

SEXUAL HARASSMENT POLICY

Effective Date	Approved by Council
2024.02.21	Motion # 240220.04

1. STATEMENT OF POLICY

1.1 The **Town of Middleton** seeks to provide a safe, healthy, and rewarding work environment for its employees. Sexual harassment is unacceptable and will not be tolerated within our organization.

1.2 We have developed this policy to prevent sexual harassment and to deal quickly and effectively with an incident. Employees who violate this policy may be subject to a wide range of disciplinary measures, including dismissal for cause.

2. DEFINITION OF SEXUAL HARASSMENT

2.1 Under the Nova Scotia *Human Rights Act*, "sexual harassment" means:

- 2.1.1 vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome,
- 2.1.2 a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or
- 2.1.3 a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.

2.2 Examples of sexual harassment that will not be tolerated include:

- 2.2.1 sexist jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive, or that are by their nature clearly embarrassing or offensive;
- 2.2.2 leering;
- 2.2.3 the display of sexually explicit material;
- 2.2.4 sexually degrading words used to describe a person;
- 2.2.5 sexually suggestive or obscene comments;
- 2.2.6 unwelcome inquiries or comments about a person's sex life;
- 2.2.7 unwelcome sexual flirtations, advances, propositions;

- 2.2.8 requests for sexual favours;
- 2.2.9 unwanted touching.

3. APPLICATION

- 3.1 This policy applies to sexual harassment occurring at the workplace, in the course of work, or during any activities which could reasonably be associated with the Town of Middleton (including social events).

4. INFORMAL RESOLUTION

- 4.1 On occasion, sexual harassment can be dealt with directly and informally through communication with the person engaging in the unwelcome behaviour. Where employees feel comfortable doing so, they should communicate a clear message that the conduct or comments are offensive or unwelcome. However, the Town of Middleton recognizes that there may be circumstances where direct communication is inappropriate. Although informal resolution is encouraged where possible, it is not a prerequisite to making a sexual harassment report under this policy.
- 4.2 Where an employee does not wish to bring the matter directly to the attention of the person engaging in the unwelcome behaviour or where such an approach is attempted and does not produce a satisfactory result, the employee should report the sexual harassment as outlined below.

5. MAKING AN INTERNAL SEXUAL HARASSMENT REPORT

- 5.1 Sexual harassment should be reported as soon as possible after experiencing or witnessing the behaviour. This allows the incident to be addressed in a timely manner.
- 5.2 Employees are encouraged to report any incidents to their direct supervisor. If their direct supervisor is the person engaging in the sexual harassment, contact the Chief Administrative Officer.
- 5.3 Employees can report sexual harassment verbally or in writing. When reporting verbally, the organization representative receiving the report will document the report in writing.
- 5.4 The report should include the following information:
 - 5.4.1 name(s) of the person who has allegedly experienced sexual harassment;
 - 5.4.2 name(s) of the alleged harasser(s);
 - 5.4.3 names of any witnesses or other persons with relevant information about the incident and contact information (if known);



5.4.4 details of what happened including date(s), frequency, and location(s) of the incident(s);

5.4.5 any supporting documents that the person making the report has which are relevant to this matter.

5.5 All reports of sexual harassment shall be kept confidential except to the extent necessary to protect employees, to investigate the complaint, to take corrective action or otherwise as required by law.

6. INVESTIGATION

6.1 The Town of Middleton will ensure that an investigation appropriate to the circumstances is conducted when a report of sexual harassment is made. Reports of sexual harassment will be investigated in a fair, respectful and timely manner.

6.2 The Chief Administrative Officer will determine who will conduct the investigation. Depending on the allegations and the people involved, the investigation may be referred to an external investigator.

6.3 Outcome of Investigation

6.3.1 After the investigation is concluded, both the person making the report and the person alleged to have engaged in sexual harassment will be informed of the findings.

6.3.2 If the investigator concludes that there has not been a violation of this policy, there will be no documentation concerning the report placed on the file of person alleged to have engaged in sexual harassment.

6.3.3 If the Town of Middleton concludes that there has been a violation of this policy, the employee who violated the policy will be disciplined appropriately.

7. DISCIPLINARY ACTION

7.1 Employees and officers of the Town of Middleton against whom a complaint of employment-related sexual harassment is substantiated may be severely disciplined, up to and including dismissal, except where because of statutory tenure dismissal cannot be imposed, up to and including public censure by the Council of the Town.



8. NO RETALIATION

8.1 Regardless of the outcome of a report made in good faith, the employee making the report as well as anyone providing information during an investigation will be protected from retaliation.

9. REPORTS MADE IN BAD FAITH

9.1 A report made in bad faith shall constitute grounds for disciplinary action against the person making the report. A bad faith report is a report that is made with a conscious design to mislead or deceive, or with a malicious or fraudulent intent.

10. EXTERNAL REPORTING OPTIONS

10.1 Employees also have external options to report sexual harassment. An employee may contact the Nova Scotia Human Rights Commission to make a complaint of sexual harassment or may contact the police if they believe that criminal activity has occurred.

I, Ashley Crocker, **Chief Administrative Officer of the Town of Middleton**, do hereby certify that the Policy, of which the foregoing is a true copy, was duly passed at a duly called meeting of the Town Council of the Town of Middleton held on the 20th day of November 2023.

Ashley Crocker

Chief Administrative Officer

Policy Adoption	
Date of 7-day notification to Council	February 5, 2024
Date of Approval	February 20, 2024



3.5 Sexual Harassment Policy 2024

Final Audit Report

2024-02-28

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