



RESPECTFUL WORKPLACE POLICY AND HARASSMENT PREVENTION PLAN

The Town of Stephenville is committed to maintaining a healthy, safe and supportive workplace for all individuals that is free from discrimination, harassment, and violence. All employees and Council members are to be treated with respect and dignity in keeping with the Town's values of accountability, dedication, honesty, innovation, respect and teamwork.

PURPOSE

The purpose of this policy is to ensure that all individuals are treated with respect and dignity and to make clear that harassment, which includes violence in the workplace, will not be tolerated. Individuals, regardless of seniority or position within the Town, found to have engaged in conduct constituting harassment will be subject to discipline. More specifically, this Policy is intended to:

- Maintain a working environment that is secure and free from harassment.
- Identify types of behaviours that constitute harassment.
- Establish and set out the mechanisms to deal with both informal and formal complaints of harassment.

APPLICATION

This policy applies to all Town employees, Council members, partners, and sponsored groups (including but not limited to full-time employees, part-time employees, students, volunteers, temporary employees, and interns), and to all business-related interactions with third parties who deal with the organization (including but not limited to contractors, consultants, workers and every person accessing Town property, services, events and programs).

This process covers all forms of harassment prohibited by the *NL Human Rights Act* including harassment based upon race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability (including perceived disability), disfigurement, sex (including pregnancy), sexual orientation, gender identity, gender expression, marital status, family status, source of income, political opinion, and criminal conviction (unrelated to employment). This Policy also covers harassment in the form of psychological or personal harassment and violence.

Anyone who works at the Town of Stephenville or who is on the Town Council and believes that they have been harassed in the workplace, or has experienced or is at risk of workplace violence, may use the procedures set out in the Harassment Prevention Plan.

For the purpose of this Policy, the Town of Stephenville's workplace includes any place where the

business of the Town is being conducted or where social or other functions of the Town occur, including on-line communications and email.

The Policy does not restrict the Employer's right to manage the workplace. Harassment does not include actions taken under this Policy or supervisory and management actions, such as the assignment of work, performance reviews, coaching, and/or disciplinary or corrective action, when conducted in a respectful manner and in good faith.

HARASSMENT PREVENTION PLAN

RIGHTS AND RESPONSIBILITIES

The Town of Stephenville is committed to eliminating, where possible, or otherwise, minimizing the hazard of workplace harassment and violence.

The Town, as an employer, is committed to:

- Zero tolerance of discrimination, harassment and workplace conflict;
- Resolution of discrimination, harassment and workplace conflict, as soon as possible.
- Proactive communication and education regarding employee's rights and responsibilities;
- Conducting all aspects of respectful workplace investigations fairly and in a professional manner that respects the dignity of all involved;
- Confidentiality wherever possible; however, the Town may have a duty to investigate and address issues that have been brought to its

All employees and Council members are entitled to employment free from workplace harassment and violence. It is the responsibility of every employee and Council member to maintain a positive work environment free from harassment of any type by always acting in an appropriate manner in the workplace or at any work-related or staff social function. Any inappropriate conflict or behaviour will not be tolerated. The Town will take the necessary corrective measures, including discipline up to and including dismissal, against any person who contravenes this policy.

Employees and Council members are obligated to take reasonable care to:

- Not engage in bullying or workplace harassment.
- Report observations or experiences of bullying and workplace harassment to someone in authority.
- Comply with the harassment prevention plan.
- Cooperate and share openly and honestly in workplace investigations; and
- Respect the confidentiality of all processes under the Policy.

Every employee and Council member is responsible for their own behavior. However, those in leadership roles have an additional obligation to ensure the health and safety of workers, including the obligation to apply and comply with the harassment prevention plan, oversee and correct the behaviour of other employees, by leading by example and by taking action whenever they become aware of any potential breach of this Policy.

It is the responsibility of a manager, or any other person with the Town of Stephenville who supervises one or more employees to take immediate and appropriate action to report or deal with incidents of harassment of any type, whether brought to their attention or personally observed. Under no circumstances should a complaint be downplayed, nor should the complainant be told to deal with it personally.

It is the responsibility of the Chief Administrative Officer ("CAO") to:

- Train and educate all staff on the Respectful Workplace Policy and Harassment Prevention Plan,

including their responsibilities.

- Act quickly and appropriately as soon as receiving a complaint under the policy.
- Provide guidance on the policy to supervisors and staff.
- Keep any information about the complaint and/or investigation confidential.

It is the responsibility of the Harassment-Free Workplace Manager to:

- Plan, develop, implement, and monitor the Policy and associated programs to address employee conflict and harassment complaints.
- Provide advice in relation to the Policy and Procedures.
- Act as a subject matter resource for the development of employee and management orientation, training, and information programs with respect to harassment-free workplaces.
- Receive harassment complaints from employees, managers, or others.
- Review complaints, identifying whether allegations are within the scope of the Policy.
- Advise Complainants of both informal and formal options available to address harassment complaints and confirm, in writing, the option selected to address their complaint.
- Assist Departments in notifying Respondents of a complaint.
- Advise any party or witness related to a complaint on matters pertaining to the Policy.
- Coordinate the assignment of investigators when formal investigations are necessary into complaints of harassment.
- Advise investigators on policy and procedural issues associated with the conduct of formal harassment investigations.
- Maintain records of all harassment complaints and track progress through to resolution/conclusion.

It is the responsibility of all Managers to:

- Lead by example and act respectfully in dealings with employees and other persons.
- Monitor the workplace and watch for signs that harassment may be taking place.
- Encourage early and open dialogue before inappropriate behaviours escalate.
- Address instances of harassment as soon as they are known, even in the absence of a complaint.
- Address all harassment situations appropriately and ensure others act accordingly.
- Consult with the Human Resources Secretariat to discuss the appropriate courses of action.
- Participate in learning opportunities on the prevention, early intervention, and resolution of harassment-related issues.
- Ensure employees are aware of the Policy and Procedures for preventing and addressing harassment.
- Ensure that all employees have the opportunity to participate in available education and training related to a harassment-free workplace.
- Monitor situations where complaints have been made even after corrective measures have been taken and ensure that individuals are not subject to retaliation for their involvement in a process under the Policy; and
- Follow-up to ensure necessary actions are implemented within a reasonable time period.

It is the responsibility of all Supervisors to:

- Provide a workplace free from harassment and conflict – setting a good example and not participating in or ignoring harassment, discrimination or workplace conflict.
- Be aware of the potential for harassment and conflict and proactively intervene before problems arise.
- Act quickly and appropriately as soon as becoming aware of possible policy violations.
- Cooperate fully and make their staff available to participate in investigations and other resolution processes.
- Be sensitive to the nature of the complaint and implement recommended changes in the workplace.

- Keep any information about the complaint and/or investigation confidential.

DEFINITIONS

Complainant includes any Worker who has brought forward or filed a Complaint under this Policy alleging Disrespectful Behaviour and/or Harassment.

Respondent includes an individual who is alleged to have acted in a manner which contravenes this Policy, including conducting Harassment and/or Disrespectful Behaviour.

Types of harassment include discriminatory, sexual, or personal.

Discriminatory Harassment includes being subjected to comment or physical conduct related to one or more of the prohibited grounds of discrimination, which is intimidating, offensive, embarrassing or humiliating, interferes with work performance or job security, or creates an intimidating, hostile or offensive working environment, by someone who knows, or ought reasonably to know, that the comment or conduct is unwelcome.

By way of example, Discriminatory Harassment can include:

- Comments or conduct which disparages or ridicules a person's race, ethnicity, colour, language, religion.
- Stereotyping.
- Racial, ethnic or religious jokes, slurs, nicknames, or mimicry (oral, written or graphic).
- Persisting with comments or jokes after becoming aware that the behaviour is unwelcome.
- Refusing to work with people because of a prohibited ground of discrimination.

Sexual Harassment is a specific form of discriminatory harassment related to the prohibited grounds of sex, sexual orientation, gender identity or gender expression. Sexual harassment includes any unwelcome sexual advances, requests for sexual favours when such conduct might reasonably be expected to cause insecurity, discomfort or humiliation to another person; when submission to such conduct is made either explicitly or implicitly a condition of employment; when submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, compensation, job security or benefits affecting the employee); when such conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment, or when such conduct is demeaning to a person.

By way of example, Sexual Harassment can include:

- Unwelcome flirtations, advances, propositions, requests for sexual favours, lewd or suggestive comments or other vocal activity such as catcalls, whistles and kissing sounds.
- Vulgar or sexual jokes (oral, written or graphic).
- Continuing to express sexual interest after becoming aware that the interest is unwelcome.
- Physical touching, blocking or impeding movements.
- Indecent exposure or sexual assault.

Personal Harassment means being subjected to objectionable conduct or comment, which serves no legitimate work purpose, and creates an intimidating, humiliating, hostile or offensive work environment. Personal harassment includes workplace harassment, and is defined as engaging in a course of vexatious comment or conduct against an employee in a workplace that is known or ought reasonably to be known to be unwelcome.

By way of example, Personal Harassment can include:

- Spreading malicious rumours, gossip, or innuendos that are not true.
- Intimidating a person, verbal abuse, threats, belittling or humiliating a person.
- Deliberately not speaking to someone thereby ostracizing them.
- Yelling or using profanity.
- Refusing to work with a person.
- Giving unwarranted (or undeserved) punishment.
- Tampering with a person's personal belongings or work equipment.
- Making jokes, that are obviously offensive (written or oral).
- Undermining or deliberately impeding a person's work.
- Other objectionable behaviour designed to torment, pester or abuse someone.

Harassment typically involves a course of conduct or a pattern of behaviour, including more than one incident. However, one single incident, if sufficiently serious, can constitute harassment.

Harassment does not include:

- Legitimate, reasonable management actions that are part of the normal work function that may include, but is not limited to appropriate direction, delegation, performance management or discipline administered by a member of management or a management designate.
- Professional debate.
- Attendance management.
- Relationship of mutual consent or mutual flirtation.
- Stressful events encountered in the performance of legitimate job duties.
- Occasional disagreements or personality conflicts.

Workplace Violence is the attempted or actual use of physical force against an individual, or any threatening statement or behavior that gives the individual reasonable cause to believe that physical force will be used. Violence also includes "family" violence that gives rise to the threat of violence in the workplace, including threatening calls, emails or unwelcomed visits at the workplace.

WHAT TO DO ABOUT HARASSMENT AND WORKPLACE VIOLENCE

This Policy outlines both informal and formal options available to any employee or Council member who believes that they have been harassed by any other employee, Council member, or third party. Workplace violence will always be formally investigated.

The Town of Stephenville encourages reporting of all allegations of harassment, regardless of who the offender may be. While the Town is committed to resolving harassment concerns internally, the harassment prevention plan is not intended to discourage a worker from exercising their rights under the *NL Human Rights Act, 2010*, the *Criminal Code* (Canada) or any other law of the province or of Canada.

INFORMAL RESOLUTION OPTIONS

In many situations, simply informing the person that their comment or conduct is unwelcome will resolve the issue. A person who considers that they have been subjected to harassment is encouraged to bring the matter to the attention of the person responsible for the conduct. The employee or Council member should keep notes for themselves of the discussion including dates, times, location and names of any witnesses.

If the Complainant finds it too difficult to speak to the person directly, or if the Complainant has spoken to the person but the unwelcome comment or conduct persists, or if the Complainant feels that as a result they have been subjected to retaliatory behavior, the Complainant is encouraged to make a written record of the date, time, details of the conduct, and witnesses (if any) and discuss their concerns with the CAO. Where the CAO is the Respondent, the Complainant may discuss their concerns with the Mayor. Council members are encouraged to speak to the Mayor. Where the Mayor is the Respondent, the Complainant Council member may discuss their concerns with the CAO.

The Complainant may wish to withdraw from any further action in connection with the complaint. However, in particularly serious circumstances, for example, where there are previous complaints or incidents involving the Respondent or in cases involving allegations of inappropriate physical contact, the CAO or Mayor may still initiate a formal investigation of the matter despite the fact that the Complainant has withdrawn from any further action, if it is believed that continued investigation is appropriate in the interest of ensuring that the Town of Stephenville is free from harassment.

In every case where the matter is addressed informally, the Complainant will be kept apprised of how the matter is being addressed and of any proposed resolution initiatives.

This informal procedure will be completed as soon as possible, normally within 14 days of the complaint being made, unless a longer period is appropriate in the circumstances. In this case, the CAO or Mayor will notify the Complainant of the proposed time frame.

FORMAL COMPLAINT OPTION

Where the Complainant is not a Council member and the complaint is not against the CAO, the Complainant may make a formal written complaint to the CAO. Where the Complainant is a Council member and the complaint is not against another Council member, the written complaint would go to the Mayor.

If the complaint is made against the CAO, the Complainant shall make the complaint in writing to the Mayor. The Mayor shall forward the complaint to current legal counsel for the town.

If the complaint is made against a Council member, the Complainant shall make the complaint in writing to the CAO. The CAO shall forward the complaint to the External Contact.

If the complaint is made against both the CAO and a Council member, it must be made in writing via email to the External Contact spenney@stewartmckelvey.com.

A formal written complaint may be made, whether or not the individual has already spoken to CAO or Mayor, in an attempt to deal with the matter by way of the informal process. The Complainant may also make a formal written complaint in the event that the informal process does not resolve the matter to the person's satisfaction.

Upon receipt of a formal written complaint, the CAO or Mayor, as appropriate, shall determine whether the conduct falls within the scope of this Policy. In the event that it does not, the CAO or Mayor, as appropriate, shall advise the Complainant accordingly and take no further steps under this Policy.

Formal complaints must be made in writing and signed by the Complainant. Complaints must be filed as soon as possible after the incident occurred.

INVESTIGATION OF FORMAL COMPLAINT

The CAO or Mayor, as appropriate, will initiate an investigation whenever they receive a formal written complaint which falls within the scope of this Policy.

Where the CAO or a Council member is the Respondent, the External Contact will designate an external investigator to investigate the matter in accordance with the formal procedure. In this instance, the CAO will receive the investigative findings and follow through with the process where the Respondent is a Council member and the Mayor will receive the investigative findings and follow through with the process where the Respondent is the CAO.

The CAO or Mayor, as appropriate, may also initiate an investigation in other circumstances where an investigation would be appropriate in the interest of ensuring that the Town of Stephenville is free from harassment, should they be made aware of an incident by a person who does not wish to make a complaint, but who describes a very serious allegation.

In the case of a Respondent employee, the investigation will ordinarily be conducted by the CAO, and any other person(s) that may be designated by the CAO to assist in the investigation. If the CAO chooses to designate other person(s) to assist in the investigation, these individuals will be external to the Town of Stephenville, with due regard being given to the nature of and parties to the complaint.

In certain circumstances, the CAO may designate someone external to the Town to conduct the entire investigation. An external investigator engaged by the External Contact shall investigate all complaints against the CAO or a member of Council.

If the Complainant is a Council member and the Respondent is not the CAO or Mayor, the Mayor or CAO will designate someone external to the Town of Stephenville to investigate the matter in accordance with the formal procedure.

The investigation will normally be completed, and the appropriate resolution decided upon within 30 days of the CAO, Mayor, or External Contact, as appropriate, receiving a formal written complaint, or upon either electing to, or being directed to, initiate a complaint, unless a longer period is appropriate in the circumstances. In this case, the CAO, Mayor, or External Contact, as appropriate, will notify the Complainant as well as the Respondent of the proposed time frame.

At any stage during the process, the Complainant has the right to withdraw from any further action in connection with the complaint. The CAO or Mayor, as appropriate, however, remains obligated to pursue the matter if they believe that continued investigation is appropriate in the interest of ensuring that the Town of Stephenville is free from harassment or violence.

Where a Complainant withdraws a complaint against the CAO, the External Contact shall advise the Mayor. Where a Complainant withdraws a complaint against a Council member, the External Contact shall advise the CAO. In these cases, the CAO or Mayor, as appropriate, shall advise the external investigator to continue the investigation if they believe that continued investigation is appropriate in the interest of ensuring that the Town of Stephenville is free from harassment or violence.

All procedural and administrative matters arising during the course of the investigation will be facilitated by the CAO, except where the CAO is the Respondent. Where the CAO is the Respondent, the Mayor shall facilitate the external investigator as necessary. Where a Council member is the Respondent, the CAO shall facilitate the external investigator as necessary.

In the course of the investigation, the investigative team will:

- Investigate the complaint by interviewing the Complainant, Respondent and other individuals where appropriate.
- Prepare a written statement of the interview, and obtain interviewee's approval of the content.
- Share the content of the written complaint to the Respondent or advise the Respondent in writing of the allegations.
- Provide the Respondent with an opportunity to respond to the complaint and share the content of the response with the Complainant.
- Provide a report of the investigative findings to the CAO (or Mayor in the case that the CAO is the Respondent).

The investigation must result in a written report.

Upon receipt of the report, where the complaint is substantiated, the CAO or Mayor, as appropriate, will:

- Advise the Complainant and Respondent of the outcome of the investigation via letter or email, including any actions the Town will take as a result of the outcome of the investigation.
- Initiate appropriate disciplinary or rehabilitative action.
- Create a confidential record of the investigative proceedings.

Where a complaint is not substantiated, no further action will be taken, and the Complainant and Respondent will be informed of the outcome of the investigation via letter or email.

DISCIPLINARY AND REHABILITATIVE ACTION

Disciplinary and rehabilitative action may include one or more of the following.

For employees, normally determined by the CAO:

- A formal apology.
- Counseling and/or attendance at educational seminars on harassment.
- A verbal warning to the person who was deemed to have engaged in the harassment, and documentation of the conversation kept in Human Resources.
- A written warning to the person who was deemed to have engaged in harassment, and placed in that person's personnel file.
- Suspension with or without pay.
- Termination.

The disciplinary actions may not follow the order listed above, as it will depend upon the severity of the issue and/or if the behaviour is repeated.

For Councillors, the CAO will ensure compliance with the *Municipal Conduct Act*. Specifically, the investigation report will be reviewed at a privileged meeting of Council. Following a review of the investigation report, Council shall open the meeting to the public and shall, by resolution either dismiss the complaint; or decide that there has been a contravention of this Policy (and therefore a contravention of the Code of Conduct). Council may impose a penalty in accordance with the Municipal Conduct Act.

In all cases where disciplinary or rehabilitative action is warranted, the CAO is responsible for taking all reasonable measures to ensure that there is no retaliatory behaviour. Where the CAO is the Respondent, the Mayor is responsible to ensure that there is no retaliatory behaviour.

CONFIDENTIALITY

The Town of Stephenville understands that it is difficult to come forward with a complaint of harassment and recognizes a Complainant's interest in keeping the matter confidential.

To protect the interests of the Complainant, the Respondent and any others who may report incidents of harassment, confidentiality will be maintained throughout the process to the extent practicable and appropriate under the circumstances. Any information obtained relating to workplace harassment, including personal information, will not be disclosed unless it is necessary for the purpose of an investigation, corrective action relating to the complaint, or where required by law.

Where a complaint has been made, the Complainant, the Respondent and all those involved in the process have an obligation to maintain the confidentiality of the matter and not disclose any details pertaining to the complaint and the fact of the complaint except to the CAO or Mayor and any other persons investigating the complaint on behalf of the Town of Stephenville.

All records of complaints, including contents of meetings, interviews, results of investigations and other relevant material will be kept confidential by the Town of Stephenville, except where disclosure is required by a disciplinary or other remedial process.

NO RETALIATION

All employees and Council members have a right to make a complaint or enforce their rights under this Policy without retaliation or threat of retaliation. The Town shall protect workers from retaliation and provide support to workers when workplace harassment occurs.

Retaliation against a Complainant or person who enforces any right under this Policy or who takes part in an investigation under this Policy will be treated in the same manner as harassment and be subject to the same disciplinary actions if the allegations of retaliation are confirmed.

PROCEDURE WHERE AN EMPLOYEE OR COUNCIL MEMBER BELIEVES THAT A COLLEAGUE HAS BEEN HARASSED

Any employee or Council member, who believes that a colleague has experienced or is experiencing harassment, or retaliation for having brought forward a complaint of harassment, is encouraged to notify the CAO, Mayor, or External Contact, as appropriate.

Where a person believes that a colleague has experienced or is experiencing harassment, or retaliation for having brought forward a complaint, and reports this to the CAO, Mayor, or External Contact, they shall meet with the person who is said to have been subjected to harassment and shall then proceed in accordance with the established procedures above.

If the Town of Stephenville becomes aware of domestic violence that would likely expose a worker to physical injury in the workplace, the Town of Stephenville will take every precaution reasonable in the circumstances for the protection of the worker.

HARASSMENT BY PERSONS OUTSIDE OF THE TOWN OF STEPHENVILLE

The Town of Stephenville recognizes its responsibility to support and assist any employee or Council member who believes that they have been harassed by a person outside the Town of Stephenville during

the course of their business-related interaction with the Town. This includes volunteers, consultants, contractors, and service providers.

If an employee or Council member believes that they have been harassed by a person outside the Town of Stephenville in the course of their business-related interaction with that person, they may bring the concerns to the attention of the CAO or the Mayor who will investigate the matter.

PROVISION OF INFORMATION TO A WORKER AT RISK

Employees and Council members will be provided with information, including personal information, if there is risk of workplace violence from a person with a history of violent behavior, if the worker can be expected to encounter that person in the course of their work and the risk of workplace violence is likely to expose the worker to injury. In these circumstances, the disclosure of personal information will be limited to what is reasonably necessary to protect the worker from physical injury.

COMPLAINTS MADE IN BAD FAITH

In the event that a complaint was made in bad faith – in other words, the Complainant had absolutely no basis for the complaint and deliberately and maliciously filed the complaint – that person will be disciplined (up to and including termination of employment or other penalty for individuals who are not employees, including those outlined in the *Municipal Conduct Act*) and a record of the incident will be put in their file where applicable.

Disciplinary actions for someone who complains in bad faith will be the same as for a case for harassment or violence and will depend on the seriousness of the situation.

Compensation for the person falsely accused may include steps to restore any lost reputation, and any of the remedies that would be available in a case of harassment or violence.

A person who submits a complaint in good faith, even where the complaint cannot be proven, is not in violation.

REVIEW

This plan shall be reviewed annually or sooner by the CAO as may be necessary.

February 22, 2024
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