



# HOUSE OF ASSEMBLY MANAGEMENT COMMISSION

## DIRECTIVE

Directive Number 2018-001

<b>Effective Date:</b> June 5, 2018	<b>Commission Minute:</b> CM 2018-030	
<b>Subject:</b> Interim Application of Executive Branch Harassment-Free Workplace Policy for Complaints When the Respondent is a Member of the House of Assembly	<b>Reference:</b> HOAMC Meetings: May 16 & May 30, 2018	
<b>Issued To:</b> All Members of the House of Assembly; Comptroller General; Directors of Government Accounting, Professional Services and Internal Audit, Financial Systems Control, and Corporate Services; Office of the Auditor General; Office Managers of Government Caucus, Official Opposition Caucus, NDP Caucus; Assistant Deputy Clerk, Executive Council; Director of Operations, Office of the Premier.	<b>Contact:</b> Bruce Chaulk Commissioner for Legislative Standards 709-729-0714	

### BACKGROUND

On February 23, 2018, the Executive Branch announced a new Harassment-Free Workplace Policy for departmental employees that came into effect on June 1, 2018. The new policy was developed under a framework for application to employer-employee workplace environments. While the principles of the policy are applicable to all work environments, the operational aspects (e.g. the complaint and resolution processes) do not take into account the employment nature of elected officials.

On May 2, 2018, the House of Assembly unanimously passed a Private Member’s Motion, which constitutes an order to the Privileges and Elections Committee (PEC) to undertake the development of a Legislature-specific harassment policy. Once its work is completed, the Committee must bring its recommendations back to the House of Assembly for debate and a decision (via a vote).

In the interim period, while the PEC completes its work to develop a Legislature-specific policy, the Management Commission considered interim application of the Executive Branch Harassment-Free Workplace Policy for complaints when the **respondent is a Member of the House of Assembly**. The interim application, with the adjusted process as approved, will continue until the Management Commission directs otherwise.

### DIRECTIVE

Pursuant to subparagraph 20(6)(b)(ii) of the *House of Assembly Accountability, Integrity and Administration Act*, the Commission issues the following directive:

*The Commission directs interim application of the Executive Branch Harassment-Free Workplace Policy (effective June 1, 2018), in situations involving Members of the House of Assembly, using the adjusted process as proposed at the May 16, 2018 meeting, with the following amendments:*

- *Complaint process notifications to include:*
  - o *notification to the Clerk of the House of Assembly if the complainant is a public service or political support employee of the Legislature; and*
  - o *notification to the Clerk of Executive Council if the complainant is an employee of the Executive branch.*
  
- *Investigation reporting process to include:*
  - o *Subject to agreement of the complainant, providing a copy of the report to the Leader of the caucus of the respondent Member, at the point when the report is provided to the Privileges and Elections Committee.*

*The interim application will continue until directed otherwise by the Management Commission. The provisions of the Code of Conduct for Members will also continue to apply.*

**The complaint and resolution process** as it relates to **complaints against Members** (i.e. employee to Member, and Member to Member) **is attached**. The **principles and other provisions** of the Executive Branch Harassment-Free Workplace Policy **will apply as outlined in that policy** ([http://www.exec.gov.nl.ca/exec/hrs/working\\_with\\_us/harassment\\_free\\_workplace.html](http://www.exec.gov.nl.ca/exec/hrs/working_with_us/harassment_free_workplace.html)).

For **complaints between Members**, an MHA has the option of pursuing action under the Harassment-Free Workplace Policy (as outlined in the attached), the Code of Conduct for Members of the House of Assembly, or both.



Sandra Barnes  
Clerk of the House of Assembly



**Interim Application of Executive Branch Harassment-Free Workplace Policy for Complaints against Members of the House of Assembly**

*(As directed by the House of Assembly Management Commission in [Directive 2018-001](#))*

The following outlines the adjusted **complaint and resolution processes** for interim application of the [Executive Branch Harassment-Free Workplace Policy \(effective June 1, 2018\)](#) where the **respondent is a Member of the House of Assembly** (i.e. employee to Member, AND Member to Member). The principles and other provisions will apply as outlined in the policy.

**For complaints between Members**, an MHA has the option of pursuing action under the Harassment-Free Workplace Policy (as outlined), the Code of Conduct for Members of the House of Assembly, or both.

**Complaint Process:**

<i>Complaint Process Step</i>	<i>Adjusted Process if Respondent is an <u>Member of the House of Assembly</u></i>
<i>Submitting complaint</i>	<ul style="list-style-type: none"> <li>• Complaint submitted to Commissioner for Legislative Standards (CLS).</li> </ul>
<i>Assessment of complaint</i>	<ul style="list-style-type: none"> <li>• CLS assesses to determine if complaint falls within scope of policy.</li> </ul>
<i>Communication with Complainant (if complaint falls within scope of policy)</i>	<ul style="list-style-type: none"> <li>• CLS acknowledges complaint and schedules meeting with complainant to review resolution options.</li> <li>• CLS follows up with written communication to complainant reiterating resolution options, and confirms selected option.</li> </ul>
<i>Notification to Respondent</i>	<ul style="list-style-type: none"> <li>• CLS schedules meeting with Member to notify of complaint, and resolution process selected by complainant.</li> <li>• If complainant is an employee of the Legislature, CLS notifies Clerk of the House of Assembly.</li> <li>• If complainant is an employee of the Executive branch, CLS notifies the Clerk of Executive Council.</li> </ul>

## **Resolution Options:**

<i>Resolution Option</i>	<i>Adjusted Process if Respondent is <u>Member of the House of Assembly</u></i>
<i>Informal – Individual Intervention</i>	<ul style="list-style-type: none"><li>• Same as outlined in Executive Branch Harassment-Free Workplace Policy (effective June 1, 2018) – see policy <a href="#">here</a>.</li></ul>
<i>Informal – Management Intervention</i>	<ul style="list-style-type: none"><li>• Complainant chooses to have Commissioner for Legislative Standards (CLS) approach the Member, advising of unwelcome/objectionable behaviour.</li></ul>
<i>Informal – Respectful Workplace (RWP) Intervention</i>	<ul style="list-style-type: none"><li>• Same as outlined in Executive Branch Harassment-Free Workplace Policy (effective June 1, 2018) – see policy <a href="#">here</a>.</li></ul>
<i>Formal - Investigation</i>	<p>Investigator = Commissioner for Legislative Standards (CLS)</p> <ul style="list-style-type: none"><li>• The following process is followed:<ol style="list-style-type: none"><li>1. Investigation conducted by CLS.</li><li>2. CLS prepares report, provides copy to complainant and Member (respondent), and opportunity for each to respond.</li><li>3. CLS provides report to Standing Committee on Privileges and Elections (PEC). At this point, subject to agreement of the complainant, copy of the report is provided to the Leader of the caucus of the respondent Member. <b>Note:</b> If the respondent Member is the Leader of a caucus, the report only goes to the PEC.</li><li>4. The PEC reviews report and makes recommendation on recourse.</li><li>5. Recommendation of the PEC referred to House of Assembly, and resolution introduced for debate and approval (by vote). <b><u>NOTE: Report brought before House of Assembly will be drafted in accordance with confidentiality provisions of the policy (see policy <a href="#">here</a>).</u></b></li><li>6. CLS notified of decision of House of Assembly (as a result of debate and vote on resolution).</li></ol></li></ul>

*Resolution  
Option*

*Adjusted Process if Respondent is Member of the House of Assembly*

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7. CLS notifies complainant of the decision of the House.

**For question or inquiries, contact:**

Mr. Bruce Chaulk  
Commissioner for Legislative Standards  
Telephone: 709-729-0714  
E-Mail: [brucechaulk@gov.nl.ca](mailto:brucechaulk@gov.nl.ca)