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## Municipality of the County of Cumberland Policy 18-14

### Sexual Harassment Policy

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#### Purpose

1. The Municipality of the County of Cumberland seeks to provide a safe, healthy, and rewarding work environment for its employees. Sexual harassment is unacceptable and will not be tolerated within our organization.
  
2. The purpose of this Policy is to prevent sexual harassment and to deal quickly and effectively with an incident. Employees who violate this policy may be subject to a wide range of disciplinary measures, including dismissal for cause.

#### Definitions

3. In this Policy:
  - a) "employee" means full-time, part-time, casual, seasonal, temporary, and summer students;
  - b) "Municipality" means Municipality of the County of Cumberland; and
  - c) "sexual harassment", according to the Nova Scotia *Human Rights Act* means:
    - i. vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome;
    - ii. 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 is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
    - iii. a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.
  
4. Examples of sexual harassment that will not be tolerated include:
  - a) sexist jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive, or that are by their nature clearly embarrassing or offensive;
  - b) leering;
  - c) the display of sexually explicit material;

- d) sexually degrading words used to describe a person;
- e) sexually suggestive or obscene comments;
- f) unwelcome inquiries or comments about a person's sex life;
- g) unwelcome sexual flirtations, advances, propositions;
- h) requests for sexual favours;
- i) unwanted touching.

### **Application**

- 5. This Policy applies to sexual harassment occurring at the workplace, in the course of work, or during any activities which could reasonably be associated with the Municipality (including social events).

### **Informal Resolution**

- 6. On occasion, sexual harassment can be dealt with directly and informally through communication with the person engaging in the unwelcome behaviour. Where employees feel comfortable doing so, they should communicate a clear message that the conduct or comments are offensive or unwelcome. However, the Municipality recognizes that there may be circumstances where direct communication is inappropriate. Although informal resolution is encouraged where possible, it is not a prerequisite to making a sexual harassment report under this policy.
- 7. Where an employee does not wish to bring the matter directly to the attention of the person engaging in the unwelcome behaviour or where such an approach is attempted and does not produce a satisfactory result, the employee should report the sexual harassment as outlined below.

### **Making an Internal Sexual Harassment Report**

- 8. Sexual harassment should be reported as soon as possible after experiencing or witnessing the behaviour. This allows the incident to be addressed in a timely manner.
- 9. Employees are encouraged to report any incidents to Human Resources. If Human Resources is the person engaging in the sexual harassment, employees are encouraged to contact the Chief Administrative Officer.
- 10. Employees can report sexual harassment verbally or in writing. When reporting verbally, the organization representative receiving the report will document the report in writing.
- 11. The report should include the following information:
  - a) name(s) of the person who has allegedly experienced sexual harassment;

- b) name(s) of the alleged harasser(s);
- c) names of any witnesses or other persons with relevant information about the incident and contact information (if known);
- d) details of what happened including date(s), frequency, and location(s) of the incident(s);
- e) any supporting documents that the person making the report has which are relevant to this matter.

12. All reports of sexual harassment shall be kept confidential except to the extent necessary to protect employees, to investigate the complaint, to take progressive discipline or otherwise as required by law.

### **Investigation**

13. The Municipality will ensure that an investigation appropriate to the circumstances is conducted when a report of sexual harassment is made. Reports of sexual harassment will be investigated in a fair, respectful and timely manner.

14. Human Resources will initiate the investigation. Depending on the allegations and the people involved, the investigation may be referred to an external investigator, or may be investigated by another municipal representative.

### **Outcome of Investigation**

15. After the investigation is concluded, both the person making the report and the person alleged to have engaged in sexual harassment will be informed of the findings.

16. If the Municipality concludes that there has not been a violation of this Policy, there will be no documentation concerning the report placed on the file of person alleged to have engaged in sexual harassment.

17. If the Municipality concludes that there has been a violation of this Policy, the employee who violated the Policy will be disciplined appropriately.

### **No Retaliation**

18. Regardless of the outcome of a report made in good faith, the employee making the report as well as anyone providing information during an investigation will be protected from retaliation.

### **Reports Made in Bad Faith**



19. A report made in bad faith shall constitute grounds for disciplinary action against the person making the report. A bad faith report is a report that is made with a conscious design to mislead or deceive, or with a malicious or fraudulent intent.

**External Reporting Options**

20. Employees also have external options to report sexual harassment. An employee may contact the Nova Scotia Human Rights Commission to make a complaint of sexual harassment or may contact the police if they believe that criminal activity has occurred.

**Effective Date**

21. This Policy is effective upon adoption and replaces any previous Sexual Harassment Policies.

<u>Clerk's Annotation for Official Policy Book</u>	
Date of Notice to Council of Intent to Consider: <u>July 25, 2018</u> Date of Adoption of Current Policy: <u>September 5, 2018</u>	
I certify this policy was adopted as indicated above.	
 _____ Municipal Clerk	 _____ Date