



276 HARASSMENT PREVENTION POLICY

Sponsor:	Department Head, Corporate Services
Effective Date:	August 7, 2024
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 – means any inappropriate conduct, comment, display, action or gesture by a person that constitutes a threat to the health or safety of the employee, and is:

- based on any prohibited grounds as defined in *The Saskatchewan Human Rights Code, 2018* or on physical size or weight;
- adversely affects the employee's psychological or physical well-being and that the person knows or ought to know, would cause an employee to be humiliated or intimidated (sometimes referred to as personal harassment); or
- is of a sexual nature that a person knows or ought reasonably to know is unwelcome.

POLICY

Every employee is entitled to employment free of harassment.

SaskGaming, and its managers and supervisors, will take all complaints of harassment seriously. SaskGaming is committed to implementing this policy and to ensuring it is effective in preventing and stopping harassment, as well as creating a productive and respectful workplace.

Personal harassment must involve repeated occurrences; however, a single serious incident may also constitute harassment if it is shown to have a lasting harmful effect on an employee. It does not include any reasonable action taken relating to the management of the place of employment.

Sexual harassment, which is conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome, is also prohibited.



This policy covers harassment connected to any matter or circumstance arising out of the employee's employment, including third party harassers. Customers, clients, performers, contractors or their workers and others invited to the workplace could harass an employee.

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.

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. 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.

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.

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
March 2, 2023	Definition of harassment changed to reflect 3-1 (1) (l) of <i>The Saskatchewan Employment Act</i> as per direction from Labour Relations and Workplace Safety.
June 21, 2022	Biennial policy review completed. Expanded the definitions of sexual harassment to align with the <i>Saskatchewan Employment Act</i> .
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.