

WORKPLACE HARRASSMENT POLICY



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POLICY NAME	Workplace Harassment Policy		POLICY NO.	WHP001
EFFECTIVE DATE	April 13, 2021	DATE OF LAST REVISION	VERSION NO.	1.0

ADMINISTRATOR RESPONSIBLE		CONTACT INFORMATION	
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APPLIES TO Apply group names to define applicable areas of staff.

GROUP 1	Council	GROUP 2	Management/Administration	GROUP 3	Sub Committees
GROUP 4	All Workers	GROUP 5	Residents/Customers	GROUP 6	Contractors

VERSION HISTORY				
VERSION	APPROVED BY	REVISION DATE	DESCRIPTION OF CHANGE	AUTHOR
1				



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1.1 Introduction

The Town of Brigus is committed to providing a safe, respectful and harassment free work environment for all staff and customers. No one has the right to harass anyone, at work or in any situation related to employment with this organization.

As per section 22 – 24.2 of the Newfoundland and Labrador OHS Regulations requires every workplace to have a harassment prevention plan.

2.1 What is harassment?

Workplace harassment means inappropriate, vexatious conduct or comment by a person to a worker that the person knew or ought to have known would cause a worker to be humiliated, offended, or intimidated. It can take place at work or in a situation connected to work; can happen repeatedly or only once; be intended or unintended; and can be written, verbal, physical, a gesture or display, or any combination of these. It can include electronic messages to a person or social media posts.

Examples of harassing behavior may include but are not limited to:

- Unwelcome conduct, comments, gestures or contact which causes offensive humiliation
- Misusing power or authority
- Referring to a person using terms or pronouns that do not align with the person's affirmed gender
- Physical or psychological bullying which creates fear or mistrust, or which ridicules or devalues the individual
- Excluding, intimidating, or isolating individuals
- Making inappropriate gestures/comments
- Making inappropriate sexual advances
- Discriminating based on gender
- Cyberbullying, such as posting offensive or intimidating messages through social media or email
- Deliberately setting the individual up to fail.



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Reasonable and fair actions taken by an employer or supervisor, in a respectful manner, to manage and direct workers is NOT harassment.

Examples of this include but are not limited to:

- Changing work assignments
- Scheduling, assessing, and evaluating work performance
- Inspecting workplaces
- Implementing health and safety measures
- Taking disciplinary action such as dismissing, suspending, demoting, or reprimanding with just cause.

3.1 Responsibilities

The Council & Staff for the Town of Brigus is committed to eliminating, where possible, or otherwise, minimizing the hazard of workplace harassment. This policy applies not only during working time, but to any activities on or off the Town's premises which could reasonably be associated with the Town (e.g. social events) including the use of email, social media, instant messaging and the internet.

Councilors are responsible to:

- Lead by example and act responsible and professional in dealings with fellow Councilors and town employees
- Participate in available training related to harassment and/or discrimination and ensure all employees have opportunities for such training
- Ensure everyone is aware of this Policy for preventing and addressing harassment and/or discrimination.

The Mayor and Council have a primary responsibility in their positions of authority for providing a work environment that is free from harassment and/or discrimination. This responsibility includes actively promoting a positive harassment-free work environment and intervening when problems occur.

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Employees are responsible to:

- Carry out their duties in a respectful & professional manner
- Treat all employees and members of Council with respect
- Not engage in bullying or workplace harassment
- Report observations of inappropriate behavior/objectionable conduct to someone in authority
- Participate in education and training
- Cooperate and share openly and honestly in workplace investigations
- Comply with the prevention plan and associated procedures.

Employees also share this responsibility by reporting an appropriate behavior/objectionable conduct when it happens and refuse to participate in such behavior.

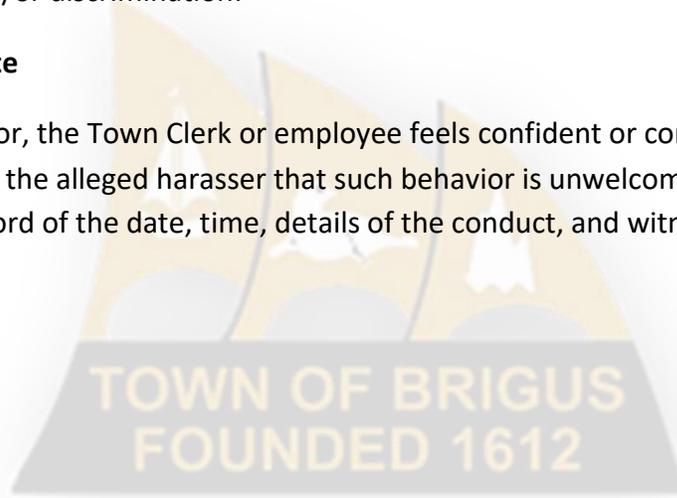
Everyone is requested to report promptly when they become aware of, or hear of, alleged actions or complaints of harassment and/or discrimination.

4.1 Reporting Harassment

The Town of Brigus Harassment Policy is not intended to discourage a worker from exercising his or her rights under the Human Right Act, 2010, the Criminal Code of Canada or any other law of the province of Canada. It is recommended that incidents of harassment be reported as soon as possible, but no later than 12 months after the most recent incident. The following step will be taken to address issues of harassment and /or discrimination:

4.1.1. Communicate

Where the Councilor, the Town Clerk or employee feels confident or comfortable in doing so, speak up. Communicate with the alleged harasser that such behavior is unwelcome and must stop immediately. Keep a written record of the date, time, details of the conduct, and witnesses, if any.





4.1.2 Addressing Management for support and intervention

Councilors and employees who are not confident or comfortable with openly communicating and who believe they are victims of harassment and/or discrimination or become aware of situations where such conduct may be occurring, are encouraged to report these matters as soon as possible to the Town Manager, Mayor, or any other person designated to deal with harassment complaints from time to time by the Town.

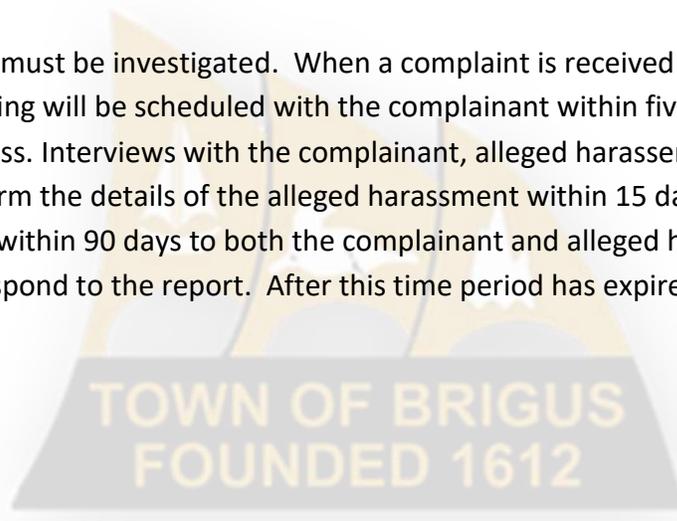
- I. Complete Harassment Complaint Report Form giving a brief account of the offensive incident (i.e. when it occurred, the persons involved, names of witnesses, if any)
- II. File Complaint with the Town Manager, Mayor, or person designated by the Town to deal harassment and/or discrimination complaints
- III. Cooperate with those assigned to investigate the complaint.

Incidents involving allegations against the Town Manager, Mayor or Councilors shall be referred to an external investigator (appointed by Council for such purposes) for investigation and recommendation to the Town Manager, Mayor or Deputy Mayor, as appropriate.

Council may establish a committee to investigate incidents of Harassment and/or discrimination involving employees wherein a formal complaint has been received with representatives from Council serving on the Committee.

4.1.3 Investigation

Formal complaints must be investigated. When a complaint is received by a supervisor or the external third party, a meeting will be scheduled with the complainant within five days to begin the investigation process. Interviews with the complainant, alleged harasser and any witnesses will be conducted to confirm the details of the alleged harassment within 15 days. The investigator's report will be made available within 90 days to both the complainant and alleged harasser and both parties will have 14 days to respond to the report. After this time period has expired, corrective actions may be taken.



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If a complaint of harassment has been confirmed, there must be resources for the individual(s) who have been found to have committed an act of workplace harassment.

Corrective Actions may include but are not limited to;

- Education and training in;
 - Conflict resolution,
 - Assertiveness,
 - Internal Harassment Prevention Policy review,
 - Respectful workplace.
- Reprimand
- Suspension
- Termination

An unproven allegation does not mean that the harassment and/or discrimination did not occur, or that there was a deliberate false allegation. It simply means that there is insufficient evidentiary basis to proceed.

5.1 Confidentiality

When the Town Manager, Mayor or any person designated by the Town to deal with harassment and/or discrimination complaints becomes informed of situations involving harassment and/or discrimination, they shall protect workers.

Respect for privacy is an important aspect of a respectful workplace. Issues related to harassment and/or discrimination should be treated confidentially; however, there are limitations to confidentiality. Any information obtained relating to a claim of workplace harassment, including personal information, will not be disclosed unless it is necessary for the purpose of the investigation, corrective action relating to the complaint or where required by law.

To ensure confidentiality is protected, *Section 33 of the Access to Information and protection of Privacy Act, 2015, (ATIPPA)*, will be followed for the provision of information pertaining to an investigation of any infraction of this Policy. This section specifies that only the complainant and the respondent will have access to all information created or gathered for such an investigation and such information will



only be provided upon written request. A witness in such an investigation will only have access to any information that relates to the witness' statements provided during the investigation and such information will only be provided upon written request.

6.1 Breach of Harassment Policy

Disciplinary action for employees for violations of this policy will take into consideration the nature of the impact of the violations, and may include a verbal or written reprimand, suspension (with or without pay), or termination (with or without notice). Similarly, deliberate false accusations are equally serious nature and will also result in disciplinary action up to an including termination without notice for just cause.

Any Councilor, including the Mayor or Town Manager may submit a confidential written allegation of a breach of this policy to the Town Manager, Mayor or Deputy Mayor, as appropriate.

Incidents involving allegations against the Town Manager, Mayor or Councilors shall be referred to an external investigator (appointed by Council for such purposes) for investigation and recommendation to the Town Manager, Mayor or Deputy Mayor, as appropriate. Following receipt of the report from the person(s) assigned to investigate such an allegation it shall be placed on the next "Privileged Meeting Agenda". This report shall be received, considered and any recommendations contained within the report, approved by a majority of Councilors (excluding the Councilor who has been alleged to have breached this policy) in a Privileged Meeting of Council, shall be final in the absence of bias, prejudice, or fraud.

The person assigned to investigate such incidents will be bound by the following corrective action for any infraction deemed to require corrective action as follows:

- a) A verbal reprimand issued by the Town Manager, Mayor, (or by the Chairperson of the Council-as-a-whole, if the Town Manager/Mayor is the offending person).
- b) A written reprimand issued by the Town Manager, Mayor, (or by the Chairperson of the Council-as-a-whole, if the Town Manager/Mayor is the offending person).

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- c) When appropriate, a public statement may be issued at a regular public meeting of Council reprimanding the offending person for their conduct.

Similarly, deliberate false accusations are of equally serious nature and will also result in action as outlined above.

A least once each year, the Town Manager, Mayor and Council are required to ensure that everyone under their direction is made aware of this policy. An employee who has filed a complaint under this policy and who is not satisfied with the disposition of the complaint may seek redress under the *Human Rights Act, 2010*.

7.1 Attachments

- Harassment Complaint Form



WORKPLACE HARASSMENT REPORT FORM



COMPLAINANT INFORMATION			
Name		Department	
Position		Contact Information	
ALLEGED HARASSER INFORMATION			
Name		Department	
Position		Contact Information	
DESCRIPTION OF ALLEGED HARASSMENT			
<p>Please describe, in as much detail as possible, the incident(s) of alleged harassment/discrimination. You may attach additional sheets if required. Please include:</p> <ul style="list-style-type: none"> • Who was involved, • What was specifically said or done (words, tone, actions, etc.), • When it happened (dates and time), • Where it happened, • Any witnesses to the incident(s) (name and contact information, if possible), • How it impacted you, • If it was reported to management with the following details: <ul style="list-style-type: none"> ○ Name of Manager/Supervisor, ○ Date and time of reporting, ○ Actions taken, ○ Other relevant details. 			

WORKPLACE HARASSMENT REPORT FORM



TEMPORARY MEASURES

Do you believe that the employer needs to take any interim measures while the incident is under investigation?

YES _____ NO _____

If yes, please describe what you think is necessary to prevent this situation from happening again, and why?

OTHER PROCESSES

Have you initiated any other processes to deal with the allegations of harassment/discrimination (i.e. one-on-one discussions with the alleged harasser, grievance, Human Rights Commission, legal action, etc.)?

If yes, Please describe briefly below.

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8.1 References

- Human Rights Act, 2020.
- Access to Information and Protection of Privacy Act, 2015 (ATIPPA).
- Newfoundland and Labrador OHS Regulations.
- Workplace NL Harassment Prevention Guide.

Mayor

Town Clerk/Manager

Deputy Mayor

Date

