

**DRAFT – For Discussion Only**  
**Revised in accordance with recommendations at the**  
**December 11, 2019 Committee of the Whole Meeting**

**City of St. John's Corporate and Operational Policy Manual**

<b>Policy Title:</b> Respectful Workplace Policy	<b>Policy #:</b> 03-05-19 (To be assigned)
<b>Last Revision Date:</b> N/A	<b>Policy Section:</b> Human Resources > Employee Conduct
<b>Policy Sponsor:</b> Director, Human Resources	

**1. Policy Statement**

The purpose of this policy is to confirm the City's commitment to creating and maintaining a healthy, safe, inclusive, and Respectful Workplace. "Be Respectful" and "Create a Positive Environment" are two of the City's core values. The City recognizes its responsibility to build and maintain a Respectful Workplace where everyone has the right to be treated with dignity and respect, and Employees and Members can complete their duties without fear of Bullying, Discrimination, Harassment, or Violence.

**2. Definitions**

**"Abuse of Authority"** means an individual using the authority or power related to their position with the intention of negatively affecting an Employee or Member by potentially compromising an Employee's or Member's job performance, career, or wellbeing.

**"Affiliated Entity"** means any organization, group, foundation, club, or corporation that is affiliated wholly or partially with the City, including but not limited to St. John's Sports and Entertainment Limited, Newfoundland and Labrador Coastal Railway Museum, The V.P. Foundation Inc., or St. John's Transportation Commission.

**“Allegation”** means any informal, verbal or written claim received by the appropriate investigative authority in any matter whatsoever.

**“Bullying”** means a form of Harassment that involves the deliberate, persistent attempt to intimidate, demean, torment, control, isolate, or harm another person physically or mentally.

**“Complaint”** means a signed written document alleging that a person has engaged in conduct that is contrary to the provisions of this policy.

**“Discrimination”** shall have the same meaning as defined by Section 2(d) of the Human Rights Act, 2010, that is, “‘Discrimination’ includes the conduct described in subsections 11 (1) and (2) and 12 (1), section 13, subsections 14 (1), (4) and (5) and 16 (1), sections 17 and 18, subsection 19 (1) and section 20 (of the Human Rights Act, 2010)”.

**“Disrespectful Behaviour”** means any action, conduct, or comment that can reasonably be expected to cause humiliation, offense, or other physical or psychological injury, including, but not limited to, Harassment, Discrimination, Sexual Harassment, Sexual Solicitation, and Violence.

**“Employee”** means any person employed by the City of St. John’s as a permanent, term, part-time, casual, contract, seasonal, temporary, or student worker.”

**“Family Violence”** means one or more of the following acts or omissions committed against an Employee/Member or their family member by another family member:

- a) an assault that consists of the intentional application of force that causes the Employee/Member to fear for their safety but does not include an act committed in self-defence;
- b) an intentional, reckless or threatened act or omission that causes bodily harm or damage to property;
- c) an intentional, reckless or threatened act or omission that causes a reasonable fear of bodily harm or damage to property;
- d) forcible physical confinement without lawful authority;
- e) sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation;

- f) conduct that causes the Employee/Member to reasonably fear for their safety, including following, contacting, communicating with, observing or recording a person;
- g) conduct that causes psychological or emotional harm or a reasonable fear of that harm, including a pattern of behaviour the purpose of which is to undermine the psychological or emotional well-being of the Employee/Member or their family member;
- h) conduct that controls, exploits, or limits the applicant's access to financial resources for the purpose of ensuring the applicant's financial dependency; and
- i) the deprivation of food, clothing, medical attention, shelter, transportation, or other necessities of life."

**"Harassment"** shall have the same meaning as "workplace harassment" as defined by Section 22(2) of the Occupational Health and Safety Regulations, 2012, under the Occupational Health and Safety Act, that is "inappropriate vexatious conduct or comment by a person to a worker that the person knew or ought to have known would cause the worker to be humiliated, offended or intimidated."

**"Inclusion"** means a process of ensuring that all people, regardless of differences, are welcome, belong, and are meaningfully engaged in the Workplace/community.

**"Member"** means a member of Council as defined in Section 5 of the City of St. John's Act.

**"Poisoned Work Environment"** means inappropriate comments or conduct which may not be directed specifically at an individual, but which nonetheless create a degrading, offensive, or uncomfortable work environment.

**"Reprisal"** means any measure taken or threatened against a person as a result of making or being suspected of making an Allegation or Complaint, or participating in or being suspected of participating in an investigation.

**"Respectful Workplace"** means a Workplace that values diversity and Inclusion; safety; dignity of a person; courteous conduct; mutual respect; fairness and equality; and collaborative working relationships.

**“Sexual Harassment”** means Harassment that involves any unsolicited material, comments, gestures, or physical contact of a sexual nature that the individual knows or ought reasonably to know to be unwelcome, objectionable, or offensive. Sexual Harassment includes Sexual Solicitation and may involve favours or promises of favours with the threat of Reprisal for refusing.

**“Sexual Solicitation”** shall have the same meaning as defined by Section 18 of the Human Rights Act, 2010, that is,

“(1) A person in a position of power shall not make a sexual advance to a Person upon whom then may confer benefit or advancement.

(2) A person in a position of power shall not deny benefit or advancement to another for the rejection of a sexual advance.”

**“Union/Association”** means CUPE Local 1289, CUPE Local 569, NAPE Local 7808, and/or IAFF Local 1075.

**“Vexatious”** means being a source of irritation or annoyance.

**“Violence”** shall have the same meaning as “violence” in Section 22(2) of the Occupational Health and Safety Regulations, 2012, under the Occupational Health and Safety Act, that is “the attempted or actual exercise of physical force to cause injury to a worker and includes threatening statements or behaviour which gives a worker reason to believe that he or she is at risk of injury.”

**“Volunteer”** means any individual that provides service on a volunteer basis for the City or Affiliated Entity.

**“Workplace”** means any location where a City Employee, Member, or person is carrying out occupational duties or is in receipt of City Services, including those locations and activities that are not on City premises. This may include a social function; training and conferences; during travel; at restaurants, hotels, or meeting facilities being used for business purposes; and during telephone, email, or other communications, including use of social networking sites (e.g., Facebook, Twitter, LinkedIn).

### **3. Policy Requirements**

The City is committed to working in collaboration with its Employees, Unions/Associations, Members, and Affiliated Entities to provide a Respectful Workplace by:

- a) promoting and maintaining a common understanding of the expectations and behaviours considered appropriate and inappropriate in the Workplace and in the delivery of or access to City services;
- b) taking action to prevent and address inappropriate behaviour in the Workplace;
- c) ensuring no disciplinary action is taken against a person for making an Allegation or Complaint in good faith;
- d) ensuring all Employees, Members, and persons are held accountable for violations of this policy to the extent possible;
- e) recognizing that conflicts or disagreements may occur and these issues can be resolved in a respectful manner that contributes to a healthy and productive Workplace;
- f) committing to responding in a timely manner to Allegations and Complaints made in relation to this Policy and to resolve issues diligently, openly, honestly, and with appropriate consideration for privacy and confidentiality; and
- g) ensuring programs, policies, systems, facilities, and services are designed and administered to foster the full Inclusion of diverse individuals and groups in accordance with the provisions of all applicable legislation.

#### **3.1 Respectful / Appropriate Workplace Behaviours**

Employees, Members, and persons are expected to conduct themselves in an appropriate manner and shall not engage in Disrespectful Behaviour in the Workplace. Appropriate behaviours support and create a Respectful Workplace and are consistent with meeting business objectives. Appropriate behaviours include, but are not limited to:

- a) being polite, courteous, fair, and respectful of others, and acting with integrity;
- b) engaging in open and respectful communication;
- c) respecting perspectives and opinions of others; and/or
- d) recognizing and valuing the diversity among City Employees, Members, and persons and fostering inclusiveness in the Workplace.

### **3.2 Inclusive, Barrier-Free Employment**

- a) The City is committed to providing inclusive, barrier-free employment, which is free from Discrimination as prohibited under all applicable legislation.
- b) The City acknowledges its duty to accommodate persons or groups protected from Discrimination under the Human Rights Act, 2010. The goal of the City's policy is to foster an inclusive community and Workplace.
- c) The City's commitment extends to all aspects of employment and use of City facilities. This includes, for example, providing a safe and designated space for medical requirements (e.g., diabetics) and expectant or nursing parents (e.g., breastfeeding).

### **3.3 Disrespectful Workplace Behaviours**

Disrespectful Behaviour will not be tolerated in the Workplace. Disrespectful Behaviour does not need to be intentional to be prohibited and may create a Poisoned Work Environment. The City shall determine, in its sole discretion, what is to be considered Disrespectful Behaviour. Disrespectful Behaviours may include, but are not limited to:

- a) all forms of Harassment, including verbal, physical, sexual, emotional, and psychological;
- b) name calling, ridicule, or derogatory gestures that are vindictive, demeaning, insulting, humiliating, or mocking in nature;
- c) frequent use of profanity or abusive language;
- d) deliberate and repeated mis-gendering by referring to a person using terms or pronouns that do not align with the person's gender identity or affirmed gender;
- e) angry yelling/shouting or blow-ups;
- f) intimidating behaviours, such as, shaking fists, slamming doors, throwing objects, or targeting individual(s) in humiliating practical jokes;
- g) deliberately damaging or tampering with a person's personal belongings or work equipment;
- h) deliberately excluding, socially isolating, or shunning a person;
- i) spreading malicious rumors or gossip, or cyber-bullying;
- j) displaying or posting offensive or intimidating messages (e.g., social media, text, email, posters);
- k) gaslighting; and/or
- l) Abuse of Authority.

### **3.3.1 Harassment**

Harassment will not be tolerated in the Workplace. A single comment or action is not Harassment unless it is repeated or serious enough to have a lasting harmful effect. Harassment does not require an intention to harm.

### **3.3.2 Workplace Violence**

Violence will not be tolerated in the Workplace. Violence may include, but is not limited to:

- a) physically aggressive behaviours including hitting, shoving, pushing, kicking, throwing an object at someone, physically restraining someone, or any other form of physical or sexual assault;
- b) physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, or wielding a weapon;
- c) intimidating behaviours such as slamming fists on a desk;
- d) making threatening comments over the phone, leaving threatening notes, or sending threatening emails;
- e) stalking behaviour, such as following or maintaining surveillance of another Employee or Member;
- f) direct threats that clearly indicate an intent to do harm (e.g., “I am going to make you pay for what you did to me”);
- g) conditional threats (e.g., “If you don’t get off my back, you will regret it.”); and/or
- h) veiled threats involving body language, verbal comments, or behaviours that leave the impression of intention to harm (e.g., “Do you think anyone would care if someone beat you up?”).

### **3.3.3 Family Violence**

The City recognizes that Family Violence may impact Employees or Members in the Workplace. Section 23(2) of the Occupational Health and Safety Regulations, 2012 under the Occupational Health and Safety Act requires that if the City becomes aware or ought reasonably to be aware that Family Violence that would likely expose an Employee/Member to a physical injury may occur in the Workplace, the City shall take every precaution reasonable in the circumstances for protection of the Employee/Member.

The City shall meet this legal responsibility in a manner that:

- a) is sensitive to, and supportive of, the needs of Employees/Members who are in Family Violence situations;

- b) provides access to information regarding resources to support the physical safety, emotional health, and basic material and financial needs of Employees/Members; and
- c) is protective of the health and safety of all Employees/Members that may be placed at risk as a result of Family Violence situations impacting the Workplace while respectful of the privacy rights of the Employee/Member in a Family Violence situation.

### **3.3.4 Discriminatory Harassment**

Discriminatory Harassment will not be tolerated in the Workplace. It involves inappropriate conduct or comments based on prohibited grounds in the Human Rights Act, 2010, which a reasonable person would consider to be humiliating, demeaning, or intimidating. Prohibited grounds include race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, political opinion, or any other ground included in the Human Rights Act, 2010.

Discriminatory Harassment may include, but is not limited to:

- a) offensive comments, jokes, or behaviour that belittle or ridicule a person's membership in one of the protected grounds;
- b) imitating a person's accent, speech, or mannerisms;
- c) persistent or inappropriate questions about whether a person is pregnant, has children, or plans to have children; and/or
- d) inappropriate comments or jokes about a person's age, sexual orientation, personal appearance, or weight.

### **3.3.5 Sexual Harassment**

Sexual Harassment will not be tolerated in the Workplace. It may include, but is not limited to:

- a) unwelcome remarks, jokes, innuendos, propositions, or taunting about a person's body, attire, gender, sexual orientation, or practices;
- b) displaying or circulating offensive pictures or materials;
- c) Sexual Solicitation or an implied or expressed threat of Reprisal for refusal to comply with a sexually-oriented request;
- d) unwanted physical contact such as touching, patting, or pinching, with an underlying sexual connotation;
- e) leering (suggestive staring) at a person's body; and/or
- f) sexual assault.

### **3.3.6 Abuse of Authority**

Abuse of Authority will not be tolerated in the Workplace. Abuse of Authority may be blatant or subtle and may include, but is not limited to:

- a) intimidation, threats, blackmail, and/or coercion, including silencing Employees/Members to cover up inappropriate behaviour;
- b) undermining or impeding someone's efforts by deliberately withholding information that is required to do their job or setting unrealistic goals with impossible deadlines.

## **3.4 Exceptions**

Disrespectful Behaviour excludes the following and/or similar legitimate actions:

- a) appropriate exercise and delegation of managerial authority, including legitimate performance reviews or matters within the normal disciplinary processes of the City;
- b) disagreements, misunderstandings, or normal Workplace conflict that may occur between individuals, or differences of opinion between co-workers;
- c) friendly teasing or bantering that is mutually acceptable and not offensive to others;
- d) requesting medical documents in support of an absence from work;
- e) work-related change of location, co-workers, scheduling, and/or job assignment and duties; and/or
- f) implementing health and safety measures or inspecting Workplaces;
- g) the legitimate use of disciplinary actions and/or other managerial responsibility essential to achieving efficiency of daily organizational operations.

## **4. Application**

### **4.1 Stakeholders**

The policy applies to the following stakeholders:

- a) Employees;
- b) contractors providing services for or to the City;
- c) suppliers providing materials to the City;
- d) students;

- e) volunteers;
- f) Members; and
- g) all persons accessing City services or City-operated facilities.

## **4.2 Disrespectful Actions by Non-Employees**

This policy also applies to situations where Employees/Members are threatened with and/or subjected to Harassment, Discrimination, or Violence in the Workplace from individuals who are not Employees/Members, such as members of the public and suppliers.

## **5. Responsibilities**

### **5.1 All Employees/Members of the City are responsible for:**

- a) ensuring their behaviour is respectful and appropriate at all times at the Workplace, including but not limited to, refraining from Violence, Discrimination, or any other form of Harassment in the Workplace;
- b) accepting responsibility for their own behaviours and their impact on others;
- c) attempting to resolve differences with other Employees/Members in a respectful manner;
- d) reporting situations, observations, or experiences of Violence, Discrimination, or any other form of Harassment that threaten or perceive to threaten a safe work environment;
- e) contacting their supervisor, manager, Human Resources, or other resource for assistance in resolving an issue when needed;
- f) immediately informing a manager/supervisor or the authorities (Royal Newfoundland Constabulary or Security) if there is an imminent threat or risk of Violence that could compromise a person's safety;
- g) participating fully in any interventions under this policy and identifying any medical restrictions or limitations to such participation, if applicable; and
- h) cooperating with any investigator and maintaining confidentiality at all times during any Workplace investigation.

**5.2 All managers who supervise Employees** are responsible for, in addition to the duties in Section 5.1:

- a) actively fostering respectful interactions in the Workplace by ensuring all Employees and volunteers under their supervision are aware of the policy, setting clear expectations, and modelling desired behaviour to support a respectful, safe, and inclusive Workplace;
- b) informing all Employees and volunteers under their supervision who may be exposed to the risk of Violence of the nature of the risk and the precautions that may be taken, including a duty to provide information related to the risk of Violence from persons who have a history of violent behaviour and whom Employees are likely to encounter in the Workplace subject to the provisions of Access to Information and Protection of Privacy Act, 2015 and other applicable laws;
- c) establishing procedures and work environment arrangements which support a respectful, inclusive, and accessible work environment and eliminate or minimize the risk of Violence, Discrimination, or any other form of Harassment, including acts or threats of Reprisal;
- d) participating in training relating to Harassment prevention and ensuring compliance with this Policy in their area of responsibility;
- e) taking all concerns raised under this policy seriously and addressing them in a prompt, confidential, and impartial manner and in compliance with the established procedures;
- f) immediately notifying Human Resources when becoming aware of Violence, Discrimination, or any other form of Harassment, regardless of whether the Employee involved wishes to pursue a formal Complaint;
- g) seeking assistance or advice as needed from Human Resources for constructive intervention when witnessing or becoming aware of conflict or disrespectful conduct in the Workplace;
- h) complying with the Code of Ethics By-Law (once enacted) and any relevant City complaints procedures;
- i) providing support to Employees experiencing or witnessing Family Violence in the Workplace and making them aware of resources (internal and external to the City) that are available to assist those affected by Family Violence (Note: a Resource list is an appendix to this policy).

**5.3 Human Resources** is responsible for supporting a Respectful Workplace environment by:

- a) working with managers and supervisors to implement this policy;
- b) providing any necessary training, support, and guidance to Employees, Members, and managers regarding policy interpretation, proper Complaint handling, and how to deal with violations of this policy;
- c) assessing concerns about conflict and disrespectful conduct, and determining and managing the appropriate process to address those concerns;
- d) taking every reasonable precaution to protect an Employee/Member in cases where Human Resources becomes aware, or ought reasonably to be aware, of Family Violence that would likely expose an Employee/Member to physical or psychological harm in the Workplace;
- e) providing conflict management services such as facilitated discussions, mediation, and coaching, when possible;
- f) addressing Respectful Workplace Complaints made against persons and determining if a formal investigation and/or external investigator is warranted;
- g) undertaking impartial, informal, and formal investigations as appropriate;
- h) ensuring that the process for reporting and responding to incidents of Violence, Discrimination, or any other form of Harassment, is communicated, maintained, and followed;
- i) ensuring Workplace Violence risk assessments are conducted to determine whether the nature of the Workplace, the type of work, or the conditions of work may place Employees/Members at risk of Violence; and
- j) taking all reasonable and practical measures to minimize or eliminate risks identified through the risk assessment process, Workplace inspections, or the occurrence of a Workplace Violence incident.

**5.4 The Inclusion Services Division, Department of Community Services** is responsible for supporting a Respectful Workplace environment by:

- a) providing support to Human Resources on Inclusion and accommodation initiatives for Employees/Members; and

- b) providing/facilitating training for managers and/or teams to enhance Inclusion and the acceptance of diversity.

### **5.5 Union/Association Executives** are responsible for:

- a) ensuring their own behaviour complies with this policy;
- b) encouraging respectful conduct in the Workplace and guiding the behaviour of others;
- c) providing advice, support, and assistance to Union/Association members as needed;
- d) supporting Respectful Workplace training initiatives; and
- e) ensuring Union/Association members' rights under their collective agreement are protected.

## **6. References**

- Code of Ethics By-Law
- Collective Agreements:
  - [City of St. John's and CUPE 1289 \(Inside Workers\)](#)
  - [City of St. John's and CUPE 569 \(Outside Workers\)](#)
  - [City of St. John's and NAPE \(Bay Bulls Big Pond Water Treatment Workers\)](#)
  - City of St. John's and IAFF 1075 (Fire Fighters)
- [Family Violence Protection Act](#)
- [Human Rights Act, 2010](#)
- [Occupational Health and Safety Act](#)
- [Occupational Health and Safety Regulations, 2012](#)
- Reference list for Family Violence supports
- Breastfeeding Protocol

## **7. Approval**

- Policy Sponsor: Director, Human Resources
- Policy Writer: Human Resources Advisor
- Date of Approval from
  - Corporate Policy Committee: June 23, 2019
  - Senior Executive Committee: December 6, 2019

- Committee of the Whole: December 11, 2019
- Date of Approval from Council:

## **8. Monitoring and Contravention**

- a) The Department of Human Resources shall monitor the application of this policy.
- b) Any contravention of this policy and/or associated procedures shall be reported to:
  - i. the City Solicitor;
  - ii. the City Internal Auditor; or
  - iii. in the case of an Employee or Volunteer, to their direct supervisor or the Director of Human Resources.
- c) The City may take appropriate action, which may include, but is not limited to legal action and discipline, including dismissal.
- d) Any members of the public, volunteers, visitors to City facilities, or individuals conducting business with the City/Affiliated Entity who violate this policy may be subject to City action, including, but not limited to, prohibiting access to City facilities, prohibiting volunteering in future City endeavours, discontinuing business with individuals or organizations, issuing trespass notices, or reporting the matter to the relevant law enforcement agency.

### **8.1 Malicious or Frivolous Complaints**

Filing a fraudulent or malicious Complaint shall be considered a violation of this policy. Complaints that are found to be frivolous, malicious, or made in bad faith shall not be tolerated and the complainant shall be subject to appropriate disciplinary action or denial of service.

### **8.2 Reprisal**

- a) Everyone has the right to report, in good faith, incidents of Disrespectful Behaviour without fear of Reprisal.
- b) Reprisal by any Employee, Member, or person against anyone involved in informal, internal, or external formal Complaint processes shall not be tolerated and may be subject to discipline, up to and including dismissal or denial of City services.

### **8.3 Protection of Statutory Rights**

This policy does not affect the rights of an Employee, Member, or person under the Human Rights Act, 2010; the Occupational Health and Safety Act; the Criminal Code (Canada); and/or any other applicable legislation.

### **9. Review Date**

Initial Review: 3 years, Subsequent Reviews: 5 years

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