

| <b>TOWN OF STRATFORD - COUNCIL POLICY</b> |                                    |                       |                   |
|-------------------------------------------|------------------------------------|-----------------------|-------------------|
| <b>Name:</b>                              | <b>Respectful Workplace Policy</b> | <b>Policy Number:</b> | <b>2025-HR-01</b> |
| <b>Committee:</b>                         | <b>Human Resources</b>             | <b>Approval Date:</b> | February 12, 2025 |

## **1. Purpose**

The purpose of this policy is to ensure that all employees of the Town of Stratford are provided with a respectful workplace that is free from all types of harassment and discrimination. To create a safe, inclusive work environment where all employees share the responsibility of promoting and maintaining a work environment where all employees are treated with respect.

For the purposes of this policy, harassment in the workplace includes personal, verbal, and sexual harassment, toxic work environment, disrespectful behaviour, bullying, discrimination, and abuse of authority.

## **2. Policy Statement**

**2.1.** The Town of Stratford is committed to fostering and maintaining a healthy, safe, and supportive workplace and is committed to providing a work environment that values diversity, and where all people are treated with respect and dignity. It is the right of all employees to work in an environment free from personal harassment, sexual harassment, and discrimination.

Personal harassment, sexual harassment, and discrimination (offensive behaviour) affect the workplace and the well-being of individuals and will not be tolerated. Whether the source of the offensive behaviour comes from within the municipality or outside, any allegation of offensive behaviour will be taken seriously and dealt with promptly. This policy promotes awareness, prevention, and prompt resolution of offensive behaviour. It is the intent of this policy to create a collaborative culture that promotes employee involvement in resolving situations. Resolution through the informal process is encouraged, as is the use of mediation at any stage.

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2.2. All employees have the right to make complaints under this policy, notwithstanding the existence of this policy, every person continues to have the right to seek recourse through the Human Rights Act of Prince Edward Island or through the courts.

### **3. Scope**

This policy is applicable to all employees, members of the Council and any other person representing the Town of Stratford.

### **4. Definitions**

#### **4.1. Abuse of Authority**

Means where an individual improperly uses the power and authority inherent in a position to endanger a person's job, undermine the performance of that job, threaten the person's economic livelihood, or in any way interfere with, or negatively influence, a person's career. It is the exercise of authority in a manner which serves no legitimate work purpose and ought reasonably to be known to be inappropriate. Examples of abuse of authority include, but are not limited to, such acts or misuse of power as intimidation, threats, blackmail, or coercion. For clarity, a reasonable action taken by an employer or supervisor relating to the management and direction of the workers, or of the workplace, is not harassment.

#### **4.2. Bullying**

Means a form of harassment that typically is carried out through a repeated targeted pattern of behaviour that is intended to, or reasonably ought to be known to cause fear, humiliation, intimidation, distress, or other forms of harm. The impact may be physical or psychological and may damage a person's body, feelings, self-esteem, reputation, or property. Bullying may be obvious or subtle, direct or indirect, and can occur in person, writing, or through the use of technology such as social media, text, or email.

#### **4.3. Chief Administrative Officer or "CAO"**

Means the administrative head of the Municipality as appointed by Town Council under subsection 86 (2) (c) of the Prince Edward Island Municipal Government Act or designate.

#### **4.4. Complainant**

Means an employee(s) who has made a complaint under this policy, whether formal or informal, alleging that offensive behaviour has occurred, or a third party who has witnessed offensive behaviour against an employee.

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### **4.5. Discrimination**

Means discrimination as defined under Prince Edward Island Human Rights Act.

### **4.6. Disrespectful Behaviour**

Means failing or refusing, through words or actions, to treat others in a professional, courteous and civil manner. Examples of disrespectful behaviour include, but are not limited to, teasing, or joking that embarrasses or humiliates; shouting or speaking in a hostile tone; excessive use of profanity and spreading gossip or rumours that damage one's reputation.

### **4.7. Employee**

Means any person directly employed by the Town of Stratford.

### **4.8. Exclusion**

Means a type of harassment involving the shunning or ostracism of an individual, or group of individuals. It can include, but is not limited to, isolating others by no longer communicating with them, denying, or ignoring their presence, distancing them from others, or purposefully omitting them from decisions, conversations, and work-related events without valid reason.

### **4.9. Formal Complaint**

A written allegation of offensive behaviour which is to be submitted in accordance with Section 6 of this policy.

### **4.10. Investigation**

Means consists of a formal investigative process wherein the findings are based on an objective assessment of the evidence to determine, on the balance of probabilities (i.e. more likely than not), if the behaviour occurred, and if so, was it a violation of this Policy.

### **4.11. Mayor**

Means the duly elected Mayor of the Town of Stratford.

### **4.12. Non-Employee**

Means a person who is engaged in work activities at the municipal workplace who is not a direct employee of the municipality. This includes, but is not limited to, volunteers, Council

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and Council committee members, students, and contractors.

### **4.13. Offensive Behaviour**

Means personal harassment, sexual harassment, discrimination, abuse of authority, or the creation of a toxic workplace environment.

### **4.14. Personal Harassment**

Means any objectionable or offensive behaviour that is known, or ought reasonably to be known, to be unwelcome. It includes inappropriate conduct, comment, display, action, or gesture or any bullying that the person responsible knows, or ought reasonably to know, could have a harmful effect on a worker's psychological or physical health or safety that was made on either a one-time or continuous basis that demeans, belittles, or causes personal humiliation or embarrassment.

Without limiting the above, personal harassment includes harassment within the meaning of the Prince Edward Island Human Rights Act, i.e., harassment on the basis of the following prohibited grounds of discrimination: age, colour, creed, disability, ancestry or place of origin, nationality, family status, marital status, gender expression, gender identity, political belief, race, religion, sex, sexual orientation, physical size or weight, pregnancy, or source of income of any individual or class of individuals.

Examples of behavior that can constitute harassment include, but are not limited to:

- Such acts that intimidate, threaten, coerce, or belittle an individual including “bullying.”
- Any discrimination or jokes about an individual's race, ethnic origin, physical characteristics, sexual orientation, or disability.
- Acts of exclusion or marginalize an individual from workplace activities.
- Verbal attacks, including swearing that are threatening to the individual.

### **4.15. “Reasonably ought to know or have known”**

Means an objective assessment of how a specific behaviour might generally be received.

### **4.16. Respectful Workplace**

Means a healthy, safe, and professional work environment where each person is treated with fairness and respect. Where differences are acknowledged and valued, communication is open and civil, conflict is addressed early, and there is a culture of shared responsibility to maintain a positive working environment.

**4.17. Respondent**

Means an employee(s) against whom allegations of offensive behaviour are made through the formal or informal complaint process and includes a manager who is alleged to have failed to take reasonable action in the circumstances, to protect an employee from offensive behaviour.

**4.18. Retaliation**

Means taking or threatening to take an unjustified employment action against an employee who has made a complaint or participated in an investigation under this policy. Retaliation may include any negative changes in the terms and conditions of an employee's employment, including transfers, changes in work schedule or assignments, negative performance evaluations, unwarranted discipline, harassment, denial of promotion or work schedule requests, or denial of training. Retaliation also means including any offensive behaviour towards the employee by another employee. Retaliation does not mean a complaint or a response to a complaint made in good faith under this policy.

**4.19. Sexual Harassment**

Means any inappropriate sexual conduct that is known, or ought reasonably to be known, to the person responsible for the conduct to be unwelcome. This includes, but is not limited to, sexual solicitations or advances, sexually suggestive remarks, jokes or gestures, circulating or sharing inappropriate images, or unwanted physical contact, whether on a one-time basis or a series of incidents. Sexual harassment can also be harassment based on sex, gender expression, sexuality or gender identity that is not sexual in nature. Lack of intent to cause harm is not a defense to an allegation of sexual harassment.

Examples of behaviour that can constitute sexual harassment include, but are not limited to:

- The display of pornographic pictures, photographs or cartoons, unwanted touching, patting, pinching, grabbing, hugging, kissing, brushing against, or leering.
- Verbal abuse, intimidation, or threat of a sexual nature.
- Physical or sexual assault.
- Inquiries or comments about a person's sex life.
- Interpersonal communication (phone calls, texts, email etc.) with sexual overtones.

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- Gender-based insults, taunting or jokes causing embarrassment or humiliation.
- Repeated unwanted social or sexual invitations.
- Inappropriate or unwelcome focus/comments on a person's physical attributes or appearance.

Means an objective assessment of how a specific behaviour might generally be received.

### **4.20. Supervisor**

Means the direct supervisor of the employee who is the subject of the alleged harassment in particular, and any employee who has direct supervisory responsibility over another employee in general.

### **4.21. Town Council**

Means the duly elected Mayor and other members of the Council of the Town of Stratford.

### **4.22. Toxic Work Environment**

Means when offensive and disrespectful behaviour is so frequent that it results in a hostile and negative workplace. The conduct may not necessarily be directed at anyone in particular but has an overall negative effect that creates an uncomfortable working environment. Examples of a toxic work environment include, but are not limited to, graffiti, sexual, racial, or religious insults or jokes, abusive treatment of an employee, sharing negative or false information, and the display of pornographic or other offensive material.

### **4.23. Verbal Harassment**

Means offensive and demeaning comments directed at an employee, or used in reference about an employee, which would reasonably undermine the reputation of the employee in the workplace. Verbal Harassment includes insults, name-calling, swearing, threatening or intimidating comments that would reasonably cause offence.

### **4.24. Workplace**

Means the workplace and includes, but is not limited to, the physical work site, washrooms, training sessions, business travel, conferences, work related social gatherings, virtual workspaces and the employee's home if they are working from there.

## **5. Roles and Responsibilities**

### **5.1. Town Council**

The Mayor and all members of Council are responsible for creating a work environment that is free from discrimination, bullying, and harassment. Town Council shall treat every person with dignity, understanding, and respect. In the case of a complaint against a member of Town Council, refer to the Code of Conduct applicable to Council.

### **5.2. Employee**

Every employee has a responsibility to support and maintain a respectful workplace. Employees are expected to:

- Ensure words and actions are consistent with this policy.
- Raise concerns regarding workplace behaviours as soon as possible.
- Accept responsibility for their workplace behaviours and their impact on others.
- Cooperate in investigations and handling of alleged violations of this policy.
- Maintain confidentiality related to investigations and other processes within this policy.
- Participate in any training associated with this policy.
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### **5.3. Supervisors**

Supervisors, including the CAO, have additional responsibilities to create and maintain a respectful workplace. They are expected to:

- Set a good example by modelling and promoting respectful behavior by ensuring their own words and conduct adhere to this policy.
- Act promptly to address workplace behaviours that do not align with this policy.
- Keep a detailed record of any violations of this policy and corrective actions taken.
- Ensure employees have an opportunity to participate in any training associated with this policy
- Consult and work cooperatively with Human Resources as required.
- Taking action to protect employees and others from offensive behaviour.
- Responding to allegations of offensive behaviour through the informal complaint process.
- Determining whether further action is required where an individual wishes to abandon an informal complaint.

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### **5.4. CAO or Designate**

The Chief Administrative Officer is responsible for communicating and holding supervisors and employees accountable to organizational expectations for a safe, respectful workplace. The CAO is responsible for the implementation and administration of this policy.

### **5.5. Human Resources**

The Human Resources Coordinator/Manager is responsible for:

- Promoting this Respectful Workplace Policy and encouraging preventative approaches to employees and supervisors.
- Providing clarification, guidance, and support to employees in the complaint processes.
- Ensuring employees are aware of their rights and responsibilities.
- Ensuring appropriate information is communicated to all parties involved within the complaint process.

## **6. Informal Complaint Process**

### **6.1. Management**

The Town Council, CAO, and supervisors are responsible for providing a workplace free from discrimination and harassment and for intervening when these problems occur.

The following is a list of measures and informal actions for supervisors which can often prevent or resolve problem situations without a formal complaint and investigation:

- Set a good example. Supervisors should let their staff know that they take the issue of workplace human rights seriously by supporting this policy and not participating in, or ignoring, discrimination and harassment.
- Approach employees if something is suspected. Employees may be embarrassed and reluctant to approach their supervisor. Symptoms of harassment or discrimination may include reduced productivity, changes in behaviour, rumours, increased sick leave, increased resignations, or sudden changes in performance evaluations. Once

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a victim is aware that these changes have been noticed, they may be more willing to discuss the problem.

- **Seek Advice.** If it is not clear that the employee's problem involves discrimination or harassment, discuss the matter with the CAO or designate. A formal complaint may be needed if the complaint involves several incidents of harassment over a long period of time, situations which may not be easily corrected, or behaviour which may require discipline.
- **Discuss the situation with the alleged harasser.** They may be unaware that their behaviour is offensive. Even if the allegations are denied, the discussion should be treated as a warning that inappropriate workplace behaviour will not be tolerated.
- **Keep a Record.** Supervisors should keep a personal record of all discussions with the victim and alleged harasser, as well as their response to the situation. These notes may be needed later should the behaviour continue or lead to a formal complaint.

### **6.2. Employees**

The following suggestions are intended for employees who have been harassed or who have witnessed harassment and wish to attempt to resolve the problem themselves. These suggestions are not pre-conditions for filing a formal complaint:

- If the employee feels safe, tell the harasser to stop. If possible, the harasser should be told that the behaviour is offensive and against this policy.
- **Keep a Record.** The employee should make a note about the incident, including when it happened, and who was present.
- **Tell the immediate supervisor.** In some situations, objecting may be difficult, or objections may be ignored. Employees should then bring any concerns to the CAO or the HR Coordinator/Manager.
- **The incident and its effects should be explained to the immediate supervisor.** A plan of action should be agreed upon and a follow-up meeting scheduled.
- **Seek advice.** The CAO, HR Coordinator/Manager or designate is available for confidential advice and assistance in resolving discrimination and harassment.
- **The resources of the Employee Assistance Program are also available to provide personal supportive counselling for employees experiencing discrimination and harassment in the workplace.**

## **7. Formal Complaint Process**

Any employee who has experienced harassment, or who has witnessed another employee being harassed, is encouraged to submit a formal complaint if informal attempts at resolving the problem are not appropriate or prove ineffective.

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### **7.1. Avenues of Complaint**

Employees may submit a formal complaint to their immediate supervisor or to the CAO. Immediate supervisors may handle the complaint themselves after informing the CAO, or they can request the CAO deal with the matter on their behalf. Complaints of harassment against supervisors shall be made directly to the CAO.

### **7.2. Right to Complain**

All employees have the right to complain about situations they believe to be harassment or discrimination under this policy.

This policy strictly prohibits reprisals against employees because they have complained under this policy or have provided information regarding a complaint. Alleged reprisals are subject to the same complaints, procedures, and penalties, as complaints of discrimination and harassment.

### **7.3. Reporting a Complaint**

Formal complaints under this policy shall be made in writing on the form provided in Appendix A. and shall contain a written summary of allegations, when the incident(s) occurred, the person(s) involved, and the names of witnesses, if any. The complaint form shall be signed and dated by the person complaining.

Complaints should normally be reported within six (6) months of the action or behaviour being complained about. Promptness in reporting a complaint protects the rights of both the person making the complaint and the person complained against.

### **7.4. Who May Complain**

A complaint should be filed by the actual victim of alleged harassment or discrimination; however, complaints can also be made by co-workers who witnessed the incidents, or by a third party acting on behalf of the victim.

Anonymous complaints will be accepted only if a complete investigation can be conducted without knowing the source of the complaint. For example, it is not necessary to know who has complained to resolve a complaint about several people being harassed or about a certain policy that may be discriminatory.

### **7.5. The Investigation**

Within five (5) working days of receiving a complaint, the supervisor, or the CAO, with

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support from HR Coordinator/Manager, will begin an investigation to resolve the complaint. An external, third-party investigator may be appointed by the CAO to complete the investigation.

A complaint against the CAO shall be made directly to the Mayor. Following receipt of the complaint, the Mayor may appoint an external third-party investigator.

Under this Policy, the supervisor, CAO, HR Coordinator/Manager and/or third-party investigator have the authority to speak with anyone, examine any documents, and enter any work locations which are relevant to the complaint.

All people named in the complaint have the right to reply to the allegations against them and the right to be accompanied by a representative of their choice in any meeting with the supervisor, CAO, HR Coordinator/Manager or third-party investigator.

People not named in the complaint who may have some personal knowledge about the incidents may also be interviewed. These witnesses may also be accompanied by a representative of their choice.

Depending upon the circumstances, it may be necessary to separate the employee and the alleged harasser physically and/or operationally until the investigation is completed.

#### **7.6. Settlement**

Depending upon the circumstances, it is often possible to resolve the matter without further investigation or laying blame. For example, a complaint regarding the circulation of inappropriate or disrespectful cartoons may be resolved simply by circulating a memo in that workplace specifically banning such a practice. Any settlement must be approved by the CAO.

#### **7.7. Confidentiality**

All people involved with a complaint must ensure the matter remains confidential.

In accordance with Freedom of Information and Protection of Privacy legislation, the supervisor, CAO or designate will only release information on a need-to-know basis.

Nothing in this section shall restrict the supervisor or CAO from consulting with an external investigator or legal counsel.

#### **7.8. Findings and Recommendations**

Once the investigation is complete, the CAO will prepare a written report summarizing

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investigation findings and recommending corrective action if necessary.

Conclusions about whether a specific incident of discrimination or harassment did or did not occur are based upon the balance of probabilities, the same standard used in human rights inquiries and labour arbitration.

If the findings do not support the complaint, the CAO will recommend that no further action is necessary, and the matter will be closed.

If, however, it can be concluded that any of the discriminatory incidents or harassment probably happened, the CAO will recommend measures to correct the situation. For example, if a person was denied an interview, they may be given an interview. If someone was harassed, the harassment must cease, and the staff of the work unit may also need an information session about their rights and responsibilities under this policy. Corrective action may also include monetary sanctions (e.g., lost wages).

### **7.9. Final Decision**

The person who filed the complaint, those named in the complaint, and the supervisors have the right to review and comment on the findings and recommendations of the CAO. The CAO will review the report and the comments before making a final decision. The CAO may approve, change, or reject any of the recommendations.

### **7.10. Discipline**

Depending upon the circumstances, a founded complaint under this Policy will be considered a form of employee misconduct. As in any other case of misconduct, corrective action may include discipline which can vary from verbal counselling, a written reprimand to suspension or discharge.

### **7.11. Timeframe**

Complaints will be dealt with on an urgent basis. In most cases the investigation process should be completed within 30 days of the date the complaint was received by the immediate supervisor or CAO.

### **7.12. Records**

No records of a complaint will be placed in the personnel file of an employee who files a complaint or the files of any of the witnesses. The only time a record of a complaint will be placed on the file of a person involved in a complaint is when the resulting corrective action includes discipline of the employee involved. The CAO shall ensure

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accurate records are kept of all complaints made, and details of remedial actions taken under this Policy.

### **7.13. Complaints Made in Bad Faith**

To falsely accuse someone of harassment is a serious offense. When the allegation is determined to be malicious, disciplinary action deemed appropriate will be taken against the individual making the malicious allegations.

### **7.14. Complaints Made in Good Faith**

No disciplinary action will be taken against an employee for making a complaint of harassment in good faith, whether the claim is substantiated.

## **8. Policy Review**

This policy will be reviewed annually to ensure we are aligned with current legislation.

## **9. Effective Date**

This policy is effective on February 12, 2025.

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**Appendix A – Complaint Form**

| Complainant Information |                 |                     |
|-------------------------|-----------------|---------------------|
| Complainant Name        | Job Title       | Date Form Submitted |
| Complainant Phone #     | Supervisor Name | Supervisor Phone #  |

| Information about the alleged harassment                                                                                                                                           |                          |                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------|
| Date of Incident                                                                                                                                                                   | Name of Alleged Harasser | Job Title of Alleged Harasser |
| Is the harassment a repeat occurrence? If yes, please provide date of incidents.                                                                                                   |                          |                               |
| Has the complainant advised the alleged harasser that they do not like the behaviour and wants it to stop?<br><br>If no, please explain why?<br><br>If yes, what was the response? |                          |                               |
| Were there any witness(es) to the alleged harassment?                                                                                                                              |                          |                               |

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If yes, please complete the table below.

In your own words, describe the conduct, comments or display you found unacceptable. Give details of date and location of the incident(s) that is/are the basis of your complaint.

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**Declaration**

I hereby confirm the statement(s) contained in this complaint are true to the best of my knowledge. I understand a copy of this complaint will be provided to the alleged harasser(s) for the purpose of investigating this complaint.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I acknowledge receipt of this complaint.

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_