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Building *Nunavut* Together
Nunavut liuqatigiingniq
Bâtir le *Nunavut* ensemble

**HARASSMENT FREE WORKPLACE POLICY
HARASSMENT FREE WORKPLACE DIRECTIVE 1010
WORKPLACE CONFLICT MANAGEMENT DIRECTIVE 1018**

**A GUIDE FOR ALL
GOVERNMENT OF NUNAVUT
EMPLOYEES
AND SUPERVISORS**

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1. INTRODUCTION

About the guide:

This guide is a companion to the Harassment Free Workplace Policy and sections 1010 and 1018 of the Human Resources Manual. It will help all employees understand their roles and responsibilities in upholding a respectful and safe work environment.

In the interest of openness and visibility, all related information - whether for employees, supervisors*, complainants or respondents - is brought together under one roof to promote a greater unified understanding of our governments approach to preventing and addressing harassment.



*The term “supervisor” is used throughout the guide and refers to all employees who act as a supervisor or manager, regardless of position category or title.

About the Harassment Free Workplace Policy and sections 1010 and 1018 of the Human Resources Manual:

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 committed to providing a workplace free from all forms of harassment.

The Harassment Free Workplace Policy and sections 1010 and 1018 of the Human Resources Manual outline the Government of Nunavut’s commitment to promoting a harassment free work environment. These provide definitions for the types of behaviour that may be considered harassment and outline key roles and responsibilities in preventing and resolving harassment and workplace conflict.

The Harassment Free Workplace policy and sections 1010 and 1018 of the Human Resources Manual apply to all departments, agencies and employees of the Government of Nunavut, with the exception of the Workers' Safety and Compensation Commission of the Northwest Territories and Nunavut, and Nunavut Development Corporation.

1. INTRODUCTION

Maintaining a harassment free workplace:

All departments, agencies, supervisors, and employees have a shared responsibility to maintain a harassment free workplace.

All deputy heads will pick **Harassment Information Officers (HIOs)**. HIOs are staff members appointed by deputy heads in each department that are trained and make information available to staff and managers on workplace harassment and their rights and responsibilities under the Harassment Free Workplace Policy and Directive 1010 and when requested assist staff who make an allegation of harassment by doing a preliminary assessment, providing support, and assisting the complainants to complete documentation related to the complaint. Complainants can also seek assistance from Human Resources Coordinators and Employee Relations Consultants.

If a request is made arrangements will be made for the interview to be done in the first language of the complainant; when it is one of the Official Languages of Nunavut.

The Manager of Workplace, Health, Safety, and Wellness, Department of Finance will provide training materials and training initiatives. Training on harassment prevention may be done at times jointly with Unions.

Where workplace conflict is occurring supervisors are responsible to assist in resolving the conflict and mediation can occur when resolution can not be achieved.

2. UNDERSTANDING WORKPLACE HARASSMENT

Harassment and human rights:

The Nunavut *Human Rights Act* protects people from discrimination. Under the Act, it is illegal to discriminate against or harass a person or group based on any of the following prohibited grounds:

- Cultural Identity: race, colour, ancestry, ethnic origin, citizenship and place of origin;
- Religion and creed
- Age
- Disability
- Sex, and Sexual orientation
- Marital and family status
- Pregnancy, including adoption of a child by a man or woman
- Lawful source of income;
- A conviction for which a pardon has been granted.

Defining harassment under the Government of Nunavut's Harassment Free Workplace Policy and Harassment Free Workplace Directive 1010:

The Harassment Free Workplace Policy and Directive 1010 define harassment as follows:

Workplace harassment is defined as including inappropriate comment or conduct based on a protected ground listed in the Nunavut Human Rights Act, sexual, and or personal harassment.

In most cases one act or event is needed in order to constitute harassment. Taken individually, these acts or events need not constitute harassment. It is the repetitive nature of the harasser's actions in such cases that constitutes harassment. In rare cases, one incident may constitute harassment where it is determined that the incident was serious enough to cause lasting harm to the victim and/or the work relationship.

Workplace harassment consists of behaviours that, with persistence, pressure, frighten, intimidate or incapacitate another person, creating a degrading, hostile or marginalizing work environment for the person experiencing it. Any verbal, physical, communicated or otherwise perpetrated incident of harassment towards another is magnified greatly and potentially has a greater probability of being a criminal offense for additional grounds when that incident also is a violation of a human rights ground.

Harassment away from the work place, for example, during a business trip is still work-related harassment. The same applies to harassment occurring in the home of a co-worker. The boundaries of the work environment are not determined by location, but by whether or not the behaviour is in some way associated with employment.

2. UNDERSTANDING WORKPLACE 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. This can include physical contact, verbal comments, or non-verbal actions/gestures.

The harassers and the victims of the harassment may be either male or female. Sexual harassment may happen between members of the same sex, co-workers, supervisors and subordinates, employees and clients or members of the public.



Personal Harassment is not based on any of the prohibited grounds under the human rights legislation. It is typically repetitive behaviour that demeans or embarrasses a person. Personal harassment can occur between individuals and groups of employees. It includes workplace bullying which is a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people¹.

Harassment creates for those affected a hostile and abusive or poisoned work environment.

Examples of Sexual Harassment:

- **Physical examples** of sexual harassment include unwelcome fondling, squeezing, touching, grabbing, pinching, or other physical contact.
- **Social examples** of sexual harassment includes sexual propositions, unwelcome social invitations combined with flirtatious behaviours, innuendo, sexist jokes, negative comments about a person's sexuality, or threats of a sexual nature.
- **Other forms** of sexual harassment include displaying or sending offensive sexual materials, examples, text, images, video, or other multimedia forms.

Sexual harassment does not include:

- Consensual relationships between employees and related flirtations, bantering, or affection (example, pat on the back) are not harassment. But if an employee feels uncomfortable with such behaviour and the behaviour persists even after that person has expressed their discomfort, then it is harassment.

¹OSH Answers, *Bullying in the Workplace*, online: Canadian Centre for Occupational Health and Safety <http://www.ccohs.ca/oshanswers/psychosocial/bullying.html>.

2. UNDERSTANDING WORKPLACE HARASSMENT

Examples of personal harassment:

- Examples of personal harassment can include intimidation, threats, violence and aggression such as a near miss (striking out, but missing the target), or retaliation and rude or degrading remarks such as an insulting description of a person's physical appearance and or health condition.

Personal harassment does not include:

- An isolated incident of a minor nature for which a person has promptly apologized; strongly expressed opinions that are different from others; or free and frank discussion about issues or concerns in the workplace without personal insults.
- The legitimate and proper exercise of management's authority; supervisors have a right to assign duties, conduct performance reviews, manage employees' performance, and, where necessary, impose discipline.

It is recognized that conflict occurs in the workplace from time-to-time. To re-establish positive working relationships, conflict situations must be promptly addressed and resolved.

Conflict in the workplace can include private verbal disagreements and yelling and shouting. It can result from personality differences or from a lack of communication skills, including the inability to understand different points of view.

Conflict and harassment are not synonymous terms. Workplace conflict and harassment may exist independently, together, or one can lead to the other. The exact nature of each situation will depend upon its own facts and circumstances.²

Workplace conflict is addressed through *Directive 1018 of the Human Resources Manual*.

² Canada, Canadian Forces Personnel Support Agency, Harassment Prevention and Resolution Guidelines, (2006) 6.
[Employee and Supervisors Guide: Harassment and Conflict Free Workplace](#)

2. UNDERSTANDING WORKPLACE HARASSMENT

Recognizing harassment:

Workplace harassment can manifest itself in many different ways:

A. It can be **blatant** such as:

- intimidating or aggressive body language;
- verbal abuse, including offensive language or derogatory remarks;
- interfering with someone's personal effects, work space or equipment; and
- threats, intimidation or retaliation against an employee, including one who has expressed concerns about perceived unethical or illegal workplace behaviours



B. It can be **subtle** such as:

- ignoring – deliberately excluding someone from work-related activities, not acknowledging or responding to a person's presence or comments, leaving the room when a person enters;
- weakening – persistent and baseless criticism, unwarranted removal of responsibilities, spreading gossip and rumors; and
- sabotage – deliberately giving confusing or incomplete instructions or information, withholding important information or failing to complete tasks or meet deadlines.

Impact of harassment on the workplace

Harassment is not only against the law; it is against the very principles for which the Government of Nunavut stands. We are committed to creating and supporting an inclusive workplace where all employees are treated with respect and are valued for their unique contributions.

Harassment can have serious effects on individual employees and on workplaces as a whole.

2. UNDERSTANDING WORKPLACE HARASSMENT

Harassment hurts people. It can lead to:

- stress, impaired decision-making and difficulty concentrating;
- humiliation, loss of self-confidence and self esteem;
- feelings of isolation;
- depression, anxiety, sleep disorders and deteriorating relationships with family and friends; and
- reduced output and performance, inability to work and absenteeism.

Harassment hurts workplaces. It can lead to:

- poor morale and the erosion of employee loyalty and commitment;
- increased absenteeism and staff turnover;
- reduced efficiency, productivity and service delivery;
- poor public image – getting a reputation as an undesirable place to work; and
- a higher probability of workplace violence.

**Harassment
has no place
in our
workplaces.**

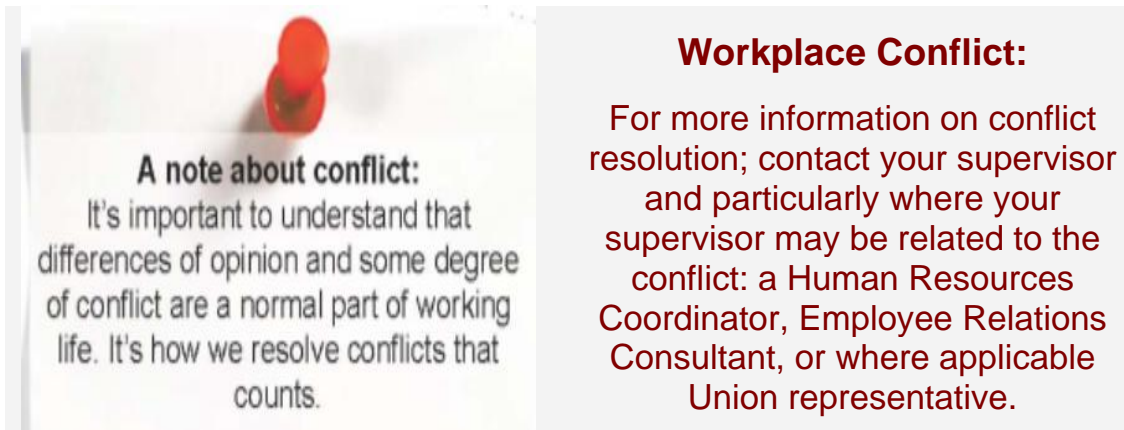
Period!!!



3. CREATING A HARASSMENT-FREE WORKPLACE

Preventing and responding to harassment in the workplace:

Prevention:



The best way to deal with workplace harassment is to prevent it from happening in the first place.

Every Government of Nunavut employee has a part to play in fostering respectful workplaces.

As public servants our jobs exist to provide programs and services to benefit Nunavummiut. Like the society we serve, our workplaces are diverse. We come from different backgrounds, have different opinions about things and have different life experiences.

Regardless of our differences, we should expect respect:

Respectful workplaces are successful workplaces. They recognize that our diversity is our strength - it informs the work we do and in turn helps us provide the best possible services to Nunavummiut.

Every employee has the right to work in a respectful environment free from harassment of any kind. With that right comes the shared responsibility to make sure that others' rights are protected and respected as well.

The Government of Nunavut is committed to addressing and resolving all incidents of workplace harassment. Contact your HIO, Human Resources Coordinator, Employee Relations Consultant, or Union representative where applicable for more information.

3. CREATING A HARASSMENT-FREE WORKPLACE

What every employee needs to know:

Every Government of Nunavut employee has the right to be treated with respect and has a responsibility to treat others the same way.

As an employee, you can help prevent workplace harassment by:

- Treating others with respect.
- Refraining from actions that may offend, embarrass or humiliate others (whether deliberate or unintentional).
- Letting others know you don't approve of disrespectful or harassing behaviour.
- Apologizing if someone tells you they are offended by your words or actions; and
- Familiarizing your self with the Harassment Free Workplace Policy and sections 1010 and 1018 of the Human Resources Manual.

If you experience harassment:

- If possible, speak to the person about their behaviour. Sometimes people do not realize the effect their actions have on others. If a simple request doesn't resolve the problem, speak to your supervisor or HIO.
- Keep a record. Write down dates, times, witnesses, what was said and what was done. This kind of information is useful for the resolution process.
- Ask for help or support. Speak to someone in authority whom you trust – a supervisor, HIO, human resources coordinator, employee relations consultant, or where applicable a union representative. Do this as soon as possible.



Any situation involving criminal behaviour, physical violence or where an employee's personal safety and security is in danger must be reported immediately to the RCMP.

If you witness harassment:

- Where possible, speak up and make it known that you don't approve of the behaviour.
- Lend a supportive ear to co-workers who may be experiencing harassment. Encourage them to seek help and discuss options.
- Tell your a supervisor, HIO, human resources coordinator, employee relations consultant, or where applicable a union representative.
- Cooperate with any assessments, investigations or remedies.



3. CREATING A HARASSMENT-FREE WORKPLACE

If you are accused of harassment:

- Take it seriously. If someone tells you that your words or actions are offensive, consider their point of view. What may seem funny or trivial to you may be hurtful or offensive to someone else.
- Demonstrate your sincerity by offering an apology and seeking a resolution. A sincere apology and open communication can go a long way towards repairing the damage. If you feel the accusation is based on a misunderstanding, ask your supervisor or the HIO for help in resolving the situation.
- Learn your rights and responsibilities by being familiar with the Harassment Free Workplace Policy and sections 1010 and 1018 of the Human Resources Manual

What every supervisor needs to know:

Supervisors have a particularly important role to play in establishing and maintaining respectful work environments.

EMPLOYERS CAN BE HELD RESPONSIBLE FOR THE ACTIONS OF THEIR EMPLOYEES UNLESS THEY CAN DEMONSTRATE THEY TOOK MEASURES TO PREVENT AND ADDRESS HARASSMENT.

As a supervisor, you can prevent **workplace harassment** by:

- **Setting the tone** – continually state and reinforce the values of respect and diversity.
- **Walking the talk** – set an example by modeling respectful behaviour in all your interactions.
- **Holding others accountable** – make it clear that you won't tolerate disrespect by addressing inappropriate behaviour.
- **Being alert** – keep an eye out for signs of harassment such as rumors, increased absenteeism, decreased motivation, lower job performance and staff turnover.
- **Seeking help for unresolved conflict** – advise your manager and speak to a human resources coordinator or employee relations consultant.
- **Getting educated** – familiarize yourself with the Harassment Free Workplace Policy and sections 1010 and 1018 of the Human Resources Manual.



3. CREATING A HARASSMENT-FREE WORKPLACE

If an employee tells you they've been harassed:

- Meet with them promptly to discuss their concerns. Don't prejudge. Listen carefully and take notes.
- Explain that depending on the nature of the allegations, you may be obligated to take further action. Assure them that their concerns will be addressed in a confidential manner.
- Provide them with a copy of the Harassment Free Workplace Policy and sections 1010 and 1018 of the Human Resources Manual. Suggest they fill out a complaint form and complete an assessment with an HIO. They can also get information from a human resources coordinator, employee relations consultant, or where applicable a union representative. Let them know about their options including:
 - formal and informal resolution options;
 - accessing the Employee and Family Assistance program for counseling support.
- Take immediate action by calling the RCMP, notifying your deputy minister, and an employee relations consultant if the matter involves criminal behaviour or if there is a threat to the employee's safety.
- Follow up with the employee and encourage them to maintain communication with you.

If you witness or become aware of an incident involving harassment:

- Express your immediate disapproval. Talk to the employee(s) about why their actions are inappropriate and refer them to their obligations under the Harassment Free Workplace Policy and sections 1010 and 1018 of the Human Resources Manual. (This should be done in private.)



If you need advice about how best to handle a situation, seek it right away. Alert your supervisor, and contact an HIO, human resources coordinator, or employee relations consultant for guidance.

If you are a supervisor **accused of harassment:**

- Take it seriously. If someone tells you that your words or actions are offensive, consider their point of view. What may seem funny or trivial to you may be hurtful or offensive to someone else.
- Demonstrate your sincerity by offering an apology and seeking a resolution. A sincere apology and open communication can go a long way towards repairing the damage. If you feel the accusation is based on a misunderstanding, ask your supervisor for help in resolving the situation.
- Learn about your rights and responsibilities; refer to the Harassment Free Workplace Policy and sections 1010 and 1018 of the Human Resources Manual.

4. RESOLUTION PROCESSES

Government of Nunavut philosophy on harassment resolution:

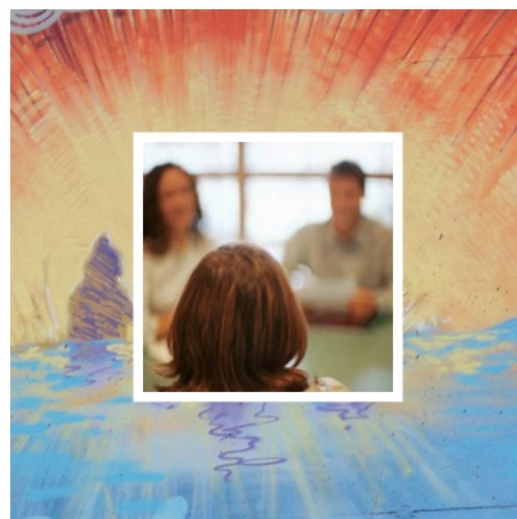
The Government of Nunavut is committed to resolving issues as soon as possible, in the least adversarial way possible. Where appropriate, parties are recommended to consider informal resolution.

Informal	Formal
Focused on increased understanding	Focused on determining facts
Parties control process and outcome	Investigator controls process and outcome
May be resolved faster and may be less disruptive to a work unit.	May be more time-consuming and more disruptive to a work unit.
Outcome results in an agreement. No discipline will result.	Outcome results in a decision and discipline may result.

Informal resolution options:

Second only to preventing harassment from occurring at all is the goal of resolving workplace conflicts as soon as they arise. Informal resolution can be an excellent tool for resolving conflicts promptly and collaboratively. Examples of informal resolution methods are:

- **One-on-one discussion:** individuals sit down together to discuss and resolve issues without the aid of a third party.
- **Facilitated discussion:** individuals engage a third party to help establish processes or structures for resolving issues.
- **Mediation:** individuals enlist a third party to help them reach a mutually agreeable solution to a specific issue or problem. Mediation often involves a written resolution agreement.



4. RESOLUTION PROCESSES

Informal resolution **works** best when the people involved are:

- willing to participate;
- open to hearing and considering the others' point of view; and
- committed to finding a mutually agreeable solution.

Informal resolution **does not** work when:

- individuals aren't willing participants or aren't open to considering the other person's point of view;
- one or more person seeks a punitive resolution; or
- there is an imbalance in power between the individuals such as in a complaint of sexual harassment.

Formal resolution options:

Employees who feel they have been harassed and are not comfortable pursuing an informal solution can choose one of the following options for making a formal complaint.



- **File a grievance** – this option is available to members of the Nunavut Employees' Union and the Nunavut Teachers' Association through their collective agreements.
- **File a complaint under the Harassment Free Workplace Policy** and sections 1010 and 1018 of the Human Resources Manual – this option is available to all Government of Nunavut employees.
- **File a complaint with the Nunavut Human Rights Tribunal.** While the Government of Nunavut is committed to resolving harassment complaints internally, employees have the right to seek external redress.

4. RESOLUTION PROCESSES

Complaints Through Policy	Complaints Through Collective Agreement
All employees (senior managers, excluded, and NEU and NTA members)	NEU and NTA members
Within 6 months of most recent incident	In accordance to time limit set in the collective agreement
Employee initiates with HIO or designate	NEU or NTA initiates
HIO or designate assesses	Union assesses
HIO or designate makes a recommendation	Employee Relations Consultant makes decision
Deputy Minister makes decision	Appeal to adjudicator

Formal complaint process:

This section provides an outline of the formal policy complaint process. It is assumed at this stage that the employee has already consulted with a resource person about other potential ways of resolving the situation, including informal resolution and filing a grievance. The employee is also convinced they are a victim of harassment and not workplace conflict and their concern needs to be addressed as a harassment complaint.

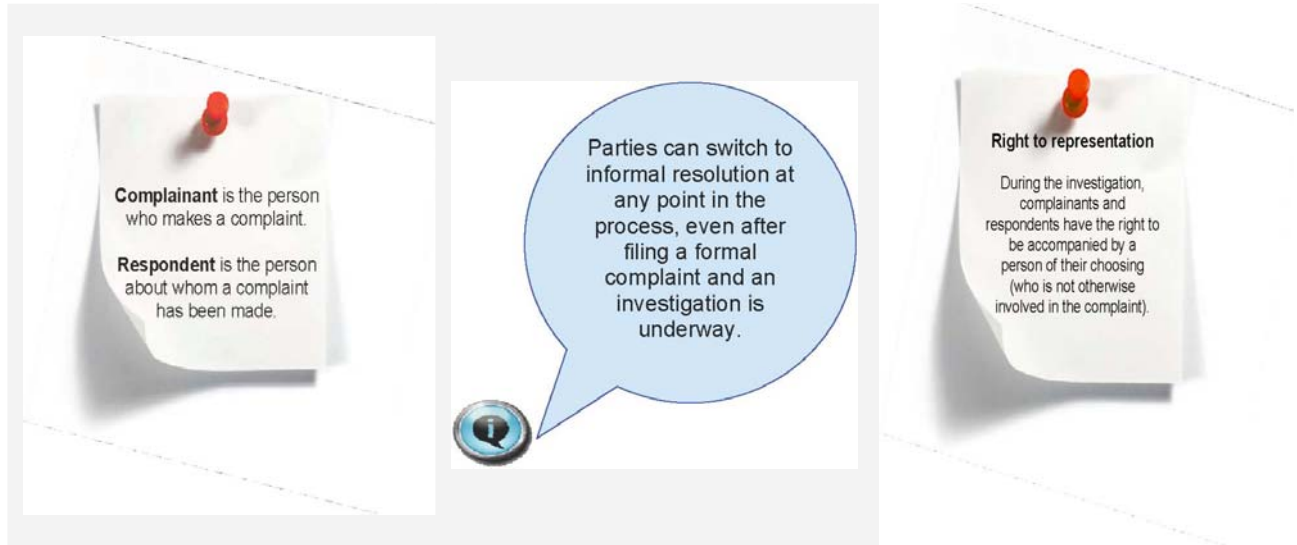
For more details about the complaint resolution process, contact an HIO, human resources coordinator, employee relations consultant, or where applicable union representative.

Step one: intake and filing:

At this stage the employee will meet with the HIO or other resource person and provide information about the alleged incidents of harassment to form the Statement of Complaint.

Parties can switch to informal resolution at any point in the process, even after filing a formal complaint and an investigation is underway.

4. RESOLUTION PROCESSES



Step two – assessing the complaint:

The HIO or delegate will assess the complaint and determine if the complaint is harassment as defined in the Harassment Free Workplace Policy and whether the complaint has already been addressed in another forum.

Based on the initial assessment, the HIO or delegate may decide not to initiate an investigation if the complaint doesn't meet the policy criteria or is found to be frivolous or made in bad faith.



The HIO or delegate may recommend the matter be addressed in another manner such as a referral for mediation or other facilitated process.

4. RESOLUTION PROCESSES

Step three – investigating the complaint:

After a complaint has been assessed and accepted, it is assigned to an impartial investigator.



Separating the parties

Depending on the circumstances, the two parties should be separated in order to help alleviate further tension during the investigation and resolution process. This could mean making changes to the reporting relationship, temporary reassignment or physical relocation.

Conducting Interviews:

Once the statements have been received, the investigator reviews the information provided and interviews the complainant, respondent and any witnesses.

The investigator then provides both the complainant and respondent with a draft report outlining the evidence considered and the “findings of fact” established through the course of the investigation.

Both parties are given an opportunity to review the draft report and if they choose, to submit any comments, questions or additional information.

The final investigation report (with any written submissions included as attachments) is then forwarded to the deputy minister of the department affected and deputy minister of Finance or if regarding a deputy minister to the Secretary to Cabinet.

Step four – issuing a decision:

Deciding on a remedy:

Deputy ministers are responsible for making decisions about appropriate remedies, including disciplinary action based on the investigator's final report. The investigator may also provide recommendations to the deputy minister about ways to help restore a respectful work environment.

Communicating remedy / discipline:

The deputy minister will meet separately with the complainant and respondent to inform them of the resulting remedy and/or discipline. For reasons of confidentiality, complainants are not told of the specific nature of any disciplinary action.

4. RESOLUTION PROCESSES

Step five: restoring the workplace:

The HIO will advise employees about specific ways to promote respect and open communication.

Supervisors can do their part by continuing to lead with respect and keeping a watchful eye out for signs of conflict.

All employees can help by treating each other respectfully and by refraining from engaging in office gossip or speculation.



The complaint resolution process doesn't end when a decision is issued. The deputy minister will ensure that strategies are in place to help parties and the work unit as a whole rebuild and move forward.

5. FREQUENTLY ASKED QUESTIONS

For employees:

What should I do if I experience harassment?

Don't ignore it. If you are comfortable and feel safe doing so, let the person know their behaviour is offensive to you and ask them to stop. If you're not comfortable speaking to them directly, talk to someone else who can help – a supervisor, HIO, human resources coordinator, employee relations consultant, or where applicable union representative. You're not alone!



I tried to speak to the person about their behaviour but they said they were only joking and that I should lighten up. Am I being too sensitive?

Whether or not a person intended to cause offense isn't the point. If you feel offended, humiliated or uncomfortable as a result of someone's comments or actions, you have a right to ask them to stop – and they have a responsibility to listen.

What if the person harassing me is my supervisor?

Employees have a right to expect respectful treatment from everyone at work – including their supervisors. If you are in this situation, talk to an HIO, human resources coordinator, employee relations consultant, or union representative where applicable.

How do I make a harassment complaint?

Contact any of the above to make a complaint.

What's the difference between informal and formal resolution?

Informal resolution helps parties better understand each other's point of view and get to the bottom of the issues that led to the harassment complaint, without requiring a person to admit wrongdoing. Formal resolution is about determining facts through investigation, making a decision and where applicable, taking disciplinary measures.

Informal resolution is generally a faster and less adversarial resolution approach. It's not appropriate in the case of very serious allegations, such as sexual harassment, or where there is an imbalance of power between parties.

5. FREQUENTLY ASKED QUESTIONS

What are my rights as a complainant?

Every employee has the right make a harassment complaint in confidence, without fear of retaliation and to be accompanied by a person of their choosing (who isn't a party to the complaint). Complainants also have the right to provide information in support of their complaint, to receive a copy of the investigation report and to be told about the outcome of their complaint.

I'm afraid that if I make a complaint, everyone at work will know.

You have a right to make a complaint and to trust that it will be kept confidential.

All parties that could be involved in a harassment complaint are required to maintain confidentiality – supervisors, HIOs, human resources coordinators, employee relations consultants, union representatives where applicable, deputy ministers, complainants, respondents, and witnesses. Anyone who violates confidentiality may face disciplinary action.

The person I made a complaint against has threatened me with retaliation if I continue. What should I do?

Employees have the right to make a harassment complaint without fear of threats or reprisal. If this happens to you, tell somebody –a supervisor, HIO, human resources coordinator, employee relations consultant, or union representative where applicable. A serious threat for example of physical harm should be reported to the RCMP as well. Retaliation is a serious breach of employment policy, subject to discipline up to and including dismissal.

Will the person who harassed me be disciplined?

If a harassment complaint is upheld through the investigation process, discipline may result. Complainants have the right to be informed about whether or not the respondent will be disciplined but, for reasons of confidentiality, will not be told the nature of disciplinary action.

What if the person who harassed me doesn't work for the Government of Nunavut?

If you experience harassment at work, in any form or by any person, tell your supervisor, an HIO, human resources coordinator, employee relations consultant, or union representative where applicable. The process for dealing with the issue may vary, but the Government of Nunavut commitment to resolving the problem does not.

What should I do if I've been assaulted or threatened at work?

Any situation involving criminal behaviour, physical violence or the threat of violence is very serious and should be reported immediately to the RCMP.

5. FREQUENTLY ASKED QUESTIONS

What should I do if I witness workplace harassment?

If you can, speak up and let it be known that you don't approve. If you're not comfortable saying something at the time, talk to the person who experienced the disrespectful behaviour and offer your support. Let them know that there are people who can help.

What if my coworker doesn't want to make a complaint?

The best thing you can do is offer your support and let your coworker know that there are resources available. Contact the HIO if you need advice about the best approach.

A coworker accused me of harassment because of a joke I made at a staff meeting. How can it be harassment if everyone else laughed?

If someone tells you that they feel offended by your behaviour, you have a responsibility to consider their point of view. People may have very different reactions to a situation depending on their values, culture or personal experiences.

Sometimes people laugh because they are nervous or aren't comfortable voicing their disapproval. Don't make assumptions – think about the potential impact of your behaviour on others. If someone tells you they are offended or uncomfortable by your words or actions you must take it seriously.

I've been accused of harassment. What should I do?

Take it seriously. Make sure you understand exactly what you've done to make the other person feel offended or uncomfortable. Stop the behaviour immediately. If you feel the complaint is based on a misunderstanding, ask your supervisor, HIO, Human resources coordinator, employee relations consultant, or union representative where applicable for information and assistance to help in resolving the situation.

What are my rights as a respondent to a harassment complaint?

You have the right to know what the complaint is about and to seek advice and assistance in responding to the complaint, to provide information from your perspective and to be accompanied by a person of your choosing who isn't involved in the situation. You also have a right to confidentiality. To understand your rights and responsibilities refer to the Harassment Free Workplace Policy and sections 1010 and 1018 of the Human Resources Manual

What happens if a harassment complaint against me is upheld? Will everyone know?

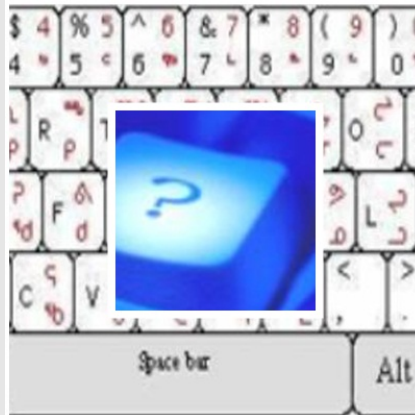
If the investigation determines that your behaviour was harassment, you may face discipline. The person who made the complaint will be advised of the decision and told that discipline may result. They will not be told the nature of the discipline. All parties are required to maintain confidentiality and may not discuss the harassment complaint with anyone who is not involved in the resolution process.

5. FREQUENTLY ASKED QUESTIONS

For supervisors:

What should I do if an employee tells me they're being harassed?

Take it seriously. Get as much information as possible and ask how they'd like to proceed. Let them know about their rights under the Harassment Free Workplace Policy and sections 1010 and 1018 of the Human Resources Manual. Refer them to an HIO, human resources coordinator, employee relations consultant, or union representative if applicable if they wish to make a complaint and undergo an assessment. If they are distressed because of what has occurred and need counseling refer them to the Employee and Family Assistance Program.



Should I speak to the other person?

Yes, the sooner the better. As a supervisor, you have a responsibility to address any harassment situation that comes to your attention. If you're unsure how to proceed alert your supervisor and consult an HIO, human resources coordinator, or employee relations consultant for assistance.

I suspect there may be a harassment situation in my work unit but employees aren't willing to talk about it. How can I address the issue?

There may be many reasons why a person is hesitant to come forward about a harassment situation, but as a supervisor it's important to be aware of the subtle indicators that may point to an underlying issue. If you suspect a problem but are unsure how to proceed, contact the HIO for advice.

The problems in the unit are bigger than just one or two people. How can I address systemic issues?

Supervisors can play a leadership role by acknowledging potential issues and taking action. This includes conducting respectful workplace discussions designed to identify and resolve issues within work units.

5. FREQUENTLY ASKED QUESTIONS

What's the difference between informal and formal resolution?

The goal of informal resolution is to help parties better understand the other's point of view and the issues that led to the harassment complaint without assigning blame. Formal resolution on the other hand, is about determining facts through investigation, making a decision and where applicable, taking disciplinary measures.

Informal resolution is a faster and less adversarial approach. It's not appropriate in the case of very serious allegations, such as sexual harassment, where there is an imbalance of power between parties.

What's my role once a complaint has been made?

While you may not be directly involved in the resolution process, as a supervisor it's your job to continue to monitor the situation within the work unit, maintain confidentiality and put a stop to any gossip or speculation.

Can I talk about a harassment issue once a complaint has been filed?

Confidentiality means not discussing the complaint with those who aren't involved. It's perfectly ok – and encouraged – to continue the dialogue with and between parties after a complaint has been made. The goal is always to achieve resolution in as timely and collaborative a manner as possible.

Will the parties be separated during the investigation?

It depends on the situation. The HIO will make a recommendation to the deputy minister based on the particular case.

Will I be told about the final decision? Discipline?

Supervisors will be given necessary information as it pertains to the operations of the work unit.

How do we move forward after the complaint has been dealt with?

Supervisors are to reinforce the importance of respect and open communication while continuing to watch for signs of ongoing or unresolved conflicts.

What are my rights as a supervisor accused of harassment?

As a respondent to a harassment complaint, you have a right to know what the complaint is about, to seek advice and assistance in responding to the complaint, to provide information from your perspective and to representation. You also have a right to confidentiality.

6. TEST SCENARIOS

Scenario 1:

Mike G is a home care worker and has been sharing client services with two other home care workers. Over the past two years he had a good working relationship with his supervisor but his spouse and his supervisors spouse had a public disagreement with a volunteer project they were working on. The supervisor's behavior towards him changed since that occurred. Even though he feels he is friendly, helpful, and providing the same level of care as the other home care workers, she is constantly criticizing his performance. He was aware of mistakes the other two home care workers had made which were not even mentioned at a recent staff meeting while his lateness due to attending an emergency with another client was treated as a big deal and he was ridiculed by the supervisor in front of his co-workers. This was the third time he had been treated differently in front of the other team members, one of the other home care workers even commented to him privately that the other staff felt that the way he was being treated was unfair. This support meant a lot as he was getting depressed and was even considering quitting his position.

Discussion:

Mike G should approach his supervisor if comfortable doing so and explain his view of what is occurring and how it is making him feel. If the situation can not be resolved or Mike G is uncomfortable approaching his supervisor then he should as soon as possible approach an HIO, human resources coordinator, employee relations consultant, or where applicable a union representative to explain what is occurring and the impact it is having on him.

Scenario 2:

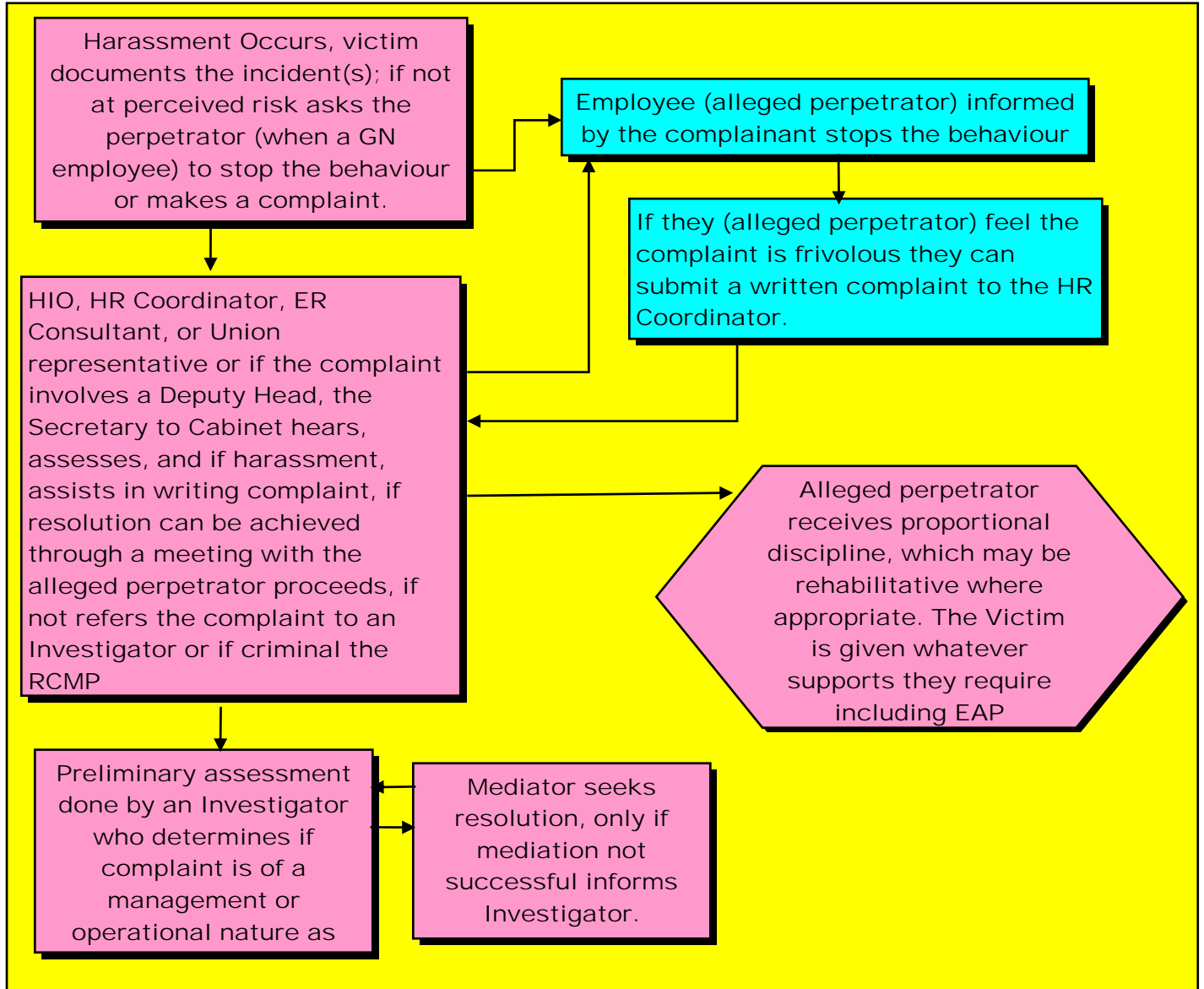
Sue S was a quiet and dedicated worker. The whole team appreciated her devotion and smiles. Sue got a new supervisor, at first he seemed to be very fair and professional but in time he made inappropriate advances. Sue was very worried, it was a small community, and was worried her husband would blame her. Sue became depressed and started calling in sick, when the supervisor again made an advance Sue immediately left the workplace crying. After not appearing to work and refusing to answer her supervisor's telephone calls she was fired for abandoning her position.

6. TEST SCENARIOS

Discussion:

Sue S should have had information available to her that allowed her to know her rights. Sue S needed to know that the reporting, investigation, and resolution of harassment matters are all kept confidential. Sue S should have been offered accommodation measures and access to the Employment Counseling programs or other resources to provide resolution for suffering she experienced and to allow her to regain a successful and fulfilling career path.

7. HARASSMENT FREE WORKPLACE FLOWCHART



8. GOVERNMENT OF NUNAVUT RESOURCES & CONTACTS



HIO's and Human Resources Coordinators can be contacted at a departmental level.

Can assist with information on harassment and workplace conflict prevention and assist with completing documentation related to the complaint.

Employee Relations consultants can be contacted at:

Employee Relations and Job Evaluation Division
Department of Finance
Headquarters (Trigram Building #903)
P.O. Box 1000
Iqaluit, NU
X0A 0H0

Tel. #: (867) 975-6211 FAX #: (867) 975-6241

Can assist with information on harassment and workplace conflict prevention and assist with completing documentation related to the complaint.

Manager, Workplace Health, Safety, and Wellness

Can be reached through the above contact no. or directly at Tel. #: (867) 975-6237.

Can provide training information and coordinate training in partnership with departments and agencies, and where applicable Unions.

8. GOVERNMENT OF NUNAVUT RESOURCES & CONTACTS

Union representatives can be reached through your Union office at:

Nunavut Employees Union
Iqaluit Head Office
(Building #165, Union Door)
Box 869
Iqaluit NU
X0A 0H0

Tel. #: (867) 979 4209
FAX #: (867) 979 4522
Toll Free Tel. # 1-877 243 4424

Nunavut Employees Union
Kitikmeot Regional Office
Box 2230
Cambridge Bay, NU
X0C 0C0

Tel. #: (867) 983 3095
FAX #: (867) 983 3401
Toll Free Tel. # 1-866 983 3095

Nunavut Teachers Association
Box 2458, Iqaluit, X0A 0H0

Tel. #: (867) 979-0750 FAX #: (867) 979-0780

Can assist with information on harassment and workplace conflict prevention and assist with completing documentation related to the complaint.

Employee and Family Assistance

Toll Free Tel. # 1-800-663-1142

Can assist through personal counseling with addressing needs; including - controlling stress and anxiety, gaining control over addictions, and finding possible solutions to family worries. Translators are available in all four official languages

A Human Rights complaint can be made to the:

Nunavut Human Rights Tribunal
P.O. Box 15
Coral Harbour, NU
X0C 0C0

Toll Free Tel. # 1-866-413-6478 FAX #: (867) 925-8453

E-Mail Address: nunavuthumanrights@gov.nu.ca

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