NUNAVUT

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EMPLOYMENT STANDARDS

WORKPLACE HARASSMENT

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Department of Human Resources
Havaktuliqiyikkut Ministère des Ressources humaines

RESPECTFUL AND HARASSMENT FREE WORKPLACE POLICY

POLICY STATEMENT

The Government of Nunavut recognizes that a respectful workplace free from all forms of harassment is essential to the physical and psychological health of all its employees.

The Government of Nunavut (GN) is committed to the value of Ujjiqsuittiarniq, where public service employees must perform their work in a courteous and conscientious manner and be respectful of the needs and values of co-workers. The GN strives to create an environment where Saimaniup Pimmariuninga (importance of harmony) in the workplace is emphasized through Ujjiqsuittiarniq.

PRINCIPLES

This policy is guided by the following values and principles:

- ᐃᔅᐱᒋᖃᑦᑕᐅᑎᕐᑎᐊᖅᑐᓂᖅ - Ikpigiliqattautittiarniq: to be respectful/mindful of others through the practice of empathy;
- ᐱᕕᓕᖅᑎᑎᑦᐊᖃᖅᑭᒃᓂᖅ- Piviliqtitigiaqannginniq: to be conscientious of one's own verbal expressions;
- ᒥᓇᕋᓇᐊᖃᖅᑭᒃᓂᖅ - Minarariaqannginniq: do not spread malicious rumours or intentionally convey false information, as it destroys a person's spirit;
- ᑲᖃᐱᓗᒋᐊᖃᖅᑭᒃᓂᖅ- Uqapiluglaqannginniq: refrain from speaking maliciously under any circumstances;
- ᒥᑕᐅᑎᖃᓇᐊᖃᖅᑭᒃᓂᖅ - Mitautiqariaqannginniq: refrain from and be vigilant against any form of intimidation, humiliation, undermining, offending, hurting or belittling of a person; and
- ᐊᒻᒪᕐᑎᓇᔭᓇᐊᖃᖅᑭᒃᓂᖅ - Ammuttirijariaqannginniq: discourage all behaviour that is belittling, humiliating, offensive, hurtful, or rude.

All employees are entitled to perform their duties in a safe, respectful, and harassment free work environment.

All employees share in the collective responsibility for a safe, respectful, and harassment-free work environment, including bystanders who witness disrespectful and harassing behaviours.

The principles of fairness, integrity, and impartiality will be applied in any resolution and/or investigation of situations that may arise under this policy to ensure that the rights, responsibilities, and obligations of all individuals are respected.

APPLICATION

This policy applies to all employees of the Government of Nunavut and public bodies.

The policy covers all forms of harassment that detrimentally affect the work environment or lead to adverse job-related consequences for the victims of the harassment. Further details regarding application of the policy and process for the resolution of complaints are contained in Human Resources Manual (HRM) Directive 1010: Respectful and Harassment Free Workplace.

Personal/Independent service contractors must comply with this policy and *Directive 1010 of the HRM* as a condition of their service contract.

DEFINITIONS

Abuse of Authority - occurs when an employee improperly uses the power and authority inherent in their managerial position to endanger an employee's job, undermine the performance of that job, threaten the economic livelihood of the employee, or in any way interferes with or influences the career of the employee. It does not include the legitimate and proper exercise of a manager's responsibilities including disciplinary measures, distribution of work assignments, training, staffing decisions or performance evaluations.

Alternative Dispute Resolution (ADR) - is a facilitated process that allows the parties involved to discuss the behaviours, reactions and options for resolution in a nonjudgmental and non-disciplinary way and requires the agreement of both parties.

Bystander - an individual who is not the subject of harassment but who has witnessed or is otherwise aware of behaviour that contravenes this policy.

Complaint - a formal written submission against an individual or group of individuals who the complainant alleges has engaged in behaviour which constitutes a violation of this policy.

Complainant - an individual who believes they have experienced harassment and makes a complaint.

Deputy Head - a deputy minister of a department, chief executive officer or president of a public body, or such person as the Minister may designate as deputy head.

Fabricated, Frivolous, or Vexatious Complaints is a complaint made under this policy that the person making the complaint knew was untrue. Such an untrue complaint would be a violation under this policy and could result in disciplinary measures up to and including termination of employment. A complaint submitted in good faith but is unfounded after review, does not mean the complaint was fabricated, frivolous or vexatious.

Facilitated Discussion provides practical assistance to the parties to understand, organize and communicate their own needs and expectations and to be open to communication from the other parties. Engaging assistance in the form of a facilitated discussion empowers employees to tackle difficult issues in a pro-active and respectful way.

Investigator - a designated person with investigation training and/or experience who has been authorized by a Deputy Head to formally investigate a complaint. They may be from either within or outside the department/ public body or the government.

Manager - an employee who operates in a supervisory or managerial capacity, regardless of employment title.

Personal Harassment - unwanted conduct including through email and/ or social media, that can be reasonably considered to have the purpose or effect of violating an individual's dignity and can reasonably be considered to result in creating an intimidating, hostile, degrading, humiliating or offensive environment. Personal harassment does not have to be based on a prohibited ground of discrimination listed in the Human Rights Act.

Sexual Harassment - unwanted sexual conduct including through email and/or social media, that can be reasonably considered to have the purpose or effect of violating an individual's dignity and can reasonably be considered to result in creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual, whether on a one-time basis or in a series of incidents; or that an individual might reasonably perceive as placing a condition of a sexual nature on their employment or on an opportunity for training or promotion.

Workplace Harassment - unwanted conduct including through email and/ or social media, that can be reasonably considered to have the purpose or effect of violating an individual's dignity and can reasonably be considered to result in creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual based on one or more prohibited grounds of discrimination listed in the Nunavut Human Rights Act that is known or ought reasonably to be known to be unwelcome, sexual, and/or personal harassment. The prohibited grounds set out in the Act are: race, colour, creed, religion, sex, sexual orientation, gender and gender identity, age, disability, ancestry, ethnic origin, place of origin, citizenship, marital status, family status, pregnancy, lawful source of income, and a conviction for which a pardon has been granted.

PROVISIONS

- The GN will work toward the prevention of any conduct in the workplace that violates the fundamental rights, personal dignity and integrity of any person subjected to such conduct.
- The Department of Human Resources will provide information to managers and employees regarding the respectful and prevention of harassment in the workplace.
- The Department of Human Resources will provide direction for handling complaints of harassment.
- The Department of Human Resources will ensure harassment allegations are brought forward and resolved in a timely manner.
- The Department of Human Resources will provide and promote respectful and harassment free workplace training materials to public service employees, emphasizing timely filing of complaints and resolving of cases.
- Training will be offered periodically by the Department of Human Resources to departmental and public body representatives who can then deliver training to their staff. The Department of Human Resources may also reach agreements with the Union or Association to offer training individually or in partnership.
- Anonymous harassment complaints may be subject to a workplace investigation at the discretion of the GN. Anonymity cannot be granted when a complaint is filed as the Respondent has the right to know who made the complaint and to respond to any allegations that have been made against the Respondent.

ROLES AND RESPONSIBILITIES

The Government of Nunavut is committed to the Inuit traditional values which emphasize the need for respectful words, actions, and attitudes towards other people and under all circumstances. The GN has an obligation to create a respectful and harassment free workplace and provide resources and training to prevent harassment in the workplace.
If the alleged harassment is perpetrated by other individuals outside of the employment of GN, the GN shall, where applicable submit a formal complaint on behalf of the GN employee (*complainant*) to the third-party employer of the alleged harasser.

If the alleged harassment or actions could be considered as criminal in nature, the GN will in support of the GN employee (*complainant*) assist with a referral to the Royal Canadian Mounted Police (RCMP).

Secretary to Cabinet/Deputy Minister of Executive and Intergovernmental Affairs shall receive any complaint which relates to a deputy head.

Deputy Heads are responsible for fostering a respectful and workplace free of harassment and for appropriate intervention should harassment be alleged.

Managers will foster a respectful and harassment free workplace and act promptly to resolve harassment complaints.

Human Resources Department will assist departments and public bodies upon request in assessing harassment complaints and educate departmental and public body representatives on maintaining a respectful and harassment free workplace.

A Complainant Alleging Harassment should inform the harasser of the unwelcome conduct and where they perceive it would be safe to do so request that it stop. Complaints should be filed in a reasonable and timely manner in order to ensure integrity of the process. Witnesses and details of events shall be documented.

All employees alleging or being accused of harassment should, if able, identify dates of occurrences, provide details and witnesses and provide evidence supporting or disproving the harassment complaint.

Human Resource Managers or designate will inform employees and managers of their rights and responsibilities under this policy. In addition, they may assist employees with the filing of a complaint. If an incident is of criminal wrongdoing they will report it to the RCMP.

Unions and Associations may also assist members, in preparing their complaint or in supporting a member who feels they have been unfairly accused. A Union or Association may participate in a joint cooperative investigation of a complaint if mutually agreeable to the GN, the Union or Association representing the complainant, and the complainant.

Investigator carries out a formal investigation. The investigator will make their report to the Director of Employee Relations and Job Evaluation or designate who will facilitate appropriate action.

Bystander individuals who witness behaviour that contravenes this Policy have a responsibility to take appropriate action and report the behaviour to someone in authority.

PREROGATIVE OF EXECUTIVE COUNCIL

Nothing in this policy shall in any way be construed to limit the prerogative of the Executive Council to make decisions or take action respecting the provisions of the Respectful and Harassment Free Workplace Policy, outside the provisions of this policy.

SUNSET DATE

This policy will be reviewed within five (5) years of the date of approval.

RELATED LEGISLATION AND AUTHORITIES

Public Service Act
Canadian *Human Rights Act*
Nunavut *Human Rights Act*
Collective Agreement – Nunavut Employees Union
Collective Agreement – Nunavut Teachers Association
Handbook – Excluded Employees
Handbook – Senior Managers
Access to Information and the Protection of Privacy Act

Human Resources Manual:
Directive 701 – Grievances and Complaints
Directive 801 – Employee Discipline
Directive 1010 – Respectful and Harassment Free Workplace
Directive 1018 – Workplace Conflict Management
Directive 1609 – Indemnification

Revised: August 11, 2022
Expiry Date: August 11, 2027

MINIMUM WAGE

MINIMUM WAGE / REST PERIODS / RECALL PAY

MINIMUM WAGE RATE - EMPLOYEES ARE REQUIRED TO RECEIVE AT LEAST MINIMUM WAGE FOR ALL HOURS OF WORK.
THE MINIMUM WAGE RATE IS $16.00 PER HOUR WITH NO AGE RESTRICTION.
WAGES ARE DEFINED IN THE LABOUR STANDARDS ACT AS INCLUDING EVERY FORM OF REMUNERATION FOR WORK PERFORMED BUT DOES NOT INCLUDE TIPS AND OTHER GRATUITIES.

REST PERIODS

DAY OF REST - EMPLOYEES ARE ENTITLED TO AT LEAST ONE DAY OF REST IN EACH WEEK, AND WHENEVER PRACTICAL, THAT DAY SHALL BE SUNDAY.

MEAL BREAK – EMPLOYEES MUST RECEIVE A THIRTY (30) MINUTE MEAL BREAK AFTER FIVE CONSECUTIVE HOURS OF WORK AS STATED BY REGULATION. AN EMPLOYEE TAKING A MEAL BREAK SHALL NOT WORK DURING THE MEAL BREAK. IN SOME EMPLOYMENT SITUATIONS IT IS NOT PRACTICAL TO HAVE MEAL BREAK. IN SUCH CASES THE EMPLOYER MUST APPLY TO THE LABOUR STANDARDS OFFICER FOR A WAIVER.

MINIMUM WAGE / REST PERIODS / RECALL PAY

RECALL PAY

A WAGE REGULATION TO THE LABOUR STANDARDS ACT STIPULATES THAT WHEN AN EMPLOYER CALLS A WORKER BACK TO WORK, AND THE RECALL WAS NOT SCHEDULED IN ADVANCE, THE EMPLOYEE IS ENTITLED TO A MINIMUM PAYMENT EQUAL TO FOUR (4) HOURS AT HIS / HER REGULAR RATE OF PAY FOR REPORTING TO WORK. THIS APPLIES EVEN IF NO WORK IS PERFORMED.

FOR FURTHER INFORMATION CONTACT:

LABOUR STANDARDS COMPLIANCE OFFICE
BOX 1000, STN 590
IQALUIT, NUNAVUT X0A 0H0

TEL: 1-867-975-6322 TOLL FREE: 1- 877-806-8402
FAX: 1-867-975-6367

PAYMENT OF WAGES

RULES OF PAYMENT

PAY PERIOD – A PERIOD OF EMPLOYMENT FOR CALCULATION OF WAGES EARNED SHALL NOT EXCEED ONE CALENDAR MONTH.

PAYMENT OF WAGES – WITHIN TEN DAYS AFTER THE EXPIRATION OF THE PERIOD OF EMPLOYMENT, EVERY EMPLOYER IS REQUIRED TO CALCULATE WAGES OF AN EMPLOYEE, AND TO PAY ALL WAGES EARNED BY THE EMPLOYEE IN THAT PAY PERIOD.

TERMINATION OF EMPLOYMENT – WITHIN TEN DAYS AFTER THE TERMINATION OF THE EMPLOYMENT, THE EMPLOYER IS REQUIRED TO PAY TO THE EMPLOYEE ALL WAGES EARNED BY THE EMPLOYEE.

SALARY RATES – EMPLOYEES PAID BY A SALARY RATE WHOSE EMPLOYMENT IS TERMINATED, SHALL BE PAID THE CORRESPONDING HOURLY EQUIVALENT OF HIS OR HER SALARY FOR EVERY HOUR OF WORK THAT HE OR SHE WAS EMPLOYED.

METHOD OF PAYMENT – EMPLOYERS ARE REQUIRED TO PAY ALL WAGES IN THE LAWFUL CURRENCY OF CANADA OR BY CHEQUE OR BILL OF EXCHANGE DRAWN ON A BANK OR A CREDIT UNION, OR BY DEPOSIT TO A BANK ACCOUNT DESIGNATED BY THE EMPLOYEE.

RULES OF PAYMENT

PAYMENT STATEMENT - AN EMPLOYER AT THE TIME OF MAKING ANY PAYMENT OF WAGES WILL SUPPLY THE EMPLOYEE WITH A STATEMENT IN WRITING IDENTIFYING:

- THE PAY PERIOD FOR WHICH THE PAYMENT OF WAGES IS MADE;
- THE NUMBER OF HOURS FOR WHICH PAYMENT IS MADE;
- THE RATE OF WAGES;
- DETAILS OF DEDUCTIONS MADE FROM THE WAGES; AND
- THE ACTUAL SUM BEING RECEIVED BY THE EMPLOYEE.

DETAILED STATEMENT – AN EMPLOYER, ON REQUEST FROM THE EMPLOYEE, IS TO GIVE A DETAILED STATEMENT AS TO THE CALCULATION OF WAGES AND ANY BONUS OR LIVING ALLOWANCE SET OUT IN THE STATEMENT.

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FAX: 1-867-975-6367

PAYDAY NOTICE

Regular Paydays for Employees of

_____
(Company Name)
Shall be as follows:

☐ ***Weekly*** ☐ ***Bi-Weekly*** ☐ ***Monthly*** ☐ ***Other*** _____

By: _____ *Title:* _____

EMERGENCY NUMBERS

EMPLOYMENT INSURANCE

Employment Insurance (EI) provides regular benefits to individuals who lose their jobs through no fault of their own (for example, due to shortage of work, or seasonal or mass lay-offs) and are available for and able to work, but can't find a job.

Always apply for EI benefits as soon as you stop working. You can apply for benefits even if you haven't yet received your record of employment. If you delay filing your claim for benefits for more than 4 weeks after your last day of work, you may lose benefits.

Do You Qualify? The information below should be used as a guideline. We encourage you to apply for Employment Insurance (EI) benefits as soon as possible and let us determine if you're eligible.
You need to demonstrate that you:
- were employed in insurable employment
- lost your job through no fault of your own
- are affected by flooding or wildfires
- have been without work and without pay for at least 7 consecutive days in the last 52 weeks
- have worked for the required number of insurable employment hours in the last 52 weeks or since the start of your last EI claim, whichever is shorter
- are ready, willing and capable of working each day
- are actively looking for work (you must keep a written record of employers you contact, including when you contacted them)

To prove your eligibility and to receive payments you may be entitled to, you're required to complete bi-weekly reports by internet or telephone. Failure to do so can mean a loss of benefits.

You may not be eligible for EI benefits
- if you voluntarily left your job without just cause
- if you were dismissed for misconduct
- if you're unemployed because you're directly participating in a labour dispute (for example, a strike, lockout or other type of conflict)
- during a period of leave that compensates for a period in which you worked under an agreement with your employer, more hours than are normally worked in full-time employment

If you're in jail You're not entitled to receive EI benefits while you're confined to a jail, penitentiary or other similar institution.
If you've been incarcerated but are later found not guilty by a court of law on all counts in relation to the event that led to your incarceration, your qualifying period and benefit period may be extended upon providing necessary proof.

Once you've applied for EI benefits, you'll be asked to provide us with proof that you were confined to a jail, penitentiary or other similar institution and that you were not found guilty of the offence(s) from the event(s) for which you were being held.

For a qualifying period or benefit period to be extended, you'll be asked to submit the following documents:
- a letter from the institution where you were incarcerated, specifying the dates of your incarceration
- documentation showing that no other outstanding charge(s) in relation to the event(s) that originally led to the incarceration exist, to confirm the time served is not being credited to any other charge(s) in relation to the original event or any other subsequent event
- proof that you have not been found guilty of the charge(s) from the original event that led to your incarceration

Keep these documents in a safe place. We'll contact you and provide you with instructions on how to submit them.

You need at least 420 hours of insurable employment to qualify for EI

Number of hours of insurable employment required to qualify for EI

The qualifying period is the shorter of:
- the 52-week period immediately before the start date of your claim, or
- the period from the start of a previous benefit period to the start of your new benefit period, if you applied for benefits earlier and your application was approved in the last 52 weeks

Exception: In some cases, the qualifying period may be extended to a maximum of 104 weeks if you weren't employed in insurable employment or if you weren't receiving EI benefits.
Based on the unemployment rate in your area, you'll need between 420 and 700 hours of insurable employment during the qualifying period to qualify for regular benefits.

Information you need to apply Make sure your information is accurate before submitting it. A common mistake, like misspelling your parent's last name at birth, can delay the processing of your claim.

Do not enter your parent's first name, married name, or date of birth.

To complete the online EI application, you will need the following information:
- your social insurance number (SIN)
- if your SIN begins with a "9," you will need to supply proof of your immigration status and work permit
- the last name at birth of 1 of your parents
- your mailing and residential addresses, including postal codes
- your complete banking information to sign up for direct deposit, including:
- the name of your financial institution
- your bank branch number
- your account number
- the names, addresses, dates of employment, and reason for separation for all your employers over the last 52 weeks
- your detailed version of the facts if you quit or were dismissed from any job in the last 52 weeks
- the dates, Sunday to Saturday, and earnings for each of your highest paid weeks of insurable earnings in the last 52 weeks or since the start of your last EI claim, whichever is the shorter of these 2 periods
- this information will be used, along with your record(s) of employment, to calculate your weekly EI benefit rate

1. When to apply Apply as soon as you stop working. You can apply online at home, at any Service Canada Centre using one of the many Internet kiosks available, or at a public Internet access site, such as a public library. The website takes you step by step through the application process.

Records of employment

Missing records of employment (ROEs) can delay the processing of your claim.
- If your employer issues ROEs in paper format, you must request copies of all ROEs issued to you during the last 52 weeks and provide them to Service Canada as soon as possible after you submit your EI application. You must either drop off your paper ROEs in person at any Service Canada Centre or mail them to us—we cannot finalize your application until we receive them
- If your employer submits ROEs electronically to Service Canada, you do not need to request copies of your ROEs from your employers, and you do not have to provide copies to Service Canada

2. After you apply You will receive a confirmation number electronically as proof that we received your application. Make note of this number and of the date you submitted your application for future reference.

Note: If you do not receive a confirmation number, call 1-800-206-7218 (TTY: 1-800-529-3742) from 8:30 am to 4:30 pm Do not complete another online application.

3. Receiving your EI benefits The benefit statement is mailed to you shortly after you apply for benefits. The statement includes your access code (4 digit number), which is printed in the shaded area at the top of the benefit statement. Your access code is needed to submit your required bi-weekly reports and to get information about your claim. You are required to complete bi-weekly reports to prove your eligibility and to receive any payment you may be entitled to. Failure to do so can mean a loss of benefits. Access the instructions on when and how to complete your reports with our Internet Reporting Service or our Telephone Reporting Service.

Note
- If you had an EI claim within the last month, you will not receive a new access code in the mail. You can use the same access code that you previously used to complete your bi-weekly reports and access your EI claim information
- Keep in mind that receiving the EI benefit statement does not mean that your application has been approved

Get information about your EI claim through My Service Canada Account

Register for My Service Canada Account to access your EI information online. My Service Canada Account is a fast and convenient way to securely:
- view any decision made about your EI application
- sign up for direct deposit
- see details on your payments and deductions
- view and update your personal information, including changing your address
- view and print copies of your T4E tax slip
- view records of employment that your employers have submitted electronically in the last 2 years
- access sites that can help you find a job

Register for My Service Canada Account using the step-by-step instructions

Tips for job seekers Looking for a job but don't know where to start?

Check out the information at Service Canada to help you choose a career, get training and upgrade your skills, look for a job, or start a business.

For labour market information in regions all across Canada, visit the Job Bank. This website provides information on job descriptions, job and skills requirements, training availability, potential employers, and more.

To continue receiving EI benefits, you must be looking for work. You must also report any time that you are not capable of working or not available for work through your bi-weekly reports. Since Service Canada may ask you which employers you have contacted, it is important to keep a record of your job-search activities. You should keep a log of the names of all employers you visited or contacted, their addresses and phone numbers, and the dates you visited or contacted them. You should also keep a record of all the employers where you have applied or plan to apply for employment. Before you submit your EI application online, you will be given a complete list of your rights and responsibilities while you are receiving EI benefits.

OCCUPATIONAL HEALTH AND SAFETY

JOINT HEALTH AND SAFETY COMMITTEES

What is a joint health and safety committee?

A joint health and safety committee (JHSC) is composed of worker and employer representatives. Together, they should be mutually committed to improving health and safety conditions in the workplace. Committees identify potential health and safety issues and bring them to the employer's attention and must be kept informed of health and safety developments in the workplace by the employer. As well, a designated worker member of the committee inspects the workplace at least once a month.

What is the joint health and safety committee's role?

The committee is an advisory body that helps to stimulate or raise awareness of health and safety issues in the workplace, recognizes and identifies workplace risks and develops recommendations for the employer to address these risks. To achieve its goal, the committee holds regular meetings and conducts regular workplace inspections and makes written recommendations to the employer for the improvement of the health and safety of workers.

Why are joint health and safety committees important?

Joint health and safety committees assist in providing greater protection against workplace injury and illness and deaths. Joint health and safety committees involve representatives from workers and employers. This co-operative involvement ensures that everything possible is done to identify and eliminate or mitigate workplace health and safety hazards.

Joint health and safety committees are a key element of a well-functioning workplace internal responsibility system.

Which workplaces must have joint health and safety committees?

No. of Workers	Legislative requirement
1 to 5	You are not required to have a JHSC or a health and safety representative unless a designated substance regulation applies to your workplace.
6 to 19	You are required to have one health and safety representative who is selected by the workers they represent. If a designated substance regulation applies to your workplace, you are required to have a JHSC.
20 to 49	You are required to have a JHSC. The committee must have at least two (2) members.
50 plus	You are required to have a JHSC. The committee must have at least four (4) members.

Name	Department	Contact Information

OCCUPATIONAL HEALTH & SAFETY

TBD