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The Director General's Role in Handling Harassment Complaints in the Municipal Workplace

In a municipality, the director general is often responsible for enforcing the policy on the prevention of workplace harassment, incivility, and violence. This responsibility means that directors general need to handle complaints properly to ensure a harassment-free workplace for all employees. This article covers the director general's legal obligations, as well as some best practices for dealing with complaints.

Legislation and the definition of harassment

The *Act respecting labour standards* stipulates that all employees (whether or not they are unionized) and managers are entitled to a harassment-free workplace. According to this law, harassment is defined as vexatious behaviour in the form of conduct, verbal comments, actions, or gestures that:

- Are repeated;
- Are hostile or unwanted;
- Affect the employee's dignity or physical or psychological integrity; and
- Result in a harmful workplace.

Harassment can take many forms, including psychological, sexual, and discriminatory.

The director general's obligations

The director general, as the senior manager, needs to enforce the internal harassment policy and ensure that all complaints and reports are handled properly and impartially. In particular, this means they need to:

1. **Determine the admissibility of complaints:** As soon as a complaint is received, a preliminary review is needed to determine whether the criteria for harassment have been met.
2. **Carry out an investigation or appoint an investigator:** The investigation can be carried out internally or entrusted to an external expert if there is a risk of conflict of interest.
3. **Implement temporary measures:** If necessary, measures must be taken to prevent escalation or retaliation.
4. **Maintain confidentiality:** All information relating to the complaint and investigation must be treated with the utmost discretion.

What to do when...

1. A harassment complaint is made against the director general

The director general will need to withdraw from the process to avoid a conflict of interest. They must report the situation to their immediate superior, the municipal council. Ideally, the investigation should be done externally to make sure the process remains impartial.

2. An employee accuses an elected official of harassment

Section 4 of the *Municipal Ethics and Good Conduct Act* requires elected officials to behave civilly and respectfully towards employees. As such, if an elected official is accused of harassment, the director general will need to launch an investigation into the ethical breach and, if necessary, make a disclosure to the Direction des enquêtes et des poursuites en intégrité municipale.

3. An employee accuses a colleague of harassment

The director general will need to review the complaint, choose an internal or external investigation, and take temporary measures if necessary.

4. An employee is harassed by a citizen

Employers have a legal obligation to protect their employees against any form of violence from third parties, as established in *Bussi res v Ste-Brigitte-de-Laval*, 2015 QCCRT 0396, at paragraph 725.

5. An employee is harassed outside of work hours

Employers must intervene when harassment occurs outside of working hours if it is related to the workplace, as established in *Bussi res v Ste-Brigitte-de-Laval*, 2015 QCCRT 0396, at paragraph 725.

Conclusion

In a municipality, the director general has an important role to play in preventing harassment and handling related complaints. Establishing a thorough process that complies with legal obligations not only protects employees, but also ensures that the workplace remains healthy and respectful. It is important to remain vigilant and follow the best practices for complaint management in order to prevent conflicts and limit the municipality's exposure to risks.

Do you have any questions? Dunton Rainville's lawyers are here to support you.