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

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 Department of Human Resources  
 Havaktuliyikkut  
 Ministère des Ressources humaines

## RESPECTFUL AND HARASSMENT FREE WORKPLACE POLICY

### POLICY STATEMENT

The Government of Nunavut recognizes that a respectful workplace free from all forms of harassment is essential to the physical and psychological health of all its employees.

The Government of Nunavut (GN) is committed to the value of Ujjiqsuittiarniq, where public service employees must perform their work in a courteous and conscientious manner and be respectful of the needs and values of co-workers. The GN strives to create an environment where Saimaniup Pimmariuninga (importance of harmony) in the workplace is emphasized through Ujjiqsuittiarniq.

### PRINCIPLES

This policy is guided by the following values and principles:

- ᐅᑦᑎᑦᑎᑦᑎᑦ ᐅᑦᑎᑦᑎᑦ - Ikpigiiqattautittiarniq: to be respectful/mindful of others through the practice of empathy;
- ᐅᑦᑎᑦᑎᑦᑎᑦ ᐅᑦᑎᑦᑎᑦ - Piviliqtitigliaqannginniq: to be conscientious of one's own verbal expressions;
- ᐅᑦᑎᑦᑎᑦᑎᑦ ᐅᑦᑎᑦᑎᑦ - Minarariaqannginniq: do not spread malicious rumours or intentionally convey false information, as it destroys a person's spirit;
- ᐅᑦᑎᑦᑎᑦᑎᑦ ᐅᑦᑎᑦᑎᑦ - Uqapilugiaqannginniq: refrain from speaking maliciously under any circumstances;
- ᐅᑦᑎᑦᑎᑦᑎᑦ ᐅᑦᑎᑦᑎᑦ - Mitautiqariaqannginniq: refrain from and be vigilant against any form of intimidation, humiliation, undermining, offending, hurting or belittling of a person; and
- ᐅᑦᑎᑦᑎᑦᑎᑦ ᐅᑦᑎᑦᑎᑦ - Ammuttirijariaqannginniq: discourage all behaviour that is belittling, humiliating, offensive, hurtful, or rude.

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

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.

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

## **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.

## **DEFINITIONS**

**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 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.

**Alternative Dispute Resolution (ADR)** - is a facilitated process that allows the parties involved to discuss the behaviours, reactions and options for resolution in a nonjudgmental and non-disciplinary way and requires the agreement of both parties.

**Bystander** - an individual who is not the subject of harassment but who has witnessed or is otherwise aware of behaviour that contravenes this policy.

**Complaint** - a formal written submission against an individual or group of individuals who the complainant alleges has engaged in behaviour which constitutes a violation of this policy.

**Complainant** - an individual who believes they have experienced harassment and makes a complaint.

**Deputy Head** - a deputy minister of a department, chief executive officer or president of a public body, or such person as the Minister may designate as deputy head.

**Fabricated, Frivolous, or Vexatious Complaints** is a complaint made under this policy that the person making the complaint knew was untrue. Such an untrue complaint would be a violation under this policy and could result in disciplinary measures up to and including termination of employment. A complaint submitted in good faith but is unfounded after review, does not mean the complaint was fabricated, frivolous or vexatious.

**Facilitated Discussion** provides practical assistance to the parties to understand, organize and communicate their own needs and expectations and to be open to communication from the other parties. Engaging assistance in the form of a facilitated discussion empowers employees to tackle difficult issues in a pro-active and respectful way.

**Investigator** - a designated person with investigation training and/or experience who has been authorized by a Deputy Head to formally investigate a complaint. They may be from either within or outside the department/public body or the government.

**Manager** - an employee who operates in a supervisory or managerial capacity, regardless of employment title.

**Personal Harassment** - unwanted conduct 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 *Human Rights Act*.

**Sexual Harassment** - unwanted sexual conduct 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.

**Workplace Harassment** - unwanted conduct 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 based on one

or more prohibited grounds of discrimination listed in the Nunavut *Human Rights Act* that is known or ought reasonably to be known to be unwelcome, sexual, and/or personal harassment. 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.

## **PROVISIONS**

- 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.
- The Department of Human Resources will provide information to managers and employees regarding the respectful and prevention of harassment in the workplace.
- The Department of Human Resources will provide direction for handling complaints of harassment.
- The Department of Human Resources will ensure harassment allegations are brought forward and resolved in a timely manner.
- 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.
- 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.
- 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**

**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.

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.

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).

**Secretary to Cabinet/Deputy Minister of Executive and Intergovernmental Affairs** shall receive any complaint which relates to a deputy head.

**Deputy Heads** are responsible for fostering a respectful and workplace free of harassment and for appropriate intervention should harassment be alleged.

**Managers** will foster a respectful and harassment free workplace and act promptly to resolve harassment complaints.

**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 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 in order to ensure integrity of the process. Witnesses and details of events shall be documented.

**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.

**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.

**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.

**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.

**Bystander** individuals who witness behaviour that contravenes this Policy have a responsibility to take appropriate action and report the behaviour to someone in authority.

## **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 five (5) 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