

BYLAW 2018-6

RURAL MUNICIPALITY OF GARRY # 245

HARASSMENT POLICY

Harassment Definition

As per Occupational Health and Safety, Part III, *The Saskatchewan Employment Act*, **Harassment** means any inappropriate conduct, comment, display, action or gesture by a person:

- 1) that either:
 - a) is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age nationality, ancestry or place of origin; or
 - b) subject to subsection (3) and (4) of the act, adversely affects the worker's psychological well being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and
- 2) that constitutes a threat to the health or safety of the worker;

To constitute harassment for the purpose of paragraph 1)b)

- a) repeated conduct, comments, displays or gestures must be established; or
- b) a single, serious occurrence of conduct, or a single, serious comment, display, actions or gesture, that has a lasting, harmful effect on the worker must be established.

For the purpose of paragraph 1)b), harassment does not include any reasonable action that is taken by the employer, (Reeve or councillors), relating to the management and direction of the employer's workers or to the place of employment.

Harassment may include:

Harassment based on prohibited grounds is an objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, including acts of intimidation or threats made on the basis of prohibited grounds. Harassment can be a form of discrimination.

Sexual harassment is unsolicited, unwelcome conduct, comment, display, action, gesture or physical contact of a sexual nature in work-related setting that is offensive, unsolicited or unwelcome. It may include, but is not limited to:

- any implied or expressed threat or reprisal for refusal to comply with a sexually oriented request,
- unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation.
- displaying pornographic or sexually explicit pictures or materials,
- unwelcome physical contact such as touching, patting or pinching, cornering, close body contact with an underlying sexual connotation,
- unwelcomed invitation or requests, direct or indirect to engage in behavior of a sexual nature, and
- refusing to work with or have contact with employees on-the-job because of their sex, gender or sexual orientation.

Personal harassment is inappropriate conduct, comment, display, action or gesture by a Respondent directed at a Complainant in a work-related setting that:

- a) adversely affects the Complainant's psychological or physical well-being, and
- b) which is known or ought reasonably to be known to cause the Complainant to be humiliated or intimidated.

Personal harassment may involve repeated conduct. It may also involve a single, serious incident that caused a harmful effect on the Complainant. Examples of personal harassment include, but are not limited to:

- a) verbal or written abuse or threats,
- b) insulting, derogatory or degrading comments, jokes or gestures,
- c) bullying,
- d) personal ridicule or malicious gossip,
- e) refusing to work or co-operate with others, and
- f) interference with or vandalism of personal property.

Harassment is not:

- a) normal social contact and friendly relations between works and/or others that are part of the work environment, based on an objective view of mutual consent,
- b) day to day managerial, supervisory functions, decisions and activities involving work assignment, performance management and instruction, workplace inspections, implementation of appropriate dress code or disciplinary action, unless these functions are performed in a manner which constitutes harassment as defined in this policy,
- c) normal physical contact necessary for performance of the work using acceptable industry standards,
- d) conduct that all parties agree is welcome and not offensive, unless it is within the context of prohibited grounds, or
- e) conflict, rudeness or disagreement in the workplace, where it does not meet the definition of harassment in this policy.

Procedure

- 1) An employee who believes that they have been subjected to harassment shall inform the harasser that their conduct is objectionable and it must stop.
- 2) Where the harassed employee determines the harassment is of a nature which requires immediate action, or where the harassed employee is not comfortable confronting the harasser, or where the confrontation regarding the stoppage of the harassment does not correct the situation, the harassed employee shall complete a harassment report and present it to the Administrator or Reeve for further investigation. Where the harassment is a complaint against the Administrator or Reeve, the employee shall contact the other or present it to another member of council.
- 3) Upon receipt of a harassment report from an employee, the investigator(s) shall notify the harasser of the details of the complaint and investigate the situation.
- 4) Upon completion of the investigation, the investigator(s) shall notify, in writing, the harassed employee and the harasser of the findings of the investigation.

Resolution/Action

- 1) If the harassment complaint is substantiated, appropriate action will be taken by the Council.
- 2) If the harassment complaint is not substantiated, no action will be taken against the alleged harasser or the complainant who has made a complaint in good faith.
- 3) If the harassment complaint is not substantiated and the investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate disciplinary action taken by the Council.

Disciplinary Action

The severity of discipline will depend on:

Seriousness of the Alleged Conduct

- whether the conduct is an offence under the criminal code;
- whether the conduct is an offence under the Act or *The Saskatchewan Human Rights Code*;
- the extent of the mental or physical injury caused to the complainant;
- whether the harasser persisted in behavior that was known to be offensive to the complainant; or
- whether the harasser abused a position of authority.

Risk of the Harasser Continuing with Similar Harassment of the Complainant or Others

- whether the harasser acknowledges that conduct was unacceptable and makes a commitment to refrain from future harassment;
- whether the harasser has apologized to the complainant or taken action to repair any harm; or
- whether the harasser has agreed to participate in awareness sessions, training or other recommended counselling or treatment.

Discipline may include reprimand, relocation, demotion, suspension or termination of employment.

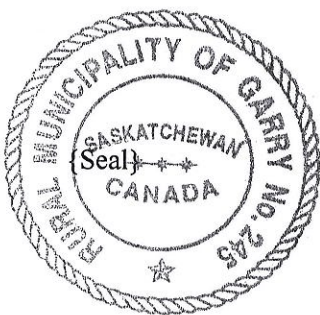
Confidentiality

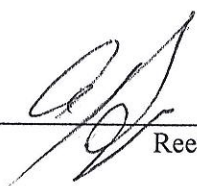
Confidentiality shall at all times be maintained, except where disclosure is necessary for the purpose of the investigation, taking disciplinary action related to the complaint, or where required by law.


External Options

This policy may be used by employees in the case of harassment but does not limit, prevent or discourage employees from lodging a harassment complaint to any of the following:

- 1) The Saskatchewan Occupational Health and Safety Division under *The Saskatchewan Employment Act* and regulations.
- 2) The Saskatchewan Human Rights Commission under *The Saskatchewan Human Rights Code*.
- 3) Any other available associations or legal avenues.





Reeve – Allan Polegi


Administrator – Tanis Ferguson

Read a third time and adopted
this 11th day of December, 2018

Certified a true copy of Bylaw 2018-6
Adopted by resolution of council
December 11, 2018


Administrator – Tanis Ferguson



REPORT OF HARASSMENT

Name of Complainant: _____

Job Title/Position: _____

Department: _____

Phone Numbers: Work: _____ Home: _____ Cell: _____

Name of Respondent (alleged harasser): _____

Job Title/Position: _____

Department: _____

What is your work relationship with the respondent: _____

Date of occurrences of alleged harassment: _____

Did you report the occurrence: Yes _____ No _____

If yes, who did you report to: _____ Date reported: _____

Witness Names:

Phone Number of Witness:

DESCRIPTION OF ALLEGATION

Describe the alleged harassment. Be sure to provide a detailed description of the event or events in question. Please include:

- Who is the alleged harasser
- What was the alleged harassment
- When did the alleged harassment take place
- Did anyone witness the alleged harassment?

Please submit in a sealed envelope marked "Harassment Incidence Report"

BYLAW 2018-3

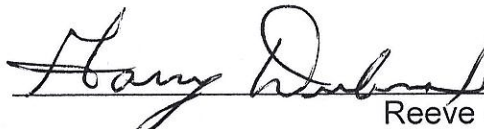
RURAL MUNICIPALITY OF GARRY # 245


A BYLAW TO ESTABLISH A FEE TO APPEAL ASSESSMENTS

The Council of the Rural Municipality of Garry No. 245 in the Province of Saskatchewan enacts as follows:


1. This bylaw may be referred to as "The Assessment Appeal Fee Bylaw".
2. In this bylaw:
 - a) "Act" shall mean "*The Municipalities Act*";
 - b) "Board" shall mean the District Board of Revision which has been created by the Municipality in partnership with other municipalities;
 - c) "Municipality" shall mean the Rural Municipality of Garry No. 245;
 - d) "Secretary" shall mean the Secretary to the (District) Board of Revision.
3. A person desiring to appeal their assessment to the Board shall file their appeal in the form prescribed in the Act on or before the last date on which appeals can be lodged as indicated:
 - a) within the notice required by Section 217 of the Act; or
 - b) on the notice of assessment required by Sections 215 and 219 of the Act.
4. A fee of \$100.00 per appeal is hereby established for the purpose of filing an appeal to the Board.
5. The applicable fee shall be payable to the Municipality and may be paid at the time of filing the appeal and in any event no later than the final date for lodging an appeal with the Board.
6. Where an appellant fails to pay the applicable fee pursuant to Sections 4 and 5 of this bylaw, the appeal is deemed to be dismissed.
7. The Municipality shall refund any fee that was submitted by the appellant if:
 - a) the appeal is successful either in whole or in part by decision of either the Board or the Assessment Appeal Committee of the Saskatchewan Municipal Board;
 - b) the appeal is not filed by the Secretary of the Board;
 - c) the appeal is withdrawn in accordance with Section 227 of the Act; or
 - d) an agreement is entered into pursuant to Section 228 of the Act.
8. A fee of \$250.00 per appeal is hereby established for any person who has a hearing date set.
9. A fee of \$400.00 per appeal is hereby established for any person who desires to be involved as a party in a hearing before the Board.
10. A fee of \$100.00 per appeal is hereby established for any person who wishes to obtain copies of the Board's decision and other documents.
11. The fees referenced in Sections 4, 8, 9 and 10 of this bylaw are payable to the Municipality.
12. Bylaw #2017-3 is hereby repealed.




Reeve – Garry Dubiel


Administrator – Tanis Ferguson
Section 224 *The Municipalities Act*

Certified a true copy of Bylaw 2018-3
Adopted by resolution of council
June 12, 2018


Administrator – Tanis Ferguson

