



STANDARD OPERATING PROCEDURE

CITY OF SAINT JOHN

WORKPLACE CONDUCT

Version Number 1.0

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1. STATEMENT OF PURPOSE

This Standard Operating Procedure has been developed to support and document the review process in relation to any complaint brought forward under the City of Saint John Workplace Conduct Policy.

Consistent with this, the City of Saint John has developed a Complaint Procedure that will enable it to conduct an impartial and objective investigation of each formal complaint submitted in as expedient a manner as possible. This procedure, as outlined below, applies to all employees of the City of Saint John. No person shall be discharged, suspended or otherwise reprimanded for making a complaint in good faith or for assisting in any way with the inquiry or investigation of any complaint.

OBJECTIVES

The aims of this Standard Operating Procedure are:

1. to provide a mechanism by which employees who feel that they have been impacted by a violation of the City of Saint John Workplace Conduct Policy can have their concerns properly addressed.
2. to ensure that all alleged violations of the City of Saint John Workplace Conduct Policy are dealt with expeditiously, and in an impartial, fair and consistent manner.

SCOPE

Employees: This Standard Operating Procedure applies to all employees of the City of Saint John engaged in work-related activities on City premises or worksites. This Standard Operating Procedure also applies to employees representing the City of Saint John onsite or offsite at business functions or

City of Saint John sponsored social events. These criteria apply both during and outside of normal working hours. In some cases, this Standard Operating Procedure may apply outside the workplace when the behaviour in question could have negative impacts in the workplace, including bullying an employee after work.

Contractors: All contractors shall be advised of the applicable provisions of this Standard Operating Procedure, and shall be expected to enforce these requirements for their employees, sub-contractors and agents. Moreover, contravention of the Workplace Conduct Policy may be considered a breach of contract.

Customers/Visitors: Customers, including visitors to City facilities, are expected to meet the standards of conduct established under policy in terms of their interactions with City of Saint John employees. While this Standard Operating Procedure does not apply in all respects to situations involving customers/visitors, appropriate interventions will be effected in the event of violations, up to and including requests to leave City premises and law enforcement action, if and as required.

Confidentiality: Records associated with this Standard Operating Procedure shall be administered in accordance with the City's Privacy Policy.

2. RELATED POLICIES AND PROCEDURES

This Standard Procedure is established under the authority of the City of Saint John Workplace Conduct Policy.

3. DEFINITIONS

Complainant(s)

Employee(s) alleging a violation by another employee of the City of Saint John Workplace Conduct Policy, claiming a negative personal effect as a result of that incident, and filing a complaint in accordance with this Standard Operating Procedure

Respondent(s)

Employee(s) accused of violating the City of Saint John Workplace Conduct Policy and responding to the resulting Complaint in accordance with this Standard Operating Procedure

Manager

All members of the City's Management/Professional establishment.

4. ROLES AND RESPONSIBILITY

1. All Employees

All employees are responsible for:

- a) reading and understanding the Standard Operating Procedure and their responsibilities under it;
- b) treating the matter in the strictest confidence. The privacy and reputation of all the individuals involved must be protected throughout all stages of the investigation process; and
- c) maintaining mutual respect and dignity in all workplace relations.

2. Complainant(s):

The complainant(s) is responsible for:

- a) making the disapproval and/or unease known to the offender immediately, and clarifying that this behavior is offensive, unwelcome and unacceptable
- b) keeping a record of each alleged incident, noting specifically the nature of the behavior, the time, the date, any witnesses, and
- c) reporting alleged violations to your Manager or to Human Resources, as appropriate.

3. Management

Management is responsible for:

- a) ensuring that all employees are aware of this Standard Operating Procedure, and
- b) reporting the complaint to the Director of Human Resources or designate.

4. Director of Human Resources

The Director of Human Resources or designate is responsible for:

- a) coordinating the investigation, and
- b) ensure the investigation is conducted in a fair, consistent and impartial manner.

5. PROCEDURE

1. When a complaint is filed by an employee under the Workplace Conduct Policy, the Director of Human Resources or designate shall advise the Respondent. They will also clarify the rights and responsibilities with respect to this Standard Operating Procedure with both the Respondent and the Complainant.
2. The Director of Human Resources or designate shall initiate a preliminary investigation of the alleged incident to determine if reasonable grounds exist to pursue the allegation further.
3. If it is determined that reasonable grounds exist, then the Complainant(s) shall be notified and advised of possible options. Each possible option shall be reviewed with the Complainant to facilitate an informed choice. The Director of Human Resources or designate shall make resources available to implement the most appropriate course of action.

- i. The Complainant and the Respondent retain at all times their rights under applicable Collective Agreements, Terms and Conditions of Employment, and the New Brunswick Human Rights Act.
- ii. Possible Courses of Action are:
 - A. Principals (Complainant and Respondent) attempt to resolve the matter.
 - a. With the assistance of Human Resources, a non-prejudiced discussion will be facilitated to determine if a resolution can be reached that provides reasonable outcome for the Complainant(s), the Respondent(s), and the City. If resolution is not achieved one or more of the following options will be initiated.
 - B. Mediation
 - a. The Director of Human Resources or designate will assign a mediator to facilitate non-prejudicial discussion and intervention for the purpose of achieving acceptable resolution to the complaint.
 - C. Formal Investigation
 - i. The Director of Human Resources or designate shall commission a formal investigation of the alleged incident. An investigator or investigation panel will be assigned which may be an internal or external resource.
 - ii. An investigation shall include interviews with all concerned parties including the Complainant, the Respondent, witnesses, and the gathering of any other pertinent information. All of those who furnish evidence or information to aid in the investigation will be asked to sign a written statement.
 - iii. An Investigation Summary Report, including Findings and Recommendations, shall be prepared by the investigator pursuant to the formal investigation.
 - iv. The Director of Human Resources or designate shall advise the Complainant and Respondent of the results of the Investigation and of any consequential follow up indicated.
 - v. The Comprehensive Investigation Report, including statements provided, shall be held confidentially in Human Resources.
 - vi. The Director of Human Resources shall provide the Investigation Summary Report to the Complainant, Respondent, and the City Manager.
 - vii. The Director of Human Resources shall initiate recommended follow-up including disciplinary action, as applicable.
 - D. Filing with the New Brunswick Human Rights Commission
 - i. The NB Human Rights Commission requires a formal complaint be filed through their internal form. Typically complaints can only be filed about incidents that happened in the last 12 months.
 - ii. A toll free number is provided by the NB Human Rights Commission to assist with any initial questions you may have with the complaint process. You do not need to give your name initially however it is not possible to file a complaint anonymously.

- iii. A workplace investigation may also be completed in parallel but independent of a Human Rights proceeding.

E. Police Action

- i. Depending on the nature of the complaint, the employer may have a responsibility to report to police even if the employee does not wish to pursue action. Examples include: Any physical assault in the workplace; suspicion of significant fraud or theft, sexual assault, threats to harm another person, corruption, and activity that affects the safety of a child.
- ii. An initial investigation may or may not be deferred to the police depending on the circumstances. A criminal investigation has a higher burden of proof than that of a workplace investigation and therefore in many cases both a police investigation and a workplace investigation may occur.

6. APPENDICES

N/A

7. APPROVAL

RECOMMENDED	TITLE	SIGNATURE	DATE
Peter Morgan	Manager, Safety and Policy		July 5, 2018
Kevin Hooper	Manager, Labour Relations		Aug 3, 2018
APPROVED	TITLE	SIGNATURE	DATE
Stephanie Hossack	Director of Human Resources		July 5, 2018
Neil Jacobson	Acting City Manager		September 13, 2018