



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

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## **STATEMENT OF POLICY**

The Town of Conception Bay South (the Town) is committed to eliminating, where possible, or otherwise, minimizing the hazard of workplace harassment and to creating and maintaining a positive and professional workplace. Every worker with the Town is entitled to employment that is free from workplace harassment. In support of this, the Town will regularly review the potential activities that may lead to workplace violence and harassment and put preventative measures in place.

In addition, the Town expressly prohibits any form of discrimination and workplace sexual harassment, as defined under the Newfoundland and Labrador Human Rights Act, and any form of workplace violence and workplace harassment, as defined by the Newfoundland and Labrador Occupational Health and Safety Regulations and in the Criminal Code of Canada. All measures are specifically designed to meet the requirements under the Newfoundland and Labrador Occupational Health and Safety Regulations.

## **APPLICABILITY**

This policy applies to the following:

- All employees, including both union and non-union/management staff and those employed on a contractual basis;
- Contractors or subcontractors doing business with the Town or completing business on the Town's authority;
- Volunteers;
- Students; and
- Council.

## **AUTHORITY**

- Newfoundland and Labrador Occupational Health and Safety Regulations
- Newfoundland and Labrador Human Rights Act, 2010
- Access to Information and Protection of Privacy Act, 2015 ("ATIPPA") Criminal Code of Canada



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
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---

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## **TRAINING**

All employees will be trained on the Respectful Workplace Policy, as well as any procedures for individual departments and positions. The Town 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.

Appropriate instruction and information will be provided to all workers so they will know:

### General:

- Definitions of workplace violence, family violence and harassment.
- Roles and responsibilities of the Town, management, employees, Council, and union.
- What constitutes harassment and what is not considered harassment.
- Types of harassment.
- Respectful and professional behaviour.

### Workplace Violence:

- How to summon immediate assistance;
- How to report incidents of workplace violence to the employer or supervisor;
- How the employer will investigate and deal with incidents, threats, or complaints; and;
- Understand and be able to carry out the measures and procedures that are in place to protect them from workplace violence.

### Workplace Harassment:

- How to report incidents of workplace harassment to the employer or supervisor;
- How to report incidents of workplace harassment where the employer or supervisor is the alleged harasser;
- How the employer will investigate and deal with incidents or complaints of workplace harassment;
- How information about an incident or complaint of workplace harassment will be kept confidential; and
- That the results of an investigation will be provided to the worker who alleged harassment and to the alleged harasser (if working for the same employer). Corrective action will be taken and provided to the relevant parties based on the outcome of the investigation.

Further to this, depending on the nature of the position, additional external training may be completed.



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**Policy Number: 093**

**Resolution Number: 21-237**  
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---

---

## **VIOLATIONS OF THIS POLICY**

All workers are expected to abide by this Policy. Employees who violate this Policy may be subject to disciplinary measures, up to and including termination of employment. Violations of this Policy may also lead to civil and/or criminal liability.

## **RESPONSIBILITIES**

Safety is of the utmost importance in the daily operations of all lines of business and services provided by the municipality. This is a shared responsibility of every worker of the Town. It is everyone's responsibility to comply with this Policy and ensure a safe work environment free from violence and harassment for all workers and the public.

Employees:

- Do not engage in bullying, workplace harassment or workplace violence.
- If you see a co-worker being victimized by workplace violence and/or harassment, provide them with support and bring the matter forward in the appropriate manner.
- Report instances of workplace violence and harassment to the appropriate individuals (Supervisors/Managers, Human Resources/Occupational Health and Safety, union representatives) within twelve (12) months to have the issue addressed.
- Participate in any investigative processes as required by this Policy and to keep the contents of the investigation confidential.
- Familiarize themselves and comply with this Policy.
- If there is a situation in which a worker is fearful of family violence or believe there is a potential of, they are requested to advise their Supervisor/Manager, Human Resources/Occupational Health and Safety, or their union representative of the concern.
- Participate in any accommodation process as required by this Policy.
- If there is an incident but the direct Supervisor/Manager is not working at that site or is otherwise unavailable, then the employee is responsible for immediately notifying another non-union employee who is working at that time.

Supervisors/Managers:

- Do not engage in bullying or workplace harassment or violence.
- Model respectful and professional behaviour with employees, the public, and contractors.
- Educate workers and contractors about the Workplace Violence and Harassment Policy.
- Respond to situations in which workplace violence and harassment have occurred.



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**Policy Number: 093**

**Resolution Number: 21-237**  
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---

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- Ensure the health and safety of workers.
- Comply with and apply this Policy.
- Monitor work performance to ensure that the workplace is free of violence and harassment.
- Discuss performance problems with employees via workplace counselling or progressive discipline, as required.
- Remind employees about the Town's Confidential Employee and Family Assistance Program and familiarize them with the various ways to contact the Program for assistance.
- Encourage workers to speak with a trusted representative on any concerns with workplace violence and harassment or family violence.
- Follow up with the Occupational Health and Safety Coordinator and/or Human Resources Manager regarding any accommodations that may need to be made for an employee.
- Follow the investigation guidelines and processes as outlined in this Policy and participate in any investigations as required.

**Senior Executive:**

- Do not engage in bullying, workplace harassment or violence.
- Model respectful and professional behaviour with employees, the public, Council, and contractors.
- Champion a safety culture in which workplace violence and harassment is prohibited.
- Support Supervisors/Managers in the implementation of this Policy.
- Comply with this Policy.
- Provide the necessary resources as required under this Policy.
- Respond to situations in which workplace violence and harassment have occurred.
- Monitor work performance to ensure that the workplace is free of violence and harassment.
- Remind employees about the Town's Confidential Employee and Family Assistance Program and familiarize them with the various ways to contact the Program for assistance.
- Encourage workers to speak with a trusted representative on any concerns with workplace violence and harassment or family violence.
- Follow the investigation guidelines and processes as outlined in this Policy and participate in any investigations as required.
- Provide the necessary resources as required under this Policy.



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
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---

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Human Resources Manager/Occupational Health and Safety Coordinator:

- Do not engage in bullying, workplace harassment or violence.
- Model respectful and professional behaviour with employees, the public, Council, and contractors.
- Comply with this Policy.
- Provide education and knowledge about resources to staff and management.
- Provide support to staff and management regarding the Policy.
- Update and publish the Policy as required.
- Assist with any accommodations that may be required.
- Conduct investigations of workplace violence or harassment and designate alternate investigator(s) as required.

Union Executive:

- Do not engage in bullying, workplace harassment or violence.
- Model respectful and professional behaviour with employees and management.
- Provide representation to employees, as required and requested, in a timely manner.
- Provide support to employees that have been affected by workplace violence and harassment.
- Comply with this Policy.
- Bring forward any reported concerns that employees have regarding workplace violence and harassment to have the issue addressed.

Council:

- Do not engage in bullying, workplace harassment or violence.
- Model respectful and professional behaviour with employees and the public.
- Champion a safety culture in which workplace violence and harassment is prohibited.
- Comply with this Policy.
- Provide the necessary resources as required under this Policy.
- Follow the investigation guidelines and processes as outlined in this Policy and participate in any investigations as required.

## **Part I - WORKPLACE VIOLENCE:**

### **1.0 DEFINITIONS**

**Workplace Violence** (Newfoundland and Labrador Occupational Health and Safety Regulations, Section 22): "Violence" means the attempted or actual exercise of physical



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

---

force to cause injury to a worker and includes threatening statements or behaviour which gives a worker reason to believe that he or she is at risk of injury.

**Family Violence** (Newfoundland and Labrador Family Violence Protection Act): "Family violence" means one or more of the following acts or omissions committed against an applicant or a 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-defence;
- (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;
  - (f.1) conduct that causes psychological or emotional harm or a reasonable fear of that harm, including a pattern of behaviour the purpose of which is to undermine the psychological or emotional well-being of the applicant or a child;
  - (f.2) conduct that controls, exploits or limits the applicant's access to financial resources for the purpose of ensuring the applicant's financial dependency; and
- (g) the deprivation of food, clothing, medical attention, shelter, transportation or other necessities of life.

Violence may come from a variety of possible sources, including workers, contractors, workers' domestic partners, residents, visitors and the general public.

Workplace violence does not include most accidental situations, even if a worker is hurt as a result of the accident. However, each incident will be assessed on a case-by-case basis for the purposes of determining whether an incident constitutes workplace violence and/or harassment.



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

---

## **2.0 PREVENTION AND INTERVENTION**

Prevention and intervention are key to achieving an environment free of workplace violence. The Town supports this by providing a clear Policy statement, an internal reporting system, and by providing training.

The Town shall conduct a risk assessment which shall include consideration of:

- Previous experience in the workplace;
- Occupational experience in similar workplaces;
- The location and circumstances in which work may take place;
- Workplace characteristics including demographics, culture and presence of new workers; and
- Issues raised by the Occupational Health and Safety Committees.

In addition to the above, the Town shall conduct periodic site inspections regarding site access and security.

### **Risk Assessment**

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

Where the risk of injury to workers from violence is identified by an assessment performed as per the above, the Town shall:

- Establish procedures, policies and work environment arrangements to eliminate the risk to workers from violence; and
- Where elimination of the risk to workers is not possible, establish procedures, policies and work environment arrangements to minimize the risk to workers.

### **Disclosing Persons with a History of Violence**

When workers may be exposed to the risk of violence, the Town has a duty to inform and provide information that it is organizationally aware of and related to the risk of violence from persons who have a history of violent behaviour with the Town and whom workers are likely to encounter in the course of their work.

Such disclosure shall only be made by the appropriate personnel, who shall consider the nature of the violence, how long ago the violence occurred, and if appropriate, the triggers



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

---

of the aggression. Only information that is reasonably necessary to protect workers from physical injury will be disclosed.

### **3.0 REPORTING AND RESOLVING ISSUES**

#### **Immediate/Emergency Concerns**

Workers who are concerned about their immediate safety should remove themselves from the violent or potentially violent situation immediately. Alert the supervisor/manager as soon as possible and if, necessary call 911. If working alone, the third-party provider can be notified by using the emergency button on the app as well, if applicable.

When dealing with irate clients, please follow the appropriate steps as outlined in Procedure 027 – Dealing with Irate Clients Safe Work Procedure.

#### **Consultation and Information**

Individuals can obtain information about workplace violence with an advisor including their immediate supervisor/manager, their Director, Occupational Health and Safety Coordinator, Human Resources Manager, or their union representative, where applicable. Such informal consultation will not constitute a report of workplace violence.

If you have experienced violence in the workplace, you may also consult with the Town's Employee and Family Assistance Program for advice on how to proceed and obtain support.

#### **Reporting Workplace Violence or Threats of Workplace Violence**

Workers are required to report any incident which may be considered workplace violence or threat of workplace violence as soon as possible to their immediate supervisor/manager. The report should outline the details of the incident, any witnesses who were present, and any physical evidence of the violence or threat (see the Workplace Violence or Harassment Incident Report).

#### **Reporting Family Violence**

Where the Town becomes aware, or ought reasonably to be aware, that family violence would likely expose a worker to physical or mental injury and may occur in the workplace, the Town shall take every precaution reasonable in the circumstances for the protection of the worker. Workers are encouraged to notify a supervisor/manager, the Human Resources Manager, the Occupational Health and Safety Coordinator or their union





**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

---

representative if they have any potential concerns regarding family violence. Any disclosure on this matter will be kept confidential and only required personnel will be advised of any arrangements made to ensure worker safety. Reasonable precautions will be determined on a case-by-case basis and may include the development of an individual safety plan for the affected worker.

## **PART 2 – WORKPLACE HARASSMENT:**

### **1.0 DEFINITIONS**

**Discrimination** (Newfoundland and Labrador Human Rights Act): The Newfoundland and Labrador Human Rights Commission defines discrimination as a distinction or differential treatment of an individual on the basis of a prohibited ground, whether or not the differential treatment is intentional. The Newfoundland and Labrador Human Rights Act identifies the following as prohibited grounds of discrimination: race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability/perceived disability, disfigurement, sex (which includes pregnancy), sexual orientation, marital status, family status, gender expression and/or gender identity, source of income and political opinion.

**Workplace Harassment** (Newfoundland and Labrador Occupational Health and Safety Regulations): 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 any of the prohibited grounds under the Newfoundland and Labrador Human Rights Act is considered discrimination. Any form of harassment is considered inappropriate and detrimental to a positive work environment and will not be tolerated.

Examples of harassment include, but may not be limited to:

- Unwelcome remarks, jokes, insults, nicknames, innuendo, or taunting;
- Bullying;
- Repeated offensive or intimidating phone calls or emails;
- Posters, notices, bulletins, or electronic photos which may cause offence and encourage discrimination, or create a hostile environment;
- Racial or ethnic slurs, and use of terminology that reinforces stereotypes based on prohibited grounds;
- Abuse of supervisory authority that endangers a person's employment, work performance or interferes or negatively influences the person's career. This



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**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

---

includes misuses of power including intimidation, threats, blackmail and coercion; and;

- Public humiliation or degrading behaviour to a subordinate or co-worker, swearing or yelling at a subordinate or co-worker in an aggressive manner.

What is not considered harassment:

- A reasonable action taken by the Town or supervisor relating to the management and direction of workers or the workplace is not workplace harassment. This can include possible unpleasant consequences for a worker (i.e. disciplinary action, performance management, changes to schedules or duties, implementation of policies, etc.); and
- Differences of opinion or disagreements between co-workers that are handled respectfully.

**Workplace Sexual Harassment** (Newfoundland and Labrador Human Rights Act): is also considered harassment pursuant to this Policy and includes the following:

- Unwelcome remarks, jokes, innuendos, or taunting about a person's body, attire or sex;
- Practical jokes of a sexual nature which cause awkwardness or embarrassment;
- Displaying pornographic pictures, posters, graffiti or other offensive material;
- Questions or comments about an individual's sexual preferences;
- Leering (suggestive staring) or other obscene or suggestive gestures;
- Unwanted sexual flirtations, advances, or propositions;
- Unwanted physical contact including touching, kissing, patting and pinching;
- Persistent unwanted contact or attention following the end of a consensual relationship;
- Gender-based insults;
- Derogatory conduct towards a person based on his or her conformity or non-conformity with traditional gender-role stereotypes; and
- Conduct such as stalking.

## **2.0 PREVENTION AND INTERVENTION**

Prevention and intervention are key to achieving an environment free of discrimination and harassment. The Town supports this by providing a clear policy statement and an internal reporting system, and by providing training regarding worker and employer rights and responsibilities.



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

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## **Condoning**

If a person in authority knows, or should reasonably have known, that discrimination or harassment may have occurred and fails to take appropriate action, the person in authority has condoned the discrimination or harassment and may be subject to sanctions such as disciplinary measures, up to and including termination of employment, under this Policy.

Individuals who observe a situation involving the harassment of, or discrimination against, another or others have a responsibility to inform the harasser of this Policy, and report it to the Human Resources Manager or the Occupational Health and Safety Coordinator, recognizing that individuals who experience discrimination or harassment are often reluctant to report it.

## **Self-Help Measures**

Individuals who feel they are victims of harassment have a right and responsibility to take self-help measures wherever possible or pursue the complaint process. Whenever and wherever possible, self-help measures should be used prior to filing a formal complaint. This includes communicating with the harasser (i.e. telling them face-to-face, via telephone, or in writing) indicating that his or her behaviour is offensive and unwanted. It is recognized that self-help measures may be challenging to implement, particularly if the harasser is a patron or the individual's supervisor. An employee may request assistance from an advisor (Human Resources Manager, Occupational Health and Safety Coordinator, union representative) with this process.

## **PART III REPORTING AND RESOLVING ISSUES**

### **1.0 Definitions:**

**Complainant** - an employee who believes that they have been subjected to conduct which constitutes harassment or discrimination under the Policy and files a verbal and/or written accusation or brings a formal complaint against a Town employee or other individual to whom this Policy applies.

**Respondent** - a person who is the subject of a complaint of harassment or discrimination complaint and is alleged to have violated this Policy.



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

---

**Designated Representative** - may refer to Human Resources or someone with authority to act on behalf of the Respondent.

**Disciplinary Action** - is a consequence of a violation of the Policy and will take into consideration the nature and impact of the violation, and may include a verbal or written reprimand, suspension (with or without pay), or termination of employment (with or without notice) or other consequence for an employee's action.

**Remedial Action** - will take into consideration the nature and impact of the violation, and may include training, coaching, counselling or awareness education, disciplinary action, or for contractors the termination of contract or removal of the contractor and/or their employees.

**Workplace** - means any place where business or work-related activities are conducted including over the telephone, email or electronic communication. It also includes, but is not limited to, the physical work premises, Town vehicles, work-related social functions, travel, conferences, seminars, training sessions, or in the provision of goods, services, facilities or accommodation.

**Investigator** - is the person assigned by the Town to investigate a complaint pursuant to this Policy and to prepare a report of the facts, together with a statement of the position of each of the Complainant and the Respondent. The investigator shall have no power to determine the complaint and will not offer an opinion on the issues raised by the Complainant.

## **2.0 Procedure**

### **Consultation and Information**

Workers who believe they have been subjected to workplace harassment, violence, or discrimination are encouraged, whenever possible, to address the issue on an informal level where they are comfortable doing so. Supervisors/Managers, Human Resources/Occupational Health and Safety, and union representatives can be consulted on how to best achieve the desired outcome as well. However, this does not prevent the employee from filing a formal complaint should they so desire.

Further, if you have experienced harassment and/or discrimination in the workplace, you may also consult with the Town's Employee and Family Assistance Program.



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

---

### **Filing of a Formal Complaint**

- The complainant will submit a written complaint to their Supervisor/Manager, the Human Resources Manager, Occupational Health and Safety Coordinator, Union Executive, or the Enforcement Manager within twelve (12) months of the event. The complaint will provide details of the alleged harassment, including dates, times, places, names of individuals involved and names of any witnesses (See the Workplace Violence or Harassment Incident Report).

If the Respondent is an individual designated to receive complaints pursuant to this Policy, such as supervisor, manager or Human Resources, the Complainant should report the complaint to another individual designated to receive complaints pursuant to this Policy, such as another supervisor, manager or Human Resources person.

- The Respondent will be notified of the complaint without undue delay.
- The Complainant will be advised that the designated representative(s) will investigate, in accordance with the Investigation Procedure outlined in this Policy and the Workplace Harassment Investigation Template. The investigation will include interviews with the complainant, the respondent, and where applicable any relevant witnesses. Information related to the complaint to prove or disprove an allegation will also be gathered.

### **INVESTIGATION PROCEDURES**

1. If a complaint is not informally resolved, it will be formally investigated.
2. All Town workers, including contractors, must fully co-operate in any investigation under these guidelines. Failure to co-operate in an investigation may result in disciplinary action, up to and including termination. Unionized employees will be provided representation in accordance with the provisions of the Collective Agreement.
3. The Designated Representative will appoint an investigator (either themselves, a designated employee trained in the investigation process or an external resource).

The Investigator will interview the Complainant, the Respondent, any witnesses or any other person deemed necessary as part of the investigation. The Investigator



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

---

- has the power to interview witnesses, take written statements and review documentation.
4. The Investigator will meet with the Complainant to obtain a verbal and/or written statement of the incident(s).
  5. The Investigator will meet with the Respondent to officially inform the Respondent of the harassment complaint received; provide a copy of the complaint to the Respondent and ask the Respondent to review and provide a verbal or written response to the complaint. If a verbal statement is preferred, the Respondent will review and sign the typed version of the verbal statement.
  6. The Complainant and the Respondent will have an opportunity to meet with the Investigator separately to provide details of the alleged incident(s). The Complainant and the Respondent will also have an opportunity to respond to the information raised through the various interviews with witnesses, etc. throughout the investigative process. The Complainant and the Respondent will be informed of the progress of the investigation.
  7. Information collected during the investigation will include the names of the parties involved, the date of the incident, the details of the incident, names of witnesses and information gathered from them, notes from interviews and meetings, associated documents or evidence and actions taken as a result of the incident or complaint and investigation.
  8. All information obtained from the interviews will remain as confidential as possible.
  9. Subject to disclosures required by ATIPPA, Individuals who were interviewed during the process of the investigation are entitled only to the documentation related to information they provided, or information provided by others that refers specifically to them. Participants must refrain from discussing the details of the investigation or their knowledge of the alleged incident(s) with anyone other than the Investigator.
  10. Once the Complainant, Respondent and witnesses have been interviewed, an investigation report will be prepared by the Investigator and forwarded to the Chief Administrative Officer and/or Town Clerk. The report shall summarize the information obtained in the investigation and make findings of fact.



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

11. For investigations on Senior Management, the Chief Administrative Officer and/or Town Clerk will review with Council. When investigations involve members of Council, the remaining members of Council along with the Chief Administrative Officer will review the findings.

Based on the investigation report, recommendations to address the violence or harassment will be made by the appropriate Town officials, as listed above. These may include, but are not limited to, a formal apology, appropriate counselling for those involved, a meeting together with both parties (the nature of which would be determined on a case-by-case basis), discussion with the respondent regarding expected and appropriate workplace behaviour and responsibilities, and/or disciplinary action, up to and including termination or any other remedy as dictated by the circumstances.

12. The Complainant and Respondent will be notified of the results of the investigation.
13. If the investigation reveals that the complaint is valid, prompt attention and any disciplinary action designed to stop the harassment and prevent its recurrence will be taken.

### **APPLICATION OF POLICY TO MEMBERS OF COUNCIL**

As the Policy and this Procedure apply to conduct within the context of the workplace, neither the Policy nor this Procedure apply to members of Council respecting their conduct in their public capacity as elected officials. Residents or other members of the public may not make a complaint against a Council member pursuant to the Policy or this Procedure. The purpose and intent of the Policy and this Procedure is to ensure respectful workplace behaviour. As such, members of Council are bound by the Policy and this Procedure only to the extent as they relate to interaction with employees, contractors and other persons within the context of their employment in the workplace.

### **OTHER REMEDIES**

This Policy is not intended to discourage an employee of the Town from exercising their rights under the *Human Rights Act, 2010*, the *Criminal Code (Canada)* or any other law of the province or of Canada. Participation in the complaint process in no way restricts an employee's right to file a complaint, within the prescribed time limits, under relevant provincial and Human Rights legislation. If an employee has questions with respect to the



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

*Human Rights Act, 2010*, the employee is encouraged to contact the Newfoundland and Labrador Human Rights Commission

### **MALICIOUS OR FRIVOLOUS COMPLAINTS**

A frivolous, vexatious or bad faith complaint means that a person has made a complaint under the Policy that they knew was untrue. Should an employee intentionally make a knowingly false or frivolous complaint of harassment or discrimination, or make a complaint in bad faith, the Complainant may be subject to disciplinary action up to and including termination of employment.

Unwarranted or frivolous complaints differ from any unsubstantiated complaints. Unsubstantiated complaints are made in good faith, however insufficient evidence exists to either prove or disprove the veracity of the complaint. There will be no reprisal or discipline for unsubstantiated complaints made in good faith.

### **ACCOMMODATION**

During the course of an investigation or when notified of the potential of family violence or in the event that an employee is working with an alleged harasser, the Town will work with the applicable employee(s) to accommodate them, as reasonably practicable, to ensure their health and safety and the health and safety of others in the workplace.

### **CONFIDENTIALITY**

Every effort will be made to maintain the confidentiality of all Complaints concerning harassment and discrimination. All parties involved in investigations of complaints of discrimination or harassment will be treated with the strictest of confidence, however formal resolution investigations often cannot be carried out anonymously.

All information obtained relating to workplace harassment, or collected and retained during an investigation, including personal information, will be kept confidential unless disclosure is necessary for the purpose of an investigation, disciplinary action relating to the complaint or where required by law (including, but not limited to, court proceedings, arbitration, compliance with the *Access to Information and Protection of Privacy Act, 2015*, (“ATIPPA”) or other legal proceedings).

During the investigation process, Town officials will limit disclosure of investigation related





**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

---

information to that which is necessary to resolve the complaint.

The identity of the Complainant and the allegations contained in the complaint will be made known to the Respondent who is alleged to have engaged in harassment or discrimination and they shall have an opportunity to respond to the allegations. Only those people involved in the investigation process will have access to the information collected including the Complainant, Respondent, witnesses and others involved in resolving the complaint. The names of the individuals involved and the circumstances will only be divulged as required to facilitate their participation in investigating and resolving the complaint, if required by law, or pursuant to this Policy.

All written statements, documents, or other materials pertaining to the complaint will be stored, released or disclosed in accordance with the requirements set forth by the ATIPPA.

### **COLLECTIVE AGREEMENTS AND LEGISLATION**

In the event that any portion of this Policy is inconsistent with a binding Town collective agreement (where applicable to an employee) or applicable federal or provincial legislation, or is otherwise void, invalid, illegal or unenforceable, that portion of the Policy, and only that portion of the Policy, shall have no application to the extent of the inconsistency. The remainder of the Policy or the application of such provision or portion thereof shall not be affected and shall continue in full force and effect.

### **RECORD KEEPING**

All information gathered during the investigation will be maintained in a secure file by the internal investigator(s), separate from the personnel file. Records to be kept on file include a copy of the complaint or details about the incident; a record of the investigation including notes; copies of witness statements, if taken; a copy of the investigation report, if any; a copy of the results of the investigation that were provided to the worker who reported workplace harassment and the alleged harasser; a copy of any corrective action taken to address the complaint of incident or workplace harassment and a copy of any photos and/or videos or any other relevant information to the investigation. If an external investigation occurs then the report from the investigator will be maintained by the applicable Town officials. If the investigation determines that it is unfounded then no information will be kept in any employee's file on the investigation. As per the Newfoundland and Labrador Occupational Health and Safety Regulations, records must be kept for at least one year from the conclusion of the investigation.



**Title: Respectful Workplace Policy**  
**Policy Number: 093**

**Resolution Number: 21-237**  
**Date Approved: June 15, 2021**

---

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## **RETALIATION**

Any employee who feels they have experienced harassment or discrimination in the workplace has the right to make a complaint or enforce their rights under the Policy without threats, reprisal or retaliation. Submitting a complaint in good faith, even where the complaint cannot be proven, is not a violation of the Policy. The Town shall protect its employees from retaliation and will provide support to employees when workplace harassment occurs.

Retaliation or reprisals against an employee who has filed a complaint in good faith under the Policy or who has, in good faith, provided information regarding a complaint are prohibited. Any retaliation or reprisal will be subject to immediate corrective action, up to and including termination of employment or contract. Alleged retaliation or reprisals are subject to the same investigative procedures and penalties as complaints of harassment and discrimination.

## **REVIEW**

The Respectful Workplace Policy will be reviewed as necessary, but at least annually and changes made to the Policy will be reviewed with all management and employees.

## **FORMS**

The below forms can be accessed from each building's OHS bulletin boards and on Laserfiche under 1300-1599 Information Management and Technology/1350 Forms Management/Staff Forms/OHS.

1. Workplace Violence or Harassment Incident Report
2. Workplace Harassment Investigation Template

*I have read and been informed about the content, requirements, and expectations of this Respectful Workplace Policy for employees of The Town of Conception Bay South, as well as the accompanying Workplace Violence or Harassment Incident Report and Workplace Harassment Investigation Template. I have received a copy of the Policy and the appendices and agree to abide by them as a condition of my employment and my continuing employment at the Town of Conception Bay South.*

Employee Signature: \_\_\_\_\_

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

Employee Printed Name: \_\_\_\_\_