

Municipality of the County of Pictou

Workplace Harassment and Violent Behaviour Policy

PURPOSE

The Municipality of the County of Pictou is committed to a policy of zero tolerance for violence and harassment. No elected or appointed official, employee or volunteer shall engage in any violence or harassment or threaten violence in the workplace. The Municipality will not tolerate talk of violence or harassment or jokes about violence.

The Municipality of the County of Pictou is dedicated to creating a workplace culture that promotes equality, diversity, transparency, and respect for human rights.

KEY CONCEPTS AND DEFINATIONS

WORKPLACE HARRASSMENT

Workplace harassment will be defined in subsection 27.1 of the Workplace Health and Safety Regulation:

“workplace harassment” means a single significant occurrence or a course of repeated occurrences of objectionable or unwelcome conduct, comment or action in the workplace, including bullying, that, whether intended or not, degrades, intimidates or threatens, and includes all of the following, but does not include any action taken by an employer or supervisor relating to the management and direction of an employee or the workplace:

- (i) workplace harassment or bullying that is based on any personal characteristic, including, but not limited to a characteristic referred to in clauses 5(1)(h) to (v) of the Human Rights Act,
- (ii) inappropriate sexual conduct, including, but not limited to, sexual solicitation or advances, sexually suggestive remarks or gestures, circulating or sharing inappropriate images or unwanted physical contact.

Workplace harassment does not include appropriate management action (such as performance evaluations, directives and job assignments) if these are carried out in a fair manner and for legitimate reasons.

DEFINATIONS OF WORKPLACE VIOLENCE

Workplace violence includes actions, conduct, threats or gestures that can be reasonably expected to cause harm, injury or illness. Violence can include but is not limited to the following acts or attempted acts:

- verbal threats or intimidation
- verbal abuse, including swearing or shouting offensively at a person
- contact of a sexual nature
- kicking, spitting, punching, scratching, biting, squeezing, pinching, battering, hitting or wounding a person in any way
- attacking or threatening to attack someone with any type of weapon.

OTHER DEFINITIONS

Principal party: The worker or employer who believes they are the object of workplace violence, harassment, or sexual harassment (an occurrence).

Responding party: The person (or people) who is alleged to have engaged in workplace violence, harassment or sexual harassment and is named in a complaint.

RESPONSIBILITIES AND EXPECTATIONS:

The Municipality of the County of Pictou is responsible for ensuring that:

- all workers are provided with discrimination, violence and harassment-free workplace;
- All steps are taken to prevent occurrences in the workplace.
- An impartial, fair and accessible complaint process is in place.
- The complaint process is respectful, confidential, unbiased, and timely.
- Anyone responsible for dealing with these types of complaints undergoes training on identifying and dealing with workplace discrimination, harassment and violence, and on procedural fairness in complaint processes.
- appropriate action is taken as soon as a situation arises or is reported.
- The principal party is referred to the appropriate support services, and their physical and psychological safety (and that of any witnesses) is protected.

- appropriate corrective or disciplinary measures are imposed for a substantiated complaint.
- agreed-upon workplace actions or accommodations are implemented; and
- All appropriate follow-up is undertaken.

The Municipality of the County of Pictou and the Occupational Health and Safety Committee are together responsible for:

- promoting equality, diversity, and respect for human rights in the workplace.
- developing and regularly updating a workplace violence and harassment prevention policy and making it available to all workers.
- performing a workplace assessment to identify risks related to harassment and violence and updating it annually.
- implementing prevention measures that respond to the risks identified.
- developing and communicating emergency procedures for cases where there is an immediate risk to a worker's health and safety.
- organizing training for management and workers on workplace harassment and violence.
- developing a list of qualified investigators; and
- determining which recommendations contained in a summary investigation report will be implemented.

Managers and supervisors are responsible for:

- fostering a work environment free from discrimination, violence and harassment, and setting an example about appropriate workplace behaviour;
- communicating the process for investigating and resolving complaints made by workers;
- acting immediately on observations or allegations of discrimination, violence or harassment, whether a complaint has been made;
- taking appropriate action during an investigation, including separating the principal party and responding party, when appropriate, and providing regular updates to both parties;
- ensuring that the principal party does not experience retaliation; and,

- ensuring that situations are dealt with in a respectful and confidential manner.

Workers are responsible for:

- treating others with respect in the workplace.
- refraining from engaging in any form of discrimination, violence or harassment;
- refraining from any form of retaliation against those involved in a complaint process, including principal parties and witnesses.
- reporting or speaking up against these behaviours, and reporting incidents to the appropriate designated person(s);
- familiarizing themselves and complying with this policy; and
- cooperating with an investigation and respecting the confidentiality of the process.

Workers can expect:

- to be treated with respect in the workplace and have their rights respected.
- that reported discrimination, violence or harassment will be dealt with in a timely, confidential and procedurally fair manner.
- to be protected from retaliation for filing a complaint, for cooperating with an investigation or for claiming any rights or taking any steps under this policy; and
- that reported retaliation will be dealt with in a timely, confidential, procedurally fair, and expeditious manner.
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TRAINING ON WORKPLACE HARRASSMENT AND VIOLENCE

The Municipality of the County of Pictou will develop the training. It will be reviewed and updated every three years and following any changes to an element of the training.

COMPLAINT PROCESS

REPORTING HARRASSMENT OR VIOLENCE IN THE WORKPLACE

The Municipality of the County of Pictou is committed to maintaining a workplace free from harassment and violence in which workers feel as safe as possible in reporting their concerns.

A worker can also report their concerns to an immediate supervisor, any person in management. A worker who reports sexual harassment has the option of dealing with an employer representative of the same gender (wherever possible).

Workers can make complaints of workplace harassment or violence verbally or in writing. They may have the assistance of a union representative or support person in preparing a written complaint or in communicating a verbal complaint. If the complaint is made verbally, the individual to whom the complaint is made will record the details provided by the worker.

There is no specific time limit for a current worker to submit a complaint of harassment or violence to their employer. However, a delay in making a complaint may affect The Municipality of the County of Pictou's ability to assess and investigate the alleged occurrence. Also, if the responding party no longer works for the Municipality, the Municipality is not required to investigate but is required to conduct a review and update of its workplace assessment.

Former workers generally have three months after the end of their employment to file a complaint of harassment or violence. Delays in filing may be acceptable in certain circumstances. As such, complaints should be made as soon as possible.

NOTIFICATIONS AND UPDATES

The Municipality of the County of Pictou's Chief Administrative Officer will appoint an investigator who will contact the principal party within five days of receiving the complaint to:

- confirm that a complaint has been received.
- explain how this policy may be accessed.
- explain each step of the resolution process; and
- advise the principal party that they may be represented at any time during the resolution process.

The Municipality of the County of Pictou's investigator will contact the responding party(s) in writing to let them know that the harassment or violence complaint has been filed. The investigator will provide details of the allegations that have been made against them and will also explain:

- how the policy may be accessed.
- each step of the resolution process; and

- that the responding party may be represented at any time during the resolution process.

After a harassment or violence complaint is received, the investigator will provide monthly updates on the status of the complaint to the principal party(s) and the responding party(s).

REPRISALS ARE PROHIBITED

Direct and indirect reprisals by and against any worker, including management, will not be tolerated. Some examples of reprisals include:

- treating a person with hostility
- excluding or isolating
- making negative remarks
- assigning demeaning duties
- engaging in discriminatory, harassing, or violent behaviour
- demoting, disciplining or dismissing a person because they exercised their rights or responsibilities under this policy

WORKERS ARE ALLOWED REPRESENTATION

The principal party and the responding party (the parties) may have a union representative or support person assist them throughout every stage of the complaint and investigation process, including during any conciliation process. The union representative does not speak for the complainant during the process. A witness may also be accompanied by a support person during an interview as part of an investigation. However, this person should not be a representative of the employer (legal or otherwise).

EARLY RESOLUTION OF THE COMPLAINT

The Municipality of the County of Pictou recognizes the importance of resolving workplace disputes quickly and will offer early resolution as soon as possible.

CONCILIATION

The Municipality of the County of Pictou recognizes the importance of resolving workplace disputes quickly and will arrange for conciliation where both parties agree to it and have agreed to a person to facilitate it. However, conciliation cannot be offered if an investigator has already submitted a report.

INVESTIGATION

If early resolution and conciliation are inappropriate or do not fully resolve the issue, a harassment or violence investigation will be conducted. The investigator will contact the parties to notify them that an investigation will be carried out.

The Municipality of the County of Pictou will select an investigator. Selection should occur as soon as possible but no later than 60 days after the parties receive notice of the investigation.

The investigation will be conducted in accordance with the principles of procedural fairness, and any applicable collective agreement.

The investigator's role is to consider relevant information about the complaint (including information received from the parties and from other witnesses) and determine:

- What happened?
- Does it amount to harassment, violence, or discrimination within the meaning of the CHRA, the Code, a workplace policy and/or applicable collective agreement?
- If so, what are the recommended remedial measures?

As part of the investigation process, the investigator will interview both parties and ensure that the principal party has a chance to set out the allegations and that the responding party has an opportunity to know what they are and respond to them. The investigator will also interview other witnesses if necessary and review documentation and information relevant to the investigation.

INVESTIGATION REPORT AND OUTCOME

The investigator will prepare a final report. The report will not directly identify any witness or third party.

The final report must include a detailed description of the incident, the investigator's conclusions and recommendations to eliminate or minimize the risk of similar incidents reoccurring. This report must not disclose, directly or indirectly, the identity of any witness or third party.

The investigation report will be provided to The Municipality of the County of Pictou's Chief Administrative Officer, the principal party, and the responding party.

The Municipality of the County of Pictou will determine which of the recommendations included in the investigator's report should be implemented. The Municipality of the County of Pictou is responsible for implementing these recommendations as soon as possible to

ensure that workplace harassment and violence is addressed quickly and effectively. At the latest, these recommendations will be implemented within one year after receiving the harassment or violence complaint.

MEANINGFUL RESOLUTION

The Municipality of the County of Pictou is committed to restoring the workplace through appropriate remedial measures. Remedial measures will be shared with the parties to the extent possible.

UNSUBSTANTIATED COMPLAINTS

If an investigator finds that there is insufficient evidence to support an allegation of harassment or violence, the complaint will be considered unsubstantiated. Typically, this means that corrective and remedial action will not be required.

CHALLENGING THE COMPLAINT PROCESS

If either party believes that the complaint is not being handled in accordance with this policy, they should contact their union representative.

RECORD KEEPING

The Municipality of the County of Pictou is responsible for keeping the workplace harassment and violence policy and the documents forming part of the workplace assessment.

The Municipality of the County of Pictou will keep the following records:

1. the workplace harassment and violence prevention policy
2. A copy of the documents that form part of the workplace assessment
3. A copy of the documents that form part of each review and update of the workplace assessment
4. a record of The Municipality of the County of Pictou's decision (and the reasons for that decision)
5. a record of each notice of occurrence (alleged incident of harassment or workplace violence) and of each action taken in response to the notice.
6. a document explaining the reason for a delay when a time limit is not met.
7. A copy of each investigation report
8. a copy of each fatality report (where relevant)

9 . Records listed above will be kept for a period of ten years.

UNION GRIEVANCE PROCEDURE

A unionized worker who has experienced harassment in the workplace may ask their union to file grievance under a collective agreement.

CONFIDENTIALITY

The Municipality of the County of Pictou and all individuals involved in a harassment or violence complaint are expected to respect the privacy and confidentiality of all other people involved while the complaint is being addressed under this policy. Confidentiality is intended to ensure the integrity of the complaint process, not to conceal allegations of harassment or violence.

REPEAL

All other policies with respect to workplace harassment and violence are hereby repealed.