

APPLICATION

This policy applies to all employees of the Government of Nunavut and public bodies.

The policy covers all forms of harassment that detrimentally affect the work environment or lead to adverse job-related consequences for the victims of the harassment.

Further details regarding application of the policy and process for the resolution of complaints are contained in Human Resources Manual (HRM) Directive 1010: Respectful and Harassment-Free Workplace.

Personal/Independent service contractors must comply with this policy and Directive 1010 of the HRM as a condition of their service contract.

PROVISIONS

- 1) The GN will work toward the prevention of any conduct in the workplace that violates the fundamental rights, personal dignity and integrity of any person subjected to such conduct.
- 2) The Department of Human Resources will provide information to managers and employees regarding the respectful and prevention of harassment in the workplace.
- 3) The Department of Human Resources will provide direction for handling complaints of harassment.
- 4) The Department of Human Resources will ensure harassment allegations are brought forward and resolved in a timely manner.
- 5) The Department of Human Resources will provide and promote respectful and harassment-free workplace training materials to public service employees, emphasizing timely filing of complaints and resolving of cases.
- 6) Training will be offered periodically by the Department of Human Resources to departmental and public body representatives who can then deliver training to their staff. The Department of Human Resources may also reach agreements with the Union or Association to offer training individually or in partnership.
- 7) Anonymous harassment complaints may be subject to a workplace investigation at the discretion of the GN. Anonymity cannot be granted when a complaint is filed as the Respondent has the right to know who made the complaint and to respond to any allegations that have been made against the Respondent.

ROLES AND RESPONSIBILITIES

- 1) **The Government of Nunavut** is committed to the Inuit traditional values which emphasize the need for respectful words, actions, and attitudes towards other people and under all

circumstances. The GN has an obligation to create a respectful and harassment-free workplace and provide resources and training to prevent harassment in the workplace.

- a. If the alleged harassment is perpetrated by other individuals outside of the employment of GN, the GN shall, where applicable submit a formal complaint on behalf of the GN employee (Complainant) to the third-party employer of the alleged harasser.
 - b. If the alleged harassment or actions could be considered as criminal in nature, the GN will in support of the GN employee (Complainant) assist with a referral to the Royal Canadian Mounted Police (RCMP).
- 2) **Ministers** are accountable for the implementation of this Directive in their Departments and Public Bodies.
- 3) **Deputy Heads** are accountable for the administration and implementation of this Directive in their Departments and Public Bodies. Further, Deputy Heads shall:
- a. Establish and provide a work environment that is free from all types of Workplace Harassment.
 - b. Ensure information on prevention and resolution of Workplace Harassment is available to all employees.
 - c. Ensure that all employees, volunteers, and contractors are made aware of this Directive.
 - d. Take appropriate action, as soon as possible, to resolve any concerns or complaints brought to their attention.
 - e. Ensure that all parties treat concerns, Complaints and the investigation or mediation process as confidential.
 - f. Provide training on Workplace Harassment to all employees and managers.
 - g. Communicate information about the Harassment-Free Workplace Policy and this Directive to all new employees.
- 4) **Secretary to Cabinet/Deputy Minister of Executive and Intergovernmental Affairs** shall receive any complaint which relates to a deputy head.
- 5) **Deputy Heads** are responsible for fostering a respectful and workplace free of harassment and for appropriate intervention should harassment be alleged.
- 6) **Deputy Minister of Human Resources** conducts the Threshold Assessment of a Complaint and notifies the parties and the Deputy Heads of the outcome.
- 7) **Managers** will foster a respectful and harassment-free workplace and act promptly to resolve harassment complaints. Further, Managers shall:
- a. Foster a respectful and harassment-free workplace and act promptly to resolve harassment complaints.
 - b. Inform employees and managers of their rights and responsibilities under this policy. In addition, they may assist employees with the filing of a complaint. If an incident is of criminal wrongdoing, they will report it to the RCMP
 - c. Ensure that all employees under their supervision are aware of this Directive.

- d. Take appropriate action, as soon as possible, to resolve any concerns or complaints brought to their attention.
 - e. Monitor situations where Complaints have been substantiated to ensure corrective measures have been successful.
- 8) **Human Resources Department** will assist departments and public bodies upon request in assessing harassment complaints and educate departmental and public body representatives on maintaining a respectful and harassment-free workplace.
- a. Lead formal investigations or mediation resulting from Complaints.
 - b. Arrange for experienced persons to lead formal investigations or mediations resulting from Complaints.
 - c. Promote timely resolution of mediations or investigations.
- 9) **A Complainant Alleging Harassment** should inform the harasser of the unwelcome conduct and where they perceive it would be safe to do so request that it stop. Complaints should be filed in a reasonable and timely manner to ensure integrity of the process. Witnesses and details of events shall be documented.
- 10) **All employees alleging or being accused of harassment** should, if able, identify dates of occurrences, provide details and witnesses, and provide evidence supporting or disproving the harassment complaint.
- 11) **All employees** should:
- a. Be aware of and comply with this Directive.
 - b. Treat all persons in the workplace with dignity and respect.
 - c. Refrain from inappropriate behaviour or objectionable conduct that may constitute Workplace Harassment.
 - d. Cooperate with formal investigations, facilitated discussions and mediations conducted under this Directive.
 - e. Treat Complaints and the investigation or mediation process as confidential.
- 12) **Human Resource Managers or designate** will inform employees and managers of their rights and responsibilities under this policy. In addition, they may assist employees with the filing of a complaint. If an incident is of criminal wrongdoing, they will report it to the RCMP.
- 13) **Unions and Associations** may also assist members, in preparing their complaint or in supporting a member who feels they have been unfairly accused. A Union or Association may participate in a joint cooperative investigation of a complaint if mutually agreeable to the GN, the Union or Association representing the Complainant, and the Complainant.
- 14) **Investigator** carries out a formal investigation. The investigator will make their report to the Director of Employee Relations and Job Evaluation or designate who will facilitate appropriate action.
- 15) **Bystander** individuals who witness behaviour that contravenes this Policy have a responsibility to take appropriate action and report the behaviour to someone in authority.

DEFINITIONS

Bystander: An individual who is not the subject of Workplace Harassment but who has witnessed or is otherwise aware of behaviour that contravenes this Directive.

Complainant: An individual who believes they have experienced Workplace Harassment and makes a Complaint.

Complaint: Formal, written complaint against an individual or group of individuals which the Complainant alleges has engaged in behaviour which constitutes a violation of this Directive.

Conflict Resolution: Process that usually involves a neutral third-party, whose job it is to provide the parties to a dispute with assistance aimed at reaching resolution through facilitated problem-solving or mediation. This process is non-disciplinary.

Contractor: An individual who performs work for the GN pursuant to the terms of a service contract. A Contractor is not considered an employee of the GN and is typically hired for a defined period or specific tasks.

Deputy Head: A Deputy Minister of a department, the Deputy Head, Chief Executive Officer or President of a public body, or their designate as defined in the *Public Service Act*.

Facilitated Discussion: A problem-solving session led by the Manager, in which both parties are directed to participate, and from which the Manager may provide direction on future behaviour.

Formal Investigation: Where a Complaint is not referred to Conflict Resolution, or is so referred, but such processes are unsuccessful, the DM HR will refer the matter to investigation.

Formal Resolution: Typically commences with the filing of a Complaint, and can include Conflict Resolution, and/or a Formal Investigation.

Human Resources: Refers to the Department of Human Resources.

Investigator: A designated person with investigation training and/or experience who has been authorized by a Deputy Head to investigate a Complaint.

Informal Resolution: Includes such processes as talking to the Respondent and Facilitated Discussion.

Manager: An employee who operates in a supervisory or managerial capacity, regardless of employment title.

Respondent: The person or persons against whom a complaint has been made.

Workplace Harassment: Any behaviour that satisfies one or more of the following definitions:

Discrimination: Conduct that constitutes either Personal Harassment or Sexual Harassment and is based on one or more prohibited grounds of discrimination listed in the Nunavut *Human Rights Act*. The prohibited grounds set out in the Act are: race, colour, creed, religion, sex, sexual orientation, gender and gender identity, age, disability, ancestry, ethnic origin, place of origin, citizenship, marital status, family status, pregnancy, lawful source of income, and a conviction for which a pardon has been granted.

Personal Harassment: Conduct that is known or ought reasonably to be known to be unwelcomed including through email and/or social media, that can be reasonably considered to have the purpose or effect of violating an individual's dignity and can reasonably be considered to result in creating an intimidating, hostile, degrading, humiliating or offensive environment. Personal harassment does not have to be based on a prohibited ground of discrimination listed in the Nunavut *Human Rights Act*.

Sexual Harassment: Sexual conduct that is known or ought reasonably to be known to be unwelcomed including through email and/or social media, that can be reasonably considered to have the purpose or effect of violating an individual’s dignity and can reasonably be considered to result in creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual, whether on a one-time basis or in a series of incidents; or that an individual might reasonably perceive as placing a condition of a sexual nature on their employment or on an opportunity for training or promotion.

Abuse of Authority - occurs when an employee improperly uses the power and authority inherent in their managerial position to endanger an employee’s job, undermine the performance of that job, threaten the economic livelihood of the employee, or in any way unreasonably interferes with or influences the career of the employee. It does not include the legitimate and proper exercise of a manager’s responsibilities including disciplinary measures, distribution of work assignments, training, staffing decisions or performance evaluations.

PREROGATIVE OF EXECUTIVE COUNCIL

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

SUNSET DATE

This policy will be reviewed within four (4) years of the date of approval.

RELATED LEGISLATION AND AUTHORITIES

Public Service Act

Canadian Human Rights Act

Nunavut Human Rights Act

Collective Agreement – Nunavut Employees Union

Collective Agreement – Nunavut Teachers Association

Handbook – Excluded Employees

Handbook – Senior Managers

Access to Information and the Protection of Privacy Act

Human Resources Manual:

Directive 701: Grievances and Complaints

Directive 801: Employee Discipline

Directive 1010: Respectful and Harassment-Free Workplace

Directive 1018: Workplace Conflict Management

Directive 1609: Indemnification