



**POLICY REGARDING THE PREVENTION OF HARASSMENT, INCIVILITY AND VIOLENCE  
WITHIN THE WORKPLACE  
ADOPTED ON FEBRUARY 11, 2019**

**WHEREAS** every person has the right to progress in a working environment that protects their health, safety and dignity;

**WHEREAS** the Law on labour standards provides for the obligation of every employer to adopt and offer a harassment prevention policy, including a section on sexual conduct;

**WHEREAS** the municipality commits to adopt proactive and preventive conducts in relation to any situation regarding harassment, incivility or violence at work, in addition to empowering the entire organization in this way;

**WHEREAS** the municipality intends to implement measures to prevent any harassment, incivility or violence situations within the workplace;

**WHEREAS** the municipality does not tolerate or admit to any form of harassment, incivility or violence within the workplace;

**WHEREAS** it is the responsibility of each member of the municipal organization to promote a working environment without harassment, incivility and violence;

**THEREFORE**, the municipality adopts this policy regarding the prevention of harassment, incivility and violence within the workplace.

## **1. Policy objectives**

This policy aims to:

- ✓ Develop an organizational culture characterized by respect;
- ✓ Take reasonable steps to prevent and stop all forms of harassment, psychological or sexual, of incivility or violence within the workplace;
- ✓ Specify the roles and responsibilities of the organization's members in regards to this policy;
- ✓ Manage and effectively stop harassment, incivility or violent conducts within the workplace;
- ✓ Encourage the municipal employees to report any harassment, uncivil or violent situations within the workplace;
- ✓ Provide appropriate support, to the extent that it is possible, to victims in regards to harassment, incivility or acts of violence within the workplace.

## **2. Scope**

This policy administers relations between work colleagues, between superiors, between executives and subordinates, between employees and citizens, between employees and councillors, between employees and goods and services suppliers of the municipality, as well as relations between employees and any other third party. This policy applies to behaviours that may occur at work or social events related to work.

## **3. Definitions**

**Employee:**

Person who works under the supervision or control of the employer; for the purpose of this policy, a volunteer is considered as an employee.

**Employer:**

Municipality of Grosse Île

**Management rights:**

The right for the employer to direct his employees and his organization to ensure the smooth running and the profitability of the municipality; for example, a work performance monitoring, absenteeism, task assignments or the application of a disciplinary or administrative process.

We must not confuse psychological harassment with the authority of the employer as long as he is not exercising his authority in a discriminatory or abusive way.

**Psychological harassment:**

Psychological harassment is a displeasing conduct that manifests itself through words, acts, repeated behaviours or actions that are hostile or unwanted, and which are likely to undermine a person's dignity or physical or psychological integrity or possibly resulting in unfavourable working conditions that make for a negative work environment.

In general, harassment results in repeated acts. However, one serious act that generates a continuous negative effect can also be considered harassment.

This definition includes harassment related to the grounds of discrimination outlined in the charters of rights and freedoms, administrative harassment (abuse of power) and sexual harassment (hereinafter collectively referred to as: «harassment»).

**Sexual harassment:**

More specifically, sexual harassment can be defined by words, acts, behaviours or gestures of a sexual nature. In particular, it can be demonstrated by:

- ✓ Unsolicited advances, requests for favours, invitations, or inappropriate sexual gestures.
- ✓ Sexual comments, remarks about a person's body or appearance, inappropriate jokes which belittle the sexual identity or orientation of the person.
- ✓ Physical contacts that are not desired, such as touching, pinching, grabbing and lightly brushing against an individual.
- ✓ Threats, retaliations or any other injustice associated with sexual favours.

**Incivility:**

A conduct that violates the obligation of mutual respect which is essential in any relationship within the workplace.

**Suspected individual (accused):**

A person who would have allegedly carried out harassment, an uncivil or a violent behaviour which is subject to a report or a complaint; It may be an employee, including an executive and the director general, a councillor, a goods and services supplier, a citizen or a third party.

**Plaintiff:**

A victim of harassment, incivility or violence within the workplace; it may be an employee, including an executive and the director general.

**Immediate supervisor:**

Management representative who is the immediate supervisor of the employee and who is in charge of overseeing the employees work.

**Violence at work:**

Any form of aggression which undermines the physical or moral integrity of a person.

**4. Roles and responsibilities**

Everyone concerned by this policy must adopt a work environment that is free of harassment, incivility and violence. They must also contribute to establish a healthy work atmosphere by reporting to their employer any harassment, uncivil and/or violent situations at work.

#### **4.1 The municipal council**

- a) Take reasonable measures to prevent, or, if they are aware of a harassment situation, put an end to the harassment, incivility or violence within the workplace;
- b) Support the director general and the immediate supervisors in applying this policy;
- c) Receive all complaints that concern the director general, in which case, the articles of this policy apply by making the necessary adjustments.

#### **4.2 The Director General**

- a) Is responsible for the implementation of this policy;
- b) Diligently deal with any report or complaint and investigate the matter or transfer it to an external expert.

#### **4.3 The immediate supervisor (or the Director General when there is no immediate supervisor)**

- a) Ensure that this policy is distributed and that the employees are informed;
- b) Diligently deal with any reports or complaints by taking reasonable measures to maintain a healthy working environment;
- c) Facilitate the settlement of any conflicts and collaborate with others;
- d) Inform the Director General of all reports, complaints or interventions of interest.

#### **4.4 The employee**

- a) Is aware of this policy;
- b) Collaborates to settle the conflict, when required.

#### **4.5 The plaintiff**

- a) Reports any harassment, uncivil or violent situation to the potential suspected individual and asks him to stop these actions;

- b) Reports the situation to the immediate supervisor or director general if the harassment, incivility or violence persists;
- c) Collaborates to settle the conflict.

#### **4.6 Suspected individual (accused)**

- a) Collaborates to settle the conflict.

### **5. Internal procedure for handling reports and complaints**

- a) Every report or complaint will be treated with diligence, equity, discretion and impartially.
- b) As far as possible, the plaintiff must quickly indicate to the suspected individual (accused) to stop the undesirable or harassing behaviour.
- c) The control procedures foreseen in this policy do not prevent a person from exercising the rights that are conferred on him by the law, within the expected deadlines provided for therein.

#### **5.1 Informal settlement procedure**

- a) The informal settlement procedure aims to avoid disturbing, beyond measure, the working environment and to involve the plaintiff and the concerned person to search for informal solutions to settle the conflict. The parties may use this procedure any time when processing a report or a complaint.
- b) The plaintiff reports the conflict to his immediate supervisor (or to the director general if his immediate supervisor is involved) and he is informed of the different options that are available for him to settle the conflict.
- c) The person who receives a report or a complaint must:
  - ✓ Verify if the parties are willing to initiate an informal settlement procedure;

- d) If the parties wish to participate in the informal settlement procedure, the person who is in charge of processing the report or complaint must:
- ✓ Get the version of facts from all concerned parties;
  - ✓ Engage discussions and suggest solutions to settle the conflict;
  - ✓ Identify with the concerned parties the possible solutions in order to solve the problem;
- e) If the procedure fails, the person who received or processed the report or the complaint informs the plaintiff that it is possible to continue with a formal settlement procedure. The person informs the director general about the failure of the informal settlement procedure who, in turn, can decide to investigate and determine the applicable measures, if necessary

## **5.2 Formal settlement procedure regarding harassment**

- a) The formal settlement procedure does not apply to reports or complaints related to incivility or violence within the workplace, unless they are similar to harassment.
- b) The plaintiff can make a formal complaint to the director general no later than two (2) years after the last harassment incident. In the case where the complaint involves the director general, the plaintiff transmits it to the mayor;
- c) Enclosed with this policy is a complaint form (Annex 1) identifying the main information that is required in order to process the complaint. The plaintiff or the person who reports the event writes down all allegations supporting his complaint based on facts, by indicating, if possible, the dates and names of those who witnessed the event.

## **5.3 Investigation**

- a) The director general, when receiving a complaint:
- ✓ Verifies what has already been done to settle the conflict;
  - ✓ Decides if they will investigate or if it will be transferred to a third party or external expert (hereinafter collectively referred to as: «the designated person»);
  - ✓ Establishes temporary measures, if needed;
- b) The director general or the designated person verifies if the complaint is admissible and will notify the plaintiff, in writing, of his decision;
- c) In cases where the complaint is admissible, the director general or the designated person examines all the facts and circumstances regarding the allegations specified by the plaintiff;
- d) First of all, the director general or the designated person verbally advises the suspected individual of an investigation. Following this, a written notice of meeting is sent to the person within a minimum of forty-eight (48) hours before the meeting in order to obtain his version of events. The notice of meeting informs him of the main elements of the complaint;
- e) The investigation involves a meeting with the parties concerned by the complaint as well as the relevant witnesses. During these meetings, the plaintiff and the suspected person (accused) can bring a person of their choice to accompany them and who is not involved in the complaint. All persons at the meeting, including the accompanist, must sign a confidentiality agreement. An accompanist can not be a witness.

#### **5.4 Conclusion of the investigation**

- a) The director general or the designated person produces a written report where they conclude the presence, or not, of harassment. To follow up on the investigation, they can:

- ✓ Meet individually with the plaintiff and the suspected person (accused) to inform them of whether or not the complaint is justified;
  - ✓ Meet the council members or the director general, as the case may be, to inform them if the complaint is justified or not and to share their recommendations, if necessary;
  - ✓ Intervene in the plaintiff's workplace in order to stop the harassment;
  - ✓ Impose penalties;
  - ✓ Agree on a reasonable arrangement when the complaint involves a councillor, a citizen, a volunteer or a goods and services supplier;
  - ✓ Guide the plaintiff or the suspected person (accused) towards a service that helps employees or any other professional resource;
- b) The plaintiff can remove his complaint at any time, in writing. In cases where the complaint is removed by the plaintiff, the director general reserves the right to continue the investigation if the situation warrants;
- c) Certain measures can be implemented in order to guarantee a safe working environment, and this, even though there are no justifiable harassment allegations.

**6. Formal settlement procedure for complaints or reports of incivility or violence within the workplace**

- a) The plaintiff may address a formal complaint to the director general no later than thirty (30) days after the last incident of incivility or violent conduct within the workplace. In cases where the complaint involves the director general, the plaintiff sends it directly to the mayor.
- b) Enclosed with this policy is a complaint form (Annex 1) identifying the main information that is required in order to process the complaint. The plaintiff or the person who reports the event writes down all allegations supporting his complaint

based on facts, by indicating, if possible, the dates and names of those who witnessed the event.

- c) If the informal settlement procedure fails and if there are allegations of incivility or violence, the director general or the designated person can decide to investigate according to the generally applicable rules and determine the applicable measures, if necessary;
- d) This procedure also applies when a goods and services supplier, a citizen, a third party or a volunteer is involved in a complaint regarding incivility or violence. In a case as such, the director general or the designated person determines the applicable reasonable arrangements, if necessary;
- e) In the case where a councillor or the director general is involved by the complaint, it is the responsibility of the mayor to determine the appropriate process to settle the conflict;

## **7. Penalties**

- a) The employee, including an executive and the director general, who does not respect the content of this policy is liable to administrative or disciplinary measures according to the severity of the gestures, including dismissal of the employee;
- b) The councillor, the citizen, the volunteer, the goods and services supplier or the third party who does not respect the content of this policy can be liable to administrative or judicial measures according to the severity of the gestures.

## **8. Confidentiality**

The employer respects the confidentiality of personal information in regards to the application of this policy. Every report and complaint is treated with discretion and confidentiality is required from all persons involved. Therefore, the employer knows that this information will remain confidential when the employer must adequately

accomplish the above-mentioned obligations. Every settlement procedure or investigation report is confidential.

**9. Sincerity**

- a) The good faith of each party is essential in order to settle any situation. Finding the best possible solution, with the collaboration of each party, is favoured in order to reach a fair and equitable settlement for everyone;
- b) Any person to whom this policy applies and who refuses to participate in the investigation outlined in the formal settlement procedure is liable to a penalty;
- c) The plaintiff who filed a malicious, frivolous or dishonest complaint is liable to a penalty;

**10. Retaliation**

A person cannot be subject to retaliation for using the procedures provided for in this policy nor because he participated in the investigation procedure. Any person retaliating is liable to a penalty.

**11. Revision and awareness**

This policy will be periodically revised or when necessary. A copy of this policy is given to each new employee. A copy signed by the employees, including the elected officials and the director general, is placed in their employee file.

**The employee or elected official acknowledges having read and understood the terms of the policy and accepts the conditions thereof.**

\_\_\_\_\_  
Signature of the (employee or elected official)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of the employer

\_\_\_\_\_  
Date

COMPLAINT FORM		
INFORMATION ABOUT THE PLAINTIFF		
Last Name :	First Name :	
Job title/function :	ID :	
Service :		
Address :		
INFORMATION ABOUT THE SUSPECTED INDIVIDUAL (ACCUSED)		
Last Name :	First Name :	
Job title/function :		
Service :		
Last Name :	First Name :	
Job title/function :		
Service :		
DESCRIPTION OF THE RELATION WITH THE SUSPECTED INDIVIDUAL (ACCUSED)		
<input type="checkbox"/> Superior	<input type="checkbox"/> Immediate supervisor	<input type="checkbox"/> Work colleague
<input type="checkbox"/> Subordinate/employee	<input type="checkbox"/> Citizen	<input type="checkbox"/> Goods & services provider
<input type="checkbox"/> Member of management	<input type="checkbox"/> Other :	
INFORMATION ABOUT THE WITNESS (ES)		
Last Name :	First Name :	
Job title/function :		
Service :		
Last Name :	First Name :	
Job title/function :		
Service :		
Last Name :	First Name :	
Job title/function :		
Service :		



## DECLARATION OF EMPLOYER'S COMMITMENT

Name of the company: Municipality of Grosse-Ile

Respect between people is a fundamental value of the municipality.

### No disrespectful behaviour will be tolerated from:

- a superior to an employee;
- an employee to a superior;
- an employee to a colleague;
- several employees to a colleague;
- a third party to an employee.

In addition, each employee is responsible to help maintain a healthy working environment with no psychological harassment.

The Municipality of Grosse-Ile commits to:

- Prevent psychological harassment at work as it is defined by the Law on labour standards;
- Stop psychological harassment when such a situation is brought to their attention.

### IN CASE OF A PROBLEM

Any employee who believes he or she is the target of inappropriate or malicious acts or behaviour may contact:

Rose-Elmonde Clarke, Mayor (418-985-2510 ext. 5)

Janice Turnbull, Director General (418-985-2510 ext. 1)

Ask that person to intervene to resolve the situation quickly, in all confidentiality.

I assure that my intervention will be impartial, respectful and fair, that I will act with discretion to resolve the situation and that I will require confidentiality from the people who will be met in the settlement of the situation. I also guarantee that no employee will be penalized for requesting an intervention as such.

\_\_\_\_\_  
Signature of the designated person

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of the designated person

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of the employer

\_\_\_\_\_  
Date

A non-unionized person who believes that he or she has suffered psychological or sexual harassment in the workplace may also file a complaint at any time directly with the CNESST. You have to file the report no later than two (2) years following the last harassment incident. The complaint can be made online or by phone at 1-844-838-0808. An employee's choice to contact their employer first doesn't prevent him or her from filing a complaint with the CNESST.