



## CITY OF YELLOWKNIFE

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Policy Title: **Respectful Workplace and Anti-Harassment Policy**  
Approved By: **Council Motion #0239-18**  
Effective Date: **July 23, 2018**

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### 1 PURPOSE

The purpose of this policy is to:

- confirm the City's commitment to a respectful workplace that promotes the safety, well-being, dignity, and diversity of all employees;
- promote a common understanding of expectations and behaviors considered appropriate and inappropriate in the workplace and in the delivery of, or access, to City services; and
- provide a mechanism to empower employees to resolve issues and address disrespectful and/or harassing behaviors in the workplace.

### 2 POLICY

The City of Yellowknife is committed to providing a workplace that is productive, safe and respectful of all employees. To do so, all people are to be treated with respect, honesty and dignity. Any behaviors and/or situations that are contrary to this, including Prohibited Conduct, will not be tolerated and will be addressed through appropriate action.

The City recognizes that conflicts and disagreements do exist in the workplace however it is expected these issues will be resolved in a manner that respects all persons and that contributes to a healthy and productive workplace. This policy does not restrict managers from the appropriate use of authority in performance management, counselling, discipline and/or other management processes.

This policy is not intended to be applicable to whistleblowing<sup>1</sup> complaints. Refer to the [Whistleblower Policy](#) for information on those types of complaints.

<sup>1</sup>Whistleblowing is the disclosure by a person, usually an employee in a government agency or private enterprise, to the public or to those in authority, of corruption, illegality, or some other wrongdoing.



### 3 DEFINITIONS

In this Policy:

- “Adversarial” means pertaining to, or characterized by, opposition, hostility and conflict.
- “Allegation” means an unproven assertion or statement based on a person’s perspective that the policy has been violated.
- “Animosity” means a powerful and active dislike or hostility.
- “Anonymous” means a situation or event that is not associated with a name.
- “Bad faith” means a complaint or comments made that are known by the complainant to be false and/or are made for any purpose other than gaining a satisfactory remedy.
- “City Administrator” is the Senior Administrative Officer (SAO) of the City of Yellowknife appointed under subsection 41(1) of the *Cities, Towns and Villages Act*.
- “Complaint” means a formal, written allegation with respect to a contravention of this policy.
- “Complainant” means a person who makes an allegation that an offense or violation has taken place.
- “Conciliatory” means to overcome the distrust or animosity of; to appease; to reconcile.
- “Condescending” means acting in a superior manner or showing an insincere interest in the other person.
- “Confidentiality” means the nondisclosure of private information except to another authorized person; it is a set of rules or a promise that limits access or places restrictions on certain types of information.
- “Derogatory” means disparaging, belittling; tending to detract or diminish.
- “Discrimination” means any behavior, practice or policy which has a direct or adverse impact on a person based on any of the prohibited grounds under the NWT *Human Rights Act* such as race, colour,



ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, marital status, family status, family affiliation, political belief, political association, social condition and a conviction that is subject to a pardon or record suspension.

“Disrespectful Behavior” includes, but is not limited to, the following:

- verbal attacks that are personal, irrelevant or beyond the bounds of fair professional conduct and are used to intimidate, humiliate, undermine, offend, hurt or belittle a person;
- refusing to cooperate or work with others in the workplace;
- conduct, comments or actions that when taken in isolation seem minor but when repeated can lead to a conclusion of harassment;
- spreading malicious rumours or intentionally conveying false information about another person;
- breach of confidentiality of another person;
- non-constructive feedback addressed in such a way as to intimidate, undermine confidence or imply incompetence;
- regular use of profanity and abusive language even if not directed to someone else;
- any comments, actions, gestures or conduct that is humiliating, offensive, hurtful, rude or belittling.

“External Investigator” means a person, who is not an employee of the City, designated by the City Administrator to investigate a complaint.

“Harassment” means engaging in a course of vexatious comments or conduct against someone that offends or humiliates and includes, but is not limited to, any behavior or practice which the person performing it knows or ought reasonably to know will have adverse effects on a person’s or a group of peoples’ employment, job performance or personal dignity. Harassment may or may not be based on the prohibited grounds of discrimination. Harassment is not usually based on a one-time event unless the



one-time event significantly impacts on the person either physically or mentally. Examples of harassment include, but are not limited to the following and include whether these are done in person or through the use of electronic means (i.e. social media, email, etc.):

- verbal abuse such as name calling, swearing, slurs, derogatory remarks, yelling or threats;
- unwelcome remarks, jokes, name-calling, innuendoes or taunting about a person's body, attire or any of the prohibited grounds of discrimination (gender, race, religious beliefs, etc.);
- displaying pornographic or other offensive or derogatory pictures;
- continually making someone the brunt of practical jokes or sarcastic, belittling remarks that cause awkwardness or embarrassment;
- unwelcome invitations or requests, whether indirect or explicit, or gained by intimidation;
- leering or other offensive gestures;
- unnecessary or unwelcome physical contact such as touching, patting, pinching or punching;
- condescending or patronizing behavior;
- intrusive enquiries into a person's private life or sexuality;
- animosity or extreme rudeness on a regular basis;
- actions that invade personal privacy.

Harassment does not include the following:

- legitimate performance management;
- appropriate exercise and delegation of managerial authority;
- making operational directives;
- a disagreement or misunderstanding;
- personal conflicts between co-workers;
- work-related change of location, co-workers or job assignments;
- appropriate discipline;
- less than optimal management practices;
- a single comment or action unless it is serious enough to have a lasting harmful effect;
- rudeness unless it is extreme and repetitive;
- conditions in the workplace that generate stress



(technological change, impending layoff, workload, friction with other employees, a new supervisor, etc.);

- overseeing/supervising work;
- assessment of work performance even if it is adverse;
- demands for a reasonable quality of work performance.

“Inappropriate Workplace Behavior” means conduct which is objectionable to others and serves no legitimate work-related purpose. It is conduct which a reasonable person would know or ought to know would cause offence, humiliation or intimidation and thereby contributes to or creates a poisoned work environment. It does not include consensual banter such as two or more persons bantering back and forth with each other as long as everyone involved is in agreement. If, however, someone feels uncomfortable, and it continues even after the person expresses their discomfort, or if a reasonable person would know or ought to know the other individual was uncomfortable, then it is considered inappropriate behavior.

“Internal Investigator” means a City employee designated by the City Administrator to investigate a complaint.

“Managerial Authority” means the right to perform or act in certain designated ways because of the position held to directly influence the actions of others. It allows its holder to allocate the organization’s resources to achieve organizational objectives.

“Offensive” means causing anger, displeasure, or resentment.

“Poisoned Work Environment” occurs when serious wrongful behavior is persistent and repeated, making the environment unwelcome or uncomfortable to work in.

“Prohibited Conduct” includes Discrimination, Harassment, Disrespectful Behaviour, Inappropriate Workplace Behaviour, and actions that are Condescending, Derogatory, or Offensive.

“Reasonable Person Test” is an objective standard to measure whether a comment or conduct is Discrimination or Harassment. It considers what a



reasonable person's reaction would have been under similar circumstances and in a similar environment. It considers the recipient's perspective and not stereotyped notions of acceptable behavior.

"Respondent" means a person who is alleged to be responsible for Harassment or Discrimination.

"Retaliation" means any action with a negative impact that is taken or threatened or suggested against a person who made an allegation and/or a person who participates in any way in an investigation or resolution of a complaint pursuant to this policy.

"Vexatious" means vexing or tending to vex; being a source of irritation or annoyance.

#### **4 APPLICATION**

This policy applies to all employees of the City of Yellowknife, City Council, citizen advisory committees, contractors providing service for or to the City, suppliers delivering material to the City, volunteers and members of the public accessing City services or City-operated facilities.

If employees are in contravention of this policy, the appropriate disciplinary action will be taken. If any person who is a Member of Council, part of a citizen advisory committee, member of the public, service recipient, a contractor or supplier delivering materials to the City is found in contravention of this policy, appropriate action will be taken to ensure a harassment free workplace. This can include, but is not limited to, barring a person from City facilities, limiting services, and discontinuing business and/or revoking contracts. In the case of a Member of Council found in contravention of this policy, appropriate action will be taken in accordance with the Council Code of Ethics By-law.

If a complaint is made about the City Administrator, the complaint is then handled in consultation with the Mayor and outside legal counsel.