

Municipality of the District of St. Mary's

Workplace Harassment & Discrimination Policy

1. Purpose

The Municipality of the District of St. Mary's is committed to the prevention of harassment and discrimination in the workplace. Every employee is entitled to employment free of harassment and discrimination. The maintenance of such an environment is a responsibility shared by each council member, employee, volunteer, resident, visitor, and the Municipality.

Harassment or discrimination will not be tolerated in the workplace or any work-related setting, including work-related conferences, travel, and municipality-sponsored social events. The Municipality will make every reasonable, practicable effort to ensure that no individual is subjected to workplace harassment or discrimination. The Municipality will investigate any incidents of harassment or discrimination and take corrective action to address the incidents.

2. Authority

The Municipality takes its authority for this policy under the provisions set out in section 48(3) of the *Municipal Government Act* which states, "*the council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.*"

3. Scope

- 3.1 This policy applies to all Council members, full-time, part-time, seasonal, temporary, hourly, and salaried employees, independent contractors, agents, applicants, and representatives of the Municipality when conducting business or performing duties or services on behalf of the Municipality (regardless of location).
- 3.2 While attending a Municipal workplace, staff, members of the public, visitors and individuals conducting business with the Municipality, including but not limited to contractors, consultants, program participants, vendors, or delivery persons, are expected to refrain from any form of harassment.

4. Definitions

- 4.1 *Discriminatory Harassment*- Any inappropriate conduct, comment, display, action, or gesture by an individual that is made based on race, creed, religion, colour, sex, gender identity, sexual orientation, medical condition, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin or any other ground prohibited by provincial human rights legislation and constitutes a threat to the health and safety of a worker.

4.2 *Sexual Harassment*- A prohibited ground of discriminatory harassment which may include conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited, or unwelcome. Sexual Harassment is, or may include, but is not limited to, the following:

- a. A direct or implied threat of reprisal for refusing to comply with a sexually oriented request;
- b. Unwelcome remarks, jokes, innuendoes, propositions or taunting about an employee's body, attire, sex or sexual orientation;
- c. Displaying pornographic or sexually explicit pictures or materials;
- d. Unwelcome physical contact;
- e. Unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature; or
- f. Refusing to work with or have contact with individuals because of their sex, gender, or sexual orientation.

4.3 *Personal Harassment*- An inappropriate conduct, comment, display, action, or gesture by an individual that adversely affects a worker's psychological or physical well-being, and which the perpetrator knows or ought to know would cause the individual to be humiliated or intimidated. Personal harassment is sometimes referred to as "bullying". Personal harassment may involve repeated conduct or single, serious incident that causes a lasting harmful effect on the employee. Examples of personal harassment include, but are not limited to:

- a. Verbal or written abuse or threats;
- b. Insulting, derogatory, or degrading comments, jokes or gestures;
- c. Personal ridicule or malicious gossip; or
- d. Refusing to work or to cooperate with or acknowledge others.

4.4 *Workplace Discrimination*- Workplace discrimination is the unequal treatment, exclusion or preference based on the protected grounds in the Nova Scotia Human Rights Act, which reduces the equality of opportunity or causes a disadvantage in the terms or conditions of employment. The protected grounds of discrimination are:

- a. Race, colour, ancestry, citizenship, ethnic origin, or place of origin
- b. Creed, religion
- c. Age
- d. Sex (including pregnancy and gender identity/expression)
- e. Sexual orientation
- f. Family, marital (including same-sex partnership) status
- g. Disability or perceived disability

- h. A record of offences for which a pardon has been granted under the Criminal Records Act (Canada) and has not been revoked, or an offence in respect of any provincial enactment.

4.5 *Systemic (Indirect) Discrimination*- Systemic discrimination occurs when policies or practices exclude, limit, or restrict members of designated groups from employment or opportunities within employment even if it is unintentional. Systemic discrimination consists of attitudes, patterns of behaviour, policies, or practices that are part of the social or administrative structures of an organization, and that create or perpetuate a position of relative disadvantage for people based on the prohibited grounds. The attitudes, behaviour, policies, or practices appear neutral on the surface but nevertheless have an "adverse effect" or exclusionary impact on employees.

4.6 *Workplace Microaggressions* – Workplace microaggressions are subtle behaviors that often affect members of marginalized groups but can add up and create even greater conflicts over time. The stressor maybe behavioral, environmental, or verbal. Microaggressions can be related to someone's race, gender, sexuality, parental status, socioeconomic background, mental health, or any other aspect of our identity. In many cases, the aggression can be difficult to pinpoint and resolve because it is not so outright, obvious, or malicious. And in some cases, the microaggressions are an unconscious behavior from the perpetrator. Types of microaggressions include but are not limited to:

- a. *Microassault* – a type of overt discrimination or criticism that is done intentionally to discredit a marginalized group. This type of microassault includes indirect put-downs, belittling, or bullying behavior, such as racial epithets, historically offensive symbols, slurs related to religion or sexuality, or other language or actions that signal to the marginalized group that they are inferior and worthy of mistreatment or bias.
- b. *Microinsult* – a comment that communicates that the demographic group is not respected, but the target is seen as an exception to the stereotype. It is often seen as a compliment in the eyes of the person who said it but is a direct insult to the person who receives it. Exclusion can also be seen as a microinsult, such as judging a woman as "harsh" when she speaks with authority, talking over her in meetings or ignoring her input despite the same behavior being encouraged when it comes to her male counterparts.
- c. *Microinvalidation* – a comment or action that dismisses the experiences of historically disadvantaged group members. It is especially common for members of a group who would like to see change or express themselves when it comes to the challenges they have faced as a marginalized member of society, but all too often the target is dismissed, discredited, and even laughed at by those who did not experience the same thing or do not want to draw attention toward themselves and become a target.



4.7 *Other Prohibited Behaviour*– The Municipality recognizes that certain conduct, while being inappropriate and/or disruptive, may fall short of the definition of "harassment" or "discrimination" within the meaning of this policy and/or applicable legislation. The Municipality, in its discretion, may nonetheless determine that disruptive or inappropriate conduct falling short of harassment or discrimination still warrants some form of corrective and/or disciplinary action.

4.8 *Applicant*- the individual that submits the "Allegation of Offence- **Form WHDP #1**".

4.9 *Designated Support Person*- a person whom the applicant is comfortable with and feels will support them through the formal reporting process as their designate. The designated support person may be a friend, family member, staff, or member of council. The designated support person may act as an independent set of eyes and ears but does not represent the applicants' interests.

5. Worker Rights

5.1 Every worker has the right to a harassment free work environment.

5.2 Every worker has the right to bring forward a harassment complaint to their supervisor or director without fear of reprisal.

5.3 Every worker must take care to ensure their conduct is not offensive to another. Harassment can exist even where there is no intention to harass or offend another.

6. Municipality & Worker Responsibility

6.1 Every worker has a responsibility to work in a safe and professional manner and demonstrate respect towards others in the workplace.

6.2 No individual shall participate in or encourage the harassment of another individual. All individuals must co-operate with harassment complaint investigations and keep all information confidential in accordance with this policy.

7. Municipality Responsibility

7.1 The Municipality, council members, and Chief Administrative Officer will take all complaints of harassment seriously. The Municipality is committed to implementing a harassment free environment and will make every reasonably practicable effort to ensure that no individual is subjected to harassment, whether it is from a council member, supervisor, co-worker, or non-employee such as a member of the public.

7.2 Harassment or discrimination does not include any reasonable actions taken by the Municipality, a director or a supervisor relating to the performance, management and direction of an individual's work or the workplace. This includes, but is not limited to, day-to-day management or supervisory decisions, job assessment and evaluation, performance discussions, expectation for work productivity and quality, and rightful disciplinary action.

8. Procedure

INFORMAL PROCESS

8.1 An individual who believes that they have been the subject of conduct that is in violation of this policy or anyone who witnesses actions that they believe is the subject of conduct that is in violation of this policy is encouraged, where possible:

- a. to clearly and firmly make it known to the offending individual that the conduct is unwelcome and must stop; and
- b. to attempt to resolve the issue by direct discussion with the offending individual;
- c. and may report the matter to the Chief Administrative Officer. If the Chief Administrative Officer is the accused offender, then the matter may be reported to Warden. Depending on the nature and severity of the alleged conduct, and subject to the consent of the individual reporting the harassment, the Municipality may first try to resolve the issue informally.

8.2 If the individual believes that they have been the subject of conduct that is in violation of this policy by a council member, the individual shall report the matter to the Chief Administrative Officer. Depending on the nature and severity of the alleged conduct, and subject to the consent of the individual reporting the harassment, the Municipality may first try to resolve the issue informally.

FORMAL PROCESS

8.3 Where the informal process is unsuccessful, or the individual does not feel comfortable addressing the issue directly, the individual should document the details, using **Form WHDP #1**, of the alleged harassment (including name(s), date, time, place, particular details of alleged harassment and any witness(es)) and submit a written report to the Chief Administrative Officer.

8.4 If the Chief Administrative Officer is the accused offender, then the written report may be submitted to Warden. If a council member is the accused offender, then the written report may be submitted to the Chief Administrative Officer who will then make notice of the offense to the Warden. If the alleged offender is the Warden, the Chief Administrative Officer will make notice of the offense to the Deputy Warden.

- 8.5 The applicant may choose a designated support person to deliver the written report to the appropriate authority as outlined in Section 8.
- 8.6 The individual receiving the written report will notify the alleged offender of the written report and provide the alleged offender with information concerning the circumstances of the written report.
- 8.7 If there is a sufficient basis in the written report or if the Municipality otherwise deems it necessary to do so, the Chief Administrative Officer or designate will conduct a formal investigation into the conduct contained in the written report in a prompt, fair and impartial manner. The investigation process may include interviews with the individual reporting the alleged harassment, the alleged offender and, as and to the extent determined by the investigator, others with information relevant to the matters in question. All written reports, response statements, witness statements, interview notes and other documentation gathered as part of an investigation will be securely stored in a confidential investigation file.
- 8.8 The Municipality will decide on any action to be taken because of the findings of an investigation. The individual who reported the alleged harassment and the alleged offender will be informed as to the outcome of the investigation.
- 8.9 Where harassment is substantiated, the Municipality will take appropriate corrective action and/or disciplinary action. Corrective or disciplinary action for substantiated complaints will range from a verbal or written reprimand to a suspension or dismissal. A verbal or written warning may include a requirement for counseling and anti-harassment training. Where harassment is not substantiated, no action will be taken against an individual who made the allegation of harassment in good faith. Where, however, a complaint is fraudulent, malicious, or otherwise made in bad faith, the individual who made the allegation of harassment may be subject to disciplinary or other action.

9. Temporary or Interim Measures

- 9.1 In the event of an allegation of harassment or discrimination, the Municipality has full discretion to take whatever temporary interim measures that it deems appropriate to ensure the workplace remains a safe and productive environment and/or helps to facilitate an investigation into said harassment including, but not limited to, removing an individual from the workplace.

10. Variation From the General Procedure

- 10.1 The steps set out above and the way an investigation is conducted is intended to be flexible to permit the Municipality to respond to the specific circumstances at issue in each case. The Municipality reserves the right to engage in a different procedure as it deems appropriate in any given circumstance. If an individual does not proceed with a formal report of harassment or

discrimination or decides to later withdraw a written report, the Municipality may still initiate a formal investigation of the conduct reported if the Municipality determines it is necessary to ensure the health and safety of individuals at the workplace or to comply with applicable laws.

11. Retaliation and Fraudulent / Malicious Reports

11.1 The Municipality does not condone acts of retaliation against an individual or designated support person who has reported harassment or discrimination, either informally or formally, or participated in any manner in the investigation or resolution of a report of discrimination or harassment. However, a report of harassment or discrimination that is fraudulent or malicious (as distinct from unfounded) may itself be regarded as major misconduct subject to corrective action and/or disciplinary action, up to and including termination of employment.

12. Confidentiality

12.1 The Municipality will not disclose the name of the individual who reported the offense, the alleged offender or the circumstances related to the report of alleged harassment or discrimination to any individual except where disclosure is necessary for the purposes of investigation of the alleged harassment or discrimination report or taking corrective action, or where such disclosure is required by law.

12.2 All individuals involved with the investigation of an incident shall treat all information related to the matter as strictly confidential. Unwarranted or inappropriate breaches of confidentiality may be subject to disciplinary action, up to and including termination of employment.

13. Other Legal Rights

13.1 Nothing in this policy is intended to prevent or discourage an individual from exercising:

- a. their statutory rights as set out in the *Nova Scotia Human Rights Act* as it relates to discriminatory practices, including, but not limited to, the worker's right to file a complaint with the Nova Scotia Human Rights Commission and;
- b. any other legal rights pursuant to any other law.

14. Availability of the Policy

14.1. The Municipality will make a copy of this policy readily available for workers' reference and post in a conspicuous place in the workplace.



15. Related Policies, Procedures and Legislation

- Dealing with Difficult Customers Policy
- Chief Administrative Officer Policy
- Municipal Working Policy
- Nova Scotia Human Rights Act
- Nova Scotia Labour Standards Code
- General Labour Standards Code Regulations

16. Revisions

16.1. The Municipality shall ensure that this policy is reviewed at least once annually and, where necessary revised. A review will also be done whenever there is a change of circumstances that may affect the health or safety of workers.

M Fraser

Municipal Clerk

July 11th, 2022

Date of Approval



FORM WHDP #1 - ALLEGATION OF OFFENSE

Employee Name: _____

Alleged Offender: _____

Date / Place of Offense: _____

Date of Report: _____

Reported To: _____

Witnesses: _____

Description of Incident:

**Please attach any additional supporting documents or correspondence to this form.*

Date

Signature of Applicant

Signature of CAO / Warden



SCHEDULE A
“Policy Record”

This policy will be reviewed at least once annually. The “Policy Review Record” will be updated accordingly to reflect policy review and amendment dates.

Date of Review	Section(s) Updated	Council Approval Date
	Adoption of Policy	July 11, 2022