



DEPARTMENT OF HUMAN RESOURCES

WORKPLACE HARASSMENT POLICY

POLICY STATEMENT

The Government of Nunavut is committed to the guiding principles of *Inuuqatigiitsiarniq*, reinforcing the Inuit value of respecting others, relationships and caring for people.

The Government of Nunavut is endeavoring to provide a workplace free from all forms of sexual and personal harassment in accordance with the applicable human rights legislation.

It is also committed to promoting good management practices directed at creating a welcoming work environment.

POLICY OBJECTIVES

- The prevention of any conduct in the workplace that violates the fundamental rights, personal dignity and integrity of any person subjected to such conduct.
- The provision of information regarding harassment.
- The provision of direction for handling complaints of harassment.

PRINCIPLES

This policy is based on the following principles:

- Harassment is a serious offence, which will provide grounds for disciplinary action up to, and including dismissal.
- All harassment complaints should be dealt with in a fair, confidential and expeditious manner.

APPLICATION

This policy applies to all employees working in the Public Service and in public agencies listed in the *Financial Administration Act* (Schedules A and B) with the exception of the Workers' Compensation Board. The policy covers all forms of harassment that may occur at work or away from the workplace, provided the acts are committed within the context of the employment relationship.

Further details regarding application of the policy and guidelines for the resolution of complaints are contained in the Human Resources manual.

DEFINITIONS

Harassment is defined as one or a course of vexatious comment or conduct based on a protected ground listed in the Nunavut Human Rights Act, which is any of the following personal characteristics: race, colour, creed, religion, sex, sexual orientation, age, disability, ancestry, ethnic origin, place of origin, citizenship, marital status, family status, pregnancy, lawful source of income, or a conviction for which a pardon has been granted, that is known or ought reasonably to be known to be unwelcome. Harassment has the effect of creating a degrading, intimidating, hostile or marginalizing work environment for the person experiencing it. There may be circumstances where a single incident is serious enough to amount to harassment.

Sexual Harassment is any unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victim of the harassment.

Personal Harassment is not based on any of the prohibited grounds under the human rights legislation. It is a form of behaviour that for a variety of reasons demeans or embarrasses a person. Personal harassment can occur between individuals and groups of employees.

Workplace Harassment Advisors, designated by a Deputy Head, are neutral persons who inform the complainant and the respondent of their rights and responsibilities.

A Complaint is a formal allegation of harassment, submitted in writing.

ROLES AND RESPONSIBILITIES

Secretary to Cabinet receives the complaint if it relates to the Deputy Head.

Deputy Heads are responsible for keeping the workplace free of harassment and for appropriate intervention should harassment be alleged, i.e. assignment of an investigator, discipline or transfer to another work area of the harasser. A complaint must be addressed to the Deputy Head if the respondent is below the Deputy Head level.

Management must be aware of signs and symptoms of harassment and act promptly to resolve related problems.

Human Resources Department will assist departments in assessing harassment complaints and educate staff about the workplace harassment program and procedures. Lists of Workplace Harassment Advisors/Investigators will be kept and interviews with either the complainant or the respondent may be conducted.

A Complainant Alleging Harassment must inform the harasser of the unwelcome conduct and request that it stop. Witnesses and details of events should be documented. The Complainant must establish that the alleged harassing behaviour did occur.

An Employee Accused of Harassment must record conversations, dates of occurrences, details and witnesses and must provide evidence that either the alleged incidents did not occur or they did not constitute harassment.

Workplace Harassment Advisors inform employees and managers of their rights and responsibilities under these guidelines. In addition, the Advisor may assist employees with the filing of a complaint.

An Investigator, who is a specially trained person from either within or outside the Department or the government, carries out a formal investigation.

A Mediator helps to resolve conflict and arrive at a mutually acceptable solution.

PEROGATIVE OF EXECUTIVE COUNCIL

Nothing in this directive shall in any way be construed to limit the prerogative of Executive Council to make decisions or take action respecting the Workplace Harassment Policy of the Government of Nunavut, outside the provisions of this directive.

SUNSET DATE

This policy will be effective from the date of signature until 2010.

AUTHORITIES AND REFERENCES:

Nunavut Human Rights Act

Canadian Human Rights Act

Nunavut Freedom of Information and Protection of Privacy Act.

Nunavut Public Service Act and Regulations

Nunavut Employees Union Collective Agreement – Article 46 – Harassment

Federation of Nunavut Teachers Collective Agreement – Article 22 – Responsibilities for Safe Working Environment

**The Honourable Paul Okalik
Premier**

Date