



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 12 th Council of the Town of Happy Valley-Goose Bay			Page 1 of 17

Topic: Harassment Prevention Plan & Anti-Discrimination Policy

Policy Statement:

The Town of Happy Valley-Goose Bay (the "Town") is committed to eliminating, where possible, or otherwise minimizing, the hazard of workplace harassment, discrimination, and disrespectful behavior. The Town expects and promotes respectful interactions which show regard for the rights, dignity, health, and safety of all. Every worker is entitled to employment free from workplace harassment.

The policy is consistent with the inclusions of the Occupational Health and Safety Act and shall be read in conjunction with any applicable collective agreement provisions.

This Harassment Prevention Plan is not intended to discourage a worker from exercising his or her rights under the *Human Rights Act, 2010*, the *Criminal Code (Canada)*, or any other law of the province or of Canada. This Harassment Prevention Plan also does not impact the worker's ability to file a grievance, as applicable under the terms of the Collective Agreement.

The Town shall develop, implement, and maintain this written Harassment Prevention Plan in consultation with the occupational health and safety committee, the worker health and safety representative, or the workplace health and safety designate. This Harassment Prevention Plan shall be accessible to all workers in the workplace and reviewed as necessary, but at least annually.

The Town will not tolerate, ignore or condone workplace harassment, discrimination, or any pattern of inappropriate, disrespectful behavior that a reasonable person would consider to be humiliating, demeaning, offensive, or intimidating. The Town considers such actions to be a serious offence, which may result in disciplinary action up to and including termination of employment.



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 2 of 17

Policy Scope:

This policy applies to all Town of Happy Valley-Goose Bay employees and addresses workplace harassment, discrimination, or other unwanted behavior from all sources such as other employees, supervisors, managers, contractors, members of Council, and the public. Councillors are afforded the same rights and protections provided by this policy while performing authorized activities for the Town. This may include off-site job-related functions and social events related to work and employment.

Definitions:

- **Complainant:** A person who has allegedly been the target of harassment or discrimination and who brings a Complaint forward under this policy.
- **Complaint:** a report of Workplace Harassment submitted under this Policy.
- **Council:** The Town's Council.
- **Councillor:** A member of the elected Council.
- **Deputy Mayor:** The person filling the role of the Town's deputy mayor.
- **Director of Human Resources and Employee Relations (DHRER):** Includes the Director of Human Resources and Employee Relations or anyone who fills that role as delegated by the Town Manager/CAO.
- **Discrimination:** Includes the unequal treatment, exclusion, or preference that reduces the equality of opportunity or causes a disadvantage in the terms or conditions of employment on the basis of a prohibited ground, including *race, color, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income and political opinion.*



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 3 of 17

Definitions: Continued

- **Investigator:** The person responsible for investigating the Complaint.
- **Mayor:** The person filling the role of Town's mayor.
- **Respondent:** A person alleged to have engaged in behavior or harassment or discrimination under this policy.
- **Retaliation:** Penalization or hostile treatment for filing a complaint and/or participating as a witness in an investigation in relation to a complaint. Some examples of this include shunning or contacting participants to discuss their involvement in a case.
- **Town:** The Town of Happy Valley-Goose Bay.
- **Town Manager/CAO:** The person acting in the role of Town Manager/CAO
- **Violence and Family Violence:** Violence means the attempted or actual exercise of physical force to cause injury to a worker that includes threatening statements or behavior which gives a worker reason to believe that he or she is at risk of injury.
 - Family violence has the same meaning as in section 3 of the *Family Violence Protection Act*. That is, Family Violence is one or more of the following acts or omissions committed against an applicant or a child by a respondent: (a) an assault that consists of the intentional application of force that causes the applicant to fear for his or her safety but does not include an act committed in self-defence; (b) an intentional, reckless or threatened act or omission that causes bodily harm or damage to property; (c) an intentional, reckless, or threatened act or omission that causes a reasonable fear of bodily harm or damage to property; (d) forcible physical confinement without lawful authority;



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 4 of 17

Definitions: Continued

(e) sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation; (f) conduct that causes the applicant to reasonably fear for his or her safety, including following, contacting, communicating with, observing or recording a person; (f.1) conduct that causes psychological or emotional harm or a reasonable fear of that harm, including a pattern of behavior the purpose of which is to undermine the psychological or emotional well-being of the applicant or a child; (f.2) conduct that controls, exploits or limits the applicant's access to financial resources for the purpose of ensuring the applicant's financial dependency; and (g) the deprivation of food, clothing, medical attention, shelter, transportation or other necessities of life.

- **Workplace:** Any location where a Town of Happy Valley-Goose Bay employee is carrying out their occupational duties, including those locations that are not on primary work sites. This may include a social function, training, and conferences, during travel, at restaurants, hotels, or meeting facilities being used for business purposes, during telephone, email, or other communications. This may also include social networking sites.
- **Workplace Harassment:** Inappropriate vexatious conduct or comment by a person to a worker that the person knew or ought to have known would cause the worker to be humiliated, offended, or intimidated. *This includes discriminatory harassment as well as sexual harassment.*
 - Workplace harassment may also include behavior, conduct, comments, or activities that are not directed specifically at an individual, but which nonetheless create a degrading or offensive 'poisoned' work environment.
 - Workplace harassment may include some of the following components:
 - It may be ongoing behavior, although a single incident may constitute harassment, depending on the severity of the behavior;
 - It may be hostile, abusive, or inappropriate;
 - It may affect the person's dignity;



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 5 of 17

Definitions: Continued

- It may result in a poisoned work environment;
- It may intimidate, isolate or discriminate against the recipient; and/or
- Abuse of Authority (An individual using undue authority or power related to their position with the intention of undermining an employee's job performance.)
- Some examples of workplace harassment may include:
 - Verbally abusive behavior such as yelling, insults, ridicule, and name-calling, including remarks, jokes, or innuendos that demean, ridicule, intimidate or offend;
 - Workplace pranks, bullying, and hazing;
 - Gossiping or spreading malicious rumors;
 - Excluding or ignoring someone, including the persistent exclusion of a particular person from workplace social gatherings;
 - A leader undermining someone else's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a person to do their job;
 - A leader providing only demeaning or trivial tasks in place of normal job duties;
 - Humiliating someone;
 - Sabotaging someone else's work;
 - Displaying or circulating offensive pictures or material;
 - Offensive or intimidating phone calls or emails;
 - A leader blocking an individual's efforts at promotions or transfers for reasons that are not legitimate; or
 - Making false allegations about someone.



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 6 of 17

Definitions: Continued

- Workplace Harassment is not: Reasonable action taken by the Town relating to the management and direction of workers or the workplace. Workplace Harassment does not include:
 - Reasonable actions to correct performance deficiencies;
 - Imposing reasonable discipline for workplace infractions;
 - Requesting medical documents in support of an absence from work;
 - Normal workplace conflict that may occur between individuals or differences of opinion between co-workers; or
 - Friendly teasing or bantering that is mutually acceptable and not offensive to others

Roles and Responsibilities:

All employees and members of Council have a responsibility to ensure their own behavior and interactions are respectful and not in contravention to this policy. It is critical to understand that the intention behinds one's actions is not relevant in the determination of a finding of harassment or discrimination; what matters is the impact the actions have on others. All staff and Councillors also have a role in not tolerating such behavior and reporting it if it does occur. Specific groups or individuals have particular responsibilities as follows:

The Town will:

- Work to prevent incidents from taking place through information, education, early identification, and corrective discipline where appropriate
- Thoroughly investigate complaints of workplace harassment and reported incidents in an objective, sensitive and timely manner with due regard to the confidentiality of all parties concerned



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 7 of 17

Roles and Responsibilities: Continued

- Provide fair and effective resolution of complaints
- Take necessary action against those who are found in contravention of this policy; up to and including termination of employment
- Provide support to those affected by misconduct to maintain self-worth, health and wellness

1. Topic: HARASSMENT

Workers / Employees / Members of Council have an obligation to take reasonable care to:

- not engage in bullying or workplace harassment;
- report observations or experiences of bullying and workplace harassment; and
- comply with the Harassment Prevention Plan.

Anybody who is the target of harassment or discrimination is asked to take action towards a resolution, as outlined in the procedure associated with this policy. Employees and members of Council are encouraged to report harassment or discrimination to the appropriate person as outlined in this policy.

- Those who have become aware of or have directly observed harassment or discrimination are asked to provide support to the behavior and encourage them to take action towards a resolution. If that person does not take action, observers are asked to bring information forward to any Leader, Co-Worker, or the Director of Human Resources and Employee Relations.
- Anyone involved in the investigation of an alleged incident is always required to cooperate with the Investigator and to maintain confidentiality.



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 8 of 17

Roles and Responsibilities: Continued

Supervisors shall:

- Ensure the health and safety of workers, which includes applying and complying with the harassment prevention plan.

Investigator

- The Director of Human Resources and Employee Relations and/or the Town Manager/CAO is to conduct investigations under this policy if it is determined by the Town Manager/CAO that a formal investigation is required. Allegations against senior management staff, Council members, or DHRER may be investigated by an external third party, selected by The Town.
- An OHS officer may, where he or she considers it necessary, order that an impartial third party investigates a complaint of workplace harassment. Any expenses relating to having an impartial third party investigate shall be the responsibility of the Town.

Director of Human Resources and Employee Relations

The DHRER will receive complaints and conduct an initial assessment of the appropriate next steps required. Every effort will be made to receive and resolve complaints in a timely manner.

DHRER will obtain the following information regarding the complaint(s):

- Name of the complainant(s) and contact information
- Name of the alleged harasser(s), position, and contact information
- Name of any witness(es) or other person(s) with relevant information to provide about the incident and contact information



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 9 of 17

Roles and Responsibilities: Continued

- Details of what happened, including date(s), frequency, and location(s) of the alleged incident(s)
- Any supporting documents the complainant may have in his/her possession that are relevant to the complaint
- A list of any documents a witness, or another person, or the alleged harasser may have in their possession that are relevant to the complaint

The DHRER and/or the Town Manager/CAO will conduct investigations where necessary and make a determination as to whether harassment is present or not. Allegations against senior management, councillors, or the DHRER, and in other instances, at the discretion of The Town, may be investigated by an external third-party investigator or by the Town Manager/CAO.

Town Manager/CAO

- The Town Manager/CAO will be informed of all complaints and receive investigation findings from the DHRER. The Town Manager/CAO and DHRER will work collaboratively with the impacted Department Heads, Supervisors, external legal counsel as applicable in determining the outcome and implementation of the investigation and recommendations.

In the case that the Town Manager/CAO or the DHRER is the respondent, then another person will be appointed to carry out these duties.

Procedure

Any person who feels they have been the target of or has observed harassment or discrimination is encouraged to document details of the incident shortly after it has occurred. Points to note include:

- Name of the Complainant and Respondent
- Date, time, and location of the incident



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 10 of 17

Procedure: Continued

- Description of the incident, including words, gestures
- Names of witnesses to the incident
- Any documents relevant to the incident

Assisted Resolution

Those who feel they have been the target of offensive behavior, are encouraged as an initial step to raise their concern with the offender either in person, by phone, or in writing. This step is only suggested if the employee feels comfortable doing so. The DHRER can support the Complainant to prepare for this conversation and can act as an informal mediator for both parties.

Often, the person may not be aware that their behavior is offensive and unwelcome. A clear message to them may stop the behavior with no further intervention required. If the behavior does not stop, you are asked to bring your complaint forward to initiate a formal resolution.

Complaint

A complaint may be initiated in the following ways:

- Submitting a written Complaint to the DHRER. The Harassment Complaint Form may be completed independently or with the assistance of the DHRER. Forms may be requested from the DHRER or a supervisor/manager.
- Contacting your workplace OHS Committee representative with a written Complaint
- If a Complaint is against the DHRER or a supervisor, the Complaint may be submitted to the Town Manager/CAO.



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 11 of 17

Procedure: Continued

Making a Complaint in writing makes it easier for it to be reviewed, to understand it, and decide upon an appropriate response. Employees should complete a Complaint Form. However, all Complaints will be taken seriously and investigated in a way that is appropriate in the circumstances. Employees may choose not to pursue a Complaint; however, they should be aware that once the organization is aware of the incident, it may be necessary to proceed with an investigation and take appropriate action in any event.

Complaints should be made as soon as possible the incident occurs. This will allow for proper investigation while evidence is still fresh in the minds of witnesses and to ensure timely action occurs. The Town shall investigate Complaints of Workplace Harassment. Investigations of Workplace Harassment may vary in their scope depending on the Complaint.

Complaints may be initially investigated and found to require no further action if the following circumstances are identified in the initial investigation:

- The alleged incident occurred more than six (6) months before the date of the Complaint;
- An investigation regarding the same incident has already been initiated by another party; or
- The alleged incident does not comply with the definition of Workplace Harassment or Discrimination under this policy even if all of the allegations were proven to be true.

An investigation will be conducted that is appropriate in the circumstances.

Generally, in an investigation, the DHRER/ Investigator will inform the immediate supervisor of the Complainant and Respondent. The Investigator shall, at a minimum, discuss the Complaint with the Complainant and the Respondent. During the investigation, the Town may put interim measures and/or corrective action(s) in place to protect the parties involved in the investigation.



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 12 of 17

Procedure: Continued

Individual interviews may occur as follows:

- Complainant – to discuss, confirm, and formally document details of the incident(s) and, potentially, to reply to issues raised in course of the investigation;
- Respondent – to inform of the concern and to enable them to provide a full response to the allegations;
- Witnesses – may include those with direct observations of the incident or those with historical information, to provide additional accounts of the incident or surrounding dynamics.

Upon completion of the interviews, the DHRER/ Investigator will review all evidence collected, and determine what occurred based on a balance of probabilities. The Investigator will also determine whether the behaviour constitutes Workplace Harassment and/or a breach of the Harassment Prevention Plan, Code of Conduct, or other applicable policy.

The DHRER/ Investigator will provide a report to the Town Manager/CAO with a determination of findings. If the Town Manager/CAO or the DHRER is a party to the complaint, the findings will be provided to the Town Mayor.

The Town Manager/CAO and DHRER will meet with the affected employee's department manager/supervisor to review the findings of the investigation. The Town Manager/CAO and DHRER will work collaboratively with respective senior managers in determining the outcome of the investigation and implementation plan.



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 13 of 17

Procedure: Continued

Complaints Against Senior Management or Elected Officials

Complaints initiated against senior management or elected officials should be directed to the Director of Human Resources and Employee Relations who will support the Complainant in developing a detailed written complaint. Subsequent actions will be dependent on the Respondent identified in the complaint, as follows:

- In the case of the Mayor being the respondent, the DHRER shall notify the Town Manager/CAO and the Deputy Mayor. An external investigator will be selected and retained by Council to collect facts regarding the complaint and make recommendations. Findings of the investigation will be shared with the Council Members, Town Manager/CAO, and DHRER who will develop a recommended outcome and implementation. The recommendations will be reported to Council, who will decide the actions to be taken toward the Mayor, in keeping with the provisions of the Municipal Act. The CAO will provide a summary report to the Complainant, outlining the actions taken in response to their claim.
- In the case of a Councillor being the Respondent, the DHRER shall notify the Town Manager/ CAO and provide a confidential report to the Mayor. An external Investigator will be selected and retained by Council to collect facts regarding the complaint and make recommendations. Findings of the investigation will be shared with the Mayor, Town Manager/CAO, and the DHRER who will develop a recommended outcome and implementation. The recommendations will be reported to Council, who will decide the actions to be taken toward the Respondent, in keeping with the provisions of the Municipal Act. The Town Manager/CAO will provide a summary report to the Complainant, outlining the actions taken in response to their claim.
- In the case of the Town Manager/CAO being the Respondent, the DHRER will inform and provide a confidential report on the matter to the Mayor. An external Investigator will be selected and retained by Council to collect facts regarding the complaint and make recommendations.



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 14 of 17

Procedure: Continued

Findings of the investigation will be reported to the Mayor and the DHRER who will develop a recommended outcome and implementation. The recommendations will be reported to Council, who will decide the actions to be taken toward the Town Manager/CAO, up to and including termination of employment. The Mayor will provide a summary report to the Complainant, outlining the actions taken in response to their claim.

Outcomes and Resolutions

Outcomes and resolutions may include but not be limited to:

- Education to an individual and/or group
- Mediation
- Review and modification of workplace policies, procedures, and practices
- Discipline including, but not limited to, a reprimand, suspension, demotion, transfer, termination of employment

The Complainant and Respondent are not entitled to a copy of the full report but will be informed in writing of whether Workplace Harassment was found to have occurred.

Malicious Complaints

Complaints determined as malicious will be considered a contravention of this policy. The resolution and outcomes will focus on appropriate disciplinary action towards the Complainant, up to and including termination of employment.



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 15 of 17

Procedure: Continued

Retaliation

The Town shall protect workers from retaliation and provide support to workers when Workplace Harassment occurs. Retaliation, penalties, or threats to that effect, toward anyone involved in a complaint or investigation is viewed as a violation of this Policy. Investigation of such behaviour will occur and appropriate disciplinary action taken, up to and including termination of employment.

Confidentiality

All information related to a complaint and investigation is confidential. Any information obtained relating to workplace harassment, including personal information, will not be disclosed unless it is necessary for the purpose of an investigation, corrective action relating to the complaint, or where required by law. Anyone involved in an investigation shall not disclose information, except as required by this procedure or by law, and will be required to sign a confidentiality statement. Anyone who breaches confidentiality of any part of a complaint will be subject to discipline, up to and including termination of employment.

Records Retention

All records related to meetings, interviews, or any part of the investigation will be treated as confidential and not be disclosed unless necessary for the purpose of an investigation, corrective action relating to the complaint, or as required by law. Documentation related to the investigation will be retained as a separate file by DHRER. Copies of any disciplinary action will be placed in the employee's personnel file.



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay			Page 16 of 17

Procedure: Continued

Training

The Town Council and Employees (Management and Union) shall participate in training relating to harassment prevention. The Town shall provide training to all employees and Council regarding harassment prevention and the harassment prevention plan.

Risk Assessment

- The Town shall conduct a risk assessment which shall include consideration of:
 - previous experience in the workplace;
 - occupational experience in similar workplaces;
 - the location and circumstances in which work may take place;
 - workplace characteristics including demographics, culture, and the presence of new workers; and
 - issues raised by the Occupational Health and Safety committee, the Worker Health and Safety Representative, or the Workplace Health and Safety designate.

- Violence Prevention
 - Where the Risk Assessment identifies a risk of injury to workers from violence, the Town shall:
 - establish procedures, policies, and work environment arrangements to eliminate the risk to workers from violence; and
 - where elimination of the risk to workers is not possible, establish procedures, policies, and work environment arrangements to minimize the risk to workers.



Town of Happy Valley-Goose Bay
Policy Statement

Index: Administration		Policy Number: A0041	
Approved Date: December 12, 2019	Effective Date: December 12, 2019	Revision Date: June 22, 2021	
Authority: 11 th Council of the Town of Happy Valley-Goose Bay		Page 17 of 17	

- **Procedure: Continued**

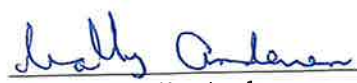
Where the Town becomes aware, or ought reasonably to be aware, that family violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.

The Town shall inform workers who may be exposed to the risk of violence of the nature of the risk and the precautions that may be taken. This duty to inform workers includes a duty to provide information related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work.

- **Confidentiality**

Where the Town obtains personal information in the course of conducting a risk assessment under this section, the Town shall keep the personal information confidential and shall not disclose the personal information except for the purpose of an investigation or where required by law.

IN WITNESS WHEREOF, this policy is sealed under the Common Seal of the Town of Happy Valley-Goose Bay.



Mayor, Wally Andersen



Town Manager (Acting), Nadine MacAulay