



276 HARASSMENT PREVENTION POLICY

Sponsor:	Department Head, Corporate Services
Effective Date:	November 5, 2019
Approved by:	Executive Committee
Review Period:	Two years

PURPOSE

This policy establishes SaskGaming's position on and commitment to a harassment free workplace where everyone is treated with dignity and respect.

DEFINITIONS

Employee – unionized, non-unionized, contracted employees including those under personal services contracts, Executive members and the Board of Directors.

Harassment based on prohibited grounds - any inappropriate conduct, comment, display, action or gesture by a person that is:

- based on race or perceived race, creed, religion, colour, sex, sexual orientation, marital status (including pregnancy), family status (parent-child relationship), disability (mental or physical), physical size or weight, age (18 or more), colour, nationality, ancestry, place of origin, receipt of public assistance and gender identity; and
- constitutes a threat to the health or safety of a worker.

This type of harassment is prohibited in *The Saskatchewan Employment Act* and *The Saskatchewan Human Rights Code* and extends to sexual harassment.

Personal Harassment - any inappropriate conduct, comment, display, action or gesture by a person that:

- adversely effects a worker's psychological or physical well-being; and
- the perpetrator knows or ought to know would cause the worker to be humiliated or intimidated.

The criteria used to establish if personal harassment has been experienced are:

- must involve repeated conduct; or
- a single, serious incident that causes a lasting harmful effect on the worker.

Personal harassment may include:

- verbal or written threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- personal ridicule or malicious gossip;

- unjustifiable interference with another's work or work sabotage;
- refusing to work or co-operate with others; or
- interference with or vandalizing personal property.

Sexual Harassment - conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome. Sexual harassment may include:

- a direct or implied threat of reprisal to comply with a sexually-oriented request;
- unwelcome remarks, jokes, innuendos, propositions or taunting about a persons' body, attire, sex or sexual orientation;
- displaying pornographic or sexually explicit pictures or materials;
- unwelcome physical contact;
- unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature; or
- refusing to work with or have contact with workers because of their sex, gender or sexual orientation.

POLICY

Every employee is entitled to employment free of harassment.

This policy applies to:

- Individuals on work-experience placements;
- Volunteers working on behalf of SaskGaming; and
- Third party – an individual who is not a direct employee of SaskGaming (i.e. client, contractor, guest performer).

In accordance with Part III of *The Saskatchewan Employment Act*, all SaskGaming employees must refrain from causing or participating in the harassment of another employee, and must co-operate with any person investigating harassment complaints.

This policy covers harassment connected to any matter of circumstance arising out of the worker's employment. Guests, clients, contractors or their workers and others invited to the workplace might harass an employee. SaskGaming may have limited ability to investigate or control their conduct; however, SaskGaming will take reasonably practicable action to stop or reduce the risk to its employees of being harassed by a third party.

This policy does not extend or apply to day-to-day management or supervisory decisions involving work assignments, job assessment and evaluation, workplace inspections, implementation of appropriate dress codes and disciplinary action as these actions are not harassment. Managerial actions must be carried out in a manner that is reasonable and not abusive.



Other situations that do not constitute harassment include:

- Physical contact necessary for the performance of the work using accepted industry standards;
- Conflict or disagreements in the workplace, where the conflict or disagreement is not based on one of the prohibited grounds or where the definition and full criteria for personal harassment have not been met.

In the event of conduct that does not constitute harassment but which is still of concern to an employee, employees are to report their concerns to the supervisor, manager or department head as appropriate.

The policy also does not extend to harassment that arises out of circumstances unrelated to the worker's employment. For example, harassment is not covered if it occurs during a social gathering of co-workers that is not sponsored by the employer. However, harassment that occurs while attending a conference or training sessions, at the request of the employer, is covered.

Harassment can exist even where there is no intention to harass or offend another. Every person must take care to ensure his or her conduct is not offensive to another.

SaskGaming will take all complaints of harassment seriously.

Confidentiality is essential when dealing with these types of complaints/situations, even after the conclusion of an alleged or corroborated incident. All persons involved with a complaint including, but not limited to HR staff, the complainant, the respondent, witnesses, and manager/supervisors must ensure that they do not breach confidentiality. If confidentiality is breached, disciplinary action up to and including termination may result.

SaskGaming will not disclose the identity of the complainant or alleged harasser, except where disclosure is necessary to investigate or take corrective action, or where such disclosure is required by law.

All documents and statements obtained during the investigation, including the names and copies of witness statements must not be disclosed to any person unless required by law.

An employee who engaged or participated in the harassment of a co-worker will be disciplined. The discipline will be subject to the employee rights under the Corrective Discipline Policy 294, employment contract or collective bargaining agreement. Discipline may include reprimand, relocation, demotion, suspension or termination of employment.



Where an investigation finds a complainant made a false and/or vindictive complaint, the complainant will be subject to appropriate discipline.

The policy does not restrict or inhibit the rights of employees to access other remedies available through the collective bargaining agreements, *The Saskatchewan Employment Act* or *The Saskatchewan Human Rights Code*. These remedies include the right to request the assistance of an occupational health officer to resolve a complaint of harassment or to file a complaint respecting discriminatory practices with the Saskatchewan Human Rights Commission.

APPLICABLE LAWS/REGULATIONS

The Saskatchewan Employment Act
The Saskatchewan Human Rights Code
The Occupational Health and Safety Regulations

POLICY HISTORY

Date	Description
November 5, 2019	Revision of policy to include specific reference to the right to request assistance of an occupational health officer to resolve a complaint and the right to file a complaint respecting discriminatory practice with the Saskatchewan Human Rights Commission.
September 24, 2019	Revision of policy includes updates as per SHRC grounds, the SEA and Government of Saskatchewan advisory documents. Confidentiality requirement included and a greater explanation of what does not constitute harassment.
May 27, 2016	New Format where policy and procedure is separated. Also an update of definition of harassment, personal harassment and sexual harassment and inclusion of required commitments as set out in the Saskatchewan Employment Act.
December 1, 2011	Revised to update definition of harassment and include third party complaints.
October 31, 2002	Update of the formal complaint process.
April 3, 1999	New

CONTACT INFORMATION

For further information, please contact Department Head, Corporate Services.