

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: September 26, 2019

SUBJECT: Quarterly Update to Council re Safe Workplace Q2 2019/20

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. Quarterly reports to begin no later than September 2018.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, s. 34(1):

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.

RECOMMENDATION

It is recommended 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

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 coworkers 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 their 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.

DISCUSSION

In accordance with Regional Council's direction, the following information provides a quarterly update for the period from July to September 2019, on the external review of HR processes, procedures, and plan to implement the recommendations of the consultant; results to date and issues that may be identified during implementation of 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 newly established hotline.

Recognizing that complex complaints often take longer to resolve than the three months represented through the quarterly reporting structure, staff are recommending that future updates be provided on a semi-annual basis. Providing two updates a year instead of four would increase the likelihood of files being closed between updates and allow for greater tracking, data analysis, and a clearer reflection of trends.

External Review

HRM, through a request for proposals, secured 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 also includes 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. Additional feedback has been provided to the project consultants. The initial report feedback has been provided to the consultant and a final report is being produced.

Workplace Rights Harassment Prevention - Complaint Information

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

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.

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 are not reported at all.

Between July 1, 2019 and Sept 30, 2019 (Q2) there has been a decrease in the number of open complaints made through the formal complaint process. The quarter closes with only 3 open files.

Type of Complaint	Q3 2018/19 (Oct 1-Dec 31/18)		Q4 2018/19 (Jan 1-Mar 31/19)		Q1 2019/20 (Apr 1-Jun 30)		Q2 2019/20 (Jul 1-Sep 30)	
	New in Q3	Total Open	New in Q4	Total Open	New in Q1	Total Open	New in Q2	Total Open
Personal Harassment	5	5	5	10	1	6	2	1
Interpersonal Conflict	5	4	1	5	0	1	1	2
Sexual Harassment	0	1	0	1	0	0	2	0
Employment Discrimination	0	1	1	1	0	1	0	0
Workplace Violence	1	0	0	0	1	1	0	0
Poisoned Workplace	1	1	2	3	1	3	1	0
Total	12	12	9	20	3	12	6	3

This table represents the number of formal complaints received by Human Resources per fiscal year.

2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
25	28	57	25	27	33

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK CONSIDERATION

No risks have been identified associated with the recommendation in this report.

COMMUNITY ENGAGEMENT

N/A

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

Regional Council may choose to continue with a quarterly reporting schedule for this update. This is not recommended as updates prepared at this frequency may not provide a clear picture of complaint resolution process times and trends.

ATTACHMENTS

N/A

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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