

1 SCOPE

1.1 Authority

This policy was issued under the authority of Cabinet Minute #94-40 (October 27, 1994) and amended under the authority of Deputy Ministers' Review Committee Minutes #08-11 (June 17, 2008), #13-05 (April 16, 2013), #15-11 (October 27, 2015), and #24-08 (April 30, 2024). It also forms part of the collective agreement with the Yukon Association of Education Professionals.

1.2 Application

This policy applies to all Yukon government workplaces, as well as activities connected to the workplace, and to all persons hired under the *Public Service Act* and the *Education Act*, including contract or casual personnel.

1.3 Purpose

The purpose of this policy is to:

- a. promote safe, healthy, and respectful workplaces that are free from serious interpersonal misconduct and where employees can manage conflict in constructive ways;
- b. affirm that employees, supervisors, and leaders are responsible for workplace conduct and relationships; and
- c. provide processes for responding to conflict, incivility and serious interpersonal misconduct in the workplace.

1.4 Policy statement

Every employee has the right to work in an environment that is safe, respectful, and free from serious interpersonal misconduct, which refers to harassment, abuse of authority, discrimination, sexual harassment and violence.

The Yukon government does not tolerate harassment, abuse of authority, discrimination, sexual harassment, violence, or any other inappropriate interpersonal behaviour compromising the integrity, health, or safety of Yukon government workplaces and is committed to ensuring, as much as reasonably practicable, that employees are not exposed to these behaviours in the workplace.

By establishing this policy, deputy ministers agree that the Public Service Commission will undertake certain central agency functions outlined in this policy, including assessing unhealthy conflict, incivility and reports of serious interpersonal misconduct and conducting appropriate processes in response (e.g. coaching, facilitated conversations, mediation, or investigations).

1.5 Principles

The guiding principles for this policy are as follows:

- a. **Shared responsibility:** All employees share responsibility for behaving in ways that are respectful and consistent with this policy.
- b. **Early intervention and alternative dispute resolution:** The Yukon government will provide conflict support services to assist employees to navigate unhealthy conflict and incivility.
- c. **Rights and dignity:** The Yukon government will treat unhealthy conflict, incivility and reports of serious interpersonal misconduct appropriately and respond in a manner that preserves fairness of process and the dignity and rights of everyone involved.
- d. **Accessibility:** All employees will have equal access to support for conflict, incivility and serious interpersonal misconduct.
- e. **Timeliness:** Supervisors and human resources professionals, in consultation with the Public Service Commission where necessary, will respond promptly to requests for supports related to unhealthy conflict, incivility, and reports of serious interpersonal misconduct. Employees request support when needed without undue delay.
- f. **Cultural safety and trauma-informed responses:** When an employee has experienced unhealthy conflict, incivility, or serious interpersonal misconduct, the Yukon government's services and response will be mindful of the impacts of trauma and sensitive to cultural differences, for all parties involved.
- g. **Workplace restoration:** The Yukon government will identify opportunities for establishing or re-establishing harmonious working relationships in the whole team, group or unit, or as between colleagues, affected by unhealthy conflict, incivility, or serious interpersonal misconduct.

1.6 Workplace Behaviour Chart and Associated Procedures

The workplace behaviour chart and procedures associated with this policy will be regularly updated by the Public Service Commission.

2 WORKPLACE BEHAVIOUR

2.1 Respectful workplaces

Respect is one of the core values of the Yukon government's public service, as outlined in the [Values and Ethics Code](#). The following behaviours and actions characterize a respectful workplace:

- a. Employees engage in spirited and respectful dialogue which focuses on workplace issues and not the person or personal characteristics.
- b. Employees welcome diverse perspectives and are inclusive of people with different identities such as ancestry, age, background, religion, sex, gender identity, ability, and all protected identity factors under the *Human Rights Act*.¹
- c. Employees resolve differences constructively and recognize that workplace conflict is natural and can be managed through collaborative and restorative processes.
- d. Employees are courteous and considerate toward each other.
- e. The employer provides training and support for employees to learn conflict competency, and employees engage in this training and support.
- f. The employer has a range of processes for responding to unhealthy conflict, incivility and serious interpersonal misconduct. These processes can range from conflict support services to investigation.
- g. Employees exercise their occupational health and safety rights and responsibilities and report serious interpersonal misconduct, without fear of reprisal.

2.2 Serious interpersonal misconduct

Serious interpersonal misconduct that occurs in a workplace or is work-related is prohibited by the Yukon government. This includes the following:

- **Harassment (including bullying):** any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions, or gestures, which affect an employee's dignity and that result in a harmful work environment for the employee. A single serious incident of such behaviour that has a lasting harmful effect on an employee may also constitute harassment.
- **Abuse of authority:** the improper use of power that flows from a supervisor or manager's position of authority over an employee; in particular, intimidation, threats or coercion, which could reasonably be expected to endanger an employee's ability to perform their job, threaten the employee's economic livelihood, or significantly affect their physical or emotional well-being. It is not abuse of authority to exercise managerial responsibility legitimately.
- **Discrimination:** any form of adverse treatment based on protected grounds as set out in the *Human Rights Act*.

¹ See s.7 of the Yukon [Human Rights Act](#) for a full list of protected identity factors.

- **Sexual harassment:** conduct, comments, gestures, displays or contact of a sexual nature that might reasonably be expected to cause offense or humiliation or that might reasonably be perceived as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.
- **Workplace violence:** the threatened, attempted, or actual exercise of physical force by a person that causes, or is likely to cause, an injury to an employee; or a threatening statement made, or any conduct engaged in by a person that gives an employee reasonable cause to believe that the employee is at risk of injury.
- Intentional and or persistent incivility can constitute serious interpersonal misconduct. For more information, see the Appendix: Workplace Behaviours Chart.

2.3 Policy violations

Policy violations include but are not limited to:

- engaging in serious interpersonal misconduct;
- management failing to respond in a timely way to any employee engaged in serious interpersonal misconduct or an employee reporting such behaviours;
- interfering with a workplace investigation, including intimidating any employee involved in the investigation or influencing someone to give false information;
- refusing to participate in a workplace investigation;
- taking any negative action (reprisal) toward an employee for exercising a right or participating in a process under this policy (such as seeking advice, making a report of serious interpersonal misconduct, participating in training, accessing conflict support services, or participating in an investigation);
- making reports about inappropriate interpersonal behaviour which one knows, or reasonably ought to know, to be untrue or in bad faith; and
- breaching confidentiality.

Serious interpersonal misconduct is usually a pattern of behaviours; however, single incidents can constitute a policy violation if sufficiently serious.

Processes for responding to serious interpersonal misconduct are outlined in section 4 of this policy. For reports of reprisal, employees may choose to make a report through the employer's process, or, if relevant, to the Workers' Safety and Compensation Board.²

2.4 Consequences of policy violations

Employees, including supervisors, who are found to have violated this policy will be held accountable and may be subject to discipline up to and including dismissal where circumstances warrant.

² For more information, see s.54 of the *Workers' Safety and Compensation Act*.

3 UNHEALTHY CONFLICT OR INCIVILITY

3.1 Resolving unhealthy conflict or incivility - options for employees

Conflict Management Services within the Public Service Commission is a resource for employees who need support responding to unhealthy conflict or incivility in the workplace. Conflict Management Services does not investigate reports of serious interpersonal misconduct.

When a situation arises involving unhealthy conflict or incivility that does not constitute serious interpersonal misconduct identified in 2.2, employees should consider whether it is possible to address the matter by:

- speaking to the other person directly;
- seeking the advice of a supervisor, next level of manager, or human resources professional; or
- seeking conflict support services directly such as facilitation or conflict coaching from the Public Service Commission's Conflict Management Services.

Conflict support services may be an appropriate method of addressing unhealthy conflict and incivility when behaviours do not meet the criteria for serious interpersonal misconduct. Conflict support services are most effective when used early and take a restorative approach.

3.2 Public Service Commission responses to unhealthy conflict or incivility

When the Public Service Commission receives a request for assistance related to unhealthy conflict or incivility, Conflict Management Services will conduct an intake process to gather more information and assess and decide on the appropriate type of response depending on situation. Conflict Management Services will refer matters involving serious interpersonal misconduct to the PSC's Investigations Office.

4 SERIOUS INTERPERSONAL MISCONDUCT

4.1 Reporting serious interpersonal misconduct

The Investigations Office is an impartial office within the Public Service Commission that investigates and responds to reports of serious interpersonal misconduct.

For serious interpersonal misconduct, including violence and harassment, employees have the right and responsibility to bring a report to the employer. Employees can report the incident or behaviour to:

- their supervisor;
- the next level of management;

- a Human Resources professional in their department; or
- the Public Service Commission's Investigations Office.

Depending on the circumstances of the incident, the employee may also wish to report the incident to the RCMP and/or the Workers' Safety Compensation Board. An employee who is a member of a bargaining unit may also seek assistance from their union representative.

The Investigations Office may refer matters involving conflict or incivility to Conflict Management Services or the relevant department.

4.2 Timelines for employees reporting serious interpersonal misconduct

Employees who report an incident of serious interpersonal misconduct should do so as soon as possible, and within 12 months of the incident or most recent incident if the matter was continuous or repeated. The Investigations Office may waive the 12-month time limit depending on the circumstances.

4.3 Supervisors' duty to respond

Supervisors have a general duty to respond, as soon as possible, after becoming aware of an alleged violation of this policy. This general duty is in addition to supervisors' related duties for workplace health and safety under GAM 3.48. Supervisors and human resources professionals must notify the Investigations Office upon receiving a report of serious interpersonal misconduct or complaint of reprisal. In respect of conduct that does not constitute serious interpersonal misconduct, employees have the right to seek assistance from Conflict Management Services or from their department for informal conflict support services.

4.4 Public Service Commission responses to serious interpersonal misconduct

When the Public Service Commission receives a report of serious interpersonal misconduct, the Investigations Office will assess the report to determine whether an investigation is required in the circumstances.

An investigation is a formal process of inquiry. Investigators will gather relevant evidence to make findings of fact in respect of an allegation and determine whether a violation of this or other workplace policies related to employee behaviour has occurred.

Investigations into serious interpersonal misconduct will normally be completed internally by the Investigations Office but may also be referred to an external investigator. In some cases, an investigation into other allegations under this policy may be completed by a departmental human resources branch.

Subject to any right to file a grievance under the applicable collective agreement, or to file any complaint permitted by statute, the decision of the Investigations Office regarding whether to accept a report for investigation is final and not appealable. Any discipline of an employee rendered as a result of a finding of a breach of this policy is subject to the appeal or grievance processes available under the *Public Service Act*, the *Education Labour Relations Act*, collective agreements, GAM Policy 3.8, and Section M.

4.5 Procedural documents

The Public Service Commission is responsible for developing and maintaining procedural documents related to the work of the Investigations Office, that include, but are not limited to:

- investigations procedures;
- assessment procedures;
- report forms; and
- other documents for the purpose of undertaking workplace investigations and compliance with this policy.

4.6 Related supports and responses

Investigations appropriate in the circumstances will be conducted into reports of serious interpersonal misconduct. In the case of a report that does not meet the criteria applied in the preliminary assessment of the report by the Investigations Office, but does raise issues of unhealthy conflict or incivility, the Investigations Office may refer the matter to the relevant departmental human resources branch and/or to Conflict Management Services.

5 ADDITIONAL SUPPORTS AND OTHER PROCESSES

5.1 Separating employees in the workplace

If, at any time, there is an immediate safety risk to an employee, the department, in consultation with the Public Service Commission, will take measures to ensure the safety of the employee, which may include separating employees in the workplace. There may also be a need to separate employees in the workplace in the absence of an immediate safety risk, for example due to persisting unhealthy conflict. As a first step, departments should explore options such as alternate work, a different office location or remote work. If these options are not possible, the Public Service Commission may work with the department to take other reasonable actions to separate employees. Separation of employees does not require or imply a finding of misconduct and is not punitive.

5.2 Supporting the workplace, monitoring, and follow-up

After a process to respond to unhealthy conflict, incivility, or serious interpersonal misconduct has been completed, departments are responsible to ensure there are measures in place to maintain respect in the workplace and to consider options for workplace restoration. The Public Service Commission may offer advice, support services, and recommendations for actions related to workplace restoration or systemic changes needed to promote respectful workplaces.

5.3 Other related processes

If a report made under this policy overlaps significantly with a separate process also underway (e.g. processes related to the Workers' Safety and Compensation Board; the Yukon Human Rights Commission; the Public Interest Disclosure Commissioner; or an RCMP investigation), the Public Service Commission will determine, on a case-by-case basis, how best to coordinate the employer's response. Reasonable effort on the part of the employer will be made to avoid duplication of or interference in processes. This policy and associated procedures do not limit employees in the exercise of any other rights pursuant to any other law or applicable collective agreements.

6 CONFIDENTIALITY AND INFORMATION SHARING

Information related to a report of or request for assistance related to unhealthy conflict, incivility, or serious interpersonal misconduct must be treated in the strictest confidence and will only be disclosed as required.

Supervisors, human resources professionals, and Public Service Commission staff who receive information related to conflict, incivility, or serious interpersonal misconduct will not disclose that information to others outside the processes or under this policy except where the employee consents, there is a risk of harm, disclosure is necessary to investigate or take corrective action, or disclosure is required by law.

Information about employees will be collected, used, disclosed and protected according to the *Access to Information and Protection of Privacy Act*.

7 ROLES AND RESPONSIBILITIES

7.1 Employees

All employees are responsible for:

- a. treating co-workers with respect and contributing to a respectful workplace;
- b. knowing their responsibilities under this policy;

- c. addressing unhealthy conflict and incivility where it is safe and possible to do so; or seek support, advice or assistance from their supervisor, another manager, departmental human resources professionals, or the Public Service Commission, when necessary;
- d. intervening in incidents of serious interpersonal misconduct when safe to do so or reporting incidents of serious interpersonal misconduct they witness or experience as soon as possible; and
- e. participating fully and in good faith with investigations under this policy.

7.2 Supervisors

A supervisor is any person who has responsibility for and control over the activities of a workplace or authority over an employee and can include team leaders, supervisors, managers, directors, assistant deputy ministers and deputy ministers. In addition to the responsibilities in 7.1, supervisors are responsible for:

- a. modeling respectful conduct and fostering a respectful workplace;
- b. ensuring that the employees who report to them understand expected workplace behaviours and reporting and resolution options for unhealthy conflict, incivility, and serious interpersonal misconduct;
- c. addressing concerns of unhealthy conflict, incivility or reports of serious interpersonal misconduct promptly, which includes referring reports of serious interpersonal misconduct to the Investigations Office for intake, assessment, and appropriate response;
- d. encouraging employees to address unhealthy conflict and incivility with conflict supports, where safe and appropriate; and
- e. seeking advice or assistance from human resources staff or the Public Service Commission to respond appropriately and constructively when they become aware of unhealthy conflict, incivility or serious interpersonal misconduct.

7.3 Deputy Ministers

Deputy ministers are the deputy heads of departments, corporations, commissions or agencies of the Yukon government. Deputy ministers are responsible for establishing and maintaining a respectful workplace and for ensuring concerns raised about unhealthy conflict, incivility, and serious interpersonal misconduct are addressed promptly. In addition to the responsibilities in 7.1 and 7.2, deputy ministers' responsibilities include:

- a. ensuring that preventative measures are in place to foster a respectful workplace, including supporting employee participation in related training opportunities;
- b. modeling respectful conduct and fostering a respectful workplace;
- c. ensuring that those who are involved in managing conflict, incivility, or serious interpersonal misconduct have the required competencies and/or supports; and

- d. ensuring that corrective measures are implemented and maintained when violations of this policy arise in their department.

7.4 Human resources professionals

Departmental human resources professionals are responsible for:

- a. advising senior leaders, supervisors and employees on the application of this policy;
- b. supporting senior leaders, supervisors and employees to address unhealthy conflict, incivility and serious interpersonal misconduct, seeking support from the Public Service Commission when needed;
- c. supporting resolution processes for unhealthy conflict, incivility and serious interpersonal misconduct, as required;
- d. addressing concerns of unhealthy conflict, incivility and reports of serious interpersonal misconduct, which includes referring reports of serious interpersonal misconduct to the Investigations Office for intake, assessment and appropriate response; and
- e. investigating alleged breaches of this policy when approved to do so by the PSC.

7.5 Public Service Commission

As a central agency, the Public Service Commission is responsible for:

- a. advising departments on the application of this policy;
- b. updating and maintaining this policy and associated procedural documents as required;
- c. assessing reports of serious interpersonal misconduct and investigating such reports, where they meet the criteria for an investigation;
- d. providing advice on actions needed after a process under this policy has concluded, which could include recommendations for discipline following an investigation;
- e. providing conflict supports and supporting workplace restoration through consults, facilitation, coaching, mediation, and group processes;
- f. building capacity in conflict competency throughout the Yukon government through proactive and preventative efforts, including training;
- g. providing information to all employees regarding this policy and supporting materials; and
- h. developing procedures and other guidance documents for the implementation of this policy.

APPENDICES

Appendix A: Definitions

Appendix B: Workplace Behaviours Chart

REFERENCES

Access to Information and Protection of Privacy Act

Yukon Human Rights Act

Public Service Act

Education Labour Relations Act

Workers' Safety and Compensation Act

GAM 3.48 – Workplace Health and Safety

GAM 3.63 – Values and Ethics Code

YEU Collective Agreement

YAEP Collective Agreement

GAM 3.47 Procedural Documents: Investigation, Assessment, and Reporting Form