



Harassment Prevention Plan (HPP) for the Professional Municipal Administrators of Newfoundland and Labrador (PMA)

Part 1 Board of Director's Harassment Prevention Statement

The Board of Directors of the Professional Municipal Administrators of Newfoundland and Labrador (PMA) is committed to providing a safe, respectful and harassment free work environment for its Directors, Officers, staff and members.

For more information about Workplace Harassment or how to conduct a Workplace Harassment Investigation, please go to: [20191028-Harassment-Guide-1.pdf \(workplacenl.ca\)](#)

Individual Rights

Officers, Directors, employees and members are entitled to work free of harassment at any and all PMA sponsored events or activities.

Legislative requirements

Sections 22-24.2 of the *Newfoundland and Labrador Occupational Health and Safety Regulations* requires that every workplace must have a Harassment Prevention Plan (referred to as the HPP).

Defining what is harassment?

Workplace harassment is defined as “inappropriate, vexatious conduct or comment by a person to a Officer, Director or staff that the person knew or ought to have known would cause the worker to be humiliated, offended or intimidated”.

Vexatious is defined as causing or tending to cause annoyance, frustration or worry. Synonyms include vexing, annoying, irritating, irksome, displeasing and infuriating.

Harassment can take place at work or in a situation connected to work; including any PMA Board approved event, can happen repeatedly or only one instance; to be intended or

unintended; and can be written, verbal physical, a gesture or display, or any combination of these.

It can also include electronic messages to a person or social media posts.

Harassment based on prohibited grounds

This includes any inappropriate conduct, comment, display, action or gesture by a person that is made on the basis of race, color, 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 and political opinion and constitutes a threat to the health or safety of the worker. This type of harassment is prohibited by the Human Rights Act as well as the Occupational Health and Safety Regulations.

Sexual harassment

Harassment based on prohibited grounds also extends to sexual harassment, which is conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome.

Personal harassment

This includes the term “bullying.” It includes any inappropriate conduct, comment, display, action or gesture by a person that adversely affects an Officer, Director or staff’s psychological or physical wellbeing and constitutes a threat to the health and safety of that person. The perpetrator knows, or ought reasonably to know, that this behaviour would cause the person to be offended, humiliated or intimidated.

Personal harassment is a very common form of harassment in workplaces or PMA sponsored events where harassment is taking place. It likely falls outside of the harassment defined as taking place based on prohibited grounds and is therefore not usually covered by Human Rights legislation.

Harassment also includes criminal harassment, commonly known as “stalking”. Section 264 of the *Criminal Code* makes it a crime.

Examples of harassing behaviours may include:

- Unwelcome conduct, comments, gestures or contact which causes offence or humiliation;
- Misusing power or authority;
- Referring to a person using terms or pronouns that do not align with the person's affirmed gender;
- Physical or psychological bullying which creates fear or mistrust, or which ridicules or devalues the individual;
- Excluding, intimidating or isolating individuals;
- Making inappropriate sexual advances;
- Discriminating based on gender;
- Cyberbullying, such as posting offensive or intimidating messages through social media or email; and or,
- Deliberately setting the individual up to fail.

The HPP is not intended to discourage a worker from exercising his or her right under the *Human Rights Act, 2010*, the Criminal Code (Canada) or any other law of the Province of Newfoundland and Labrador or of Canada.

The *prohibited grounds* outlined in the *Human Rights Act, 2010*, include discrimination based on:

- **Race**
- **Colour**
- **Nationality**
- **Ethic origin**
- **Social origin**
- **Religious creed**
- **Religion**
- **Disability (including perceived disability)**
- **Age**
- **Sex (including discrimination on the basis that a woman is or may become pregnant)**
- **Sexual orientation**
- **Gender identity**
- **Marital status**
- **Family status**
- **Source of income**
- **Political opinion**

What is not Workplace Harassment:

Reasonable and fair actions taken by the Board, in a respectful manner, to manage and direct workers is **NOT** harassment.

In addition, workplace conflict in itself, does not constitute harassment but could turn into harassment if no steps are taken to resolve the conflict.

Examples of actions that would not be considered workplace harassment could include:

- Changing work assignments.
- Scheduling, assessing and evaluating work performance.
- Inspecting workplaces.
- Implementing health and safety measures.
- Taking disciplinary action such as dismissing, suspending, demoting, or reprimanding with just cause.
- A single or isolated incident such as an inappropriate remark or having an abrupt manner.
- Friendly gestures among co-workers such as a pat on the back.
- A social relationship welcomed by both individuals.
- Experiencing difficult conditions of employment, professional constraints and organizational changes unless repeatedly and specifically towards an individual.
- Managing the normal day-to-day operations of the organization.

For more information about Workplace Harassment or how to conduct a Workplace Harassment Investigation, please go to: [20191028-Harassment-Guide-1.pdf \(workplacenl.ca\)](#).

Part 2 Responsibilities under the Harassment Prevention Plan:

Employer (Board of Directors)

The PMA Board of Directors will protect its members and staff from retaliation and provide support to them when workplace harassment occurs.

All reported incidents of workplace harassment will be promptly investigated in accordance with the procedure outlined in the HPP.

Furthermore, the Board is committed to eliminating, where possible, or otherwise, minimizing the hazard of workplace harassment.

Every Officer, Director and staff is responsible to ensure a safe work environment that is free of harassment and are required to apply and comply with the harassment prevention plan and its associated procedures.

Employees

All staff have the responsibility to treat each other with respect and not to engage in bullying or workplace harassment. We ask that anyone who experiences harassment, or sees another person harassed, report it.

Reporting workplace harassment

All reports of workplace harassment must be in writing and include as much detail as possible, including who was involved (e.g., Applicant, Respondent, names of any witnesses, location of event (s), dates and/or times of the event (s) and contact information).

Please see the section on **Reporting** for more information.

Responsibilities

Employees are responsible to:

- Not engage in bullying or workplace harassment.
- Report observances or experiences of bullying or harassment.
- Participate in education and training
- Comply with the prevention plan and associated procedures.

Confidentiality and Worker's Rights Under Various Laws

The Board of Directors, its Executive Committee, staff and members involved in a harassment complaint will not identify the Applicant, Respondent or any circumstances about a complaint, including personal information, to anyone, unless it is necessary, and in accordance with investigation procedures outline in this HPP:

- For the purpose of the investigation;
- For corrective action relating to the complaint; and,
- Where required by law.

Part 3 Reporting Workplace Harassment

If you have been the recipient of harassing behavior, then you should do the following:

1. **Speak Up:** If an individual feels harassed, they should, where appropriate, speak directly to the individual and state that the behavior is unwelcome and that it must stop.
2. **Keep Notes:** Individuals are encouraged to keep a record of all incidents including: dates, time, descriptions, action taken by the individual, responses by the alleged harasser, witnesses, and any other relevant information such as the impact of the harassment.
3. **Report the Harassment:** Report the harassment immediately to the Board President or designate. It is preferable to make a complaint in writing. However, if you make a verbal complaint, it shall be followed by submitting a written complaint.

Incidents of harassment should be reported as soon as possible, but no later than 12 months after the most recent incident.

Below are the steps to follow in making a report of possible workplace harassment.

Step 1: If you believe you are being harassed, **tell the person** who is harassing you to stop if it is safe and you feel comfortable to do so. You can do this in person (verbally) or in writing. If you do not feel comfortable in dealing with the person directly or if your request to stop the harassing behaviour is unsuccessful, follow the procedures for reporting harassment.

Step 2: Complete the Harassment Report Form (Appendix A) when making a formal complaint of harassment. On this form, please refer to the persons involved in the complaint as either the **Applicant, Respondent** or **Witness.**

Step 3: Once completed, **submit the written report** to: (a) the President of the Board of Directors, if the individual is not involved in the complaint; or (b) to a member of the Board Executive Committee.

Part 4 The Investigation Process

It is important to determine if the complaint meets the definition of workplace harassment (see pages 3 and 4 above).

The purpose of the investigation is to gather additional information related to the reported incident of harassment and to determine whether or not harassment has occurred.

Once the complaint has been received, and it is determined to meet the definition of harassment, it will be investigated thoroughly and promptly within the following timelines:

- A. When a complaint is received, the written report will be reviewed immediately to determine if it meets the definition of harassment.
- B. Once determined to meet the definition of harassment, the complaint will be given to the appropriate individual as outlined in **Step 3** of the **Steps to Reporting Section** (see page 6).
- C. A meeting will be scheduled with the complainant within **five (5) days** to begin the investigation process. A copy of the complaint form will be discussed at that time.
- D. Interviews, with the Applicant, Respondent and any Witnesses, will be conducted to confirm the details of the alleged harassment within **fifteen (15) days**.
- E. The results of an investigation must be completed within **Ninety (90) days** of the initial report.
- F. **Exceptions:** Where these timelines cannot be met, reasons for the delay and the projected new date of completion must be documented for the file and communicated in writing to the Applicant and the Respondent.

Part 5 Notification of Results

When the investigation is complete, the Board President or designate (whichever person is most appropriate to the situation) will notify the person who filed the complaint and the respondent of the results of the investigation in a timely manner.

A copy of the Investigation report will be provided to the Applicant and Respondent within **seven (7) days** of its submission.

The Applicant and the Respondent will have **fourteen (14) days** to respond to the Investigation Report by submitting any comments to the appropriate individual as outlined in **Step 3** (see page 6).

After this time period has expired, corrective actions may be taken.

Part 6 Corrective Actions

Board of Directors (i.e., elected members)

Elected officials should model positive interactions amongst themselves and towards employees and members.

Corrective actions include:

- **First Offense:** Letter of reprimand on personal file with a 1- regular meeting suspension.
- **Second Offense:** 2-regular meeting suspension, a public apology and must attend OHS harassment prevention training re-fresher sessions.
- **Third Offense:** Ask for resignation or a possibility of terminating the Director's seat on the Board.

Administrative Employees (includes Executive Director, administrative staff, etc.)

Administrative employees are expected to lead by example and to be good stewards of positive interactions between members, employees, volunteers and contractors.

Corrective actions include:

- **First offense** – Letter of Reprimand on personal file plus two-day suspension (without pay);
- **Second offense** – Final Letter of Reprimand and Notice that Dismissal is possible
- **Third offense** – Employee is dismissed with cause (no severance).

Members

All PMA members who are working on behalf of the Association are expected not to engage in harassment behaviour.

Corrective actions include:

- **First Offense:** Verbal warning.
- **Second offense:** Letter to be sent to the member.
- **Third Offense:** Member is unable to participate in PMA events and activities.

Contractor (e.g., paid to do work on behalf of the PMA Board of Directors and its Members)

PMA shall hold any contractor and sub-contractor, doing work on behalf of the Board and its members, to the same standards as its Officers, Directors, Administrative employees and members .

Corrective actions include:

- **First Offense:** Letter to the contractor or business owner.
- **Second offense:** Suspension of the contract unless internal corrective action is taken against the individual.
- **Third Offense:** Business is forbidden from bidding on contracts with the PMA Board for a minimum of 2 years.

Part 7 Support for Workers

The PMA Board of Directors shall take steps to protect workers from retaliation and provide support to workers when workplace harassment occurs. Officers, Directors and administrative employees have a responsibility to ensure that harassment and intimidation behaviour ends as soon as they become aware of it happening in the workplace.

Anyone who retaliates in any way against a person who is involved in a harassment investigation shall subject to the same corrective actions.

It is a serious matter for anyone to make a false allegation of harassment. In the rare instance that a complaint is made in bad faith or with malice, the complainant is subject to the same corrective actions.

A Board member who has been affected by workplace harassment may be supported through:

- An approved leave of absence from the Board of Directors.

An employee who has been affected by workplace harassment may be supported through:

- Availing of leave benefits, in consultation with the Board’s Executive Committee.

Education and Training

The PMA Board commits to making sure all Officers, Directors and employees are trained in harassment prevention and the Harassment Prevention Plan (HPP). All new Board members and employees must attend an in-service on the HPP within **3 months** of being elected to a position on the Board or the employee’s date of hire.

Part 8 Monitoring

The PMA Board of Directors will monitor this plan on a regular basis, review it annually (including the Board review date) and adjust whenever necessary.

Last Updated: _____
(Day/Month/Year)



Harassment Complaint Report Form (Appendix A)

| Complaint information | |
|-----------------------|--|
| Name: | Department: |
| Position Title: | Contact information: (e.g., Telephone Number/Email) |

| Alleged Harasser Information | |
|------------------------------|--|
| Name: | Department: |
| Position Title: | Contact information: (e.g., Telephone Number/Email) |

| Description of the Alleged Harassment |
|--|
| <p>Please describe, in as much detail as possible, the incident(s) of alleged harassment. You may attach additional sheets if required. Please include:</p> <ul style="list-style-type: none">• Who was involved?• What was specifically said or done (words, tone, actions, etc.)• When it happened (dates and times)• Where it happened• Any witnessed to the incident(s) (names and contact information, if possible)• How it impacted you• If it was reported to the Board with the following details including name of supervisor; date and time of reporting; actions taken (if any) and any other relevant information. |

Temporary Measures

Do you believe that the Board needs to take interim measures while the incident is under investigation? Yes _____ No _____

If yes, please describe what you think is necessary to prevent this situation from happening again and why?

Other Processes

Have you initiated any other processes to deal with these allegations of harassment (i.e., one-on-one discussions with the individual who has harassed you, contact with a representative at the Human Rights Commission, discussions about legal action, etc.)

Complainant Signature: _____

Date of Complaint Report: _____

Complaint Received By: _____

Position/Title: _____

Date Received: _____

Note: As part of the investigation process, a copy to the signed complaint will be shared with the person (s) who are alleged to have harassed the complainant in the workplace.