager/supervisor within the organization.

10.2 Upon receiving a complaint, supervisors/managers are responsible for taking immediate action by referring the complaint to the Chief Administrative Officer (or designate).

10.3 When a formal written complaint signed by the complainant is filed, the Chief Administrative Officer (or designate) will notify the appropriate manager/supervisor. A copy of the formal complaint will be given to the respondent named in the complainant. The respondent will be given a copy of the policy and will be advised of the right to retain their own legal counsel or be represented by any other person when he/she is required to be present during the process.

10.4 The complainant will be advised of the availability of counseling and support services through the municipal Employee Assistance Program and be provided with advice and assistance on how to deal with the situation. The seriousness of the complaint and the action and consequences may result in the following:

- a. the right to file a complaint with the Nova Scotia Human Rights Commission
 - b. the right to report the incident(s) to the police where there is an indication that a criminal offense was committed;
 - c. the right to report the incident to their union and/or file a grievance;
 - d. the right to retain and be represented by their own legal counsel or other person of choice.
- 10.5 Every formal complaint will be investigated. The investigation of the complaint will be assigned to the Chief Administrative Officer (or designate).
- 10.6 The investigator will interview the complainant, the respondent, other individuals relevant to the case and review any related documentation. If the allegations are substantiated, the complaint will be resolved in the following manner:
- a. the seriousness and the effects of the offense will be discussed with the offender;
 - b. the offender must agree to the following steps:
 - The harassment must stop without any repercussions to the complainant;
 - The complainant must be given a verbal or written apology as appropriate to the circumstances and the promise that the action will not recur;
 - Appropriate disciplinary action will be taken as per the advice of the Municipality of the County of Victoria's legal advisor.
- 10.7 In the event the complainant is not satisfied with the results of the investigation, he/she may:
- a. submit the complaint and investigation results to the Chief Administrative Officer (or designate) for further consideration and action;
 - b. contact the Nova Scotia Human Rights Commission;

11. RECORDS

- 11.1 If the sexual harassment has been substantiated, the incident will be documented in the offender's personnel file. No formal record will be kept if the allegation is not substantiated.
- 11.2 All records pertaining to investigation will be maintained by the Chief Administrative Officer (or designate) in a confidential file.

12. RELATED POLICIES, PROCEDURES AND LEGISLATION

- Employee Conduct Policy
- Collective Agreement between CUPE Local 2694 and the Municipality of the County of Victoria

I CERTIFY this to be a true copy of the "*Sexual Harassment Policy*" as adopted by the Council of the Municipality of the County of Victoria at a meeting held on the 25th day of January, 2016.



A. W. (Sandy) Hudson
Chief Administrative Officer