

Workplace Harassment Prevention Policy

Date adopted by Council: May 9, 2023



1. POLICY STATEMENT

The Town of Lunenburg is committed to providing an environment free from all forms of harassment, discrimination and disrespectful behaviour. The Town expects and promotes respectful interactions which show regard for the rights, dignity, health and safety of all.

The Town will not tolerate, ignore or condone workplace harassment, discrimination or any pattern of inappropriate, disrespectful behaviour that a reasonable person would consider to be humiliating, demeaning, offensive or intimidating.

2. PURPOSE

The purpose of this policy and procedures is to set clear expectations of respectful workplace behaviour and to prevent disrespectful, harassing or discriminatory workplace behaviours from occurring. Additionally, this policy and procedures outlines the steps required to report and resolve complaints of disrespect, harassment and discrimination.

3. APPLICABILITY

This policy and procedures applies to all full-time, part-time, casual, temporary employees, and Council. Volunteers and contractors are afforded the same rights and protections provided by this policy, while performing authorized activities for the Town of Lunenburg.

4. RESPONSIBILITIES

Council will:

- Adhere to the Workplace Harassment Prevention Policy.
- Work in a safe and professional manner.
- Demonstrate respect towards all Town staff.
- Participate in investigations when required.

The Chief Administrative Officer (CAO) will:

- Implement and maintain the Workplace Harassment Prevention Policy.
- Designate roles to staff to help administer this policy and procedures.
- Raise awareness by communicating organizational values to employees and modelling appropriate behaviours.
- Implement reasonable corrective and/or disciplinary actions because of breaches to the policy and procedures where necessary.

- Participate, when required, in the informal and formal complaint process.
- Review all formal harassment complaints.
- Participate in investigations when required.

5. REVIEW

This policy and procedures will be reviewed annually.

TOWN OF LUNENBURG
Clerk's Annotation for Official Policy Book

Policy: Workplace Harassment Prevention Policy

Date of Notice to Council: April 25, 2023

Date of Adoption: May 9, 2023

I certify that this Policy was adopted by Council as indicated above.



Municipal Clerk

Date: May 10, 2023



ADMINISTRATIVE PROCEDURES

Workplace Harassment Prevention Policy

Date approved by the CAO: May 9, 2023

6. SCOPE

For the purposes of this policy and procedures, harassment is conduct in which an employee exhibits offensive behaviour to another employee or group of employees, and where that individual knew or should have reasonably known the behaviour would cause offence or harm.

The scope of harassment includes verbal, written or physical behaviours made in-person or virtually through email or other online platforms.

The prohibited behaviour does not have to be directed at a specific employee; it can include the workplace in general, creating a poisoned workplace environment.

6.1 Types of harassment include:

Exclusion: Exclusion involves shunning or ostracising an individual or group of individuals. It can include, but is not limited to, isolating others by:

- No longer communicating with them.
- Ignoring their presence.
- Distancing them from others.
- Purposefully omitting them from decisions, conversations, and work-related events without valid reason.

Physical harassment: Physical harassment involves any unwelcome physical behaviour including threatening or offensive gestures, physical intimidation, coercion, or assault.

Poisoned Workplace Environment: A poisoned workplace environment occurs when inappropriate conduct is so frequent that it results in a hostile or offensive workplace. The conduct may not be directed at anyone in particular but has the overall effect of creating an uncomfortable environment that negatively affects well-being and productivity.

Behaviours contributing to poisoned workplace environments include, but are not limited to:

- Sexual, racial, and religious insults or jokes, including those regarding sexual orientation.
- Abusive treatment of other employees, such as frequent name calling, insults or exclusion.
- Intimidating actions such as yelling, slamming doors, kicking desks or throwing objects.
- Regular use of profanities and/or abusive language, even if it is not directed at a specific person.

- Undermining other employees' reputations through malicious gossip, negative electronic postings or cyber-bullying.

Racial Harassment: Racial harassment is offensive behaviour based on the grounds of race, colour, citizenship, place of origin, ancestry or ethnic background that includes, but is not limited to:

- Derogatory communications, images or offensive stereotypical conduct (e.g. racial slurs, ethnic jokes, insulting depictions, adverse differential treatment.)
- Criticizing or being intolerant to racial differences in appearance or customs.

Sexual Harassment: Sexual Harassment means any offensive or bothersome conduct, gestures, or contact of a sexual nature that would reasonably cause offense or humiliation.

Sexual harassment also includes placing conditions of a sexual nature on employment, training or promotional opportunities.

Verbal Harassment: Verbal harassment is an offensive course of demeaning comments directed at an employee or used in reference about an employee, that would reasonably undermine the reputation of that employee in the workplace.

Written or Graphic Materials: Written or graphic materials include offensive graffiti, printed materials, notes, letters, e-mails and social media messages; displaying or distributing personal or stereotypical derogatory or inappropriate materials, pictures, jokes or cartoons that portray a person's personal or physical attributes in a negative or humiliating manner.

6.2 Actions not considered harassment

While each complaint is assessed individually, the following are examples of workplace functions and interactions that would not usually be considered harassment:

- A disagreement.
- Changes in work location, co-workers or assignments.
- Less than optimal management or supervision.
- A single comment or action unless it is reasonably severe and has a lasting harmful effect.
- Rudeness, unless it is extreme and persistent.
- Stressful workplace conditions resulting from workload or technological changes.
- Appropriate exercise of managerial authority.
- Appropriate discipline.
- Normal workplace conflict that may occur between individuals or differences of opinion between co-workers.
- Appropriate actions to correct performance deficiencies.

7. DEFINITIONS

“Bad faith complaint” is when an employee intentionally misleads the employer by knowingly withholding relevant information or providing false information in support of a complaint, and includes situations where the employee proceeds with or continues with an allegation when the employee has no honest or sincere belief that a violation of this policy and procedures has occurred.

“Complainant” is an employee or employees making a complaint of harassment under this - policy and procedures.

“Complex Complaint” is a complaint where the resolution requested is greater than stopping the behaviour and an apology.

“Human Resources Contact” means the Town’s contractor who provides human resource services.

“Respondent” is the employee or employees alleged to have engaged in harassment in the workplace.

“Retaliation” means unjustified actions or threats of repercussions against an employee for having participated in the harassment complaint process.

“Violence” includes but is not limited to threats, including a threatening statement or threatening behavior that gives an individual reason to believe they are at risk of physical injury; and conduct or attempted conduct that endangers or is intended to endanger the physical or mental health and safety of an individual.

8. STAFF ROLES

All Employees will:

- Adhere to the Workplace Harassment Prevention Policy.
- Work in a safe and professional manner.
- Demonstrate respect towards others at the workplace.
- Notify their supervisor when they believe an employee has experienced or is experiencing workplace harassment.
- Participate in investigations when required.

The Human Resources Contact will:

- Review all formal harassment complaints.
- Support supervisors in handling harassment complaints and resolution processes.
- Provide clarification and guidance, as appropriate, to those involved in the harassment complaint process.
- Conduct investigations when required.

Supervisors will:

- Uphold and promote a respectful, safe and harassment-free workplace.
- Be diligent in dealing with workplace conflicts to proactively address issues.
- Work with the CAO and Human Resources Contact to implement reasonable corrective and/or disciplinary actions because of breaches to the policy where necessary.
- Ensure the Workplace Harassment Prevention Policy is available to employees.
- Promptly discuss any allegation of harassment with the Complainant in an impartial and confidential manner.
- Consult with the Human Resources Contact, as needed, for guidance and support with respect to complaints received.
- Receive informal and formal harassment complaints from their direct reports.
- Advise the CAO and Human Resources Contact when a formal harassment complaint is received.
- Monitor the workplace following the completion of a resolution process to ensure the harassment has ceased and does not recur.
- Participate in investigations when required.

9. ALLEGATION OF HARASSMENT

Employees, who believe they are experiencing workplace harassment, as defined in Section 6, should report the harassment to their immediate supervisor. Employees may choose informal action or file a formal complaint as outlined in Section 13.

Employees who believe they have witnessed workplace harassment should report the harassment to their immediate supervisor, who will work with the affected employee's supervisor to address the complaint. The supervisor or supervisors will work with the affected employee to determine a complaint process as outlined in Section 13.

10. COMPLAINTS AGAINST IMMEDIATE SUPERVISOR OR DISCOMFORT REPORTING TO SUPERVISOR

If employees have reason to feel uncomfortable reporting harassment to their immediate supervisor or if the complaint is against their immediate supervisor, they may report the matter to the director of their department. If the director of their department is their immediate supervisor, they may report the matter to the CAO. In the situation where the employee's direct report is the CAO, they may report the matter directly to the Town's Human Resources Contact.

If unsure how to address a complaint, the Town's Human Resources Contact may be contacted first.

11. COMPLAINTS AGAINST A COUNCILLOR INCLUDING THE MAYOR

Harassment complaints against a councillor, including the Mayor, may be reported to the CAO and the Human Resources Contact.

If unsure how to address a complaint, the Town's Human Resources Contact may be contacted first.

12. VIOLENCE IN THE WORKPLACE

Any employee who witnesses an act of violence, is a victim of violence, or is reasonably aware of violence, shall contact the police in the event of an emergency and immediately report the incident to their supervisor, the CAO and the Human Resources Contact. Disciplinary actions for violence in the workplace are not included in the scope of this policy and procedures and will be handled case-by-case.

13. HARASSMENT COMPLAINT PROCESS

13.1 Informal Action

For less severe complaints, where the resolution requested by the Complainant is that the behaviour is stopped and an apology is received, the Complainant can verbally or by email inform their supervisor of the complaint. The supervisor will then share the complaint with the Respondent. If the Respondent acknowledges the allegations and agrees to stop the behaviour and apologize, the Complainant's supervisor and the Respondent's supervisor (if different than the Complainant's) will initiate coaching, as outlined in Section 17.1, or another appropriate process in an effort to resolve the issue promptly.

For more severe complaints or when the resolution requested is greater than stopping the behaviour and an apology, employees may file a formal complaint.

13.2 Formal Complaint

To file a formal complaint, an employee must complete a Complaint Information Form (Appendix A) and submit it to their immediate supervisor or the next reasonable position as outlined in Section 10.

14. RECEIVING A FORMAL COMPLAINT

Supervisors who receive a Complaint Information Form will take the following steps:

- Acknowledge the complaint at their first available opportunity.
- Forward a copy of the complaint to the Human Resources Contact and the CAO, when the CAO is not involved directly with the complaint.
- Advise the Complainant that the Respondent, alleged to have engaged in the prohibited behaviour, will be informed of the allegations and provided with an opportunity to respond.

- Consider any interim measures as outlined in Section 16.

Once the Respondent has been informed of the allegation, the Complainant's supervisor will advise the Respondent that they have an opportunity to reply by completing a Complaint Response Form (Appendix B), within 10 working days from receipt of the allegations. The supervisor will advise the Respondent that relevant details of the response will be shared with the Complainant.

If the Complainant and Respondent have different supervisors, the two supervisors will work together to follow the complaint and resolution processes.

Once completed, the supervisor will review the Complaint Response Form and forward a copy to the Human Resources Contact and the CAO, when the CAO is not involved directly with the complaint.

15. FORMAL INVESTIGATION

For situations where there is a significant dispute over the facts of a complaint or if deemed necessary due to the complexity of a complaint, the Human Resources Contact will conduct a formal investigation of the complaint.

A formal investigation will involve a thorough review of relevant information including interviews with the Complainant, Respondent and witnesses and any other related evidence. The Human Resources Contact has the right to speak with anyone related to the case, examine and copy documents, records, files, etc. and enter any work locations considered relevant to the investigation.

Both the Complainant and Respondent will have an opportunity to review and comment on the information that will form the basis of the Human Resources Contact's analysis and findings prior to a final report being produced.

The Human Resources Contact will then meet separately with the Complainant, Respondent and relevant supervisors to discuss the investigation findings.

The final report on the investigation, produced by the Human Resources Contact, will be the agreed upon facts of the complaint. Once the complaint has been confirmed, the Human Resources Contact and relevant supervisors can begin exploring complaint resolution options and/or disciplinary actions.

16. INTERIM MEASURES

Where necessary, the Human Resources Contact will work with the Complainant, Respondent and relevant management to determine if any interim measures are required to protect and support the Complainant and/or Respondent prior to and throughout the resolution process. This may include, but is not limited to:

- Temporarily relocating either party to an alternate work location.
- Providing a leave of absence with pay during the investigation.
- Modifying schedules.
- Providing alternate reporting relationships.

Interim measures will be implemented on a case-by-case basis in consideration of the specific circumstances required to maintain a safe and healthy workplace.

17. COMPLAINT RESOLUTION PROCESS

Following the review of the Complaint Information Form and the Complaint Response Form, the supervisor or supervisors will work with the Human Resources Contact to determine appropriate dispute resolution processes and/or disciplinary actions.

17.1 Dispute Resolutions

A Dispute Resolution requires willingness from both the Complainant and Respondent to communicate and agree upon a suitable resolution to address the situation.

Some options for Dispute Resolutions include:

Coaching: Discussions with employees to provide guidance and direction on appropriate behaviour and expected performance.

Facilitated Discussion: A third party leads a dialogue between the Complainant and Respondent which may include others, as necessary. The third party can be a supervisor or the Human Resources Contact. The goal of the discussion is to enable the employees to understand the factors leading to the complaint, what changes in behaviour are necessary to prevent a recurrence and to communicate workplace values. The complaint is resolved with a promise to change offensive behaviour.

Mediation: A trained and impartial mediator assists the Complainant and Respondent in arriving at a mutually acceptable resolution to the harassment complaint by facilitating communication and insights between them. The process leads to an agreement on improving the working relationship and adhering to workplace values. A successful mediation results in a signed agreement between the two parties.

Training: Some workplace harassment complaints may reveal issues within the workplace that require additional actions such as General Workforce Training and Harassment Prevention Training for management.

- **General Workforce Training:** Employees may be unaware that their behaviour is offensive. Workplace Rights Training to educate employees about their rights and responsibilities may be required for the entire department or the organization as a whole.

- **Harassment Prevention Training for relevant management:** Education is required for any person in a management position that is unaware of their due diligence requirement to prevent harassment, and/or lack the knowledge necessary to respond to harassment complaints.

Workplace Assessment: A voluntary, confidential process designed to assess group functioning in the workplace. Whereas mediation is generally limited to Complainants and Respondents, workplace assessments address issues on an organization-wide basis. Typically, workplace assessments are post-incident and used to address morale, as well as systemic and wide-spread conflict issues.

18. DISCIPLINE

In addition to dispute resolution processes, any employee who participates in harassment, retaliation or breaches of confidentiality may be subject to disciplinary action. Supervisors who fail to act upon allegations of harassment may also be disciplined.

The following non-exclusive list of factors will be considered when deciding on disciplinary action related to a harassment incident:

- Severity of the incident.
- Circumstances surrounding the incident.
- Any prior violations of this policy and procedures or any other harassment or violence workplace complaints.

Prior to implementing any disciplinary actions, supervisors will discuss all disciplinary options with the CAO and the Human Resources Contact.

19. RETALIATION

Retaliation in any form, against any individual involved in the harassment complaint and resolution process is strictly prohibited.

20. BAD FAITH COMPLAINTS

Using this policy and procedures to make bad faith complaints is prohibited and can result in discipline against the Complainant.

A good faith complaint that is unfounded due to insufficient evidence is not considered a bad faith complaint and would not result in discipline for the Complainant.

21. CONFIDENTIALITY

Confidentiality is required in the processing and resolution of complaints. Complainants, Respondents, witnesses, supervisors, and anyone who is aware of the complaint, are not allowed to share confidential information related to the complaint, except when they are

seeking advice from legitimate sources such as a union representative, legal counsel or other person in a position reasonably able to offer assistance.

Town of Lunenburg

Workplace Harassment Complaint Form



If you believe you have experienced harassment or have witnessed harassment in the workplace, please complete this form.

1. Instructions

- Read the Workplace Harassment Prevention Policy and Procedures for more information on making a complaint, including the requirement for confidentiality.
- Complete as much of this form as possible and send a copy to your supervisor (if you are filing this complaint about your supervisor, submit the form to the next level supervisor or directly to the Human Resources Contact).
- Attach any other documentation you believe supports the complaint.

2. Information about the person making the complaint

Name: _____ Work Title: _____

Department: _____ Supervisor's Name: _____

3. Information about the person you are making a complaint about

If there are multiple people, please attach their information.

Name: _____ Work Title: _____

Department: _____ Relationship to you: _____

4. Statement: Describe the complaint

Please provide a summary of the harassing behaviour. At a minimum, include:

- A description of the incident
- Dates the behaviour occurred
- Location where the behaviour occurred
- Any witness who were present for the incident and observed the behaviour

5. Resolution: What has been done? What are you asking for?

Do you know if the person alleged to have committed harassment has been asked to stop the behaviour? Yes No

If yes, who asked that the behaviour be stopped: _____

Would you be satisfied with the stoppage of behaviour and an apology as a resolution for this complaint? Yes No

If not, do you have any suggestions for resolving this matter?

6. Affirmation: Confirming your claim

I am submitting this complaint for review per the Workplace Harassment Prevention Policy and Procedures.

- I declare that I am making this complaint in good faith.
- I believe the information on this form is accurate to the best of my knowledge.
- I understand that the Respondent and authorized personnel will receive details of the allegation.
- I agree to maintain confidentiality as outlined in the Workplace Harassment Prevention Policy and Procedures.

Signature: _____

Date: _____

Supervisor Use Only

Reviewed by: _____

Reviewed by: _____ (second person if applicable)

The complaint form was forwarded to HR and CAO.

Follow-up steps/comments/actions:

Workplace Harassment Complaint Response Form



You have been named in a complaint of harassment under the Workplace Harassment Prevention Policy and Procedures. This form must be submitted within **10 days**.

1. Instructions

- Read the Workplace Harassment Prevention Policy and Procedures for information about responding to a harassment complaint, including the requirement for confidentiality and a ban on retaliation.
- Complete as much of this form as possible and send a copy to your supervisor.
- Attach any other documentation you believe supports your response.

2. Respondent information: the person making the response to a complaint

Name: _____ Work Title: _____

Department: _____ Supervisor's Name: _____

3. Statement

Please respond to the allegations detailed in the complaint against you. At a minimum include:

- Whether you acknowledge or deny the allegations
- A description of the incident from your point of view
- Any witnesses who were present for the incident

4. Resolution

Do you have any suggestions for resolving this matter?

5. Affirmation: Confirming your response

I am submitting this response for review as per the Workplace Harassment Prevention Policy and Procedures.

- I believe the information on this form is accurate to the best of my knowledge.
- I understand that the Complainant and authorized personnel will receive details of the allegation.
- I agree to maintain confidentiality as outlined in the Workplace Harassment Prevention Policy and Procedures.

Signature: _____

Date: _____

| Supervisor Use Only |
|--|
| Reviewed by: _____ |
| Reviewed by: _____ (second person if applicable) |
| <input type="checkbox"/> The complaint form was forwarded to HR and CAO. |
| Follow-up steps/comments/actions: |