

TOWN OF ST. STEPHEN
REGULAR COUNCIL
73 MILLTOWN BLVD., SUITE 112
MONDAY, NOVEMBER 26, 2012 @ 7:00 P.M.

1. PRAYER

2. RECORDING OF ATTENDANCE

PRESENT: Mayor John Quartermain; Deputy Mayor John Ames; Councillors Allan MacEachern, Marg Harding, Mike Booth, Debbie MacDonald and Jim Maxwell; Acting Chief Administrative Officer Lee Johnson; and, Town Clerk Joan Flewelling.

ABSENT: Chief Administrative Officer/Development Officer John Ferguson

3. APPROVAL OF AGENDA

AGENDA

Moved by Deputy Mayor Ames
Seconded by Councillor Harding

222/12 **THAT** the Agenda be approved as circulated. **CARRIED**

4. CONFLICT OF INTEREST

Councillor Booth declared a conflict of interest on paid bill to Canada Post and left Council Chambers at 7:05 p.m. and returned at 7:06 p.m.

5. READING OF PETITIONS/PRESENTATIONS/PROCLAMATIONS

No petitions/presentations/proclamations.

6. NOTICES OF MOTIONS

No notices of motions.

7. APPROVAL OF COUNCIL MINUTES

REGULAR COUNCIL MEETING

Moved by Councillor MacEachern
Seconded by Councillor MacDonald

223/12 **THAT** the Minutes of the Regular Council meeting held on October 22, 2012 be approved as circulated. **CARRIED**

SPECIAL COUNCIL MEETING

Moved by Councillor Harding
Seconded by Councillor Maxwell

- 224/12 **THAT** the Minutes of the Special Council meeting held on October 25, 2012 be approved as circulated. **CARRIED**

8. **ACCOUNTS**

STATEMENTS OF REVENUE AND EXPENDITURE

Moved by Councillor MacEachern
Seconded by Deputy Mayor Ames

- 225/12 **THAT** the Statements of Revenue and Expenditure for both the General Operating Fund and Water and Sewerage Operating Fund to October 31, 2012 be received. **CARRIED**

PAID BILLS

Moved by Councillor Harding
Seconded by Councillor Maxwell

- 226/12 **THAT** the paid bills in the amount of \$2,293,074.98 (two million, two hundred and ninety-three thousand, seventy-four dollars and ninety-eight cents) be ratified. **CARRIED**

PAID BILL: CONFLICT OF INTEREST – CANADA POST

Moved by Councillor MacEachern
Seconded by Councillor MacDonald

- 227/12 **THAT** the paid Petty Cash Voucher (Cheque # 011201) with the amount of \$12.62 (twelve dollars and sixty-two cents) included for Canada Post, be ratified. **CARRIED**

9. **COMMUNICATIONS**

COMMUNICATION FOR INFORMATION FILE

Moved by Deputy Mayor Ames
Seconded by Councillor Maxwell

- 228/12 **THAT** Communication for Information, note and file, be adopted. **CARRIED**

COMMUNICATION FOR ACTION

No communication for action.

10. APPROVAL OF COMMITTEE MINUTES

COMMITTEE OF COUNCIL MEETING

Moved by Councillor Harding
Seconded by Deputy Mayor Ames

229/12 **THAT** the Minutes of the Committee of Council meeting held on October 25, 2012 be approved as circulated. **CARRIED**

COMMITTEES MEETING

Moved by Councillor Maxwell
Seconded by Councillor Booth

230/12 **THAT** the Minutes of the Committees meeting – Public Works; Police and Fire; Property, By-Laws and Environment; Parks and Recreation; Planning, Promotion and Tourism; and Finance and Administration held on November 14, 2012 be approved as circulated. **CARRIED**

11. STAFF REPORTS

STAFF REPORTS

Moved by Councillor MacEachern
Seconded by Councillor Maxwell

231/12 **THAT** the following staff reports for the month of October 2012 be adopted: Finance Department; Public Works Department; Department of Parks, Recreation and Property Management; Fire Department; Department of By-Laws and Building Inspection; and Development Office. **CARRIED**

12. UNFINISHED BUSINESS

No unfinished business.

13. CONSIDERATION OF BY-LAWS

BY-LAW NO. A-7.7 – A BY-LAW TO AMEND BY-LAW NO. A-7 – “A BY-LAW TO IMPOSE A SPECIAL BUSINESS IMPROVEMENT LEVY” – SECOND READING – READING IN ITS ENTIRETY

Moved by Deputy Mayor Ames
Seconded by Councillor Harding

232/12 **THAT** By-Law No. A-7.7 – A By-Law to Amend By-Law No. A-7 – “A By-Law to Impose a Special Business Improvement Levy” be given Second Reading – Reading in its Entirety. **CARRIED**

BY-LAW NO. Z-1.1 – “A BY-LAW TO AMEND BY-LAW NO. Z-1, BEING THE TOWN OF ST. STEPHEN ZONING BY-LAW” – SECOND READING – READING IN ITS ENTIRETY

Moved by Councillor MacDonald

Seconded by Councillor Harding

- 233/02 **THAT** By-Law No. Z-1.1 – “A By-Law to Amend By-Law No. Z-1, being the Town of St. Stephen Zoning By-Law” – be given Second Reading – Reading in its Entirety. **CARRIED**

BY-LAW NO. L-9 – A BY-LAW RESPECTING A SIDEWALK CAFÉ – FIRST READING – SHORT TITLE ONLY

Moved by Deputy Mayor Ames

Seconded by Councillor Harding

- 234/02 **THAT** By-Law No. L-9, being “A By-Law Respecting a Sidewalk Café – be given First Reading – Short Title Only. **CARRIED**

14. **NEW BUSINESS**

ROYAL CANADIAN MOUNTED POLICE – MONTHLY REPORT

Moved by Councillor Maxwell

Seconded by Councillor MacEachern

- 235/12 **THAT** the Royal Canadian Mounted Police (RCMP) October 2012 report for the St. Stephen Municipal Post, District # 1, be received for information and filed. **CARRIED**

FEDERATION OF CANADIAN MUNICIPALITIES – GREEN MUNICIPAL FUND – “IN KIND” SUPPORT

Moved by Councillor Harding

Seconded by Councillor Maxwell

- 236/12 **THAT** the Council of the Town of St. Stephen approves “in kind” support in the amount of \$28,000.00 (twenty-eight thousand dollars) for the Town of St. Stephen’s Garcelon Civic Center as outlined in the letter from the Chief Administrative Officer to the Project Officer, Green Municipal Fund, of the Federation of Canadian Municipalities (FCM) dated October 22, 2012, (copy attached), and as previously directed to the Chief Administrative Officer in a Closed Committee meeting as per Section 10.2(4)(c) of the New Brunswick *Municipalities Act*, contingent on approval of the FCM grant. **CARRIED**

OPTION TO PURCHASE AGREEMENTS: (1) HOME SUPPORT SERVICES INC. AND THE TOWN OF ST. STEPHEN; AND (2) THE TOWN OF ST. STEPHEN AND 661405 N.B. INC.

Moved by Deputy Mayor Ames
Seconded by Councillor Maxwell

- 237/12** THAT the Council of the Town of St. Stephen authorizes the Chief Administrative Officer, as previously directed in a Closed Committee meeting as per Section 10.2(4)(c) of the New Brunswick *Municipalities Act*, to take such steps as is necessary to fulfill the obligations of the Town of St. Stephen under the two Option to Purchase Agreements: (1) Home Support Services Inc. and The Town of St. Stephen; and (2) The Town of St. Stephen and 661405 N.B. Inc., which the Mayor and Town Clerk have executed and sealed as authorized by resolution of Council at its Special meeting on October 25, 2012. **CARRIED**

EYEGASSES - GIDDENS MEMORIAL AIRPORT ATTENDANT

Moved by Councillor Booth
Seconded by Councillor MacEachern

- 238/12** THAT the Council of the Town of St. Stephen authorizes an unbudgeted expenditure in the amount of \$126.75 (one hundred and twenty-six dollars and seventy-five cents) be paid to George Laviolette, which represents one-half of Invoice # 30463 from Vogue Optical for one pair of eyeglasses, and as previously directed to the Chief Administrative Officer in a Closed Committee meeting as per Section 10.2(4)(c) of the New Brunswick *Municipalities Act*. **CARRIED**

AFTER HOURS AND HOLIDAYS CALL MONITORING DISPATCH SERVICES – TOWN OF ST. GEORGE

Moved by Councillor Booth
Seconded by Deputy Mayor Ames

- 239/12** THAT the Council of the Town of St. Stephen approves the St. Stephen Fire Department to provide after hours and holidays call monitoring dispatch services to the Town of St. George at mutually agreed upon terms, conditions and rate of \$1,087.46 (one thousand, eighty-seven dollars and forty-six cents) per annum, and authorizes the Mayor and Clerk to sign the dispatch agreement. **CARRIED**

REVISION – TERMS OF REFERENCE: PROVISIONS GOVERNING THE PROCEDURE AND OPERATION OF THE ST. STEPHEN SUBSTANDARD PROPERTIES APPEAL COMMITTEE

Moved by Councillor MacEachern
Seconded by Councillor Harding

- 240/12** THAT further to Resolution #106/09 as stated in the Minutes of April 20, 2009 which approved the terms of reference as outlined in the “Provisions Governing the Procedure and Operation of the St. Stephen Substandard Properties Appeal Committee” dated February 23, 2009, and revised by Resolution #322/09 as stated in the Minutes of December 14, 2009, the Council of the Town of St. Stephen approves the deletion of the following section in its entirety, with the remaining sections renumbered accordingly:

G. Language of Proceedings

7(1) Prior to the commencement of an appeal hearing, the Chairperson shall confirm the appellant's choice of official language for the hearing.

7(2) The "language of the appellant", for the purposes of the appeal hearing, is the official language chosen by the appellant. It does not have to be the appellant's dominant language.

7(3) Where the appellant does not indicate to the Chairperson his language of choice, the appellant shall be deemed to have chosen the official language chosen by the Chairperson and the Chairperson shall ask if the appellant objects to the hearing being conducted in that language.

7(4) Simultaneous interpretation shall be made available in circumstances where the language of the appellant differs from the official language with which the members of the Appeal Committee are familiar.

CARRIED

Deputy Mayor Ames voting in favour of the motion.

Councillor MacEachern voting in favour of the motion.

Councillor Harding voting in favour of the motion.

Councillor MacDonald voting in favour of the motion.

Councillor Maxwell voting in favour of the motion.

Councillor Booth voting against the motion.

**PARTIAL RESCINDING OF RESOLUTION NO. 67/97 – WORKPLACE
HARASSMENT POLICY**

Moved by Councillor Harding

Seconded by Councillor MacDonald

241/12 THAT the Council of the Town of St. Stephen approves the partial rescinding of Resolution No. 67/97, effective immediately, which was recommended in a Police & Fire Committee meeting held on April 10, 1997 and reads

"3. That the Town adopt the policy of Workplace Harassment Policy as drafted by the Province."

CARRIED

WORKPLACE HARASSMENT POLICY

Moved by Councillor Harding
Seconded by Deputy Mayor Ames

- 242/12** **THAT** the Council of the Town of St. Stephen approves Workplace Harassment Policy No. 58 attached. **CARRIED**

ST. CROIX ESTUARY PROJECT (SCEP) – CLIMATE CHANGE RISKS AND OPTIONS

Moved by Deputy Mayor Ames
Seconded by Councillor MacEachern

- 243/12** **THAT** the Council of the Town of St. Stephen supports SCEP to pursue a Community Vulnerability Assessment Tool (CVAT) analysis of the Town's climate change risks and options in order to address future environmental conditions contingent on SCEP securing Atlantic Ecosystem Initiatives support for this endeavor. **CARRIED**

CHANGE OF DATE: DECEMBER 2012 REGULAR TOWN COUNCIL MEETING

Moved by Councillor Maxwell
Seconded by Councillor MacEachern

- 244/12** **THAT** the Council of the Town of St. Stephen changes the date of the December Regular Town Council Meeting from the fourth (4th) Monday, 24th day of December, 2012 at 7:00 p.m., to the third (3rd) Monday, 17th day of December, 2012 at 7:00 p.m. as outlined in Section 9.01(1) of By-Law No. A-2, "A By-Law Respecting Procedures of the Town Council and Town Administration" to be held in Council Chambers, 73 Milltown Blvd., Suite 112 (entrance at back corner of building). **CARRIED**

ACQUISITION OF PROPERTY LOCATED ON ROUTE 170, DUFFERIN, NB - (PID # 15035165)

Moved by Councillor Harding
Seconded by Deputy Mayor Ames

- 245/12** **THAT** the Council of the Town of St. Stephen accepts the offer to purchase property, "as is, where is", located on Route 170, Dufferin, NB, known as PID # 15035165, which consists of a parcel of land containing a total of approximately 1.82 hectares (4.49 acres), and being surplus property from the Provincial Department of Transportation and Infrastructure (formerly Department of Supply and Services), in the unbudgeted amount of \$1,700.00 (one thousand, seven hundred dollars), plus HST, legal fees and any required survey costs, subject to the necessary Provincial Departmental approval. **CARRIED**

APPOINTMENT – FUNDY COMMUNITY FOUNDATION

Moved by Councillor Maxwell

Seconded by Councillor MacDonald

- 246/12** **THAT** the Council of the Town of St. Stephen appoints Jason Rideout as the Town's representative to the Board Recruitment Committee of the Fundy Community Foundation for a three (3) year term retroactive to November 1, 2012 and expiring on October 31, 2015. **CARRIED**

15. REPORTS OF MAYOR AND COUNCILLORS

Deputy Mayor Ames

- Attended, in the absence of the Mayor, a Regional Service Commission District #10 meeting.
- Interviewed by CTV News, in the absence of the Mayor, on the recent US election and how it would affect border towns.
- Walked in the Santa Parade which was the best parade to date.
- Attended the "Chamber After Hours" event at Home Support Services.
- Attended a BIA meeting.
- Laid a wreath at the St. Stephen Cenotaph on Remembrance Day.

Councillor MacEachern

- Interviewed by CTV news prior to the Remembrance Day weekend, in the absence of the Mayor, on shopping versus remembering.
- Laid a wreath, in the absence of the Mayor, at the Milltown Cenotaph on Remembrance Day.
- Walked in the Santa Parade.
- Attended the "Chamber After Hours" event at Home Support Services.
- Attended a meeting on international growth initiatives.
- Attended the opening ceremony for the new highway.

Councillor Harding

- Walked in the Santa Parade.

Councillor Booth

- Walked in the Santa Parade.
- Attended a Charlotte County Museum meeting.

Councillor MacDonald

- Attended a Civic Center Board meeting.
- Walked in the Santa Parade and attended the tree lighting at Town Square and stated that with the food collected along the parade route, as well as at the Town Square, 120 pounds was provided to the Food Bank.
- Enjoyed the tour of the Civic Center site.
- Attended the Remembrance Day Service at the Milltown Cenotaph.

Councillor Maxwell

- Attended various Town meetings.
- Busy selling tickets for the Chocolate Museum Operating Committee's annual fundraiser.
- Walked in the Santa Parade and will offer a couple of suggestions for next year's to make it even better.

Mayor Quartermain

- Enjoyed the tour of the Civic Center site.
- Attended a meeting wherein an Atlantic Economic Development Plan was presented to the Calais Council.
- Attended the opening ceremony for the new highway.
- Attend ongoing Civic Center meetings.
- Thanked Deputy Mayor Ames for Acting Mayor in his absence.
- Thanked Councillor MacEachern for laying a wreath at the Remembrance Day Service in Milltown in his absence.
- Attended a meeting on international growth initiatives.
- Walked in the Santa Parade with Council and collected food along the way for the Food Bank.
- Thanked Heather Donahue, BIA Coordinator; Judy Lowery, Executive Assistant, St. Stephen Area Chamber of Commerce; and Tammy Firlotte, volunteer, and all the other many volunteers who made this year's Santa Parade the best it has ever been.
- Attended the "Chamber After Hours" event at Home Support Services.
- Attended a Regional Service Commission District #10 meeting.
- Look forward to attending the Premier's Provincial Prayer Breakfast and the opening of the Legislature.
- As a result of complaints of the Money Savers' poor delivery service, met with the Money Saver's Supervisor of Circulation and was advised that more carriers will be hired over a period of time and they are hopeful that the delivery service should be closer to citizens' doors.
- Stated that the Money Saver's flyers are an important advertising tool for businesses.

16. QUESTION PERIOD


There were no questions.

17. ADJOURNMENT

ADJOURNMENT

Moved by Councillor Harding
Seconded by Councillor MacEachern

247/12 **THAT** the meeting adjourn at 7:45 p.m. **CARRIED**



Mayor



Town Clerk



TOWN OF ST. STEPHEN

Incorporated 1871

"Canada's Chocolate Town"

October 22, 2012

Jacquie Taylor
Project Officer, Applications | Agente de projet, Applications
Green Municipal Fund
Fonds municipal vert
24, rue Clarence Street, Ottawa, Ontario K1N 5P3
T. 613-907-6339 | F. 613-244-1515

Dear Mrs. Taylor

RE: In Kind Support-Garcelon Civic Center

This letter will confirm that the Town of St Stephen will provide In Kind Support in the amount of \$28,000 for the Garcelon Civic Center.

Yours truly,



John Ferguson,
Chief Administrative Officer



TOWN OF ST. STEPHEN

POLICY

Title: Workplace Harassment

Policy No. 58

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Effective Date: November 26, 2012

Purpose:

Consistent with the Province of New Brunswick's "Harassment Policy" the purpose of the Town Policy is to ensure that all personnel employed by the Town of St. Stephen are offered an opportunity to work in an environment in which individuals are treated with respect and dignity. It is the employer's responsibility to prevent and eliminate harassment in the workplace. Where applicable, this policy also applies to council, staff members, volunteers, contractors and fee for service individuals.

Policy Statement:

The harassment free policy is the responsibility of both Governance and Administration. Harassment in the workplace is a form of discrimination. It is unwelcome and unwanted. It affects the individual's ability to learn and work. It can also be an expression of abuse of power, authority, or control and is coercive in nature.

Managers are responsible to take appropriate preventive or corrective action and to put a stop to any harassment they are aware of, whether or not a complaint is filed. Failure to take appropriate action may result in disciplinary measures being imposed on the manager as well as the offending person.

Harassment in the workplace will not be tolerated and managers must take appropriate action to protect their employees and others in the workplace. Harassment in the workplace constitutes a disciplinary infraction and shall be dealt with appropriately.

The abuse of one's authority or position, to intimidate, coerce, or harass is forbidden. All managers and supervisors are responsible for their employees' work environment.

This policy is not intended to limit or constrain the employer's right to manage.

Performance reviews, work evaluation and disciplinary measures taken by the employer for any valid reason do not constitute harassment in the workplace.

This policy delineates some unacceptable behavior but does not modify any other rights or obligations.

Definitions:

For the purpose of this policy, harassment in the workplace includes personal and sexual harassment, poisoned work environment and abuse of authority.

Personal Harassment:

Personal harassment means any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome. It includes objectionable conduct, comment or display made on either a one-time or continuous basis that demeans, belittles, or causes personal humiliation or embarrassment

Without limiting the above, personal harassment includes harassment within the meaning of the *New Brunswick Human Rights Act*, i.e., harassment on the basis of the following prohibited grounds of discrimination: race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex.

Sexual Harassment

Sexual harassment means any conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or a series of incidents,

- a. that might reasonably be expected to cause offence or humiliation; or
- b. that might reasonably be perceived as placing a condition of a sexual nature on employment, an opportunity for training or promotion, receipt of services or a contract.

Examples of behaviour that can constitute sexual harassment include, but are not limited to:

- unwanted touching, patting or leering;
- sexual assault;
- inquiries or comments about a person's sex life;
- telephone calls with sexual overtones;
- gender-based insults or jokes causing embarrassment or humiliation;
- repeated unwanted social or sexual invitations; and
- inappropriate or unwelcome focus/comments on a person's physical attributes or appearance.

Poisoned Work Environment

A **poisoned work environment** is characterized by an activity or behaviour, not necessarily directed at anyone in particular, that creates a hostile or offensive workplace. Examples of a poisoned work environment include but are not limited to: graffiti, sexual, racial or religious insults or jokes, abusive treatment of an employee and the display of pornographic or other offensive material

Abuse of Authority

Harassment also includes **abuse of authority** where an individual **improperly** uses the power and authority inherent in a position to endanger a person's job, undermine the performance of that job, threaten the person's economic livelihood, or in any way interfere with or influence a person's career. It is the exercise of authority in a manner which serves no legitimate work purpose and ought reasonably to be known to be inappropriate. Examples of abuse of authority include, but are not limited to, such acts or misuse of power as intimidation, threats, blackmail or coercion.

Workplace

The **workplace** includes but is not limited to the physical work site, washrooms, cafeterias, training sessions, business travel, conferences, work related social gatherings, the employee or client's home or worksite, etc.

- The Complainant is the person who alleges that she/he has been harassed by the respondent.
- The Respondent is the person who is alleged to have harassed the complainant.
- CAO means a Chief Administrative Officer or designate.
- Manager includes line supervisors and all appropriate persons in the chain of command within the organization. A manager may be designated to be responsible for formal complaints or in any other role as determined by the CAO.
- Parties to the complaint mean the complainant and respondent.

Procedure

Upon becoming aware of any incident which may fall under the definition of harassment nothing precludes a CAO from foregoing the procedure under this policy and taking appropriate action which may include invoking the normal disciplinary procedure.

Informal Procedure

Complainants and managers must use the informal complaint procedure to attempt to resolve workplace harassment unless it is inappropriate to do so.

Informal Complaint - Mediation

An effective way to end the problem of harassment in the workplace is to communicate concerns directly by telling the person that the behaviour is unwelcome and must stop or by requesting the manager to do so.

A complainant should request the assistance of a manager in the informal resolution of a workplace harassment complaint. If the communication is done orally the complainant should have the manager present. If done in writing, it is advisable to forward a copy to the manager, and to keep a copy of the letter.

The manager may help with other methods of informal resolution such as discussion and mediation, to assist the parties in voluntarily reaching an acceptable solution.

When the facts are not in dispute and it is determined by the CAO that the respondent or any other person has committed an act or acts constituting harassment the CAO shall take appropriate action up to and including dismissal.

Nothing in the informal procedure prevents a manager from recommending the matter be investigated or if the informal complaint procedure is not successful from recommending further action.

Formal Procedure

Where appropriate, the complainant may choose to file a formal complaint.

The employer is committed to responding to all complaints; however, it is in the CAO's discretion whether or not to investigate a complaint if it is not filed within a year of the alleged circumstance leading to the complaint unless:

- a) there is a strong factual and legal case,
- b) there is evidence of substantial loss or damage to the complainant and a clearly identifiable remedy,
- c) there are justifiable reasons beyond the complainant's control for not filing the complaint within the one year limit, and
- d) the respondent will not be unduly prejudiced by the extension.

A formal complaint must be written and signed. It should give an accurate account of the incident or incidents of harassment including times, places and parties involved. When completed, the complaint is submitted to the manager, or Chief Administrative Officer (CAO).

The CAO shall investigate or shall appoint an investigator to ensure the complaint is investigated in a confidential and expeditious manner.

If at any time a grievance has been filed and the subject matter is the same as, similar in nature or related to the complaint the CAO may suspend or terminate the investigation.

When there is a direct reporting relationship between the complainant and the respondent, it may be in the best interest of all parties for them to be physically and hierarchically removed from one another for the period of the investigation. If there is no reporting relationship, the employer shall determine if the parties should be physically removed from one another for the period of the investigation.

The CAO or the investigator may upon reviewing the written complaint and interviewing the complainant determine whether or not the complainant has a prima facie complaint under this policy which merits further investigation. The CAO or investigator shall inform the complainant whether or not the investigation will be pursued and may take action to resolve the issue.

The respondent shall be informed of the complaint, presented with a written statement of allegations and afforded an opportunity to respond.

Unless directed otherwise the investigator shall gather and analyze the information, summarize the findings and may propose corrective action or make recommendations.

The investigator shall report the findings and recommendations to the CAO who shall determine whether the respondent has committed an act or acts constituting harassment.

Where it is determined that the respondent has committed an act or acts of harassment, the CAO shall take appropriate action up to and including dismissal.

The CAO may take any other action deemed advisable.

A complaint under this policy that involves falsehood or malicious intent or is otherwise made in bad faith, as determined by the investigation, shall be subject to appropriate disciplinary action.

The parties to the complaint must be informed in writing of the outcome.

Other Options

Complaints to the New Brunswick Human Rights Commission

New Brunswick Human Rights Act complaints should normally be filed within one year from the time the harassment occurred. Complaints are investigated by the New Brunswick Human Rights Commission. For more information, call the New Brunswick Human Rights Commission.

Complaints under the Criminal Code

Sexual and other forms of assault are covered under the Criminal Code. In these instances, the police can be asked to lay criminal charges. Sexual and other forms of assault are serious criminal offenses that should be reported to the police.

Rights and Responsibilities

A shared responsibility

While all managers, members of council and employees share responsibility for understanding and preventing harassment in the workplace, it is important to recognize that, under law, managers carry more responsibility than other employees.

Chief Administrative Officer or designate

The Chief Administrative Officer is responsible for the implementation and administration of this policy. He shall:

- Appoint an investigator or investigators as soon as possible;
- Consult with the investigator or investigators to set a reasonable time frame for the completion of the investigation;
- Review the findings and recommendations;
- Determine the outcome and the appropriate action to be taken, and
- Ensure the parties are informed of the outcome in a timely fashion.

Managers

Those who have authority to prevent or discourage harassment may be held accountable for failing to do so. This accountability extends to anyone in a management or supervisory position. The employer may share liability with managers and others in founded complaints.

Managers are also responsible for ensuring that the rights of both the respondent and the complainant involved in a harassment incident are protected. Fair and equitable procedures must be ensured for all parties.

Members of Council

Those who have governance responsibility have authority to approve policy and a duty to abide by the authority granted to their office as stated in the municipalities act; including new privacy law and any other particular legislation related to their public held office.

Complainants

Complainants have the right:

- a) to make a complaint and to obtain a review of the complaint
- b) to be accompanied by a person of their choice during the interview; and
- c) not to be subject to retaliation for the reason of having made a complaint under this policy.

It is the responsibility of the complainants:

- a) to immediately make known, if possible, their disapproval or unease to the individual;
- b) to follow all procedures under this policy;
- c) to cooperate with all those responsible for dealing with the investigation of the complaint; and
- d) to maintain confidentiality.

Respondents

Respondents have the right:

- a) to be informed that a complaint has been filed;
- b) to be presented with a written statement of allegations and to be afforded an opportunity to respond to them; and
- c) to be accompanied by a person of their choice during their interview.

It is the responsibility of the respondents:

- a) to follow all procedures under the policy;
- b) to cooperate with all those responsible for dealing with the investigation of the complaint; and
- c) to maintain confidentiality.

Witnesses

Witnesses have the right:

- a) not to be subject to retaliation because he or she has participated as a witness.

It is the responsibility of the witness:

- a) to meet with the investigator and to cooperate with all those responsible for the investigation of the complaint; and
- b) to maintain confidentiality with respect to the investigation.

Investigator(s)

The investigator shall:

- Ensure the respondent has received a written statement of the allegations;
- Ensure all parties involved have been informed of their rights and responsibilities;
- Interview the parties concerned and any witnesses;
- Collect all pertinent evidence;
- Use a mediation process where appropriate;
- Prepare a report; and
- Ensure the investigation is completed in a timely fashion taking into account particular circumstances -- (usually up to 3 months).

Approved:


Town Clerk