



## **HUMAN RIGHTS AND ANTI-HARASSMENT POLICY**

### **1.0 POLICY STATEMENT**

The City of Iqaluit (“City”) adopted this Human Rights and Anti-Harassment Policy (“Policy”) to ensure ethical and respectful service and employment practices that incorporate equitable treatment for all employees, residents and recipients of City services. Every person has a right to equal treatment by the City as defined in this Policy.

The goal of this Policy is to create a climate of understanding and mutual respect where each person feels a part of the community and is able to contribute fully to the development and well-being of the City.

Harassment and discrimination can poison the work environment, causing hardship for individuals. The City will not tolerate, ignore, or condone any form of discrimination or harassment and is committed to promoting appropriate standards of conduct at all times.

All employees are responsible for respecting the dignity and rights, as set out in this Policy, of their co-workers and the public they serve. Discrimination and harassment are serious forms of employee misconduct which may result in disciplinary action up to and including discharge.

Any member of the public, including visitors to City facilities or individuals conducting business with the City are expected to adhere to this Policy, including refraining from harassment of employees, elected officials, and persons acting on behalf of the City. If such harassment occurs, the City will, in accordance with the processes set out in this Policy, take any available steps to ensure a harassment-free workplace, including barring the harasser from its facilities, where appropriate, or discontinuing business with contractors or consultants.

### **2.0 APPLICATION**

**2.1 Goods, Services and Facilities:** Every person has a right to equal treatment, as defined in this Policy, with respect to City goods, services and facilities, without discrimination or harassment because of the following prohibited grounds: race, colour, ancestry, ethnic origin, citizenship, place of origin, creed, religion, age, disability, sex, sexual orientation, marital status, family status, pregnancy, lawful source of income and a conviction for which a pardon has been granted.

#### **2.2 Contracts**

Every person has a right to equal treatment, as defined in this Policy, with respect to contracts with which the City is a party, without discrimination or harassment on the basis of the following prohibited grounds or discrimination, harass any individual or class of individuals in the provision of contracts: race,

colour, ancestry, ethnic origin, citizenship, place of origin, creed, religion, age, disability, sex, sexual orientation, marital status, family status, pregnancy, lawful source of income and a conviction for which a pardon has been granted.

**2.3 Employment:** Every person has a right to equal treatment, as defined in this Policy, with respect to employment with the City without discrimination or harassment because of the following prohibited grounds: race, colour, ancestry, ethnic origin, citizenship, place of origin, creed, religion, age, disability, sex, sexual orientation, marital status, family status, pregnancy, lawful source of income and a conviction for which a pardon has been granted.

### **3.0 SCOPE**

This Policy applies to all City employees, elected officials and to all aspects of the employment relationship. All staff are expected to abide by this Policy. All employees share the responsibility to support this Policy.

Management staff including the CAO, Directors, Managers, Supervisors and Human Resources staff have obligations under this Policy.

#### **3.1 CAO**

Providing leadership in creating and maintaining harassment-free, respectful workplaces.

#### **3.2 Management Staff**

All management staff have the following general responsibilities under this Policy:

- not engaging in behaviour that would constitute discrimination or harassment as defined under this Policy;
- setting and enforcing standards of appropriate workplace conduct;
- having thorough knowledge of this Policy;
- being able to clarify what constitutes harassment and discrimination;
- being able to advise staff of their rights and responsibilities under the Policy;
- taking all reasonable steps to deal with alleged workplace discrimination and harassment of which they are aware or of which they should reasonably have been aware (even if a direct complaint has not been made), in a timely fashion while maintaining as much confidentiality as possible;

Management staff are encouraged to consult the Human Resources for guidance to address complaints under this Policy.

#### **3.3 Directors, Managers and Supervisors:**

Directors, Managers and Supervisors have the following general responsibilities:

- Ensuring that their workplace is free from harassment and discrimination and taking appropriate action upon becoming aware of discriminatory and/or harassing conduct contrary to the Policy;
- Educating employees to ensure that they know that harassment and discrimination will not be tolerated and that they know what their rights and

responsibilities are under the Policy including ways in which Policy violations can be resolved;

- Documenting details of discrimination and harassment concerns, actions taken, outcomes or remedies implemented where discrimination or harassment occurred;
- Monitoring the situation after a complaint to ensure the harassment or discrimination has stopped and implementing appropriate measures to prevent reoccurrence.

### **3.4 Human Resources Department:**

The Department of Human Resources has the following general responsibilities:

- taking a leadership role in providing advice on Policy provisions, addressing and providing assistance to resolve human rights concerns and complaints;
- removing barriers in employment policies and practices that may have the effect of discriminating against groups or individuals;
- reporting all complaints of harassment and/or discrimination to the CAO in accordance with this Policy;
- cooperating in investigations;
- supporting Management in addressing harassment and discrimination;
- providing training for Management and employees on this Policy;
- monitoring selection processes for compliance with this Policy;
- Being familiar with this Policy and Nunavut's *Human Rights Act*, S.Nu. 2003,c.12.

### **3.5 Employees:**

- being familiar with their rights and responsibilities under this Policy and Nunavut's *Human Rights Act*, S.Nu. 2003,c.12;
- not engaging in behaviour that would constitute discrimination or harassment under this Policy and Nunavut's *Human Rights Act*;
- raising concerns as soon as possible if you have been discriminated against or harassed;
- documenting details of harassment and, or discrimination that are experienced or witnessed;
- co-operating in interventions and investigations to resolve harassment issues;
- maintaining confidentiality related to human rights investigations.

Employees are strongly encouraged to report incidents of harassment, discrimination or retaliation that they witness.

## **4.0 DEFINITIONS**

**4.1 Allegation:** An allegation is an unproven assertion or statement based on a person's perception.

**4.2 Complainant:** The person alleging that discrimination or harassment occurred under this Policy. There can be more than one complainant in a Complaint filed under this Policy.

**4.3 Discrimination:** Discrimination includes, but is not limited to, unequal treatment based on one or more of the prohibited grounds under Nunavut's *Human Rights Act*, S.Nu. 2003,c.12. Discrimination can be intentional or unintentional, direct or indirect. Discrimination in employment is prohibited in Nunavut's *Human Rights Act* on the basis of race, colour, ancestry, ethnic origin, citizenship, place of origin, creed, religion, age, disability, sex, sexual orientation, marital status, family status, pregnancy, lawful source of income and a conviction for which a pardon has been granted. Discrimination may arise as a result of direct differential treatment or it may result from the unequal effect of treating individuals and groups in the same way.

**4.4 Employee:** For the purpose of this Policy, the term employee includes: full-time, part-time, temporary, probationary and casual employees, co-op students, volunteers, job applicants, contractors and consultants working for the City.

**4.5 Equal Treatment:** Equal treatment is treatment that brings about an equality of results and that may require different treatment.

**4.6 Harassment/Bullying:** Harassment and/or bullying means improper comment or conduct that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful. Harassment may be a form of discrimination. Harassment can occur between but not limited to co-workers, between management and employees, between employees and Members of Council. For further clarity, to constitute proof of harassment for the purpose of this Policy, harassment is to be considered to have occurred if any of the following conditions exist or have existed:

- a) repeated conduct, comments, displays, actions or gestures must be established; or
- b) a single occurrence of conduct, or a single serious comment, display or gesture that has a lasting, harmful effect on the worker must be established.

For the purpose of establishing if an act of harassment has occurred, harassment does not include any reasonable action that is taken by the City as the employer, or a Director, Manager or Supervisor employed or engaged by the City, relating to the management and direction of the City's employees or the place of employment, including performance evaluation of employees or others.

**4.7 Racial Harassment:** Racial harassment is harassment on the ground of race. It may also be associated with the grounds of colour, ancestry, where a person was born, a person's religious belief, ethnic background, citizenship or even a person's language. Racial harassment/discrimination can include: racial slurs or jokes ridicule, insults or different treatment because of your racial identity posting/e-mailing cartoons or pictures that degrade persons of a particular racial group name-calling because of a person's race, colour, citizenship, place of origin, ancestry, ethnic background or creed.

**4.8 Respondent:** The individual against whom a complaint is submitted.

**4.9 Sexual Harassment:** Harassment on the ground of sex. This includes a sexual advance or solicitation from anyone if they know or ought to know the advance is unwelcome, especially if the advance is from a person in a position to give or deny a benefit or to engage in a reprisal or if a threat of reprisal is made if the advance is rejected. Other examples are sexually suggestive or obscene remarks or gestures, leering (suggestive staring) at a person's body, unwelcome physical contact, having to work in a sexualized environment (bragging about sexual prowess, or discussions about sexual activities), circulation or posting of sexist jokes or cartoons, display of pin-up calendars or other objectifying images, negative stereotypical comments based on gender, sex or sexual orientation and gender related comments about an individual's physical characteristics or mannerisms.

This Policy is not intended to interfere with normal social interaction between employees.

**4.10 Reasonable Person Test:** This is an objective standard to measure, in every instance in the application of this Policy, whether a comment or conduct is discrimination or harassment under this Policy. It considers what a reasonable person's reaction would have been under similar circumstances and in a similar environment. This standard is used to assess complaints under this Policy.

**4.11 Workplace:** The workplace includes all locations where business or social activities of the City are conducted. Workplace harassment can also include incidents that happen away from work (e.g., inappropriate phone calls, e-mails or visits to an employee's home, incidents at luncheons, after work socials) or harassment from clients and service recipients.

## **5.0 PROCEDURES AND GUIDELINES**

### **5.1 Supervisors, Managers and Directors will:**

- support respectful workplaces by being role models of appropriate workplace behaviours and inform employees about this Policy and compliance requirements;
- act appropriately in a prompt, impartial and confidential manner when issues come to their attention. They may get advice from Human Resources;
- support all constructive efforts to resolve issues and take action;
- ensure that no one suffers reprisal after making a legitimate complaint or providing information about a complaint.

### **5.2 All persons, including the Mayor, Councillors, CAO, Directors, Managers and Supervisors must:**

- refer to the resolution processes in section 5 of this Policy when dealing with problems brought to their attention under this Policy;
- must maintain confidentiality. They will only disclose information on a need-to-know basis and cannot guarantee full anonymity or confidentiality

(as, for example, it may be necessary to selectively share information with a witness).

**5.3 Complaint resolution process:** There are two types of complaint resolution processes that employees can refer to for resolution:

**5.3.1 Informal Resolution:** the informal resolution procedures are used if a Complainant thinks the complaint may be resolved by talking to the Respondent. An informal resolution procedure has one or more of these characteristics:

- a) The Complainant and Respondent are willing to work together to resolve problem;
- b) Supervisors, Managers, Directors and/or Human Resources staff help resolve problems between the Complainant and Respondent;
- c) The Complainant's Supervisor will keep a written record of the initial complaint;
- d) Whether or not the problem is resolved through the informal resolution process, the final outcome may include disciplinary action.

**5.3.1.1 Does the Complainant talk to the Respondent:** If the Complainant feels s/he has experienced workplace harassment under this Policy, the Complainant is encouraged to discuss it with the person responsible for the conduct. It is recommended that the Complainant:

- a) describe the behaviour s/he feels is inappropriate;
- b) express his/her feelings and how the behaviour has affected him/her;
- c) indicate specifically what the Complainant would like changed;
- d) keep informal notes as memory guides, and document steps taken to resolve issues.

**5.3.1.2: What if a co-worker complains about another person:** If a co-worker feels someone else has behaved inappropriately, it is recommended that that person:

- a) listen respectfully;
- b) accept responsibility for his/her own actions and their potential effect on the other;
- c) indicate if there is anything you will do differently in the future.

**5.3.1.3 What happens if the Complaint isn't resolved by talking with the Respondent, or it's awkward to deal with the Respondent directly:**

In certain circumstances, it may be difficult to speak directly to the person one is making a Complaint against. For example, this may be the case if the Respondent is the Complainant's Supervisor or if the harassment has left a person feeling unable to face the Respondent. If a person does not wish to bring the matter directly to the person responsible, or tried to speak to him or her but have been unable to resolve the problem, that person should speak to their Supervisor.

**5.3.2 Formal Resolution:** Formal resolution procedures include these features:

- a) A high level manager decides what action will result from the Investigation findings;
- b) More people are involved and there is less privacy;

c) One or more parties are participating involuntarily.

**5.3.2.1 Formal Complaint:** If you are considering making a Formal Complaint, you must prepare the Harassment Complaint Form(attached). The Harassment Complaint Form must include a detailed account by the Complainant of his/her allegations, and the Complainant must sign the Form.

**5.3.2.3 Formal Complaints submitted to HR:** a Harassment Complaint Form must be submitted to the Director of Human Resources. If the Formal Complaint is made by or in relation to the CAO, it must be submitted to the Mayor.

**5.4.6 Month Time Limit to File all complaints (information / formal):** All complaints must be submitted within six months of the date of the incident. After six months, it is at the discretion of the CAO whether to investigate a complaint if it is not filed within the six-month period of the alleged circumstance leading to the complaint.

## **6.0 HARASSMENT AND DISCRIMINATION PREVENTION EDUCATIONAL RESOURCES**

The City is committed to providing training and education to ensure that all City staff have knowledge about their rights and responsibilities under this Policy. All staff are expected to be familiar with this Policy.