



# CITY OF CORNER BROOK

## Policy & Procedure

<b>Index</b>	Human Resources	<b>Section</b>	Employee Conduct		
<b>Title</b>	Workplace Harassment	<b>Policy Number</b>	10-05-11	<b>Authority</b>	Council
<b>Approval Date</b>	22 Jan 07	<b>Effective Date</b>	22 Jan 07	<b>Revision Date</b>	

*"Treating each other with respect and consideration on a daily basis is key to building a workplace where every employee can contribute their best."*

### ***Purpose:***

The City of Corner Brook is committed to creating and sustaining a vibrant, healthy, safe, and harassment-free work environment for all employees and Council. To do so, all employees will be treated with respect, honesty, and dignity. Behavior and/or situations that run contrary to such treatment will not be tolerated.

### ***Policy Statement:***

It is the policy of the City of Corner Brook to provide a harassment-free workplace for all employees.

The City of Corner Brook promises to respond quickly to complaints of harassment and to resolve issues speedily, openly, honestly, and with appropriate privacy.

All managers of the City of Corner Brook have a responsibility to stop harassment in the workplace. If a manager becomes aware of such behavior anywhere within the operation, that manager must take immediate action to eradicate the problem whether or not a complaint has been made. A member of management who is aware of any harassing behavior and fails to take appropriate action will be subject to disciplinary action.

This policy is not intended to deny the rights of the complainant to process a complaint through the Newfoundland and Labrador Human Rights Commission, the Collective Agreement, or any other appropriate tribunal designed to deal with harassment issues.

### ***DETAILED ACTION REQUIRED:***

This policy applies to Mayor and Council and **ALL** employees of the City of Corner Brook; union and non-union. It applies in all circumstances where the City of Corner Brook, its operation, and staff are associated.

**NOTE:** Please refer to the City of Corner Brook Policy – Employee Conduct – Policy Number 10-05-10 for workplace incidents of Employee Misconduct and the process available to address the inappropriate behavior(s).

### ***Objectives:***

The City of Corner Brook is committed to working in collaboration with its employees to create a respectful and harassment-free workplace by:

- Encouraging positive employee/employer relations by providing for the fair and consistent treatment of staff throughout the city's organization; and

- Taking action to prevent and/or deal with harassing behavior wherever City business is conducted.

***Responsibilities:***

Council (or its designated committee) will:

- Review, amend, and adopt changes to this policy; and
- Investigate situations of harassment involving the Chief Administrative Officer and act as the final decision maker regarding discipline, if required, which may include termination.

The Chief Administrative Officer (or designate) will:

- Bring recommended changes of this policy forward to Council for consideration and approval;
- Investigate situations of harassment involving the Mayor and Council;
- Investigate situations of harassment involving Directors and the City Clerk and act as the final decision maker regarding discipline, if required, which may include termination;
- Act as the final decision maker in situations of harassment for all staff where termination is the recommended course of discipline; and
- Accept, and respond to, appeals from parties concerning decisions related to the investigations of harassment and/or discipline level issued.

The Directors will:

- Create and maintain a respectful workplace that is free from harassment;
- Ensure behavior is respectful and appropriate at all times;
- Accept responsibility for their own actions and behaviors and the impact on others;
- Recommend to the Chief Administrative Officer changes to this policy;
- Participate in the investigation process, when required;
- Take necessary corrective action for harassment based on the investigation process;
- Advise the Chief Administrative Officer of issues of suspension as a result of the investigation process; and
- Consult with the Chief Administrative Officer in situations of recommended termination.

Coordinators/Supervisors will:

- Create and maintain a respectful workplace that is free from harassment;
- Ensure behavior is respectful and appropriate at all times;
- Accept responsibility for their own actions and behaviors and the impact on others;
- Challenge harassing behavior by advising that such conduct is unacceptable when it occurs and refuse to participate in the behavior;
- Take a proactive role to stop harassment;
- Ensure awareness of and compliance with the policy and procedure;
- Take appropriate action in a prompt, impartial, and confidential manner when harassment issues come to attention;
- Support all parties involved in resolving issues under this policy;
- Actively participate in the investigation process as outlined in this policy and participate in the discipline process;
- Provide training to all employees to ensure that they understand the policy and the implications of harassment in the workplace; and



- Make sure no person suffers reprisal as a result of making a non-malicious complaint, or for providing information.

Human Resources will:

- Act as a resource in situations of harassment;
- Partake in the investigation process as outlined in this policy; and
- Recommend to the Director of Corporate Services changes to this policy and procedure.

Employees will:

- Ensure behavior is respectful and appropriate at all times;
- Accept responsibility for their own actions and behaviors and the impact on others;
- Challenge harassing behavior by advising that such conduct is unacceptable when it occurs and refuse to participate in the behavior;
- Report harassing behavior to someone in authority; and
- Immediately inform a supervisor if there is an imminent threat or risk of violence that could compromise an individual's safety.

### ***Definitions:***

*Complainant* – An individual(s) who has brought forward or files a complaint under this policy alleging harassment.

*Respondent* – An individual(s) named as the harasser in the complaint brought forward by the complainant alleging harassment.

*Appropriate Workplace Behavior* - It is not possible to itemize every instance of appropriate or inappropriate behavior. Nevertheless, the kinds of behaviors that support and create a respectful harassment-free workplace include:

- Being polite, courteous, and respectful of others
- Treating others equitably and fairly
- Listening to what others have to say
- Being open-minded to others' ideas, comments, and suggestions
- Seeking input and the active involvement of appropriate people in planning, decision-making, and implementing initiatives
- Recognizing and valuing the diversity among workgroup members, the customers, and citizens
- Willingly and sincerely apologizing to people when something said or done may have offended

*Inappropriate Workplace Behavior* - Inappropriate behavior is that which is objectionable and/or unwelcome to an individual and serves no valid work related purpose. When inappropriate behavior in the workplace is allowed to persist, a "poisoned work environment" may be created over time. There are three categories of inappropriate behavior addressed in this policy. They are:

- Personal Harassment
- Discrimination (Human Rights Harassment)
- Threats/Violent Acts

## **1. *Personal Harassment:***

Personal harassment is repeated, persistent, and intentional and is defined as a course of conscious behavior which is known or reasonably ought to be known to be harmful or hurtful to another person or persons in the workplace. Personal Harassment has no legitimate workplace purpose and can be objectively measured as more than the sort of trivial occurrence or inconsequential event that can be reasonably expected to take place in a work environment.

Personal harassment does not include supervisor/employee performance reviews or matters within the normal disciplinary processes of the City.

Examples of personal harassment include, but are not limited to:

- Written or verbal comments, behaviors or jokes that are rude, degrading, or offensive
- Jokes which are demeaning and result in embarrassment or insult
- Bullying, shouting which demeans, teasing, or taunting
- Deliberate exclusion of a particular employee from relevant work activities
- Attempting to discredit an employee by spreading false information about him/her

## **2. *Discrimination (Human Rights Harassment):***

The Canadian Human Rights Act and the provincial Human Rights laws protect employees from harassment related to work. According to legislation, discrimination is defined as behaviors, practices, policies, or systems which have an adverse impact based on: age, ancestry, color, family status, marital status, mental or physical disability, place of origin, race, religious beliefs, sexual orientation, source of income, or gender – including pregnancy and sexual harassment (discussed in detail below), or any other grounds covered by Newfoundland and Labrador Human Rights.

- Sexual Harassment - Sexual harassment involves conduct or comments of a sexual nature such as: unwelcome advances, requests, comments, physical contact or gestures.

*Examples of Sexual Harassment:*

- Verbal harassment
  - Sexual comments, jokes, gestures, noises, propositions
  - Cat calls or whistling in a demeaning manner with sexual overtones
  - Referring to an adult as “girl”, “boy”, “honey”, “sweetie”, or “babe”
  - Asking about sexual fantasies, preferences, or history
  - Making sexual comments about a person’s clothing, body, or looks
- Non-Verbal harassment
  - Sexual and/or derogatory comments about men/women on coffee mugs, hats, walls, computer screens, etc.
  - Display of sexual pictures
  - Making facial expressions, such as winking, throwing kisses, or licking lips
  - Making sexual gestures with hands and/or body movements
  - Letters, e-mail, posters, gifts and/or materials of a sexual nature
  - Invading a person’s body space, standing closer than appropriate or necessary
- Physical harassment
  - Any unwanted physical touching
  - Deliberate sexual touching or brushing up against, or leaning over, or pinching



- Touching or rubbing oneself sexually around or in the view of another person
- Patting, caressing, or fondling
- Tearing, pulling, or yanking a person's clothing
- Exposing herself/himself

### **3. Threats/Violent Acts:**

A threat is:

- any act, gesture, or statement that gives an employee reasonable cause to believe that there is risk of injury to themselves, another person, or damage to personal and/or City property;
- any statement, either verbal or written, that can be reasonably interpreted by a person to be menacing or taunting in nature and could result in harm to the individual. This could include, but not limited to, such things as coercion, intimidation, humiliation, bullying, ridiculing, or belittling.

Violent acts are defined as:

- any act that causes, or may cause, physical harm or significant emotional distress to a City employee or a member of the public;
- behaviors that are threatening to personal safety and require immediate action to prevent escalation.

**NOTE:** Where behavior may constitute a criminal offence, the City will refer those matters to the applicable law enforcement authority.

### ***PROCEDURE:***

#### ***Investigating Complaints:***

All investigations will protect the individual with the highest possible level of confidentiality.

**NOTE:** Incidents of threats or violence should be reported immediately to the immediate Supervisor.

#### ***Complaint Process:***

As a complainant, the individual have a responsibility to:

- Make their disapproval or unease known to the other person within a reasonable time, unless it is impractical to do so;
- Make a complaint to or seek assistance from the immediate supervisor, Human Resources, and/or a union representative, if applicable, within a reasonable period of time;
- Cooperate with those responsible for reviewing the complaint;
- Keep their involvement and complaint confidential; and
- Express the complaint honestly and accurately.

Individuals against whom a complaint has been made have a responsibility to:

- Participate in any investigation or review of a complaint;
- Seek assistance from the immediate Supervisor, Human Resources, and/or a union representative, if applicable, to obtain advice and direction on what may be the appropriate course of action, if so desired;
- Keep their involvement and nature of the complaint confidential; and
- Avoid further confrontation with the complainant.

*Complaint Process - Step 1: Direct Action*

The individual (complainant) who believes he/she has been subjected to harassing/inappropriate behavior should attempt to stop the inappropriate behavior by speaking with the person, either in person or written form. If the employee does not feel comfortable doing this, or does attempt this and it fails to achieve results, the employee can then proceed to the next step or Step 3 as necessary.

#### *Complaint Process - Step 2: Informal Action*

Informal procedures do not involve an investigation, a report, or any official decision. An employee who complains informally is enlisting the help of a Supervisor and/or Human Resources. The Supervisor and/or Human Resources can clarify to the complainant what constitutes harassment; how to proceed with the complaint, the need for the individual to create private, written records of the incident; and discuss other methods of resolution available. The Supervisor and/or Human Resources will keep confidential written notes regarding the complaint. The notes will contain the identity of the complainant and the respondent and any action taken regarding the complaint. The supervisor and/or Human Resources may make the person named in the situation aware of the concern if the complainant requests.

#### *Complaint Process - Step 3: Formal Action*

The complainant will prepare a written complaint giving details of the alleged harassment including relevant information such as dates, times, places, names of individuals involved in the incident, name of witnesses, etc. and submit to the immediate Supervisor who will copy the complaint, forward original to the Human Resources Office who will copy to the appropriate Director, and Chief Administrative Officer. If the complaint is concerning the immediate supervisor, the complainant will submit directly to the Director. If the complaint is concerning the Director, the complainant will submit to the Chief Administrative Officer. If the complaint is concerning the Chief Administrative Officer, the complainant will submit directly to Council who will receive consultation from the Human Resources Office. The respondent (person named in the complaint) will be made aware of the complaint, given a copy of this policy, and will be advised of their right to retain legal counsel at their expense or have union representation present during any meetings.

Upon receipt of the written complaint, an investigation team will be implemented consisting of the immediate Supervisor, Human Resources, and the Director, if necessary, or his/her assigns, who will interview (separately) the complainant, the respondent, and any witnesses within 10 days, where possible, of receipt of the complaint. Employee representation may be present if requested by the complainant and/or respondent. All employees must cooperate in the investigation, failure to do so may result in disciplinary action.

Following the interviews and depending on the nature of the incident, the investigation team may write a report and submit to the Director (if not a member of the investigation team) and/or the Chief Administrative Officer within 10 days of the conclusion of the investigation. The report will state who was interviewed, what questions were asked, what conclusions were made, and what form of discipline may be appropriate in this particular case.

If the allegations are substantiated, the Director and/or Chief Administrative Officer will follow up in writing with the parties within 10 days, if possible, outlining the course of action in the case and the discipline issued. In addition, the Director and/or Chief Administrative Officer will discuss the seriousness and the effects of the offense with the respondent, if necessary.

**NOTE:** Timeframes may be extended if required.

#### ***Appeals:***

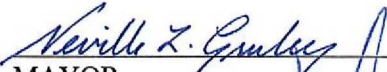
In the event the complainant is not satisfied with the results of the investigations, he/she may:

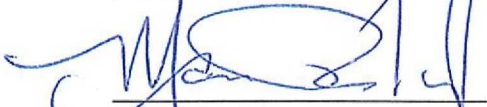
- Submit the complaint and investigation results to the Chief Administrative Officer for further consideration and action
- Contact the Human Rights Commission, if applicable, or other means of resolution

#### ***False or Frivolous Complaints:***

Complaints that are found to be false, frivolous or made in bad faith will not be tolerated and will be subject to appropriate disciplinary action.

IN WITNESS WHEREOF, this policy is sealed with the Common Seal of the City of Corner Brook.

  
MAYOR

  
CITY CLERK

