

MNL Symposium
5 May 2017

Creating Respectful Municipal Workplaces: A Guidebook



Notes:

Introducing our Respectful Municipalities Partners

Municipalities Newfoundland and Labrador is delighted to be working with the following organizations on the roll-out of our joint **2017 Respectful Municipalities Campaign**:

Municipal Safety Council of Newfoundland and Labrador

The Municipal Safety Council of Newfoundland and Labrador (MSCNL) was formed in 2012 to promote and improve all aspects of occupational health and safety and return to work in the Newfoundland and Labrador municipal sector. MSCNL is governed by engaged and knowledgeable individuals representing a balance of employer, labour and ex-officio partner organizations. The MSCNL is fully committed to educate and inform municipalities regarding respectful workplace practices to comply with legislative requirements as per Part III – General Duties, Section 22(2).

Municipal Safety Council of Newfoundland and Labrador
460 Torbay Road, St. John's, NL A1A 5J3

Email: info@mscnl.ca

Website: www.mscnl.ca

Ph: (709) 753-9599

Cell: (709) 763-5644

Fax: (709) 738-0071

Newfoundland and Labrador Association of Fire Services

The NL Association of Fire Services (NLAFS) advocates, educates and promotes the fire service within itself, the public and government. The NLAFS does not tolerate or condone harassment or bullying in the fire service. As a result, we are working with our partners to provide a respectful workplace to all our members and their peers. Our role in the Respectful Municipalities Campaign is to provide a cohesive voice to our members and their departments and to provide messaging, in house training and support when dealing with workplace harassment and bullying.

If you need assistance or have an issue, please contact our office.

Website Contact Page: www.nlfireservices.com/contact.html

Ph: (709) 424-6500

Newfoundland and Labrador Human Rights Commission

The Human Rights Commission is an independent at arm's length government agency that is responsible for promoting an understanding of, acceptance of, and compliance with the provisions of the *Human Rights Act*.

The *Human Rights Act* is a provincial law that protects people in Newfoundland and Labrador from discrimination and harassment. The *Act* recognizes the inherent dignity and worth of all people, that we all have equal rights and opportunities and should live free from discrimination and harassment. If you feel you've been discriminated against or harassed or you're an employer or a service provider that has questions about human rights please contact us to talk directly to one of our staff.

Newfoundland and Labrador Human Rights Commission
P.O. Box 8700, St. John's, NL A1B 4J6

Email: humanrights@gov.nl.ca Website: thinkhumanrights.ca Twitter: [@nlhumanrights](https://twitter.com/nlhumanrights)

Ph: (709) 729-2709 Toll-Free: 1-800-563-5808 Fax: (709) 729-0790

Professional Municipal Administrators

Professional Municipal Administrators (PMA) is Newfoundland and Labrador's expert organization on municipal management matters. The organization is composed of municipal administrators such as Managers, Clerks, Chief Administrative Officers and Department Heads who are committed to improving the quality of administration in local government.

PMA is committed to providing professional development and training, resources, and professional support to municipal administrators as a means of increasing the knowledge of its membership and the overall effectiveness of local government in our province.

PMA will provide educational opportunities to build awareness of what constitutes a respectful workplace. Workshops and professional development opportunities will be provided at PMA events to highlight the importance of this initiative and to reduce harassment, bullying, and discrimination in the municipal sector.

Professional Municipal Administrators
460 Torbay Road, St. John's, NL A1A 5J3

Email: ex.dir@nlama.ca Website: www.pmanl.ca Twitter: [@PMAEXDIR](https://twitter.com/PMAEXDIR)

Facebook: Professional Municipal Administrators

Ph: (709) 726-6405 Fax: (709) 726-6408

Provincial Advisory Council on the Status of Women

The Provincial Advisory Council on the Status of Women (PACSW) is an arms-length agency of the Government. The primary role is to provide advice and recommendations to Government on issues that affect women in our Province and to speak publicly on those issues. Respectful workplaces and municipalities is a priority focus for the Advisory Council in our research and policy work related to healthy relationships and violence prevention. The Advisory Council accomplishes this mandate by working with community partners and other stakeholders to inform our advocacy for policy, programme and legislative changes.

Provincial Advisory Council on the Status of Women
15 Hallett Crescent, Suite 103, St. John's, NL, A1B 4C4

Email: info@pacsw.ca Website: pacsw.ca

Ph: (709) 753-7270 Toll-Free: 1-877-753-7270 Fax: (709) 753-2606

Women in Resource Development Corporation

Women in Resource Development Corporation (WRDC) is a provincial non-profit organization committed to increasing women's participation in trades and technology. With private and public funding, WRDC offers a variety of programs and services to address the challenges surrounding the recruitment, retention and advancement of women in these sectors.

WRDC works closely with employers to review and assess diversity policies and practices, and provide individualized recommendations and customized tools and supports to enhance their efforts. Our experienced team deliver Professional Development Workshops and Train-the-Trainer sessions on diversity and inclusion, provide support in the assessment of workplace climate, and monitoring the effectiveness of diversity initiatives over time.

WRDC Consultation and Coordination Services include:

- Diversity Planning and Policy Development
- Workforce and Workplace Diversity Assessments
- Career Fair Coordination & Labour Market Support
- Climate Survey Coordination, Implementation, and Analysis

Professional Development Workshops include:

- Recruitment & Retention Best Practices
- Creating a Respectful Workplace (*CCA Gold Seal Accredited)
- Managing a Diverse Workforce

Women in Resource Development Corporation
31 Peet Street, Suite 109, St. John's, NL A1B 3W8

Email: info@wrdc.nf.ca Website: www.wrdc.nf.ca

Ph: (709) 738-3713 Toll Free: 1-800-738-3713

The **WRDC** is the primary training member of the ***Respectful Municipalities*** team.

Register your interest in one of our coordinated regional Respectful Municipalities follow-up training and policy development sessions in coming months by emailing **Respect@ municipalnl.ca** or by calling **Kathleen** at **(709) 753-6820, ext. 227**.

Introduction to workshop

This workshop has several key objectives.

Our regional meeting presentations answered the question, “What *IS* a respectful workplace?”, so now we are moving onto the next phase of our 2017 campaign: **developing, reviewing, and implementing respectful workplace policies in your municipality.**

This workshop will help municipalities:

- Understand the necessity and complexity of developing the right policies (i.e. templates do not reflect the realities that are unique to each municipality; policies may sometimes be legislative requirements; policies legally bind both the employer and employee; language used is very important and must clearly reflect employer/employee expectations)
- Understand that there is a process to follow when developing policies. Through checklists and practical activities, the workshop will help you determine what processes need to be taken to effectively develop and implement a Respectful Workplace Policy in your municipality.
- Understand that implementing the respectful workplace policies and addressing conflict when it happens is the key to reducing harassment, discrimination and bullying in the workplace. In addition to the code of conduct and respectful workplace policies, municipalities must develop and implement informal and formal complaint processes. The workshop provides you with a guideline to develop your municipality’s processes.
- Understand that you are not alone; there are resources available to support your municipality to develop the right policies and processes.

Introduction

Developing and implementing a Respectful Workplace Policy can assist municipalities in providing a respectful environment for all. It is not meant to be used as a pass or fail mechanism, but rather a way to identify strengths and weaknesses and develop an action plan for improvement. The various tools provided in this workshop are intended to facilitate the development and implementation of an effective and valuable Respectful Workplace Policy.

Principles

A respectful workplace policy is about developing strategies that promote a healthy, safe and supportive municipality and a commitment to providing an environment where diversity is valued and all persons are treated with respect and dignity. **It is the right of all council, employees and volunteers to work in an environment free from harassment, discrimination, and bullying.**

Respectful Workplace principles should be incorporated into all aspects of the municipality's management, such as planning, elections, recruitment, performance management, learning and development, leadership development, workplace health and safety and workplace relations.

By adopting the strategies contained in this workshop, municipalities will be better placed to attract, select, develop and retain a diverse, skilled and motivated workforce and harness the benefits which will flow from that.

Why have a Respectful Workplace Policy?

Policies serve several essential functions:

- Communicate values and expectations for how things are done at your municipality
- Keep the municipality in compliance with legislation
- Document and implement best practices appropriate to the municipality
- Support consistent treatment of staff, fairness and transparency
- Help management to make decisions that are consistent, uniform and predictable
- Protect individuals and the municipality from the pressures of expediency

Rights

Everyone has the right to:

- ☐ An environment that is free from harassment, discrimination, and bullying
- ☐ File a complaint when the environment is not free from harassment, discrimination, and bullying
- ☐ Be informed of complaints made against them
- ☐ Obtain an investigation of the complaint without fear of embarrassment or reprisal
- ☐ Have a fair hearing
- ☐ Be kept informed throughout the process and of remedial action taken
- ☐ A fair appeal process for both the respondent and complainant
- ☐ Confidentiality to the degree possible under the circumstances
- ☐ Representation by a third party

Obligations

Municipalities have the responsibility to ensure the safety and health of all those who come in contact with the organization, whether that contact is as clients, volunteers, employees or council members.

Municipalities are legally obligated to take all complaints seriously by:

- ☐ Using due diligence, which is the obligation to take reasonable measures to provide appropriate service
- ☐ Being very familiar with the respectful workplace policy and following it closely
- ☐ Following the process without bias
- ☐ Documenting all information from the first disclosure to the final resolution
- ☐ Recording only relevant facts – not feelings
- ☐ Signing and dating all documents
- ☐ Using common sense

Legal Framework

Some policies may be required by legislation, thus much of the policy content may be driven by the requirements of the legislation. Municipalities need to be aware of the legislation that applies in their jurisdiction. At a minimum, municipalities should consider the following:

- ☐ Employment/Labour Standards
- ☐ Occupational Health and Safety
- ☐ Human Rights
- ☐ Workers Compensation

Other legal considerations may be specific to municipalities. Consider:

- ☐ What are the legal implications of developing a policy? Remember even though a policy may not be expressly required to govern a situation, if you develop one and then don't follow it you could be putting your organization at risk.
- ☐ Do we have any collective agreements that need to be considered?

Respectful Workplace Policy Roadmap

This checklist is designed to help you determine what action items need to be taken to effectively develop and implement a Respectful Workplace Policy in your municipality. Once completed, it will act as a framework and provide a practical, operational set of guidelines in defining and implementing your policy. It should be completed by the individual/committee tasked with implementing a Respectful Workplace Policy for your municipality.

STEP 1: SETTING EXPECTATIONS

- ☐ Mayor, Council members, senior staff model desired behaviours
- ☐ Public support of the behaviour initiative by Mayor, council member, senior staff throughout the organization
- ☐ Multi-stakeholder involvement in the behaviour initiative
- ☐ Organizational definition of Respectful Workplace, Harassment, Discrimination and Bullying
- ☐ Code of conduct that includes examples of unacceptable behaviour
- ☐ Policies and procedures related to behaviour
- ☐ Interpersonal behaviour included in all aspects of operating the municipality

STEP 2: PREVENTION

- ☐ Organizational culture of respect, fairness and trust
- ☐ Education about expectations of behaviour and related policies and procedures
- ☐ Communication skills training programs, including team training
- ☐ Conflict management skills training program
- ☐ Intervention skills training program for Mayor, Council Members, Senior staff
- ☐ Monitoring system to identify problem areas
- ☐ Risk management of psychological hazards and workplace stressors
- ☐ Support programs to address stress and burnout

STEP 3: RESPONSE

- ☐ Reporting process
- ☐ Evaluation and initial review process for all reports
- ☐ Investigation when an allegation is substantiated and further information is needed
- ☐ Progressive management approach focused on remediation
- ☐ Resolution process that considers needs of both the complainant and the respondent
- ☐ Documentation
- ☐ Support for all involved

STEP 1: SETTING EXPECTATIONS

Harassment is a pattern of ongoing, deliberate, disrespectful behaviour targeting an individual that results in the recipient feeling intimidated, demeaned, humiliated or embarrassed. Individuals who have conflicts with others in their work unit often need help to recognize if the behaviour they are experiencing is indicative of harassment.

Is the municipality at risk of harassment, discrimination and /or bullying?

	YES	NO
Do you have a code of conduct that establishes expectations for appropriate behaviour by everyone in the municipality?		
Do you have policies and procedures in place related to a respectful workplace or harassment, discrimination, bullying, violence in the municipality?		
During recruitment and performance reviews, are employees made aware of expectations regarding appropriate behaviours?		
Are employees made aware of workplace policies and procedures related to a respectful workplace and disruptive behaviour?		
Is there a clear process or procedure for dealing with and resolving conflict and aggression within the municipality?		
Are employees aware of the provisions of the Human Rights Act that address discrimination or harassment as unlawful and will not be condoned in the municipality?		
Have you put building a culture of dignity and respect on your main agenda?		

1. Creating a Code of Conduct

The Code of Conduct is a communication tool that informs internal and external stakeholders about what is valued by an organization, its employees, and management. The Code of Conduct is the heart and soul of an organization. Think of a Code of Conduct as an in-depth view of what your municipality believes and how individuals there see themselves and their relationship with each other and the rest of the world. The Code of Conduct paints a picture of how everyone can expect to be treated as a result.

In municipalities, the Code of Conduct recommends how municipal councilors, and administrative officials must behave, and the penalties for improper behaviour. In general, the Code of Conduct requires that councilors must perform their duties:

- in good faith (or with a desire to act fairly towards others)
- respectfully
- honestly
- transparently
- in the best interests of the municipality (which includes the interests of the community).

2. Checklist for Developing a Code of Conduct

- ☐ **Background:** Link expectations of conduct to the underlying values of the organization.
- ☐ **Purpose:** Explicitly make the link between Code of Conduct and its impact on the Municipality.
- ☐ **Scope:** The scope outlines to whom the policy applies. Who is covered: Mayor, Councilors, management, staff, volunteers, contractors.
- ☐ **Definitions:** Clearly define any terms used within the policy.

Examples of behaviours: Include **expected behaviours** but also behaviours considered **inappropriate and disruptive** to make it clear what is unacceptable.

- ☐ **Overview of the reporting, intervention and resolution process:** Details are typically provided in a separate policy and procedure related to behavior.
- ☐ **Responsibilities:** Outline the responsibilities of council, management, staff, and volunteers in regards to the policy as well as who is responsible for developing, maintaining, monitoring and implementing the policy.

If there are consequences for not complying with the policy (e.g., disciplinary), be sure to mention this. For example, “Failure to comply with this policy could result in disciplinary measure up to and including just cause for termination of your employment.”

- ☐ **Questions:** Identify the person or position employees can approach if they have questions.
- ☐ **References:** Reference any other policies, documents or legislation that support the interpretation of this policy.
- ☐ **Effective Date:** Indicate the date the policy came into effect and the date of any revisions.
- ☐ **Review Date:** Indicate the date the policy is due to be reviewed.
- ☐ **Approval:** Indicate who approved the policy and the date of approval (e.g., the board, the human resources policy committee, the executive director).

3. Creating a Respectful Workplace Free of Harassment and Discrimination Policy

Harassment and Discrimination are significant issues in today's workplaces and can be quite costly for organizations. Ensuring there is a clear policy in place to address concerns and steps to try to resolve issues is a firm step to creating and maintaining a healthy respectful workplace and avoiding legal turmoil.

A policy on harassment in the workplace:

- Provides guidelines on the types of harassment (personal, verbal, physical, sexual or psychological, and bullying)
- Provides guidelines on the types of discrimination (prohibited grounds, non-prohibited grounds)
- Outlines the scope (who is covered by the policy)
- Makes a commitment to a workplace free from all forms of harassment and discrimination
- Can reinforce compliance with human rights legislation, OH&S and the labour standards code
- Is a statement of an organization's value of inclusion
- Is a statement of an organizations commitment to workplace safety and wellness

4. Checklist for Creating a Respectful Workplace Free of Harassment and Discrimination Policy

- ☐ **Purpose**
- ☐ **Definitions**
- ☐ **Policy statement**
- ☐ **Scope:** To whom it applies
- ☐ **Expected and unacceptable behaviours**
- ☐ **Policy elements**
 - Process for each person involved in an incident to follow: Include expected actions of the complainant, respondent, Mayor, Council, and management. Acknowledge the importance of early intervention before a formal complaint is filed. Consider including a statement that says that in the case of unacceptable behaviour, the complainant can tell the offender **in a respectful way** that their behaviour is unwelcome.
 - Reporting – informal verbal complaint or formal report: Complaints can be verbal or written. Indicate that limited action can be taken in response to a verbal complaint.
 - Evaluation and initial review of a report: There should be a process to evaluate a reported incident or complaint that is separate from the investigation. The purpose of

evaluation and review is to substantiate the facts and context of an incident from the perspective of both complainant and respondent.

- Investigation: Investigation involves collection of additional information about potential contributing factors and the respondent's current and past behaviour. Include who will do the investigation if it is different from the person who corroborates the facts in the initial review.
- Management approach that is progressive in nature and focused on remediation: A staged, progressive approach to management is recommended. Minimally include management of single incidents, repeated occurrences, and serious incidents that warrant an escalated intervention. Action should be appropriate to the nature of the incident. Retaliation warrants an escalated intervention. Consider including a process for managing informal (e.g., verbal) reports.
- Resolution and reconciliation: The process should address the needs of both complainant and respondent. For the respondent, the goal is to enable them to change their behavior and participate effectively as part of the team. For the complainant, the goal is to enable them to move forward when a complaint is substantiated as well as when a complaint is not substantiated.
- Follow-up: Include follow-up with the complainant so they know that action was taken, and follow-up with the respondent related to effectiveness of the intervention. An appeals process could be included as part of follow-up.
- Documentation: Consider what kind of documentation is required at each stage of the evaluation, review, management and follow-up process. Documentation is kept in the supervisor's performance management file unless a written warning or report on an individual's employment record is warranted (disciplinary measure).
- Consequences for retaliation or false reports: Any interference with the conduct of an investigation, or retaliation against a complainant, respondent or witness, may itself result in disciplinary action.

STEP 2: PREVENTION

1. Preventing workplace bullying

There is a risk of workplace harassment, discrimination and bullying wherever people work together. There may not always be obvious signs but this does not mean it is not occurring.

Workplace harassment, discrimination and bullying are best dealt with by taking steps to prevent it before it creates a risk to health and safety.

2. Identifying the potential

Processes that may help identify workplace harassment, discrimination and bullying or the potential for it to occur include:

- regular consultation with municipal staff, volunteers and councillors
- seeking feedback from municipal staff, volunteers and councillors
- seeking feedback from managers, supervisors or other internal and external parties
- monitoring incident reports, workers' compensation claims, patterns of absenteeism, sick leave, staff turnover and records of grievances to establish regular patterns or sudden unexplained changes
- recognising changes in workplace relationships between councillors, staff, customers and managers.

Research indicates there are several factors which may increase the risk of workplace harassment, discrimination and bullying occurring in the workplace, for example:

- **presence of work stressors** – high job demands, limited job control, organisational change, role conflict and ambiguity, job insecurity, an acceptance of unreasonable workplace behaviours or lack of behavioural standards, unreasonable expectations
- **leadership styles**
 - autocratic behaviour that is strict and directive and does not allow staff to be involved in decision making
 - behaviour where little or no guidance is provided to staff or responsibilities are inappropriately and informally delegated to subordinates
- **systems of work** – lack of resources, lack of training, unreasonable performance measures or timeframes
- **work relationships** – poor communication, low levels of support or work group hostility
- **workforce characteristics** – groups of workers that are more at risk of being exposed to workplace bullying (women, visible minorities, youth, aboriginal people, people with disabilities)

3. Controlling the risks

The risk of workplace harassment, discrimination and bullying can be eliminated or minimised by creating a positive work environment where everyone treats each other with respect.

A combination of control measures aimed at both the organisational level and at individual behaviours should be considered.

a) Set the standard of workplace behaviour

Municipalities can set and enforce clear standards of behaviour through a code of conduct or a workplace policy that outlines what is and is not appropriate behaviour and what action will be taken to deal with unacceptable behaviour. It can apply to all behaviours that occur in connection with work, even if they occur outside normal working hours.

The advantage of this approach is that unreasonable behaviours can be addressed before they escalate into workplace bullying.

To be effective, the policy should be easily accessible and consistently applied. It should be communicated and promoted through notice boards, team meetings and by managers discussing the policy with everyone.

b) Design safe systems of work

- Clearly define jobs and seek regular feedback about roles and responsibilities.
- Provide everyone with the resources, information and training they need to carry out their tasks safely and effectively.
- Review and monitor workloads and staffing levels.
- Develop and maintain effective communication throughout workplace change including restructuring or downsizing.

c) Develop productive and respectful workplace relationships

- Promote positive leadership styles by providing training for councillors, managers and supervisors on:
 - communicating effectively and engaging others in decision-making
 - providing constructive feedback both formally and informally
 - effectively managing workloads
 - people and performance management.
- Mentorship and support for new and poor performing managers and staff.
- Facilitate teamwork and co-operation.
- Ensure leaders act in a timely manner on unreasonable behaviour they see or become aware of.

Good management practices and effective communication can help create a workplace environment that discourages bullying.

d) Dealing with external parties

Where there is a risk of workplace bullying by other people, for example constituents, the following control measures may be considered:

- communicate the expected standard of behaviour through a code of conduct or in contracts and agreements
- empower workers to refuse or suspend service if other people fail to comply with the expected standard of behaviour
- provide support to workers who are exposed to unreasonable behaviour
- implement control measures to eliminate or minimise the risk of workplace violence.

e) Implement reporting and response procedures

If an individual considers they are being harassed or bullied they will be more likely to report it if they know there is a reporting process in place and that it will be followed as soon as a report is received.

Reporting can be encouraged by:

- making it clear that victimisation of those who make reports will not be tolerated
- ensuring consistent, effective and timely responses to reports
- being transparent about dealing with workplace harassment, discrimination, and bullying by regularly providing information on the number of reports made, how they were resolved and what actions were taken.

It is important for those who experience or witness workplace bullying to know who they can talk to in the municipality, that a report will be taken seriously and confidentiality will be maintained. Implementing effective response procedures will help respond to reports of harassment and bullying in a consistent and reasonable way. They should be used each time a report is made and be flexible enough to fit the different circumstances of each report. Procedures should be designed to suit the size and structure of the municipality.

A procedure should:

- be in plain English and if necessary available in other languages
- outline how issues will be dealt with when a report of workplace harassment and discrimination is made or received including broad principles to ensure the process is objective, fair and transparent
- clearly state the roles of individuals such as managers and supervisors
- identify external avenues available to individuals where allegations have been unable to be resolved internally.

f) Provide training and information

All individuals including councillors, managers and staff should be aware of their roles in relation to preventing and responding to workplace harassment and bullying and have the appropriate skills to take action where necessary.

Training

Orientation training should include information on:

the standards of behaviour expected in the workplace including the use of social media if relevant

how workplace harassment should be reported and how such reports are managed

where to go for more information and assistance.

Providing information

Information about workplace harassment and discrimination can be given in a number of ways including:

- talking directly by holding meetings, tool box talks or speaking one-on-one at the beginning of the work day
- handing out newsletters or pamphlets
- displaying posters around the workplace
- through social media, email messages.

g) Monitoring and reviewing

Once control measures have been implemented they should be monitored and reviewed to ensure they are effective in managing the risk of workplace harassment, discrimination and bullying. If the control measures do not work the situation should be analysed further to determine how to fix the problem. A review of the policies and processes must be carried out regularly, according to a scheduled review date, or when new or additional information or research about workplace harassment, discrimination and bullying becomes available

STEP 3: RESPONSE

	YES	NO
Have grievances or complaints previously been raised by employees, volunteers, or councilors concerning disrespectful behaviour in the municipality?		
Is there a pattern in absenteeism, sickness rates, or stress-related leaves that suggest disrespectful behaviour may be an issue in the municipality?		
Are there unusual levels of staff turnover or requests for transfer that may be attributed to incidents or acts of disrespectful behaviour?		
Are blatant incidents or acts of disrespectful behaviour that a reasonable person would consider inappropriate condoned or accepted in the municipality?		
Do exit interviews or staff opinion or satisfaction surveys suggest that behaviour may be a problem in some area?		
Does your municipality have a complaint process?		

1. Definitions

- Complainant: an individual who believes he/she has experienced harassment and makes a complaint
- Complaint: is a formal, written complaint against an individual or group of individuals whose alleged behaviour contravenes the Respectful Workplace Policy
- Investigator: the designated supervisor/person with investigation training and/or experience authorized to investigate a complaint
- Facilitated Discussion: is a problem-solving session led by the supervisor, to which both parties are directed to participate and from which the supervisor may provide direction on future behaviour.
- Mediation: is where a neutral third party facilitates communication between disputing parties to promote understanding and collaborative problem solving to promote a respectful workplace.
- Respondent: is the person who a complaint has been made against.
- Witnesses: Witnesses are expected to provide information and cooperate in an investigation. They are expected to keep their knowledge of a complaint, and involvement in any resolution or investigation process confidential. In addition, witnesses are expected to seek clarification or explanation of their rights and responsibilities in relation to the investigation.

2. First Steps of Resolution Process

Every effort is made to resolve conflicts in a fair and respectful manner without having to resort to the formal complaint process, which is adversarial in nature. The municipality is urged to resolve conflict through discussion with the parties involved as the first and least confrontational approach to dealing with the offensive behaviour.

The municipality should encourage prevention and resolution of conflict through frank communication and a firm commitment to finding solutions and implementing them. The use of problem resolution mechanisms, such as one-on-one or facilitated discussion, can in many instances resolve the issue and prevent the situation from escalating to the point where filing a complaint is necessary.

The following progressive conflict resolution process should be followed whenever possible: These steps are to be taken prior to contemplating filing a formal complaint under the policy:

Individual Problem Solving

- Should always be the first step as long as employee does not believe their safety is at risk or their economic livelihood or career is threatened.
- Only the parties involved in the conflict participate.

Facilitated Discussion

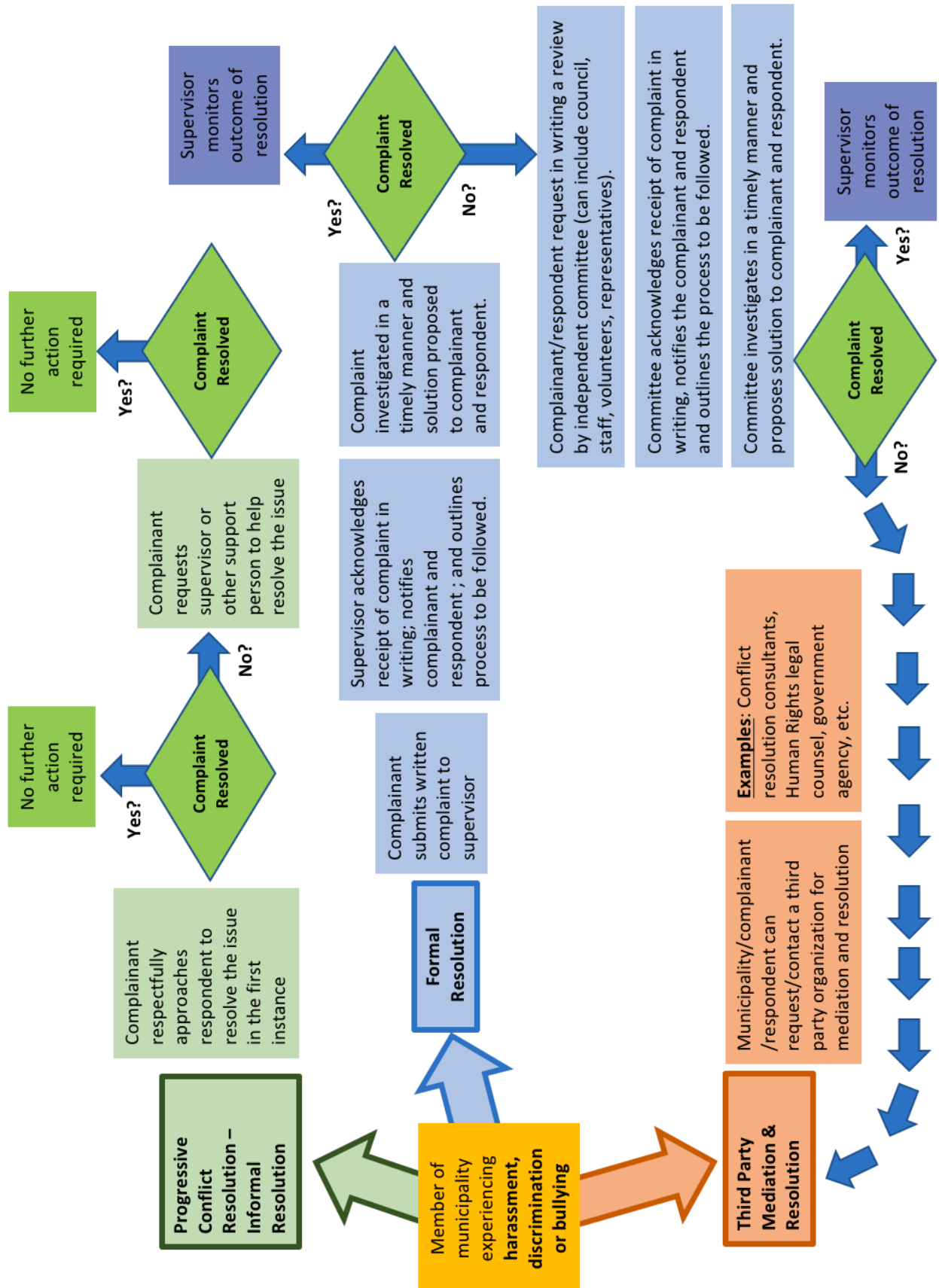
- If individual problem solving is not feasible or does not work, this should be the next step.
- Both parties plus the manager participate.
- If no agreement is reached, the Manager should provide direction on future workplace behaviour with no blame attached.

3. Formal Resolution Process

In a situation where a formal investigation is warranted and conducted, it is strongly recommended that the investigation process, findings and outcomes be documented.

Note: Formal conflict resolution is a complex process involving high-level skill. Mediators use careful language to ensure that they do not add to highly sensitive situations. If you do not feel confident that you can successfully resolve the issues, call someone who can help you or advise you on where to get help to resolve your workplace conflict.

Complaint Process Flowchart



Formal Investigation Report Template

1. Executive Summary

2. Background

2.1 Brief description of allegation(s) or complaint(s)

2.2 Where the incident(s) occurred

2.3 Date reported

2.4 Date(s) when the incident(s) occurred

2.5 Investigation requested or initiated by

2.6 Investigation lead and team members

2.7 Relevant policies, laws or other guiding documents (if known)

2.8 Scope of the investigation

2.9 Emergency steps taken prior to commencing investigation, if any

3. Information Sources

3.1 Persons interviewed, title, workplace role; role in the incident

3.2 Documents reviewed (if applicable)

4. Investigation

This investigation included interviews of persons with knowledge of the event(s) or issue(s) in question. The following presents a synopsis of the interviews:

4.1 For each person interviewed:

- *Name*
- *Date and time of interview*
- *Location of interview*
- *Name of interviewer*
- *Persons attending interview*
- *Documents provided by interviewee*
- *Documents reviewed by interviewee*
- *Summary of interview*

(If applicable) This investigation included a review of documents relevant to the event(s) or issue(s) in question. The following presents a synopsis of the documents reviewed.

4.2 For each document or set of documents reviewed:

- *Name or short description of document*
- *Summary of information relevant to the allegation or incident*

5. Investigation Analysis and Findings

6. Aggravating and Mitigating Factors Identified in the Investigation

7. Process Recommendations

Investigation Report Completed By:

The contents of this Investigation Report were reviewed and agreed to by:

Date:

GROUP ACTIVITY 1-A:

Instructions:

Each table works as a group.

Read the **CODE OF ETHICS** example below.

Refer to these Guidebook sections for help:

- Creating a Code of Conduct
- Checklist for Developing a Code of Conduct

Answer the discussion questions.

CODE OF ETHICS

Having subscribed to the following principles and ethics which he/she affirms will govern his/her personal conduct, _____ agrees:

- To uphold constitutional government and the laws of my community;
- To so conduct my public and private life as to be an example to my fellow citizens;
- To impart to my profession those standards of quality and integrity that the conduct of the affairs of my office shall be above reproach and to merit public confidence in our community;
- To be ever mindful of my neutrality and impartiality, rendering equal service to all and to extend the same treatment i wish to receive myself;
- To record that which is true and to preserve that which is entrusted to me as if it were my own; and
- To strive constantly to improve the administration of the affairs of office consistent with applicable laws and through sound management practices to produce continued progress and so fulfill my responsibilities to my community and others.

Table Discussion Questions:

What is your initial assessment of the Code of Ethics example? Do you feel it is adequate for your municipality? If yes, explain why. If no, explain why.

What is the purpose of this policy?

Who is covered under this policy?

What behaviours would you include in a code of conduct policy?

What are the responsibilities of council, management, staff and volunteers?

Council:

Management:

Staff:

Volunteers:

GROUP ACTIVITY 1-B:

Instructions:

Each table works as a group.

Read the *HARASSMENT POLICY* example provided

Refer to these Guidebook sections for help:

- Creating a Respectful Workplace Free of Harassment and Discrimination Policy
- Checklist for Creating a Respectful Workplace Free of Harassment and Discrimination Policy

Answer the discussion questions.

Town of _____

HARASSMENT POLICY

Statement of Position

The Town of _____ believes that all elected and non-elected officials should be afforded the opportunity to work in an environment free of harassment. All elected and non-elected officials have the right to work in an environment free from all forms of discrimination and misconduct. The purpose of this policy is to ensure elected and non-elected officials are treated with respect and dignity.

Definition

Harassment is defined as any unwanted or uninvited verbal, visual, or physical conduct which is offensive or objectionable to the recipient. Repeated, intentional offensive comments and or actions may include, but are not limited to the following: derogatory or suggestive comments, slurs or gestures, jokes, racist graffiti and literature, and offensive posters, cartoons, pictures and drawings.

Conditions Considered Harassing

Examples of harassment (but not limited to) are as follows:

- Inappropriate physical conduct
- Verbal abuse or threats
- Practical jokes that are insulting or embarrassing
- Sexual obscene or offensive comments, jokes or slurs about or directed to an individual or class of persons, which an individual may or may not be a member
- Unnecessary physical conduct such as touching, patting, pinching, or hitting
- Vandalism of personal property, work station, or vehicle
- Physical or sexual assault
- Displaying sexual pictures, cartoons, or calendars
- Staring, leering, sexual gestures
- Placing an employment decision (i.e. hiring, promotion, termination) on submission or rejection of a persons conduct
- The conduct effects or interferes with an individuals work or creates an intimidating, hostile, or offensive work environment

Committee Structure for Investigating Complaints

A committee will be established and comprised of representatives from management (town manager, town clerk, town clerk manger, or senior management) and council to investigate a complaint. If a person(s) represented on the committee is the subject of the complaint or the complaint, then that person(s) will be replaced by an alternative committee member(s) in that particular incident.

Complaint Procedure

If you have been the recipient of harassing behavior, then you should do the following:

1. **Speak Up** – If an individual feels harassed, he/she should, where appropriate, speak directly to the harasser and state that the behavior is unwelcome and that it must stop.
2. **Keep Notes** – Individuals are encouraged to keep a record of all incidents including: dates, time, descriptions, action taken by the individual, responses by the alleged harasser, possible witnesses and any other relevant information such as the impact of the harassment.
3. **Report the Harassment** – Report the harassment immediately to the supervisor, manager or designate. It is preferable to make a complaint in writing. However, if you make a verbal complaint, you should follow up your verbal complaint with a written complaint.

Allegations of harassment will be promptly investigated, giving due respect to the need for confidentiality.

The designated representatives (committee) will conduct interviews with relevant witnesses and provide a report to senior management (or designate) upon conclusion of the investigation. Senior management (or designate) will review the report and provide to parties involved his/her decision with reasons.

All efforts will be made to ensure confidentiality throughout the investigation while providing an opportunity to fully respond to all the allegations.

Consequences and Penalties

Any person who engages in harassing behavior shall be subject to disciplinary action, including possible termination.

Protection against Retaliation

Any person has the legal right at any time to raise the issue of harassment without fear of reprisal.

Malicious and False Accusations

It is a serious matter to deliberately make a false accusation of harassment. If a complaint is found to have been in bad faith, the complainant will be subject to disciplinary measures (for example, possible termination for employee).

Approval

Approved: _____ Date: _____

Approved: _____ Date: _____

Motion: _____ Policy #: _____

Table Discussion Questions:

What is your initial assessment of the Harassment Policy example? Do you feel it is adequate for your municipality? If yes, explain why. If no, explain why.

What is the purpose of this policy?

Who is covered under this policy?

What definitions would you include in this policy?

What are the responsibilities of council, management, staff and volunteers?

Council:

Management:

Staff:

Volunteers:

What else should be included in the complaint process?

GROUP ACTIVITY 2-A:

Instructions:

The following scenario provides an example of how to respond to incidents of workplace bullying and harassment. Responses will vary based on whose perspective the group is discussing. For example, a group may look at the response from the point of view of the supervisor, or complainant, or respondent.

Each table works as a group.

Read the Conflict Resolution Scenario

Refer to these Guidebook sections for help:

First Steps of Resolution Process
Formal Resolution Process
Complaint Process Flowchart
Formal Investigation Report Template

Answer the Table Discussion Questions

Conflict Resolution Scenario A

Jenny and Mike are both administrative staff members at your municipality. Jenny has worked there for 15 years and Mike started six months ago. Their supervisor Donna often compliments Mike on his work, but Jenny constantly belittles Mike in front of clients and other staff. This morning, Jenny yelled at Mike in front of some volunteers visiting the municipal office. She also tells him he never does anything right.

Mike has had enough and wants to explore his options.

Table Discussion Questions

What is Mike experiencing?

How could Mike address this situation? What are his options?

According to the procedures previously listed, who should Mike contact first?

According to the procedures previously listed, who is responsible for reporting and investigating a complaint?

How could Donna (the supervisor) address this situation?

What should Jenny (the respondent) expect? How should she approach this situation?

GROUP ACTIVITY 2-B:

Instructions:

The following scenario provides an example of how to respond to incidents of workplace bullying and harassment. Responses will vary based on whose perspective the group is discussing. For example, a group may look at the response from the point of view of the supervisor, or complainant, or respondent.

Each table works as a group.

Read the Conflict Resolution Scenario

Refer to these Guidebook sections for help:

First Steps of Resolution Process
Formal Resolution Process
Complaint Process Flowchart
Formal Investigation Report Template

Answer the Table Discussion Questions

Conflict Resolution Scenario B

Jane is a volunteer at the recreation centre of your municipality. As a certified lifeguard, she spends her weekday evenings and weekends at the town's pool. Jane takes her job seriously but she also enjoys chatting with pool-goers. In the past 3 weeks, John, a town councilor, started coming to the pool during the last hour before closing. At first, Jane chatted with him as she does with others. John asked her about her volunteering, she talked about the benefit for a new recreation centre.

As the days went by, John started behaving differently. He started making repeated comments about how Jane looked "nice" in her bathing suit. That made Jane feel uncomfortable. He then started waiting for Jane at the recreation centre door after closing to ask her if she wanted to go out for a drink. Jane politely declined every time. she became scared to leave the centre at night. Last night, as she was locking the pool, John appeared from behind her started asking her out again.

Jane has had enough and wants to explore her options.

Table Discussion Questions

What is Jane experiencing?

How could Jane address this situation? What are her options?

According to the procedures previously listed, who should Jane contact first?

According to the procedures previously listed, who is responsible for reporting and investigating a complaint?

How could the council address this situation?

What should John (the respondent) expect? How should he approach this situation?
