

## **5.0 Anti-Harassment Policy and Procedures – Introduction**

This section concerns the policy of the Board regarding harassment and respectful workplace provisions.

### **5.1. Purpose**

Municipalities Newfoundland and Labrador (MNL) is committed to fostering a working environment in which all individuals are treated with respect and dignity, free of harassment, discrimination or misconduct.

Harassment will not be tolerated at MNL. Individuals, regardless of seniority or position within MNL, the Board of Directors and its committees, found to have engaged in conduct constituting harassment will be subject to discipline, including possible removal or termination. This includes any individual who interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm.

### **5.2. Application**

This Policy applies to all current MNL employees, Board and Committee members including, without limitation, full and part-time, casual, contract, permanent or temporary staff, and to all business-related interactions between MNL employees, Board and Committee members and third parties who deal with the organization (e.g. consultants, contractors, service-providers, volunteers and members). This policy applies to all behaviour anywhere where the business of MNL is being conducted or where social or other functions of MNL occur (e.g. at the office, outside the office, at office-related social functions, on the internet and through social media, in the course of work assignments outside the office, during conferences or training sessions, during Board meetings and during work-related travel).

The Policy covers all forms of harassment prohibited by the Canadian Human Rights Act and Newfoundland and Labrador Human Rights Act, 2010 or other applicable statute.

Anyone who works at MNL or who is on the Board of Directors or a Board committee and believes that he or she has been harassed in the course of conducting MNL business may use the procedures set out in this Policy.

### **5.3. Definitions**

Harassment is:

- offending or humiliating someone physically or verbally;
- threatening or intimidating someone; or
- making unwelcome jokes or comments about someone's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

Sexual harassment is:

- offensive or humiliating behaviour that is related to a person's sex;
- behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment; or
- behaviour of a sexual nature that could reasonably be thought to put sexual condition on a person's job or employment opportunities.

## **5.4. Responsibilities and Expectations**

MNL is responsible for providing all current MNL employees, Board and Committee members a harassment-free workplace.

Every employee, Board and Committee member of MNL has a responsibility to play a part in promoting a safe and positive workplace and ensuring that the work environment is free from harassment of any type. This responsibility is to be discharged by not engaging in, allowing, condoning or ignoring behaviour that constitutes harassment and violates this Policy.

Every employee, Board and Committee member of MNL is responsible for his or her own behaviour. However, the Board of Directors and Chief Executive Officer have an additional obligation to oversee and correct the behaviour of other employees, Board and Committee members, by leading by example and by taking timely action whenever they become aware of any potential breach of this Policy.

In compliance with the MNL Code of Ethical Conduct (Appendix G, hereto), every employee, Board and Committee member of MNL must avoid all forms of discrimination and/or harassment. They are expected to act with integrity, holding to the highest ethical standards, and to lead by example, taking action whenever they become aware of any potential breach of this Policy.

## **5.5. Procedures for Addressing a Harassment Complaint**

### **Investigative Committee Structure**

A Committee comprised of the Chief Executive Officer and the MNL President will investigate complaints. If either person regularly sitting on the Committee is a complainant or the subject of the complaint, then they will be replaced by an alternate (a senior staff member or member of the Board of Directors, respectively) in that particular incident.

### **Filing a Complaint**

A complainant may file a harassment complaint by contacting either regular Committee member named above, or, in the event both are implicated, a trusted member of the Board of Directors, who will then arrange for the alternative Committee structure.

The complaint may be verbal or in writing. If the complaint is made verbally, the party receiving the complaint will record the details provided by the complainant. The complainant should be prepared to provide details such as what happened; when it happened; where it happened; how often and who else was present (if applicable).

Complaints should be made as soon as possible but no later than within one year of the last incident of perceived harassment, unless there are circumstances that prevented the individual from doing so.

The Committee handling the complaint will tell the person(s) that the harassment complaint has been made against, in writing, that a harassment complaint has been filed. The letter will also provide details of the allegations that have been made against them.

Every effort will be made to resolve harassment complaints within ten (10) days. The Committee will advise both parties of the reasons why, if this is not possible.

### **Mediation**

Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation. Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the harassment complaint.

The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in investigating the complaint. Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

### **Investigation**

If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience. In some cases, an external consultant may be engaged for this purpose.

The investigator will interview the person who made the complaint, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

The investigator will prepare a report that will include:

- a description of the allegations;
- the response of the person the complaint was made against;
- a summary of information learned from witnesses (if applicable); and
- a decision about whether, on a balance of probabilities, harassment did occur.

This report will be submitted to the Committee. The parties to the complaint will each be given a copy.

### **Substantiated Complaint**

If a harassment complaint is substantiated, the Committee will decide what action is appropriate depending upon the severity of the issue and/or if the behaviour is repeated.

Remedies for the person who was harassed may include a formal apology, compensation for lost wages or benefits, and counseling.

Corrective action for the individual found to have engaged in harassment may include:

- a reprimand;
- a suspension, demotion or dismissal (in the case of staff);
- a request to resign from the MNL Board and/or Committee and/or to not to attend MNL-related events, with formal notification to the individual's Council through the city/town clerk's office; or,
- on the recommendation of the Board, vote by the membership at a special meeting to remove the individual from the Board of Directors as per Article II, Section 6 of MNL's By-Laws.

The parties to the complaint will be advised, in writing, of the decision.

## **5.6. Harassment by Persons Outside of MNL**

MNL recognizes its responsibility to support and assist any employee, Board or Committee member who believes that he or she has been harassed by a person outside MNL during the course of their business-related interactions. This includes dealings with volunteers, consultants, contractors, and service providers.

If an MNL employee, Board or Committee member believes that he or she has been harassed by a person outside MNL in the course of his or her business-related interaction with that person, they may bring their concerns to the attention of the Chief Executive Officer.

The aforementioned Committee will be responsible for appropriately investigating and resolving the matter.

#### **5.7. Other Redress**

A party who is not satisfied with the outcome of the harassment complaint process may file a discrimination complaint with the Newfoundland and Labrador Human Rights Commission.

#### **5.8. Privacy and Confidentiality**

All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.

#### **5.9. Review**

The MNL Board of Directors will review this policy and procedures on an annual basis, or sooner as required, and will make necessary adjustments to ensure that it meets the needs of all employees, Board and Committee members.

#### **5.10. Enquiries**

Enquiries about this policy and related procedures can be made to MNL's Chief Executive Officer.