

# Village of Pugwash

## Harassment and Discrimination Policy



**Policy Number:** 2023-01  
**Policy Adoption Date:** March 13<sup>th</sup> 2023  
**Most Recent Amendment:** N/A

### 1. Statement

The Village of Pugwash is committed to maintaining a healthy, safe, and supportive workplace that values diversity where all persons are treated with respect and dignity. It is the right of all employees to work in an environment free of harassment, discrimination and abuse. This policy applies to all employees and volunteers working for the Village of Pugwash.

### 2. Physical Abuse

Physical Abuse is defined as but not limited to the use of intentional force that can result in physical harm or injury to an individual. It can take the form of slapping, hitting, punching, shaking, pulling, throwing, kicking, biting, choking, strangling or the abusive use of restraints.

### 3. Emotional Abuse

Emotional Abuse is defined as but not limited to a chronic attack on an individual's self-esteem. It can take the form of name calling, threatening, ridiculing, berating, intimidating, isolating, hazing, habitual scapegoat, blaming.

### 4. Verbal Abuse

Verbal Abuse is defined as but not limited to humiliating remarks, name calling, swearing at, taunting, teasing, continual put downs.

### 5. Psychological Abuse

Psychological Abuse is defined as but not limited to communication of an abusive nature, sarcasm, exploitive behaviour, intimidation, manipulation, and insensitivity to race, sexual preference or family dynamics.

### 6. Discrimination

Discrimination means differential treatment of an individual or group of individuals which is based, in whole or in part, on one or more of the prohibited grounds under the Nova Scotia Human Rights Act which has an adverse impact on an individual or group of individuals. Discrimination may be intentional or unintentional, direct or indirect.

## **7. Harassment**

- 7.1. Harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. This comment or conduct may be offensive, intimidating, hostile, or inappropriate, based on the prohibited grounds set out in the Nova Scotia Human Rights Act.
- 7.2. Harassment can take many forms and may be directed at an individual or group of individuals. Harassment can occur in various types of communication, including face to face exchanges, email, written correspondence, or social media.
- 7.3. Difference of attitude or culture and misinterpretation of social signals mean that what is perceived as harassment by one person may not seem so to another.
- 7.4. Examples of harassment include, but are not limited to:
- Written or verbal insults;
  - Unwelcome remarks, jokes, or innuendoes;
  - Displaying offensive material;
  - Inappropriate requests;
  - Intimidation, bullying, verbal abuse, or threats;
  - Practical jokes which cause awkwardness, embarrassment, or endanger safety;
  - Behavior that undermines or sabotages an employee's job performance;
  - Actions intended to belittle, demean, or undermine an individual's self-respect or cause emotional or psychological suffering;
  - Horseplay, roughhousing, inappropriate touching, or physical assault; or
  - Behavior, conduct, comments or activities not directed specifically at an individual, but which nonetheless create a degrading, offensive, or poisoned work environment.
- 7.5. Harassment does not include:
- Legitimate, reasonable management actions that are part of the normal work function including appropriate direction, delegation, performance management, counselling, or discipline administered by a supervisor;
  - Professional debate;
  - Attendance management;
  - Relationships of mutual consent;
  - Stressful events encountered in the performance of legitimate job duties; or
  - Occasional disagreements or personality conflicts.

## **8. Sexual Harassment**

- 8.1. Sexual Harassment means:
- Vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcomed;
  - A sexual solicitation or advance made to an individual by another where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or

- A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.

8.2. Examples of sexual harassment include, but are not limited to:

- Sexist jokes causing embarrassment or offense, told or carried out after the speaker was told they are embarrassing or offensive, or that are by their nature clearly embarrassing or offensive;
- Unwelcome remarks, jokes, comments, inquiries, or innuendoes about a person's physical appearance, attire, sex, or sexual orientation;
- Leering or other suggestive gestures;
- The display of sexually explicit material;
- Sexually degrading words used to describe a person;
- Practical jokes of a sexual nature, which can cause awkwardness or embarrassment;
- Unwelcomed sexual flirtations, advances, propositions;
- Requests for sexual favours;
- Unwanted touching; and
- A threat to job security or working conditions for refusing to comply with sexual demands by a person in a position of authority.

**9. Human Rights Obligations**

9.1. Employees are entitled to work in an environment free from harassment and discrimination that is based on the prohibited grounds under Nova Scotia's Human Rights Act, which include:

- |                                            |                                                        |
|--------------------------------------------|--------------------------------------------------------|
| • Age                                      | • Family status                                        |
| • Race                                     | • Marital status                                       |
| • Color                                    | • Source of income                                     |
| • Religion                                 | • Harassment (including sexual harassment)             |
| • Creed                                    | • Irrational fear of contracting an illness or disease |
| • Ethnic, national, or aboriginal origin   | • Political belief, affiliation, or activity           |
| • Sex (including pregnancy and pay equity) | • Gender identity                                      |
| • Sexual orientation                       | • Gender expression                                    |
| • Physical disability                      | • Association with protected groups or individuals     |
| • Mental disability                        |                                                        |

9.2. Nova Scotia's Human Rights Act prohibits harassment, discrimination and abuse in the areas of:

- Employment
- Housing or accommodation
- Services and facilities
- Purchase or sale of property
- Volunteer public service
- Publication, broadcasting, or advertisement
- Membership in a professional, business, or trades association, or employers' or employees' organization.

## **10. Zero-tolerance**

10.1. The Village of Pugwash has zero-tolerance for any form of harassment, discrimination or abuse. This includes harassment, discrimination or abuse by or directed towards other employees, elected officials, volunteers, customers, the general public, contractors and suppliers.

10.2. Harassment, discrimination and abuse are violations of the Human Rights Act upon which this policy is based. The Village will take reasonable and necessary steps to ensure a workplace free from harassment, discrimination and abuse to the extent possible.

10.3. The Village prohibits harassment, discrimination and abuse in the workplace, or at any work-related and/or staff social functions, or in any other work-related circumstances.

## **11. Resolution of Harassment, Discrimination and Abuse**

11.1. Employees should follow the steps below when they encounter inappropriate behavior in the workplace.

### *11.2. Informal Resolution*

On occasion, some instance of harassment, discrimination or abuse can be dealt with directly and informally through communication with the person engaging in the inappropriate behavior. When employees feel comfortable doing so, they should communicate a clear message that the conduct or comments are offensive or unwelcome. However, the Village recognizes that there are circumstances where direct communication is not appropriate. Although information resolution is encouraged where possible, it is not a prerequisite to making a report of harassment, discrimination or abuse.

### *11.3. Formal Resolution*

Where an employee does not wish to bring the matter directly to the attention of the person engaging in the inappropriate behavior, or where such an approach is attempted and does not produce a satisfactory result, the employee should report the harassment, discrimination or abuse as outlined below.

## **12. Making an Internal Report**

12.1. Harassment, discrimination or abuse should be reported as soon as possible after experiencing or witnessing the behavior. This allows the incident to be addressed in a timely manner.

- 12.2. Employees are encouraged to report any incident(s) to their supervisor. If the supervisor is the person engaging in the behaviour, or the employee prefers not to report the incident directly to their supervisors, they should report the incident(s) to the Clerk Treasurer.
- 12.3. Employees can report incidents verbally or in writing. When reporting verbally, the person receiving the report will document the report in writing.
- 12.4. The report should include the following information:
- Name(s) of the person(s) who had allegedly experienced harassment, discrimination or abuse;
  - Name(s) of the person alleged to have engaged in the unwelcome behaviour;
  - Name(s) of any witnesses or other persons with relevant information about the incident and contact information (if known);
  - Details of what happened including date(s), frequency, and location(s) of the incident(s); and
  - Any supporting document that the person making the report has which are relevant to the matter.
- 12.5. All reports of harassment, discrimination or abuse shall be kept confidential except to the extent necessary to protect employees, investigate the complaint, take corrective action, or otherwise as required by law.

### **13. Investigation**

- 13.1. The Clerk Treasurer will ensure that an investigation appropriate to the circumstances is conducted when a report of harassment, discrimination or abuse is made. Reports will be investigated in a fair, respectful, and timely manner. The Clerk Treasurer will determine who will conduct the investigation. Depending on the allegations and the people involved, the investigation may be referred to an external investigator, or may be investigated internally. In cases where the allegations of harassment are made against the Clerk Treasurer, the Village will engage with the Village of Pugwash Solicitor.

### **14. Confidentially and Privacy**

- 14.1. Investigations are highly sensitive and it is critical to maintain the utmost confidentiality throughout the process. This protects the privacy of the parties but also the integrity of the investigation. During the investigation and resolution of complaints, all information must remain confidential except where sharing information is required by law. Anyone who is aware of or participates in an investigation must maintain confidentiality regarding:
- The fact that a complaint was filed;
  - The fact that they are being interviewed and the questions they were asked;
  - The issues discussed with the investigator during their interview;
  - Their opinion on the validity or nature of the reported incident; and
  - Whether, and what other, individuals might also be participating in the investigation.

### **15. Outcome of Investigation**

- 15.1. After the investigation is concluded, both the person making the report and the person alleged

to have engaged in the harassment, discrimination or abuse will be informed of the findings.

- 15.2. If the Clerk Treasurer concludes that there was no violation of this policy, no further action will be taken, and no documentation concerning the report will be placed on the file of the person(s) alleged to have engaged in harassment, discrimination or abuse.
- 15.3. If the Clerk Treasurer concludes that there was a violation of this policy, the employee(s) who violated the policy will be disciplined, up to and including termination. A record of the violation of this policy and any disciplinary action taken will be added to the employee's personnel file. The complainant does not have a right to know what discipline was assigned.

**16. No Retaliation**

- 16.1. Regardless of the outcome of a report made in good faith, the employee making the report as well as anyone providing information during an investigation will be protected from retaliation.

**17. Reports Made in Bad Faith**

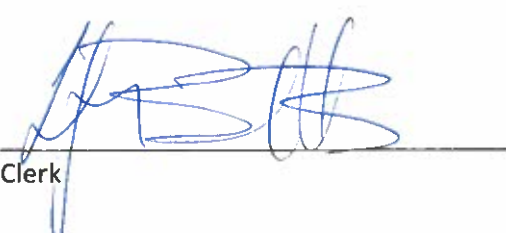

- 17.1. A bad faith report is a report that is made with a conscious effort to mislead or deceive, or with a malicious or fraudulent intent. An employee who makes a report in bad faith will face disciplinary action, up to and including termination.

**18. External Reporting Options**

- 18.1. Employees have external options to report harassment, discrimination or abuse. An employee may contact the Nova Scotia Human Rights Commission to make a complaint of harassment, discrimination or abuse, or may contact the police if they believe that criminal activity is involved.

**19. Policy Review**

- 19.1. All employees and volunteers working for the Village of Pugwash shall be required to review the Village of Pugwash Harassment and Discrimination Policy on an annual basis and sign the Consent Form contained in Appendix A.

<b>Clerk's Annotation for Official Policy Book</b>	
Date of Notice to Commissioners	
of Intent to Consider (7 days minimum):	11 <sup>th</sup> January 2023
Date of Passage of current Policy:	13 <sup>th</sup> March 2023
I certify that the Policy was adopted by the Pugwash Village Commission as indicated above	
 Clerk	 Date

## **Appendix A — Consent Form**

I acknowledge that I have received and read the Village of Pugwash Harassment and Discrimination Policy and/or have had it explained to me. I understand that it is my responsibility to abide by all the rules contained in this Policy and to report any incidents of harassment, discrimination or abuse as set forth in this Policy.

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Date

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Signature of Employee/Volunteer

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Signature of Clerk Treasurer