



CITY OF CORNER BROOK

Policy Statement

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| Index | Human Resources | | Section | Employee Conduct | | |
| Title | Respectful Workplace Policy | | Policy Number (Index-Sector-No.) | 10-05-14 | Authority | Council |
| Approval Date: | 01 Feb 2016 | Effective Date | 01 Feb 2016 | Last revision date | 06 December 2021 | |

Purpose:

The City of Corner Brook is dedicated to ensuring that employees are treated with dignity and respect which allows all employees to complete their duties in a healthy, safe and respectful environment, without fear of violence or harassment.

Policy Statement:

The City of Corner Brook will strive to ensure that every worker receives employment free from workplace harassment and violence. The City of Corner Brook is committed to eliminating, where possible, or to otherwise, minimizing the hazard of workplace harassment and violence.

The City of Corner Brook is dedicated to preventing any instance of violence and harassment in the workplace and such behaviors will not be tolerated. All employees of the City share in the responsibility to ensure that the workplace is a safe and welcoming place to work.

The City of Corner Brook Respectful Workplace Policy is not meant to stop free speech or interfere with everyday interactions.

Definitions:

Workplace

The workplace is the location where employees carry out their work duties. This may include, but is not limited to, office headquarters, external meeting locations, conference settings, work-related social events, vehicles, employer-approved travel.

Harassment Prevention Plan (HPP)

The City of Corner Brook Harassment Prevention Plan is a document that states the commitment and obligations of the employer, supervisor and workers and outline the process and procedures for dealing with a harassment complaint. The HPP procedures include the reporting process for complaints, the investigation process of complaints, and the notification process for those involved in the investigation. Section 22.(3) of the OHS Regulations define "harassment prevention plan" as a plan developed, implemented and maintained by the employer in accordance with section 24.1.

Workplace Harassment

Section 22.(2) of the OHS Regulations define “workplace harassment” as inappropriate vexatious conduct or comment by a person to a worker that the person knew or ought to have known would cause the worker to be humiliated, offended or intimidated.

Harassment based on Prohibited Grounds (Discrimination)

This form of harassment includes any inappropriate conduct, comment, display, action or gesture by a person that is made on the basis of race, color, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, and political opinion; and constitutes a threat to the health or safety of the worker.

Sexual Harassment

This form of harassment includes a direct or implied threat of reprisal for refusing to comply with a sexually-oriented request; unwelcome remarks, jokes, innuendoes, propositions or taunting about a person’s body, attire, sex or sexual orientation; displaying pornographic or sexually explicit pictures or materials; unwelcome physical contact, invitations or requests, direct or indirect, to engage in behavior of a sexual nature; or refusing to work with or have contact with workers because of their sex, gender or sexual orientation.

Personal Harassment

This form of harassment is sometimes referred to as bullying and includes any inappropriate conduct, comment, display, action or gesture by a person that adversely affects a worker’s psychological or physical well-being; the perpetrator knows or ought to reasonably know would cause the worker to be offended, humiliated or intimidated; and constitutes a threat to the health and safety of a worker. Personal harassment typically involves repeated occurrences. A single incident may also constitute personal harassment if it is serious or severe and is shown to have a lasting harmful effect on a worker.

Violence

Section 22.(1) of the OHS Regulations define “violence” as the attempted or actual exercise of physical force to cause injury to a worker and includes threatening statements or behaviors which give a worker reason to believe that he or she is at risk of injury.

Family Violence

Section 3 of the Family Violence Protection Act describes “family violence” as one or more of the following acts or omissions committed against an applicant (employee) or a child (employee’s child) by a respondent:

- (a) An assault that consists of the intentional application of force that causes the applicant to fear for his or her safety but does not include an act committed in self-defense;
- (b) An intentional, reckless or threatened act or omission that causes bodily harm or damage to property;
- (c) An intentional, reckless or threatened act or omission that causes a reasonable fear of bodily harm or damage to property;
- (d) Forcible physical confinement without lawful authority;
- (e) Sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation;
- (f) Conduct that causes the applicant to reasonably fear for his or her safety, including following, contacting, communicating with, observing or recording a person.

Reprisal

Reprisal is defined as any negative or inappropriate action taken as a result of an allegation of harassment, the filing of a complaint, or any participation in a resolution mechanism.

Section 22.(4) of the OHS Regulations states: A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace in not workplace harassment. Therefore, assigning and following up on assigned work, correcting inappropriate behavior or performance, changing a work schedule, administering discipline when warranted, etc. do not constitute harassment.

Detailed Action Required:

Risk Assessment

The City of Corner Brook in conjunction with the Supervisor of Occupational Health and Safety and the OHS Committees, will conduct a risk assessment of the work environment(s) to identify any issues related to potential violence and harassment. As per Section 22.1(1) of the OHS Regulations, the risk assessments shall include consideration of:

- (a) Previous experience in the workplace;
- (b) Occupational experience in similar workplaces;
- (c) The location and circumstances in which work may take place;
- (d) Workplace characteristics including demographics, culture and the presence of new workers; and
- (e) Issues raised by the occupational health and safety committee.

Confidentiality

Where the City of Corner Brook obtains personal information in the course of conducting a risk assessment, the City shall keep the personal information confidential and not disclose the personal information except for the purpose of an investigation or where required by law.

Duty to Inform

The City of Corner Brook shall inform workers who may be exposed to the risk of violence of the nature of the risk and the precautions that may be taken. The Duty to Inform includes a duty to provide information related to the risk of violence from persons who have a history of violent behavior and whom workers are likely to encounter in the course of their work.

Harassment Prevention Plan (HPP)

The City will develop, implement, and maintain a written harassment prevention plan. The plan will be reviewed at minimum, on an annual basis in accordance with applicable OHS Regulations. The HPP will be developed in consultation with the occupational health and safety committees and will cover the following:

- (a) Employer and Employee obligations;
- (b) Procedures for workers to report instances of harassment to an employer or supervisor or where the employer or supervisor is the alleged harasser, the procedures to report harassment to an external third party;
- (c) Procedures to be followed after a complaint of workplace harassment is received and the manner in which a complaint is investigated; and
- (d) Procedures regarding notification of results of investigations and any actions to be taken as a result of an investigation;

The Harassment Prevention Plan will be readily available and accessible to all workers in the workplace.

Seeking Immediate Assistance

Neither the Respectful Workplace Policy nor the Harassment Prevention Plan is intended to discourage a worker from exercising his or her rights under the *Human Rights Act, 2010*, the *Criminal Code (Canada)* or any other law of the province or of Canada.

The Human Rights Commission investigates allegations of harassment based on prohibited grounds as defined under the Human Rights Act.

Complaints regarding criminal harassment (stalking), sexual and physical assaults, uttering threats, damaging another person's property, and other complaints of criminal harassment that fall under the *Criminal Code (Canada)* are investigated through the appropriate policing authority. Of importance to note an investigation being conducted through a policing authority in no way limits or restricts the City's duty to investigate a complaint. Thus, one or many investigations may be ongoing simultaneously.

Responsibilities

All Employees and Contractors shall:

- Set a tone of mutual respect and well-being;
- Refrain from violent and harassing behaviors in the Workplace;
- Accept responsibility for their own behaviour and the impact of their behaviour on others;
- Report situations, observations, or experience of Violence or Harassment that threaten or perceive to threaten a safe work environment;
- Immediately inform, where they believe it safe to do so, individuals of any unwanted or unwelcomed behaviour;
- Contact a supervisor, manager, Human Resources, union member, or other appropriate resource for assistance in resolving an issue when needed;
- Immediately inform a manager/supervisor or the authorities (Royal Newfoundland Constabulary) if there is an imminent threat or risk of Violence that could compromise a person's safety;
- Participate fully in any interventions under this policy and identify any medical restrictions or limitations to such participation, if applicable;
- Participate fully and cooperate with any mediator, intervention professional, or investigator ; and
- Maintain confidentiality at all times during any Workplace investigation and/or Mediation process.

All Supervisors/Managers shall:

- Actively encourage and promote respectful interactions in the Workplace by ensuring all employees, contractors, students, volunteers, etc. under their supervision are aware of the policy;
- Actively encourage and promote respectful interactions in the Workplace by ensuring all employees, contractors, students, volunteers, etc. under their supervision have clear and achievable expectations;
- Model desired behaviour to support a respectful, safe, and inclusive workplace;
- Inform all employees, contractors, students, volunteers, etc. under their supervision of any potential risk of violence, of the nature of the risk, and the precautions that may be taken;
- Establish procedures and work arrangements which support a respectful, inclusive, and accessible work environment and eliminate or minimize the risk of violence, discrimination, or any other form of harassment, including acts or threats of Reprisal;
- Participate in training on harassment prevention;
- Take all complaints raised under this Policy seriously and address them in a prompt, confidential, and impartial manner and in compliance with the HPP;
- Immediately notify the Human Resources division upon becoming aware of any violence or harassment, regardless of whether the employee wish to pursue a formal complaint;
- Seek advice and assistance from Human Resources for constructive intervention when witnessing or becoming aware of conflict or disrespectful conduct in the workplace;
- Provide support to employees experiencing or witnessing Family Violence in the workplace and make them aware of resources that are available to assist those affected by Family Violence;
- Take every reasonable precaution to protect an employee, where they become aware, or ought reasonably to be aware, of Family Violence that would likely expose an employee to physical or psychological harm in the workplace;
- Report incidents of a criminal nature to the police;
- Document conversations, observations, witnesses, etc. and keep confidential records as required; and
- Apply appropriate disciplinary action where appropriate.

Human Resources shall:

- Work with managers and supervisors to implement this policy
- Provide necessary training, support, and guidance to employees, supervisors, and managers regarding policy interpretation, proper complaint handling, and how to deal with violations of this policy
- Provide conflict management services such as facilitated discussions, mediation, and coaching, when possible
- Undertake investigations as appropriate
- Ensure that the process for reporting and responding to incidents of violence, discrimination, or any other form of harassment is communicated, maintained, and followed as per the HPP
- Ensure workplace violence risk assessments are conducted to determine whether the nature of the workplace, the type of work, or the conditions of work may place employees at risk of violence
- Take all reasonable and practical measures to minimize or eliminate risks identified through the risk assessment process, workplace inspections, or the occurrence of a workplace violence incident

Union/Association Executives shall:

- Ensure their behaviour complies with this policy;
- Ensure respectful conduct in the workplace and guiding the behaviours of others;
- Provide advice, support, and assistance to Union/Association members as needed;
- Support Respectful Workplace training initiatives; and
- Ensure Union/Association members' rights under their collective agreement are protected.

Witnessing Actions in contravention of the Respectful Workplace Policy

It is the responsibility of all employees of to promote a workplace that is respectful and productive.

Any employee who witnesses violence or harassment is directed to:

1. Offer the person support and inform them that you witnessed the incident.
2. Encourage the person to come forward and let them know that you will be a witness and will provide a statement in the event of an investigation.
3. In some cases, where the person decides to confront the individual informally, you may be asked to be a witness to the conversation (or as support).
4. Where the person does not wish to make a complaint, it is still important that management is aware of the violent or harassing act taking place in the workplace. Tell your manager or a member of Human Resources what you witnessed so that this type of behavior can be eliminated at as soon as possible.

Violations of the Respectful Workplace Policy

Employees found to be in violation of this policy will be subject to discipline as outlined in the Employee Conduct Policy (Policy Number 10-05-10).

Fraudulent or Malicious Complaints

This Respectful Workplace Policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded/frivolous allegations of violence or harassment may cause both the accused person and the City significant damage. If it is determined by the City that an employee has knowingly made false statements regarding an allegation of violence or harassment immediate disciplinary action will be taken. Employees found to have filed a fraudulent or malicious complaint will be subject to the discipline as outlined in the Employee Conduct Policy.

Employee Support

Employees are encouraged to make use of the City's Employee & Family Assistance Program (EFAP) for any personal or workplace issues that they need help dealing with or if you have been a victim of workplace violence, bullying or harassment.

Policy Review

The City of Corner Brook will review the contents of this policy annually, or sooner, in the event of any incident occurring or when there are legislative changes related to a respectful workplace and bullying, harassment or violence in the workplace.

References

Criminal Code (Canada)
Collective Agreements - CUPE Locals 706, 768, 4386 and IAFF 1222
Contractor Orientation package
Employee Conduct Policy
Family Violence Protection
Harassment Prevention Plan
OHS Regulations Section 22 to 24

Acknowledgment and Agreement

I acknowledge that I have read and understand the Respectful Workplace Policy of the City of Corner Brook. Further, I agree to adhere to this Policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules/procedures outlined in this Policy, I may face disciplinary action, up to and including termination of employment.

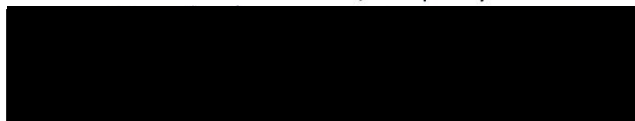
Name: _____

Signature: _____

Date: _____

Witness: _____

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



MAYOR



CITY CLERK