



## **POLICY NO. 91**

### **HUMAN RIGHTS AND HARASSMENT**

**BE IT ENACTED** by the Council of Region of Queens Municipality, under the authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as follows:

This policy shall be known as Policy Number 91 and may be cited as the “Human Rights and Harassment Policy”.

#### **POLICY PURPOSE**

Employees are the heart of the Municipality and their safety is paramount for an effective and positive work environment. The purpose of this policy is to ensure the safety and well-being of all employees and its Council members by providing a workplace which values honesty, fairness, respect for the individual, dignity of work and contributions, as well as upholds the integrity of the organization and its policies and practices.

Region of Queens Municipality is committed to ensuring all of its work environments allow for each individual staff or Council member to be treated with respect and the workplace is free from harassment as prohibited by the *Nova Scotia Human Rights Act*.

This policy provides guidelines for reporting, investigating, and seeking resolutions for complaints of harassment in an effort to ensure a safe, harassment-free workplace for all employees and Council members.

## **AUTHORITY**

Section 47 of the Municipal Government Act provides that

(1) Council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

(3) In addition to matters specified in this Act or another Act of the Legislature, the council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.

## **SCOPE**

This policy shall apply to all staff and elected officials of Region of Queens Municipality, as well as all public members of committees or external consultants, appointed or under the guidance of municipal council or Chief Administrative Officer or their designate.

Application of this policy shall extend to each municipal workplace and to work-related events, including disrespectful behaviour of Region of Queens Municipality employees or Council members that happens away from the workplace or after regular working hours, where such behaviour has a negative effect on the workplace.

## **DEFINITIONS**

“Complainant” is the employee or Council member making a complaint that disrespectful behaviour has occurred.

“Harassment” is any behaviour that a reasonable person would find unwelcome, has a negative impact on the workplace, and is related to any of the characteristics which are listed as prohibited grounds of discrimination in the Nova Scotia Human Rights Act, denoted as “Prohibited Grounds”, specifically:

- a. age;
- b. race;
- c. colour;
- d. religion;

- e. creed;
- f. sex;
- g. sexual orientation;
- h. gender identity;
- i. gender expression;
- j. physical disability or mental disability;
- k. an irrational fear of contracting an illness or diseases;
- l. ethnic, national, or aboriginal origin;
- m. family status;
- n. marital status;
- o. source of income;
- p. political belief, affiliation, or activity; or
- q. association with another individual or class of individuals having characteristics referred to above.

Harassment can, depending on the seriousness of the behaviour, involve a single incident or a number of incidents, and can be directed at one employee or Council member, or it can involve a number of individuals.

Harassment need not be intentional to be considered harassment. Intentional harassment should be considered more severe.

Examples of harassment include, but are not limited to:

- a. unwelcome physical contact such as touching, patting, or pinching;
- b. unwelcome offensive comments that are sexual in nature;
- c. unwelcome offensive remarks such as jokes, slurs, or innuendo related to any of the Prohibited Grounds;
- d. displaying or distributing derogatory or offensive pictures, graffiti, or other materials related to any Prohibited Grounds including racist, sexist, or homophobic materials;
- e. unwelcome and offensive behaviour related to a Prohibited Ground, that creates an intimidating, hostile, offensive, or poisoned work environment;
- f. unwelcome and offensive behaviour related to a Prohibited Ground, where tolerance of the behaviour is explicitly or implicitly made a term of employment or consideration in job-related decisions;

- g. unwelcome and offensive behaviour related to gender identity, gender expression, or perceptions of sexual orientation or gender;
- h. refusing to interact or communicate with persons because of any of the Prohibited Grounds; and
- i. unwelcome and offensive communications related to a Prohibited Ground sent by any means, including e-mail or other electronic means.

For great clarity, the following are not considered harassment behaviour under this policy, but are not limited to:

- a. mutually consensual relations or social interactions without offensive or inappropriate behaviours, intimidation, implicit or explicit threats of retaliation, or misuse of power;
- b. words or actions that a reasonable person would find welcome or neutral in meaning;
- c. actions of the Municipality to direct its workforce, including managing and supervising employees and giving feedback through reasonable performance feedback, managing absenteeism, mentoring and discipline; and
- d. Bona fide qualifications or occupational requirements established by the Municipality as noted in Section 6(f) of the *Nova Scotia Human Rights Act*.

“Respondent” is the individual alleged to have engaged in or perpetuated disrespectful behaviour.

## **POLICY INTENT**

No employee or Council member shall be subjected to harassment behaviour in the workplace.

Where harassment is not related to a Prohibited Ground under the *Nova Scotia Human Rights Act*, all complaints will be dealt with by Policy 90 - Respectful Workplace.

## **ACCOUNTABILITY**

Responsibility for the oversight and implementation of this policy shall lie with the Municipality's Director of Corporate Services according to the terms and conditions of this policy.

It shall be the responsibility of the Director of Corporate Services to bring forth clear recommendations for changes to this policy, when deemed appropriate, to the Chief Administrative Officer for review.

Each employee and Council member is responsible for their own behaviour at all times and for ensuring the workplace is free from harassment. This is done by always acting in a professional and courteous manner, taking responsibility for their own actions and words, while maintaining positive and constructive working relationships through cooperation and actively listening to others.

## **COMPLAINT RESOLUTION PROCESS**

Complaints of harassment can be made through a formal or informal process to ensure a range of options are available to employees and Council members to seek a fair and timely resolution to allegations.

Notwithstanding Policy 74 - Code of Conduct for Members of Council and Public Committee Members, a staff member shall be deemed to be a person eligible to file a complaint against a Member of Council and where such complaint is deemed legitimate and requires an investigation, such complaint shall be forwarded to the Mayor under Policy 74 and shall be interpreted as being a complaint of a Council Member.

### **Informal Process**

- a. If reasonable and safe to do so, an employee or Council member who feels that another person's actions have led to harassment according to this policy, the employee or Council member affected should let that person or persons involved know that their behaviours are harassment, unwelcome and contrary to the Human Rights and Harassment Policy.

- b. If option a. is not possible, an employee should seek assistance from their immediate supervisor, Director, or the Director of Corporate Services. In the cases of issues involving Council members, a discussion should be held with the Mayor, or in the case of an issue with the Mayor, the Deputy Mayor.
- c. If option a. or b. are not suitable, or the Complainant does not receive the needed result after attempting an informal process, the employee or Council Members can proceed to the formal process.

### **Formal Process**

- a. If a complaint cannot be resolved through the informal process, a Complainant may file a formal complaint in writing on the form attached as Appendix "A" and submit it directly to the Director of Corporate Services. If the Director of Corporate Services is either the Complainant or Respondent, the complaint shall be submitted to the Chief Administrative Officer.
- b. Complaints may be made on behalf of a staff member by another staff member where that staff member has witnessed the harassment or has been reported to them by a co-worker. All employees and Council members have a responsibility to ensure a harassment-free workplace, not only those who are negatively impacted.
- c. Once an application has been received under this section concerning a human rights or harassment complaint, a formal investigation will take place which will require the interviewing of various witnesses in addition to the Complainant(s) and Respondent(s). In some cases, Director of Corporate Services or Chief Administrative Officer may engage external third party experts to assist with the investigation. Because of the nature of this process, the application and details cannot be anonymous, and both the Complainant and Respondent will be provided with full details of the application.

- d. Upon the completion of the investigation, Director of Corporate Services or Chief Administrative Officer will prepare a report and recommendations with a goal of bringing a resolution to the alleged harassment behaviour. Director of Corporate Services will work with the parties involved to determine appropriate actions needed and will communicate the decision to both the Complainant and Respondent.
- e. Should the investigation determine that the harassment does not involve discrimination under the Nova Scotia Human Rights Act, the complaint will be transferred to a formal application under the Municipality's Respectful Workplace Policy.
- f. Employees and Council members are strongly encouraged to bring forth any alleged harassment complaints as soon as possible to ensure any harassing behaviour is dealt with immediately. Complaints brought forward later than six months after alleged harassment will only be investigated if the matter is considered by the Director of Corporate Services or Chief Administrative Officer to be a matter that could lead to immediate employee termination.

### **False or Malicious Complaints**

Any complaint filed with an immediate supervisor, Director, Director of Corporate Services, Mayor or Deputy Mayor, that is found to be false, misleading, or brought forward with malicious purposes, may result in the Complainant being subject to disciplinary action up to and including termination of employment.

### **RETALIATION**

Any employee who uses retaliation or discrimination against a co-worker, another employee, or Council member because the person brought forward a complaint, or because the employee acted as a witness, gave a statement, or participated in a complaint resolution process will be considered a breach of

this policy. Such breach may result in discipline up to and including termination of employment.

Any Council member who uses retaliation in any manner as noted above shall be subject to any consequences determined by Council under its Code of Conduct Policy.

## **CONSEQUENCES**

Employees who are determined, after an investigation has been completed, to be in breach of this policy will be subject to disciplinary action up to and including termination of employment.

Unionized employees have the right under their collective agreement to grieve any disciplinary actions.

Council members who are determined, after an investigation has been completed, to be in breach of this policy will be subject to disciplinary action according to Policy 74 - Code of Conduct for Members of Council and Public Committee Members.

## **CONFIDENTIALTY**

All information collected and obtained during an investigation into an alleged breach of this policy shall be held and retained by the Director of Corporate Services for a period of no less than six years. Only those documents required to be divulged to other parties to settle a complaint during an investigation will be shared. These documents shall be treated as confidential and not released except where required to be disclosed according to law for a court proceeding, arbitration, or other legal proceeding.

Upon the completion of any investigation, if it is determined that the complaint is not established, then no records of the application shall be placed in any employee's personnel file. The documents will be confidentially kept however; should any future questions arise about the Municipality's proper investigation of the alleged complaint. Any complaint established will require the placement of

the investigation documents and actions taken into an employee's personnel file.

## **LEGISLATION AND COLLECTIVE AGREEMENTS**

If it is determined that any portion of this policy is inconsistent with any current union agreements between an employee bargaining unit and the Municipality, or provincial or federal legislation or regulations, then that portion and only that portion of the policy shall have no application to the extent of the inconsistency. All other portions of the policy shall continue to apply and have full force and effect.

## **APPENDICES**

Appendix "A" contains the formal complaint form and instructions for filling it out and filing it with the appropriate person. Employees are encouraged to seek the support of co-workers or their union representative should they believe they require help in filing a complaint.

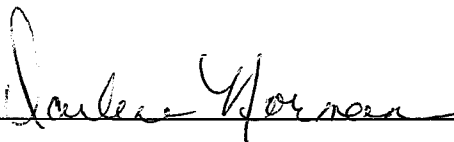
## **EFFECTIVE DATE**

This policy shall take effect from the date of approval by Council.


## **OFFICIAL CERTIFICATION**

**THIS IS TO CERTIFY THAT** this policy was passed by the Council of Region of Queens Municipality at a duly constituted meeting of said Council held on the 22nd day of June, 2021.

**SIGNED** by the Mayor and Deputy Clerk this 23rd day of June, 2021.

  
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Mayor

  
\_\_\_\_\_

Deputy Clerk

Approved by Council:

June 22, 2021

## **APPENDIX "A" - COMPLAINT FORM**

### **Respectful Workplace & Human Rights Harassment Policy**

#### **Formal Complaint Form**

##### **Instructions:**

Region of Queens Municipality is committed to providing a working environment that is free of harassment and discrimination. Prior to completing this form, it is important that you are aware of the complaint procedure in the Respectful Workplace Policy and Human Rights and Harassment Policy.

Employees and Council members are not required to use this form to file a complaint however; if you do, it will help you focus the issues in a manner that will assist in the assessment, investigation, and possible resolution of the complaint(s). If you require support in filing a complaint, please speak with your union representative, Director of Corporate Services, or Mayor.

Be sure to specify the incident(s) that led to the complaint, the date(s) of the incident(s), names of the person(s) involved, and names of those who may have witnessed the incident(s). Please feel free to add more pages and include any relevant documentation that may assist in explaining the reason for your complaint.

Information provided on this or any other form is not considered an official complaint unless it is signed by you and dated.

Upon receipt of your complaint, Director of Human Resources will review it to determine if the complaint is complete, timely, and raises issues covered in the policy. **It is important to fully understand that the written complaint you submit will be forwarded to the Respondent for a response.**

Submit the Complaint by email to:

Director of Corporate Services  
[jveinotte@regionofqueens.com](mailto:jveinotte@regionofqueens.com)

Or in person to:

Joanne Veinotte  
249 White Point Road  
Liverpool, Nova Scotia

**PART I**

Complainant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Department: \_\_\_\_\_

Position/Job Title: \_\_\_\_\_

Name of Immediate Supervisor: \_\_\_\_\_

**PART II**

Type of Harassment: Verbal       Physical       Property

Date and Time of the Incident: \_\_\_\_\_

Person who was responsible for the harassment:

Supervisor:       Co-worker:       Customer/Client:       Other:

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Did it occur more than once? Yes       No

Location of Incident: \_\_\_\_\_

Describe the circumstances in which the incident took place: Was it during work hours, when did it start, has it now stopped or is it still ongoing?

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What was your response?

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How did the incident make you feel?

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Were you able to confide in anyone after the incident? Give details:

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**PART III**

Describe the incident:

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List Witnesses to the Harassment:

(1) Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

(2) Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

I understand that the incident(s) described above will be investigated, I will be given an opportunity to explain further, and I will be informed of the results of the investigation.

Complainant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Matter was referred to investigation on \_\_\_\_\_ (date)

Investigation was completed on \_\_\_\_\_ (date)

Final report was produced on \_\_\_\_\_ (date)

Complaint was: Established / Not Established

Parties were informed of outcome on \_\_\_\_\_ (date)

Action(s) taken:

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