

Workplace Rights

Harassment Prevention Policy

Human Resources
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1 – Policy Name

Workplace Rights Harassment Prevention Policy

2 – Purpose

The *Workplace Rights Harassment Prevention Policy* supports Halifax Regional Municipality (HRM or the municipality) in its commitment to provide a harassment-free environment where all persons are treated with dignity and respect.

3 – Objectives

3.1 The objectives of this Policy are to:

- Promote a working environment that is free from harassment.
- Inform employees that harassment is strictly prohibited.
- Communicate the rights and responsibilities of all employees under this Policy.
- Identify types of offensive and/or inappropriate behaviours that would be deemed harassment.
- Establish a process for receiving harassment complaints.
- Provide ways to resolve complaints fairly and effectively.

3.2 This Policy is not intended to limit or restrict the Employer's right to manage.

4 – Scope

4.1 Harassment

For the purposes of this Policy, harassment is conduct, considered by the employer to be unacceptable in the workplace, in which an employee exhibits offensive behaviour to another employee, or group of employees, and where that individual knew, or ought reasonably to have known, the behaviour would cause offence or harm.

The harassment definition incorporates the following:

- Harassment may consist of verbal, written or physical behaviours employed directly (e.g. in person) or indirectly (e.g. via social media).
- A reasonable person would know that the harassing behaviour is unwelcome.
- Harassment generally stems from a pattern of offensive behaviour; however, it can result from a one-time incident if that incident is reasonably severe.
- Lack of intent to harass does not alter a finding of harassment.
- The person being harassed does not have to voice objections for a harassment complaint to be established.
- 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.

This Policy includes harassment based on a prohibited ground of discrimination specified under the *Nova Scotia Human Rights Act*. These grounds consist of age; race; colour; religion; creed; sex; sexual orientation; gender identity; gender expression; physical or mental disability; irrational fear of contracting an illness or disease; ethnic, national or aboriginal origin; family status; marital status; source of income; political belief, affiliation or activity; and an individual's association with another individual or class of individuals having the characteristics of any of the prohibited grounds. This Policy also extends to include workplace harassment not linked to a prohibited ground.

4.1.1 Types of Harassment

(a) Exclusion

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

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

(b) Physical Harassment

Physical harassment involves any unwelcome physical behaviour including threatening or offensive gestures, physical intimidation, coercion, assault, practical jokes or "horseplay" that would reasonably result in embarrassment or humiliation.

If initial analysis of the complaint identifies that the alleged physical harassment involves a threat of physical harm or actual physical harm has occurred, the complaint may be referred to Health, Safety & Wellness for investigation under HRM's *Workplace Violence Prevention Corporate Procedure*.

(c) 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. A poisoned workplace environment can exist even if employees participate in, or do not object to, demeaning behaviour.

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

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- Offensive graffiti or posting of inappropriate materials.
 - 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 not directed at a specific person.
 - Undermining other Employees' reputations through malicious gossip, negative electronic postings or cyber-bullying.

(d) Racial Harassment

Racial harassment is offensive behaviour based on the grounds of race, colour, citizenship, place of origin, ancestry, ethnic background or creed 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.

(e) Sexual Harassment

Sexual Harassment means any offensive or bothersome conduct or course of comment, gesture, 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, as well as receipt of services or contracts.

Examples of unwanted behaviours that can constitute sexual harassment include, but are not limited to, the following:

- Unwanted physical contact including hugging or touching.
- Inquiries or comments about a person's sex life.
- Telephone calls, e-mails, notes, social media messages or other forms of communication with sexual overtones.
- Gender or sexual orientation based insults or jokes causing embarrassment or humiliation.
- Unwanted or repeated social or sexual invitations that a reasonable person would know to be unwelcome.
- Inappropriate or unwelcome attention, leering, or comments about a person's physical attributes or appearance.
- Retaliation or threat of harm, against an Employee for rejecting a sexual advance.

(f) 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. Verbal harassment includes insults, name-calling, threats, slurs, crude or degrading comments, innuendoes, profanities and negative stereotyping that would reasonably cause offence.

If initial analysis of the complaint identifies that an alleged verbal threat involves references to physical harm, the complaint may be directed to Health, Safety & Wellness for investigation under HRM's *Workplace Violence Prevention Corporate Procedure*.

(g) 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.

4.2 Actions Not Considered Harassment

While each complaint is assessed on its own merits, the following examples of normal workplace functioning and interactions would usually not be considered as harassment:

- A disagreement.
- A comment or action that is not persistent or severe.
- Interpersonal conflict between co-workers unless severe and prolonged.
- 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, technological change, or impending layoff.
- Performance management.
- Appropriate exercise of managerial authority.
- Appropriate discipline.

4.3 Applicability

This Policy applies to all Halifax Regional Municipality employees, volunteers, student trainees, interns and contractors, with the following exception:

4.3.1 Halifax Regional Police

Sworn police officers and identified special constables employed by Halifax Regional Police are governed by the Police Act of Nova Scotia and the HRPA Collective Agreement. Formal complaints involving these employees are pursuant to discipline under the Police Act. If both parties agree that a formal complaint is not the best resolution and wish to seek an Alternative Dispute Resolution (e.g. Facilitated Discussion, Mediation or other remedy based process), then the *Workplace Rights Harassment Prevention Policy* may be applied.

Allegations of harassment between non-sworn employees of Halifax Regional Police are administered under the *Workplace Rights Harassment Prevention Policy*.

5 – Definitions

5.1 Alternative Dispute Resolution (ADR)

ADR involves the use of collaborative problem-solving techniques to address the complaint. To use this approach, a willingness to voluntarily engage in the process must be agreed upon by both the Complainant and Respondent.

5.2 Bad Faith Complaint

Bad faith complaints occur 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 has occurred.

5.3 Complainant

The Complainant is an Employee, or Employees, making a complaint of harassment under this Policy. The Complainant could be the target of the alleged harassment or an observer who has made a third-party complaint.

5.4 Complaint

An allegation of harassment submitted to a Supervisor/Manager using a *Complaint Information Form*.

5.5 Employee

For the purposes of this Policy, employee means a person engaged in a contract of employment with the municipality (Halifax Regional Police sworn members excepted as per section 4.3) and also includes contractors and persons involved with the municipality as volunteers, student trainees and interns.

5.6 Good Faith Complaint

Good faith complaints are those alleged by a Complainant who honestly and sincerely believes that inappropriate behaviour, in violation of this Policy, has occurred.

5.7 Human Resources

Professionals who provide consultation, advice and guidance on human resource matters including workplace rights.

5.7.1 Human Resources Business Partners – HR professionals responsible for supporting specific business units.

5.7.2 Human Resources, Organizational Effectiveness & Learning – for the purpose of this Policy, the section of Human Resources responsible for handling complex harassment complaints, including Intake Analysis, Alternative Dispute Resolutions and Investigations.

5.8 Investigation

A process conducted by an Investigator, who gathers and analyzes information surrounding a complaint to arrive at a conclusion based on the evidence provided.

5.9 Investigator

The Human Resources or other qualified professional who conducts a thorough and impartial examination of facts relating to a workplace harassment complaint.

5.10 Respondent

The Respondent is the Employee, or Employees, alleged to have engaged in harassment in the workplace, who reply to the allegations using a *Complaint Response Form*.

5.11 Retaliation

Unjustified actions or threats of repercussions against an Employee for having participated in the harassment prevention process. Examples of retaliation include, but are not limited to, unfair work assignments, denial of leave or training opportunities, exclusion, undermining of a person's reputation, threats or intimidation.

5.12 Supervisors/Managers

Supervisors and Managers are individuals, who have the authority and responsibility to direct the actions of Employees under their supervision. This includes persons in acting or temporary Manager or Supervisor positions.

5.13 Vexatious Complaint

Vexatious complaints occur when an Employee knowingly complains without sufficient grounds, or for an ulterior purpose. Instances would include situations such as where the Employee is not seeking protection from harassment but is motivated by malice to cause annoyance or embarrassment to the Respondent. A good faith complaint may become vexatious when the Complainant persists in pursuing the complaint after facts demonstrating that there is no reasonable basis for that belief are brought to the Complainant's attention.

5.14 Witnesses

Witnesses are individuals who are identified as having observed the alleged harassment or having knowledge relevant to the case.

5.15 Workplace

Whether on Halifax Regional Municipal property or otherwise, the municipal workplace includes the physical work-site, washrooms, locker rooms, lunch rooms, training facilities, business travel locations, conferences, work sponsored social gatherings, vehicles and work related internet or social media activity.

6 – Roles - Rights and Responsibilities

6.1 Employees

All HRM Employees have the right to:

- (a) Work in a safe, respectful and harassment-free environment.
- (b) Bring forward a harassment complaint to their Supervisor, Manager, or Human Resources without fear of reprisal.

Employees have a responsibility to:

- (a) Work in a safe and professional manner.
- (b) Demonstrate respect towards others at the workplace.
- (c) Notify their Supervisor, Manager or Human Resources Business Partner when they believe that an Employee has experienced, or is experiencing either workplace harassment or retaliation for having brought forth a complaint.

6.2 Managers and Supervisors

Managers and Supervisors have the responsibility to:

- (a) Uphold and promote a respectful, safe and harassment-free workplace.
- (b) Raise awareness by communicating organizational values to employees and modelling appropriate behaviours.
- (c) Ensure employees have received mandatory workplace rights training and encourage elective training in related topics.
- (d) Be diligent in dealing with workplace conflicts to proactively address issues, which left unchecked, could develop into harassment.
- (e) Be aware of the atmosphere in the workplace and take immediate action to verify facts and intervene if they observe, or receive information about, behaviours prohibited by this Policy.
- (f) Ensure the *Workplace Rights Harassment Prevention Policy* is available to Employees wishing to make a complaint.
- (g) Promptly discuss any allegation of harassment with the Complainant in an impartial and confidential manner, listen respectfully and take notes.
- (h) Confirm a *Complaint Information Form* has been completed and a copy submitted to Human Resources.
- (i) Provide a *Complaint Response Form* and copy of the *Workplace Rights Harassment Prevention Policy* to Respondents named in a complaint.
- (j) Employ collaborative problem-solving techniques such as Coaching, Facilitated Discussion or other remedy based processes to resolve basic harassment complaints promptly (see section 7.5.1 for a description of these techniques).
- (k) Consult with Human Resources, as needed, for guidance and support in more complex conflict situations.
- (l) When warranted, take steps to maintain the safety of the Complainant, especially if the alleged incidents involve intimidation, threats of physical harm, or actual physical harm consistent with the *Workplace Violence Prevention Corporate Procedure*. This may involve separating the parties until the matter is resolved.
- (m) Advise the Business Unit Director when a harassment complaint is received.
- (n) Monitor the workplace following the completion of a resolution process to ensure the harassment has ceased and does not recur.

6.3 Complainants

A Complainant has the right to:

- (a) Submit a *Complaint Information Form* to make a good faith complaint of harassment, as defined by this Policy.
- (b) A fair, impartial and competent process to resolve complaints in a professional manner.
- (c) Details of the response to their complaint.
- (d) Meet with their Supervisor/Manager and/or Human Resources Business Partner to discuss the *Workplace Rights Harassment Prevention Policy*, the allegations and the process for addressing complaints.
- (e) Accompaniment by a person of their choice (other than a Witness) during any meeting or interview with a Manager, Supervisor or Human Resources. The person accompanying the Complainant is there for support only and cannot act as the Complainant's spokesperson.
- (f) Participate in the complaint resolution process without fear of retaliation.
- (g) Access support from the Employee & Family Assistance Program.

A Complainant has the responsibility to:

- (a) Bring forward harassment complaints in good faith, avoiding bad faith or vexatious allegations.
- (b) File a complaint in a timely manner (within six (6) months of the alleged inappropriate conduct).
- (c) Provide details about the alleged harassment including the identities of alleged offenders (Respondents) and Witnesses.
- (d) Cooperate fully with all stages of the resolution process.
- (e) Maintain confidentiality with respect to any meetings, interviews or other proceedings to resolve the complaint.

6.4 Respondents

A Respondent has the right to:

- (a) A fair, impartial and competent process to resolve complaints in a professional manner.

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- (b) Details of the complaint, including the identity of the Complainant, alleged violation(s) and the resolution requested by the Complainant.
 - (c) Meet with their Supervisor/Manager and/or Human Resources Business Partner to discuss the *Workplace Rights Harassment Prevention Policy*, the allegations and the process for addressing complaints.
 - (d) Provide a written response to their Supervisor/Manager within ten (10) working days from receipt of the allegations by completing a *Complaint Response Form*.
 - (e) Present the names of Witnesses.
 - (f) Accompaniment by a person of their choice (other than a Witness) during any meeting or interview with a Manager, Supervisor or Human Resources. The person accompanying the Respondent is there for support only and cannot act as the Respondent's spokesperson.
 - (g) Access support from the Employee & Family Assistance Program.

A Respondent has the responsibility to:

- (a) Cooperate fully with all stages of the resolution process.
- (b) Maintain confidentiality with respect to any meetings, interviews or other proceedings to resolve the complaint.
- (c) Not retaliate in any way against a Complainant, Witness or other person involved in the Harassment Complaint Resolution Process.

6.5 Witnesses

Witnesses have a right to:

- (a) Participate in the Harassment Complaint Resolution Process without fear of retaliation.

Witnesses have a responsibility to:

- (a) Cooperate in good faith with the Harassment Complaint Resolution Process including providing the particulars of the alleged incident. Witnesses are not entitled to be accompanied by a support person.
- (b) Maintain confidentiality with respect to any meetings, interviews or other proceedings to resolve the complaint.
- (c) Report any threatened or experienced reprisal resulting from participating in the complaint process.

6.6 Human Resources

Human Resources has a responsibility to:

- (a) Support business units involved in conflict resolution situations.
- (b) Administer the *Workplace Rights Harassment Prevention Policy* and procedures, including Intake Analysis, Alternative Dispute Resolution and Investigation processes, for cases not resolvable through managerial intervention and basic problem-solving techniques.
- (c) Provide clarification and guidance as appropriate to those involved in the harassment prevention process.
- (d) Treat all persons in the resolution process fairly and impartially.
- (e) Maintain confidentiality with respect to any meetings, interviews or other proceedings to resolve the complaint.

7 – Harassment Complaint Resolution Process

7.1 Allegation of Harassment

Employees, who believe they are experiencing workplace harassment, as defined in section 4.1, should report the harassment to their immediate Supervisor. If Employees have reason to feel uncomfortable reporting harassment to their immediate Supervisor, they may report the matter to the next level Manager in their reporting structure. Employees wishing to make a complaint of harassment should complete a *Complaint Information Form* (see appendix A) and submit a copy to both (1) their Supervisor or Manager and (2) Human Resources, Organizational Effectiveness & Learning section.

7.2 Information Collection

Supervisors/Managers gather information from the Complainant and Respondent.

7.2.1 Complainant

If the Employee making the complaint has not completed a *Complaint Information Form*, the Supervisor/Manager will ensure the Complainant has access to the form and the *Workplace Rights Harassment Prevention Policy*.

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

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1. Acknowledge the complaint at their first available opportunity. Contact may be made personally, by e-mail, or via telephone and must include arrangements to interview the Complainant.
 2. As soon as practically possible, interview the Complainant, verify a copy of the *Complaint Information Form* has been forwarded to Human Resources, Organizational Effectiveness & Learning and gather any additional details not already included on the form. This may be conducted with the assistance of a business unit's Human Resources Business Partner. At a minimum, ensure the complaint includes:
 - A description of the incident
 - Identity of person(s) responsible for engaging in the behaviour
 - Date(s) the behaviour occurred
 - Location where the behaviour occurred
 - Names of Witnesses who observed the behaviour
 - The resolution requested by the Complainant
 3. Advise the Complainant that the Respondent(s), alleged to have engaged in the prohibited behaviour, will be informed of the allegations and provided with an opportunity to respond. Remind the Complainant that the Employee & Family Assistance Program is available.
 4. Consider whether Alternate Work Arrangements are required.

When a harassment complaint is received, the Supervisor/Manager will assess the immediate situation to determine if alternate working arrangements, including separation of parties or alternative reporting relationships, are required while the matter is being addressed. Supervisors/Managers will consult with their Human Resources Business Partner and decisions will be made on a case-by-case basis, taking into account the severity of the alleged behaviour.

Decisions to temporarily relocate any Employee must consider the impact on the unit operations as well as the Employee. Any movement decision must avoid making the Complainant feel penalized for lodging the complaint.

7.2.2 Respondent

Supervisors or Managers will take the following steps:

1. Respondents named in a complaint of workplace harassment will be advised of the details of the complaint and provided with an opportunity to reply by completing a *Complaint Response Form* (see appendix B), within ten (10) working days from receipt of the allegations. Respondents will receive an overview of the *Workplace Rights Harassment Prevention Policy* and be given a copy for reference.
2. Once the completed *Complaint Response Form* is received and reviewed, the Supervisor/Manager will interview the Respondent, verify a copy of the

Complaint Response Form has been forwarded to Human Resources, Organizational Effectiveness & Learning and gather any additional details not already included on the form. This may be conducted with the assistance of a business unit's Human Resources Business Partner.

3. Advise the Respondent that relevant details of the response will be shared with the Complainant and the approach for resolving the complaint will be determined. Remind the Respondent that the Employee & Family Assistance Program is available.

7.3 Complaint Complexity

Two levels of complexity exist for harassment complaints:

- (a) BASIC – For less severe complaints, where (1) the resolution requested by the Complainant is stoppage of the behaviour and an apology and (2) the Respondent acknowledges the allegations and agrees to this resolution, the Supervisor/Manager can initiate Coaching, Facilitated Discussion or another remedy based process (see section 7.5.1) in an effort to resolve the issue promptly.

If the complaint is successfully resolved within the business unit, the Supervisor/Manager will advise their Human Resources Business Partner that the resolution process is complete.

- (b) COMPLEX – Occurs for complaints where any of the following conditions exist:
 - i. The alleged behaviour is too severe to be considered basic; or
 - ii. The resolution requested is greater than stoppage of the behaviour and an apology; or
 - iii. The Respondent disputes the allegations; or
 - iv. A basic resolution process employed within the business unit was unsuccessful.

Supervisors/Managers who identify a complaint as complex will notify Human Resources, Organizational Effectiveness & Learning and forward any information gathered in the initial interviews.

7.4 Intake Analysis

Harassment complaints that cannot be resolved within the Business Unit are considered complex and will undergo an Intake Analysis conducted by Human Resources, Organizational Effectiveness & Learning. The Intake Analysis will verify whether the allegation falls within the criteria for harassment complaints under this Policy. Allegations meeting the criteria will undergo an initial assessment in order to determine the most appropriate conflict resolution process to resolve the complaint.

Factors considered during Intake Analysis include:

1. Applicability – the Complainant and Respondent must be within the scope of this Policy (see section 4.3).
2. Timeliness – the most recent alleged incident occurred no more than six (6) months prior to the date of the complaint. Note: In exceptional circumstances, Human Resources, Organizational Effectiveness & Learning may elect to accept a complaint outside of the specified time range, if the Complainant can demonstrate valid reason for the delay.
3. The subject matter of the complaint meets the definition of harassment under this Policy.
4. If the subject matter of the complaint has been, or is being, addressed through an alternate process (e.g. the grievance process or through the Nova Scotia Human Rights Commission) then the complaint will not be accepted.
5. The persistence of the alleged behaviour in duration and frequency.
6. The severity of the alleged behaviour.
7. The willingness of the Complainant and Respondent to resolve the matter through an Alternative Dispute Resolution process (e.g. Facilitated Discussion, Mediation or other remedy based process).
8. The gap between the Complainant's and Respondent's versions of the incident, (e.g. there is a significant dispute over the central facts such that an Investigation may be warranted).
9. Human Resources, Organizational Effectiveness & Learning's recommendation as to the most suitable complaint resolution method.

7.5 Complaint Resolution Options

7.5.1 Alternative Dispute Resolutions (ADR)

An Alternative Dispute Resolution requires willingness from both the Complainant and Respondent to communicate and agree upon a suitable resolution to address the situation. If an ADR method is unsuccessful, the complaint reverts to Human Resources, Organizational Effectiveness & Learning, who will determine whether further action is warranted, and if so, if it will be in the form of another ADR or an Investigation.

(a) Coaching

Discussions with Employees to provide guidance and direction on appropriate behaviour and expected performance. By identifying areas of concern, coaching helps Employees see how their behaviour impacts others and provides them with guidelines for appropriate conduct.

(b) 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, Manager or Human Resources.

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.

Essentially, the complaint is resolved with a promise to change offensive behaviour.

(c) 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 enables them to understand the underlying issues that caused the complaint, leading to an agreement on improving the working relationship and adhering to workplace values.

Mediation requires the voluntary, good-faith participation of both the Complainant and Respondent. A successful mediation results in a signed agreement between the two parties.

(d) Restorative Process

A resolution process that strives to reduce harm and restore relationships by allowing those directly impacted and those who can affect the outcome, to work in a transparent and good faith manner to jointly create a forward-focused plan.

The process gives the Respondent an opportunity to address the harm and take responsibility for inappropriate behaviour prior to a remedy being imposed. More serious or complex harms may require the assistance of a restorative facilitator to help the Complainant and Respondent analyse what happened and work on solutions to prevent the harms from recurring.

(e) Training

Some workplace harassment complaints may reveal issues within the workplace that require additional actions:

General Workforce Training - Employees in a work unit 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 work unit.

Harassment Prevention Training for Supervisory Staff - Education is required for Supervisors/Managers who are unaware of their due diligence requirement to prevent harassment, and/or lack the knowledge necessary to respond to harassment complaints.

(f) Administrative Review

A method used to address an employment concern involving a workplace rights conflict or human rights issue. An Administrative Review is used to assess an organizational workplace issue, provide research, and make recommendations as to the best course of action, regardless of whether a complaint was received.

(g) 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 a group-wide basis. Typically, Workplace Assessments are post-incident and used to address morale, as well as systemic and wide-spread conflict issues.

7.5.2 Investigation

An Investigation is a formal, complaint-driven process conducted by Human Resources, Organizational Effectiveness & Learning, in which an Investigator gathers and analyzes evidence to determine whether the *Workplace Rights Harassment Prevention Policy* has been violated.

Investigation Process – the Investigator conducts a thorough review of relevant information including interview statements (Complainant, Respondent and Witnesses) and documentary evidence. The Investigator 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 Complainants and Respondents will have a reasonable opportunity to review and comment on the information that will form the basis of the Investigator's analysis and findings prior to a final report being produced. *Briefings to Managers, Complainants and Respondents* – Upon completion of an Investigation, the Investigator will provide a briefing on the results to the

Business Unit Director or designated Manager and the appropriate Human Resources staff.

The Director or designated Manager and Human Resources will then meet separately with the Complainant and Respondent to discuss the Investigation findings. The Investigator may be asked to attend these briefings to provide additional information as required.

Discipline – Any Employee who participates in harassment, retaliation or breaches of confidentiality may be subject to disciplinary action. Supervisory staff members 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 Workplace Rights Policies by the Employee(s) involved; and
- Applicable provisions of other Policies and Acts.

7.5.3 Referral to Workplace Violence Prevention

If the complaint involves physical threats or actions, it may be referred to Health, Safety & Wellness for investigation under the *Workplace Violence Prevention Corporate Procedure*.

7.5.4 No Further Proceedings

A case may result in no further proceedings for one of the following reasons:

- (a) An Intake Analysis determines one or more of the following conditions occurred:
 - The Policy is not applicable as both parties are not Employees (e.g. complaint by a citizen against an Employee.)
 - The complaint is outside the designated time limitation of six (6) months with no acceptable reason to grant an exception.
 - The subject matter of the complaint has been, or is currently being, dealt with through another process.
 - The subject matter of the complaint does not fall under the definition of harassment outlined in section 4.1.

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- (b) All reasonable resolution processes have been exhausted to no avail.
 - (c) The Employee has abandoned the complaint.
 - (d) The Employee has withdrawn the complaint in accordance with section 7.10 of the Policy.

7.6 Confidentiality

Given the seriousness and sensitivity of harassment allegations, confidentiality is required in the processing and resolution of complaints.

Complainants, Respondents, Witnesses, Managers and Supervisors, who are 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, Employee & Family Assistance Program counselor, legal counsel or other person in a position reasonably able to offer assistance.

In the event that a formal disciplinary process arises as a result of Investigation findings, the Investigator's interview notes and other documents, including the Investigation Report, may be disclosed in an arbitration or Nova Scotia Human Rights Commission proceeding. Witnesses to the Investigation may be called upon to testify in an arbitration or Human Rights Board of Inquiry.

7.7 Retaliation

Retaliation in any form, against any individual involved in the Harassment Complaint Resolution Process is strictly prohibited.

Retaliation is considered harassment under this Policy. If the form of retaliation involves physical threats or actions, the complaint may be referred to Health, Safety & Wellness for investigation under the *Workplace Violence Prevention Corporate Procedure*.

Employees alleging retaliation for having participated in the *Workplace Rights Harassment Prevention Policy* process will be required to provide the following details:

- A description of the incident
- Identity of person(s) responsible for engaging in the behaviour
- Dates the behaviour occurred
- Location where the behaviour occurred
- Names of Witnesses who observed the behaviour

7.8 Bad Faith or Vexatious Complaints

This Policy is designed to protect Employees from harassment and provide a process to resolve good faith complaints in a fair and effective manner.

Utilizing this Policy to make bad faith or vexatious complaints, as defined in section 5, is prohibited and may result in discipline against the Complainant making such a complaint.

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.

7.9 Documents and Records

Reports, notes, and related documents developed by an Investigator, Mediator, or person(s) conducting a Workplace Assessment shall be kept secure, and separate from an Employee's personnel file.

If an Investigator determines that a good faith complaint is unfounded, no reference to the complaint and subsequent Investigation is made in the Complainant's or Respondent's personnel file.

In cases where it is determined that a breach of this Policy occurred, the Investigation Report can be referenced in a disciplinary letter placed in the personnel file of the Respondent being disciplined. Placing and retaining this record on the Respondent's personnel file must comply with any applicable Collective Agreements.

In the case of Mediation, agreements, notes and related documents are kept separate from personnel files and are retained by the Mediator. The Complainant and Respondent are provided with a copy of any agreements resulting from Mediation.

When a Workplace Assessment is conducted, notes and related documents that identify an individual are retained by the Assessor. Workplace Assessment Reports used for presentations to Supervisors/Managers, Human Resources and Employees must not contain information that could identify an Employee.

7.10 Complaint Withdrawal

Subject to approval from Human Resources, Organizational Effectiveness & Learning, a Complainant may request withdrawal of a harassment complaint prior to the conclusion of any resolution process, as long as the complaint is not being withdrawn due to actual or threatened retaliation for having made the complaint.

The Respondent's input will still be obtained and where reasonable evidence of harassment exists, Human Resources, Organizational Effectiveness & Learning may continue with the Investigation, consistent with its due diligence responsibilities for

harassment prevention, regardless of the Complainant's request to withdraw the complaint.

7.11 Complaints Held in Abeyance

There are circumstances in which action on a complaint may be postponed, or held in abeyance, for a variety of reasons (e.g. one of the parties is on sick-leave). The request to hold a complaint in abeyance may be made by either party, or by the employer. Holding a complaint in abeyance is at the discretion of Human Resources, Organizational Effectiveness & Learning.

The time to hold the complaint in abeyance depends on the circumstances, but should not exceed six (6) months. Both parties are advised in writing by Human Resources, Organizational Effectiveness & Learning when a complaint is held in abeyance.

8 – Repeal

Replaces Workplace Rights Policies: Anti-Harassment Policy
March 2005, updated October 11, 2006.

9 – Effective Date

January 1, 2017

10 – Related Policies and Practices

Nova Scotia Human Rights Act
Workplace Violence Prevention Corporate Procedure

11 – Policy Review

N/A

12 – Contact

workplacerrights@halifax.ca

13 – Attachments

Complaint Information Form (see Appendix A)
Complaint Response Form (see Appendix B)

Workplace Rights Harassment Prevention Policy Complaint Information Form



Halifax Regional Municipality is committed to providing a respectful workplace, free from harassment. If you believe you have personally experienced harassment or you have witnessed harassment in the workplace, please complete and submit this form.

Instructions

- A. Read the *Workplace Rights Harassment Prevention Policy* for information about making a harassment complaint, including the requirement for confidentiality.
- B. If you are filing after the six (6) month time limit, complete the Exception Request section.
- C. Complete as much of this form as possible and provide copies to both:
 - 1. Your supervisor (note: if you are filing a complaint about your direct supervisor, submit the form to your next level supervisor) AND
 - 2. Human Resources – submit directly by one of the following methods.
 - Email: workplacerrights@halifax.ca
 - Mail: Halifax Regional Municipality
Human Resources, Organizational Effectiveness & Learning
8th Floor, Purdy's Wharf Tower 2
PO Box 1749
Halifax, NS B3J 3A5
- D. Attach any documentation you believe supports your complaint.

Complainant Information - The person making the complaint.

Name: _____ Work Title: _____

Phone(s): Office _____ Cell _____ Home _____

Email: _____ Office Location: _____

Business Unit: _____ Section: _____

Supervisor's Name & Phone: _____

Respondent Information – The person(s) you are making the complaint about.

Respondent's Name	Work Title	Work Location	Supervisor	Relationship to you

Exception Request – Filing past the time limit.

If you are filing after the six (6) month time limit, describe the reason you were unable to file the complaint within the standard timeframe.

Statement – Describe the complaint.

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

- A description of the incident
- Date(s) the behaviour occurred
- Location where the behaviour occurred
- Any Witnesses who were present for the incident and observed the behaviour

Note: If you require additional room for your statement, please continue on page 4.

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, by whom? _____

To the best of your knowledge, what has been done to date to try and resolve this matter?

Is this matter currently being addressed by any other process? Yes No

If you answered Yes, what process?

Union Grievance NS Human Rights Commission Other _____

Would you be satisfied with stoppage of the behaviour and an apology as a resolution for this complaint?

Yes No

If No, do you have any other suggestions for resolving this matter?

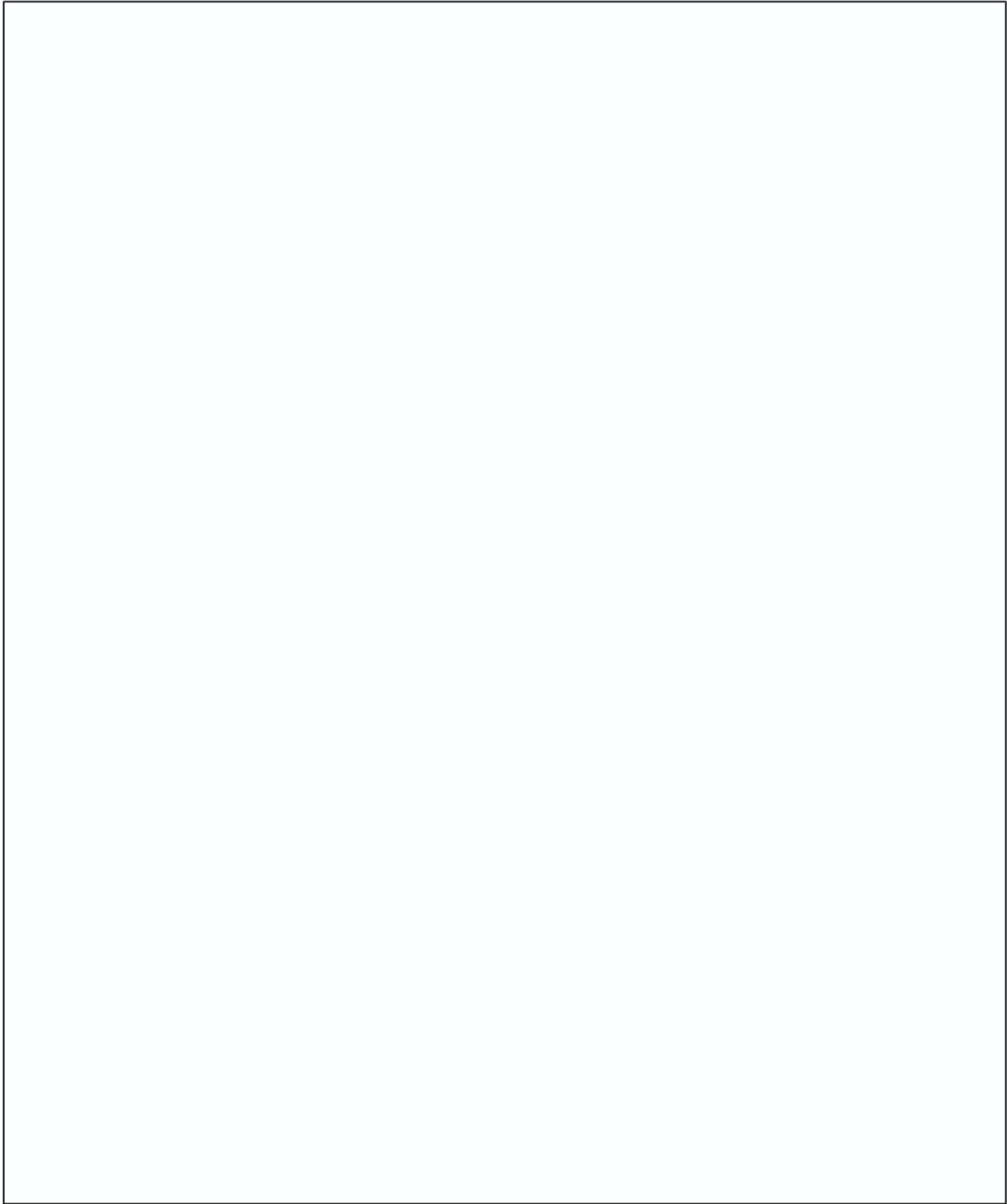
Affirmation – Confirming your claim.

- I am submitting this Complaint for review under the *Workplace Rights Harassment Prevention Policy*.
- I declare that I am making this complaint in good faith.
- I believe the information on this form is true to the best of my knowledge.
- I understand that the Respondent and authorized personnel will receive details of the allegation(s).
- I agree to maintain confidentiality as outlined in the *Workplace Rights Harassment Prevention Policy*.

Signature: _____

Date: _____

Additional Information



Workplace Rights Harassment Prevention Policy Complaint Response Form



Halifax Regional Municipality is committed to providing a respectful workplace, free from harassment. You have been named in a complaint of harassment under the *Workplace Rights Harassment Prevention Policy*. You have the right to respond to the complaint with your view of the situation by completing and submitting this form.

Instructions

- A. Read the *Workplace Rights Harassment Prevention Policy* for information about responding to a harassment complaint, including the requirement for confidentiality and ban on retaliation.
- B. Complete as much of this form as possible and provide copies to both:
1. Your supervisor AND
 2. Human Resources – submit directly by one of the following methods.

Email: workplacerrights@halifax.ca

Mail: Halifax Regional Municipality
Human Resources, Organizational Effectiveness & Learning
8th Floor, Purdy's Wharf Tower 2
PO Box 1749
Halifax, NS B3J 3A5
- C. Attach any documentation you believe supports your response.

Respondent Information - The person making the response to a complaint.

Name: _____ Work Title: _____

Phone(s): Office _____ Cell _____ Home _____

Email: _____ Office Location: _____

Business Unit: _____ Section: _____

Supervisor's Name & Phone: _____

Statement – Describe your response to the complaint.

In the space provided, please respond to the allegation(s) that have been detailed in the complaint against you. At a minimum, include:

- Whether you acknowledge or deny the allegation(s)
- A description of the incident from your point of view
- Any Witnesses who were present for the incident

Note: If you require additional room for your statement, please continue on page 4.

Resolution – What has been done? What do you suggest?

Describe any actions you have taken to date to try and resolve this matter?

Do you have any suggestions for resolving this matter?

Affirmation – Confirming your response.

- I am submitting this Response for review under the *Workplace Rights Harassment Prevention Policy*.
- I believe the information on this form is true to the best of my knowledge.
- I understand that the Complainant and authorized personnel will receive details of this Response.
- I agree to maintain confidentiality as outlined in the *Workplace Rights Harassment Prevention Policy*.
- I understand that retaliation is strictly prohibited by the *Workplace Rights Harassment Prevention Policy*.

Signature: _____

Date: _____

Additional Information

[Empty rectangular box for additional information]