



**Section: PS 807**

**Anti-Harassment Policy**

**Date issued: 2000 11 08**

**Revision date: 2003 12 15**

**Preamble**

As an employer, the Government of Saskatchewan values the dignity of all employees and is committed to providing a respectful workplace; one that is harassment-free and in which all individuals are treated with respect. The expectation is that managers, supervisors and employees will create and maintain a work environment that is respectful of all persons in it.

**Application**

This policy applies to all workplaces of the Executive Government and all employees appointed under The Public Service Act, 1998, volunteers working on behalf of Executive Government and fee-for-service individuals under contract to the Government of Saskatchewan. The policy does not apply to individuals working outside of Executive Government.

**Roles and  
Responsibilities**

Harassment is a concern for everyone and maintaining a harassment-free workplace is everyone's responsibility.

The employer has a responsibility and a legal obligation to ensure employees are not exposed to harassment in the workplace and for the implementation of this policy. Managers are responsible for ensuring a harassment-free workplace and adherence to the policy. This includes taking appropriate preventive or corrective action and stopping any harassment of which they are aware. Managers should ensure that all employees' rights are protected and should support employees in the conflict resolution process.

Employees (in and out-of-scope) have a responsibility to create and support a workplace that is free of harassment by complying with this policy and by ensuring their behaviour meets acceptable standards. Employees must refrain from discriminatory or harassing behaviour. Employees who feel they have been harassed should make their objections known to the alleged harasser or other appropriate person and document incidents of harassment. Employees witnessing harassment are encouraged to take action to bring the incident to the attention of an appropriate official.



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**Policy**

*Zero Tolerance*

Harassment in the workplace will not be tolerated. The government has a zero tolerance policy towards harassment in the workplace. No reported incident will go unaddressed. Allegations of harassment will be taken most seriously and, if substantiated, will be addressed through appropriate corrective action which reinforces the policy and ensures the harassment does not continue.

The abuse of one's authority or position to intimidate, coerce or harass is forbidden.

*Disciplinary Action*

Harassment constitutes a disciplinary infraction that shall be dealt with through the appropriate measures. The determination of appropriate discipline will always require the application of judgement on a case-by-case basis taking into account the facts of the case, findings of an investigation, mitigating or aggravating factors and labour relations and legal jurisprudence.

In the most serious cases where harassment has been substantiated, dismissal will be the employer's response in the absence of significant factors that dictate otherwise; some examples of serious cases include: cases involving serious abuse of authority, hate literature, sexual assault or other criminal behaviour associated with harassment.

*Employer's Right to Manage*

This policy does not limit or constrain the employer's right to manage the workplace. For example, work assignments, operational reviews, performance reviews, coaching, work evaluation and disciplinary measures taken by a manager or supervisor, in good faith for valid reasons, do not constitute harassment in the workplace. These supervisory and management actions must remain respectful of the individual. This policy will not, under any circumstances, be used to impede the supervisory relationship, nor is it intended to inhibit normal social interaction in the workplace.

*Employee's Right*

Nothing in this policy precludes the employee's ability to access their rights or provisions through the Collective Bargaining Agreement, *The Saskatchewan Human Rights Code*, *The Occupational Health and Safety Act, 1993*, workplace violence policies, Workers' Compensation or any other legal avenues available. Every employee has the right to contact an Occupational Health and Safety Officer if they believe the harassment constitutes a threat to their health or safety.



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### Definitions

#### *Discrimination*

Discrimination includes, but is not limited to, unequal treatment based on one or more of the prohibited grounds under *The Saskatchewan Human Rights Code*. Discrimination can be intentional or unintentional, direct or indirect.

Discrimination in employment is prohibited in The Saskatchewan Human Rights Code on the basis of race, creed, religion, colour, sex, sexual orientation, family status, marital status, disability, age (18-64), nationality, ancestry, place of origin or receipt of public assistance.

#### *Harassment*

Harassment is a form of discrimination.

This policy endorses the definition of harassment set out in *The Occupational Health and Safety Act, 1993* which states that harassment means any objectionable conduct, comment or display by a person that:

- is directed at a worker;
- is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry, place of origin; and
- constitutes a threat to the health or safety of the worker.

In addition, harassment means any objectionable or offensive behaviour that is known or reasonably ought to be known to be unwelcome, based upon one or more of the prohibited grounds in:

- *The Saskatchewan Human Rights Code*; or
- *The Occupational Health and Safety Act, 1993*; or
- any additional grounds listed in the current Collective Bargaining Agreements with SGEU and CUPE in circumstances relating to in-scope employees in the respective bargaining units.

### Examples of Harassment

Within the context of the definition of harassment set out above, harassment includes objectionable conduct, comment or display made on either a one-time or continual basis that demeans, belittles, disparages or causes humiliation to a person and that is known, or reasonably ought to be known, to be unwelcome. It is objectionable conduct or comment, directed towards a specific person or persons, which has no legitimate work purpose.



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It may have the effect of creating an intimidating, hostile or offensive work environment, impacting on the individual's ability to work and learn. Harassment may or may not be intentional. The impact on the recipient and the workplace is a measure of whether or not harassment has occurred.

Examples of behaviour which would constitute harassment when based upon the prohibited grounds, as set out above, include, but are not limited to, the following:

- unwelcome remarks, jokes, innuendoes or taunts causing embarrassment or offence;
- displaying objectionable materials, graffiti or pictures;
- insulting gestures, jokes, disparaging written materials;
- unwelcome sexual advances, propositions or inquiries and/or comments about a person's sex life;
- unwanted contact or attention (may be one time only or persistent);
- inappropriate touching;
- shunning and ostracizing;
- threats, bullying, coercion, isolation;
- actual or threatened physical assault;
- verbal assault;
- malicious gestures or actions;
- stalking.

### *Harassment Complaints Which Are Not Based on Prohibited Grounds*

It is recognized that there may be incidents of objectionable conduct in the workplace that are not based on the grounds prohibited by *The Occupational Health and Safety Act, 1993*, relevant Collective Bargaining Agreements and *The Human Rights Code* which therefore fall outside of the parameters of this policy. Should complaints arise regarding incidents of this nature, it will be up to management to determine how they are to be handled. All parties are encouraged to work collaboratively to resolve issues of this nature as quickly as possible. ([Objectionable Conduct Guidelines Apply](#))

### *Workplace*

For the purposes of this policy, the workplace includes, but is not limited to, the physical work site, washrooms, cafeterias, training sessions, business travel, field locations, conferences, work related social gatherings or any other place where the employee is required to be in service to the employer.



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### Confidentiality

The employer will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is necessary for the purposes of investigating the complaint, taking corrective action with respect to the complaint or as required by law.

All information relating to verbal and written complaints shall be kept strictly confidential.

### Processes and Procedures

Please refer to the attached process and procedures section ([Appendix A](#)) for more information about addressing harassment in the workplace including:

- an explanation of how complaints of harassment may be brought to the attention of the employer;
- dispute resolution options including formal complaint procedure and resultant investigation process; and
- a description of the procedure the employer will follow to inform the complainant and the alleged harasser of the results of the investigation.

### Where to go for information or help

- your supervisor;
- your Human Resources Branch;
- a member of your Occupational Health Committee;
- a local union official (no union official will be involved when the complainant and respondent are both out-of-scope);

SGEU (if you are a member):

- Regina 1-800-667-5221
- Saskatoon 1-800-667-9791
- Prince Albert 1-800-667-9355

CUPE 600-3 (if you are a member):

- Regina 525-5874



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**Confidentiality**

- the Saskatchewan Human Rights Commission (1-800-667-8577);
- the Employee and Family Assistance Program (306-787-7567 in Regina; 933-7077 in Saskatoon);
- Occupational Health and Safety Division, Saskatchewan Department of Labour (1-800-567-7233);
- the police (if an assault or other crime has allegedly occurred).

**Authority**

*The Public Service Act, 1998*  
*The Occupational Health and Safety Act, 1993 and Regulations, 1996*

**Inquiries**

PSC, Labour Relations Operations  
SGEU  
CUPE 600-3

**Appendices**

[Appendix A: Process and Procedures for Addressing Harassment in the Workplace](#)

[Appendix B: What to Do If You Are Accused of Harassment](#)

[Appendix C: What to Do If You Observe Harassment in the Workplace](#)

[Appendix D: Harassment by Employees of Other Government Agencies, Corporations or Offices, Clients and Members of the Public](#)

[Appendix E: Managers'/Supervisors' Checklist](#)

[Harassment Complaint Form](#)

[Supporting a Harassment-Free Workplace brochure](#)



**Section: PS 807-objectionable**

**Anti-Harassment Policy  
Objectionable Conduct Guidelines**

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It is recognized that there may be incidents of objectionable conduct in the workplace that are not based on the grounds prohibited by *The Occupational Health and Safety Act, 1993*, relevant Collective Bargaining Agreements and the Human Rights Code which therefore fall outside of the parameters of the Employers Anti-Harassment Policy. Should complaints arise regarding incidents of this nature, it will be up to management to determine how they are to be handled. All parties are encouraged to work collaboratively to resolve issues of this nature as quickly as possible.

As an employer, the Government of Saskatchewan values the dignity of all employees and is committed to providing a respectful workplace, one that is free of objectionable conduct and in which all individuals are treated with respect. The expectation is that managers, supervisors, and employees will create and maintain a work environment that is respectful of all persons in it.

The employer will not condone or tolerate unwanted, unwelcome attention or disrespectful behavior that objectionable in nature.

Once the Employer becomes aware of a complaint, they will take the complaint seriously, and deal with it in a timely manner.

Objectionable Conduct may warrant discipline.

Departments have a number of options available to them to resolve complaints of this nature.

The following are a variety of dispute resolution options which may be utilized or customized dependent on the individual situation.

| <b>Mechanisms</b>           | <b>The Employees Directly Involved</b>  | <b>Outcomes</b>  |
|-----------------------------|---|--|
| Individual Problem Solving  | The employees experiencing objectionable behavior and those needed locally to resolve the situation, such as line managers, union representative (if appropriate) and HR. | Mutual understanding and verbal agreement to restorative action between those involved.                |
| Facilitated Problem Solving | The employees directly involved, a manager, HR and/or the union (if appropriate). The Employee and Family Assistance Program is another resource.                         | Mutual understanding and verbal and/or written agreement to restorative action between those involved. |
| Mediation                   | The employees who are directly involved, a mediator, manager, the union (if appropriate), or HR.  | Mutual understanding and written agreement to restorative action between those involved.               |



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|                            |   |  |
|----------------------------|---|--|
| Departmental Investigation | The employees directly involved (a complainant and a respondent), the union (if appropriate), HR, the manager and witnesses | A determination if the complaint is valid and warrants further action. A determination of the action to be taken will be made by management. |
|----------------------------|---|--|





**Section: PS 807-A**

**Anti-Harassment Policy  
Process and Procedures for  
Addressing Harassment in the  
Workplace – Appendix A**

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**A. Dispute Resolution Options**

There are several ways to resolve conflict and disputes that involve harassing behaviour. The ideal resolution takes place quickly and is handled solely by the individuals directly involved. Since this is not always possible, other mechanisms are described below. The following table is for quick reference:

**DISPUTE RESOLUTION OPTIONS**

| <b>Mechanisms</b>           | <b>Who is Involved</b>  | <b>Outcomes</b>   |
|-----------------------------|---|---|
| Individual Problem Solving  | The employee experiencing harassing behaviour and those needed locally to resolve the situation, such as line managers, union representative (if applicable) and HR.      | Mutual understanding and agreement to restorative action between those involved. Usually not written and not filed.   |
| Facilitated Problem Solving | The employees who are directly involved, a manager, HR and/or the union (if applicable). The Employee and Family Assistance Program is another resource.                  | Mutual understanding and agreement to restorative action between those involved. Sometimes a written agreement.   |
| Mediation                   | The employees who are directly involved, a mediator, manager, the union (if applicable), HR or the PSC.   | Mutual understanding and agreement to restorative action between those involved. A written, signed and recorded agreement.  |
| Formal Investigation        | The employees directly involved (a complainant and a respondent), the union (if applicable), HR, PSC, an investigator, witnesses and the Permanent Head and/or designate. | A report of the findings of the investigation, determination of whether or not harassment occurred and a restorative plan which may or may not include disciplinary measures. |



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### Individual Problem Solving

If you believe you have been subjected to harassment, you are encouraged to clearly and firmly make known to the alleged harasser that the behaviour is objectionable and must stop.

If conflict resulting from the harassing behavior can be resolved by those directly involved, it reduces the disruption in the workplace and contributes to better relationships in the future. Some people are not aware that their behavior constitutes harassment. Often, simply telling them about the offensive nature of their behavior is enough to end it. Employees are encouraged to be proactive and tell the offender to stop. Refer to this policy if necessary. If you want assistance in planning your approach to the other employee, contact your manager, supervisor, shop steward or Human Resources contact.

### Facilitated Problem Solving

If you are subjected to harassment and are unable to confront the other person or the confrontation does not improve the situation, discuss the problem with your manager, supervisor, shop steward, Occupational Health Committee member or Human Resources. These individuals can help you assess your options, develop an action plan for resolution and implement the plan. They can help you identify and access a facilitator who may assist you and the respondent to work out an acceptable resolution and they can also be responsible for following up with you to ensure that the conflict has been resolved.

### Mediation

If the conflict can not be resolved by the individuals and their local resources, mediation or a similar third party intervention can be requested upon the mutual agreement of those involved in the conflict.

Trained and experienced mediators should conduct the mediation process. They can assist two or more parties to reach a resolution to their differences or can also help to resolve conflicts among groups.

The mediator may initiate separate meetings between himself/herself and each of the involved parties to arrive at an understanding of the individuals' issues and interests. This may be followed by joint sessions. Some variations of this problem solving process, which can help restore the workplace to a respectful level, include the use of a facilitator to help the manager, shop steward and employees work through the dispute and prevent recurrence. The parties will work together to apply the process which is most appropriate to each situation.

### Formal Investigation

When it is not possible to resolve a conflict through individual or facilitated problem solving or mediation, or depending on the nature of the complaint, a formal investigation may be initiated through a formal complaint (see B: Formal Complaint Procedures). The formal complaint process is an explicit procedure that will involve an external investigator(s). A formal complaint should never be undertaken frivolously. It requires careful consideration and should usually be a last resort. This process may take longer, involve more people (witnesses) and requires the complaint to be in writing.



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Complaints respecting events that are more than 12 months old will not be investigated unless there are special circumstances. Such circumstances could include:

- matters relevant to events or harassment issues that are currently present or likely to be present in the workplace;
- where the alleged harasser is currently in the employ of the employer and the complaint is of such serious nature that if true, would warrant discipline, therapy or training;
- where the complaint is relevant to a current claim for compensation.

If a formal complaint and investigation take place, the Permanent Head will make the final decision, based on the investigator's report, as to whether or not harassment has occurred and will determine the appropriate action to be taken. This may include the application of the Corrective Discipline/Performance Improvement Policy.

**Note:** It should be noted that the employer is obligated to address any harassment allegation and this may, at the employer's discretion, result in a formal investigation whether or not a formal complaint has been filed.

### B. FORMAL COMPLAINT PROCEDURES

Formal harassment complaints can be made to the supervisor, the manager, Human Resources, the Permanent Head, the PSC, a union official or, if the behaviour falls within the parameters of *The Occupational Health and Safety Act, 1993*, an Occupational Health and Safety Officer.

#### Content of a Formal Complaint

The formal complaint must contain the following information:

- Name of Complainant;
- Workplace: location and department;
- Home and Work Phone Numbers of Complainant;
- Type of Harassment (ie., on what prohibited grounds did the harassment occur);
- Respondent: alleged harasser's name;
- Details of the Complaint: describe the behaviour that you are objecting to. What was said or done? When? How often? Where? Circumstances surrounding the incident(s). Describe what you have done in response to the behaviour. Have you advised the alleged harasser(s) or another appropriate person that the behaviour is objectionable and must stop;
- Complainant's Signature: by signing a formal complaint, you are agreeing to have this information given to:
  - your union representative, with your consent;
  - the respondent(s), and with the consent of the respondent(s), their union representative (if applicable).

**Note:** The respondent will be given a copy of the actual complaint, not a summary or edited version. However, in the case of multiple respondents, only details of the complaint pertaining to an individual respondent will be provided to that respondent.



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**IMPORTANT NOTE: If based on the prohibited grounds, the complainant(s) can ensure a formal investigation will take place with a signed formal complaint.**

### Complaint Process

Within five working days of the receipt of a formal complaint, the recipient will ensure that the Permanent Head of the department involved (or designate), the PSC and appropriate union, if applicable, receive a copy of the complaint. All those who receive copies of the complaint must observe strict confidentiality requirements. A copy of the complaint and this policy will be given to the respondent by department management within five working days. In the event of multiple respondents, only details of the complaint pertaining to an individual respondent will be given to that respondent. The respondent(s) will be informed of their right to representation by a union official, if applicable, or another person of their choice.

Complaints that involve a Permanent Head will be dealt with by the PSC and a recommendation will be provided to the Deputy Minister to the Premier for a final and binding decision.

### Confidentiality

All complaints made, in which an individual is named or can be identified, will be communicated to that individual. All other information relating to verbal and written complaints and formal investigations will be kept strictly confidential. The investigation is limited to only those individuals who must be contacted to fulfill the employer's legal duty to investigate, provide a safe workplace and resolve the situation. Those involved in the investigation are prohibited from discussing the harassment complaint outside the official restorative or investigative process.

Confidentiality means, in its simplest form, that no one talks about the harassment complaint outside the official restorative or investigative process. It is not to be discussed informally or gossiped about by anyone. Lack of confidentiality can cause further pain or harm to the people involved and makes restoration to a respectful environment more difficult. If you are involved in an investigation and someone asks you about it, you must inform that individual that you can not discuss it. Breaches of confidentiality may result in the application of the Corrective Discipline Policy.

Notwithstanding the above clause, information relating to the investigation may be subject to subpoena for court of law or arbitral process. Also, disciplinary action taken in relation to an employee found to have violated the Employer's Anti-Harassment Policy will be disclosed as identified under the restorative action/discipline section of this document.

### Separation of Complainant and Respondent

The Permanent Head will, with advice from the Human Resources Branch and the PSC, decide if the complainant and respondent(s) need to be separated pending the completion of the intervention.

### Investigators

An investigator, or team of investigators, will be appointed by the PSC after consultation with the appropriate union (if applicable) and the employing department. If it is determined



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that an investigation will take place, the PSC will appoint the investigator within seven working days of the receipt of the complaint. The cost of the investigation is the responsibility of the employing department(s) involved.

The union and the PSC will identify individuals who are qualified and experienced workplace harassment investigators. A list of these people will be maintained so they are available to begin the investigation process quickly. The goal of this policy is to quickly return the workplace to a respectful and productive environment. Investigators will recognize and suggest opportunities for mediation or problem solving and facilitate those opportunities in lieu of the investigation when appropriate.

### Authority of Investigators

The investigator(s) is authorized by this policy to collect evidence relevant to the investigation. The evidence will be returned to its owner upon completion of the investigation.

The investigator(s) is authorized to suggest mediation at any time during the investigation if they believe it will lead to a satisfactory resolution.

### Investigation

***Note: Where stated, time frames are intended to be guidelines only. Individual circumstances may cause the time frames to be exceeded.***

#### 1. Process

- a) The investigator(s) will ensure that the respondent has been given a complete copy of the complaint and a copy of this policy. In the event of multiple respondents, only the details of the complaint pertaining to an individual respondent will be provided to that respondent. The investigator will ensure that both complainant and respondent(s) are informed of their right to representation by either their union, if applicable, or any other party who they feel is appropriate.

*Each investigator will start the investigation by asking the complainant and respondent if mediation is possible.*

- b) The following activities will normally be completed within 20 working days of the appointment of the investigator:
  - interview the complainant;
  - interview the respondent(s);
  - interview relevant witnesses (witnesses must be informed that the evidence provided will be shared with the complainant and respondent);
  - collect relevant documents or other physical evidence.

At any time during the investigation, the complainant and respondent(s) can, by mutual agreement, agree to suspend the investigation in favor of a mediation process. If that process is not successful, the investigation may resume and be completed.



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- c) Prior to concluding the investigation and preparing a final report, the investigator shall provide the evidence and tentative findings to the respondent and the complainant. In the event of multiple respondents, only the details of the evidence and tentative findings pertaining to an individual respondent will be provided to that respondent.

In the case of multiple complainants, each complainant will receive only the details of evidence and tentative findings applicable to him or her. The complainant(s) and respondent(s) then have five working days to determine if the investigation is complete and to respond. If the responses call for further investigation, it should be completed within ten additional working days.

### 2. Written Report

Within seven working days of completing the investigation, the investigator will submit a written report to the Permanent Head, the PSC and the union (if applicable). Within seven working days of receiving the investigator's written report, the Permanent Head will distribute copies to the complainant and respondent. In the event of multiple respondents, only the details of the report pertaining to the individual respondent will be provided to that respondent. In the event of multiple complainants, only the details pertaining to an individual complainant will be provided to that complainant. The report will detail the following:

- the complaint;
- statement of respondent(s);
- a list of witnesses;
- witness statements;
- relevant documents;
- findings of the investigation;
- the investigator's conclusion respecting each allegation/complainant as to whether or not harassment occurred.

The investigator's report will include a recommended course of restorative action where appropriate, but will not provide recommendations regarding disciplinary action.

**Within seven working days of receiving the investigator's written report, either the complainant or the respondent(s) may request a review of the investigation for thoroughness. The challenge must be submitted in writing to the Permanent Head, the PSC and the union, if applicable. The challenger must specify what aspect of the investigation is seen as inadequate. After consultation with the PSC and the union, if applicable, the Permanent Head may direct that the investigation be re-opened to address the concerns raised in the challenge.**

### 3. Determination

The Permanent Head shall make the final decision as to whether or not harassment has occurred, within the meaning of this policy. This decision may involve consultation with the PSC, the union, if applicable, and the Human Resources Branch. The decision as to whether or not harassment has occurred shall be communicated to the complainant, the respondent(s), the PSC and the union



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if applicable. The Permanent Head should communicate the decision to the parties involved once the written report is received and the challenge process has been exhausted.

### Restorative Action/Discipline

If it is determined that harassment has occurred, the Permanent Head shall determine what appropriate restorative action to be taken. The Permanent Head may consult with the Human Resources Branch, the PSC and the union, if applicable. The offending party may be subject to disciplinary action as part of the restorative process that is applied. The discipline may be up to and including dismissal. All disciplinary action will follow the Corrective Discipline Policy. In the most serious cases of harassment, the Permanent Head will consult with a panel of their peers, the PSC and Justice, in determining the appropriate disciplinary action.

In determining the appropriate restorative action, the Permanent Head may consult with the complainant(s) as to the effect the harassment has had upon them. This consultation may take the form of an “impact statement” from the complainant(s), which would be in addition to any impact information that was gathered by the investigator. Participation of the complainant(s) in this process would be on a voluntary basis. If this consultation is carried out by the Permanent Head, the complainant(s) will be advised that the information provided will be shared with the respondent(s) who will be given the opportunity to respond. The information provided by the complainant(s) and respondent(s) will be taken into account in making the decision regarding the restorative action plan to be taken.

### Implementation of Restorative Action/Discipline

The Permanent Head will communicate to the complainant(s) and respondent(s) the details of the restorative action plan and its implementation. Where disciplinary action is applied as part of the restorative plan, the Permanent Head will, on a confidential basis, inform the complainant(s) of the discipline imposed on the respondent(s), the rationale for imposing discipline and the relevant considerations taken into account. If it is determined that disciplinary action will not be imposed as part of the restorative plan, that decision will also be communicated and explained to the complainant(s).

On a case-by-case basis, the Permanent Head may determine that for a restorative action plan to be successful, it may need to include communicating information about the disciplinary action taken to other members of the workplace. Where this information is provided, the members of the workplace, in keeping with the principles of this policy, must observe strict confidentiality at all times. Prior to taking this course of action, the Permanent Head will consult with the PSC.

## 4. Evidence and Documents Relating to the Investigation

Due to the possibility of subsequent action; eg., legal proceedings, arbitration, judicial review, review by the Saskatchewan Human Rights Commission or Occupational Health and Safety Division of the Department of Labour, materials related to the investigation will be retained for six years. Upon conclusion of the investigation, the investigator shall retain copies of all such material for his/her record and submit copies to the Public Service Commission. The Permanent Head or designate shall have



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access to the investigation files concerning one of his/her employees. Where a complainant has authorized that his/her union receives a copy of the complaint, the union shall have unrestricted access to the investigation files concerning their member.

### Retaliation

Retaliation is strictly prohibited against anyone who has reported harassment or participated in an investigation. Any signs of retaliation should be reported immediately to a manager, the PSC or the union. Retaliation will result in disciplinary action, up to and including dismissal.

### Bad Faith Complaints

Complaints should be undertaken with great care because they may result in pain and damage to the respondent's reputation and disruptions in the workplace. Complaints made frivolously or in bad faith and without factual basis may constitute defamation and may be actionable by the respondent. Such complaints may result in disciplinary action, up to and including dismissal.

### Complaint Withdrawal

A complainant may withdraw a complaint at any time. The employer still may be required to address the concerns raised in cases where:

- there exists a real or perceived threat to the health or safety of other employees;
- there is evidence that the complainant may have been threatened or may fear retaliation;
- failure to close the situation might endanger an employee;
- the complaint alleges serious abuse of power;
- failure to follow through on a complaint would seriously damage the reputation of the public service.

### Representation

Union members have a right to union representation during any of these processes. Non-union employees are also entitled to representation by a person of their choice.

Where a formal complaint is filed and the respondent(s) seeks private legal counsel and ultimately there is no finding of harassment, the Permanent Head may authorize reimbursement of reasonable legal fees. This applies to out-of-scope employees only.

### Employee and Family Assistance Program

Employees who require counseling are encouraged to contact the Employee and Family Assistance Program.

## C. MATTERS INVOLVING CRIMINAL BEHAVIOUR

Normally, harassment cases will not involve conduct that may be of a criminal nature. However, in exceptional cases, the actions of the alleged harasser may cross over the line into criminal behaviour.





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**Role of the Investigator**

Where, in the opinion of the investigator, behaviour of a criminal nature has occurred, the investigator shall document the behaviour, provide advice to the complainant with respect to advancing the complaint to the police and immediately inform the department of the matter.

**Legal Advice**

If a supervisor or manager is made aware of a harassment circumstance which they believe may have involved criminal behaviour, the supervisor or manager shall, through their Human Resources Branch, contact the Department of Justice, Civil Law Division, and seek advice as to whether the matter has crossed the line into criminal action.

**Employee May Advance a Criminal Complaint**

At any time during the process of handling a complaint where the behaviour of the alleged harasser may be considered to be criminal in nature, and particularly if the matter is investigated and substantiated, the complainant must be advised that he/she has the opportunity to advance a criminal complaint to the police for investigation. In such circumstances where an employee chooses to advance a criminal complaint, the employer will offer support to do so.

**Employer May Advance Complaint**

In cases where the employee had been afforded the opportunity to advance a criminal complaint but chose not to do so, those wishes should be respected except where there is an overriding concern. Managers who believe a particular matter should be raised with the Police, despite the complainant(s)' wishes, must first raise the matter with their Human Resources Branch who will seek advice from Civil Law Division, Department of Justice, prior to contacting the Police.



**Section: PS 807-B**

**Anti-Harassment Policy  
What to do if you are Accused of  
Harassment  
Appendix B**

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The Anti-Harassment Policy is based upon the principles of fairness and due process. You must be notified in the event that a complaint is made against you. At this point, you should review the policy and develop an action plan for restorative resolution of the complaint. You may wish to work with your supervisor, Human Resources or a shop steward (if applicable). They will help you determine how to begin the resolution process.

Once you become aware that a complaint has been made against you, you are encouraged to become involved in order to resolve the conflict constructively. This will require the willingness to listen and be open to the other person's perspective.

The restorative process focuses on conflict resolution rather than blame or punishment. If this approach is unacceptable to either party or inappropriate due to the seriousness of the allegations, an investigation may take place.



**Section: PS 807-C**

**Anti-Harassment Policy  
What to do if you Observe Harassment in  
the Workplace  
Appendix C**

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If you observe an individual experiencing humiliating, degrading or disrespectful behaviour, you may wish to offer them your support. If your offer is accepted, use this policy to help the person assess their options. You may wish to contact Human Resources, an Occupational Health and Safety Officer or a union representative for advice regarding appropriate action.

If you observe any incidents that involve a threat to cause bodily harm, assault, sexual assault or any other risk to the individual, you are obligated to report it to your manager.

It is misconduct for managers and supervisors who know of workplace harassment not to take immediate corrective action. Human Resources will assist managers/supervisors in determining the appropriate action and the managers'/supervisors' checklist can also be used as a reference.



**Anti-Harassment Policy**  
**Harassment by Employees of Other**  
**Government Agencies, Corporations or**  
**Offices, Clients and Members of the Public**  
**Appendix D**

**Section: PS 807-D**

**Date issued: 2000 11 08**

**Revision date: 2003 12 15**

The employer's obligation to provide a harassment-free workplace extends to include circumstances where employees may be subject to harassment by persons external to the workforce; ie. clients and members of the public or by employees of other government agencies, corporations and offices outside of Executive Government to whom this policy does not apply.

The process and procedures set out in the forgoing policy are intended to address situations of harassment between and among Executive Government employees.

The following process and procedures apply to circumstances of harassment of Executive Government employees by clients or members of the public:

- Employees who are subject to harassment by clients or members of the public are encouraged to report the incident(s) to the employer, particularly if the harassment is of a serious nature or made in circumstances where the employee feels the harassment may continue or re-occur.
- Upon receipt of such a harassment complaint, the Permanent Head shall, in consultation with the employee and the occupational health committee, take such action as is appropriate and reasonable in the circumstance to ensure that the harassment does not continue.
- The Permanent Head, in consultation with the occupational health committee at each place of employment, shall consider what, if any, policies and procedures are appropriate at the workplace to minimize or control harassment of employees by clients and members of the public.

The following process and procedures apply to circumstances of harassment of Executive Government employees by employees of other government agencies, corporations or offices to whom this policy does not apply:

- Upon receipt of a complaint, the employer will take immediate steps to ensure that the complainant is protected from continued or recurring harassment.
- In the case of formal complaints, an investigation will be carried out in accordance with the process and procedures set out in this policy.
- The respondent and the respondent's employer will be informed of the complaint and the investigation.
- Any findings determined by the investigation will be provided to the respondent's employer.



**Section: PS 807-E**

**Anti-Harassment Policy  
Managers'/Supervisors' Checklist  
Appendix E**

**Date issued: 2000 11 08**

**Revision date: 2003 12 15**

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The Public Service Commission, in consultation with departments, has developed a [managers'/supervisors' checklist](#) which sets out key considerations for managers when dealing with harassment issues at various steps in the process:

- Prior to discussing the complaint.
- When receiving an informal complaint.
- When receiving a formal complaint.
- If you witness behavior that is objectionable in nature or may constitute harassment.

The checklist may be modified by departments to reflect their own individual operating process and is available from your Human Resources Branch.

## **MANAGERS'/SUPERVISORS' CHECKLIST FOR HANDLING HARASSMENT COMPLAINTS**

Managers are responsible for ensuring a harassment-free workplace and adherence to the Employer's Anti-Harassment Policy. This includes taking appropriate preventive and/or corrective action and stopping harassment of which you are aware. It is important that you review and understand the Policy, including your obligations and the process outlined in the Policy prior to receiving a complaint. Upon reviewing the Policy, you should discuss any questions or concerns you may have with your Human Resources Consultant.

The following steps are to be used as a guide and are not intended to replace the process as outlined in the Employer's Anti-Harassment Policy.

### **A. Prior to discussing the complaint:**

- ❖ Make the complainant as comfortable as possible in relating the allegations to you.
- ❖ Make the complainant aware that you can not guarantee confidentiality. Depending on the nature of the complaint, you may be required to take action.
- ❖ Inform the complainant that the respondent has the right to know the allegations made against them and will be given the opportunity to respond.
- ❖ Inform the complainant that they have a right to union representation (if applicable).
- ❖ Where the alleged behaviour is criminal in nature, inform the complainant that they have the opportunity to advance a criminal complaint to police and will be supported in doing so.
- ❖ Discuss the options for filing a complaint:
  1. Informal complaint
  2. Formal complaint
  3. Dispute Resolution Options
    - Individual Problem Solving
    - Facilitated Problem Solving
    - Mediation
- ❖ Provide the employee with a copy of the Anti-Harassment Policy or direct the employee to the PSC Web site ([www.gov.sk.ca/psc/](http://www.gov.sk.ca/psc/)).

## **B. Receiving an informal complaint:**

- ❖ If the complainant does not want to name the respondent and wishes to handle the complaint themselves:
  1. Ensure you understand the nature of the complaint. Where the alleged behaviour is criminal in nature, inform the complainant that they have the opportunity to advance a criminal complaint to police and will be supported in doing so.
  2. Discuss with the complainant the dispute resolution options available to them. Inform the complainant that they may also discuss other resolution options available to them with a Human Resources Consultant or a representative of the SGEU/CUPE (if applicable). It is advised that you, as the manager, participate in any resolution process to ensure any agreements made to resolve the dispute are acceptable to management.
  3. Monitor/follow up with the employee to ensure their workplace issue has been resolved.
  4. Record all aspects of the discussion you had with the employee and keep the records in a confidential and secure location.
  
- ❖ If the employee comes forward with a complaint and names the respondent:
  1. Ensure you understand the nature of the complaint. Where the alleged behaviour is criminal in nature, inform the complainant that they have the opportunity to advance a criminal complaint to police and will be supported in doing so.
  2. Inform the complainant that the respondent will be told the nature of the complaint and given the opportunity to respond.
  3. Discuss with the complainant the dispute resolution options available to them. Inform the complainant that they may also discuss other resolution options available to them with a Human Resources Consultant or a representative of the SGEU/CUPE (if applicable).
  4. Meet with the respondent to provide them with the nature of the complaint, including the name(s) of the complainant(s). Inform the respondent that they may discuss other dispute resolution options that may be available to them with a Human Resources Consultant or a representative of the SGEU/CUPE (if applicable).
  5. Work with the parties involved ensuring the dispute has been resolved to the satisfaction of all involved. It is advised that you, as the manager, participate in any resolution process to ensure any agreements made to resolve the dispute are acceptable to management.
  6. If the employees involved are unable to come to a satisfactory resolution then discuss with the complainant the option of filing a formal complaint.
  7. Record all aspects of the discussion you had with the employees in steps 2, 3, 4 and 5 above and keep the records in a confidential and secure location.

***Note: At any time during this process, feel free to contact your Human Resources Consultant for advice and guidance.***

### C. Receiving a formal complaint:

- ❖ If the employee wants to file a formal complaint:
  1. Provide the employee with a copy of the Anti-Harassment Policy.
  2. Ensure the employee's written complaint contains the following information:
    - Name of complainant
    - Workplace: location and department
    - Work phone number
    - Type of harassment (eg., on what prohibited grounds did the harassment occur)
    - Respondent: alleged harasser's name
    - Details of the complaint: describe the behaviour you are objecting to. What was said or done? Circumstances surrounding the incident(s) and any other information relevant to the complaint
    - Names of any witnesses (if applicable)
    - A harassment complaint form is available through your Human Resources Branch (HRB)
  3. Ensure the employee signs the formal complaint. If based on the prohibited grounds, the complainant(s) can ensure a formal investigation will take place with a signed formal complaint.
  4. Inform the complainant that by signing the complaint, they are agreeing to give a copy to the respondent.
  5. Where the alleged behaviour is criminal in nature, inform the complainant that they have the opportunity to advance a criminal complaint to police and will be supported in doing so.
  6. Once the formal complaint has been received and discussed with your HRB, it must be forwarded to the Public Service Commission (PSC). The PSC will review the complaint to determine if it meets the intent of the Policy and if a formal investigation is warranted.
  7. Meet with the respondent to provide them with the nature of the complaint, including the name(s) of the complainant(s). Inform the respondent that they may discuss other dispute resolution options that may be available to them with a Human Resources Consultant or a representative of the SGEU/CUPE (if applicable).
  8. Determine, in consultation with your HRB, if the complainant(s) and respondent(s) need to be separated pending the completion of the investigation.

***Note: At any time during this process feel free to contact your Human Resources Consultant for advice and guidance.***



**D. If you witness behaviour that is objectionable in nature or may constitute harassment:**

1. Inform the employee of the offending behaviour and instruct them to stop.
2. If the offending behaviour was directed towards another employee, ensure that that employee is protected from harassment (eg., separate by reassignment, send the respondent home).

If you remove an employee from the workplace, ensure you have them return any items that belong to the employer (eg., cell phone, CVA Keys, building keys, etc.). Request assistance from your HRB in developing and delivering a message to the employee's work unit respecting their absence.

3. Clarify events, circumstances, dates, times, participants, employee actions and witnesses.
4. Determine findings and assess the situation in relation to the Anti-Harassment Policy (including whether the investigation is warranted or restorative action is needed).
5. Meet with the employee and inform them of any actions to be taken as a consequence of the behaviour (if applicable).
6. Record all aspects of the discussion you had with the employees in steps 3, 4 and 5 and keep the records in a confidential and secure location.

***Note: At any time during this process, feel free to contact your Human Resources Consultant for advice and guidance.***



### HARASSMENT COMPLAINT FORM

**1. Complainant Information.**

|   |                                 |
|---|---------------------------------|
| <b>Name:</b> _____  | <b>Department:</b> _____        |
| <b>Workplace Address:</b> _____   |                                 |
| <b>Home Phone Number:</b> _____   | <b>Work Phone Number:</b> _____ |
| <b>Employment Category:</b> <input type="checkbox"/> CUPE <input type="checkbox"/> SGEU <input type="checkbox"/> Out of Scope |                                 |

**2. Grounds for Complaint.** On what grounds did the harassment occur. Please check all that apply.

|  |  |  |
|--|--|--|
| <input type="checkbox"/> Race                    | <input type="checkbox"/> Marital Status  | <input type="checkbox"/> Place of Residence (SGEU)                       |
| <input type="checkbox"/> Sexual Orientation      | <input type="checkbox"/> Family Status   | <input type="checkbox"/> Criminal Record - No Relevance to Duties (SGEU) |
| <input type="checkbox"/> Creed                   | <input type="checkbox"/> Disability      | <input type="checkbox"/> Political Affiliation (SGEU/CUPE)               |
| <input type="checkbox"/> Religion                | <input type="checkbox"/> Nationality     | <input type="checkbox"/> Membership in the Union (SGEU/CUPE)             |
| <input type="checkbox"/> Colour                  | <input type="checkbox"/> Ancestry        |  |
| <input type="checkbox"/> Sex                     | <input type="checkbox"/> Place of Origin |  |
| <input type="checkbox"/> Physical Size or Weight | <input type="checkbox"/> Age             |  |

**3. Respondent(s).** Person(s) who you allege committed the harassment.

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**4. Details of the Complaint.** Please be as detailed as possible when describing the behavior you have objected to. Include such things as: what occurred, location, time, circumstances surrounding the incident, witnesses, what you have done in response to the behavior, etc. (Use additional pages if needed)

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## Common myths

**MYTH:** *Ignoring harassment will put a stop to the behaviour.*

**Fact:** Ignoring the harassment may actually encourage the harasser, who may interpret the lack of protest as acceptance of the behaviour.

**MYTH:** *Harassment complaints are often made up or exaggerated to punish an individual or for vengeance or spite.*

**Fact:** Although false complaints do occur, they are rare. Harassment is a serious matter, and those who make false or frivolous complaints may be subject to disciplinary measures.

**MYTH:** *Managers are not responsible for the behaviour of staff who commit harassment.*

**Fact:** Managers who are aware of harassment are responsible for stopping the harassment and preventing it in the future. Supervisors who knowingly tolerate harassment may be subject to disciplinary measures.

## Sources of information

- Your supervisor
- Your department Human Resources Branch
- Your Occupational Health and Safety Committee
- The Employee and Family Assistance Program (306-787-7567 in Regina; 306-933-7077 in Saskatoon)
- A local shop steward (in-scope employees), OR:
  - \* SGEU (if you are a member)
    - Regina 1-800-667-5221
    - Saskatoon 1-800-667-9791
    - Prince Albert 1-800-667-9355
  - \* CUPE 600-3 (if you are a member)
    - Regina 525-5874
- The Saskatchewan Human Rights Commission (1-800-667-8577)
- Occupational Health and Safety Division, Saskatchewan Department of Labour (1-800-567-7233)
- The local police (if an assault or other crime has allegedly occurred)
- Government of Saskatchewan Anti-Harassment Policy: [www.gov.sk.ca/psc/hr\\_manual/](http://www.gov.sk.ca/psc/hr_manual/)

Please note that this brochure does not provide legal advice or opinions.

# Supporting a Harassment-Free Workplace

## What Government of Saskatchewan employees should know

As an employer, the Government of Saskatchewan values the dignity of all employees and is committed to providing a respectful workplace, one that is harassment-free and in which all individuals are treated with respect. All managers, supervisors, and employees are expected to help create and maintain a work environment that is respectful of all persons in it.



Saskatchewan  
Public Service  
Commission

## What is harassment?

Harassment is a form of discrimination.

Harassment is any objectionable conduct or offensive behaviour that is known or reasonably ought to be known to be unwelcome, based on one or more of the prohibited grounds in The Saskatchewan Human Rights Code, *The Occupational Health and Safety Act, 1993* and any additional grounds listed in the current collective bargaining agreements with SGEU or CUPE.

The prohibited grounds under the employer's Anti-Harassment Policy include: race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry, place of origin, criminal record that has no relevance to the employee's job duties, membership in a trade union, political affiliation, and place of residence.

Harassment may be physical, verbal, or consist of gestures and relate to the prohibited grounds specified above. Examples include:

- unwelcome remarks, jokes, innuendoes or taunts causing embarrassment;
- the display of objectionable materials, graffiti, or pictures; and
- insulting gestures, jokes, or disparaging written materials.

Harassment may consist of a single event or a series of subtle incidents that occur over time. Harassment does not have to be intentional—it is the impact of the behaviour on the recipient and the workplace that matters.

## Harassment is not...

- Disciplining staff in accordance with the employer's Corrective Discipline Policy and collective bargaining agreements;
- Legitimate and constructive feedback regarding work performance;
- Practices permitted by law or contract, such as mandatory retirement based on age; and
- Expressing opinions that are different from others, unless those opinions fall within the prohibited grounds.

## What can you do?

All employees have a responsibility to support a workplace that is free of harassment:

- Ensure that you understand the meaning of workplace harassment as defined above;
- Be aware of your own behaviour and how it affects others; and
- If you witness harassing behaviour, report it to a supervisor, manager, human resources branch, or union representative (if applicable).

## What if it happens to me?

If you feel you're being harassed:

- Tell the harasser to stop the offensive behaviour;
- Seek support from a co-worker, manager, shop steward, or a human resources consultant to approach the harasser and ask him or her to stop;
- Keep a written record of the harassment, including times, dates, and the nature of the incident, and list any witnesses;
- Don't blame yourself—the harasser is responsible for his or her own behaviour.

## What if I witness harassment?

- Employees who witness harassment in the workplace are encouraged to report the behaviour and will be supported in doing so.
- Managers and supervisors who know of harassment are obligated to deal with it immediately to ensure a workplace that is free of harassment.
- Any observed threats of bodily harm, sexual assault, or other forms of assault must be reported to a senior manager as soon as possible.

***The government has a zero tolerance policy towards workplace harassment.  
All reported allegations of harassment will be addressed and, where substantiated,  
those responsible may be subject to disciplinary measures.***