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Item No. 4

Halifax Regional Council
November 28, 2023

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

John Traves, K.C., Acting Chief Administrative Officer

DATE: October 23, 2023

SUBJECT: **Safe Workplace Update Q1-Q2 2023-24**

INFORMATION REPORT

ORIGIN

On December 3, 2019, Regional Council passed the following motion:

MOVED by Councillor Karsten, seconded by Councillor Nicoll

THAT Halifax Regional Council:

1. Amend its June 19, 2018 resolution to require a semi-annual reporting schedule for Safe Workplace updates (Q1/Q2 and Q3/Q4) rather than quarterly reporting; and
2. That the semi-annual reports include the following information:
 - The type of harassment complaint made under the Policy
 - The method of conflict resolution employed
 - Number of active files

MOTION PUT AND PASSED

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, subsection 34(1), as follows:

Council and Chief Administrative Officer Relationship

34 (1) The Chief Administrative Officer is the head of the administrative branch of the government of the Municipality and is responsible to the Council for the proper administration of the affairs of the Municipality in accordance with the by-laws of the Municipality and the policies adopted by the Council.

BACKGROUND

On June 19, 2018, Regional Council passed the following motion:

MOVED by Deputy Mayor Mason, seconded by Councillor Mancini:

THAT Halifax Regional Council expresses support for the actions and response from the Chief Administrative Officer, June 11, 2018, regarding HRM's commitment to a safe workplace, responding to the Employment Systems Review and the Human Rights Commission report, and;

That the Chief Administrative Officer be directed to provide quarterly public progress reports to Regional Council, subject to the appropriate redaction of personal information on the following:

1. the findings of the external HR consultant regarding HR processes, procedures and implementation;
2. a plan to implement the recommendations of the consultant;
3. results to date and issues that may be identified during implementation of both the ESR review and the external HR consultant reports;
4. open and completed harassment and discrimination complaints involving workplace bullying, sexual harassment and race both through regular HR processes and the newly established hotline, and;
5. with quarterly reports to begin no later than September 2018.

On December 3, 2019, Regional Council amended the June 19, 2018, motion to require a semi-annual reporting schedule and to require the reports to include the type of harassment complaint made under the Policy, the method of conflict resolution employed, and the number of active files (see origin section for wording of the motion).

DISCUSSION

In accordance with Regional Council's direction, the following information provides a semi-annual update for the period from April 1, 2023 to September 30, 2023 on the Employment Systems Review (ESR) and the external HR consultant (KPMG) review of processes, procedures, and plans to implement the recommendations of the consultant; results to date and issues that may be identified during implementation of both the ESR review and the external HR consultant reports; open and completed harassment and discrimination complaints involving workplace bullying, sexual harassment and race, both through regular HR processes and the CAO's hotline.

Employment Systems Review (ESR) Report

The Employment Systems Review (ESR) Report is located on HRM's website as follows: [ESR Report](#).

The report, dated January 16, 2016, includes 90 recommendations. Of the 90 recommendations, 89 were accepted by the organization at the time of the publication of the report and an additional four (4) were marked as not accepted in the last Safe Workplace update report, leaving 85 total accepted recommendations.

As of September 30, 2023, 77 recommendations have been completed. The organization has supporting evidence on each of the completed recommendations to confirm its completion.

Of the remaining recommendations, eight (8) are actively in progress and will be completed with the implementation of the following four initiatives:

1. Creation of an Employment Equity Program (recommendation #2)

HRM has an Employment Equity Policy that was updated in 2022. The three objectives of the Policy are to increase representation of the five designated groups/communities, to include programming that focuses on the needs and experiences of the Mi'kmaq and Black/African Nova Scotians, in acknowledgement of the history of the Province of Nova Scotia, and to identify and eliminate barriers that prevent designated groups from accessing jobs, promotions and training.

HRM also has a Fair Hiring Policy, introduced in 2021, that defines Designated and Preferred job competitions, which are both used throughout the municipality as a method of increasing diversity in the organization through the recruitment process.

An Employment Equity Program is in draft form. The Program outlines roles and responsibilities of leaders and employees in the organization and notes tangible steps that are to be taken to meet the three objectives of the Employment Equity Policy. The Program was drafted by Human Resources in consultation with the Office of Diversity & Inclusion/ANSAIO. The Program will next be reviewed by HRM's Diversity Champions Table, followed by a review by senior leaders and unions. Feedback will be incorporated, and the Program will be finalized and implemented in the organization in the coming months.

2. Development of a Duty to Accommodate policy & supporting materials (recommendation #54, 56, 59, 60, 61)

HRM is committed to accommodating employees and job candidates who have a protected ground as defined in the Nova Scotia Human Rights Act. The Human Resources team regularly works with job candidates, Business Unit leaders, employees, and unions to address employee and candidate accommodation needs, which includes validating the need, determining options for accommodation, and implementing the accommodation.

Accommodation requests involve a significant level of individualized analysis and require a balancing of legal obligations, which are continuously evolving, employee's needs, collective agreement provisions and the organization's operational requirements. In recent years, new challenges have arisen with respect to accommodations, including mandatory vaccines, increased mental health challenges and remote work. Accommodation solutions can range from modifications to an employee's home position, including work equipment, work location, job duties, hours of work, or movement to alternate position in the organization.

A Duty to Accommodate Policy that outlines roles and responsibilities and a general procedure for addressing accommodation requests is in draft form and is being updated to include initial feedback from the Office of Diversity & Inclusion/ANSAIO and Legal Services. The next step is to finalize the draft and have it reviewed by Office of Diversity & Inclusion/ANSAIO and Legal Services, followed by a review by senior leaders and unions. Feedback will be incorporated and the Policy and supporting documents will be finalized and implemented in the organization in the coming months.

3. Formalize the exit interview annual reporting process (recommendation #79)

An online Exit Survey was developed and launched to the organization in May of 2022. To date, uptake has been very low, and the data that is able to be extracted from the tool is not overly useful. The

current tool is only for employees exiting the organization and not for employees moving from one business unit to another.

Human Resources is revising the Exit Survey questions to be more focused on what factors are causing employees to leave HRM for job opportunities outside of HRM. Human Resources is also going to convert the format of the tool to be more user friendly and provide better data than the current tool.

When those changes have been implemented, Human Resources will monitor the usage of the tool and the value of the data extracted from the tool. When uptake increases to the point where data extracted from it is useful, annual reporting to business units will begin.

4. Respectful Workplace Program (recommendation #65)

HRM's Workplace Rights Harassment Prevention Policy was last updated in 2017. Since the launch of this policy, Human Resources has observed that the vast majority of complaints do not meet the legal threshold to be considered harassment, however, the behaviours described are often disrespectful or an indication of conflict in the workplace.

Human Resources has drafted a Respectful Workplace Policy that will form the basis for a corporate Respectful Workplace Program. The Respectful Workplace Policy will replace the Workplace Rights Harassment Prevention Policy. This Program will expand beyond the traditional definitions of harassment and will describe all forms of disrespectful behaviour and provide employees and leaders with tools to address these behaviours at the earliest opportunity to avoid escalation of these types of behaviours.

The Policy is currently being reviewed by internal stakeholders. The next step is a review by senior leaders and unions. Feedback will be incorporated and the Policy and supporting documents will be finalized and implemented in the organization in the coming months.

The development of this Policy and supporting Program addresses many of the recommendations of the Auditor General in the 2022 Management of Respectful Workplaces audit report, as well as one of the remaining KPMG recommendations described below.

External Review (KPMG Report)

HRM, through a request for proposals, secured an external consultant (KPMG) to undertake a comprehensive review of HR policies, programs and organizational practices that support a safe, healthy, diverse, inclusive and harassment-free environment. The review also included the mechanisms that support it, such as conflict resolution processes and procedures, communications and messaging to employees, employees/managers' roles/accountability in maintaining a harassment, discrimination-free and respectful workplace, training to support the policy and program, as well as any information, technology, operational or structural changes that might be required.

The Human Resources Processes and Practices Review report was presented to Regional Council on January 28, 2020 ([Item 15.1.2](#)). Specific recommendations were directed to be implemented and an update on the status was provided at the January 11, 2022 meeting ([Information Item No. 2](#)).

Of the 31 recommendations contained in the report, 26 were accepted by the organization. As of September 30, 2023, 23 recommendations have been completed. The organization has supporting evidence on each of the completed recommendations to confirm its completion.

The remaining recommendations are actively in progress and will be completed as follows:

Recommendation #5 - *Conduct annual review of employee diversity in the succession planning process to increase gender and non-gender diversity at the leadership level, and then all levels of the organization over time, and take corrective action where gaps/opportunities exist.*

A revised Succession Planning process for Non-Union employees was presented to business unit leaders in May/June of 2022. Included within the tools is an Employee Career Path Interview Guide, which has a voluntary self-identification section. The Fair Hiring Policy outlines the options to create Designated or Preferred job competitions to increase diversity in areas that are underrepresented.

Recommendation #15 - *Clarify the scope of the Workplace Violence Prevention Corporate Procedure, update the EHSM system to be more user-friendly, clearly outline the responsibilities of all stakeholders involved, and track mandatory H&S training of employees.*

Workplace Violence will be included in the upcoming Respectful Workplace Program, described above. The Workplace Violence Prevention Corporate Procedure is currently being reviewed by the organization's Joint Occupational Health & Safety Committees. Feedback will be incorporated, and an updated Procedure will be implemented.

Human Resources is working with the IT business unit on identifying a program to the Environment, Health & Safety Management (EHSM). In the interim, Corporate Safety continues to provide user training and support with the current system in order to address the concerns outlined in the report with respect to not being user-friendly.

Health and Safety training modules are available online for all employees and leaders to access. Data can be generated to track whether mandatory courses have been taken.

Recommendation #17 - *Further simplify the conflict resolution process and create and monitor refresher training in conflict management/resolution for managers and supervisors. Ensure training focuses on teaching managers and supervisors how to approach difficult conversations, disputes, and how to support employees.*

This recommendation will be addressed with the implementation of the Respectful Workplace Program described above. In the interim, the Respectful Workplace team is supporting employees and leaders on all matters relating to conflict resolution under the existing policy.

Open and completed harassment, and discrimination complaints

As noted previously, the *Workplace Rights Harassment Prevention Policy* supports Halifax Regional Municipality in its commitment to provide a harassment-free environment where all persons are treated with dignity and respect. The Policy addresses harassment based on prohibited grounds of discrimination specified under the *Nova Scotia Human Rights Act*. These grounds consist of age, race, colour, religion, creed, sex, sexual orientation, gender identity, gender expression, physical or mental disability, irrational fear of contracting an illness or disease, ethnic, national or aboriginal origin, family status, marital status, source of income, political belief, affiliation or activity, and an individual's association with another individual or class of individuals having the characteristics of any of the prohibited grounds. This Policy also extends to other forms of harassment not linked to a prohibited ground.

Complaints Filed

Between April 1, 2023 and September 30, 2023, there were **eleven (11)** formal harassment complaints filed under the Workplace Rights Harassment Prevention Policy, as follows:

Poisoned Workplace – 7
Racial Harassment – 3
Sexual Harassment – 1

Complaints Resolved

Between April 1, 2023 and September 30, 2023, there were **five (5)** harassment complaints resolved, including those initiated in prior periods. They are as follows:

No Further Proceedings under the *Policy* – 2
Referred to Business Unit for Resolution - 2
Alternative Dispute Resolution –1

Current Active Complaints

Total of active harassment complaints as of September 30, 2023 - **eight (8)**

FINANCIAL IMPLICATIONS

There are no financial implications associated with this information report.

COMMUNITY ENGAGEMENT

No community engagement was required.

ATTACHMENTS

None

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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