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Building *Nunavut* Together
Nunavut iuuqatigiingniq
Bâtir le *Nunavut* ensemble

Human Resources Manual

Directive 1010: Respectful and Harassment Free Workplace

All employees are entitled to perform their duties in a safe, respectful, and harassment-free work environment.

All employees share in the collective responsibility for a safe, respectful, and harassment-free work environment, including bystanders who witness disrespectful and harassing behaviours.

All individuals are entitled to a fair, confidential and expeditious resolution process for complaints under this Directive.

The principles of fairness, integrity, and impartiality will be applied in any resolution and/or investigation of situations that may arise under this Directive to ensure that the rights, responsibilities, and obligations of all individuals are respected.

The most effective way to maintain a safe and respectful workplace is to prevent harassment from happening in the first place. Informal and formal processes are available to resolve workplace harassment.

Employees and managers are encouraged to resolve workplace harassment through open communication and co-operation. Wherever possible, managers should strive to resolve complaints in an informal manner. This could include dealing with the issue one on one with an employee or facilitated discussions.

APPLICATION

- This Directive applies to all employees including Senior Managers and Executives of the GN and public bodies. Participation including assistance and cooperation is mandatory for all parties named in this Directive.

Behaviour that takes place outside the workplace will typically not fall within this Directive. However, this Directive will apply to harassment that occurs outside the workplace, where the harassment is likely to effect relationships within the workplace.

This Directive does not limit GN employees' rights to pursue other remedies. These may include private legal remedies, grievances, or complaints under applicable legislation. The GN will not be responsible for the provision of legal services to employees who pursue other remedies.

Bargaining unit employees should also consult their respective collective agreements.



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- viii. Deputy Heads may take interim measures, such as separating employees or restricting contact pending the investigation of a formal complaint. These measures are not disciplinary and do not confirm the validity of the complaint.

- b. Investigation
 - i. If the Deputy Head of Human Resources determines that the complaint contains allegations which, if true, would constitute harassment, the responsible Deputy Head will authorize an investigation as soon as possible.
 - ii. The investigator may interview the complainant, respondent, and any witnesses, to determine whether, on a balance of probabilities, the allegations are true.
 - iii. The investigator will provide a written report to the Deputy Head that includes findings of fact.

- c. Outcome of an Investigation
 - i. Deputy Heads will consider investigation findings and determine what appropriate action should be taken. Parties involved will be notified as required.
 - ii. Where workplace harassment is found to have occurred, possible actions include, but are not limited to:
 - education and training;
 - written reprimand;
 - disciplinary suspension;
 - dismissal;
 - other remedial measures applicable to specific circumstances.
 - iii. Deputy Heads will monitor the situation following resolution to ensure that recommendations are followed.

- d. Retaliation

Retaliation, reprisals, or threats as a result of filing a complaint or being party to the investigation of a complaint are subject to disciplinary measures including, but not limited to:

 - warning or written reprimand;
 - transfer or demotion, or both;
 - suspension;
 - dismissal.



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e. Fabricated, Frivolous, or Vexatious Complaints

Where false information has been provided, the person responsible will be subject to disciplinary measures including, but not limited to:

- warning or written reprimand;
- transfer or demotion, or both;
- suspension;
- dismissal.

f. Written Complaint Withdrawal (Appendix B)

A complainant may withdraw a complaint by submitting a “Harassment Complaint Withdrawal Request Form” (Appendix B) to the complainant’s Deputy Head. The withdrawal request should specify the reason for withdrawal.

- Name of the respondent;
- Detailed explanation of why the complaint is being withdrawn.

17. Bystander Intervention

Individuals who witness behaviour that contravenes this Directive have a responsibility to take appropriate action and report the behaviour to someone in authority. A bystander who reports behaviour that contravenes this Directive will not be considered as a complainant. However, the individual may be interviewed as a witness if there is an investigation into the concerns raised.

18. Anonymous Complaints

Anonymous personal complaints will not be addressed under this Directive, but 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.

19. Confidentiality and Records Management

- a. All matters and material relating to a workplace harassment complaint are to be treated with the utmost confidentiality by all participants involved and are subject to a strict need-to-know basis. Any employee who fails to comply may be subject to disciplinary measures.
- b. Information provided during an investigation may be disclosed in the event of an arbitration; a court proceeding, or an information request under the *Access to Information and Protection of Privacy Act*.



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- iv. Leads formal investigations or mediation resulting from formal written complaints.
 - v. Arranges for experienced persons to lead formal investigations or mediations resulting from formal written complaints.
 - vi. Promotes timely resolution of mediations or investigations.
- b. Deputy Heads
- i. Establish and provide a work environment that is free from all types of workplace harassment.
 - ii. Ensure information on prevention and resolution of workplace harassment is available to all employees.
 - iii. Ensure that all employees, volunteers, and contractors are made aware of this Directive.
 - iv. Take appropriate action, as soon as possible, to resolve any complaints or claims brought to their attention.
 - v. Ensure that all parties treat complaints and the investigation or mediation process as confidential.
 - vi. Provide training on workplace harassment to all employees and managers.
 - vii. Communicate information about the Harassment Free Workplace to all new employees.
- c. Managers
- i. Promote and provide a work environment that is free from all types of workplace harassment.
 - ii. Ensure that all employees under their supervision are aware of this Directive.
 - iii. Take appropriate action, as soon as possible, to resolve any complaints or claims brought to their attention.
 - iv. Monitor situations where complaints have been substantiated to ensure corrective measures have been successful.
- d. All Employees
- i. Be aware of and comply with this Directive.
 - ii. Treat all persons in the workplace with dignity and respect.



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- iii. Refrain from inappropriate behaviour or objectionable conduct that may constitute workplace harassment.
- iv. Cooperate with formal investigations, facilitated discussions and mediations conducted under this Directive.
- v. Treat complaints and the investigation or mediation process as confidential.

RECOURSE

23. Recourse

- a. Filing a complaint pursuant to this directive does not prevent employees from filing a complaint under the *Nunavut Human Rights Act* or a grievance under the applicable grievance procedure. The same is true once the formal resolution process has been completed pursuant to this directive.
- b. A member of the bargaining unit may file a grievance under their collective agreement or file a complaint pursuant to the *Nunavut Human Rights Act*.
- c. A management or excluded employee may proceed under the grievance procedure pursuant to the *Public Service Act* and Regulations or file a complaint pursuant to the *Nunavut Human Rights Act*.

PREROGATIVE OF EXECUTIVE COUNCIL

24. 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 harassment free workplace directive of the GN, outside the provisions of this directive.

AUTHORITIES AND REFERENCES

25. *Public Service Act* and Regulations
26. *Canadian Human Rights Act*
27. *Nunavut Human Rights Act*
28. *Access to Information and Protection of Privacy Act*
29. Collective Agreement with the Nunavut Employees Union

