

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed by Director

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Catherine Mullally, Director, Human Resources/Office of  
Diversity and Inclusion

Original Signed by 

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Jacques Dubé, Chief Administrative Officer

**DATE:** August 21, 2018

**SUBJECT:** Quarterly Update – Commitment to a Safe Workplace  
Harassment and Discrimination Complaints in the Workplace

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## **INFORMATION REPORT**

### **ORIGIN**

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.

## **LEGISLATIVE AUTHORITY**

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**

In June 2018, the Nova Scotia Human Rights Commission released its decision in the complaint of an HRM transit employee. The decision found the Municipality discriminated against the employee both vicariously in respect of the actions of our employees and otherwise in terms of the response of management to the circumstances.

The Halifax Regional Municipality respected and accepted the decision of the Nova Scotia Human Rights Board of Inquiry regarding its finding of racial harassment and discrimination by management and co-workers against the transit employee which were the subject of a complaint filed in 2006. The Chief Administrative Officer apologized, on behalf of the Halifax Regional Municipality, to the complainant and family. The CAO also expressed his commitment to advocating for a harassment-free workplace where all persons are treated with dignity and respect. The CAO further expects that everyone working for HRM will live and support corporate values and work together to ensure that racial harassment and discrimination, in any form, are not tolerated.

Halifax Regional Council publicly expressed support for the actions and response from the CAO regarding HRM's commitment to a safe workplace, responding to the Employment Systems Review and the Human Rights Commission report, and directed the Chief Administrative Officer 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.

## **DISCUSSION**

### **External Consultant**

HRM through the CAO, seeks to determine the effectiveness of the organizations Human Resource policies and programs in attaining its goal of providing a safe, healthy, diverse, inclusive and harassment-free environment where all persons are treated with dignity and respect.

To this end, HRM posted a request for proposals (RFP) on July 20<sup>th</sup>, 2018 to secure consulting services 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 will include the mechanisms that support it, such as conflict resolution process 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 RFP closed on August 15<sup>th</sup> and the vender selection process is in progress.

A final written and electronic report with presentation that incorporates comments and stakeholder input will be provided to the CAO on or before April 30, 2019. A plan to implement the recommendations of the consultant will be made after that report is received and reviewed.

#### Employment Systems Review (ESR)

An Information Report was provided to Halifax Regional Council on July 31, 2018 regarding the 2016 HRM Employment Systems Review. The following highlights additional achievements throughout August and September 2018.

A revised Employment Equity Policy was approved by the CAO and will be rolled out to the organization during the fall.

An Employment Equity Program to support the Policy is under development and will engage all key stakeholders in its design. The program framework is scheduled to be completed by April 1, 2019.

HRM Hiring Policy/Practice has been updated in draft to reference the Employment Equity Policy and HRM's commitment to a diverse workforce. The final draft will be shared with stakeholders in October - November 2018 and advance to the CAO for approval.

Managers Hiring Certification Program has been developed which will include training on unconscious biases, employee accommodation, interview documentation, candidate assessment/selection and conducting de-brief sessions after a competition. Training will begin in November 2018.

In addition to the Employment Systems Review (ESR), the Halifax Regional Municipality's has developed a Diversity & Inclusion Framework to assist the entire organization in our continued efforts to build a diverse and inclusive workforce that provide programs and services to our residents by using a diversity and inclusion lens. This Framework was launched in June 2018 and identifies critical initiatives to move these efforts forward, both in our organization and communities, and provides a focused lens on how we can address these priorities now and into the future. The Framework comes to life through implementation and evaluation plans created by individual business units and divisions. Comprised of senior leaders from across the organization, a Diversity & Inclusion Leadership Working Group has been formed to champion issues related to employment equity, workplace behaviour and respect by embedding diversity and inclusion into municipal business units. Their role is to advise the Halifax Regional Municipality on the impact of policies, programs and services on diverse employees and communities through the monitoring and implementation of the Diversity & Inclusion Framework.

Progress is also being made in many areas regarding HRM's workforce as it relates to diversity and inclusion. HRM recently launched a new leadership program for aspiring leaders which is designed to provide employees who are not presently in a leadership position, with the fundamental skills and knowledge every effective supervisor or manager needs. This is a cohort based certificate program that requires participants to complete 52 hours of programming within 12 months of their program start date.

Of the 48 participants making up the first 3 cohorts of the Aspiring Leaders Program, 25 (52%) self identified under our employment equity question. Six (12.5%) identified as a racially visible. These

numbers only include individuals chose to self identify. The 4<sup>th</sup> cohort of 21 employees are all African Nova Scotian or of African decent. Human Resources is also in the process of developing a new Mentorship Program for employees who have completed the Aspiring Leaders Program. This program is planned for completion before March 31, 2019.

The design of job postings has been updated to reflect HRM's commitment to a diverse workforce. To enhance the awareness of HRM's focus on increasing diversity of our workforce, a diversity statement has been noted earlier in the job posting. For example, you will now see that the first two paragraphs in a posting may appear similar to the following:

*Halifax Regional Municipality (HRM) is inviting applications for the permanent position of Works Supervisor with the Enhanced Maintenance Area (EMA) in Transportation and Public Works. The EMA department is responsible for excellence in service delivery to the downtown core of both Halifax and Dartmouth working in direct cooperation with the Business Improvement Districts (BID's), City Hall, Halifax Council, and HRM management.*

*In an effort to ensure that our organization reflects the community it serves, this competition has been designated for African Nova Scotian candidates. As such, only candidates who self-identify as African Nova Scotians, either online or on paper application, will be considered for this opportunity.*

HRM has also made significant changes to how we consider candidates who have a criminal record for opportunities with HRM. Previously, we had very strict guidelines that would prevent the candidates from being considered for 10 years. Now we consider candidates for a criminal record with the following criteria in mind:

- What was the seriousness of the charge?
- Is this criminal offence related to the execution of the role (i.e. Driving under the influence offence for someone that has expressed interest in being a bus driver)
- How long ago did the offence occur?
- What was the age of the individual when this charge occurred?
- Is it a pattern or was this just a single incident?

The 2018 Internship program hired candidates from three employment equity groups. Of the 13 hired, 9 identified as a Racially Visible, 1 identified as Persons with Disabilities and 3 identified as women. All other candidates choose not to identify. Business Units are also choosing to designate recruitment for specific positions to increase diversity in both temporary and permanent positions.

Human Resources has also expanded its hiring data to include the number of job applications from individuals reflective of employment equity and is working to collect data on the number of job offers and promotion of applicants of diverse backgrounds. For positions posted between April 1, 2018 and June 30, 2018 there were 6435 applications received, 4528 self-identified from under-represented groups or 70.4%. For the fiscal period of April 1, 2018 to August 31, 2018 there were 10,083 applications received with 7136 of those being self-identified to under represented groups or 70.8%. This information represents an increase over previous fiscal years. As noted above Human Resources will be expanding our reporting capability in this area to include the actual number of candidates hired who have self identified which will align with HRM's employment equity policy. We plan to achieve this goal within the next twelve months.

Diversity and Inclusion training has become a mandatory requirement for all HRM employees. The training program continues to be expanded and is offered across the organization including all summer staff and HRM interns upon hire. Business Units Police and Fire and Emergency Services provide diversity and inclusion training for all new recruits. TPW and Parks have provided diversity and inclusion training for CUPE 108 supervisors including *Communicating from an AfroCentric Place*.

HRM through Corporate Communications and the Office of Diversity & Inclusion promotes key diversity and inclusion events/initiatives that highlight the diversity of the municipality (e.g. African Heritage Month, Asian Heritage Month, Mi'kmaq History Month, Halifax Pride Festival and other cultural acknowledgements).

HRM Business units also support staff engagement and participation in affinity groups such as the Racially Visible Employee Caucus and the African Nova Scotian and Racialized Women's Group.

#### Open and completed harassment and discrimination complaints

Human Resources has updated the summary of employee complaints which was provided to Council in June by the CAO. The summary includes only the complaints that have been formally reported by HRM employees to Human Resources under the *The Workplace Rights Harassment Prevention Policy*.

The *Workplace Rights Harassment Prevention Policy* supports Halifax Regional Municipality (HRM or the municipality) in its commitment to provide a harassment-free environment where all persons are treated with dignity and respect. The Policy includes harassment based on a prohibited ground 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 include workplace harassment not linked to a prohibited ground.

It is important to note that the data provided does not represent the entirety of racial conflict or other forms of conflict within the organization during the period in question. There are other workplace conflicts dealt with outside the formal process via the Supervisor, Manager or Director as well as conflicts that would not be reported at all.

Between June 15 and August 15, 2018, there were 10 new complaints and 4 complaints were closed. There are currently 15 active files under the following category or complaint type:

- Personal harassment – 10
- Interpersonal conflict – 2
- Sexual harassment – 1
- Employment discrimination – 1
- Workplace violence – 1

Human Resources also tracks employee complaints under the *The Workplace Rights Harassment Prevention Policy* by fiscal year from 2013-14 to 2017-18 and is working on the development of a more detailed reporting tool.

2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
25	28	57	25	27

#### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

**COMMUNITY ENGAGEMENT**

N/A

**ATTACHMENTS**

N/A

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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