


Administrative Procedure Respectful Workplace and Anti-Harassment Policy	
	Department: Corporate Services
	Approved by: Leadership Council
	Date Approved: November 5, 2024
	Revision Date(s):
	Review Date:
	External References <ul style="list-style-type: none"> • <i>The Education Act, 1995</i> • <i>The Saskatchewan Human Rights Code, 2018</i> • <i>The Saskatchewan Employment Act and The Occupational Health and Safety Regulations, 2020</i>
	Internal References <ul style="list-style-type: none"> • Form – Harassment Complaint • Sask DLC AP – Violence Free Workplace

Purpose

- This administrative procedure establishes the expectations of Saskatchewan Distance Learning Centre (Sask DLC) with respect to the treatment of individuals in the workplace.

Scope

- This administrative procedure applies to all individuals employed by Sask DLC including employees, contractors, practicum students, volunteers and any other stakeholders involved in the activities and operations of Sask DLC. This administrative procedure does not extend to harassment that arises out of circumstances unrelated to the worker’s employment.

Policy Statement

- Sask DLC is committed to providing a respectful workplace and the expectation is that all management and employees will create and maintain a work environment that is harassment free and respectful of all persons in it.
- Every individual involved in the services of Sask DLC is strongly encouraged to resolve any workplace concerns and/or disputes through informal resolution methods, if possible. Every effort is made by individuals and supervisors to resolve disrespect and harassment issues in the workplace through open communication and co-operation.

- All reported incidents of harassment will be taken seriously and handled with confidentiality, respect and due process. Sask DLC will investigate and address all complaints and suspected instances of harassment and aid in facilitating resolution through the process options outlined in this policy. If allegations are substantiated, behaviours will be addressed appropriately, including corrective discipline.
- This policy in no way limits or constrains the right of supervisors or members of senior leadership to manage the workplace. Supervisory and management actions (for example, assignment of work, performance reviews, coaching, work evaluations and disciplinary measures) must always be respectful of the individual. This policy will not, under any circumstances, be used to impede the supervisory relationship.

Procedures:

1. Special Considerations

- a) If a complaint is directed at a member of senior management, an external investigator may be appointed to carry out the investigation at the Chief Executive Officer's (CEO) discretion.
- b) If a complaint is directed at Sask DLC's CEO, the Vice President of Corporate Services forwards the complaint to the Board Chair of Sask DLC.
- c) If a complaint is directed at a contractor, their supervisor is contacted immediately in order to determine the appropriate response.
- d) If the complaint involves a volunteer, the appropriate supervisor is contacted immediately in order to determine the appropriate response.
- e) If the complaint involves a practicum student, Sask DLC contacts the post-secondary institution to determine the appropriate response.

2. Inappropriate or Unacceptable Workplace Behaviour

- a) While it is expected that everyone in the workplace behaves in a professional manner and treat each other with dignity and respect, it does not always happen. Inappropriate or unacceptable behaviour may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. This behaviour may have a negative impact in the workplace, such as:
 - i. physical and/or mental health of employees;
 - ii. safety of individuals or groups, and ultimately the safety culture of the organization;
 - iii. work productivity and costs;
 - iv. impact to client service; and,
 - v. reputation of the organization.
- b) It is recognized that an individual may file a complaint or raise an issue citing a violation of the Respectful Workplace and Anti-Harassment Policy. If the behavior described do not meet the definition of harassment, but they are assessed to be inappropriate or unacceptable in our

workplace, Human Resources leads an examination of the alleged behaviours and works with supervisors to take corrective actions.

- c) Some examples of inappropriate or unacceptable behaviours are:
 - i. isolation, deliberate exclusion and/or non-cooperation at work;
 - ii. coercion, such as pressure to subscribe to a specific political or religious belief;
 - iii. asking co-workers about their religious beliefs;
 - iv. playing loud music while working, causing distractions for others;
 - v. making comments about one's ethnicity; and,
 - vi. casual use of profanity.
- d) If an individual observes inappropriate behaviour the person(s) who witnesses the behaviour may also use resolution options.

3. Reporting Complaints

- a) Where safe and reasonable to do so, an individual who believes that they are subject to workplace harassment should, as a first (direct) response, advise the other person in clear terms that the behaviour is offensive, explain how the behaviour has affected them and request that the behaviour stop. The respondent may not realize the impact of their behaviour and the feedback gives them the opportunity to change their actions. The complainant should keep a written record of the date, time, details of the conduct and witnesses if any. Documentation is helpful if concerns continue, and documented resolution is required.
- b) If a person is subject to harassment and/or a supervisor is informed of inappropriate behaviour, sexual harassment or bullying, they are required to document and report the matter to the Director of Human Resources for investigation. Failure to do so is a violation of this policy.

4. Preliminary Investigation

- a) Filing a Written Complaint
 - i. If an employee who believes that they are subject to workplace harassment feels that the informal approach of addressing the alleged harassment is unsuccessful, or if the employee does not feel comfortable addressing the issue directly, the employee must submit a formal complaint in writing using the Harassment Complaint Form via [Harassment Report: Sask DLC Staff Support Services](#).
 - ii. The completed Harassment Complaint Form must be submitted to Human Resources as promptly as possible following the incident and should include the following details:
 - a. name, title and location of the respondent;
 - b. a clear description of the allegation;
 - c. a detailed account of the actions or circumstances surrounding the complaint;
 - d. the date(s) on which the incident(s) occurred; and,
 - e. name of any witnesses to the incident(s).
 - iii. The complainant must sign the Harassment Complaint Form to confirm their consent that the information provided may be shared with the respondent, the complainant's supervisor and the union representative (if applicable).

- b) Written Complaint is Received and Assessed:
- i. Human Resources contacts the complainant, in writing, to acknowledge receipt of the complaint.
 - ii. Human Resources assess the complaint within three business days of receiving the complaint to determine:
 - a. whether another form of resolution has been initiated. If so, the resolution process is followed through and brought to conclusion or abandoned prior to the initiation of a formal investigation;
 - b. whether the complaint has been brought within the twelve-month time limit under the policy;
 - c. whether the complainant and respondent are under the jurisdiction of Sask DLC;
 - d. whether the allegations are within the scope of the policy; and,
 - e. whether the complaint establishes a case of discrimination or harassment within the mandate of the policy and for a determination on whether there is evidence to support the complaint.
 - iii. If the complaint is received via a supervisor the above process remains the same.
 - iv. Where the complaint lacks sufficient detail or does not address important evidentiary points, but does tend to establish a case of harassment or discrimination, Human Resources may proceed with a “seek to understand” interview with the complainant to supplement the information in the complaint.
 - v. If the foregoing criteria are not met, the complainant is advised in writing that the Director of Human Resources has determined the evidence to support the complaint is insufficient. Recognizing that this action does not resolve the complainant’s issue, the Director of Human Resources may be able to recommend other problem-solving options or refer the complainant to other services or resources.
- c) Complaint Accepted – Mediation and Resolution
- i. If the preceding criteria have been met, the Director of Human Resources encourages individuals to consider finding a resolution through mediation of the allegation before pursuing a formal complaint. The mediated approach may expedite the resolve of disrespectful behaviour and/or minor issues of interpersonal conflict.
 - ii. Human Resources Support: Human Resources will assess whether reasonable avenues for resolution, such as facilitated dialogue or mediation, are available. At any point during the investigation, Human Resources will:
 - a. provide guidance and assistance in coordinating mediation;
 - b. offer educational materials and clarity on Sask DLC’s policies and procedures; and,
 - c. facilitate discussions with both the complainant and respondent to reach a satisfactory resolution.
 - iii. Focus on Solutions: It should be stressed to the parties that mediation is a way to address the underlying needs and concerns of both parties, rather than determining who is right and

who is wrong. This approach empowers the individuals to focus on collaborative solutions, often leading to the re-establishment of respectful working relationships.

- iv. Voluntary Participation: Participation in any resolution process, including mediation, is voluntary. The complainant and respondent may choose to engage in the process either jointly or separately. Formal mediation can occur at any point during the investigation if both parties agree, with the primary objective of restoring the relationship. A neutral third party such as a Human Resources representative, supervisor or external mediator will facilitate the process.
- d) Complaint Accepted – Formal Investigation
- i. If the preceding criteria have been met and mediation/resolution is not applicable, the Director of Human Resources ensures the complainant and the respondent receive a confirmation of receipt of a complaint in writing. Notifications are sent separately to the complainant and respondent and both parties are:
 - a. provided with a copy of this policy;
 - b. advised that they may identify a nominee to Human Resources to attend interviews to support them while being interviewed. Human Resources has the right to exclude the nominee if there is perceived conflict and a new nominee can be identified;
 - c. advised that all those involved in a discrimination or harassment complaint are expected to maintain confidentiality. Any person breaching confidentiality may be subject to discipline or other appropriate action;
 - d. advised that retaliation or the threat of retaliation or reprisal against anyone involved in the complaint process is considered to be a serious offence and may be subject to discipline or other appropriate action; and,
 - e. advised that threats or any other safety concerns should be reported to the Director of Human Resources.
 - ii. The Director of Human Resources will undertake the following steps:
 - a. notify the respondent in writing that a complaint has been lodged against them and provide a copy of the allegations;
 - b. advise the respondent to provide a formal written response, addressing each allegation presented. Clearly communicate that the respondent must submit their completed response within five business days from the date of notification;
 - c. notify the immediate supervisors of both the complainant and the respondent that a formal harassment complaint has been filed and that an investigation will be conducted; and,
 - d. work with the supervisors to review and determine if it is appropriate to temporarily adjust one or more person's reporting relationship(s) and/or workplace until the investigation is completed. Clearly communicate to the relevant parties that these measures are temporary, non-disciplinary, and do not imply any presumption regarding the validity of the complaint.

- iii. Complainant's Response:
 - a. once the respondent's formal written response has been received, the Director of Human Resources will provide the complainant with a copy of the response;
 - b. the complainant has the right to respond in writing to the Director of Human Resources within five business days of receiving the respondent's response;
 - c. the complainant's written response may include one or more of the following actions: accept the respondent's proposed resolution, propose or request an alternative dispute resolution, withdraw some or all of the allegations, or refute the respondent's contradictory evidence and/or defense;
 - d. after receiving the complainant's written response, the Director of Human Resources will provide the respondent with a copy of the complainant's written response; and,
 - e. once the respondent has received the complainant's written response, this stage of the process is closed.

5. Full Investigation

- a) The Director of Human Resources informs the Superintendent/Vice President of the area(s) that a complaint has been made and a full investigation has been initiated.
- b) Both the complainant and respondent are informed of their rights and responsibilities.
- c) The investigation is normally be led by Human Resources. The investigator contacts the complainant, respondent and any witnesses to answer any procedural questions and identify the next steps that are taken.
- d) Separate meetings are scheduled with each, and witnesses (if applicable), to gather information.
- e) Witnesses can nominate a support person for interviews. Human Resources can exclude a nominee due to perceived conflict, allowing the witness to choose a new one.
- f) The investigator confirms with the complainant and the respondent that they have received information per section 4(a). Upon confirmation, the investigator discusses the complaint separately with each party.
- g) A typical investigation involves: the information gathered in the complaint/response process, supplemented by interviews, if necessary, with the complainant, respondent and witnesses, and the review of any applicable documentary, physical, current, corroborative or other evidence. Both the complainant and the respondent may recommend relevant witnesses to the investigator.
- h) The investigator will collect, review, analyze and assess the facts with respect to the merits or accuracy of the allegation(s). Facts are derived from evidence provided by the complainant, the respondent, as well as witnesses and other evidence, if any, and may include inferences drawn by the investigator from the evidence gathered.
- i) The investigator determines and assesses the facts of the complaint. All investigations done under this policy are interpreted, administered, and applied using a reasonable person standard.
- j) The investigator is solely responsible for determining the scope of the investigation, including which witnesses, if any, are to be interviewed. Witnesses may include anyone who can provide

information, records or details regarding an allegation or the circumstances surrounding a complaint. When material facts are not in dispute, interviewing witnesses may be unnecessary.

- k) There is an obligation on individuals of Sask DLC to cooperate in the investigation of a complaint. The purpose of these meetings is fact-finding. If a respondent refuses to cooperate, in most cases it will be both possible and appropriate to proceed with an investigation without a statement (response) or interview of the respondent.
- l) In the absence of exceptional circumstances interviews are conducted in person. If necessary, further clarification of information presented in the complaint or the response or gathered in the interview process may be obtained by telephone, videoconference, or an exchange of letters (including e-mail).
- m) The scope of the investigation is limited to the original allegations made by the complainant. Should additional allegations arise or be raised at any time, the complainant files a supplementary complaint then the notification and response process is repeated.
- n) If the complaint is also under police or external agency investigation, Sask DLC may decide to continue, pause, or terminate its own investigation.
- o) The investigator documents the investigation and submits a report to the Director of Human Resources.

6. Outcome of a Full Investigation

- a) Final Report:
 - i. the investigator provides a written report to the Director of Human Resources that includes the findings. The investigator determines if Sask DLC's Respectful Workplace and Anti-Harassment Policy was violated. Reasonable efforts are made to complete an investigation within 60 days of the formal complaint being received by the Director of Human Resources unless circumstances warrant otherwise;
 - ii. the responsibility for the resolution of the complaint and/or the administration of discipline rests with the supervisor, based on the findings in the investigation report. To assist the supervisor to make an informed decision, the investigation report is fair and impartial, but also contain a thorough and complete analysis of the issues and evidence, and include a clear statement as to whether, on a balance of probabilities, the investigator has determined that: the allegations against the respondent are substantiated; or the allegations against the respondent are unsubstantiated.
 - iii. where the supervisor is named as the respondent, the person responsible for the resolution of the complaint and/or the administration of discipline is the next most senior supervisor in the department or administrative unit with the authority to address personnel matters;
 - iv. upon completion of the investigation, the investigator provides notification and a targeted date for completion of the final report to the complainant, the respondent and to the appropriate supervisor;
 - v. the Director of Human Resources provides a summary of the findings of the final report to the complainant, respondent, and those within Sask DLC who have a "need to know". The complainant and the respondent may file a written response to the report if they wish. The

written response(s) is appended to the final report but does not modify the report or its findings unless the Director of Human Resources determines that such modifications are appropriate;

- vi. the investigator does not make specific disciplinary recommendations; however, the final report may provide information that is important to the determination of appropriate disciplinary action by the supervisor;
 - vii. the final report also serves as a guide to remedial actions necessary to correct deficiencies in the workplace; as such, the final report may include recommendations (corrective, preventative, educational or remedial - e.g. training and development) to correct deficiencies and/or restore the health of the work or learning environment;
 - viii. any recommendations made by the investigator are advisory only and are not binding on Sask DLC, the complainant, the respondent, or any other person;
 - ix. the submission of the final report ends the Investigator's role in the process unless the supervisor seeks clarification of the final report in any respect, or regarding matters arising requiring further investigation and/or supplementary reports; and,
 - x. The role of the Director of Human Resources is ongoing for remedial and preventative purposes and follow-up.
- b) Decision:
- i. If disciplinary action is warranted against an individual of Sask DLC as a result of a finding in the final report, the Director of Human Resources and Executive Director of Finance, Human Resources and Planning consults with the supervisor. This is to ensure consistency with action taken in similar cases. The supervisor communicates with their supervisor and Superintendent/Vice President before imposing discipline;
 - ii. the supervisor may consult with the Director of Human Resources with regard to an appropriate corrective, preventative and/or remedial action plan. This may include but is not limited to: education and training; staff discipline; and/or other remedial measures applicable to specific circumstances;
 - iii. the complainant and respondent have the right to know that corrective action has been taken as a result of the final report, but not the specifics of any corrective action; and,
 - iv. notification of the appropriate authorities (i.e. local police) may also occur.
- c) Discipline: Considerations in determining discipline may include, but are not limited to, such factors as previous discipline, precedence set in similar cases, the respondent's intent and acknowledgement of wrongdoing, the degree of aggression and physical contact which occurred, the power differential of the parties, the number of events, the impact of the harassment or discrimination on the complainant, and the need to prevent the repetition of proved harassment, discrimination or bullying.

7. Withdrawal or Dismissal of a Formal Complaint

- a) A complainant may request the withdrawal of a formal complaint by submitting a written request to the Director of Human Resources. Upon receipt, the Director of Human Resources, in consultation with the Executive Director of Human Resources, will determine whether the

investigation should continue and will notify the complainant of the decision. If the investigation is discontinued the respondent will be informed in writing of the complaint's withdrawal.

- b) Notwithstanding the complainant's request, Sask DLC may still be obligated to proceed with the investigation. The Director of Human Resources will decide if the complaint warrants further investigation or should be dismissed. Sask DLC may be required to address concerns in situations where:
- i. there is a real or perceived threat to the health and safety of other employees;
 - ii. there is evidence that the complainant may have been threatened or may fear retaliation;
 - iii. failure to resolve the matter might endanger an employee;
 - iv. the complaint alleges serious abuse of power; and,
 - v. failure to follow through on a complaint would seriously damage the reputation of Sask DLC.

8. Workplace Restoration

- a) At the conclusion of formal resolution, the supervisor is responsible for ensuring there are workplace restoration measures in place to support a respectful workplace moving forward. This may include ensuring workplace restoration for the complainant, respondent; and/or other parties impacted (i.e. witnesses, other members of the team). A minimum of two steps are required to ensure workplace restoration:
- i. post-incident supports are offered, or
 - ii. post-incident monitoring occurs.
- b) Supervisors may discuss workplace restoration with the lead investigator and/or Human Resources for general advice and guidance.
- c) Supervisors will monitor the workplace situation following resolution to ensure implementation.
- d) Post-Incident Supports:
- i. at the conclusion of formal resolution, the supervisor of the complainant (or another level of management if the complaint was against the supervisor) is responsible for meeting with the complainant to explore additional workplace restoration supports they may require; and,
 - ii. the supervisor of the respondent is also responsible for having a similar conversation with individuals. These discussions are required regardless of whether the allegations are founded or unfounded as the goal is to ensure individuals have the appropriate resources to move forward constructively.
- e) Post-Incident Monitoring:
- i. the supervisor(s) of the complainant and respondent is also responsible for post incident monitoring to ensure there are no further issues of inappropriate behaviour and to ensure there is a harassment-free workplace. Monitoring involves follow-up with the complainant to see if there has been a recurrence of any inappropriate behaviour, acts of reprisals, and follow-up with the respondent where appropriate to see if they have any questions moving forward. Supervisors are to document monitoring efforts made as well as the results of such monitoring; and,

- ii. individuals are also encouraged to immediately report to their supervisor or a reporting contact if concerns continue or if they believe they are being retaliated against by any individual.

9. Employee Assistance Program

- a) Employees who require counselling are encouraged to contact the Employee Assistance Program.

10. Other Legal Rights

- a) Nothing in this policy precludes an employee from accessing their rights and provisions through *The Saskatchewan Human Rights Code, 2018, The Saskatchewan Employment Act and The Occupational Health and Safety Regulations, 2020* or any other legal avenues available, such as filing a complaint with the police if it is believed a criminal complaint is justified. Specifically, employees have the right to request the assistance of an Occupational Health Officer from the Ministry of Labour Relations and Workplace Safety to resolve an allegation of harassment.
- b) Employees also have the right to file an allegation of harassment with the Saskatchewan Human Rights Commission.

11. Confidentiality

- a) Sask DLC will not disclose the name of the individual who reported the harassment, the alleged harasser or the circumstances related to the report of alleged harassment to any individual except where disclosure is necessary for the purposes of investigation of the alleged harassment report or taking corrective action, or where such disclosure is required by law.
- b) All individuals involved with the investigation of an incident shall treat all information related to the matter as strictly confidential. Unwarranted or inappropriate breaches of confidentiality may be subject to disciplinary action, up to and including termination of employment.
- c) The Investigation report and related documentation are retained in a secure location by Human Resources.
- d) No reference to a complaint or investigation is placed on an individuals' personnel file unless formal disciplinary action has been implemented.
- e) Investigation files may be reopened where: new and relevant information is provided to the investigators or the supervisor that was not available to the investigators at the time of the original investigation; or retaliation is alleged to have occurred; or a similar allegation is made against the individual.
- f) All records and documentation are maintained in a separate file while the individual remains with Sask DLC.

12. Bad Faith Complaints

- a) 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,

maliciously, or without factual basis may constitute defamation, may be actionable by the Respondent, and may result in disciplinary action.

13. Retaliation

- a) Retaliation is strictly prohibited against anyone who has reported objectionable behavior/ harassment or participated in the complaint process. Any signs of retaliation should be reported immediately to a supervisor or Human Resources.
- b) Retaliation will result in disciplinary action, up to and including termination of employment.

14. Representation and Support

- a) CUPE and STF employees have a right to union representation during any of the processes outlined in the Respectful Workplace and Anti-Harassment policy.
- b) Out-of-scope employees may be accompanied by a person of their choice, such as a co-worker.
- c) Where an out-of-scope Respondent seeks legal counsel and ultimately there is no finding of objectionable behaviour, harassment and/or violence, the Chief Executive Officer may authorize reimbursement of reasonable legal fees.

15. Prevention, Training and Awareness

- a) All Sask DLC employees will be made aware of this policy and will be required to participate in any relevant training sessions designed to create awareness about this policy.

16. Roles and Responsibilities

- a) Sask DLC: Considers all respectful workplace complaints seriously. We are committed to implementing and enforcing this policy to prevent and stop harassment as well as create a productive and respectful workplace. Sask DLC will:
 - i. promote and provide a work environment that is respectful and free of workplace harassment;
 - ii. communicate to all persons in the workplace this policy, their rights, and obligations;
 - iii. provide relevant training as needed;
 - iv. hold supervisors accountable for carrying out their responsibilities related to ensuring a respectful harassment-free work environment and adherence to the policy;
 - v. actively encouraging individuals to engage in respectful behaviours;
 - vi. protect individuals that are trying to prevent or stop harassment;
 - vii. promptly take action to improve upon the conditions of the workplace;
 - viii. promptly take actions to stop and prevent harassment; and,
 - ix. ensure this policy remains current.
- b) Individuals: Including the complainant and the respondent refrain from causing or participating in the harassment of another person and co-operate with any person investigating harassment complaints. Each person will:

- i. refrain from or refuse to participate in inappropriate behaviour or objectionable conduct that may constitute workplace harassment;
 - ii. be aware of and comply with this policy;
 - iii. participate in respectful workplace training as determined by Sask DLC;
 - iv. treat all persons in the workplace with dignity and respect;
 - v. document incident(s) of harassment;
 - vi. make their concerns known to the respondent(s) or other appropriate person(s) (e.g. supervisor, manager, director, and/or Human Resources) to review options for resolution;
 - vii. respect the confidentiality of all parties involved;
 - viii. cooperate with formal investigations, facilitated discussions and mediations conducted under this policy; and,
 - ix. treat complaints and the investigation or mediation process as confidential.
- c) Supervisor: Are to be role models in developing and demonstrating a respectful workplace. Supervisors are required to:
- i. familiarize themselves with the policy and tools to address concerns from this policy;
 - ii. ensure a respectful workplace environment and adherence to the policy;
 - iii. ensure direct reports have received respectful workplace training;
 - iv. stop any inappropriate conduct or behaviour of which they are aware;
 - v. confirm workplace expectations, clarify obligations, discuss informal options, and introduce additional rules, procedures, and/or guidelines as needed;
 - vi. take appropriate preventive or corrective action;
 - vii. ensure all individual(s) rights are respected;
 - viii. support individual(s) in the conflict resolution process;
 - ix. where appropriate, report incident(s) of disrespectful behaviour witnessed and reported by others to Human Resources;
 - x. participate in any conflict resolution and/or investigation if called upon. Failure to participate in the process may lead to discipline; and
 - xi. ensure that situations of alleged or potential disrespectful behaviour are dealt with in accordance with this policy and associated procedures regardless of whether or not a complaint has been made.
 - xii. It is misconduct, subject to disciplinary action, for supervisors who are aware of disrespectful behaviour and/or harassment in the workplace not to take immediate corrective action.
- d) Human Resources: Take all complaints seriously and will support the policies and process. Human Resources will:
- i. maintain training records of individuals who have completed respectful workplace training;
 - ii. assist supervisors in determining the appropriate action to address respectful workplace and/or harassment concerns;
 - iii. assist individuals when approached about matters involving this policy;
 - iv. provide advice and assistance to the director and/or vice-president throughout the process;
 - v. screen, monitor, and track complaints;

- vi. manage the investigation process; and,
 - vii. advise the Director of Human Resources and VicePresident of Corporate Services of all complaints made pursuant to this policy.
- e) Respondent:
- i. review the policy and procedures and may work with their supervisor and Human Resources to review options for resolution; and
 - ii. are encouraged to participate in the process in order to resolve the conflict constructively.

Definitions

- **Alternative Dispute Resolution:** Refers to the use of methods such as internal or external mediation to resolve a dispute.
- **Complainant:** Refers to an individual who believes they have experienced disrespectful behaviour and/or harassment and makes a complaint.
- **Casual Attire:** Refers to comfortable, informal clothing suitable for more relaxed environments. This may include jeans, t-shirts and casual tops.
- **Complaint:** Refers to a verbal or written statement against an individual or group of individuals whose alleged behaviour contravenes this policy.
- **Cyber Bullying:** Refers to the use of communication technologies such as the Internet, social networking sites, websites, email, text messaging and instant messaging to repeatedly intimidate or harass others.
- **Discrimination:** Refers to the differential treatment of an individual or group on the basis of prohibited grounds as defined in the *Saskatchewan Human Rights Code, 2018* rather than on personal merit.
- **Employer's Right to Manage:** Refers to managerial actions to manage such things as the day-to-day management of work assignments, operational reviews, coaching, work evaluation and disciplinary measures taken by a manager or supervisor, in good faith for valid reasons, do not constitute harassment.

- **Facilitated problem-solving:** Refers to a problem-solving session led by the supervisor, to which both parties are required to participate, and from which the supervisor may provide direction on future behaviour.

- **Harassment:** *The Saskatchewan Employment Act, 2014*, defines harassment as “any inappropriate conduct, comment, display, action or gesture by a person that either:
 - is based on prohibited grounds as defined in *The Saskatchewan Human Rights Code, 2018* or on physical size or weight; or
 - subject to subsections (4) and (5), adversely affects the worker’s psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and
 - that constitutes a threat to the health or safety of the worker; or
 - any conduct, comment, display, action or gesture by a person towards a worker that:
 - is of a sexual nature; and
 - the person knows or ought reasonably to know is unwelcome.
 - In order for an action to be considered harassment it must meet one of two conditions:
 - repeated conduct, comments, displays, actions or gestures
 - a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture that has a lasting, harmful effect on the worker.”

- **Investigator:** Refers to an individual who investigates a complaint under this policy.

- **Mediation:** Refers to where a neutral third party facilitates communication between disputing parties to allow those involved to discuss the behaviours, reactions and options for resolution in a non-judgmental way.

- **Nominee:** Refers to a person nominated by the complainant or respondent to attend interviews to support them while being interviewed. The nominee is a witness to support the person, not to advocate.

- **Personal Harassment:** Refers to any behaviour which, while not related to a protected ground, results in an intimidating, demeaning or hostile environment. There is a subjective (i.e., target feels harassed by behaviour) and objective (i.e., a reasonable person would feel the behaviour harassing in nature) element. Bullying would be considered a form of personal harassment.

- **Prohibited Ground:** *The Saskatchewan Human Rights Code, 2018* defines the following as prohibited grounds for discrimination: religion, creed, marital status, family status, sex, sexual orientation, disability, age, colour, ancestry, nationality, place of origin, race or perceived race, receipt of public assistance and gender identity.

- **Reasonable person standard:** Refers to whether or not a reasonable person, in roughly the same position as the complainant, would judge harassment to have occurred as a result of a behaviour or pattern of behaviour.
- **Respectful workplace:** Refers to the equal and fair treatment of every individual regardless of personal circumstances. A respectful workplace is not simply the absence of disrespect, but it is a way of being, interacting, communicating, expressing power, approaching difference, leading and relating to others.
- **Respondent:** Refers to the person or persons whom a complaint has been made against.
- **Sexual harassment:** Refers to a series of objectionable and unwelcome sexual solicitations or advances or a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.
- **Violence:** Refers to the attempted, threatened, or actual conduct of a person that causes or is likely to cause injury and includes any threatening statement or behaviour that gives an individual reasonable cause to believe that they are at risk of injury.
- **Workplace:** Refers to any place where business or work-related activities are conducted. It includes the physical work premises (i.e. offices, etc.), work-related social functions, social media, work assignments outside the offices, work-related travel, and work-related conferences and training sessions.
- **Workplace Restoration:** Refers to the establishment or re-establishment of respectful working relationships so individuals can move forward following resolution of a situation involving inappropriate behaviour.