

Town of Mahone Bay

Policy # 20

Respectful Workplace Policy

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1.0 PREAMBLE:

- 1.1 The Town of Mahone Bay is committed to a healthy, safe and supportive workplace and is committed to providing a work environment that values diversity and where all persons are treated with respect and dignity. It is the right of all employees to work in an environment free from harassment, sexual harassment, and discrimination.

Harassment, sexual harassment, and discrimination (offensive behavior) affect the workplace and the well-being of individuals and will not be tolerated. Whether the sources of the offensive behaviour comes from within the government or outside, any allegation of offensive behaviour will be taken seriously and dealt with promptly. This policy promotes awareness, prevention, and prompt resolution of offensive behaviour.

It is the intent of this policy to promote employee involvement in resolving situations. Resolution through the information process is encouraged, as in the use of mediation, at any stage.

The Nova Scotia Human Rights Act prohibits sexual harassment and discrimination on the basis of the protected characteristics set out in the Act. This policy goes beyond the parameters of legislation by prohibiting other types of workplace harassment.

2.0 DEFINITIONS:

COMPLAINANT

An employee(s) who has made a complaint under this policy, whether formal or informal, alleging that offensive behaviour has occurred. Complainant includes a third party complainant.

DISCRIMINATION

Treating an individual or member of a particular group differently based on one or more of the protected characteristics in the Nova Scotia Human Rights Act, which results in a disadvantage to the person or individuals.

FORMAL COMPLAINT

A written allegation of offensive behaviour that is submitted under the Respectful Workplace Policy.

INFORMAL COMPLAINT

An allegation of offensive behaviour, that is brought to a manager or supervisor which is dealt with through the informal process and may include a third party complaint.

HARASSMENT

Derogatory (e.g. condescending, insulting, belittling) or vexatious (e.g. aggressive, angry, antagonistic) conduct or comments that are known or ought reasonably to be known to be offensive or unwelcome and includes actions or comments that are directed at no person in particular but that create an intimidating, demeaning or offensive work environment. Bullying is a form of harassment. This also includes multimedia forms of communication.

OFFENSIVE BEHAVIOUR

Means harassment, sexual harassment, or discrimination.

“REASONABLY OUGHT TO KNOW OR HAVE KNOWN”

The “reasonably ought to have known or have known” standard refers to an objective assessment of how a specific behaviour might generally be received.

RESPONDENT

An employee against whom allegations of offensive behaviour are made through the formal or informal complaint process and includes a manager who is alleged to have failed to take reasonable action in the circumstances, to protect an employee from offensive behaviour.

RETALIATION

Taking or threatening to take an unjustified employment action against an employee who has made a complaint or participated in an investigation under this policy. Retaliation may include any negative changes in the terms and conditions of an employee’s employment, including transfers, changes in work schedule or assignments, negative performance evaluations, unwarranted discipline, harassment and denial of promotion or work schedule requests, or denial of training. Retaliation may also include any offensive

behaviour toward the employee by another employee. Retaliation does not include a complaint or a response to a complaint, made in good faith, under this policy.

SEXUAL HARASSMENT

- i. Vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome'
- ii. A sexual solicitation or advance made to an 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
- iii. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance
- iv. Comments, gestures or physical conduct of a sexual nature, or actions or comments with a sexual connotation or component that are directed at no person in particular but that create an intimidating, demeaning or offensive work environment, where an individual knows or ought to reasonably know that the behaviour is unwelcome

WORKPLACE

Any place occupied by an employee of the Town as part of their employment which includes, but is not limited to, lunchrooms, vehicle, training events, meetings, conferences, business travel, work-related social gatherings, or other location where an employee is engaged in activity associated with employment.

3.0 POLICY OBJECTIVES:

- 3.1 Promote awareness for employees and create understanding as to what is considered offensive behaviour.
- 3.2 Provide a work environment that is free from all forms of offensive behaviour.
- 3.3 Provide a mechanism to have offensive behaviour addressed and eliminated from the workplace.

4.0 APPLICATION:

- 4.1 This policy applies to all Town employees and members of Council.

5.0 DIRECTORS AND SUPERVISORS:

- 5.1 All members of Council, Directors and Supervisors are to lead by example and take reasonable measures to ensure a work environment that is free from offensive behaviour. If a Director or Supervisor is made aware of an alleged violation of this policy, they are required to take reasonable action in the circumstances to address the allegation within ten (10) working days. This applies to situations that involve employees as well as non-employees working in a Town of Mahone Bay workplace.
- 5.2 Managers are to take all reasonable steps to ensure that their employees do not act offensively toward employees, non-employees or clients/customers.
- 5.3 Nothing in this policy restricts a manager's authority and obligation to manage the performance of employees or take appropriate disciplinary action when necessary.
- 5.4 All information regarding a complaint is to be treated as confidential and will be disclosed on a need to know basis only.
- 5.5 Any disciplinary action resulting from a matter under this policy will be held on an employee's HR file.
- 5.6 Complaints should be undertaken with great care because they may result in damage to the respondent's reputation and disruptions in the workplace. Complaints which are found to be frivolous, vexatious, or made in bad faith may result in disciplinary action against the complainant.
- 5.7 Support will be provided, as necessary, to remove barriers to the complaint process for individuals with disabilities and/or low literacy skills.
- 5.8 Retaliation is prohibited against anyone who has made a complaint or has participated in an investigation under this policy. Retaliation may result in disciplinary action. Retaliation does not include a complaint or a response to a complaint made in good faith under this policy.

6.0 PROCEDURE

- 6.1 The rules of procedural fairness govern all activities under the complaint process. An individual against whom allegations of
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offensive behaviour have been made shall be made aware of the allegations and be provided with an opportunity to respond to them. Decisions under this policy that affect an individual's rights will be made without bias.

- 6.2 A complaint under this policy shall be made within 12 months of the alleged offensive behaviour. In extenuating circumstances, complaints may be considered beyond 12 months, in consultation with the Department Manager.
- 6.3 Complaints will be processed efficiently and the investigator must complete the investigation and submit a written report with recommendations to management within 30 business days of starting the investigation.
- 6.4 Management will be communicated to the investigator, complainant and the respondent as soon as possible but within 14 days of receipt of the report.
- 6.5 Corrective actions, remedies and changes in the workplace will be instituted within 30 days of management receiving the investigator's report.
- 6.6 If the complainant is not satisfied with the outcome of the investigation and recommendations, they have the right to file a formal complaint with the Human Rights Commission.
- 6.7 If at any time after making a complaint, the complainant wishes to abandon the informal complaint, she/he must communicate this, in writing to management. Management will determine whether further action is required to address the allegations raised in the complaint, including, but not limited to, whether an investigation should proceed.

7.0 ACCOUNTABILITY

- 7.1 Management is responsible for:
 - i. Modeling respect;
 - ii. Attending appropriate mandatory respectful workplace training;
 - iii. Ensuring all employees are provided with an opportunity to attend mandatory respectful workplace training;
 - iv. Taking action to protect employees and others from offensive behaviour;

- v. Responding to allegations of offensive behaviour through the informal complaint process;
- vi. Determining whether an informal complaint is appropriate for resolution under this policy;
- vii. Making decisions as to appropriate resolution options;
- viii. Determining whether further action is required where an individual wishes to abandon an informal complaint.

7.2 Employees are responsible for:

- i. Attending respectful workplace training;
- ii. Treating all persons with respect and dignity;
- iii. Cooperating with Respectful Workplace processes as required.

8.0 DISCIPLINE

8.1 Any person who has been found to have violated this policy by acting in a discriminatory or harassing manner or not effectively responding to a complaint is subject to a disciplinary investigation and a decision to take disciplinary action may result.

8.2 Employees who make complaints that are fabricated with the intent of damaging the integrity of an individual or individuals will be subject to disciplinary action up to and including dismissal.

9.0 COMMUNICATION

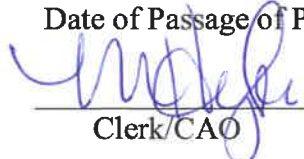
9.1 All employees will be provided with a copy of the policy and procedures. In addition, all applicants will be provided with information, in an appropriate format, about the policy.

9.2 A copy of the policy and procedures will be permanently posted in a common area within each department.

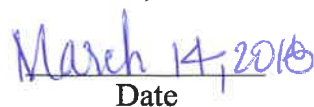
Clerk's Annotation for Official Policy Book

Date of Notice to Council Members of Intent to Consider {7 days minimum notice}: February 13, 2018

Date of Passage of Policy: March 13, 2018



Clerk/CAO



Date