



Policy No. 7.13

Adopted by Council: May 9, 2011

ANTI-HARASSMENT POLICY, 2011

The Corporation of the District of Sooke respects the rights and interests of all individuals and is committed to providing a working environment free of personal or sexual harassment. The District of Sooke ("District") will make every reasonable effort to ensure that no Council member, District officer, employee or volunteer is subjected to either personal or sexual harassment and will consider complaints of harassment to be serious.

The District will take disciplinary measures, corrective action, or any other appropriate action as is deemed necessary and as outlined in this Policy against any person who is found to have harassed another.

Purpose:

To affirm the District's commitment to providing a workplace free of harassment, and to comply with the principles of the *Human Rights Code*, R.S.B.C. 1996, c. 210, as amended from time to time (the "Human Rights Code") to make all reasonable efforts to avoid harassment in the workplace from occurring.

Procedure:

1 Responsibilities

- 1.1 Council members, District officers, employees and volunteers all have a responsibility to be proactive to ensure that the workplace remains free from harassment. They must ensure that harassment is not allowed, condoned or ignored and while they may not be party to harassment, there may be grounds for independent discipline should they fail to deal with complaints or take corrective action once they have knowledge of harassment. Those in positions of authority can often be the first contact for those seeking assistance with harassment concerns and have an added responsibility for preventing recurrences and escalation of harassment.
- 1.2 Council members, District officers, employees and volunteers must strive to have a clear understanding of what constitutes harassment and what their responsibilities are, as well have an awareness of the District's processes to prevent, educate and deal with harassment of all forms.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

- 1.3 If an individual feels that he or she has been subject to harassment, either personal or sexual, and is comfortable discussing the issue directly with the harasser, he or she should tell the harasser that the behaviour is unwelcome and request that it stop immediately.
- 1.4 If an individual is unable to talk to the harasser about the behaviour, or if after confronting the harasser the behaviour persists, the individual should involve an advisor, who may be his or her supervisor or the Chief Administrative officer (or designate). Further information on making inquiries and dispute resolution are outlined in the District's *Complaint Resolution Policy*.

2 Scope of the Policy

- 2.1 This Policy covers personal and sexual harassment complaints based on the prohibited or protected grounds that are considered discriminatory and specified in the *Human Rights Code*.
- 2.2 This Policy also covers personal harassment complaints that are not based on the prohibited or protected grounds set out in the *Human Rights Code*, but on other forms of mistreatment, including bullying and any behaviour that has the purpose or effect of intimidating or isolating an individual. Harassment will be considered to have taken place if a reasonable person ought to have known such behaviour was objectionable or unwelcome.
- 2.3 This Policy does not cover legitimate job related action performed in good faith and in a non-discriminatory manner by District officers, directors, Chief Administrative Officers and supervisors, which may include work direction or assignment, performance appraisal, attendance monitoring and implementation of disciplinary or other corrective actions.
- 2.4 This Policy is not meant to inhibit interactions or relations based on mutual consent or normal and acceptable social contact and banter. While this Policy is not intended to curtail such behaviour, such normal interaction can generally be distinguished from personal or sexual harassment on the basis that it is consensual, mutual and that it was neither intended nor did it actually involve any form of intimidation or reprisal.

3 Application of the Policy

- 3.1 This Policy applies to all complaints made by Council members, District officers, employees or volunteers of alleged personal or sexual harassment by any Council member, District officer, employee or volunteer. This Policy applies to harassment that is work related whether it occurs at the workplace itself and includes, without limitation, job related travel and job related social functions.

4 Definitions

- 4.1 **District officer** includes the Chief Administrative Officer, Financial Officer, Corporate Officer, and other officers appointed by Council pursuant to the *Community Charter*, S.B.C. 2003, c. 26, as amended from time to time.
- 4.2 **District employee** includes Chief Administrative Officers, supervisors, and union and non-union staff employed by the District.
- 4.3 **Personal harassment** is any unwelcome or objectionable conduct or comment that would be considered discriminatory under the *Human Rights Code*, if the conduct or comment was in respect of any of the following prohibited grounds:
- race
 - conviction for an offence
 - colour
 - ancestry
 - physical disability
 - place of origin (birthplace)
 - mental disability
 - political belief
 - sex
 - religion
 - age
 - marital status
 - sexual orientation
 - family status

Personal harassment includes complaints that are not based on the prohibited or protected grounds set out in the *Human Rights Code*, but on other forms of mistreatment, including bullying and any behaviour that has the purpose or effect of intimidating or isolating an individual. Harassment will be considered to have taken place if a reasonable person ought to have known such behaviour was objectionable or unwelcome.

- 4.4 **Sexual harassment** is any verbal, written or physical conduct, comment, gesture or contact of a sexual nature that may cause offence or humiliation or that might reasonably be perceived by the subject of the harassment as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

Examples of sexual harassment may include but are not limited to:

- unwelcome remarks, questions, jokes, innuendo or taunting, about a person's body or sex, including sexist comments or sexual invitations
- verbal abuse and threats of a sexual nature
- leering, staring or making sexual gestures
- display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons or sayings
- unwanted physical contact such as touching, patting, pinching, hugging
- intimidation, threat or actual physical assault of a sexual nature
- sexual advances with actual or implied work related consequences

Note: *While it may not be a harasser's intention for personal or sexual harassment to occur, the intent of a harasser may be an irrelevant factor in a consideration of whether harassment has or has not occurred.*

- 4.5 **Volunteer** means a person serving the District of Sooke who is not a Council Member or District officer or employee and includes a person serving on any board, commission or committee established by the District.
- 4.6 **Workplace** includes, but is not limited to, work sites such as the Municipal Hall, Operations Centre, Fire Hall, parks locations and buildings, and construction or maintenance sites, business related social functions, work locations away from the office, work related conferences and training sessions, work related travel, telephone conversations, voice mail and electronic messaging.

5 Complaint Resolution Procedures

- 5.1 An individual who believes he or she is the victim of harassment should refer to the *Complaint Resolution Policy* for guidance on making inquiries or initiating complaints. This *Complaint Resolution Policy* has been established as a basis for dealing with complaints under this *Anti-Harassment Policy* or the *Respectful Workplace Policy*.
- 5.2 A Council member, District officer, employee or volunteer who knowingly makes a false, frivolous, bad faith or malicious report under this Policy may be subject to discipline.
- 5.3 A Council member, District officer, employee or volunteer who retaliates against an individual who has made a report under this policy may be subject to discipline.

6 Training and Education

- 6.1 The Chief Administrative Officer or designate, as part of staff training, will take steps to provide education to Council members, new and existing District officers and employees, and volunteers on the *Anti-Harassment Policy* and how to prevent harassment from occurring in the workplace.
- 6.2 The Chief Administrative Officer or designate will ensure that the necessary training has been provided to those involved in the investigative process and that they are made aware of their role and responsibilities.
- 6.3 Once a complaint has been investigated in accordance with the complaint resolution procedures, and it has been confirmed that harassment occurred, the Chief Administrative Officer or designate will determine if any additional training or education is required for the involved parties or if meetings with the affected parties are necessary.

Where there is a conflict between the Collective Agreement and a District Policy the Collective Agreement shall apply.

- 6.4 Where a complaint has become public or reported in the press, a meeting will be held to ensure that all parties involved or affected are aware of their responsibilities, the *Anti-Harassment Policy*, and that reprisals to either party will not be tolerated. Reprisals will be considered to be harassment and disciplinary action will be taken.

7 General

- 7.1 This policy will be posted in visible and accessible locations within the Municipal Hall and on the District's website.
- 7.2 In the event that any portion of this policy is inconsistent with a binding District collective agreement or federal or provincial legislation, that portion and only that portion of this policy will have no application to the extent of that inconsistency and all other portions of the policy will continue in full force and effect.
- 7.3 This policy is to be read in conjunction with other applicable District policies or employee handbooks as they are amended from time to time.
- 7.4 Any questions related to the interpretation of this policy should be directed to the Chief Administrative Officer or designate.