



January 22, 2018

**Municipal Legislation Review**  
**Department of Municipal Affairs and Environment**  
**4th Floor, West Block, Confederation Building**  
**P.O. Box 8700**  
**St. John's, NL A1B 4J6**

Municipal councils often find themselves in positions of having to deal with issues such as harassment and discrimination and few are equipped to handle these situations, particularly if they involve elected councillors. The creation of well understood, agreed upon policies and protocols related to respectful workplace is critical to providing councils with the tools to address these situations. However, it is becoming increasingly evident that many are at a loss in terms of what to do in situations where councillors themselves are behaving inappropriately (e.g. Spaniard's Bay, Wabana, Marystown). As elected officials they are not bound by any mandatory Code of Conduct.

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. 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.

The Advisory Council is committed to having more women run for elected office as well as to supporting initiatives to end violence. Respectful municipalities are key to helping fulfill those goals. We, along with the other organizations working on the Respectful Municipalities working group, view the embedding of a mandatory Code of Conduct for municipal councillors in the Municipalities Act, as an essential element of building respectful municipalities.

Unlike several Municipal Acts across Canada, the NL Municipal Affairs Act does not provide alternative strategies to consider irregularities on municipal councils. In NL, 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 recourse available when multiple investigations lead to a recommendation of resignation, and the elected official refuses to do so. This allows incidents of workplace harassment to continue, despite protections under the Newfoundland Human Rights Act.

Seizing the great opportunity of getting involved in the review by making a written submission, the Advisory Council recommends the NL Government consider including the following elements when it comes to changing the existing Act:

- 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;
- Clear lines for reporting sexual harassment that offer options yet avoid too many different actors;
- Trained, neutral investigators to deal with sexual harassment complaints;
- Investigative teams composed of both genders;
- 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.

Based on the findings of the Advisory Council's previously submitted report, we further recommend:

1. The Department of Municipal Affairs introduce legislation that requires council members to sign a Mandatory Code of Conduct that recognizes the importance of accountability, specifically for gender-based and workplace harassment;
2. The Department of Municipal Affairs introduce an Integrity Commissioner, following guidelines from the Provincial Government of Ontario. This should allow the commissioner to restrict remuneration (where it exists) 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;
3. The Department of Municipal Affairs introduce a committee that has the authority to terminate a councillor in the case of exceptional workplace harassment. This authority should be transferred from the Minister of Municipal Affairs, so that the

Human Rights of individuals within municipalities are not compromised due to the possibility of negative publicity following the termination. The Integrity Commissioner and the Minister may be included on this committee if the Provincial Government deems it necessary.

Sincerely,

A black and white image of a handwritten signature in cursive script, which appears to read "Linda Ross". The signature is written on a dark background.

Linda Ross  
President/CEO