

Harassment Policies in Newfoundland and Labrador Municipalities

A submission by the Provincial Advisory Council on the Status of Women Newfoundland and
Labrador

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Why this submission?

With this submission, the Provincial Advisory Council on the Status of Women want to shed light on the existing policies on workplace harassment in the municipalities of Newfoundland and Labrador. A specific focus will be on the way in which these policies, if and where they do exist, include provisions to prevent and deal with cases of harassment, not only by the municipal employees but also by elected officials. Following an investigation of harassment policies in a number of municipalities, selected based on pre-set indicators, we present a number of recommendations for Newfoundland and Labrador municipalities.

1. Harassment free workplace and how to create safe spaces

The Canadian Human Rights Commission defines harassment as: “a form of discrimination. It involves any unwanted physical or verbal behaviour that offends or humiliates you. Generally, harassment is a behaviour that persists over time. Serious one-time incidents can also sometimes be considered harassment. [...] Harassment occurs when someone:

- makes unwelcome remarks or jokes about your race, religion, sex, age, disability or any other of the 11 grounds of discrimination;¹
- threatens or intimidates you;
- makes unwelcome physical contact with you, such as touching, patting, pinching or punching, which can also be considered assault.”²

Workplace harassment is related to decreased job satisfaction, increased turnover intentions and decreased organizational satisfaction, but also causes psychological and physical harm for the victim. Workplace harassment often creates a toxic work environment which results in lower levels of productivity and efficiency.³

Furthermore, workplace harassment is a significant barrier to achieving gender equality in political office. Research shows that the major barriers for women’s political participation are negative gendered comments, negative expectations about women’s work and abilities, and a male-centric and unwelcoming political culture.⁴ This parallels with many of the experiences of employees and councillors throughout Newfoundland and Labrador municipalities. While research calls for gender equity mandates as more women are needed to transform the political culture to be an inclusive and safe space for women, without a transformation of the culture, it is not likely that more women will want to run for political office.⁵ Gender equity mandates may

¹ The 11 grounds of discrimination under the Canadian Human Rights Act are listed at: <http://www.chrc-ccdp.ca/eng/content/what-discrimination#1>.

² “What is Harassment?” Canadian Human Rights Commission, accessed July 3, 2016, <http://www.chrc-ccdp.ca/eng/content/what-harassment>.

³ Jana L. Raver and Lisa H. Nishii, “Once, Twice or Three Times as Harmful? Ethnic Harassment, Gender Harassment and Generalized Workplace Harassment,” *Journal of Applied Psychology* 95 no. 2 (2010): 236-240, doi: 10.1037/a0018377.

⁴ Halena Seiferling, “Running in Place: Overcoming Barriers for Women in Canadian Municipal Politics,” *Simon Fraser University*: 66.

⁵ Ibid, 63.

catalyst the change needed to end workplace harassment and gender-based harassment, and are included in policy recommendations at the end of this report.

The Advisory Council agrees with research stating that workplace harassment and gender-based harassment can be reflections of the male-dominated political culture that systematically discourages women's political leadership. We consider it imperative that workplace harassment policies have clear procedures to account for harassment by elected officials and employees working in municipalities in order to create an inclusive environment for all.

To effectively assess the current policies present in Newfoundland and Labrador municipalities, a model policy was selected that includes valuable components of effective sexual harassment policy. Using a model policy can assist us in demonstrating how municipalities may improve their existing sexual harassment policies.

The model policy⁶ used contained the following aspects:

- A clear statement of what sexual harassment is and that it will not be tolerated;
- Strong commitment to and understanding of the policy by supervisors and top management;
- Training programs for both employees and supervisors regarding the nature of sexual harassment to increase awareness of unacceptable behaviors;
- Sensitivity training for supervisors to improve interaction with all parties involved;
- Training for supervisors on the proper processes for conducting investigations;
- Clear procedures for dealing with sexual harassment complaints;⁷
- Clear lines for reporting sexual harassment that offer options yet avoid too many different actors;
- Trained, neutral investigators to deal with sexual harassment complaints;

⁶ Laura A. Reese and Karen E. Lindenberg, "Employee Satisfaction with Sexual Harassment Policies: The Training Connection." *Public Personnel Management* 33.1 (2004): 99-119, accessed June 28, 2016 from <http://search.proquest.com.proxy1.lib.uwo.ca/docview/215931353/fulltext/B3ABC565C3B94901PQ/1?accountid=15115>.

⁷ The components marked in bold caused employees in the above study to strongly increase their workplace and workplace policy satisfaction.

- Investigative teams that are gender diverse;
- Procedures that safeguard the confidentiality of both accused and claimant, including sanctions for breaches of confidentiality;
- Timelines for various policy processes - interviews, investigations, findings, reporting;
- Specific procedures for reporting, to both the complainant and accused, the findings and outcomes of the investigation on at least some level;
- Serious sanctions for inappropriate behaviors; and,
- Including supervisor handling of sexual harassment complaints in supervisory evaluation procedures.

2. Municipal policy evaluation: methods

Fifteen municipalities across Newfoundland and Labrador were selected for review of their policies regarding workplace harassment, specifically to determine if these policies applied to elected officials within the municipality. This included communities from the Avalon, Western, Central, Eastern, Northern and Labrador regions; varying population sizes⁸; proximity to the Trans-Canada Highway; Aboriginal Population ratio and the number of females represented on the Municipal Council at the time of sampling. These factors were chosen to ensure that the selection of municipalities being analyzed was as diverse as possible. The selection of municipalities and the indicators used to select them can be found in Figure 1 below.

Municipalities were initially contacted by electronic correspondence. Follow-up telephone calls were conducted to inquire about any uncertainties in the policy or if there was no initial response via electronic correspondence. Key words were used in correspondence in order to include any existing policies that may identify harassment-oriented actions. These were: respectful workplace, sexual harassment, gender-based harassment, and workplace bullying or workplace harassment policies.

⁸ Population sizes: 200-499, 400-999, 1000-1999, 2000-4999, 5000-9999, 10000-19999, 20000-49999, 49999+. Although St. John's population is over 100 000, 49999 was used as the last grouping as it is the sole municipality that has a population above this level.

Policies regarding respectful workplaces, sexual or gender-based harassment or workplace harassment across municipalities in Newfoundland and Labrador were assessed by comparing each policy to a model policy presented above.

In order to determine the quality of existing workplace harassment policies across Newfoundland and Labrador and to easily compare these policies, a point system was used.

First, municipalities that had an existing policy were given 0.5 points. An additional 0.5 points were given if the policy had been updated since 2006. No points were given for municipalities that did not have policies governing these behaviours. This permitted divisions to be made between municipalities and to analyze where anti-harassment policies were a priority.

Second, the policies were assessed in regard to the model policy expectations for effective sexual harassment policies. One point was awarded for inclusion of each aspect. Partial points may have been awarded depending on the quality of each aspect. The quality was analyzed by considering the length of the section, the use of clear language, and having defined roles or procedures for council members and employees. The total amount of points possible was 14.0 for this section. In total, the highest score attainable was 15.0.

3. Municipal policy evaluation: Results

The results of assessing municipalities' respectful workplace, workplace harassment or sexual harassment policies with the model policy described in the previous section.

The three municipalities scoring in the highest ranking category (10.0+ points) shared a close proximity to the Trans-Canada Highway, or for Labrador City, a close proximity to urban amenities. They also included the largest municipal population in Newfoundland and Labrador, and larger municipal populations corresponding to their region.

The three municipalities sampled in the Avalon region scored in the top two brackets, as did both municipalities sampled from the Western region. The remaining region was Labrador.

The lowest category included four municipalities with population sizes ranging from 1000-1999 to 10000-19999. This included the regions of Labrador, Central, Northern and Eastern. Other than Grand Falls-Windsor, municipalities were over 150 kilometres from the Trans-Canada Highway.

The last group sampled had no existing policy or the policy was considered “ancient” by the municipalities’ terms. These three municipalities had the smallest populations sampled < 1000, were relatively far from the Trans-Canada Highway (20-160 kilometres) and had comparatively the lowest levels of post-secondary achievement (40.8% post-secondary, 19.4% high school and 39.3% no high school completed).

The regions in the lowest category and the regions where no policy currently existed consisted of Labrador, Central, Eastern and Northern.

The results demonstrate that proximity to the Trans-Canada Highway and larger populations located within the Avalon and Western regions tended to correlate with gender-positive workplace harassment policies. This correlates with research findings from Little and Jones⁹, who discuss the effects of gender relations on local governance policy in rural communities in the United Kingdom, and importantly how implementing rural policy protects patriarchal gender relations. They demonstrate masculine values and assumptions embedded in policy that tend to exclude women from the decision making process. Examples of this include focusing on economic development and the increased value given to these projects, while excluding social welfare initiatives that tend to benefit women and vulnerable populations the most. They also indicate that focussing on local business networks tends to exclude women through the existence of “old boys’ clubs” that exclude women from power and control. This discourse and phenomena is parallel to roots of gender-based harassment in Spaniard’s Bay in early 2016. Other revelations indicate the time periods when policy development occurred is inherently discriminatory to women due to frequent nights working and the gendered division of household labour that continues to occur, especially in many rural communities.

⁹ Jo Little and Owain Jones, “Masculinity, Gender and Rural Policy,” *Rural Sociology* 65 no. 4 (2006): 621-639, doi: 10.1111/j.1549-0831.2000.tb00047.x.

As seen in the table, an increased proportion of women on council does not seem to have a distinct impact on gender-based harassment policies.

Aboriginal population did not appear to have a significant impact on a superior or inferior workplace harassment policy.

4. Municipal Policy Evaluation: Analysis

The above section indicates in more quantitative terms how Newfoundland and Labrador municipalities compare to the model policy, to each other, and offers some preliminary demographic explanations for the quality of the existing policies. This section will analyse in more qualitative terms what aspects of the model policy have been included in various policies, and how the policies existing in Newfoundland and Labrador could be improved.

In analyzing the model policy, it is essential that the aspects are considered in relation to who they apply to. In order for a policy to be fully effective in a municipal setting, it is important that employees, supervisors *as well as* elected officials follow the existing policies and are involved in activities, such as training. This should be made clear in the municipal policies in order for every person to understand their commitment to the workplace.

The shortest policies selected for review came from Grand-Falls Windsor (one page), and St. Anthony, Marystown, Nain and Spaniard's Bay (all two pages). Interestingly, both Spaniard's Bay and Marystown have received extensive media coverage on allegations of harassment occurring within municipal councils and by municipal councillors. Four of these five municipalities (except Spaniard's Bay) also scored in the 'Bad' category against the model policy. Marystown and St. Anthony used the same policy, suggesting it may have been provided by an outside source or may be outdated.

Every policy selected for review except Marystown and St. Anthony's policy included a clear statement of what sexual harassment is and that it will not be tolerated.

Every policy selected for review lacked two particular aspects of the model policy: Investigative teams that are gender diverse (which could help complainants feel safer when reporting sexual harassment due to its gender-biased nature), as well as the inclusion of supervisor handling of sexual harassment complaints in supervisor evaluation. The second is an important aspect of the workplace culture as without evaluations, sexual harassment complaints may never be taken seriously by a supervisor, and thus sanctions may not be implemented, or it may deter victims from reporting inappropriate behaviours.

Other than Grand Falls-Windsor (whose policy lacked inclusion of any of the aspects of the model policy), the other policies selected for review included serious sanctions for inappropriate behaviours. Considering the multitude of harassment that Newfoundland and Labrador municipalities continue to experience, it is important to investigate why serious sanctions may not be sufficient to prevent harassment behaviours. Furthermore, it is imperative that these serious sanctions are clear about who they apply to; elected officials, employees and supervisors must all be held accountable if they are contributing to an insecure workplace or sexual harassment behaviours.

Two of the three 'Good' policies were also the longest policies. St. John's policy was 15 pages while Labrador City had recently extended their policy, and had created a manual for employees and councillors on sexual harassment in the workplace. In total, this manual and policy was 13 pages long. This indicates a positive change for some municipalities, and that policy review is a possibility for most, if not all, Newfoundland and Labrador municipalities.

Although St. John's and Labrador City's policies were structured quite differently and had clearly been developed independently, there was only one difference in their inclusion of components from the model policy; St. John's provided sensitivity training for supervisors to improve interaction with all parties involved, while Labrador City's policy failed to indicate this. Both policies also failed to include training programs for both employees and supervisors regarding the nature of sexual harassment to increase awareness of unacceptable behaviours. These are two of the aspects of the model policy that the Michigan study revealed contributed to strong feelings of

workplace policy satisfaction, and thus their inclusion is pertinent in a reformation of these policies.

The other 'Good' policy reviewed was from Stephenville. Stephenville was the only policy selected that provided training programs for employees and supervisors regarding the nature of sexual harassment to increase awareness of unacceptable behaviours, but failed to include the sensitivity training included in St. John's policy and training for supervisors on the proper processes for conducting investigations, which was included in both Labrador City's and St. John's policies.

The other two policies, Corner Brook and Mount Pearl, scored in the 'Acceptable' category alongside Spaniard's Bay. These two policies were six and four pages long respectively. Corner Brook's policy included training programs for employees regarding unacceptable behaviours, but not for councillors. In a municipality, it is essential that all parties understand the expectations in order to create a healthy workplace culture. This remains positive, comparatively, as Corner Brook and Stephenville hold the only policies that include a portion of this aspect whatsoever. Every policy that scored in the 'Acceptable' or 'Good' category also included: clear procedures for dealing with sexual harassment complaints (a strong element found by the Michigan study); a strong commitment to the policy by supervisors and top management, as well as clear lines for reporting sexual harassment that offer options yet avoid too many different actors. However, it is still important that these aspects are incorporated alongside the other elements in order to build an effective harassment policy.

Mount Pearl's policy included trained, neutral investigators to deal with sexual harassment complaints as well as procedures that safeguard the confidentiality of both accused and complainant, including sanctions for breaches of confidentiality; these aspects were also included in the 'Good' policies. In Corner Brook, councillors or the Chief Administrative Officer are designated to conduct investigations regarding harassment depending on the parties involved. As it is likely these individuals will have some relationship with a complainant or respondent in the case of harassment, this is not indicative of a neutral investigation. Although the Corner Brook

policy indicates that confidentiality is expected from all parties involved, it does not have written sanctions for breaches of confidentiality.

Corner Brook's policy included a timeline for the various policy procedures, which was also included in the 'Good' policies.

In considering the model policy, many of the 'strong' elements build off of the other aspects, and thus one aspect of policy may work considerably less effectively if the other aspect is not in place.

This analysis reveals the 'Good' policies selected for review all lacked 1-2 out of 4 aspects of the model policy that the Michigan study revealed were strongly responsible for satisfaction with workplace policies. Moreover, many of the 'Acceptable' policies include the same aspects contained in the 'Good' policies, but continued to lack several important elements. A heavy emphasis on the aspects the Michigan study found had a strong contribution to satisfaction with workplace policies should be placed in review of municipal policies. This may be due to the degree to which these policies focus on creating a safe workplace culture. Within the policies, a clear statement of what sexual harassment is may be irrelevant if training programs do not exist for employees, supervisors and elected officials to increase awareness of what the unacceptable behaviours are. Furthermore, sensitivity training for supervisors to improve interactions with all parties involved may improve confidentiality safeguards, and serious sanctions for inappropriate behaviours cannot be effective if a) it is not clear what the inappropriate behaviours are and b) if a victim feels their supervisor is unapproachable. It is also less efficient if timelines are expected, without clear procedures for dealing with sexual harassment complaints, as it may cause complaints to be ignored or pushed through without analysis due to a lack of a clear course of action. Finally, having investigative teams that are gender diverse and having trained, neutral investigators may not work effectively if they are not exposed to sensitivity training and the supervisor is not aware on the proper processes for how these investigations should be conducted.

Overall, there is a clear need for policies in Newfoundland and Labrador to be reformed so that they consider the responsibilities and roles of each party involved in municipalities and incorporate training so that communication is improved to secure a mutual understanding of unacceptable

behaviours and proper procedures. Furthermore, municipalities should have training in place on how to produce effective public policy, and how to tailor this in order to meet the needs of their municipality. Due to the identical policies found in St. Anthony and Marystown, this may suggest that harassment may not be considered a top priority in the workplace – perhaps due to a lack of necessity. This does not justify the lack of proper prevention tactics, however, as building a harassment-free workplace may improve the workplace culture in general.

5. Municipal Policy Barriers

Despite existing policies, municipalities in Newfoundland and Labrador face barriers when it comes to policies that involve elected officials. The most pressing barrier is current legislation governing what sanctions municipalities may impose on elected officials that are involved in allegations of harassment. Under Section 206 of the Municipalities Act, 1999 and Procedures and Irregularities of the Municipal Affairs Act, legislation restricts dismissal of an elected official within municipalities to the Minister of Municipal Affairs. This is problematic for many reasons including a) a lack of accessibility for councils to contact the Municipal Affairs office and b) no clear procedure to request such a removal. Furthermore, due to the political nature of the role of the Minister, it can create a Conflict of Interest between public support and guaranteeing a safe environment for municipal employees and elected officials from harassment by elected officials.

Under normal circumstances, there are four options that are considered for dealing with workplace harassment, however due to the restraints on sanctions for municipalities, these measures are further limited. Traditionally, these include reconciliatory measures, transfer measures, punitive measures and avoidance.¹⁰

¹⁰ Denise Salin, “Organizational Responses to Workplace Harassment,” *Personnel Review* 38 no. 1 (2009): 28-29, DOI 10.1108/00483480910920697.

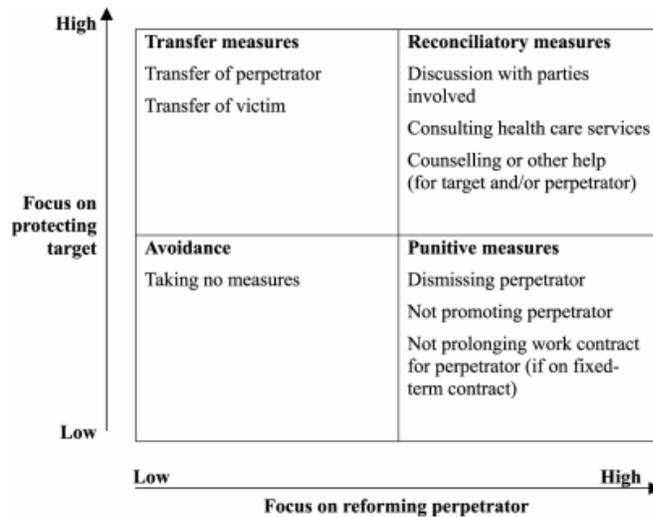


Figure 1: Different forms of organizational responses to workplace harassment (Salin, 2009)

Appropriate measures depend on the type of harassment. For example, informal measures include reconciliatory measures that may be effective for psychological harassment, if the two parties are equal in employee status and if used as early intervention.¹¹

Transfer measures may allow the victim to escape from harassment, but fail to reform the perpetrator and may exemplify an environment that tolerates harassment.¹²

Salin found in her research covering all Finnish municipalities that punitive measures were seldom employed, however when they were used they were used in combination with reconciliatory measures, and typically followed other attempts at resolving the harassment.¹³ It is imperative that workplaces are able to resolve harassment and use punitive measures as a final resort in order to secure a safe workplace environment for all employees.

This restricts municipalities to use reconciliatory measures or transfer measures. As briefly discussed above, reconciliatory approaches are restricted in their effectiveness to early intervention

¹¹ Ibid, 29.

¹² Ibid, 30.

¹³ Ibid, 26.

mediation and often fail to change prolonged harassment. Studies also reveal that “soft” approaches such as reconciliatory measures may allow the perpetrator to view the target as easily exploited and increase harassment.¹⁴ Transfer approaches may re-victimize the complainant due to the correlation between perpetrator and senior management levels, which would cause the complainant to move departments. Transfer approaches are also restricted to the employee levels at the municipal level as it is not possible to transfer elected officials to another jurisdiction. If both the perpetrator and the victim are Council members, this fails to resolve any component of harassment. In Finnish municipalities, it was further revealed that 6.8% of respondents resigned due to harassment in comparison to 2.9% of cases where punitive measures were taken and the respondent was dismissed.¹⁵ This illustrates the failure of policies to protect victims. With the lack of measures that can be taken within Newfoundland and Labrador municipalities and municipal councils, it is possible victim resignation levels are high.

6. Extending policy: The Importance of Training and Building a Healthy Work Culture

Salin, 2008¹⁶ researched the underlying organizational factors found in Workplace Bullying and found the prevalence of bullying is connected with the social climate of an organization that celebrates toughness and dismisses humiliation¹⁷. Several studies demonstrate that cultures encouraging masculinity allow humiliation to exist and often fail to discourage inappropriate treatment, often leading to bullying or harassment. Other risk factors are climates that allow envy, competition and clique-building to exist. When considering these findings from the point of view of our analysis and recommendations for municipalities, it can be said that an assessment is needed of the work culture within municipalities and a reformation that focuses on inclusion and equity. The study believes bullying and harassment prevention depends on high punitive measures and a social intolerance for such behaviour. They further advocate for policies that incorporate people at every level within the workplace, in order for employees (and elected officials in the case of municipalities) to relate and effectively adopt the policy.¹⁸ This will avoid “on the job” training

¹⁴ Ibid, 38.

¹⁵ Ibid, 34.

¹⁶ Denise Salin, “The Prevention of Workplace Bullying as a Question of Human Resource Management,” *Scandinavian Journal of Management* 24 no. 3 (2008): 222, doi: 10.1016/j.scaman.2008.04.004.

¹⁷ Sandra L. Robinson and Anne M. O’leary-Kelly, “Monkey see, monkey do: The influence of work groups on the antisocial behavior of employees,” *The Academy of Management Journal* 41 no. 6 (1998): 658-672, doi: [10.2307/256963](https://doi.org/10.2307/256963).

¹⁸ Salin 2008, 222.

and ensure employees and supervisors understand how to proceed if they are a victim of sexual harassment and what procedures are in place to deal with such incidents.¹⁹

Another study conducted within Michigan municipalities demonstrated that training is imperative in order for sexual harassment policies to have a perceived positive outcome. This study found nine variables that correlated with increased policy process satisfaction including: training, supervisors who avoid negative reactions and proceed with affirmative action, and respondents who are not afraid to report sexual harassment to supervisors²⁰. These factors ultimately rely on a workplace environment that is inclusive and transparent. Training may not have to apply specifically to sexual harassment procedures. One city with a high level of self-reported training had not conducted sexual harassment specific training in years, but focused on training on diversity, sensitivity, family and medical leave policies, as well as workplace violence.²¹ These issues demonstrate a commitment to gender and diversity issues that is consistent with Status of Women Canada's support of a Gender Based Analysis Plus Training. Effective training implementing these measures is consistent with lower levels of sexual harassment, less fear reporting sexual harassment, and higher levels of policy and procedure satisfaction. This demonstrates that ultimately municipalities must look at changing the culture of the workplace in order for employees and officials to increase sensitivity, equity and inclusion and change the societal structures that accept masculinity and a "Boy's Club" mentality as justification for violating the rights of others within the workplace. In rural communities where patriarchal values are the norm, it is imperative that municipalities take action as leaders for the types of workplaces they strive to build in their community.

7. Canadian Municipal Legislation

Municipal Acts across Canada are responsible for creating legislation that outlines the duties and responsibilities of municipal councils, as well as the qualifications that outline grounds for dismissal or removal from council.

¹⁹ Reese and Lindenberg, "Employee Satisfaction with Sexual Harassment Policies: The Training Connection," 110.

²⁰ Laura A. Reese and Karen E. Lindenberg, "The Importance of Training on Sexual Harassment Policy Outcomes," *Review of Public Personnel Administration* 23 no. 3 (2003): 180, DOI: 10.1177/0734371X03253214.

²¹ *Ibid*, 184.

In Newfoundland and Labrador, as previously outlined, only the Minister of Municipal Affairs has the authority to remove an elected official from council under Section 206 of the Municipal Affairs Act. This can be problematic if it is the only resource available should a recommendation of resignation from multiple investigations prove to be ineffective. This allows incidents of workplace harassment to continue, despite protections under the Newfoundland Human Rights Act.

Several Municipal Acts across the country have alternative strategies to consider irregularities on municipal councils:

1. **The Government of Ontario**

Municipalities are encouraged, under sections 223.1 to 223.24 of the Act, to establish:

- a) An Integrity Commissioner
- b) A municipal Ombudsman
- c) An Auditor General
- d) A Code of Conduct for council and local board members

The following is an excerpt from the Municipal Councillor's Guide 2014²² that highlights the applications of these sections of the Act.

“The Integrity Commissioner reports to council. The Integrity Commissioner’s role is to perform, in an independent manner, the functions assigned by council with respect to the application of: (1) a code of conduct for members of council and local boards; and (2) the application of procedures, rules and policies governing the ethical behaviour of members of council and local boards. The Commissioner’s functions may include conducting inquiries into requests from council or a local board, a member of council or a board, or a member of the public about whether a member of council or a local board has contravened the applicable code of conduct. If the Commissioner reports that a member of the council or local board has contravened the code of conduct, the municipality may impose a penalty in the form of a reprimand or a suspension of pay for a period of up to 90 days. The

²² “The Municipal Councillor’s Guide 2014”, Government of Ontario, accessed July 7, 2016, <http://www.mah.gov.on.ca/AssetFactory.aspx?did=4965>.

municipal Ombudsman’s function is to investigate, in an independent manner, decisions and recommendations made and acts done or not done in the course of the administration of a municipality, local boards or certain municipal corporations, as the municipality specifies.”

It further highlights the recommendation that municipalities have a Code of Conduct for elected officials, which includes disciplinary action if the code is breached.

2. The Government of Saskatchewan

The Lieutenant Governor of Council may remove the mayor, reeve or other member of council of a municipality under section 402(1). The Minister of Municipal Affairs may issue directions to dismiss under section 399(1) following “official examination”, which includes clauses “(e) an inquiry pursuant to section 397; or (f) an investigation, review, report or recommendation by or from the Ombudsman pursuant to The Ombudsman Act, 2012. “

Section 397 allows the Minister to pursue an inquiry into the conduct of a member of council, which is especially pertinent to workplace harassment committed by elected officials.

3. The Government of Manitoba

Section 84.1 states councils must establish a code of conduct that applies to all members of council and allows council to censure a member if it determines a member has breached the code of conduct.

4. The Government of Prince Edward Island

The PEI Government is currently developing a new Municipal Government Act that states future council governance will be guided by codes of conduct and procedural by-laws, stronger and clearer conflict of interest guidelines, clearer provisions behind closed doors, and requirements for confidentiality and accountability. Importantly, they also state there will be more consequences for contravening legislation, including criteria to hold office.

Therefore it is evident legislation across Canada is changing and is beginning to enforce the importance of transparency in municipal councils and higher expectations for conduct. Recent incidents across Newfoundland and Labrador speak to the need for legislation and policy changes that (a) make elected officials responsible for their behaviour and (b) aim to change socio-cultural norms that implicitly promote gender inequality and gender-based violence.

8. Conclusions

Based on the findings of this report, the Provincial Advisory Council on the Status of Women conclude that:

- A policy training initiative that calls for each municipality in the province of Newfoundland and Labrador to undergo GBA+ Training, as provided by Status of Women Canada, to inform workplace harassment policy.
- Introduce a campaign that addresses the gender-based stereotypes and norms that continue to exist prevalently throughout rural communities in the province. This campaign should aim to promote diversity and acceptance at all levels of government.
- Implement gender equity mandates for municipal boards and committees.
- Municipalities help promote Sustainable Development Goal 5: Gender Equality by following guidelines outlined by United Cities and Local Governments (Appendix B);
- Initiate a mandatory initiative for each municipality to develop their unique workplace harassment policy that incorporates employees and council members at all levels. The policy should address various different types of response, particularly reconciliatory and punitive measures, which may be employed on a case by case basis;
- Introduce legislation that encourages council members to sign a Code of Conduct that recognizes the importance of accountability, specifically for gender-based and workplace harassment.
- Introduce an Integrity Commissioner, following guidelines from the Provincial Government of Ontario. This should allow the commissioner to restrict remuneration to any councillor that breaches the Code of Conduct, as well as to consider removal of a councillor, as Section 206 allows, in the case of exceptional circumstances;