

# AUDITOR GENERAL

Halifax Regional Municipality



## Management of Respectful Workplaces Audit

June 2022

**June 18, 2022**

The following audit of **Management of Respectful Workplaces**, completed under section 50(2) of the Halifax Regional Municipality Charter, is hereby submitted to the Audit and Finance Standing Committee of Regional Council.

Respectfully,

*Original signed by*

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## Table of Contents

Audit Overview.....	3
Audit Results.....	4
HRM Lacks Oversight of Respectful Workplace Activities.....	5
Lack plans to improve workplace culture.....	5
Outstanding consultant recommendations to improve Human Resources processes.....	7
No central monitoring to address 2018 employee survey feedback.....	9
Improvements needed to anonymous reporting.....	10
Instances of broader issues and employee feedback not managed.....	12
Respectful workplace policy training not offered regularly.....	13
HRM Follows Complaint Resolution Procedures; Improvements Needed.....	14
Workplace complaints followed processes; disciplinary action taken.....	15
No timelines for complaint resolution process; not always timely.....	16
No guidance for complaint file documentation; some information missing from files.....	18
Lack of Security Over Sensitive Complaint Information.....	20
Confidential harassment and violence files not adequately secured.....	20
No monitoring of access to health and safety information system.....	21
Background.....	22
About the Audit.....	24
Appendix 1 – Recommendations and Management Responses.....	26
Contact Information.....	32

# Management of Respectful Workplaces

HRM has a system to address workplace behaviour incidents, needs to improve oversight to ensure a respectful workplace

## Lacks Oversight of Respectful Workplace Activities

- Limited plans to achieve enhanced workplace culture
- Lack detailed plans and timelines for consultant recommendations
- No central monitoring to address 2018 employee survey results
  - 5 of 10 business units – no documented plans



## Gaps in Respectful Workplace Activities

- Harassment policy and violence procedure need updating
- No whistleblower policy; anonymous reporting options need improvement
- Instances of broader workplace issues not managed

## HRM Follows Complaint Resolution Procedures



- Testing found harassment and violence complaints reviewed and investigated per procedures
  - Disciplinary action taken when appropriate
- Improvements needed:
  - Establish timelines for harassment complaint process
  - Better file documentation

Improvements Needed to Secure Confidential Files

## **Audit Results**

HRM has a system to address workplace behaviour incidents but is not providing adequate oversight to identify broader issues and help prevent future incidents. Management has taken some steps to address harassment, discrimination, and violence in HRM workplaces but plans and actions are needed to deal with workplace culture issues. We identified concerns in various business units and found HRM is not doing enough to improve workplace culture. HRM does not have plans or timelines to implement identified improvements and does not monitor to ensure changes had intended results. Some consultant recommendations from 2016 and 2019 to improve Human Resources policies and processes are still outstanding. We also found there was no centralized formal monitoring of each business unit's progress towards addressing 2018 employee survey results. Additionally, HRM has limited reporting options for employees to bring forward workplace complaints anonymously outside of formal resolution processes.

We found workplace harassment and violence complaints are managed to ensure a fair process, but some aspects need improvement. Complaints are investigated according to HRM's policies and procedures and disciplinary action is taken when appropriate. However, the process is not always timely and should be better documented. Improvements to secure confidential complaint files are also needed.

We encountered scope limitations in two areas. Our verification of complaints for this audit was limited to those which were documented in HRM records. We could not determine whether there were additional complaints that were not recorded. This is not an unusual scope limitation for this type of audit population. Additionally, CAO helpline complaint documentation was not kept. This meant we were unable to examine the helpline complaint process which further limited our audit scope.

## HRM Lacks Oversight of Respectful Workplace Activities

Overview – HRM does not have adequate oversight of respectful workplace activities. HRM has a strategic initiative to enhance workplace culture. However, management has not defined what this means or how they will get there. Respect in the workplace could continue to be an issue if management does not monitor whether programs and initiatives to improve workplace culture have been effective.

Gaps in oversight include:

- Lack of detailed plans to improve workplace culture
- No performance measures to assess effectiveness of respectful workplace activities
- Lack of detailed plans, with timelines, to implement outstanding consultant recommendations, including:
  - Revised harassment prevention policy
  - Updates to violence prevention procedure
- No central monitoring of progress on issues identified in 2018 employee survey
- No process to manage broader workplace issues identified
- No whistleblower policy
- CAO confidential helpline hard to find
- Respectful workplace policy training not offered regularly

### ***Lack plans to improve workplace culture***

Human Resources is responsible to “...lead continuous improvement of internal policies, practices and programs to support the provision of a safe, healthy, diverse, inclusive, equitable, and harassment-free environment and enhanced corporate culture.” (Source: Strategic Priorities Plan 2021-25 – HRM). We expected this would include documenting how to achieve and monitoring progress. However, HRM senior management told us Human Resources is not responsible to provide oversight of business unit activities related to providing a respectful workplace. Central oversight and monitoring is important to help ensure all business units are making progress on respectful workplace matters.

Human Resources annual business plan has deliverables related to enhanced workplace culture, including: the conflict resolution process, implementing consultant recommendations, and a 2022 employee survey. However, there are no detailed plans with objectives or performance measures regarding workplace culture. Without this, it is not clear how management knows what they are working towards or how they will know whether there has been progress.

Human Resources does not use available information to proactively address potential workplace issues or measure success of respectful workplace activities. In early 2022, Human Resources administered an HRM employee survey. Human Resources management told us they plan to benchmark this against a similar survey in 2018.

Current performance measures reported in the annual business plan include:

- number of complaints filed
- number of training attendees
- corporate turnover rate

The number of complaints filed and training attendees are statistics that, by themselves, do not provide meaningful information on workplace culture. The number of complaints received can be impacted by many factors. Without further analysis, it would not be clear whether low complaint numbers are due to improvements in the workplace or lack of trust to report issues. Similarly, the number of employees attending training does not provide information on whether training courses offered are adequate, or if all employees complete mandatory training.

The corporate turnover rate is a performance measure. However, it does not tell management why employees leave or stay. Employees may stay in a poor work environment due to competitive government benefits, such as pension plans and flexible work arrangements. Additionally, employees in certain fields may have limited ability to leave due to lack of available opportunities. Human Resources provides business units with retention data annually. However, we also expected Human Resources would use this information in determining where improvements to workplace culture may be needed.

### **Recommendation 1**

HRM should establish documented objectives, with performance measures, detailing how to achieve the strategic initiative of an enhanced workplace culture.

### **Management Response**

*Management agrees with the recommendation. On behalf of senior leadership, HR&CC will develop a plan of HR services it will provide to the organization to foster a respectful workplace at the business unit level.*

### **Outstanding consultant recommendations to improve Human Resources processes**

In 2016 and 2019, Human Resources engaged two external consultants to review their policies and programs. We found Human Resources management tracked the status of recommendations but lacked detailed plans, with timelines, to implement. We looked at the 23 recommendations relevant to our audit and found 13 were still in progress as of late 2021. Management has made some improvements, including a new course on management responsibilities for preventing harassment, and implementing a process for the Office of Diversity and Inclusion to review Human Resources policy changes.

Twice a year, Human Resources reports to Regional Council on progress in implementing the consultants' recommendations and on the number of workplace harassment complaints received. We reviewed the number of complaints in four reports, covering July 2019 to March 2021, and found all tracked complaints were included.

The outstanding recommendations include: updating the harassment policy and the violence procedure, and increasing the accessibility and communication of policies.

HRM did not have a formal process to interview employees leaving the organization. In 2016, a consultant recommended implementing a process, which would include identifying workplace trends and issues. Of the seven employees who submitted a harassment complaint during our audit period and later resigned, only one employee was offered an interview. It is important to offer interviews when employees leave, particularly to those who have submitted workplace complaints, to identify potential unresolved workplace issues. In Spring 2022, after our audit fieldwork, Human Resources implemented a formal process to offer interviews to employees leaving the organization.

#### **Recommendation 2**

Human Resources and Corporate Communications should develop detailed plans, with timelines, to implement the remaining recommendations from the 2016 and 2019 consultant reports. If management does not plan to implement certain recommendations, this should be documented and communicated to Regional Council as appropriate.

#### **Management Response**

*Management agrees with the recommendation. This work is a priority for the HR&CC business unit and is part of its business plan objectives for 22/23 already approved by Regional Council. A dedicated resource will be assigned to this work. As some recommendations are not the responsibility of the HR&CC business unit, HR&CC will work with those business units to support the development of plans to implement the recommendations that are accepted by management.*



HRM improved some respectful workplace policies and procedures, as external consultants recommended. However, there are additional gaps that need to be addressed to help management better identify and address workplace issues.

Human Resources is revising the Workplace Rights Harassment Prevention Policy but does not have a timeframe for completion. The existing policy reflects most recommendations from the 2016 consultant report. In 2019, a consultant recommended Human Resources simplify the harassment conflict resolution process. A draft policy has improvements, including extending the time allowed to submit a complaint and options for handling conflict that is not harassment or violence. However, there are still gaps. The draft policy does not include:

- how complaints against senior business unit management are handled; or
- timelines for the complaint process.

It is important that employees know what will happen if they make a complaint, particularly when making a complaint against someone they report to.

The Workplace Violence Prevention Corporate Procedure has not been updated since 2014. It does not clearly outline when Corporate Safety should be involved in investigations or who is responsible for monitoring to ensure investigations are properly completed in a timely manner. The procedure provides limited and outdated information on what documentation should be retained to support a workplace violence investigation. Additionally, the information technology system used to document investigations provides limited direction on this. In 2019, an external consultant recommended improvements to this procedure. Human Resources told us it will be updated, but there are no plans or timelines for when this will be completed.

### **Recommendation 3**

Human Resources and Corporate Communications should update the Workplace Rights Harassment Prevention Policy and the Workplace Violence Prevention Corporate Procedure to address issues identified by external consultants, and by this audit. Additionally, implementation timelines should be established.

### **Management Response**

*Management agrees with the recommendation. The Workplace Rights Harassment Prevention Policy and the Workplace Violence Prevention Corporate Procedure are both in the process of being revised and had been prior to the audit. A plan for completing this work, including timelines for implementation, will be developed.*

The harassment policy and violence procedure are available on the employee intranet and HRM's external website, making them accessible to employees who use computers. However, HRM needs to improve accessibility to the harassment policy for employees who do not use computers as part of their job, for example, bus operators, mechanics, and road operations staff. Human Resources management told us it up to each business unit to ensure policies are available. HRM workplaces have health and safety communication boards in common areas. We reviewed five boards and found the violence procedure was posted. However, the boards did not include the harassment policy. It is important Human Resources take an active role to ensure business units provide all employees with reasonable access to this policy. This will help ensure employees are aware of expected workplace behaviour and what to do if harassment is happening in the workplace.

#### **Recommendation 4**

Human Resources and Corporate Communications should work with business units to ensure the Workplace Rights Harassment Prevention Policy is accessible to those without computers, such as posting it in common areas.

#### **Management Response**

*Management agrees with the recommendation. HR&CC will work with business units to ensure that the policy is accessible to all employees. HR&CC will communicate with business units through established channels and send out quarterly reminders to business units to confirm that the policy remains posted.*

#### **No central monitoring to address 2018 employee survey feedback**

There is no formal monitoring or central tracking of each business unit's progress towards addressing the results of the 2018 employee engagement survey. Central monitoring of business unit progress could help promote organization commitment to improving workplace culture. Human Resources management told us they plan to use the 2022 employee engagement survey to determine if there have been improvements. This is not a proactive approach. In 2018, HRM engaged a consultant to conduct an employee engagement survey to obtain feedback from employees on their workplace culture. The consultant highlighted business units with lower response rates and less positive feedback. They recommended HRM focus on those business units to determine what contributed to their results. However, this was not completed. Each business unit was responsible for creating a plan to address their results and Executive Directors had informal check-ins with the CAO. We found five of 10 business units did not have documented plans to address the 2018 survey results. Most business units had working committees, with informal plans to improve engagement. Some told us planned initiatives were delayed due to the COVID-19 pandemic.

During our audit, we requested feedback from HRM employees on their experiences with workplace harassment, discrimination, and violence. Many employees who provided us feedback expressed concerns related to respect in their work environment. While this was spread across business units, concerns from Halifax Regional Police respondents were notably higher. Halifax Regional Police also had the lowest employee engagement score and the second lowest response rate in the 2018 employee engagement survey. While Halifax Regional Police implemented some changes in response to the survey results, it was one of the five business units that did not develop a formal action plan. We expected HRM to require business units to develop formal action plans and monitor progress. This is particularly important for business units with less positive survey results.

### **Recommendation 5**

HRM should assign responsibility to centrally track business unit employee engagement initiatives. This responsibility should include requiring business units to develop formal action plans, ensuring the plans address survey results, and monitoring progress.

### **Management Response**

*Management agrees with the recommendation. An external consultant has already been engaged to develop business unit actions plans based on the pending employee engagement survey results. HR&CC will support business units in executing these plans and monitoring progress.*

### **Improvements needed to anonymous reporting**

HRM does not have a whistleblower hotline and whistleblower protections are not clear. HRM's code of conduct says whistleblowers will be protected but it does not say how and does not provide an anonymous means to report issues. This is important. Whistleblower hotlines are not meant to replace other corporate policies, such as harassment or workplace violence policies. Rather, they provide an anonymous option for employees or others to report actions that go against an organization's code of conduct, such as fraud, inappropriate business relationships, safety violations, or workplace harassment. Employees may not feel comfortable reporting issues if protections are not clear. Some employees who provided feedback to us expressed fear of reprisal in reporting workplace harassment or discrimination.

**Other Canadian municipalities  
have clear whistleblower  
protections**

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Calgary, Toronto, Hamilton, and Mississauga have separate whistleblower policies and by-laws which provide information on how a whistleblower will be protected.

In 2018, the CAO's Office launched a confidential helpline for reporting harassment, outside of the harassment policy. However, the helpline is managed internally by the CAO's Office. This means there is no option to anonymously report a complaint against the CAO or an employee in the CAO's office. Additionally, business unit executive directors report to the Deputy CAOs. Employees may not see this as a trusted, confidential reporting option.

The CAO helpline information is difficult to find. The helpline number is posted on the online employee communication board. However, it is located with other notices and could be easily missed. HRM management has not included helpline details on HRM's intranet or included it in HRM policies and procedures. Searching HRM's intranet for the helpline produces no results. Helpline procedures should be well known and communicated. Having anonymous reporting options that are easy for employees to find is important. It sets a tone that management is committed to improving workplace issues; management cannot address issues they are not made aware of.

#### **Recommendation 6**

HRM should implement a whistleblower policy that includes steps on how whistleblowers will be protected and an anonymous reporting tool. The policy and tool should be communicated to all HRM employees and accessible through HRM communication channels.

#### **Management Response**

*Management agrees with the recommendation. HR&CC will conduct best practice research to determine if a separate whistleblower policy is needed in order to implement the recommendation or if the current Code of Conduct should be renamed and updated to include these requirements.*

We could not determine if complaints to the CAO's confidential helpline were appropriately managed. Our scope was limited because no records were retained; there were no call logs, email, or voicemail records from our audit period. Additionally, the process for handling helpline calls needs to be updated. It does not outline roles and responsibilities, or include details on how complaints should be logged and retained.

### **Recommendation 7**

HRM should implement a process to ensure information received through the anonymous reporting tool is appropriately reviewed and investigated. This should include detailed roles and responsibilities, and appropriate record keeping.

### **Management Response**

*Management agrees with the recommendation. HR&CC will work with the CAO's office to review and document the current process.*

### **Instances of broader issues and employee feedback not managed**

There is no process to use feedback obtained through the harassment complaints process to identify and address wider workplace issues. We expected Human Resources to identify potential issues outside of the scope of the reported complaint and work with business unit management to prevent further conflict. If not appropriately managed, these issues could lead to further conflict and affect employee wellbeing.

We reviewed 20 harassment complaint files and found individual incidents were addressed. While Human Resources took steps to address potential wider workplace issues in some cases, this was not consistently done. Specifically, in our sample of 20 harassment complaint files, we noted:

- In one investigation, there were issues with how the complaint was handled by the business unit, and other workplace concerns were noted when employees were interviewed. Human Resources did not examine these issues.
- Human Resources completed a workplace assessment three years ago for a business unit area experiencing group conflict. They provided recommendations but did not follow up, even after another complaint was filed from the same area. A second complaint could indicate the business unit did not implement the recommendations.

It is important Human Resources take steps to ensure potential workplace culture issues brought to their attention are appropriately assessed.

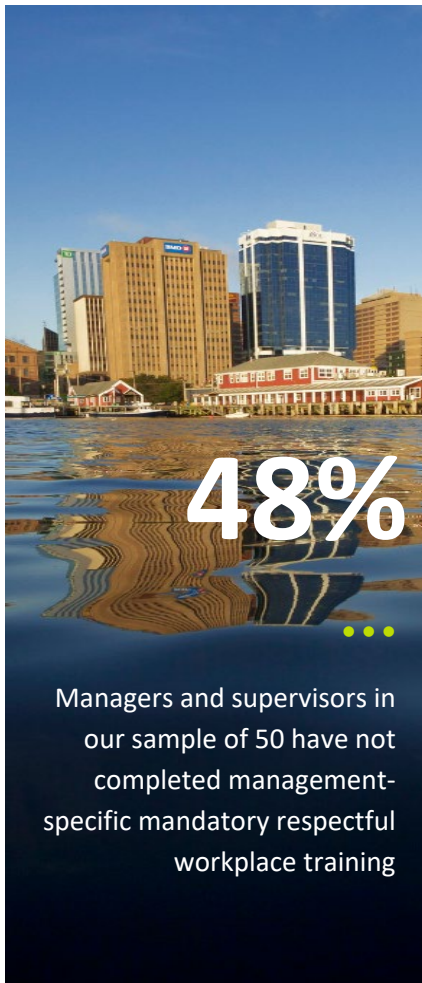
### Recommendation 8

Human Resources and Corporate Communications should implement a process to assess identified workplace issues which fall outside of the scope of an investigation. This should include working with the business unit to ensure issues are addressed as appropriate.

### Management Response

Management agrees in part with the recommendation. HR&CC currently offers options such as workplace assessments, development of customized training for the business unit, and additional communications tools and support. HR&CC will develop and implement a process to assess which of these options may best address issues that do not warrant a formal investigation.

### Respectful workplace policy training not offered regularly



Human Resources is not offering mandatory respectful workplace policy training for managers on a regular basis; many managers and supervisors have not taken the mandatory training. Limited course offerings and poor completion levels mean leaders may not have adequate knowledge to help prevent and address inappropriate behaviour. We reviewed course offerings during our audit period and noted:

- In 2020 and 2021, harassment policy training was offered once.
- No training was offered on the violence procedure during the audit period (January 2018 to July 2021).
- Values training was offered regularly; however, this course does not cover management's responsibilities.

Human Resources does not track whether mandatory training is completed. We sampled training records for 50 managers and supervisors and found 10 (20%) had not taken any of the above courses. Almost half (48%) of the managers and supervisors in our sample did not have management-specific respectful workplace policy training.

While Human Resources has training records, the information is not used to determine who has attended mandatory training and who still needs to take training. They told us business units are responsible for ensuring their staff complete mandatory training. We expected Human Resources management to proactively review training data and identify those with outstanding mandatory training. This information would help Human Resources assess whether they should adjust the number of course offerings. To improve workplace culture, it is important that employees can access respectful workplace training in a timely manner.

#### **Recommendation 9**

Human Resources and Corporate Communications should implement a process to periodically assess whether HRM employees have taken key respectful workplace courses. This should include taking steps to ensure those who have not completed training take it and considering whether the number of course offerings is sufficient.

#### **Management Response**

*Management agrees in part with the recommendation. Tracking and reporting is limited by the absence of an organization wide Learning Management System. HR&CC will review our current tracking tool and process to determine opportunities to improve within these confines.*

We reviewed HRM's respectful workplace policy training courses and found they have adequate content covering important areas, such as manager and employee roles in preventing and addressing workplace harassment. There are also some related tools available on the employee intranet.

## **HRM Follows Complaint Resolution Procedures; Improvements Needed**

HRM has a system to address individual workplace complaints submitted through the Workplace Rights Harassment Prevention Policy, and the Workplace Violence Prevention Corporate Procedure. We found the process to resolve individual workplace complaints is managed to ensure a fair outcome. While some aspects of the process are effective in resolving issues, improvements are needed in managing timelines and documentation.

As expected with any complaint tracking process, we could not be certain whether all complaints were accounted for. Our scope was limited in assessing harassment and violence complaints. Workplace incidents may be handled within HRM business units without reporting to Human Resources or Corporate Safety. Therefore, it is not possible for management to know about all

incidents or for us, as auditors, to be certain we are aware of all incidents. Our testing of complaint files was limited to those tracked by Human Resources or within Corporate Safety's system.

### **Workplace complaints followed processes; disciplinary action taken**

We sampled 20 harassment complaints, based on available complaint information, and found HRM followed the complaint resolution procedure outlined in the harassment policy. HRM took disciplinary action when needed.

- Ten complaints were investigated.
  - All investigation findings were supported and reasonable.
  - All employees found to have breached the policy received disciplinary action.
    - In one instance, an employee was also required to take training, but it was not completed.
- Four complaints followed an alternative dispute resolution process.
- Two complaints were referred to the business unit to manage. In both instances, we were satisfied the complainant's wishes were considered.
- The remaining complaints were either withdrawn or abandoned.

#### **Alternative Dispute Resolution Examples**

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**Coaching** – Discussions with employees providing guidance and direction on appropriate behaviour

**Mediation** – Impartial mediator assists the complainant and respondent in communicating and resolving the issue

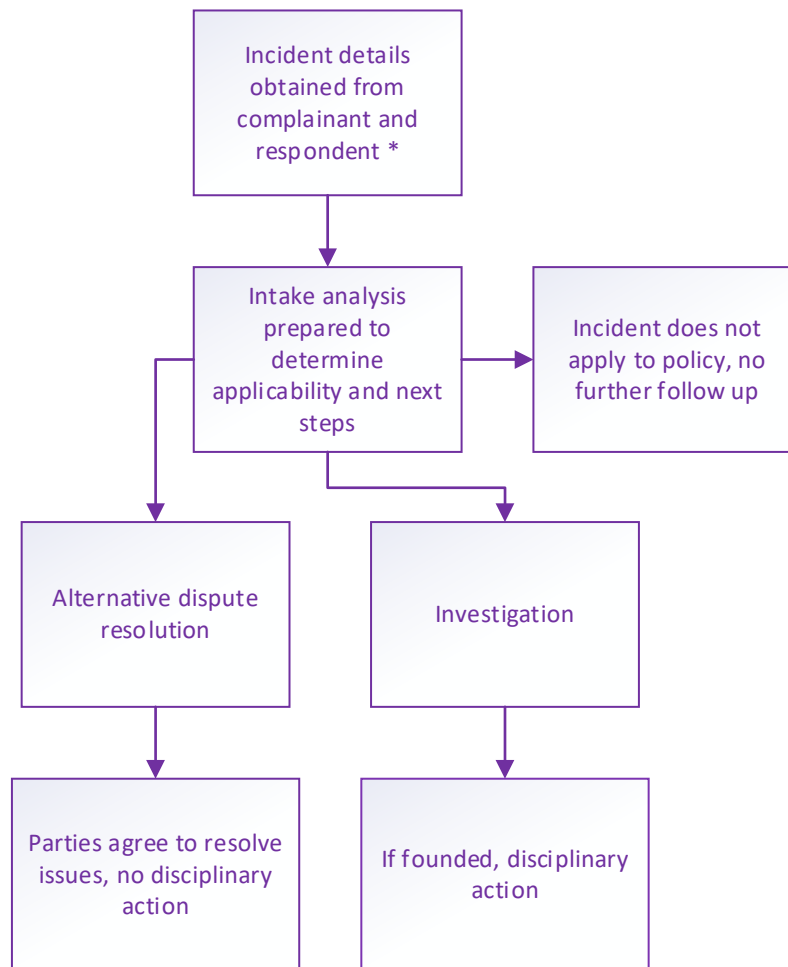
**Workplace Assessment** – Assess group functioning in the workplace to address systemic and wide-spread conflict issues

*(\*Source: HRM's Workplace Rights Harassment Prevention Policy)*

Human Resources staff followed the steps outlined in the policy for withdrawn or abandoned complaints.



### Sample Harassment Complaint Resolution Procedure



*\*This step may be completed by business unit management or Human Resources. The remaining steps are Human Resources' processes.*

HRM also followed its violence investigation procedure. Based on available information in Corporate Safety's system, we identified five complaints of violence between employees. We looked at two of the complaints and in both cases, business unit management investigated. Based on the severity of the incidents, this was reasonable. In both instances, the employees were found in breach of the violence procedure and received disciplinary action.

#### ***No timelines for complaint resolution process; not always timely***

Human Resources does not have timelines for resolving harassment complaints. We understand that it can be difficult to predict how long individual complaints will take and some aspects may be outside of Human Resources' control. However, we expected Human Resources would have standard timelines so employees know what to expect.

Of the 20 harassment complaint files we examined, we found the process was not always timely. Complaint timelines ranged from one week to more than two years. In some instances, initial analysis to determine if an investigation was needed took several months. The 2016 consultant report recommended appropriate resources for intake and investigation so these can begin immediately. The consultant noted investigations should only go beyond 90 days in extraordinary circumstances.

An additional conflict resolution specialist was added in 2019. Following that, we saw some improvement in timelines. However, some complaints we examined were still not completed in a timely manner.

Examples of significant time gaps we noted in our file testing:

- In one file, the business unit investigated a year after the complaint was received and did not report it to Human Resources. When Human Resources became aware of the complaint, the business unit had not resolved it and there were further workplace issues. It took Human Resources an additional year to investigate the complaint. Overall, it took more than two years to resolve.
- For another file, it took Human Resources 15 months to resolve. While some files may take longer due to complexity or issues in scheduling key interviews, in this instance, there were significant time gaps between key investigation steps. For example, Human Resources interviewed witnesses four months after obtaining details from the respondent. Human Resources staff said the respondent was off work for extended periods during the investigation. While this contributed to some of the gaps, the reason for the other gaps is still not clear.

We noted examples of employees asking for updates on investigation progress.

The following table shows how long the files we sampled took to resolve. One file was still active, so it was not included in our analysis.

#### Sample Results – Harassment Complaint Resolution Timelines

Time to Resolve (months)	Number of Files
0-6	8
6-12	8
12+	3
<b>Total:</b>	<b>19</b>

During our audit, we received feedback from employees on the timeliness of the complaints process. Some employees involved in complaints expressed it is a stressful experience; they were not always aware of how long it would take. There is a risk workplace relationships could become strained during an active complaint. In addition, employees may be placed on paid administrative leave during an investigation. The investigation process can be stressful for all involved. If corrective action is needed, it is important to act in a reasonable time. Establishing timelines for the complaint resolution processes would help set employee expectations and enable Human Resources management to better manage workload and assess timeliness of these processes.

#### **Recommendation 10**

Human Resources and Corporate Communications should establish timelines for harassment complaint intake and investigation, and monitor files that go beyond the standard timeline to determine if additional steps are needed.

#### **Management Response**

*Management agrees in part with the recommendation. Internal case management timelines will be established based on the scope and complexity of the individual file and regularly monitored to address any timeliness concerns.*

#### ***No guidance for complaint file documentation; some information missing from files***

There is no guidance detailing which documents to retain in a harassment or violence complaint file. During our review of 20 harassment complaint files, we noted documentation varied. Complainant and respondent incident details were mostly documented. Human Resources staff did a good job documenting their analysis of complaints received, including whether the complaint was within the harassment policy scope, and recommended resolution method. However, in some instances important documentation was not on file.

- One file had an investigation report but no initial complaint support or follow-up information.
- One file indicated the business unit resolved the complaint. However, this was not accurate. When we requested additional details, we found Human Resources investigated, but did not update the complaint file.

It is important to retain relevant information in complaint files to support the outcome of the conflict resolution process. This is necessary in case of disciplinary action or other investigations, such as union grievances or Nova Scotia's Human Rights Commission.

Additionally, the supporting documentation for the two violence complaints sampled was not retained in the health and safety information system. For one file, there were limited investigation details, including who investigated the complaint, captured in the system. It took the business unit three weeks to find the documentation. Corporate Safety told us when the health and safety system was rolled out, they monitored incidents to ensure business units completed the form appropriately. However, Corporate Safety said this ended mid-2019; now business units are only assisted in completing the form if the unit requests. It is important relevant documentation is retained in the health and safety information system to appropriately support the results of an investigation.

**Recommendation 11**

Human Resources and Corporate Communications should implement file documentation requirements, to help ensure key steps are documented and any investigation and resolution are supported.

**Management Response**

*Management agrees with the recommendation. A file management system will be created and implemented.*

**Recommendation 12**

Human Resources and Corporate Communications should implement quality control checks on harassment complaint files. This should be done by a second person to ensure all necessary documents are filed. A file completion checklist may assist with this.

**Management Response**

*Management agrees with the recommendation. This will be part of the file management system created as outlined in Recommendation 11.*

**Recommendation 13**

Human Resources and Corporate Communications should monitor violence incidents in the health and safety system to ensure an appropriate investigation is completed and documented.

**Management Response**

*Management agrees with the recommendation. HR&CC will monitor all violence incidents reported in EHSM and follow-up with business units to ensure the Corporate Procedure is followed. HR&CC will also maintain a log of incidents reported, including (but not limited to) date reported, reporting person, date complete, and findings.*

## Lack of Security Over Sensitive Complaint Information

There is a lack of security over workplace harassment and violence complaint files managed by Human Resources and Corporate Safety, or file information added to Corporate Safety's system by business unit management.

### ***Confidential harassment and violence files not adequately secured***

Workplace harassment and violence complaint files were accessible to those who did not require access for their jobs. These files include information on the complainant and respondent, incident details, witness interviews, and other evidence collected. Due to the confidential and sensitive nature of this information, it is important file access is restricted.

We found individuals had access they did not require for their jobs:

- Six individuals had access to the harassment complaints tracking spreadsheet.
- Thirty-one individuals had access to the Human Resources file room where harassment files are stored.
- Five individuals had access to corporate safety violence files.

Many of these individuals are current or former Human Resources staff.

This access was removed when brought to management's attention during the audit. We are not aware of any breaches of complaint file information.

We observed the key to the harassment complaints filing cabinet was on the cabinet. We found 108 people had access to the file room, including HRM employees and building management, but only five required access to the complaints filing cabinet. Many of those with access not required for their jobs are Human Resources staff who require access to other files kept in the same file room. Management told us Human Resource employees sign confidentiality agreements which management believes mitigates some of the risk. The key to the complaints filing cabinet was removed from the file room when this was brought to management's attention during the audit.

**Recommendation 14**

Human Resources and Corporate Communications should implement a process to ensure access to confidential information (physical and electronic files) is updated when individuals change positions or leave HRM.

**Management Response**

*Management agrees with the recommendation. A process will be established to ensure access is updated when staffing changes occur. HR&CC will also conduct a review quarterly of access to confidential physical and electronic files to ensure there is no improper access.*

**No monitoring of access to health and safety information system**

There is no monitoring to ensure access to the health and safety information system is limited to those who require it. This system is used to log workplace violence incidents, and other health and safety incidents. Human Resources approves system access and Corporate Safety is responsible for the system. Neither monitor system access on an ongoing basis.

We sampled access to the system for 30 employees and found all but one had appropriate access. In that instance, Human Resources management told us access was not removed when the employee moved into another role.

**Recommendation 15**

Human Resources and Corporate Communications should implement a process to ensure access to the health and safety information system is updated when employees change positions or leave HRM.

**Management Response**

*Management agrees with the recommendation. A process will be established to ensure access is updated when staffing changes occur. HR&CC will also conduct a review quarterly of access to confidential physical and electronic files to ensure there is no improper access.*

## Background

Human Resources, a division within Human Resources and Corporate Communications, has responsibilities under HRM’s strategic initiative Enhanced Workplace Culture, under the strategic priority outcome Diverse, Inclusive, & Equitable Environment. Within Human Resources, the Employee Relations service area is responsible for supporting business units in achieving administrative priorities, including dealing with conflict, and investigating harassment and discrimination complaints in accordance with the Workplace Rights Harassment Prevention Policy. The Organizational Development, Health and Wellness service area is responsible for administering training programs, policy development and facilitating the employee engagement survey, as well as other health and wellness initiatives.

Workplace harassment can include behaviours such as exclusion, bullying, sexual harassment, and racial harassment.

### Workplace Harassment Complaints Submitted During Audit Period

Year	Number of Complaints
2018	35
2019	25
2020	19
2021 (January 1 to July 31, 2021)	10
<b>Total Workplace Harassment Complaints</b>	<b>89</b>

\*Source: As tracked by Human Resources

The Workplace Rights Harassment Prevention Policy outlines two main options for resolving complaints of harassment, depending on severity and willingness of the parties to work together on a resolution.

Alternative Dispute Resolution	Investigation
<ul style="list-style-type: none"> <li>Handled by business unit management, Human Resources, or external parties</li> <li>Both the complainant and respondent must agree to work to resolve the issue</li> <li>Includes coaching, mediation, facilitated discussions, workplace assessments and restorative process</li> <li>No disciplinary action</li> </ul>	<ul style="list-style-type: none"> <li>Completed by Conflict Resolution Specialists in Employee Relations or external parties</li> <li>Both parties could not agree on resolution or other resolutions not appropriate due to severity</li> <li>Formal process to obtain evidence and conclude if there was a breach of policy</li> <li>May result in disciplinary action</li> </ul>

Corporate Safety, a group within Employee Relations, (a division in Corporate and Customer Services during the audit), is responsible for administering the Workplace Violence Prevention Corporate Procedure, among other responsibilities related to workplace safety. Workplace behaviour incidents that involve violence or threats of violence between employees are handled through this process.

The Office of Diversity and Inclusion is responsible for the remaining initiatives under HRM's strategic priority outcome Diverse, Inclusive, & Equitable Environment. These initiatives were not included in our audit.



## About the Audit

We completed a performance audit of the management of respectful workplaces. The purpose of the audit was to determine if HRM has systems to prevent, identify and address inappropriate workplace behaviour to provide a respectful workplace. Our role is to express an independent audit opinion of this area.

The objectives of the audit were to assess whether:

- HRM has systems to prevent, identify and address workplace behaviour incidents to ensure a respectful workplace; and
- workplace behaviour complaints are managed to ensure a fair, effective, and confidential process.

We encountered scope limitations in two areas. Our scope was limited in assessing harassment and violence complaints. As may be expected with a complaint system, it was not possible to determine completeness. Our testing of complaint files was limited to those recorded by Human Resources or within Corporate Safety's system. Additionally, no files were retained for complaints submitted through the CAO helpline. This also limited our audit scope and meant we were unable to express an opinion on this process. This is further detailed in the body of this report under "*Improvements needed to anonymous reporting*". The lack of information on certain complaint files did not prevent us from expressing an opinion on our audit objectives.

The Office of Diversity and Inclusion is responsible for providing advisory services to HRM business units to help them incorporate diversity and inclusion into HRM services and workplaces. They, along with Human Resources, have responsibilities under HRM's strategic priority outcome Diverse, Inclusive, & Equitable Environment. Our audit focused on efforts by Human Resources, as they are responsible to "...lead continuous improvement of internal policies, practices and programs to support the provision of a safe, healthy, diverse, inclusive, equitable, and harassment-free environment and enhanced corporate culture." (Source: HRM Strategic Priorities Plan 2021-25). This audit also included HRM business units where appropriate, as they are responsible to provide a respectful workplace.

We developed the criteria for this audit. These were discussed with, and accepted as appropriate by, management of Human Resources and Corporate Safety.

1. Plans to promote and maintain a respectful workplace should be developed, implemented, and monitored.
2. Key personnel should have adequate training and tools to identify and address workplace behaviour incidents.
3. Policies and processes should address risks associated with workplace behaviour incidents and be communicated to all employees.

4. Key personnel should appropriately respond to workplace behaviour complaints and investigate incidents.
5. Workplace behaviour complaints should be monitored to ensure they are resolved.

Our audit period was January 1, 2018 – July 31, 2021. Information from outside the audit period was considered as necessary.

Our audit approach included: interviews with management and staff; examination of workplace behaviour complaint files and other documentation on a sample basis; review of internal policies, procedures, and programs; and asked for feedback from municipal employees.

This audit was conducted in accordance with the Canadian Standard on Assurance Engagements (CSAE) 3001 Direct Engagements published by the Chartered Professional Accountants of Canada.

We apply CPA Canada’s Canadian Standard on Quality Control 1. Our staff comply with the independence and ethical requirements of the Chartered Professional Accountants of Nova Scotia Code of Conduct.

## Appendix 1 – Recommendations and Management Responses

### **Recommendation 1**

HRM should establish documented objectives, with performance measures, detailing how to achieve the strategic initiative of an enhanced workplace culture.

### **Management Response**

*Management agrees with the recommendation. On behalf of senior leadership, HR&CC will develop a plan of HR services it will provide to the organization to foster a respectful workplace at the business unit level.*

### **Recommendation 2**

Human Resources and Corporate Communications should develop detailed plans, with timelines, to implement the remaining recommendations from the 2019 and 2019 consultant reports. If management does not plan to implement certain recommendations, this should be documented and communicated to Regional Council as appropriate.

### **Management Response**

*Management agrees with the recommendation. This work is a priority for the HR&CC business unit and is part of its business plan objectives for 22/23 already approved by Regional Council. A dedicated resource will be assigned to this work. As some recommendations are not the responsibility of the HR&CC business unit, HR&CC will work with those business units to support the development of plans to implement the recommendations that are accepted by management.*

### **Recommendation 3**

Human Resources and Corporate Communications should update the Workplace Rights Harassment Prevention Policy and the Workplace Violence Prevention Corporate Procedure to address issues identified by external consultants, and by this audit. Additionally, implementation timelines should be established.

#### **Management Response**

*Management agrees with the recommendation. The Workplace Rights Harassment Prevention Policy and the Workplace Violence Prevention Corporate Procedure are both in the process of being revised and had been prior to the audit. A plan for completing this work, including timelines for implementation, will be developed.*

### **Recommendation 4**

Human Resources and Corporate Communications should work with business units to ensure the Workplace Rights Harassment Prevention Policy is accessible to those without computers, such as posting it in common areas.

#### **Management Response**

*Management agrees with the recommendation. HR&CC will work with business units to ensure that the policy is accessible to all employees. HR&CC will communicate with business units through established channels and send out quarterly reminders to business units to confirm that the policy remains posted.*

### **Recommendation 5**

HRM should assign responsibility to centrally track business unit employee engagement initiatives. This responsibility should include requiring business units to develop formal action plans, ensuring the plans address survey results, and monitoring progress.

#### **Management Response**

*Management agrees with the recommendation. An external consultant has already been engaged to develop business unit actions plans based on the pending employee engagement survey results. HR&CC will support business units in executing these plans and monitoring progress.*

### **Recommendation 6**

HRM should implement a whistleblower policy that includes steps on how whistleblowers will be protected and an anonymous reporting tool. The policy and tool should be communicated to all HRM employees and accessible through HRM communication channels.

#### **Management Response**

*Management agrees with the recommendation. HR&CC will conduct best practice research to determine if a separate whistleblower policy is needed in order to implement the recommendation or if the current Code of Conduct should be renamed and updated to include these requirements.*

### **Recommendation 7**

HRM should implement a process to ensure information received through the anonymous reporting tool is appropriately reviewed and investigated. This should include detailed roles and responsibilities, and appropriate record keeping.

#### **Management Response**

*Management agrees with the recommendation. HR&CC will work with the CAO's office to review and document the current process.*

### **Recommendation 8**

Human Resources and Corporate Communications should implement a process to assess identified workplace issues which fall outside of the scope of an investigation. This should include working with the business unit to ensure issues are addressed as appropriate.

#### **Management Response**

*Management agrees in part with the recommendation. HR&CC currently offers options such as workplace assessments, development of customized training for the business unit, and additional communications tools and support. HR&CC will develop and implement a process to assess which of these options may best address issues that do not warrant a formal investigation.*

**Recommendation 9**

Human Resources and Corporate Communications should implement a process to periodically assess whether HRM employees have taken key respectful workplace courses. This should include taking steps to ensure those who have not completed training take it and considering whether the number of course offerings is sufficient.

**Management Response**

*Management agrees in part with the recommendation. Tracking and reporting is limited by the absence of an organization wide Learning Management System. HR&CC will review our current tracking tool and process to determine opportunities to improve within these confines.*

**Recommendation 10**

Human Resources and Corporate Communications should establish timelines for harassment complaint intake and investigation, and monitor files that go beyond the standard timeline to determine if additional steps are needed.

**Management Response**

*Management agrees in part with the recommendation. Internal case management timelines will be established based on the scope and complexity of the individual file and regularly monitored to address any timeliness concerns.*

**Recommendation 11**

Human Resources and Corporate Communications should implement file documentation requirements, to help ensure key steps are documented and any investigation and resolution are supported.

**Management Response**

*Management agrees with the recommendation. A file management system will be created and implemented.*

**Recommendation 12**

Human Resources and Corporate Communications should implement quality control checks on harassment complaint files. This should be done by a second person to ensure all necessary documents are filed. A file completion checklist may assist with this.

**Management Response**

*Management agrees with the recommendation. This will be part of the file management system created as outlined in Recommendation 11.*

**Recommendation 13**

Human Resources and Corporate Communications should monitor violence incidents in the health and safety system to ensure an appropriate investigation is completed and documented.

**Management Response**

*Management agrees with the recommendation. HR&CC will monitor all violence incidents reported in EHSM and follow-up with business units to ensure the Corporate Procedure is followed. HR&CC will also maintain a log of incidents reported, including (but not limited to) date reported, reporting person, date complete, and findings.*

**Recommendation 14**

Human Resources and Corporate Communications should implement a process to ensure access to confidential information (physical and electronic files) is updated when individuals change positions or leave HRM.

**Management Response**

*Management agrees with the recommendation. A process will be established to ensure access is updated when staffing changes occur. HR&CC will also conduct a review quarterly of access to confidential physical and electronic files to ensure there is no improper access.*

**Recommendation 15**

Human Resources and Corporate Communications should implement a process to ensure access to the health and safety information system is updated when employees change positions or leave HRM.

**Management Response**

*Management agrees with the recommendation. A process will be established to ensure access is updated when staffing changes occur. HR&CC will also conduct a review quarterly of access to confidential physical and electronic files to ensure there is no improper access.*



## Contact Information

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