


MEETING: Special Town Council Meeting

DATE: September 2, 2025

TIME: Immediately following Committee of the Whole Meeting

PLACE: Town Council Chambers

Agenda

1. Call to Order
 2. Approval of Agenda
 3. Business from Committee of the Whole
 - 3.1 Human Resource Policy Update – Preventing Workplace Harassment Policy
 4. Adjournment
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To: Town of Antigonish Council
Randy Delorey, Chief Administrative Officer

Submitted by: Meaghan Barkhouse, Director of Corporate Services

Date: Thursday, August 28, 2025

Subject: **Preventing Workplace Harassment Policy**

Effective September 1, 2025, new Workplace Harassment Regulations came into force in Nova Scotia under the Stronger Workplaces for Nova Scotia Act. As a result, Corporate Services is recommending updates to the Town's Workplace Harassment Policy, which is part of the Human Resources Standard Operating Procedures ("HR Manual," Section 16-1).

The Town's previous policy covered most of the key elements required by the new regulations; however, several updates were necessary:

- **Language and Definitions:** Specific definitions are now required by regulation. The previous policy used broader commitments (e.g., "The Town of Antigonish is committed to advancing all elements of a respectful workplace and to maintain the dignity and respect of all people within, and interacting with the Town"). The updated language is more direct, stating that "The Town of Antigonish is committed to maintaining a work environment that is free from harassment. All employees have the right to work in a harassment-free workplace."
- **Investigation Process:** The policy's outline already met requirements, but additional clarity has been added to ensure processes are explicitly stated.
- **Review and Training:** A new subsection has been introduced requiring the policy to be formally reviewed at least every three years and for all employees to receive training on how to recognize, prevent, and appropriately respond to workplace harassment. Corporate Services will develop a plan for delivering this training to current employees and incorporating it into onboarding for new hires.
- **Inclusive Language:** The entire policy has been updated to reflect gender-inclusive terminology.

These updates strengthen our existing policy, ensure alignment with provincial regulations, and reaffirm the Town's commitment to maintaining a safe, respectful, and inclusive workplace. A copy of the proposed changes, prepared to meet our legal requirements, is enclosed for your review. Additions and revisions have been highlighted in bold.

Respectfully submitted,

Meaghan L. Barkhouse

16-1 Preventing Workplace Harassment

The intention of these procedures is to prevent discrimination, sexual harassment and any other workplace harassment from taking place and, where necessary, to act upon complaints of such behaviour promptly, fairly, judiciously and with due regard to confidentiality for all parties concerned. The policy applies to the employer and all employees of the Town of Antigonish. The Town of Antigonish is committed to advancing all elements of a respectful workplace and to maintain the dignity and respect of all people within, and interacting with the Town.

1.0 Definitions

- 1.1 'Complainant' means the person(s) who initiates a complaint which is then handled through a complaint process either established within the organization or undertaken by a neutral third party.
- 1.2 'Discrimination' means treating an individual or member of a particular group differently based on one or more of the protected characteristics in the Nova Scotia Human Rights Act, which results in a disadvantage to the person or individuals.
- 1.3 'Harassment' is a form of discrimination and includes comments, jokes, name-calling or behavior or display of pictures that insult or offend. This also includes multimedia forms of communication.
- 1.4 'Respondent' means the accused party in a complaint.
- 1.5 'Sexual harassment' means the unwanted or unwelcome conduct or course of comment of a sexual nature made by a person who knows, or ought to reasonably know, that such conduct or comment is unacceptable. Sexual harassment is a protected characteristic in the Nova Scotia Human Rights Act and included, but not limited to:
 - a. expressed (or implied) promise (or reward) for complying with a request of a sexual nature;
 - b. actual reprisal (or an expressed or implied threat of reprisal) for refusal to comply with a request of a sexual nature;
 - c. actual denial (or an expressed or implied threat of denial) of opportunity for refusal to comply with such a request; or
 - d. the conduct or comment intended to, or which as the effect of, creating an intimidating, hostile or offensive environment.
- 1.6 "Workplace harassment" as defined in subsection 27.1 of the Workplace Health and Safety Regulation:

In this Part, "workplace harassment" means a single significant occurrence or a course of repeated occurrences of objectionable or unwelcome conduct, comment or action in the workplace, including bullying, that, whether intended or not, degrades, intimidates or threatens, and includes all of the following, but does

not include any action taken by an employer or supervisor relating to the management and direction of an employee or the workplace:

- (i) workplace harassment or bullying that is based on any personal characteristic, including, but not limited to a characteristic referred to in clauses 5(1)(h) to (v) of the Human Rights Act,
- (ii) inappropriate sexual conduct, including, but not limited to, sexual solicitation or advances, sexually suggestive remarks or gestures, circulating or sharing inappropriate images or unwanted physical contact

Statement

The Town of Antigonish is committed to maintaining a work environment that is free from harassment. All employees have the right to work in a harassment-free workplace.

All Employees are:

- entitled to employment free of harassment
- have an obligation not to engage in workplace harassment; and
- are encouraged to report incidents of workplace harassment

The Town of Antigonish will maintain the confidentiality of all workplace harassment complaints and investigations. Information related to a complaint will unless:

- required by law;
- required for investigation purposes; or
- required for taking corrective action in response to a complaint;

The Town of Antigonish shall not reprimand or seek reprisals against employees who make complaints in good faith.

- This policy does not discourage employees from exercising other legal rights pursuant to the law by implementing a harassment policy.

2.0 Responsibilities

2.1 The Chief Administrative Officer (or designate) shall:

- a. ensure reported incidents of sexual harassment are investigated in a prompt and objective manner by person(s) viewed to be impartial to the complainant and the respondent; and
- b. ensure that harassment and/or discrimination is not condoned within the workplace.

2.2 Directors shall:

- ensure all reported incidents of workplace harassment and/or discrimination are investigated in a prompt and objective manner by person(s) viewed to be impartial to the complainant and the respondent;
- ensure formal complaints of harassment and/or discrimination are referred immediately to the Chief Administrative Officer;
- ensure employees have an opportunity to obtain confidential advice regarding harassment and/or discrimination;
- ensure employees are aware of the Town of Antigonish's procedures on harassment and discrimination;

2.3 Employees shall:

- a. familiarize themselves with the Town of Antigonish's procedures on harassment and discrimination; and
- b. maintain accurate records of any incidents of harassment and/or discrimination including time, place, and description of the incident and names of witnesses.

3.0 Complaint Investigation Procedure

3.1 Informal Resolution Options

- a. Any employee who feels that they are being harassed or discriminated against is encouraged to make it known to the harasser that their behavior is unwanted. The employee should inform the harasser, clearly and directly, that their behavior isn't welcome and must stop. This may be done verbally, or in writing. If in writing, a copy of the letter should be kept by the complainant.

OR

- b. If the complainant feels comfortable, they may discuss concerns relating to harassment and/or discrimination with their immediate supervisor or a designate of their choice and request their assistance in resolving the situation. The complainant should inform the alleged harasser clearly and directly that their behavior isn't welcome and must stop. The complainant should keep a record of the discussion and if the concerns are communicated in writing, keep a copy of the correspondence.

3.2 Formal Complaint

- a. If informal processes are not effective in resolving the situation to the satisfaction of the complainant or if the complainant prefers to file a formal complaint immediately, the complainant may register their complaint of harassment, in writing, with either:
 - the Chief Administrative Officer (or designate); and/or
 - the Director within their own department.

- b. Upon receiving a complaint, Directors are responsible for taking immediate action by referring the complaint to the Chief Administrative Officer (or designate).
- c. When a formal written complaint signed by the complainant is filed, the Chief Administrative Officer (or designate) shall notify the appropriate Director. A copy of the formal complaint shall be given to the respondent named in the complaint. The respondent shall be given a copy of the standard operating procedures and shall be advised of the right to retain their own legal counsel or be represented by any other person when they is required to be present during the process.
- d. The complainant shall be advised of the availability of counseling and support services through the Town of Antigonish's Employee Assistance Program and be provided with advice and assistance on how to deal with the situation. The seriousness of the complaint and the action and consequences may result in the following:
- the right to file a complaint with the Nova Scotia Human Rights Commission;
 - the right to report the incident(s) to the police where there is an indication that a criminal offence was committed;
 - the right to report the incident to their union and/or file a grievance;
 - the right to retain and be represented by their own legal counsel or other person of choice.
- e. Every formal complaint shall be investigated. The investigation of the complaint shall be assigned to a committee of two, which shall be comprised of the Chief Administrative Officer (or designate) and one other person who shall not be an employee in the same department as the complainant or the alleged harasser. The investigator(s) shall attempt to conclude the investigation within 30 days.
- f. The investigators shall interview the complainant, the respondent, and other individuals relevant to the case and review any related documentation. If the allegations are substantiated the investigators will determine both the root cause as well as any contributing factors to best inform corrective actions, and the complaint shall be resolved in the following manner:
- i. the seriousness and the effects of the offence shall be discussed with the complaint and offender - including findings, conclusions and any corrective action taken or that will be taken because of the investigation, where appropriate;
 - ii. the offender must agree to the following steps:
 - the harassment and/or discrimination must stop without any repercussions to the complainant;
 - the complainant must be given a verbal or written apology as appropriate to the circumstances and the promise that the action will not recur;

- appropriate disciplinary action shall be taken as per the advice of the Town of Antigonish's legal advisor.
- g. In the event that the investigators are not in agreement on the result of the investigation, the complaint and investigation results shall be submitted to the Chief Administrative Officer for further consideration and action.
- h. In the event the complainant is not satisfied with the results of the investigation, they may:
 - submit the complaint and investigation results to the Chief Administrative Officer for further consideration and action; and/or
 - contact the Nova Scotia Human Rights Commission.

4.0 Records

- 4.1 If harassment and/or discrimination have been substantiated, the incident shall be documented in the offender's personnel file. No formal record shall be kept if the allegation is not substantiated.
- 4.2 All records pertaining to investigations shall be maintained by the Chief Administrative Officer (or designate) in a confidential file.

5.0 Review & Training

- 5.1 This policy should be reviewed every three (3) years, with policies updated as necessary to ensure the policy remains current and relevant.
- 5.2 Training to be provided to Employees in relation to the Policy, including:
- 5.3 A review of the Town's workplace harassment prevention policy
- 5.4 Instruction on how to recognize, prevent and appropriately respond to workplace harassment
- 5.5 This training will be provided to all employees in a timely manner and refreshed as needed to support a safe and respectful work environment.